

## Article

# Lost in Translation? Agency and Incommensurability in the Transnational Travelling of Discourses of Sexualized Harm

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**Abstract:** This article argues for incommensurability, incoherence, and difference as the grounds through which to think about sexualized harm and its redress. It seeks to remove the “me” from the “too”, and to instead consider the structures of white supremacy and neocolonial power that have facilitated white Western feminists’ ability to participate in shaping a hegemonic discourse of sexualized harm and its transnational travelling. The article traces the author’s personal genealogy of rights work in the context of shifts in international jurisprudence in relation to wartime sexualized violence. It looks back and reflects on an eight-year feminist participatory action research project that accompanied 54 Mayan women protagonists who survived a multiplicity of harm, including sexual violence, during Guatemala’s 36-year genocidal war. The project documented the protagonists’ engagement with transitional justice mechanisms, including a paradigmatic court case and a national reparations program, as part of their struggles for redress. The concept of “protagonism” is used to understand agency in the aftermath of genocidal violence as relational, co-constructed, and imbued with power. The meaning of sexualized harm is always “in-translation” between Western and Mayan onto-epistemological positionings, as Mayan women seek to suture land-body-territory in their multifaceted strategies for redress that engage but always exceed rights regimes.

**Keywords:** sexual violence; rape as a weapon of war; Guatemala; transitional justice; human rights; colonial power; epistemic violence; participatory action research; politics of knowledge production



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## 1. Introduction

What would it take to forgo the mainstream centering of ‘me’ in the ongoing march of ‘too’? How could we instead consider what it would take for all of ‘us’ to reckon with the global dispersion and occurrence of sexualized violence in its many forms, rationales, and motivations and as part of historical, uneven and contradictory exploitations and expropriations?

Rana M. Jaleel (2021, p. 14)

On 10 May 2023, trawling through The Guardian newspaper website, a daily ritual before beginning the workday, a headline caught my attention: “A woman expresses how it feels to survive rape”. The piece was part of the newspaper’s ‘best shot’ photography series. In it, Elisa Iannacone is interviewed about a photograph from her Spiral Containment series, which is about “translating how people are made to feel about being raped” (Siddons 2023, para. 1). She first interviewed survivors “to attempt to understand how they thought about their trauma” (para. 1), which she then transcribed into a drawing, and then into a photograph. Iannacone began from her own positionality as a survivor of rape as the basis through which to establish trust with other survivors: “I had to be clear: this happened to me, too. This is why I am doing it. I’m in it with you” (para. 2). In the interview, Iannacone highlights the different ways in which women chose to represent their trauma, from her own broken wings to the woman who talked about “standing at the edge of the abyss with a broken dress” (para. 3), which symbolized everything in her life that had been torn from her. Reflecting on the series, Iannacone describes how “I heard many different stories

from many cultures, religions, and genders, but I was struck by how little it mattered what culture each survivor came from. The impact was so often the same: there is something universal about the contours of trauma” (para. 9). For Iannaconne, the series fostered community and created a sense of healing “for them and for me” (para. 8). The woman in the broken dress talked about how the process of creating the image “was the moment she felt like she went from victim to survivor” (para. 10).

In reading this brief piece, I found myself looking for moments of disjuncture, for what had been lost in translation or “combed over” (Mookerjee 2015, p. 23) in the production of a universalized story about rape, trauma, and survivorship, of “me too”. Beginning in 2003, I have accompanied processes supporting Mayan women protagonists<sup>1</sup> struggles for redress in the aftermath of having survived a multiplicity of harm, including sexualized<sup>2</sup> violence, during Guatemala’s 36-year (1960–1996) genocidal war (Crosby and Lykes 2019). I am also a rape survivor, although, for reasons that will become clear, I question how relevant this fact is (and indeed, this is the first time I have “come out” as such in print). In this article, I trace my entanglement in what Rana Jaleel (2021) refers to as “the work of rape”, that is, the “push towards a standardization of coercion like a garment anyone can wear” (p. 14) through its instrumentalization in international law and human rights regimes. With Jaleel (2021) and other critical scholars, I argue for incommensurability, incoherence, and difference as the grounds through which to think about sexualized harm and its redress. It is noteworthy, for example, that “sexual violence” does not exist per se as a concept in many Mayan languages. The drive towards universality through the paradigm of “violence against women” masks the specificities of white supremacy, racial capitalism, and colonial and imperial power. And feminism itself—particularly the strand of dominance feminism spearheaded by legal scholars such as Catherine MacKinnon—is deeply implicated in this project. As Jaleel (2021) argues, “feminist epistemologies—embedded within the structures and jurisdictions of international criminal law” require “the suppression of racial histories of slavery, labor and property”, leading to what she refers to as “the racialization of rape” (p. 79).

Tracing my entanglement in the “work of rape” and its racialization is inherently fraught. I am deeply committed to taking up Jaleel’s (2021) challenge in the above epigraph to remove the “me” from the “too”, to move away from the white narcissism of making it all about me and to instead consider the structures of white supremacy and neocolonial power that have facilitated my ability to participate in shaping a hegemonic discourse of sexualized harm and its transnational travelling. As Veena Das (2015) has argued in her foreword to Nayanika Mookerjee’s compelling book *The Spectral Wound*, which traces how the complex, multifaceted, and daily lived experiences of the birangonas [war heroines] during and in the aftermath of the Bangladesh war of 1971 were turned into a hegemonic public memory of sexual violence, “There is no direct access to the experiences of the women through such routes as sentimental empathy—or through analogies with one’s own experience” (p. x). Instead, the story I wish to tell in this article is one of translation and mediation, of how diverse histories and experiences of racialized gendered violence become folded into one narrative, and the implications therein, particularly in terms of what gets lost, omitted, occluded; namely, the stories and experiences of resistance and struggle that exist outside of dominant Western conceptions of the human, as well as of gender and sexualized injury. As such, an understanding of the “coloniality of gender” (Lugones 2008) is key to unravelling the story, its conceptual underpinnings, and its occlusions. And as Jaleel (2021) argues, “the work of rape is an onto-epistemological project” (p. 15), meaning that is formed through particular (namely, white, Western feminist) ways of being and knowing, which this article seeks to visibilize through my role in accompanying protagonists’ search for justice and redress.

Taking seriously the coloniality of gender and the related occlusion of other ways of knowing and being requires attention to the specificities of colonial oppression in Guatemala that have shaped how Indigenous women understand their experience of gendered racialized harm. Over 500 years of colonial dispossession of Indigenous lands

since the time of the Spanish Conquest is key to understanding how Indigenous women situate the “land-body-territory” nexus as central to their struggles for redress. Since the Conquest and the subsequent rise of racial capitalism during the period of nation building that followed, “the territory was desecrated, that is, it was not sacred anymore, and became the land, a means of production that was supposedly inexhaustible and which was expropriated/exploited as never before, for the agrarian export of coffee, sugar cane, and bananas” (CALDH and Pérez Sián, as cited in [Lykes et al. 2021](#), p. 215). Indigenous women make the connection between this desecration of the lands and the sexualized violence and other forms of racialized gendered harm they have been subjected to throughout centuries of colonization. As Maya Kaqchikel scholar Emma Chirix García notes, “situating the body within a historical and political framework brings to the fore the memory of the invasion of the New World, the genocide, the process of inquisition and assimilation, and the imposition of a European, masculine, and white model” (as cited in [Lykes et al. 2021](#), p. 217).

In the following section, I trace my personal genealogy of rights work in the context of the shifts in international jurisprudence in relation to wartime sexual violence and the overdetermining role played by white Western feminists therein. I then look back across and reflect on some of the previously published data from an eight-year feminist participatory action research (PAR) project accompanying Mayan women’s engagement with transitional justice processes, including a paradigmatic court case and a national reparations program, that show how the meaning of sexualized harm is always “in-translation” between incommensurable Mayan and Western onto-epistemological positionings. I conclude with some reflections on the dilemmas of critical scholarship on sexualized harm that acknowledges that “we cannot not want rights” (Gayatri Spivak, as cited by Melamed and Reddy in [Jaleel 2021](#), p. 181).

## 2. Rights Matters: A Personal and Political Genealogy

My long-term engagement in research and activism in Abya Yala<sup>3</sup> began in 1992, when as a young white Scottish activist freshly graduated from the University of Cambridge and looking to escape those privileged racialized, classed, and gendered ivory towers, I worked with the Salvadoran and Guatemalan refugee movements in Mexico, and then with the women’s movement in El Salvador. I was privileged to witness the organizational strategies of movements in exile as they engaged with ongoing peace negotiations and preparations for return and, subsequently, the gendered dynamics and dilemmas of transition in the immediate postwar period. The opportunity to engage in this work had emerged through connections made in 1991 working in refugee advocacy in Montreal, Canada (my dual British–Canadian citizenship facilitated my access to such work). The relationships, intellectual curiosity, and revolutionary consciousness I developed during this two-year period working in Central America led to master’s and doctoral research in Guatemala. I lived in Guatemala for a few years in the aftermath of the signing of the final peace accords in 1996, working for Project Counselling Service (PCS), a coalition of five international non-governmental organizations (NGOs), where I managed a peacebuilding program that supported civil society organizations in that moment of transition. After leaving Guatemala and finishing my PhD, I spent six years working for the Canadian social justice organization Inter Pares (a member of the PCS coalition) managing their Mexico and Central America programs, accompanying a range of civil society counterparts in the region. I also worked with colleagues to facilitate transnational spaces for dialogue and mutual support among Inter Pares’ counterparts throughout the Global South. This included working with Rita Morbia to facilitate an exchange between Burmese refugee women and Guatemalan refugee-returnee women, which saw us all travel together to Guatemala in 2002 and to the Thai–Burma border in 2003. During this exchange, the Guatemalan women shared their strategies for organizing for return, and the Burmese women highlighted their work around sexual violence perpetrated by the Burmese military, including the release of the report License to Rape by the Shan Women’s Action Network (SWAN) and the

Shan Human Rights Foundation (SHRF). These conversations would influence subsequent organizing in both contexts, as well as Inter Pares' advocacy on these issues.

In 2003, 54 Mayan women who had survived sexual violence and other dimensions of racialized gendered violence during the Guatemalan state's scorched earth policies against its Indigenous peoples in the early 1980s came together in their struggle for redress. They were supported by the independent feminists Yolanda Aguilar and Amandine Fulchiron and two Guatemalan organizations, the National Union of Guatemalan Women (UNAMG) and the Community Studies and Psychosocial Action Team (ECAP), who formed the From Victims to Actors for Change Consortium (hereafter "the Consortium"). PCS and Inter Pares provided financial support (including from the Canadian government) and accompaniment to this work as part of a broader regional project on gender justice that included women's organizations in Peru and Colombia. I spent much time in Guatemala in long conversations with the Consortium on the complexities and challenges of this incipient accompaniment work and writing grant applications to fund the regional program. In 2007, together with M. Brinton Lykes, Professor of Community-Cultural Psychology at Boston College, and colleagues from PCS, I developed and facilitated a regional workshop for mental health practitioners working with protagonists in Guatemala, Peru, and Colombia, held in Guatemala (Crosby 2009). The workshop was part of a series of regional gatherings to strategize how to provide legal and psychosocial accompaniment to protagonists in their struggles for redress and to build networks of mutual support. Later that same year, I left Inter Pares to start a tenure-track position in the School of Gender, Sexuality, and Women's Studies at York University in Toronto, Canada, thus becoming an integral part of settler colonial "whitestream" academic feminism (Arvin et al. 2013) with access to time and funding to conduct research. Shortly thereafter, Brinton and I partnered with UNAMG to initiate an eight-year (2009–2017) PAR project to document the struggles of the 54 Mayan protagonists for truth, justice, and reparations (Crosby and Lykes 2019).

The work on wartime sexual violence in Guatemala in the early 2000s emerged in response to the failure of postwar truth-telling processes to adequately address its prevalence (CEH 1999; ODHAG 1998). The United Nations-supported Historical Clarification Commission (CEH) reported 1,465 cases of sexual violence (considered to be but a fraction of the actual number), with 88.87% of these victims being Maya (CEH 1999, vol. 3, p. 23). This occurred within a context where 200,000 people had been killed or disappeared during the armed conflict, 83% of whom were Maya, and 626 massacres perpetrated by state forces (CEH 1999, vol. 3, p. 252). At the height of the state's scorched earth policies during the early 1980s, acts of genocide were perpetrated against specific Mayan communities (CEH 1999, vol. 3, p. 358). Forty-eight percent of women interviewed by the CEH talked about their own experiences of violence (but not necessarily of sexual violence) (CEH 1999, vol. 3, p. 23), while the rest talked about "what had happened to others in their community" (Nolin Hanlon and Shankar 2000, p. 268). The gendered omissions and occlusions in the reports by the CEH and the parallel Catholic Church's Recovery of Historical Memory (REMHI) project provided the stimulus for the 54 Maya Chuj, Mam, Potpí, Q'eqchi', and Kaqchikel women from three regions of the country (Huehuetenango, Izabal/Alta Verapaz, Chimaltenango) to come together to seek redress. They received individual and group psychosocial support from the Consortium, as well as training in women's rights, and participated in an oral history project documenting their experiences (Fulchiron et al. 2009). They also started to engage with the fraught process of applying for reparations from the state-initiated National Reparations Program (PNR), which was created in 2003 but took years to get up and running. Sexual violence was included as one of the crimes for which victims could apply for reparations.

Our PAR project emerged in the shadow of the PNR as protagonists and those accompanying them struggled to reckon with the implications of receiving (or not receiving, as many applicants discovered) compensation for sexualized harm from a deeply hostile state institution (Crosby et al. 2016). Discussions were also beginning about a possible paradigmatic case to be prosecuted in the Guatemalan courts on sexual violence as a crime



against humanity, and who from within the group of 54 protagonists might want to participate in such a case. During this time, the Consortium split apart due to disagreements about the appropriate strategies to accompany protagonists in their struggles for redress, particularly in relation to whether to engage with the legal system or support more grass-roots, community-oriented processes. Amandine Fulchiron, Liduvina Méndez, and other independent feminists created the Actors for Change Collective to continue the accompaniment of protagonists through community historical memory processes that center protagonists' voices and experiences.<sup>4</sup> UNAMG and ECAP formed the Breaking the Silence and Impunity Alliance (heretofore "the Alliance"), along with feminist lawyers' group Women Transforming the World (MTM). The Alliance began to put together a legal case on behalf of 15 Q'eqchi' plaintiffs who had been forced to "serve" at the Sepur Zarco military outpost over a six-year period in the 1980s. The Sepur Zarco case was part of Guatemala's incipient and short-lived "judicial spring", which had begun with the 2013 prosecution, conviction, and subsequent vacation of the verdict in the genocide case of former de facto head of state General Efraín Ríos Montt (Oglesby and Nelson 2016) (Ríos Montt died before the case could be retried). The Sepur Zarco case was successfully prosecuted in February 2016, resulting in the conviction of two low-ranking members of the Guatemalan military, and 18 reparations measures ordered. As I will discuss further below, our PAR project accompanied these struggles for redress, in creative workshops facilitated with the Mayan women protagonists (including the 15 Q'eqchi' plaintiffs) and with those whom we refer to as "intermediaries" (Merry 2006), namely the Mayan, *ladinx/mestizx*,<sup>5</sup> and international feminists, lawyers, psychologists, translators, activists, and researchers (ourselves included) accompanying these processes.

The work on wartime sexual violence in Guatemala (as well as Peru and Colombia) emerged in the context of and was influenced by significant shifts in recognition afforded to this issue under international law as part of the emergent paradigm of transitional justice (Teitel 2000), beginning with the ad hoc tribunals for the former Yugoslavia and Rwanda in the mid-1990s, and the subsequent incorporation of rape and other forms of sexualized violence as crimes against humanity into the Rome Statute that established the International Criminal Court (ICC) in 1998. Until then, sexual violence had been viewed primarily as a private, domestic, and interpersonal crime in international law (Jaleel 2021). The change in international jurisprudence was led by elite legal feminists, including Catherine MacKinnon and Rhonda Copelon. The story that tends to be told of these shifts is fairly linear and somewhat triumphalist, of the silence being broken and women's rights becoming human rights. But as Jaleel (2021) shows, there is much more to the story, and its genealogy lies in the sex wars that consumed US feminism in the 1970s and '80s in relation to the meaning of sex and gender and the fraught question of "who is the subject of feminism" (Jaleel 2021, p. 64). MacKinnon's version of radical feminism, namely dominance theory, which posited that "men may dominate and women must submit, and this relation is sexual—in fact, is sex" (as cited in Jaleel 2021, p. 64), had been thoroughly critiqued by women of colour feminists in the United States. As legal feminist scholar Angela Harris has shown, "dominance feminism is the annihilation of particular histories—particularly Black women's relationship to sex under slavery and to the state under emancipation—in exchange for an imagined future free of rape" (as paraphrased in Jaleel 2021, p. 67). And as Harris argues, "In her search for what is essential womanhood, however, MacKinnon rediscovers white womanhood and introduces it as universal truth. In dominance theory, black women are white women, only more so" (as cited in Jaleel 2021, p. 67).

What Jaleel (2021) refers to as the "afterlives" (p. 21) of these sex wars travelled into the international legal domain through the central role that MacKinnon and other elite white US legal feminists played in the definitional contours of rape and other forms of sexualized violence in international law, particularly in relation to the wars in the former Yugoslavia and the Rwandan genocide. As Jaleel (2021) states, "Elite legal feminist tactics of framing 'war'—and particularly so-called ethnic war—as an unwaveringly sexually coercive environment in turn retrofitted MacKinnon's dominance theory within representations of

wartime ethnoreligious mass rape and other forms of sexualized violence” (p. 73). As such, the racialized exclusions, occlusions, and reifications of the meaning of sex and gender, of consent and coercion, and the primacy given to the Western individual as “human” by particular white US radical feminists have become codified in the meaning of rape and sexualized injury in international law (Jaleel 2021). It is interesting to note, for example, that the Rome Statute defines gender (the first international legal instrument to do so) as “two sexes, male and female, within the context of society”, going on to say that “the term ‘gender’ does not indicate any meaning different from the above” (as cited in Jaleel 2021, p. 63). This international jurisprudence and definitional understanding of sexualized violence, including as slavery, crime against humanity, and genocide, subsequently informed prosecutions of sexualized violence, including the Sepur Zarco case.

What is erased in homogenized constructions of gender and gendered violence as affecting “all women”, albeit to varying degrees, are the grounds through which such violence emerges and in fact gains meaning, particularly the specificities of histories and structures of colonialism and empire. In Abya Yala, decolonial and Indigenous feminists have drawn on Maria Lugones’ (2008) foundational work on the “coloniality of gender”, formulated in response to Anibal Quijano’s (2000) gendered occlusions in his conception of the “coloniality of power”, to insist that the concept of gender itself is deeply rooted in colonialism. As Lugones (2008) argues, historically, not all societies have organized themselves around a conception of gender, and as such, we cannot understand its formulation outside of colonialism; it cannot exist as a separate category. Maya Kaqchikel scholar Aura Cumes emphasizes that “aspiring for Indigenous women to fight only as women implies imposing a female condition that does not correspond to them, since their gender conditions are created, not only against Western patriarchy, but also against a colonial system” (as cited in Cariño 2022, p. 554).

It is also important to emphasize that while what Jaleel (2021) refers to as “the unbearable whiteness of US legal feminisms” (p. 80) played a dominant role in shaping understandings of sexualized violence in international law, it did so, she argues, through a reliance on feminist and other activisms “on the ground”, and an (unacknowledged) indebtedness to Black, Indigenous, women of colour, decolonial, and queer theorizations. And in disrupting the linearity of the narrative of “breaking the silence” of sexualized harm, with its underlying assumptions of commensurability, we need to understand the dynamics of power through which said narrative is taken up, contested, and transformed as it travels into specific struggles for redress. In the following section, I look back at our PAR project to examine such dynamics in the Guatemalan context.

### 3. Sexualized Harm “In-Translation”

As discussed briefly above, our PAR project emerged in the context of Mayan protagonists’ engagement in incipient transitional justice processes in postwar Guatemala, including the state-sponsored National Reparations Program (PNR) and the Sepur Zarco paradigmatic case of sexual violence as a crime against humanity. Our project created space for protagonists and intermediaries—together and apart—to reflect on these processes. We used creative resources, including collage, drawing, dramatization, image theatre, and beliefs and practices from the Mayan cosmovision (see Lykes and Crosby 2015, for a detailed discussion of these methods), to facilitate the emergence of nonlinear narratives and contestations of the dominant rights regimes with which participants were engaging. The use of creative resources was also necessary, given the linguistic differences we faced. None of the non-Mayan intermediaries spoke a Mayan language (a failure for which we were rightly reprimanded), and many of the Mayan protagonists were monolingual in Q’eqchi’, Kaqchikel, or Chuj (the Poptí and Mam women had learned Spanish while in refuge in Mexico). As such, Mayan interpreters played a crucial “in-between” role (Távora et al. 2018). They came from many of the same communities as protagonists, and some were survivors of violence themselves. They had received training from ECAP as promotoras [mental health promoters] (but not, however, as interpreters), and had accompanied the

work with protagonists since its beginnings in 2003 as staff members of UNAMG and ECAP. Our project created space for them to reflect on their role as interpreters as they mediated between Western and Mayan onto-epistemological positionings and sought to develop their own approach to this work, given the lack of formal training. They emphasized the importance of context in interpretation. As one Q'eqchi' interpreter told us in a group workshop in May 2010, "We tried to find translations through dictionaries but translations aren't always exact; they aren't the same as interpretation. We haven't ever made a literal translation, it's always situated in their lived experience" (Crosby and Lykes 2019, p. 135). They had to always be "facing in two directions" (Crosby and Lykes 2019, p. 157), accompanying protagonists in making their lived experience of violence accessible and understandable to non-Indigenous audiences. As we reflected, they "perform multi-level linguistic and positional interpretations, whereas all other intermediaries interpret primarily through their professional and activist positionalities" (Crosby and Lykes 2019, p. 157). We also noted how interpretation was always directed towards the Western frame, assuming commensurability in translating the Mayan worldview into the language of the hegemon. In the transitional justice processes we were documenting, as well as the research process itself, the prevailing practice was always to render Indigenous women's experienced legible to us as a non-Indigenous audience (with the underlying assumption that such legibility was in fact possible). At no point were any of us required to look towards the Mayan worldview and decolonize our Western positioning by reckoning with the incommensurability of Mayan and Western worldviews. Colonial power obscured such recognition.

Discussions on conceptions of gendered and sexualized violence and "violence against women" brought onto-epistemological incommensurability to the fore. As previously mentioned, there is no direct translation of sexual violence in many Mayan languages. In Q'eqchi', for example, it is often referred to as muxuk, which can be translated into Spanish as profanar [to desecrate or defile], traspasar [to transgress or dispose of], or ensuciar [to dirty or defile] (Crosby and Lykes 2019, p. 115). As the linguistic anthropologist Mayra Nineth Barrios Torres explained during her expert witness testimony in the Sepur Zarco trial in February 2016, before the armed conflict, muxuk meant pasar encima [to pass up, through or by] but was resignified to describe several forms of violence. As such, muxuk chaq'rab "can refer to forced disappearances, the burning of crops, the loss of belongings, and many other experiences of violation" (as cited in Crosby and Lykes 2019, p. 115). Barrios explained that muxuk has particular significance within the Q'eqchi' cosmovision or worldview, "and that when women use this word to refer to sexual violence, they are also attaching meaning to having been robbed of their self-respect, as well as the respect of their community" (as cited in Crosby and Lykes 2019, pp. 115–16). As such, muxuk refuses a linearity or individuation of violence and instead offers us a glimpse of an onto-epistemological positioning that exceeds the Western frame while at the same time being translated into it through the narrative of sexual harm. While the Sepur Zarco trial allowed for some discussions of the complexities of translation of sexualized harm—and therefore a more holistic understanding of what justice and reparation could mean from within the Mayan cosmovision—other transitional justice mechanisms, particularly the reparations process, were a violating experience for many protagonists, who were required to yet again re-tell individuated narratives of pain and trauma and often felt disbelieved in the process (Crosby and Lykes 2019; Fulchiron et al. 2009).

Our creative workshops surfaced the pain, tensions, and frustrations inherent to participation in Western-oriented transitional justice mechanisms and a deep-seated anger and mistrust towards the Guatemalan state. Protagonists were weary of repeated, individuated, retellings of sexualized harms. The Sepur Zarco case, for example, took many years before it was prosecuted in February 2016, requiring long journeys from remote villages to towns and the capital Guatemala City, many workshops, individual interviews, and a preparatory Tribunal of Conscience held in March 2010 (Crosby and Lykes 2011). As such, in our workshops, protagonists were keen to re-center the narrative within their cosmovision and

the colonial dispossession of land. Indigenous dispossession of land was at the heart of the Sepur Zarco case. The plaintiffs' husbands had been organizing to legalize the lands on which they lived and had been disappeared as a result. In the aftermath, their widows were forced to "serve" at the Sepur Zarco military base for up to six years. Those who were able to escape spent years hiding in the mountains, losing many of their children to malnutrition. Depictions of protagonists' relationship to the land—through drawings of flowers, trees, and animals—permeated their narratives, as did the extreme poverty that has resulted from its violent dispossession, and the loss of their husbands (who are mostly still yet to be found). "Violence against women" was represented in one collage through a photograph of a woman carrying a heavy load on her back (Crosby et al. 2016). Expressions of joy and resilience were also expressed through nature: "[I am] old, without suffering, without fear and without shame. Today I am capable of doing all that I can. I am like a bird, I can fly with large wings" (Chuj protagonist in a July 2011 workshop, as cited in Crosby and Lykes 2019, p. 27).

Like sexual violence, the concept of "reparation" has no direct translation in many Mayan languages. As the Mayan interpreters explained to us in a group interview in June 2010, in Q'eqchi', *xii't'in* is often used, which means "to repair what is broken", while in Kaqchikel, *q'oj* is used, which means "to sew something that is ripped or to patch something back together", although it can never be fully repaired, "it's not the same [as before]" (Crosby and Lykes 2019, p. 134). In relation to the reparation payments (the concept of *resarcimiento* in Spanish), one Mayan protagonist told us that in Kaqchikel they refer to this as "a little bit of help", because "it is not the price of a loved one nor the cost of being raped" (Crosby and Lykes 2019, p. 134). A central reparation demand in the Sepur Zarco trial, as well as in our research, was the return of land. In their representations of the gendered coloniality of violence and their resistance to it, protagonists sutured bodies to land and territory as part of their membership of an Indigenous collectivity and pluriverse, "a world where many worlds fit" (Escobar 2016, p. 20), that does not separate the human from the non-human. This integral relationship between body and land is expressed through the conception of *cuerpo-territorio* [body-land] that has been taken up by Indigenous women activists in Guatemala as they contest ongoing violent colonial dispossession, including the rampant resource extraction spearheaded by mining companies throughout their territories (Cabnal 2019; CALDH and Pérez Sián 2014; Chirix García 2019; Velásquez Nimatuj 2019). Defending bodies and lands, *cuerpo-territorio*, as one, reflects the integrality of the human-in-relation to the pluriverse that is continuously under threat by a colonial extractivist mindset and set of practices. Such an approach has been articulated in Indigenous women's struggles throughout Abya Yala through an understanding of *senti-pensar* [feeling-thinking] that reflects "the relational ontologies of their peoples, deeply rooted in the web of life, since everything has life. These struggles go beyond the demand for individual and human rights. The human is not the measure of all things, but just one more of the threads of the web of life" (Cariño 2022, p. 556; see also Méndez Torres et al. 2013).

The role of intermediaries was key in shaping, mediating, and translating protagonists' experiences into the narrative of sexualized harm required by the transitional justice regime. In one workshop in July 2011, a statement by one ladina intermediary that "all women are 'the spoils of war,' whether ladina or indigenous" (Crosby and Lykes 2019, p. 174), generated tension, given that it seemed to erase colonial dispossession and the genocidal violence perpetrated against Indigenous peoples by the Guatemalan state. And during the Sepur Zarco trial, hashtags such as #I am Sepur Zarco and #We are all Sepur Zarco circulated transnationally, assuming a commonality of gender and in the process occluding indigeneity and coloniality. As previously discussed, Mayan women locate their experiences of harm, including sexualized harm, within the interlocking dynamics of the coloniality of power and the coloniality of gender. These racialized tensions that permeated the project are reflective of the dynamics of vanguardism of a feminist movement dominated by urban-based, educated ladina/mestiza women and a resulting sometimes



clientelist relationship with rural Mayan women. This dynamic is present within the feminist movement throughout Abya Yala. Many women's organizations were formed in relation to leftist and revolutionary struggles against state repression, and through personal experience of state violence (Espinosa Miñoso 2022a, 2022b). The postwar period and the rise of human rights and related funding regimes saw the NGOization of civil society, including the women's movement, in the 1990s, a process in which I actively participated in Guatemala, as discussed above. An "autonomous" feminism emerged to contest this institutionalized version of feminism, and to begin to develop the contours of a decolonial feminism that contested homogenized constructions of the category "woman" (Espinosa Miñoso 2022a). For ladina/mestiza and white women working in Abya Yala, this has meant beginning to actively examine our own implication in structures of racism. For example, the *Red de Feminismos Descoloniales* [Decolonial Feminisms Network] was created in Mexico as "a space for reflection and political activism that starts from the self-criticism of the racism and colonialism which marks Latin American societies, including our feminist organizations" (Hernández, as cited in Espinosa Miñoso 2022a, p. 471). In Guatemala, spaces such as Q'anil, formed by feminist activist Yolanda Aguilar, seek to unpack ladina/mestiza identity and positionality and reflect on the intersections of racism and patriarchy (Aguilar 2019; Walsh 2023). The creation of Indigenous spaces outside the ladina-dominated women's movement has also been critical. For example, the Mayan women's group Kaqla was created as a space of mutual support for mostly professional Mayan women to analyze colonial power and the intersections of colonization and patriarchy in shaping Mayan-ladinx relationships. Using practices from the Mayan cosmovision, as well as alternative Western therapies, Kaqla has developed healing processes to address the embodiment and internalization of racialized gendered oppression and intergenerational, holistic strategies for resistance and transformative relationships (Grupo de Mujeres Mayas Kaqla 2004, 2011, 2014).

Brinton's and my positionalities as white Northern academics were central to the project's racialized power dynamics. The epistemic violence of Northern academics creating knowledge about the Guatemalan Other, even when from a position of solidarity, saturates the history of research and knowledge production about Guatemala, and was an ever-present tension in our project. We had to confront our deep-seated implications in structures and systems of white supremacy, and how our power to "voice over" occludes other ways of knowing and being. And as discussed in this article, we had to reckon with the impact of our implication in transnational circulations of a universalizing discourse of sexualized harm as affecting "all women" that at the same time creates the racialized spectacle of the "raped woman". A key agreement with protagonists was to not ask them to re-tell individuated stories of sexualized harm. Rather, the workshops sought to create space for protagonists to narrate nonlinear stories of resistance and struggle rooted in collectivity and relational ontologies of senti-pensar. We used the workshops to conduct the first level of data analysis, presenting emerging results for participants' analysis and feedback using creative techniques that included collage and Boalian image theater and body sculptures (Crosby and Lykes 2019). We also sought to build capacity for conducting research within our project partner UNAMG, facilitating workshops on field note taking, using creative techniques, and research ethics, while recognizing the inherent inequities of time and resources and the paternalistic assumptions of knowledge transfer from North to South that the notion of "capacity building" carries within it. In designing the project together, a central agreement was the co-ownership of data, which was used in different ways, e.g., in advocacy work, policy briefs, and creative works, and we co-authored publications with UNAMG, students, and other intermediaries. We also published a lot ourselves, holding dialogues for feedback on some draft publications and publishing most of our work in English and Spanish (although not any Mayan languages). In 2019, we travelled throughout Guatemala, presenting the Spanish version of our book and inviting local activists and researchers to comment on it, as well as the protagonists and intermediaries who had participated in the project. While most protagonists do not read, they did comment on

the research process and its outputs. Several of their drawings were included in the book, which struck a particularly meaningful chord.

As mentioned earlier, we developed the concept of “protagonism” to emphasize agency as relational, co-constructed, and imbued with power, a dynamic encapsulated in the drawing in Figure 1. It was created by a group of Mam women from Huehuetenango during a workshop we facilitated in 2011. In the workshop, we had asked protagonists to create collective drawings (by ethnic group, given their very different contextual experiences in different parts of the country during and after the war) depicting how they saw themselves before and after their engagement in struggles for truth, justice, and reparation. In their drawings, rather than a linear representation of “before” and “after”, protagonists merged past and present to represent the “ever-present past” (Crosby and Lykes 2019, p. 47). Some of the drawings also contained images of trees, flowers, fruits, and seeds to depict their present selves, suturing land and body (Crosby and Lykes 2019). The drawing in Figure 1 emphasizes the leadership skills Mam women had acquired through their engagement with UNAMG. They depicted the discrimination they experienced in the home and the path towards communication, leadership, and organization. The large figure in the top right-hand corner was particularly striking and much commented on. We had used the modality of asking the rest of the workshop participants to describe what they saw in the drawings and what they thought it represented before asking the authors what they had intended. Workshop participants thought that the figure could be “the military” or “the police”, or even “the President of Guatemala” (Crosby and Lykes 2019, p. 48). The drawing’s creators clarified that the figure represented the intermediaries, and the financial and educational resources and support services we have provided, and they explicitly asked us not to stop our accompaniment work (Crosby and Lykes 2019). The drawing and ensuing discussion surfaced the power and authority imbued in our roles as differently positioned intermediaries both in terms of facilitating actions towards redress that engage rights regimes and in the research documenting and analyzing these actions. The differing understanding of the drawing’s meaning underlined the precariousness and limits to any shared understanding and reminded us of the ongoing challenge of building dialogic relationality to support collective action and knowledge co-construction. The discussions around the drawing also served as an ever-present reminder of the long-term relationships of accountability that are so necessary to this accompaniment work and the difficulty of dependencies that can also emerge. At a time of ever-diminishing international development funding for Guatemala and a related decrease in programming and support services offered by local NGOs, a central concern for protagonists was that UNAMG (and us as researchers by association) continue to accompany them and provide the necessary resources that such work requires. The drawing also emphasized the centrality of community organizing in the struggle for redress for racialized gendered harm. Its authors had organized in Mexico as part of the refugee women’s organization Mama Maquín, where they had learned Spanish and participated in literacy programs and trainings in women’s rights, which they continued to build on upon their return to Guatemala (Crosby and Lykes 2019, pp. 39–41). In the workshops, they continued to ask for accompaniment to their organizational processes, as they sought to respond to the needs of their communities. To this end, they were particularly interested in using the creative techniques we employed in the workshops. This community-oriented demand sat in tension with the direction towards building a legal case that the Alliance was taking, which the Mam women—along with Chuj women who were also from Huehuetenango, and the Kaqchikel women from Chimaltenango—ultimately chose not to participate in. As such, the drawing surfaced tensions in relation to the direction in which the accompaniment work going, and the narrowing of support towards a smaller group of protagonists who did choose to participate in the case.



**Figure 1.** Mam women represent themselves before and after their engagement in struggles for redress (Crosby and Lykes 2019, p. 49).

My engagement in this research process over many years has reminded me of the partiality of vision—we see only certain things from our own standpoints and onto-epistemological positionings. Dialogue and relationality are key to creating some collective understanding, yet at the same time I have learned to be cognizant of the limits of such knowledge, rather than assuming commensurability and commonality. As Emma Chirix García argues, “it is not possible to understand the Mayan conception of the world from the Western vision, because Eurocentric and ethnocentric knowledge distorts, rationalizes, racializes, subordinates and violates indigenous knowledges” (as cited in Lykes et al. 2021, p. 215). Recognizing my unknowingness—the limits of what I can and should know—is an anti-colonial political position. Such a positioning is indebted to Kahnawake scholar

Audra Simpson's (2007) methodology of refusal, beginning from my location as a white settler scholar. As Tuck and Yang (2014) argue, "Unlike a settler colonial configuration of knowledge that is petulantly exasperated and resentful of limits, a methodology of refusal regards limits on knowledge as productive, as indeed a good thing" (p. 339). As they continue, such a methodology "shifts the gaze from the violated body to the violating instruments... refusal helps move us from thinking of violence as an event and toward an analysis of it as a structure" (Tuck and Yang 2014, p. 241). This is how I see my work on the issue of sexualized harm, which is not to speak for or ventriloquize those who have experienced such harm in differentiated and multifaceted contexts but rather to trace the racialized Western systems and structures of power that overdetermine struggles for justice and redress, namely feminist and human rights regimes, and my own implication therein, as researcher and activist. As Tuck and Yang (2014) articulate, "refusal turns the gaze back upon power, specifically the colonial modalities of knowing persons as bodies to be differentially counted, violated, saved, and put to work. It makes transparent the metanarrative of knowledge production—its spectatorship for pain and its preoccupation for documenting and ruling over racial difference" (p. 241). However, as I argue in the concluding section, such an approach does not negate or overwrite protagonists' desire to use rights regimes strategically as part of their struggles for redress.

#### 4. Concluding Reflections: "We Cannot Not Want Rights"

Is it responsible, we have often wondered and been asked, to criticize the manifestations of a great victory for feminist progressive politics; to critically interrogate the workings of what has clearly been a monumental and vitally important accomplishment: the global attention given to wartime rape and its victims? Do we not risk contributing to a renewed silence?

Baaz and Stern (2013, p. 112)

The incipient judicial spring in Guatemala that enabled the Ríos Montt and Sepur Zarco cases to be prosecuted, along with several other paradigmatic cases that addressed the atrocities of the armed conflict, as well as deep-seated and high-level organized state corruption, is no longer. It was a fragile moment at best, instilled through decades of Indigenous mobilization and civil society advocacy, that led to the creation of just enough space within the judiciary, facilitated by a strong Attorney General, Claudia Paz y Paz, and Public Prosecutor's Office. It was supported by the United Nations-sponsored Commission Against Impunity in Guatemala (CICIG), which oversaw the prosecution of 400 cases of corruption, including former President Otto Perez Molina and his deputy Roxana Baldetti. The closing of this judicial space began under former President Jimmy Morales, who ejected CICIG from the country in 2019. In 2023, as a June 22 article in *The Guardian* described, intertwined political, economic, and military elites "have gained control of every branch of government—as well as the public prosecutor's office—in order to secure immunity from prosecution for corruption and civil war crimes" (para. 6). In the words of Jorge Santos, director of the Unit for the Protection of Human Rights Defenders in Guatemala (UDEFEGUA), "the rule of law is completely broken" (quoted in Lakhani and Garcia 2023, para. 30). Judges, prosecutors, lawyers, journalists, and human rights defenders are being harassed, killed, thrown in jail, or forced into exile. According to Alejandro Rodríguez from Impunity Watch Guatemala, "This judicial persecution is without doubt a military intelligence strategy aimed at restating impunity", adding that "The ruling alliance has coopted our institutions to destroy in six years what we took 30 years to build (quoted in Lakhani and Garcia 2023, para. 17–18).<sup>6</sup>

The re-entrenchment of impunity in Guatemala over the past few years heightens my nagging doubts about my role in critical scholarship on rights regimes and sexualized harm, which could be read as contributing to the danger of a "renewed silence" that Baaz and Stern (2013) refer to in the above epigraph in the context of their own critical scholarship on sexualized violence in the Democratic Republic of Congo. Mayan protagonists and those accompanying them worked for years at great cost, under constant threats and attacks from



those in power, to hold the Guatemalan state accountable for the atrocities it committed and bring perpetrators to justice. What role can and should critical scholarship play in such a context? Is it helpful? We confronted this dilemma and the tensions it engendered throughout the research process. For example, in one dialogue we held with intermediaries in June 2013 to get feedback on some initial draft publications, some contested our emphasis on the reification of sexualized harm, given the fact that this issue was only beginning to gain public and legal recognition in Guatemala. However, at the same time, the ensuring discussion surfaced tensions in relation to how to address the systemic forms of racism that permeate organizational dynamics in Guatemala, including in this work. The meaning of sexualized harm—and efforts to redress it—were brought into question in these discussions from intermediaries' differing positionalities as Indigenous and mestizx/ladinx. Critical scholarship that pays attention to power can open space for discussion and questioning of the meaning of harm and what forms its redress should take, as well as the dangers of the racialized and classed dynamics of vanguardism that can overwrite protagonists' agency in these struggles. An ever-present shadow in this work was the reality that many thousands of Indigenous women who have experienced racialized gendered harm in Guatemala are not receiving accompaniment and support. Judicial processes are costly, requiring intense human and financial resources directed towards a small group of protagonists. And as this article has argued, the demands of the Western-oriented judicial system can occlude or overwrite Indigenous ways of knowing and being. There is a pressing need for community-oriented approaches to justice and redress that many protagonists are asking for, as highlighted in the previous section. Such processes are needed in addition to, rather than as a replacement for, holding the Guatemalan state accountable through the judicial system for the atrocities it has committed, which remains a central demand of many Indigenous communities in Guatemala.

I concur with [Hernández Castillo and Terven Salinas \(2017\)](#) when they say, “we believe it is possible to maintain a sustained and critical reflection on law and rights and simultaneously to support struggles for justice by indigenous peoples and organizations, which in turn appropriate and resignify national and international legislation and norms” (p. 265; see also [Sieder 2017](#)). The twists and turns of the Sepur Zarco case, and all that happened around and exceeding it, transformed the judicial space itself, and supported new forms of Indigenous organizing. The 14 surviving Q'eqchi' plaintiffs formed the Jalok U organization (meaning transformation in Q'eqchi'), which includes 70 women and men in Sepur Zarco and surrounding communities to continue to fight for land-body-territory, including holding the Guatemalan state accountable for its yet unfulfilled reparations obligations, of which the return of land remains the most fundamental. As Gayatri Spivak has said, “We cannot not want rights” (as cited by Melamed and Reddy in [Jaleel 2021](#), p. 181). Rights work is contextually specific and reflective of the conditions of possibility through which change occurs. As [Jaleel \(2021\)](#) states, “In the divided world, law and rights matter. They move us, and sometimes that is the best move because it is the only move: to pivot, to change the narrative. To thicken the plot” (p. 182).

While “we cannot not want rights”, Jodi Melamed and Chandan Reddy assert that “we *can* not want the differential uses of individual rights that structure the asymmetries of advanced neoliberal racial capitalism and give impunity to its violences” (as cited in [Jaleel 2021](#), p. 181; emphasis in the original). We can contest the reifications of harm and associated attempts to document what we think of as trauma that occur through the multiple mediations and translations that form the individuated categorizations inherent to rights regimes, particularly in relation to sexualized harm. As Nayanika [Mookerjee \(2015\)](#) argues, “the idea of trauma (i.e., not trauma itself) in fact freezes time; arrests dynamics and contradictions of experience, subject formation, and agency; and becomes a rigid mode condemned to repetition” (p. 260). Instead, we can heed Angela Harris's call to “make our categories explicitly tentative, relational and unstable” (as cited in [Jaleel 2021](#), p. 72). And as [Baaz and Stern \(2013\)](#) put it, “We can stretch ourselves to think otherwise. . . we can learn to better resist the temptation to produce the ‘subaltern’ to suit our own interests, to

resist occupying the center stage and writing ourselves as indispensable saviours (p. 114). For me, learning to think (and act) otherwise, while always necessarily partial, limited, and in process, has meant engaging seriously with the Q'eqchi' conception of muxuk as an articulation of senti-pensar that resituates understandings of harm and redress within a relational anti-colonial onto-epistemology that understands the human as a thread in the web of life and seeks to suture land-body-territory.

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## Notes

- <sup>1</sup> My research collaborator M. Brinton Lykes and I use the term “protagonism” to move away from hegemonic, Western individuated psychological conceptions of selfhood and subjecthood, of “victim”, and “survivor”, and to instead understand agency in the aftermath of violence as relational, co-constructed, and imbued with power (Crosby and Lykes 2019, p. 2).
- <sup>2</sup> I follow Rana Jaleel (2021) in using “sexualized” (as opposed to “sexual”) to denote “the instability of the ‘sexual’ as category”, which draws our attention to “the opacity of the harms—these are not settled or obvious or eternal” (note 17, p. 189).
- <sup>3</sup> Abya Yala “is the ancestral name of the American continent in the Kuna language. Recognizing this continent’s name as Abya Yala and not the Americas is part of the decolonial, political demands of the original peoples” (CALDH and Pérez Sián 2014, p. 68). The term “original peoples” is increasingly being used rather than “Indigenous”.
- <sup>4</sup> The Actors for Change Collective’s mandate is: “A collective, horizontal, autonomous, and intercultural feminist approach whose central objective is the possibility of decolonizing ourselves, reclaiming power over our bodies, lives, and territory, living in liberty, dignity, joy and wellbeing, and the collective and community-oriented creation of the social conditions for non-repetition [of violence]”. (<https://www.actorasdecambio.org.gt/historia/>, para. 3, accessed on 13 September 2023). See their website for more details: <https://www.actorasdecambio.org.gt/> (accessed on 13 September 2023).
- <sup>5</sup> In Guatemala, “ladina/o/x” refers to those who are non-Indigenous; some prefer to identify as “mestiza/o/x” to recognize their history of being “mixed”.
- <sup>6</sup> The election of Bernardo Arévalo of the Semilla Party as president in August 2023 is a ray of hope in this bleak context; it remains to be seen what he is able to do once he assumes power in January 2024.

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