

Biljana Plavšić at the ICTY: A Feminist Analysis of Representations of the Self

Kateřina Kruliřov

Abstract: This paper focuses on the legal defence of Biljana Plavšić before the United Nations International Criminal Tribunal for the Former Yugoslavia. It analyses the discursive strategies chosen by Plavšić in her plea of guilt. Utilising the theoretical concepts of motherhood, 'Beautiful Soul', double and triple transgressions, and Othering, together with legal and criminological debates on chivalry, Plavšić's representations of herself and her actions during the war are critically analysed. Studying the case of Plavšić, this article aims to enrich the existing feminist debates on the representation of violent women in the media and in justice tribunals.

Keywords: gender, women's violence, crimes against humanity, self-representation, ICTY, feminism

Introduction

When Biljana Plavšić¹ pleaded guilty to one count of crimes against humanity in front of the ICTY in 2002, her repentance was taken seriously by the judges and welcomed by most segments of civil society.² The gesture, labelled as 'moral and brave' by the prominent writer Slavenka Drakulić, was later countermanded by Plavšić herself; Karstedt notes that this was for 'purely instrumental reasons' and can be seen as 'political opportunism'.³ During her interview for *Vi* magazine in 2009, Plavšić retracted her confession. She claimed that she only entered the plea of

I would like to thank Roy Smith, Chris Farrands, Loretta Trickett, Chris Baker-Beall and Nathan Jones for their kind advice and comments on this work. I would also like to thank the editors of the *Journal of Perpetrator Research* and two anonymous reviewers for their valuable comments and help.

- 1 Throughout this article, I spell Plavšić with accents above her surname. Some of the ICTY documentation refers to her as 'Plavsic' without any accents. Plavšić and Plavsic are the same person.
- 2 Olivera Simić, "I Would Do the Same Again": In Conversation with Biljana Plavšić, *International Criminal Justice Review*, 28 (2008), 317–332 (p. 322).
- 3 Slavenka Drakulić, 'The False Repentance of Biljana Plavšić', *Eurozine*, 23 October 2009, <<http://www.eurozine.com/articles/2009-10-23-drakulic-en.html>> [accessed 19 September 2016]; Susanne Karstedt, "I Would Prefer to Be Famous: Comparative Perspectives on the Reentry of War Criminals Sentenced at Nuremberg and The Hague", *International Criminal Justice Review*, 28 (2018), 372–390 (p. 378).

Journal of Perpetrator Research 3.1 (2020), xx–xx
doi: 10.21039/jpr.3.1.58 © 2020 by the Author



This work is licensed under the Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License. To view a copy of this license, visit <http://creativecommons.org/licenses/by-nc-nd/4.0/>

guilt to avoid a lengthy trial and have the other charges dropped.⁴ She argued that she had done nothing wrong and had ‘sacrificed herself’.⁵ In her 2016 interview for Sputnik News, Plavšić claimed that her treatment by ICTY had been unfair.⁶ This is in line with her memoirs, and her discussions with Simić.⁷ The latter concludes that Plavšić’s decision to plead guilty appears to be a combination of a number of factors: ‘age and health concerns, the longevity of the potential trial before the ICTY, and inability to defend herself and confront the witnesses.’⁸ Discussing the case of Plavšić, who was one of the key political figures of the Serbian government during the Bosnian war, this article examines the strategies that politically violent women utilize to defend themselves in front of international legal institutions.

Born in 1930, Plavšić, originally a Professor of Natural Sciences and later Dean of the Faculty of Natural Sciences and Mathematics at the University of Sarajevo, was a respectable academic with a publication list of over 100 scholarly papers. Plavšić is a Fulbright scholar and has often used her academic background in biology and her research to justify and rationalize the crimes committed under her rule; for instance, she regarded ethnic cleansing to be a form of Darwinian natural selection and therefore a biological rather than a political matter.⁹ She entered politics in 1990, co-founding the Serbian Democratic Party,

4 Plavšić offered Simić the following explanation as to why she had accepted responsibility for the crimes she was accused of: ‘When I saw that they were carrying out one of defendants from the courtroom because he had high blood pressure and was sick, I remember I told myself “they will carry me out dead if this young and strong man ended up like this.” There were lots of fake witnesses there. If I did not admit guilt I would need to listen to all of them. One of them said that every week I visited Bilecca by helicopter with [Ratko] Mladic. Nonsense. I was there only once. When I saw all this, I decided to do something for myself. I did not want to spend the next three, four years listening to fake witnesses.’ Simić, 321.

5 The website cites the following excerpt from the interview: ‘I sacrificed myself. I have done nothing wrong. I pleaded guilty to crimes against humanity so I could bargain for the other charges. If I hadn’t, the trial would have lasted three, three and-a-half years. Considering my age that wasn’t an option.’ ‘Bosnian war criminal: “I did nothing wrong”’, *The Local*, 26 January 2009, <<http://www.thelocal.se/20090126/17162>> [accessed 19 September 2016].

6 Ibid.

7 For a detailed discussion on memoirs and war criminals see, e.g., Karstedt. Ristić claims that war criminals produce ‘ego-documents’ as an ‘attempt to reframe their public image.’ Katarina Ristić, ‘The Media Negotiations of War Criminals and Their Memoirs: The Emergence of the “ICTY Celebrity”’, *International Criminal Justice Review*, 28.4 (2018), 391–405 (p. 392). For translated excerpts from Plavšić’s memoirs, see Jelena Subotić, ‘The Cruelty of False Remorse: Biljana Plavšić at The Hague’, *Southeastern Europe*, 36.1 (2012), 39–59.

8 Simić, 321.

9 Alette Smeulers, ‘Female Perpetrators: Ordinary or Extra-ordinary Women?’, *International Criminal Law Review*, 15.2 (2015), 207–253 (p. 236).

later becoming Vice-President to Radovan Karadžić. She was part of the so-called *troika* together with Momcilo Krajišnik, controlling the Bosnian Serb armed forces led by Radko Mladic. She later distanced herself from all the top politicians, but mainly Karadžić, whom she has called a 'coward'.¹⁰ The nature and severity of Plavšić's involvement in the genocide is still debated.

A number of questions regarding Plavšić's political career, actual power, trial dynamics, and post-trial life need to be addressed before proceeding with the analysis. Plavšić was one of the very few female politicians in Yugoslavia, and the only woman to become part of the Presidency. In this highly 'macho' environment, Plavšić became soon known as the 'Iron Lady', a nickname used in nearly every media article written on her.¹¹ Plavšić is often described as tough, cold, and uncompromising. Sylvester notes that Plavšić 'reveled in her bad-girl reputation, enjoying comparisons with Margaret Thatcher's toughness: she was the iron lady of Serbia'.¹² Drakulić notes that 'foreign diplomats have described Plavšić as cold and unpleasant, noting that [...] she would not even shake hands with them'.¹³

Indicted originally in 2000, Plavšić was accused of creating, along with others,¹⁴ 'impossible conditions of life, involving persecution and terror tactics, that would have the effect of encouraging non-Serbs to leave those areas; the deportation of those who were reluctant to leave; and the liquidation of others'.¹⁵ Plavšić was accused of genocide, crimes against humanity, violations of the laws and customs of war, and grave breaches of the Geneva Conventions. The original indictment was amended in 2002, charging her with genocide, complicity in genocide, persecutions, extermination and killing, deportation, and inhumane

10 Smeulers, 237.

11 Vesna Nikolić-Ristanović, 'War, Nationalism, and Mothers in the Former Yugoslavia', in *The Women and War Reader*, ed. by Lois Ann Lorentzen and Jennifer E. Turpin (New York: NYU Press, 1998), pp. 234-239.

12 Christine Sylvester, 'War, Sense, and Security', in *Gender and International Security: Feminist Perspectives*, ed. by Laura Sjoberg (Abingdon: Routledge, 2010), pp. 24 - 37 (p. 31).

13 Slavenka Drakulić, *They Would Never Hurt a Fly* (London: Abacus Books, 2004), p.178.

14 In the initial Indictment, Plavšić is seen as a key part of Serb leadership together with Radovan Karadzic and Momcilo Krajsnik. ICTY Prosecutor vs. Plavšić, Indictment, IT-00-40-I, 3.04.2000. In the Amended Consolidated Indictment against both Plavšić and Krajsnik, the joint criminal enterprise includes both Biljana Plavšić and Momcilo Krajsnik, alongside with Radovan Karadzic, Nikola Koljevic, Slobodan Milosevic, Zeljko Raznatovic, Ratko Mladic, Momir Talic, and Radoslav Brdanin. ICTY Prosecutor vs. Krajsnik and Plavsic, Indictment, IT-00-39 & 40-PT, 7.03.2002.

15 ICTY Prosecutor vs. Plavšić, Indictment, IT-00-40-I, 3.04.2000, para. 7.

acts.¹⁶ Plavšić was alleged to have both *de jure* and *de facto* control over Bosnian Serb forces that perpetrated the crimes and to have known that these crimes were taking place without preventing them or punishing the perpetrators.¹⁷ The original indictment states that Plavšić ‘condoned and publicly congratulated the forces that had taken part in their perpetration’.¹⁸ These crimes include widespread killing, causing of serious bodily or mental harm, and detention. The detainees ‘were subjected to cruel or inhuman treatment, including torture, physical and psychological abuse, sexual violence and beatings’.¹⁹ Voluntarily surrendering to the ICTY in 2001, Plavšić originally pleaded not guilty, changing her mind in 2002 in exchange for seven charges, including genocide, being dropped. Plavšić was released from Swedish prison in October 2009, after serving two-thirds of her eleven-year sentence for persecution.²⁰

Placing the phenomenon of women’s violence within the interdisciplinary debates on gendered roles in armed conflicts,²¹ I aim to deconstruct the ways in which Plavšić attempted to resist the discursive processes of defeminisation, monsterisation and Othering. I argue that in order to successfully defend themselves, violent women must somehow ‘fit back’ into ideal-typical feminine archetypes.²² I analyze

16 ICTY Prosecutor vs. Krajišnik and Plavšić, Indictment, IT-00-39 & 40-PT, 7.03.2002. Both indictments detail the gravity of the crimes Plavšić was accused of: the killings and executions of Bosnian Muslims and Bosnian Croats (ICTY Prosecutor vs. Plavšić, Indictment, IT-00-40-I, 3.04.2000, para. 12; ICTY Prosecutor vs. Plavšić, Indictment, IT-00-40-I, 3.04.2000, para. 16; ICTY Prosecutor vs. Krajišnik and Plavšić, Indictment, IT-00-39 & 40-PT, 7.03.2002, para. 24); deportation and detention (ICTY Prosecutor vs. Plavšić, Indictment, IT-00-40-I, 3.04.2000, para. 14; ICTY Prosecutor vs. Krajišnik and Plavšić, Indictment, IT-00-39 & 40-PT, 7.03.2002, para. 27).

17 ICTY Prosecutor vs. Krajišnik and Plavšić, Indictment, IT-00-39 & 40-PT, 7.03.2002, paras. 11–14.

18 ICTY Prosecutor vs. Plavšić, Indictment, IT-00-40-I, 3.04.2000, para. 28e.

19 ICTY Prosecutor vs. Krajišnik and Plavšić, Indictment, IT-00-39 & 40-PT, 7.03.2002, para. 17b.

20 Jonathan Choi comment that such a decision ‘suggests something particularly inflammatory about releasing her *early* [original emphasis], absent [of] any real remorse or changed circumstances and based on the attitudes of a single judge.’ Choi, 1789.

21 See, e.g., Laura Sjöberg, *Women as Wartime Rapists: Beyond Sensation and Stereotyping* (New York: NYU Press, 2016); Maria Eriksson Baaz and Maria Stern, ‘Why Do Soldiers Rape? Masculinity, Violence, and Sexuality in the Armed Forces in the Congo (DRC)’, *International Studies Quarterly*, 53.2 (2009), 495–518; Dara Kay Cohen, ‘Female Combatants and the Perpetration of Violence: Wartime Rape in the Sierra Leone Civil War’, *World Politics*, 65.3 (2013), 383–415; Laura J. Shepherd, ‘“Victims, Perpetrators and Actors” Revisited: Exploring the Potential for a Feminist Reconceptualisation of (International) Security and (Gender) Violence’, *The British Journal of Politics & International Relations*, 9.2 (2007), 239–256; Elissa Mailänder, *Female SS Guards and Workaday Violence: The Majdanek Concentration Camp: 1942–1944* (East Lansing: Michigan State University Press, 2015); Claudia Koonz, *Mothers in The Fatherland: Women, The Family and Nazi Politics* (London: Routledge, 2013).

22 Laura Duhan Kaplan, ‘Woman as Caretaker: An Archetype that Supports Patriarchal Militarism’, *Hypatia*, 9.2 (1994), 123–133.

Plavšić's Guilty Plea Statement as presented to the ICTY and determine the gendered frames of representation that she utilized. Plavšić's case can be considered extraordinary because she is one of the very few women to have been tried by international tribunals for crimes against humanity and genocide.²³ In addition, she remains the only one to have pleaded guilty thus far. Nevertheless, this unique case enables me to uncover discursive strategies that women accused of political violence may adopt more generally.

In the current political climate, women participate in both legitimate and illegitimate violence, arguably in increasing numbers.²⁴ Thus, the international community is likely to see more women indicted and tried for war crimes, genocide and other human rights violations. At the same time, very little is known about these women. Linton notes that there is a lack of research into the specific roles that they play in the perpetration of violence, the intersectional pressures they face, their coping strategies, and, significantly, their legal defence and justifications for their actions.²⁵ I thus argue that a critical engagement with the self-representation of violent women is essential in contributing to the wider interdisciplinary literature analysing women's perpetration of political violence.²⁶

23 Hodgson identifies six women that have appeared in front of international criminal tribunals, representing just 1% of defendants. These are: Im Chaem (Extraordinary Chambers of the Courts of Cambodia [ECCC]), Simone Gbagbo (ICC), Rasema Handanović (War Crimes Chamber in Bosnia and Herzegovina), Pauline Nyiramasuhuko (ICTR), Biljana Plavšić (ICTY), and Ieng Thirith (ECCC). Natalie Hodgson, 'Gender Justice or Gendered Justice? Female Defendants in International Criminal Tribunals', *Feminist Legal Studies*, 25.3 (2017), 337–357 (pp. 339–341). Delpla notes that 'although women participated in Nazi persecution, very few were tried.' Isabelle Delpla, 'Women and International Criminal Law', *Clio*, 39 (2014), <<http://journals.openedition.org/cliowgh/546>> [accessed 19 March 2020]. Irma Grese and Ilse Koch are perhaps the two most well-known female Nazi criminals.

24 Sara E. Brown, 'Female Perpetrators of the Rwandan Genocide', *International Feminist Journal of Politics*, 16 (2014), 448–469; Laura Sjoborg and Caron Gentry, *Mothers, Monsters, Whores: Women's Violence in Global Politics* (London: Zed Books, 2007).

25 Suzannah Linton, 'Women Accused of International Crimes: A Trans-Disciplinary Inquiry and Methodology', *Criminal Law Forum*, 27.2 (2016), 159–226 (p. 162).

26 In this case, Plavšić is not a perpetrator of direct physical or psychological violence. Instead, the Indictment notes that she 'initiated and implemented' a course of conduct which included the creation of impossible conditions of life, involving persecution and terror tactics, that would have the effect of encouraging non-Serbs to leave those areas; the deportation of those who were reluctant to leave; and the liquidation of others'. ICTY Prosecutor vs Plavšić, Indictment, IT-00-40-1, 3.04.2000, para. 7, emphasis mine).

This article builds on Ehrenreich's argument that the 'uterus is not a substitute for conscience',²⁷ and on Sjoberg and Gentry's hypothesis that some women 'commit senseless violence because some people commit senseless violence'.²⁸ I do not attempt to excuse violence committed by women, rather I critically analyze its gendered framing. This work thus aims to provide a critical analysis that does not trivialize the agency and rationality of the perpetrators of genocidal violence and crimes against humanity by critically questioning the frames and possibilities of their own representation.²⁹ Paying attention to the specific framing of herself as a good, moral, and respectable woman, I demonstrate how, within the limits of intelligibility, Plavšić performs her femininity for both the court and the public.

My discussion on Plavšić's self-representation firstly addresses feminist concepts related to ideal-typical femininities and political violence as debated in the contemporary literature. I mainly focus on the conceptualisation of agency, motherhood, 'Beautiful Soul', double and triple transgressions, and the legal/criminological debate on leniency and chivalry. Following the theoretical conceptualisation, I discuss the methodological framework of this research. After my deliberation on the deconstruction and double reading of the transcript in relation to the processes of monsterisation, defeminisation, and Othering, I discuss the limitations of studying a transcript of Plea of Guilt; a document that is undeniably a result of a bargaining process between the prosecution and defence, and must conform to certain legal requirements to be accepted as adequate. My own analysis of the key document, Plavšić's Plea of Guilt, groups the narratives that she employed according to theoretical concepts stemming from existing feminist literature: mother of the nation; naïve 'Beautiful Soul'; and feminine morality. I conclude the article by addressing the general trends of the portrayal of the self as discussed in Plavšić's case.

27 Barbara Ehrenreich, 'What Abu Ghraib Taught Me', *Altnet.org*, May 2004, <http://www.altnet.org/story/18740/what_abu_ghraib_taught_me> [accessed 23 August 2016].

28 Sjoberg and Gentry, *Mothers, Monsters, Whores*, p. 4.

29 Caron Gentry, 'Thinking about Women, Violence, and Agency', *International Feminist Journal of Politics*, 14.1 (2012), 79-82 (p. 79).

Women's Violence in Global Politics

The study of female violence in feminist scholarship is not unproblematic. For some, female violence is a threat to the wider feminist emancipatory project, while for others it is an underexplored and taboo area that warrants further research.³⁰ In accordance with the latter, I call for a more nuanced analysis of the ways in which violent women represent themselves. To this end, I discuss the existing feminist conceptualisations of motherhood and their connection to political agency and female violence, as well as the problem of double and triple transgressions applied to the case of female perpetrators of violence and the theories of punishment and leniency.

Working with the feminist reading of relational autonomy, where 'interdependence of all choice is a starting point', this article examines Plavšić's agency within the discursive context.³¹ Here, agency can never be separated from context. Butler notes that 'politics and power exist already at the level at which the subject and its agency are articulated and made possible'.³² Åhäll analyses the discursive construction of agency by discussing the 'ways in which subjects are positioned with agency in various discursive practices, and, more importantly, the meanings attached to such representation of agency'.³³ The feminist conception sees behaviour as an often involuntary and complex response to a mixture of events, one that is frequently not freely chosen by the agent/subject.³⁴ Hirschmann further argues that 'choices and the selves that made them are constructed by context, discourse and language; such context makes meaning, self-hood, and choices possible'.³⁵ Thus, Plavšić's self-representation is inevitably shaped and limited by the dominant discourse on ideal political femininities, the choices made by

30 Morissey claims that through legal strategies and media portrayals, feminism tends to portray violent women as irrational or pathological, thus excusing their violence as a product of the political structure; accusing feminists of ignoring violent women who do not fit the feminist constructions of feminine violence. Belinda Morrissey, *When Women Kill: Questions of Agency and Subjectivity* (London: Routledge, 2003).

31 Sjoberg and Gentry, p. 17; Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (New York: Routledge, 1999).

32 Judith Butler, *Undoing Gender* (London: Routledge, 2004), p. 160.

33 Linda Åhäll, 'The Writing of Heroines: Motherhood and Female Agency in Political Violence', *Security Dialogue*, 43.4 (2012), 287–303 (p. 290).

34 Sjoberg and Gentry, p. 16.

35 Nancy J. Hirschmann, 'Freedom, Recognition, and Obligation: A Feminist Approach to Political Theory', *American Political Science Review*, 83.4 (1989), 1227–1244 (p. 1240).

her defence team, other actors present at her trial, the overall genre of the proceedings, and other discursive power entanglements.

Perpetration of proscribed violence is, in most societies, seen as a transgression of social norms.³⁶ In some cases, state-sponsored violence, torture, and acts of self-defence are seen as legitimate, therefore, they do not challenge social and legal norms. This appears to be valid for violence perpetrated by men only.³⁷ Meyers argues that as soon as 'a woman commits an act of criminal violence, her sex is the lens through which all her actions are seen and understood'.³⁸ The feminist reading of violent women largely focuses on questions of agency and gendered archetypes.³⁹ Here, archetype refers to 'a symbol which transcends particular situations and constructs similarities in meaning which both reflect and capture assumptions and thus is persuasive'.⁴⁰ Critical feminist studies often pose the question whether violent women are represented as rational human beings using their intellectual capacity to make informed decisions, or rather as manipulated, naïve, desperate, and emotional creatures.

As discussed throughout this work, women are *supposed* not to be violent. When applied to conflict situations, Kaplan follows Reardon's argumentation that 'the archetype of the caretaking woman is exploited, if not created, for making war'.⁴¹ In this way, women are excluded from the public realm by being constantly reminded that their first responsibility is family. Thus, when women become violent, not only do they violate the law of society/war they are part of, they also transgress their assumed caretaking femininity. Keitner therefore defines violent women as committing a double transgression: 'a crime for which she is being tried and her disregard of a gender stereotype which denies her mental capacity to commit such a crime'.⁴² Here, the

36 Janie Leatherman, *Sexual Violence and Armed Conflict* (Malden: Polity Press, 2011).

37 Cynthia Enloe, *The Morning after: Sexual Politics at the End of the Cold War* (Berkeley: University of California Press, 1993).

38 Marian Meyers, *News Coverage of Violence against Women: Engendering Blame* (London: SAGE, 1996), p. xii.

39 Caron Gentry and Laura Sjoberg, *Beyond Mothers, Monsters, Whores: Thinking about Women's Violence in Global Politics* (London: Zed Books, 2015).

40 Lynn M. Stearney, 'Feminism, Ecofeminism, and the Maternal Archetype: Motherhood as a Feminine Universal', *Communication Quarterly*, 42.2 (1994), 145–159 (p. 146).

41 Kaplan, p. 130.

42 Chimene I. Keitner, 'Victim or Vamp? Images of Violent Women in the Criminal Justice System', *Columbia Journal of Law and Gender*, 2 (2002), 38–86 (p. 40). In their investigation into torture committed by female guards in Abu Ghraib prison, Sjoberg and Gentry refer to the phenomenon of a triple transgression. Here, female soldiers are paradoxically supposed to be innocent and nonviolent while serving as soldiers: 'a soldier can engage in torture, but a 'woman soldier'

collective understanding of purity, innocence and non-violence, which Elshtain conceptualises as 'Beautiful Soul', forms an imperative that any and every woman should to aspire to. Elshtain argues that women have been historically cast as society's beautiful souls and thus 'served as the collective projection of pure, self-sacrificing, otherworldly and pacific Other'.⁴³ The femininity represented in the Beautiful Soul narrative is frugal and delicate, naïve about the reality of war-fighting and state conduct. In matters of war and peace, the female Beautiful Soul is strictly bound to her private non-violent sphere, and 'cannot put an end to suffering, cannot effectively fight the mortal wounding of sons, brothers, husbands, fathers'.⁴⁴ This construction of women as 'devalued Others' in patriarchal militarist society is inseparable from their actual or imagined motherhood.⁴⁵

The concept of motherhood is closely related to questions of (non) violence, agency, and the limits of representations of the self. The evolution of the feminist debate on the concept of motherhood and its applicability to international politics and female violence further reveals how differentiated and conceptually rich the feminist security studies arena can be. While in earlier discussions motherhood and maternal thinking were considered to be key for peaceful politics,⁴⁶ more contemporary writing discusses the 'myth of Motherhood'.⁴⁷ Mothering/motherhood becomes what Weber calls an unconscious ideology; one that is not formally named and remains difficult to identify, as it is considered to be common sense.⁴⁸ Thus, motherhood appears to be a universal, natural, and purely empirical fact of life, that precludes women from becoming violent. Maternalism can thus be considered as central to the possibility of writing a heroine-centred story.⁴⁹ The idealised role of a mother, automatically ascribed to all women, contrasts starkly with the capacity of some women to kill. Gentry further argues that 'whether or not politically active women

cannot be a torturer'. Sjoberg and Gentry, p. 58. The militarised femininity still falls under category of idealised femininity: carrying a weapon, being expected not to use it.

43 Elshtain, *On Beautiful Souls*, p. 342.

44 Jean Bethke Elshtain, 'Reflections on War and Political Discourse: Realism, Just War, and Feminism in a Nuclear Age', *Political Theory*, 13 (1985), 39–57 (p. 45).

45 Kaplan, p. 124.

46 Sara Ruddick, 'On "Maternal Thinking"', *Women's Studies Quarterly*, 37.3–4 (2009), 305–308.

47 Linda Åhäll, *Sexing War/Policing Gender: Motherhood, Myth and Women's Political Violence* (London: Routledge, 2015).

48 Cynthia Weber, *International Relations Theory: A Critical Introduction* (London: Routledge, 2005), p. 7.

49 Åhäll, *Sexing War/Policing Gender*, p. 87.

are mothers or claim their motherhood, a motherhood ideal is applied to them anyway.⁵⁰ Female domesticity, maternal instinct, and the belief that women will only fulfil their lives through successful motherhood binds women to think and act differently to men. Consequently, violent political action is often explained through the unsuccessful realisation of motherhood, whatever the reasons for such failure might be. In the case of Plavšić, a rather isolated narrative of her being frustrated because she was childless and divorced is offered in the media.⁵¹

This failure in the selected case study is to be punished by international criminal law. Carlen notes that, in theory, punishment is gender neutral: 'the state punishes, the citizen submits and the legitimacy of the punishment is debated according to the jurisprudential principles of the time.'⁵² Despite the normative aspiration towards gender blindness of justice systems, the argument is often that the judgement of female violence is based on what 'kind' of woman the accused is perceived to be. A violent woman has already broken the law of the land and behaved in highly non-feminine way. However, if she appears to be conforming to the notions and ideals of proper womanhood, her punishment may be positively influenced. Kennedy concludes that 'sympathy is not a commodity often granted to women who break the rules'.⁵³

The overall notion of 'respectability' is also taken into consideration. Farrington and Morris continue to argue that 'there may be the kind of women whom magistrates [...] disapprove of: they are women who do not conform to notions of a "respectable" women'.⁵⁴ Kruttschnitt found that the more 'respectable' a woman was, the lighter her sentencing has proven to be.⁵⁵ This respectability is based on referrals, such as good employment, no alcohol or drug use and, importantly, no psychiatric history. The question of appearance still remains crucial. Kennedy describes how a woman's appearance has substantial influence on

50 Caron Gentry, 'Twisted Maternalism', *International Feminist Journal of Politics*, 11.1 (2009), 235–252 (p. 236).

51 The Guardian questions Plavšić's failed marriage and childlessness: [h]er many enemies often employed psychology to explain her behaviour: divorced and childless, she was said to channel her personal frustrations into political extremism. Her aloofness was legendary. "The others are always cordial," complained one diplomat, "but she won't even shake your hand if she doesn't like something you said that day." Ian Black, 'The Iron Lady of the Balkans', *The Guardian*, 10 September 2001. <<https://www.theguardian.com/world/2001/sep/10/gender.uk1>> [accessed 19 March 2020].

52 Pat Carlen, *Women, Crime, and Poverty* (Devon: Willian Publishing, 2013), p. 3.

53 Helena Kennedy, *Eve Was Framed: Women and British Justice* (New York: Vintage Books, 1993), p. 68.

54 David P. Farrington and Allison M. Morris, 'Sex, Sentencing and Reconviction', *The British Journal of Criminology*, 23.3 (1983), 229–248 (p. 247).

55 Candace Kruttschnitt, 'Respectable Women and the Law', *The Sociological Quarterly*, 23.2 (1982), 221–234.

her sentencing. She argues that the looks of the accused woman are in many cases more important than her personality or behaviour: 'she is being seen first and foremost as a woman and women are judged to a large extent by their appearance.'⁵⁶ In this way, the staged legal representation of a self is inevitably linked to the above discussed archetypes of good womanhood and motherhood.

The case of Biljana Plavšić has been analysed by scholars from a range of disciplines. Legal scholars discuss the mechanisms of international justice in her case.⁵⁷ From a criminology perspective, the 2018 *International Criminal Justice Review* issue focusing on ICTY celebrities offers a number of articles that comment on Plavšić.⁵⁸ Simić's article provides an important insight into Plavšić's more recent accounts of her role during the war; so does Subotić's article focusing on Plavšić's memoirs.⁵⁹ From a critical feminist perspective, Sjöberg and Gentry discuss Plavšić's through a discursive lens.⁶⁰ Grouping the narratives about Plavšić into their monster, mother, and whore conceptualisation, they show how media stories about her trial are gendered. Sjöberg further discusses Plavšić's role in the perpetration of sexualised violence during the war.⁶¹ I believe that the missing link between these various approaches is the question of self-representation in front of the ICTY as related to feminine archetypes.

56 Ann Lloyd, *Doubly Deviant, Doubly Damned: Society's Treatment of Violent Women* (New York: Penguin Books, 1995), p. 61.

57 Nancy Amoury Combs, *Guilty Pleas in International Criminal Law: Constructing a Restorative Justice Approach* (Stanford University Press, 2007); Pascale Chifflet and Gideon Boas, 'Sentencing Coherence in International Criminal Law: The cases of Biljana Plavšić and Miroslav Bralo', *Criminal Law Forum*, 23.1-3 (2012), 135-159; Jessica M. Kelder, Barbora Holá, and Joris van Wijk, 'Rehabilitation and Early Release of Perpetrators of International Crimes: A Case Study of the ICTY and ICTR', *International Criminal Law Review*, 14.6 (2014), 1177-1203; Lilian A. Barria and Steven D. Roper, 'How Effective are International Criminal Tribunals? An Analysis of the ICTY and the ICTR', *The International Journal of Human Rights*, 9.3 (2005), 349-368; Janine Natalya Clark, 'Plea Bargaining at the ICTY: Guilty Pleas and Reconciliation', *European Journal of International Law*, 20.2 (2009), 415-436.

58 Jovana Mihajlović Trbovc, 'Homecomings from "The Hague:" Media Coverage of ICTY Defendants after Trial and Punishment', *International Criminal Justice Review*, 28.4 (2018), 406-422; Vladimir Petrović, 'The ICTY Library: War Criminals as Authors, Their Works as Sources', *International Criminal Justice Review*, 28.4 (2018), 333-348; Ristić.

59 Simić; Subotić.

60 Sjöberg and Gentry; Gentry and Sjöberg.

61 Sjöberg.

Methodology and the Limits of Self-representation

Methodologically, I approach this research based on the broader body of interpretative work and discourse analysis in social sciences, applying a gender lens to my inquiry. Therefore, following the work of Judith Butler, I treat gender as performative.⁶² Based on Doty's argument, this work is also built on 'the premise that representation is an inherent and important aspect of global political life and therefore a critical and legitimate area of inquiry'.⁶³ In Shepherd's view, representation is a source of reproduction of knowledge.⁶⁴ Butler further argues that representations 'are never merely descriptive, but always normative, and as such, exclusionary'.⁶⁵ The representations of violent female agency and identity become produced by power – in the Foucauldian meaning of the term – and are always governed by the dominant discourse. This normative exclusion is also highly visible in most of the media reporting on Plavšić's case.⁶⁶ Here, she becomes a story told by others, rather than being effectively able to control and 'spin' her version of the events.

The productive power of discourse is central to this research. Gender is performed within a given discourse only within the boundaries of the matrices of intelligibility. The narration of oneself and one's agency is limited by what the discourse allows it to be within the boundaries of legal and media procedures and decisions. As Butler notes, giving an account of oneself requires one to 'become a social theorist' as 'the "I" has no story of its own that is not also the story of a relation – or set of relations – to a set of norms'.⁶⁷ Butler subsequently argues that we 'start to give an account only because we are interpellated as beings who are rendered accountable by a system of justice and punishment'.⁶⁸ An account of oneself is then given because one has been asked to, usually

62 Butler argues that 'the substantive effect of gender is performatively produced and compelled by the regulatory practices of gender coherence. Hence, within the inherited discourse of the metaphysics of substance, gender proves to be performative – that is, constituting the identity it is purported to be. In this sense, gender is always a doing, though not a doing by a subject who might be said to preexist the deed.' Butler, *Gender Trouble*, p. 33.

63 Roxanne Lynn Doty, *Imperial Encounters: The Politics of Representation in North South Relations* (Minneapolis: University of Minnesota Press, 1996), p. 5.

64 Laura J. Shepherd, *Gender, Violence and Security: Discourse as Practice* (London: Zed Books, 2008).

65 Butler, *Undoing Gender*, p. 166.

66 See, e.g., Stephen Castle, 'War crimes: Bosnia's 'Iron Lady' Accused of Massacres and Torture', *The Independent*, 12 January 2003, p. 14; 'Bosnia's Plavšić "Refused to Shake Hands with Milošević"', *The BBC*, 17 December 2002, pp. A1-A2.

67 Butler, Judith, *Giving an Account of Oneself* (Oxford: Oxford University Press, 2005), pp. 7-8.

68 *Ibid.*, 11.

under threat of punishment. Thus, one narrates oneself, either owing to an action that one is accused of, or defending oneself against the allegations made. Fear of punishment becomes the driving force of such narration that is only intelligible within current ethical and legal structures.

In the existing legal and popular discourses, female protagonists of genocide are presented in stark contrast to the victims of such violence (usually female).⁶⁹ Plavšić is, from the moment of the Plea of Guilt, inevitably considered abnormal, immoral, deviant and/or evil within the existing boundaries of moral and just actions, and therefore unintelligible in relation to the discourse of archetypal peaceful womanhood. Butler argues that ‘even if morality supplies a set of norms that produce a subject in his or her intelligibility, it also remains a set of norms and rules that a subject must negotiate in a living and reflective way’.⁷⁰ To somehow ‘fit back’ into the discourses on ideal femininity, an additional motivation or excuse is looked for, and usually found, that provides a more or less satisfactory explanation for a woman’s ethical and moral failures.

To uncover those discursive steps, I employ the methods of deconstruction and double reading to analyse the most important document – Plavšić’s Statement of Guilt.⁷¹ This statement is treated as an intertext and analysed in relation to other narratives told about Plavšić during the trial proceedings – both in the courtroom and in the media.⁷²

The deconstructive method addresses what Milliken calls the play of practice or orderliness of reproduction of a given discourse. She argues that the deconstructive method aims to uncover – through textual analysis – ‘how internally to a text, the poles of oppositions which it privileges and the “realities” it thereby makes basic or original can be reversed and displaced, thereby producing other “truths.”’⁷³ The intellectual legacy of Derrida and his assertion that ‘[i]here is *nothing outside of the text*’ is thus central to this research.⁷⁴ The primacy of textual (re)production, (re)presentation, and (re)legitimization of meaning as

69 Sjoberg, *Women as Wartime Rapists*, pp. 53 – 94.

70 Butler, *Giving an Account of Oneself*, p. 10.

71 Plavšić’s Statement of Guilt is transcribed into 1070 words. ICTY Prosecutor vs. Plavšić, Plea of Guilt, ICTY IT-00-39 & 40/1, 17. 12. 2002.

72 This analysis is based on my doctoral dissertation.

73 Jennifer Milliken, ‘The Study of Discourse in International Relations: A Critique of Research and Method’, *European Journal of International Relations*, 5.2 (1999), 225–254 (p. 242)

74 Jacques Derrida, *Of Grammatology* (Baltimore: Johns Hopkins University Press, 1974), p. 158 (emphasis in original).

translated through the text makes it possible to challenge the fixity of the given 'truths' about female perpetrators. This is reconstructed during the court proceedings as well as media representations. The method of deconstruction inherently aims at destabilizing the foundations of a given hegemonic discourse by offering other readings of texts. Deconstruction uncovers the strategies 'in which the *master signifiers*, or nodal points, work to (re)produce, (re)legitimize and (re)present the concepts'.⁷⁵

In my analysis of the document, I focus on the discursive strategies that Plavšić employed in order to justify her actions and deny the allegations made against her. Importantly, understanding gender as performative, I trace those narratives back to the concepts of ideal-typical femininity, respectability, motherhood and Elshtain's conceptualisation of 'Beautiful Soul'. I argue that Plavšić made use of these figures to re-feminise herself after having been portrayed as cold and unemotional in the media. Through them, Plavšić attempts to project her womanly compassion on her audience. Portraying herself as both naïve and brave, Plavšić represents herself not as a monster, but as someone temporarily losing her moral compass while being in the wrong place at the wrong time.

Before analysing the text itself, the methodological question of the possibility of representing oneself in a rigid process of drafting and presenting guilty pleas needs to be addressed. Undeniably, pleas of guilt are a result of the negotiations between prosecution and defence counsels that benefit both parties while adhering to procedural necessities. Combs states that 'plea bargaining can take many forms, but the term most typically refers to the prosecutor's offer of some form of sentencing concessions in exchange for the defendant's guilty plea'.⁷⁶ The ICTY claims that 'guilty pleas aid reconciliation by helping to establish the truth' within the context of retributive justice's goal of establishing peace and reconciliation. Clark highlights that with the rising pressure on the ICTY to complete its work, pleas are also practical.⁷⁷ Combs then argues that although the ICTY initially dismissed plea bargaining as 'an unseemly device inconsistent with the tribunals' mandate to impose appropriately severe punishment for the grave crimes within its jurisdiction', it was later forced to embrace the practice given its tight completion schedules and desire to gain much-needed evidence against high-level offenders.⁷⁸ Combs highlights that since 2003, the

75 Shepherd, *Gender, Violence and Security*, p. 28.

76 Combs, *Guilty Pleas in International Criminal Law*, p. 4.

77 Clark, p. 416.

78 Combs, *Guilty Pleas in International Criminal Law*, p. 4.

ICTY 'disposed of the majority of its cases via an abbreviated proceeding that followed a series of backroom negotiations' rather than conducting public 'moral drama' human-rights trials. Logically, as Clark highlights, the desire to present 'truth' is highly problematic, as both the plea and charge bargaining during the process will result, at best, in an incomplete truth. She then notes that these two aims of the ICTY, establishing 'truth' and reconciliation, and reaching a sense of closure for the victims, may be undermined by guilty pleas. These are results 'of plea bargains, in which the Prosecution agrees either to drop certain charges and/or to recommend a prison sentence with a particular range'.⁷⁹ This is a process of trading leniency for time or financial savings on the part of the ICTY. The decision to drop the genocide charges against Plavšić has been extensively criticised by scholars.⁸⁰ Given her later statements denying her guilt and excusing her actions, the truth was never established.⁸¹

I agree with Clark that 'truth telling is one thing, deal cutting is another'.⁸² At the same time, I argue that despite both the restricted nature of her statement and the preceding plea bargaining, as well as its apparent instrumentality to achieve a lenient sentence, the document in question is still worth analysing. I follow Tieger and Shin's argument that 'plea agreements can generate a contribution to the historical record of inestimable value – the indispensable perspective of the perpetrator'.⁸³ The perspective of Biljana Plavšić, the only female politician

79 Clark, p. 423.

80 See Subotić, p. 40. In her discussions with Simić, Plavšić agrees that the genocide charge should not have been dropped: "[t]hey should never drop that count, of course, they shouldn't. Genocide is a serious crime. The most serious," Plavšić told me; explaining that ICTY "did not have any proof with which to prosecute me for genocide. I – and my indictment – have nothing to do with it. My indictment refers to events up to the end of 1992 and the crime happened in 1995. You see, the ICTY just does not know what they are doing. It is embarrassing and outrageous that they allowed themselves to "drop" the most serious charge – the charge of genocide – but they did so because of course, they had no evidence to prove anything. That is why it was easy for them to do so. I said to them that all I can admit to from their indictment is persecution, and that everything else should be dropped if I am to plea bargain." Simić, 320.

81 In her interview with Simić, Plavšić denies having expressed remorse in her ICTY speech. Plavšić notes: "Please, tell me where you can find in my speech, remorse? I have never expressed remorse. I was just telling the facts. I admitted I was irresponsible regarding ethnic cleansing," Simić, 322. When asked why she revoked her remorse, Plavšić giggled and said, "I found it very funny [...] the term remorse. That was not remorse, please, not at all. I was never remorseful. I admitted guilt for ethnic cleansing. They [the prosecutors] succeeded in extracting that [admission] from me." Simić, 323.

82 *Ibid.*, 431.

83 Alan Tieger and Milbert Shin, 'Plea Agreements in the ICTY: Purpose, Effects and Propriety', *Journal of International Criminal Justice*, 3.3 (2005), 666–679 (p. 671).

tried in front of the ICTY, is thus key for a better understanding of the discursive possibilities of self-representation.

This unique perspective needs to be understood in the context of international justice.⁸⁴ As Skjelsbæk notes, the legal dialogue produces ‘a picture of the accused [...] based on a *bifocal* view of the person and the crimes, and discussions of *normality and abnormality* linked to the person and the situation underpin the court transcripts’.⁸⁵ The philosophical discussion on ordinary and extraordinary individuals, reactions, and situations is beyond the scope of this article; yet Dauphinee’s argument that war crimes trials function as ‘a reassuring reminder that, in a world increasingly marked by blurred ethical boundaries, the ‘good’ can still be differentiated from the ‘bad’ and evildoers can be identified, apprehended, prosecuted, and punished for their crimes’ is crucial for further analysis.⁸⁶ Critiquing the ways in which the war crimes trials protect the institution of war itself as a legitimate enterprise, Dauphinee notes that a war crimes trial ‘marks the state of exception – a supposed deviation from ‘normal’ war – and employs a set of procedural logistics that have as their main goal the conceptual and material excision of the war criminal from the landscape of legitimate war-related killing.’⁸⁷ This aim of conceptual and material excision within the state of exception is then coupled with the transgression of one’s own acceptable/normal gendered identity as will be discussed in the following section of the work.

Biljana Plavšić : The Naïve Mother of The Nation

While formally second only to the President, Plavšić’s actual power is debated. In the Factual Basis to Plavšić’s plea, it is clearly stated that it was Karadžić and Krajišnik who exercised primary control over the highest power structure and directed the persecutory campaign.⁸⁸ Carl Bildt testified during the trial that Plavšić had never been involved in

84 It is both the international and the national level that plays an important role in Plavšić’s negotiations of the plea bargain. This article is limited in its focus to the international level. However, the way that Plavšić is represented and defended on the national level is no less important.

85 Inger Skjelsbæk, ‘The Military Perpetrator: A Narrative Analysis of Sentencing Judgments on Sexual Violence Offenders at the International Criminal Tribunal for the Former Yugoslavia (ICTY),’ *Journal of Social and Political Psychology*, 3.1 (2015), 46–70 (p. 47).

86 Elizabeth Dauphinee, ‘War Crimes and the Ruin of Law,’ *Millenium*, 37.1 (2008), 49–67 (p. 50).

87 *Ibid.*, 51.

88 Combs, *Guilty Pleas in International Criminal Law*, pp. 73–74

'any of the discussions and any of the decisions and any of the meetings that had been asked to deal with critical issues of war, peace, and power'.⁸⁹ Plavšić's role might have not been as prominent as that of other members' of the Presidency. This, together with the fact that she was not directly involved in Srebrenica massacre, possibly led to the genocide charges being dropped by the Prosecutor.

The general and gendered dynamics of the trial must be noted too. Plavšić has seen a number of high-profile figures testifying on both sides, including Elie Wiesel or Madeleine Albright. The lead Prosecutor was Carla del Ponte, who describes how Plavšić tried to talk to her 'woman to woman'.⁹⁰ Albright serves as a witness for the defence, speaking at length about Plavšić's efforts to push for Dayton, which she saw as the only way to preserve dignity for the Serbs in a 'peaceful way'.⁹¹ Here, Plavšić is said to be rather determined, 'tough' and 'straightforward', as Dayton was the best possible solution to the situation in which her nation found itself.⁹²

This complex mix of institutional constraints, historical context and existing discourses produces a unique Statement of Guilt, which was presented by Biljana Plavšić on December 17, 2002. Applying the gender lens to this text within the limits of intelligibility, I identify the following narrative frames Plavšić employs: mother of the nation, naivety, and moral superiority to the 'bad men'.

Mother of the Nation

Plavšić's reasoning as to why she engaged in the crimes alleged is closely connected to her version of the story about the struggle for survival of a once victimised nation against its usurpers.⁹³ Naturally,

89 ICTY Prosecutor vs. Plavšić, Transcript of Proceedings, IT-00-39 & 40/1, 17.12.2002, p. 534.

90 Carla Del Ponte and Chuck Sudetic, *Madame Prosecutor: Confrontations with Humanity's Worst Criminals and the Culture of Impunity* (New York: Other Press, 2011), p. 161. Simić discusses Plavšić's reflections on del Ponte's hopes for her testimony as follows: 'Del Ponte did not want to accept that I did not want to act as a witness. One day she flew me in chains from Sweden to The Hague and interrogated me for eight hours. She was trying to convince me to testify against Milosevic although I told her I wouldn't testify against him. I never met Milosevic during the war except once in Jahorina when I turned my back on him and did not want to shake his hand. I was supposed to lie and humiliate myself. I don't have the imagination to tell lies.' Simić, 320.

91 ICTY Prosecutor vs. Plavšić, Transcript of Proceedings, IT-00-39 & 40/1, 17.12.2002, p. 515.

92 *Ibid.*, 516.

93 This narrative is also identified by Simić who interrogates Plavšić about her decision to leave her academic career and enter politics in the early 1990s: 'Serb people were in danger. My aim, and all the work I did, was to prevent what happened in 1941 – namely to avoid Serb victimhood at the

she does not mention sexualised violence as a crime she was aware of, as that would lead to her further moral condemnation and ‘Othering’ and consequent ‘monsterisation’.⁹⁴ The crimes that Plavšić is accused of are explained by her through the logic of survival and self-defence.

Plavšić opens her guilty plea by stating that she came before the court ‘to confront the charges and to spare [her] people, for it was clear that they would pay the price of any refusal to come’.⁹⁵ She continues by stating that after two years of court proceedings, she has now come ‘to the belief and accepts the fact that many thousands of innocent people were the victims of an organised, systematic effort to remove Muslims and Croats from the territory claimed by Serbs’.⁹⁶

Plavšić’s reasoning is based on her apparent belief that the war was a matter of survival and self-defence. She positions herself as a victim of her perception that the life of all Serbs was endangered and needed to be defended by the state. Claiming that this reasoning has led to a loss of the ‘nobility of characters’ in leadership, Plavšić explains how she and others have failed to see the truth of being guilty of perpetration of crimes against humanity, a narrative that highlights her momentary moral failure:

I believe, fear, a blinding fear that led to an obsession, especially for those of us for whom the Second World War was a living memory, that Serbs would never again allow themselves to become victims. In this, we in the leadership violated the most basic duty of every human being, the duty to restrain oneself and to respect the human dignity of others. We were committed to do whatever was necessary to prevail.⁹⁷

After this proclamation of collective guilt of the Serbian leadership, Plavšić switches to the first person to justify her role in the conflict, and once again makes a case for the collective ‘survival’ reasoning being the motivation behind her *neglect* of reports of human rights violations.

Plavšić thus clearly aims at changing the perspective of her nationalism from an extremist/genocidal mindset to a heroic defence of her beloved nation and its inhabitants – a ‘mother of the nation’ narrative thus

beginning of World War Two. I wanted to do everything to prevent victimisation of Serbs and that is why I jumped from my professorship into politics. Serbs wanted me to represent them. I got the largest number of votes from Serb people as a candidate for the presidency’. Simić, 319.

94 Linda Åhäll, ‘The Writing of Heroines’.

95 ICTY Prosecutor vs. Plavšić IT-00-39 & 40/1, Statement of Guilt. 17.12. 2002.

96 Ibid.

97 Ibid.

becomes clearly visible. By stating that she had a living memory of the injustice done to Serbs during WW2, Plavšić explains that she was simply worried that history would repeat itself. Here, the binary between the victimised and the victimiser is blurred, as Plavšić represents herself simultaneously as both, regretting her blindness and neglect of her being part of the victimising group of leaders.

In her defense narrative, Plavšić places herself in a position of the 'mother of the nation' who sacrifices herself on behalf of all the Serbians.⁹⁸ Linking the representation of motherhood to the respective feminist literature reveals a complex construction of motherhood narratives in both of the cases.⁹⁹ In this case, Plavšić represents herself as a deluded mother, who was certain of the imminent death of her beloved nation had she not intervened. Following the hypothesis that motherly violence is acceptable in defence of her family, Plavšić aims at demonstrating a positive emotion coupled with naivety and misinformation as her excuse.¹⁰⁰ Thus, the violence perpetrated under her watch appears to be considered just and right at the time by her and her witnesses.

This can be linked back to her naivety and refusal to believe that Serbs would be able to perpetrate the crimes that were reported back to her. Loving her nation rather blindly, she decided to surrender voluntarily to the ICTY and subsequently plead guilty in order to save it from further persecution. Her maternal love for Serbia is also highlighted in her understanding of Dayton being the only possible way to achieve 'dignity' for and preservation of her nation, again risking her security. This selflessness is thus understood as a supreme mothering quality which is not present with the other high-profile accused – here, Plavšić invites them to examine their own consciousness, clearly portraying them as cowards for evading justice.¹⁰¹ The supreme morality of the mother of the nation is thus completed, making her, in the eyes of some Serbs, a heroine that deserves respect.

98 Another female perpetrator of political violence, Pauline Nyiramasuhuko, who was tried by ICTR, used the fact that she was a mother and a grandmother in her defense multiple times. Katerina Krulisova, 'Mother's Violence in Global Politics', in *Troubling Motherhood: Maternity in Global Politics*, ed. by Lucy B. Hall, Anna L. Weissman, and Laura J. Shepherd (New York: Oxford University Press, 2019), pp. 17–35. As noted earlier in this article, Plavšić does not have any children, and therefore cannot use a similar line of defense.

99 Åhäll, *Sexing War/Policing Gender*.

100 Joanna Bourke, *An Intimate History of Killing: Face to Face Killing in 20th-Century Warfare* (London: Granta Books, 2000), p. 318.

101 Subotić, p. 47.

This heroine narrative invokes the ideal of a Just Warrior – ‘a human being engaged in the regrettable but sometimes necessary task of collective violence in order to prevent some greater wrong.’¹⁰² Plavšić indeed presents her past crimes as regrettable in her guilty plea. She argues that only after examining the evidence, she has ‘come to the belief and accepts the fact that many thousands of innocent people were the victims of an organised, systematic effort to remove Muslims and Croats from the territory claimed by Serbs.’¹⁰³ In this portrayal, Plavšić allowed atrocities to take place, believing she – a heroic mother – had prevented much greater wrongs. Only later realising that she was mistaken in such actions, Plavšić pleads guilty to spare her nation further victimisation and enable reconciliation for everybody affected by the war. Thus, from a feminist perspective, Plavšić represents herself as possessing maternal thinking. In Ruddick’s perspective, maternal thinking is a way of knowing, not a way of being. Therefore, the fact that Plavšić is not a mother herself does not limit her ability to think like a mother. Elshtain notes that the maternal thinker is not a Beautiful Soul, given that she is ‘very much in and of the world’; still, maternal practices are distinguishable ‘by the interests’ mothers have in the *preservation, the growth, and the acceptability of their children*.¹⁰⁴ Here again, the maternal thinking comes into place, together with selflessness and courage to give up one’s own life for the benefit of the family/nation.

Naivety – A Beautiful Soul

Plavšić’s naivety is clearly presented in her Statement of Guilt, where she provides the court with her reasoning behind her failure to see the crimes against humanity that she accepts (partial) responsibility for. As a purely Beautiful Soul, Plavšić refuses to believe that Serbs would be able to commit crimes against humanity and thus neglects the reports that she was provided with. Instead, she ‘immersed herself in addressing the suffering of war’s innocent Serb victims.’¹⁰⁵ Here the qualities of an ideal Beautiful Soul are clearly recounted, as Plavšić is rather removed

102 Elshtain, ‘On beautiful souls’, p. 343.

103 Crucially, she adds that: [a]t the time, I easily convinced myself that this was a matter of survival and self-defence. In fact, it was more. Our leadership, of which I was a necessary part, led an effort which victimised countless innocent people. Explanations of self-defence and survival offer no justification’. ICTY Prosecutor vs. Plavšić IT-00-39 & 40/1, Statement of Guilt. 17.12. 2002.

104 Elshtain, ‘On beautiful souls’, p. 346 (emphasis added).

105 ICTY Prosecutor vs. Plavšić IT-00-39 & 40/1, Statement of Guilt. 17.12. 2002.

from the reality of war-fighting: frugal and naïve, concentrating on caring for the victims of war on her side, seeing no injustice done to the other side, as she claims:

Although I was repeatedly informed of allegations of cruel and inhuman conduct against non-Serbs, I refused to accept them or even to investigate. In fact, I immersed myself in addressing the suffering of the war's innocent Serb victims... *I remained secure in my belief that Serbs were not capable of such acts.* In this obsession of ours to never again become victims, we had allowed ourselves to become victimisers.¹⁰⁶

The notion of 'blinding fear' serves to point to her momentary irrationality, and perform a typically female emotionality she aims to atone for.¹⁰⁷ This is combined with the naivety of the Beautiful Soul, too frugal for the real world.

Later, the accused attempts to reclaim her positive agency through demonstrating their peace efforts throughout and after the conflicts – a strategy that is successful in her case. This peacefulness is explored heavily by feminist literature, arguing that within situation of armed conflicts, women are allowed agency only as agents of peace.¹⁰⁸ In this understanding, Plavšić embraces such stereotype, aiming at highlighting her peacefulness via a gendered narrative of naivety, emotionality, and motherhood. In Plavšić's case, the narrative on her courage further strengthens her position as the 'mother of the nation'.

Moral Superiority – Separation from the 'Bad Men'

Since one of the key discursive strategies is subject positioning,¹⁰⁹ and as Plavšić is positioned on the opposite spectrum to her victims throughout the trial, in the later part of her Statement of Guilt she

106 Ibid. (emphasis added).

107 Sara Ahmed, *The Cultural Politics of Emotion* (London: Routledge, 2013). In the case of naivety, Plavšić's case is represented as a proof that an intelligent and successful woman was not able to fully grasp the ugliness of war fighting in her frugal state, and instead of acting in her position to halt it, she decided to focus her caring duty to her nation's innocent victims.

108 Mary Caprioli, 'Primed for Violence: The Role of Gender Inequality in Predicting Internal Conflict', *International Studies Quarterly*, 49.2 (2005), 161–78.

109 Doty notes that the positioning of subjects vis-à-vis one another is often done through logics 'that work together to simultaneously fix and subvert identities'; these being the logic of difference and the logic of equivalence. In her understanding, the 'logic of difference attempts to fix the positions of social agents as stable, positive differences' where 'identities are presumed to be based upon foundational essences and are portrayed as being merely different from other identities'. Doty, *Imperial Encounters*, p. 11.

attempts to separate herself from the rest of the leadership: the ‘bad men’ of Serbia. This paradoxical representation of oneself – at the same time naïve, out of place, but powerful and rational – is in line with the local narratives. Helms notes that women’s peace activists chose to ascertain their moral authority by representing themselves in an essentialising way as ‘natural’ agents of reconciliation.¹¹⁰ This was, similarly to Plavšić’s portrayal, the most effective way, as politics is perceived as a corrupt, male sphere.¹¹¹ Thus, re-feminising oneself is best achieved by highlighting one’s contempt and superiority over men and their politics.

In her guilty plea, Plavšić claims she is only guilty of neglect, specifically her ‘refusal to accept’ that Serb forces could commit such crimes that led to the suffering of civilians.¹¹² She then states that she has ‘accepted responsibility on [her] side’ and that such responsibility is ‘[hers] and [hers] alone’, not extending to ‘other leaders who have a right to defend themselves.’¹¹³ Here, Plavšić clearly shames other men into action, presenting herself as brave enough – and therefore morally superior – to the others who continue escaping or hiding from the justice she bravely faces.

After this, Plavšić positions herself even further from the leaders, who abandoned the historical path of ‘noble endurance and dignity’ during the war: ‘I think it is clear that I have separated myself from those leaders, but too late.’¹¹⁴ Thus, Plavšić yet again aims to reaffirm that she is not as bad as the rest of the leadership, in fact not bad at all.

Being the first leader to admit her guilt, Plavšić shames other men as cowards. In the same line as women fighters and terrorists tend to shame men into action, Plavšić’s call to other leaders to ‘examine themselves and their conduct’ in front of the tribunal suggests that she is morally superior to the men.¹¹⁵ While they are evading and hiding

110 Elissa Helms, ‘Women as Agents of Ethnic Reconciliation? Women’s NGOs and International Intervention in Postwar Bosnia-Herzegovina’, *Women’s Studies International Forum*, 26.1 (2003), 15–33.

111 Elissa Helms, *Innocence and Victimhood: Gender, Nation, and Women’s Activism in Postwar Bosnia-Herzegovina* (Wisconsin: University of Wisconsin Press, 2013).

112 ICTY Prosecutor vs. Plavšić IT-00-39 & 40/1, Statement of Guilt. 17.12. 2002.

113 Ibid.

114 Positioning herself on the level of Serbian people affected by the war – thus on the opposite spectrum from political leaders, she argues that the campaign of fear and hate is still very much alive [y]et, this leadership, without shame, continues to seek the loyalty and support of our people. It is done by provoking fear and speaking half-truths in order to convince our people that the world is against us. But by now the fruits of this leadership are clear. They are graves, refugees, isolation, and bitterness against the whole world, which spurns us because of these very leaders’. ICTY Prosecutor vs. Plavšić IT-00-39 & 40/1, Statement of Guilt. 17.12.2002.

115 Ibid.

from the justice, therefore disabling the reconciliation that she wishes to help with, she is the only one to face the consequences of the government's action.

Plavšić indeed highlights her moral superiority and courage in the conclusion of her speech, claiming that:

I have been urged that this is not the time nor the place to speak this truth. We must wait, they say, until others also accept responsibility for their deeds. But I believe that there is no place and that there is no time where it is not appropriate to speak the truth... Others will have to examine themselves and their own conduct. We must live in the world and not in a cave. The world is always imperfect and often unjust, but as long as we persevere and preserve our identity and our character, we have nothing to fear.¹¹⁶

Urging others to follow her example, she presents herself as a brave hero committed to the peaceful future of her nation by sacrificing her freedom. The moral superiority can also be seen as a legacy of feminist movements that proclaimed that women should indeed be political leaders based on this argument. Plavšić, after realising the grave evil committed under her watch, uses her second chance to help, protect and bring peace despite the will of the rest of the leadership, facing great threats to her political career and even her life. Such portrayal stands in stark contrast to the depiction of the crimes that Plavšić stands accused of and signal towards her inhumanity and evil actions.

Conclusion

This article aimed to address a gap in feminist analyses of women's violence. I argued that self-representations remain understudied in the existing literature on female perpetrators of political violence. Utilizing the feminist conceptual reading of motherhood, the figure of the Beautiful Soul, transgressions, and theories on punishment of violent women, this paper sought to critically analyse the gendered representation of a female politician accused of genocide and crimes against humanity. In the case of Biljana Plavšić, her Statement of Guilt was the primary source of my critical reading of how violent women narrate themselves when given a chance. Acknowledging the limitation of such narratives, particularly the limited agency of a subject combined with the

116 ICTY Prosecutor vs. Plavšić IT-00-39 & 40/1, Statement of Guilt. 17.12.2002.

genre and influence of other actors, this discussion arrived to three main conclusions.

First, the motherhood ideal is not only applied to all women independently of whether they are actual mothers, but violent women tend to construct themselves as ideal mothers even when childless. In Plavšić's case, she stylised herself into a position of sole mother of the nation. This enabled her to justify the crimes she plead guilty to on the basis of an acute need to protect her child – the previously victimised Serbian nation. Second, Plavšić does not only explain her failure to stop the genocidal violence through her motherly devotion, but also through her naivety and refusal to believe that such violence could have been perpetrated by Serb soldiers. Here, a combination of female irrationality, emotionality, and naivety, together with the blinding maternal love is used to justify her actions. Finally, the subject positioning against other perpetrators is crucial in the case of Plavšić. Being part of the wartime government, Plavšić admits her partial guilt, but makes sure to position herself as morally superior to the 'bad men' of Serbia – Milošević and Karadžić in particular. Highlighting her bravery by surrendering voluntarily and pleading guilty to save her nation from further harm, she encourages those still in hiding to follow her.

Although Plavšić represents a rather unique case in the history of female violence, the analysis of her self-representation enriches feminist post-structural studies, demonstrating that discourse on ideal-typical femininities remains very strong and forces violent women to stylise themselves accordingly.

Works Cited

- Åhäll, Linda, 'The Writing of Heroines: Motherhood and Female Agency in Political Violence', *Security Dialogue*, 43.4 (2012), 287–303
- , *Sexing War/Policing Gender: Motherhood, Myth and Women's Political Violence* (London: Routledge, 2015)
- Ahmed, Sara, *The Cultural Politics of Emotion* (London: Routledge, 2013)
- Barria, Lilian A., and Steven D. Roper, 'How Effective are International Criminal Tribunals? An Analysis of the ICTY and the ICTR', *The International Journal of Human Rights*, 9.3 (2005), 349–368
- Black, Ian, 'The Iron Lady of the Balkans', *The Guardian*, 10 September 2001, <<https://www.theguardian.com/world/2001/sep/10/gender.uk1>> [accessed 19 March 2020]

- 'Bosnian war criminal: "I did nothing wrong", *The Local*, 26 January 2009, <<http://www.thelocal.se/20090126/17162>> [accessed 19 September 2016]
- 'Bosnia's Plavšić "Refused to Shake Hands with Milošević", *The BBC*, 17 December 2002, pp. A1-A2.
- Bourke, Joanna, *An Intimate History of Killing: Face to Face Killing in 20th-Century Warfare* (London: Granta Books, 2000)
- Brown, Sara E., 'Female Perpetrators of the Rwandan Genocide', *International Feminist Journal of Politics*, 16 (2014), 448-469
- Butler, Judith, *Giving an Account of Oneself* (Oxford: Oxford University Press, 2005)
- , *Gender Trouble: Feminism and the Subversion of Identity* (New York: Routledge, 1999)
- , *Undoing Gender* (London: Routledge, 2004)
- Caprioli, Mary, 'Primed for Violence: The Role of Gender Inequality in Predicting Internal Conflict', *International Studies Quarterly*, 49.2 (2005), 161-78
- Carlen, Pat, *Women, Crime, and Poverty* (Devon: Willian Publishing, 2013)
- Castle, Stephen, 'War crimes: Bosnia's 'Iron Lady' Accused of Massacres and Torture', *The Independent*, 12 January 2003, p. 14
- Chifflet, Pascale, and Gideon Boas, 'Sentencing Coherence in International Criminal Law: The cases of Biljana Plavšić and Miroslav Bralo', *Criminal Law Forum*, 23.1-3 (2012), 135-159
- Choi, Jonathan H., 'Early Release in International Criminal Law', *The Yale Law Journal*, 123.6 (2014), 1784-1828
- Clark, Janine Natalya, 'Plea Bargaining at the ICTY: Guilty Pleas and Reconciliation', *European Journal of International Law*, 20.2 (2009), 415-436
- Cohen, Dara Kay, 'Female Combatants and the Perpetration of Violence: Wartime Rape in the Sierra Leone Civil War', *World Politics*, 65.3 (2013), 383-415
- Combs, Nancy Amoury, *Guilty Pleas in International Criminal Law: Constructing a Restorative Justice Approach* (Stanford, CA: Stanford University Press, 2007)
- Dauphinee, Elizabeth, 'War Crimes and the Ruin of Law', *Millenium*, 37.1 (2008), 49-67
- Del Ponte, Carla, and Chuck Sudetic, *Madame Prosecutor: Confrontations with Humanity's Worst Criminals and the Culture of Impunity* (New York: Other Press, 2011)
- Delpla, Isabelle, 'Women and International Criminal Law', *Clio*, 39 (2014), <<http://journals.openedition.org/cliowgh/546>> [accessed 19 March 2020]
- Derrida, Jacques, *Of Grammatology* (Baltimore: Johns Hopkins University Press, 1974)
- Doty, Roxanne Lynn, *Imperial Encounters: The Politics of Representation in North South Relations* (Minneapolis: University of Minnesota Press, 1996)
- Drakulić, Slavenka, 'The False Repentance of Biljana Plavšić', *Eurozine*, 23 October 2009, <<http://www.eurozine.com/articles/2009-10-23-drakulic-en.html>> [accessed 19 September 2016]
- , *They Would Never Hurt a Fly* (London: Abacus Books, 2004)
- Ehrenreich, Barbara, 'What Abu Ghraib Taught Me', *Altnet.org*, May 2004, <http://www.altnet.org/story/18740/what_abu_ghraib_taught_me> [accessed 23 August 2016]
- Elshtain, Jean Bethke, 'On Beautiful Souls, Just Warriors and Feminist Consciousness', *Women's Studies International Forum*, 5.3-4 (1982), 341-348

- , 'Reflections on War and Political Discourse: Realism, Just War, and Feminism in a Nuclear Age', *Political Theory*, 13 (1985), 39–57
- Enloe, Cynthia, *The Morning after: Sexual Politics at the End of the Cold War* (Berkeley: University of California Press, 1993)
- Eriksson Baaz, Maria, and Maria Stern, 'Why Do Soldiers Rape? Masculinity, Violence, and Sexuality in the Armed Forces in the Congo (DRC)', *International Studies Quarterly*, 53.2 (2009), 495–518
- Farrington, David P., and Allison M. Morris, 'Sex, Sentencing and Reconviction', *The British Journal of Criminology*, 23.3 (1983), 229–248
- Gentry, Caron, and Laura Sjoberg, *Beyond Mothers, Monsters, Whores: Thinking about Women's Violence in Global Politics* (London: Zed Books, 2015)
- Gentry, Caron, 'Thinking about Women, Violence, and Agency', *International Feminist Journal of Politics*, 14.1 (2012), 79–82
- , 'Twisted Maternalism', *International Feminist Journal of Politics*, 11.1 (2009), 235–252
- Helms, Elissa, 'Women as Agents of Ethnic Reconciliation? Women's NGOs and International Intervention in Postwar Bosnia-Herzegovina', *Women's Studies International Forum*, 26.1 (2003), 15–33
- , *Innocence and Victimhood: Gender, Nation, and Women's Activism in Postwar Bosnia-Herzegovina* (Wisconsin: University of Wisconsin Press, 2013)
- Hirschmann, Nancy J., 'Freedom, Recognition, and Obligation: A Feminist Approach to Political Theory', *American Political Science Review*, 83.4 (1989), 1227–1244
- Hodgson, Natalie, 'Gender Justice or Gendered Justice? Female Defendants in International Criminal Tribunals', *Feminist Legal Studies*, 25.3 (2017), 337–357
- ICTY Prosecutor vs. Krajisnik and Plavšić, Indictment, IT-00-39 & 40-PT, 7.03.2002
- , Indictment, IT-00-40-I, 3.04.2000
- , Plea of Guilt, ICTY IT-00-39 & 40/I, 17. 12. 2002
- , Transcript of Proceedings, IT-00-39 & 40/I, 17.12.2002
- Kaplan, Laura Duhan, 'Woman as Caretaker: An Archetype that Supports Patriarchal Militarism', *Hypatia*, 9.2 (1994), 123–133
- Karstedt, Susanne, "'I Would Prefer to Be Famous: Comparative Perspectives on the Reentry of War Criminals Sentenced at Nuremberg and The Hague', *International Criminal Justice Review*, 28 (2018), 372–390
- Keitner, Chimene I., 'Victim or Vamp? Images of Violent Women in the Criminal Justice System', *Columbia Journal of Law and Gender*, 2 (2002), 38–86
- Kelder, Jessica M., Barbora Holá, and Joris van Wijk, 'Rehabilitation and Early Release of Perpetrators of International Crimes: A Case Study of the ICTY and ICTR', *International Criminal Law Review*, 14.6 (2014), 1177–1203
- Kennedy, Helena, *Eve Was Framed: Women and British Justice* (New York: Vintage Books, 1993)
- Koonz, Claudia, *Mothers in the Fatherland: Women, the Family and Nazi Politics* (London: Routledge, 2013)

- Krulisova, Katerina, 'Mother's Violence in Global Politics', in *Troubling Motherhood: Maternity in Global Politics*, ed. by Lucy B. Hall, Anna L. Weissman, and Laura J. Shepherd (New York: Oxford University Press, 2019), pp. 17–35
- Kruttschnitt, Candace, 'Respectable Women and the Law', *The Sociological Quarterly*, 23.2 (1982), 221–234
- Leatherman, Janie, *Sexual Violence and Armed Conflict* (Malden: Polity Press, 2011)
- Linton, Suzannah, 'Women Accused of International Crimes: A Trans-Disciplinary Inquiry and Methodology', *Criminal Law Forum*, 27.2 (2016), 159–226
- Lloyd, Ann, *Doubly Deviant, Doubly Damned: Society's Treatment of Violent Women* (New York: Penguin Books, 1995)
- Mailänder, Elissa, *Female SS Guards and Workaday Violence: The Majdanek Concentration Camp, 1942–1944* (East Lansing: Michigan State University Press, 2015)
- Meyers, Marian, *News Coverage of Violence against Women: Engendering Blame* (London: SAGE Publications, 1996)
- Milliken, Jennifer, 'The Study of Discourse in International Relations: A Critique of Research and Method', *European Journal of International Relations*, 5.2 (1999), 225–254
- Morrissey, Belinda, *When Women Kill: Questions of Agency and Subjectivity* (London: Routledge, 2003)
- Nikolić-Ristanović, Vesna, 'War, Nationalism, and Mothers in the Former Yugoslavia', in *The Women and War Reader*, ed. by Lois Ann Lorentzen and Jennifer E. Turpin (New York: NYU Press, 1998), pp. 234–239
- Petrović, Vladimir, 'The ICTY Library: War Criminals as Authors, Their Works as Sources', *International Criminal Justice Review* 28.4 (2018), 333–348
- Ristić, Katarina 'The Media Negotiations of War Criminals and Their Memoirs: The Emergence of the "ICTY Celebrity"', *International Criminal Justice Review*, 28.4 (2018), 391–405
- Ruddick, Sara, 'On "Maternal Thinking"', *Women's Studies Quarterly*, 37.3–4 (2009), 305–308
- Shepherd, Laura J., "'Victims, Perpetrators and Actors" Revisited: Exploring the Potential for a Feminist Reconceptualisation of (International) Security and (Gender) Violence', *The British Journal of Politics & International Relations*, 9.2 (2007), 239–256
- Shepherd, Laura J., *Gender, Violence and Security: Discourse as Practice* (London: Zed Books, 2008)
- Simić, Olivera, "'I Would Do the Same Again": In Conversation with Biljana Plavšić', *International Criminal Justice Review*, 28 (2008), 317–332
- Sjoberg, Laura, and Caron Gentry, *Mothers, Monsters, Whores: Women's Violence in Global Politics* (London: Zed Books, 2007)
- Sjoberg, Laura, *Women as Wartime Rapists: Beyond Sensation and Stereotyping* (New York: NYU Press, 2016)
- Skjelsbæk, Inger, 'The Military Perpetrator: A Narrative Analysis of Sentencing Judgments on Sexual Violence Offenders at the International Criminal Tribunal for the Former Yugoslavia (ICTY)', *Journal of Social and Political Psychology*, 3.1 (2015), 46–70

- Smeulers, Alette, 'Female Perpetrators: Ordinary or Extra-ordinary Women?', *International Criminal Law Review*, 15.2 (2015), 207–253
- Stearney, Lynn M., 'Feminism, Ecofeminism, and the Maternal Archetype: Motherhood as a Feminine Universal', *Communication Quarterly*, 42.2 (1994), 145–159
- Subotić, Jelena, 'The Cruelty of False Remorse: Biljana Plavšić at The Hague', *Southeastern Europe*, 36.1 (2012), 39–59
- Sylvester, Christine, 'War, Sense, and Security', in *Gender and International Security: Feminist Perspectives*, ed. by Laura Sjoberg (Abingdon: Routledge, 2010), pp. 24 – 37
- Tieger, Alan, and Milbert Shin, 'Plea Agreements in the ICTY: Purpose, Effects and Propriety', *Journal of International Criminal Justice*, 3.3 (2005), 666–679
- Trbovc, Jovana Mihajlović, 'Homecomings from "The Hague:" Media Coverage of ICTY Defendants after Trial and Punishment', *International Criminal Justice Review*, 28.4 (2018), 406–422
- Weber, Cynthia, *International Relations Theory: A Critical Introduction* (London: Routledge, 2005)

Kateřina Kruliřov is a lecturer in International Relations at Nottingham Trent University, UK. Her research focuses on female perpetrators of political violence, the UN's Women, Peace and Security agenda in Central and Eastern Europe, and misogyny hate crime. She teaches both undergraduate and postgraduate courses in Security Studies and Feminist Security Studies.