Rape experiences and the limits of women's agency in contemporary post-reform Vietnam
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RAPE EXPERIENCES AND THE LIMITS OF WOMEN’S AGENCY IN CONTEMPORARY POST-REFORM VIETNAM

Invitation
You are cordially invited to attend the public defense of my PhD thesis, entitled Rape Experiences and the Limits of Women’s Agency in Contemporary Post-Reform Vietnam

Nguyen Thu Huong
On Thursday, 10 March 2011 at 12.00 AM in the Agnietenkapel Oudezijds Voorburgwal 23 Amsterdam 1012 EZ

Followed by an informal reception at Keizersgracht 369A Amsterdam 1016 EJ (about 10 minute walk from Agnietenkapel)

You are warmly welcome!

Should you have any questions, please contact my paranymphs

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List of Abbreviations:

AIDS      Acquired Immunodeficiency Syndrome  
AN        Assistant’s note  
BNIM      Biographic Narrative Interpretative Method  
CEFA COM  Research Center for Family Health and Community Development  
CP        Court profile  
Cr.P.C    Criminal Procedure Code  
HIV       Human Immunodeficiency Virus  
HN        Ha Noi (capital)  
HT        Ha Tay (province)  
LC        Lao Cai (province)  
NGO       Non-Governmental Organization  
P.C       Penal Code  
PI        Personal interview  
PTSD      Post-Traumatic Stress Disorder  
RPA       Romanized Popular Alphabet  
UN        United Nations  
US        United States  
USD       US dollar  
VND       Vietnamese currency/ Đông
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There is a Vietnamese proverb: Đàn ông đi biển có đôi/ Đàn bà vượt cạn mồ côi một mình - roughly translated as “A man goes to sea with his mate/ A woman has to cross the land all by herself.” “Cross the land” metaphorically refers to the act of giving birth, and if you consider this book as my mental child - and not an easy one at that - then luckily I did not have to bear it alone because many people has in one way or another contributed to its coming into being.

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Any errors and shortcomings in this thesis are mine and mine alone.
Preface

In the text, terms in languages other than English are rendered in italics. Each is followed by an indication of its language and then by an English gloss of its meaning, or vice versa. Most of these words are Vietnamese (Vn.), but some are in the Hmông (Hm.), Dao (D.) and Mường (M.) languages. Because writing is uncommon among these ethnic groups in Vietnam I use the RPA system to transcribe these terms phonetically in accordance with their pronunciation. In addition, non-English terms in titles or subtitles are rendered in italics.

Except for the names of well-known figures and individuals’ names appearing in newspapers, all names of persons and locations (under the provincial level) are pseudonyms. This is to protect the anonymity of participants taking part in this research project.
CHAPTER 1

Rape At A Glance

1. Two (In)famous Rape Cases

The international film director

In the summer of 2010 when I was working on this manuscript, the Swiss authorities announced that they would not extradite the seventy-six year old film director Roman Polanski to the United States for his alleged statutory rape of a thirteen year-old girl in California in 1977. At that time Polanski admitted getting her drunk and giving her sedatives before they had sex. During plea bargaining process, however, he fled to France before an American court could convict and sentence him. Polanski was arrested in Switzerland in September 2009 when he went there to receive a prize.

During nearly a year of legal wrangling in the United States and Switzerland, the Polanski saga turned into a “cause célèbre” with interventions for his release from the French and Polish governments to Hollywood big names, amid calls from children-protection groups to send him back to the States to stand trial. The reason given by the Swiss for letting him go free was that there were irregularities concerning the conduct of the Californian judge - now dead - in the original trial. Ironically Polanski’s appeal against extradition included a sworn statement from the very woman he had raped thirty-three years earlier who said the case should be dropped.¹ She said that the court and the media had hurt her more than what Polanski did to her and she did not want to face them again.

The Vietnamese sports official

In the winter of 2003, when I was doing a preliminary research on rape in Vietnam for my Master’s thesis, a case involving the vice chairman (with deputy ministerial rank)

of Vietnam Sports Commission, caused quite a stir in the Vietnamese media. This high
official named Lương Quốc Dũng (fifty-two) was convicted of raping a thirteen year-old
girl and sentenced to eight years imprisonment although he only admitted to have had sex
with the girl without prior knowledge of her age in exchange for ten million đồng (about
USD 700). It was a deal arranged by an intermediary, a woman named Nga. According to
police, the rape victim was taken to a hotel in Hanoi on December 30 2003 by this
woman. Dũng had asked her to find a virgin for him because he was having a string of
bad luck, and the official believed that having sex with a virgin would end it. Nga, twenty-two, was sentenced to a seven-year prison term by the same court. 2 There was a
twist to the case when Dũng declared that he had given the girl’s mother USD 67,000 to
drop the case but she denied it.

What do these stories tell us? Both offenders were high-profile figures and both
victims were only thirteen years old, thus highlighting the similarities in statutory rape
age in both US and Vietnamese laws. Polanski used drinks and drugs to get what he
wanted whereas Dũng resorted to hard cash to pay for his “virgin.” The Vietnamese case
had a superstitious slant as the offender believed that having sex with a virgin would
bring him good fortune. The Polanski case had an international flavor as it was entangled
in legal battles on both sides of the Atlantic. Both cases contained all the necessary
ingredients for a media blaze.

But what happened to countless rape incidents that went unreported? And what
became of those women and girls whose voices were rarely heard because of the stigma
attached to their victimization? How did they cope with the aftermath of their
experiences? These and other relevant questions will be dealt with in the course of this
dissertation, Rape Experiences and the Limits of Women’s Agency in Contemporary
Post-Reform Vietnam.

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Người Lao Động: http://webcache.googleusercontent.com/search?q=cache:18hlWwAAz-
2. From a wide angle

On a global scale, during the past decades the problem of sexual violence against women has been the subject of much international attention; it is generally considered to be a serious violation of women’s human rights (e.g., UN World Conference on Human Rights, 1993; Beijing Platform of Action, 1995; UN Security Council Resolution 1325, 2000). Of serious concern is the fact that rape has been used as a weapon of war. Various forms of sexual violence, and rape in particular, have also attracted considerable attention in academic circles, mainly in Anglophone countries (Brownmiller, 1975; Walker and Brodsky, 1976; Holmstrom and Burgess, 1978; Herman, 1981, 1997; Russell, 1984, 1990; Stanko, 1985; Ellis, 1989; Higgins and Silver, 1991; Gregory and Lees, 1999; Smith, 2001; Weldon, 2002; Gibson, 2003; Lee and Stanko, 2003; MacKinnon, 2006; Zarkov, 2008).

Linkages between violence against women and social constructions of sex, gender and sexuality in Asia have received increasing attention as indicated by a growing number of English-language texts, articles and newsletters on the topic (e.g., Schuler ed. 1992; Manderson and Bennett, 2003 on several Asian countries such as India, Bangladesh, Cambodia, Indonesia, Malaysia, Myanmar (Burma), and the Philippines; Niaz, 2003 on Pakistan; Pagaduan-Lopez et al. 2004 on the Philippines; Stivens, 2000 and Rastam, 2002 on Malaysia; Vivien Ng, 1987, 1994; Tanner, 1994; Gil and Anderson, 1999 on China; Luo, 1998, 2000 on Taiwan; Burns, 2005 on Japan; Laungaramsri, 2006 on Myanmar). The general view is that because of the humiliation, the pain, and the risk of stigmatizing, women who have experienced sexual assault tend to treat it as a personal matter. Most of these authors (with the exception of Burns, 2005) tend to portray these women as victims of male oppression and violence while largely overlooking a vision of women as active agents. Above all there is still a lack of comparative research on rape in different parts of Asia.

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3. A close-up look

Over the past quarter of a century, Vietnamese society has undergone drastic social, cultural and economic changes since the introduction of Đổi Mới [Vn.: reform, renovation] which allowed the country to be integrated into the world economy, culminating in its accession to the World Trade Organization in 2007. During this period media reports indicated that sexual assault on women was on the rise. According to statistics from the Supreme Court, the number of reported rape cases increased from 283 cases in 1990 to 1113 cases in 2006 (Nguyễn Thu Hưởng, Fieldwork 2007). Meanwhile public discourse often lamented about the deterioration of moral values in Vietnamese society (Scott and Trương Thị Kim Chuyên, 2007). Despite the fact that rape is a criminal offense and frequently recognized as a tề nạn xã hội [Vn.: social evil] in official discourses, there is virtually no information on specific aspects of this type of crime, academic or otherwise. In actual fact, the works carried out by NGOs do not specifically examine rape per se and if the topic is studied - mostly under the form of gender-based violence (i.e. in the case of adult victims), or child sexual abuse (i.e. child victims) - it is often regarded as a part of domestic violence (Vũ Mạnh Lợi et al. 1999; The Center for Reproductive Health and Family Health, 2001). Such non-specific ways of categorizing rape may be attributed to the problematic dimensions of rape regarding its definition and the “socially charged” nature of the crime (Manderson and Bennett, 2003).

To the best of my knowledge, so far no in-depth study has been carried out on the problem of sexual violence in Vietnam, especially from the perspective of women who have been raped, although a number of authors have dealt with various aspects of the topic, for example rape during the Vietnam War seen from war-crime perspectives (Weaver, 2010); comparisons about rape incidence in Vietnam and in the USA (Goodstein, 1996); coercive sex within marriage (Phan Thu Hiền, 2005); sexual harassment (Khuất Thu Hồng, 2004); sexual exploitation of children (Hoàng Bá Thịnh, 1999); child abuse (Michaelson, 2003); domestic violence (Rydström, 2003; Lê Thị Quy and Đặng Vũ Cảnh Linh, 2007; Kwiatkowski, 2008); gendered violence including rape (Vũ Mạnh Lợi et al. 1999) and its consequences for women’s reproductive health (Lê Thị Phương Mai, 1998).
My project explores how women and girls cope with their experiences of rape and how this is affected by social discourses on gender and sexuality in the Vietnamese context. Given the cultural and social stigmatization attached to rape, doing research on this topic has encountered considerable difficulty particularly with regard to the problem of recruiting participants.

The starting point of this research project is that the rape of women and girls is a serious problem that needs to be addressed directly and examined thoroughly. Rape can be understood as a dehumanizing act in which a male person exercises power over a female person by brutally transgressing the boundaries of her body and mind sexually. Although sexual violence has become more visible in Vietnam due to the changes brought about by Đổi Mới, the topic is still surrounded by shame and silence. Despite the prevailing cultural restrictions in contemporary Vietnam, however, this research endeavor has engaged, listened to and given voice to young girls and mature women who have endured an experience that is consistent with legal definitions of rape as defined in Vietnamese standards of human rights. The coping strategy of most female victims, moreover, is framed within normative conceptions of masculinity and femininity that regulate the cultural sensibilities as well as the socio-political structures of contemporary Vietnamese society. In particular, “cultural narratives” that emerge from and resonate in dominant discourses of masculinity, femininity and sexuality play a decisive role in determining whether a woman decides to report the rape incident or not. Alternatively, what are the interpersonal mechanisms, social avenues or judicial and political structures available to women trying to cope effectively with the experience of having been raped?

Since rape is a gendered crime, this influences the symbolic meaning the incident(s) assume for those involved. Consciously or unconsciously raped women may ask questions like “why did this happen to me?” and the answers they come up with are likely to be informed by prevailing social discourses about female and male sexual nature, women’s responsibility as guardians of “family honor,” the importance attached to chastity and the value of virginity, to name but a few. These notions of masculinity,

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4 Đổi Mới policy changes that replace the centrally planned economy with a market oriented system - but with a continued state involvement for a whole range of purposes - in the past two decades in Vietnam.
femininity and sexuality are derived from a wide variety of discourses that together help construct the social meaning of rape in a particular historical and political setting.

In the context of Vietnam the social meaning of rape is not only implicated in the response of the raped woman’s immediate social network but also expressed by social institutions such as the criminal justice system and the mass media. These institutions can be regarded as a “site” where authoritative notions about sexual violence and sexuality are conceived that in turn have an imprint on the social meaning and representation of rape in popular discourses. Briefly, an important goal of this research is to grasp the process by which individual experiences become entangled with social discourses in the realm of sexual violence. Furthermore, as rape is conceived as an embodied experience in a particular social and political setting, it is necessary to differentiate among the raped women and to investigate, where and when possible, the variations in gendered notions of rape that underlie cultural difference and/or social inequality.

**Operationalization**

Conceptually the research is based on contemporary theories about relational autonomy as well as on anthropological visions of embodied experience. As the focus of this study is the “experience” of raped women and girls and their “coping” strategy rather than the nature and incidence of rape, a qualitative approach and a context-specific interpretative analysis are adopted for the main body of the research. Data are collected primarily through an ethnographic study of a limited number of respondents, using open-ended interviews, life histories and participant observation. Supplementary data are retrieved from court files. These sources are used for a discourse analysis of the meaning of rape as a gendered crime. Of additional value is an examination of representations of rape cases in a number of selected newspapers.

**Organization of the dissertation**

The main purpose of the research is to examine the ways raped women cope with their experiences and how this is affected by cultural narratives about rape in the transitional context of present-day Vietnam. Besides this introductory chapter, the dissertation is organized as follows:
Chapter 2, “Two sides of the same subjective coin: Contextualization of victimhood and agency among female rapees” provides a theoretical framework to examine the ways in which women develop strategies in coping with their predicament of rape and to what extent this coping behavior is informed by cultural norms and beliefs shared by members of their ethnic group.

Chapter 3, “Researching rapees: Where have all tales of the field gone?” highlights the challenges in finding research participants for rape research, and describes the tools for gathering information for analytical purposes. It also offers insights into public perceptions of rape as well as the impact that researching rape has on the researcher and those involved in the project.

Chapter 4, “The inner citadel: Telling rape stories” focuses on women’s personal accounts of their rape experiences. It deals with factors influencing disclosure and reporting of rape, and discusses the capability for personal agency in post-rape management.

Chapter 5, “Searching beyond the best-kept family secrets: Intersection of kinship, ethnicity and mobility” examines the role of kinship in terms of gender ideology, the notion of “family honor” and the functions of kinship ties in dealing with post-rape consequences including the option of migration.

Chapter 6, “In search of justice: The rape plaintiff’s hazardous road” focuses on the ways in which gender and sexuality are reproduced in legal discourses that are used to make sense of allegations of rape. It also deals with particular social and cultural obstacles that prevent cases from proceeding to a formal adjudication in court.

Chapter 7, “A double-edged weapon: Representations of rape in the print media in present-day Vietnam” tries to unpack how the media - particularly the print media - report on incidents of rape and whether this reporting may exacerbate the predicaments of raped women and reinforce prevailing social prejudices towards them.

The concluding chapter, “Looking back and looking ahead” recapitulates the substantive findings presented in the dissertation and assesses how these findings answer the research question. It also reflects on the conceptual framework adopted for this research with implications for future work.
CHAPTER 2

Two sides of the same subjective coin:
Contextualization of Victimhood and Agency among Female Rapees

1. Victimhood or agency

This chapter provides a necessary theoretical background to the development of my research concepts and to the empirical findings pertaining to the description and analysis of the coping behaviour of raped women that will be presented throughout the thesis. The question is how to develop a theoretical approach regarding relational autonomy of female rapees in a patriarchal society like Vietnam? At the outset, it is important to clear up the problem of terminology.

1.1. Concept explication

In everyday language, the term “victim” is often used to depict girls and women who have been raped or sexually abused. The equivalent of “victim” in Vietnamese is nạn nhân, which means “the person who suffers from an incident, a social catastrophe or an unjust regime” (Từ điển tiếng Việt [Vn.: Dictionary of Vietnamese] 1997:635). In English, the terms victim and survivor are often used to refer to someone who has been sexually assaulted. Victim is used specifically to refer to the person directly after the assault, and survivor is used to refer to someone who has not only “survived” the assault but is also actively engaged in the healing process (Earle, 1995; Mardorossian, 2002). In this sense, survivors focus on the positive ways they are changing their lives and draw on images of strength and success when declaring themselves as survivors (Mills, 1985). More significantly still, Amanda Konradi argues that “survivor implies agency” (1996:60). My objective is to go beyond seeing girls and women who have been raped as either “victims” or “survivors” and to look at these individuals’ capabilities to cope with their traumatic experiences for survival. This is done by taking an ethnographic “view from below” with emphasis on the women’s own accounts of their experiences. In
particular, I pay close attention to the language in which these women express themselves in their everyday activities because the word “rape” may not even be known to themselves (Muehlenhard et al. 1996) or may be found difficult to define (Best, 1997; Hengehold, 2000) by some of them.

In presenting my analyses and explications in this study, I try to use a clear and precise language as much as I can, drawing on prevailing concepts and terminology in social sciences and humanities. In particular, as suggested by Oscar Salemink, I opt to use the term “rapee(s)” to depict women and girls who have been raped because this is exactly what “defines” them: they have been raped (by rapists). There is no question as to their status. Conveniently with the term “rapee” I can make reference to various aspects related to the person’s rape experience without falling into the pitfall of seeing only the conditions of being victimized. However I shall mention “victim” when quoting or making reference to media reports and/or legal discourses in keeping up with the ways rape is portrayed by these social institutions.

1.2. Conceptual justification

Before delving into a number of conceptions related to the theoretical framework of this project, it is necessary to review the main scholarly discussions of rape.

Most of the earlier research on rape victimhood has dwelt on its psychological aspects (Burgess and Holstrom, 1974; Ruch et al. 1980, 1983; Emm and McKenry, 1988; Resick and Schnicke, 1996; Resnick et al. 1999; Jenkins et al. 2000; Nisith et al. 2000) and thus generally overlooked the social-cultural context in which victims react to their traumatic experiences (for criticism see Fine, 1983; Burt and Kartz, 1987; Luo, 2000). Moreover the clinical approach with its primary focus on the traumatic psychological effects of rape may be limiting because it ultimately leads to the social construction of rapees as powerless individuals. Admittedly its intention was to redress inequalities regarding women’s political and social rights, however this “cult of victimhood” (Convery, 2006: 2) was criticized for its deliberate political strategy to obtain special treatment and “institutional advantage through cynical manipulation of public sympathy” (ibid). In the

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6 Lamb contends that “victims are drowned in the sea of degrees of powerlessness” (1999:43).
meantime a number of feminist scholars have problematized the construction of victimhood by pointing to the ways in which such a categorization places women at opposite poles of an agency continuum (Mahoney, 1994; Konradi, 1996, 1999, 2000; Best, 1997; Madriz, 1997; Dunn, 2005). According to this reasoning, an exclusive focus on women’s victimhood is incomplete and limiting because it ignores women’s active efforts to mobilize their resources to survive. Ironically, a strong focus of women’s agency tends to blur the impact of oppression (Lamb, 2006), and may render invisible the larger social context of victimization. In that sense, concepts of women’s victimhood and agency are both overly simplistic because they fail to take account of contradictions, structural ambiguities, and the personal ambivalences of women’s experience, especially those who have suffered sexual assault.

To avoid these extreme standpoints, as Elizabeth Schneider (1993) argues, it is necessary to understand both the social context of women’s oppression, which shapes women’s choices and constrains women’s resistance and agency, in a more nuanced way, rather than seeing only blacks and whites. In this study, I wish to explore that “grey” area in contemporary feminist scholarship by providing an ethnographic account of the lived experiences of rapees, tracing their complex struggles over meaning, identity and value in coping with rape trauma as active agents. This is particularly relevant in the recent scholarship on the concept of relational autonomy (i.e. Sherwin, 1998; Mackenzie and Stoljar, 2000; Pollack, 2000; James and Foster 2003; Sperry, 2005), which is oriented toward the issue of human agency by placing emphasis on people’s own actions and deliberations (cf. Gammeltoft, 2007).

This notion of relational autonomy is helpful in understanding the space between women’s victimization and oppression and their responses to these conditions. Besides trying to resolve the problem of victim/agent dichotomy, autonomy in this context seems to be a valuable conceptual alternative of understanding sex-based oppression, subjection, and agency. Given the fact that there is a wide range of areas in which the terms “agent,” “agency” and “autonomy” are applied, I will limit myself to discussing the common grounds between these two notions, for example the acknowledgement of the individual’s capabilities of weighing personal options and making choices under certain circumstances. For instance, drawing on Michel Foucault’s view of the subject (Foucault,
1988), Mark Bevir (1999) points out the distinction between autonomy and agency. He argues that “autonomous subject(s) would be able, at least in principle, to have experiences, to reason, to adopt beliefs, and to act, outside all the social contexts” (1999:67). Agents “are creative beings,” and “exist only in specific social contexts, but these contexts never determine how they try to construct themselves” (ibid.). Bevir and his colleague then try to facilitate the understanding of agency as situated (Bevir and Rhodes, 2006). Under such a definition, the subject could be viewed as an agent, even if not an autonomous agent. Far from requiring a complete independence from others, a person’s autonomy can be defined as intrinsically and causally relational because of the social constitution of the agent itself and the social relationships, which can impede or enhance autonomy.

In addition I also draw on anthropological accounts of agency as illustrated by the recent works of Sherry Ortner (2006) and Michael Jackson (2005). According to these authors, agency should be considered as less a matter of free will than of working within the limits placed by such factors as birth, role and duty, and agency of intention. More specifically, Ortner makes a distinction between agency as a form of power (including the empowerment of the subject, the domination of others, the resistance to domination and so forth) and agency as a form of intention and desire, as the pursuit of goals and the enactment of projects; in fact, there exists always a possibility of exercising agency. Defined in this way, every culture, every subculture constructs its own forms of agency. This understanding of agency bears a resemblance to Michael Jackson’s notion of human existence as a struggle between circumstances over which people have little control and their capacity to live those circumstances in a variety of ways.

2. A relational approach to an individual’s autonomy

Much has been written about conceptions of autonomy, which form the core of the Kantian tradition of moral philosophy. At the most simple level, to be autonomous is to be self-oriented, self-sufficient, and self-guided (Reath, 2006). Nevertheless this mainstream liberal conception of autonomy has been severely criticized by feminists as
overly individualistic, ignoring the importance of social relationships. It was in this context that the concept of relational autonomy has come to be known.\(^7\)

Historically this concept was first articulated from a feminist perspective by Jennifer Nedelsky (1989) (quoted in Mackenzie and Stoljar, 2000: 26). It is worth noting that the term “feminist” in this context can be seen as an expression of (unequal) gender relations with the aim of improving the situation of women. The focus of relational approaches is “to analyze the implications of the intersubjective and social dimensions of selfhood and identity for conceptions of individual autonomy and moral and political agency” (Mackenzie and Stoljar, 2000: 4).

Conceptually, there are two related aspects in relational approaches (Mackenzie, 2007). In the first instance, it is to articulate an understanding of autonomy grounded in the recognition of the fact that an agent’s identities and self-conceptions are embedded in, and shaped by, the complex interpersonal, social, cultural and historical contexts within which they live their lives. Second, it is to analyze the ways in which oppressive social relationships, institutions and practices can impair autonomy not only through overt repression and coercive mechanisms but by limiting and hampering the development of autonomy competences.

The recent work of Diana Meyers (2000, 2002 and 2004) has been particularly influential in analyzing the ways in which oppressive social environments can impair agents’ autonomy. For example, what the society at large (i.e. family, community, police, etc.) consider as effective to protect women from the dangers of rape may in fact curtail the women’s agency in post-rape management. Of these social conditions the influence of kinship must be taken into account, especially in a country like Vietnam where traditional approaches to dealing with rape may greatly impair the agency of the woman involved. For example, the rape of a girl has social and moral consequences for the entire family, especially for the parents and siblings, and even to the extended kin. This could explain why the rape of an individual girl (unless she keeps silent about it) is frequently brought up for discussion as family affairs or family interests (e.g., in terms of marriageability). In

this line of thinking, the case studies in my research reflect the feminist legal scholar Catharine MacKinnon’s early and oft-cited assertion that male-dominated societies have tolerated, condoned, and even encouraged gender-based violence and abuse (see, e.g., MacKinnon, 1997, 2006). In her opinion, “rape is (emphasis original) a daily act by men against women: it is always an act of domination by men over women” (1994:10). This argument is further reflected in her scepticism - at the level of strategy - about the option of change, believing women’s subordination to be virtually transhistorical: “Our status as a group relative to men has almost never, if ever, been much changed from what it is.” (1987:167, see Valverde, 1989 for critical comments on the theory of MacKinnon). Admittedly, MacKinnon’s work has been important for me in exposing the difficulty of a female plaintiff’s journey in search of justice. The problem, however, is that such a view on women’s overall subordination in the patriarchal society would not be accommodating to the focal point of the present study, that is acknowledging aspects of individuals’ self-conceptions that more accurately reflect their capacities for relational autonomy.

To resolve this theoretical dilemma it is necessary to look at autonomy as a matter of degree in a particular social, cultural and political context. In this connection I go back to the mainstream philosophical view of autonomy as a variety of free will (see Kim, 2006 for a full review). Underpinning this conception of autonomy is a certain perfectionist idea about human good (Westlund, 2009). However there are some theoretical aspects that place limitations on this classic Western view of autonomy. The first is that it examines the plight of non-Western women in both non-Western and Western countries by applying Western models. Ultimately, such an approach gives rise to the idea that non-Western women may be depicted as politically immature persons who need to be versed and schooled in the ethos of Western feminism, as observed critically by Valerie Amos and Pratibha Parmar (2005). Secondly, this Western view of autonomy fails to accommodate the fact that women, and men, from both Western and non-Western cultures face cultural constraints on their autonomy (Chambers, 2004). As Clare Chambers has argued, “if feminists are to prefer (aspects of) Western liberal cultures over (aspects of) traditional or religious cultures, it must be because liberal cultures embody norms that are more compatible with gender equality, not because liberal cultures contain no norms and thus do not limit women’s autonomy” (2004:332).
In this light, the renewed concept of relational autonomy designates a loosely related collection of views that share an emphasis on the social embeddedness of the self and on the social structures and relations that renders autonomy possible cross-culturally despite the “westerner” origins of the concept (Westlund, 2009). Thus, to deny that individuals/women - particularly those in the so-called traditional societies - can ever autonomously engage in self-conceptions is both theoretically problematic and inappropriately patronizing toward at least some individuals who endorse such lives for themselves.

Briefly, an alternative analysis based on relational autonomy that theorizes the impact of oppression on women’s choices, identities, and actions may help reveal the other (positive) side of women’s survival strategy. Within this paradigm, there may be room for analyzing the impact of oppression and how women exercise their “agentic” skills within patriarchal cultures.

3. Towards a relational-autonomy approach to the study of rape

How is the notion of relational autonomy embedded in the debate on rape, violence and suffering in contemporary scholarly literature? It is apparent that this overall approach to autonomy has increasingly gained currency, and several researchers have lately developed variations of it (for example, Cahill, 2000; Brison, 2002; Burns, 2005; Freedman, 2006). By and large, the development of a relational approach can be operationalized at two interrelated levels. The first level concerns the recognition of the fact that individuals are able to act as agents even when the conditions are oppressive. The second level concerns the agent’s ability to act out autonomous desires or to make autonomous choices. Now I briefly discuss these two main aspects of relational autonomy.

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8 This neologism was first used in psychological dimensions in identifying agency with male principles or masculinity and communion with female principles or femininity (Bakan, 1966; Spence & Helmreich, 1978; cf. Deci & Ryan, 2002).
9 This is to say, however, that there are certain ambiguities in relational conceptions of autonomy. For related discussions, see Christman (2003).
10 Agency under what Sanchez calls “conditions of excessive constraint” is always contingent and situated (1999:41).
11 Some authors reconstruct passivity as an active strategy of survival, and therefore can serve as a kind of agency (e.g., Lempert, 1996).
3.1. Individuals as agents under oppressive conditions: Rape and the feminine body

Here I look at the feminine body as a starting point for discussion, because theorizing on the female body, initially as a site of power and dominance as well as a site of autonomy and subjectivity, is tantamount to a major moral and political battlefield (Fuss, 1989, quoted in Zarkov, 2007:9, cf. Ballantyne and Burton, 2005; Gouda, 2008). The female body, in both metaphoric and material senses, is produced through multiple relationships defined by class, race, sexuality, and ethnicity in a particular socio-political setting. Then how is this body to be treated in the context of rape studies?

An important contribution to this debate is the work of Ann Cahill (2000). Inspired by the contemporary feminist theory on the body (i.e. Young, 1990; Butler, 1993; Braidotti, 1994; Irigaray, 1996) Cahill argues that in patriarchal cultures the feminine body is constructed as “the guilty pre-victim” (2000: 56, original emphasis) and if the body is hurt or violated, then “the blame must rest on the woman’s failure to sufficiently limit its movements” (2000:52-53). Therefore, until a woman can establish her innocence or provide evidence of prudence, she is held responsible for acts of aggressive masculine sexuality; all this leads to the production of a “culpable female sexuality” (2000: 56; see also Madriz, 1997; Cahill, 2007).

Like Iris Young (1990) and Sharon Marcus (1992), Cahill concedes that the restriction on women’s movements and space to protect the vulnerable feminine body is in fact a defense against “spatial and bodily invasion,” to use Young’s words (1990:155), such as the threat of rape. This threat of sexual violence plays a special role in the social construction of the feminine body because rape is seen as “a fate worse than, or tantamount to, death” (Marcus, 1992: 387). In Cahill’s view, rape - a particular bodily attack - “constitutes a fundamental and sexual specific undermining of a female person’s subjective integrity” (2000:115). Cahill argues further that rape is an embodied experience because this specificity of the act of sexual abuse can produce a variety of experiences. The point is that rape experiences are interpreted in particular ways and that social conditions - such as construction of the female body - are a filter to arrive at particular interpretations. So there may be agency but depending on the conditions it may
not be the kind of agency that is considered to be good - by the wider society - for the woman herself.

This approach helps elucidate the effect of social conditions upon women’s identities, experiences, and choices in post-rape management. Moreover such a conceptualization shifts the focus from the individual to the social conditions and definitions of family integrity that produce victimizing experiences, and thereby provides space for the possibility of women’s agency (Pollack, 2000). Following this way of thinking, I find Cahill’s argument in line with contemporary anthropology’s treatment of the body, embodiment and subjectivity, with its emphasis on the body as an active agent in its interplay with a world already inhabited by other agents (Csordas, 1994). It animates the work of Arjun Appadurai (1998), who has depicted bodily violence as a process of inscribing bodies with “social meaning(s)” that transcend mere physical and/or biological realities (Winkler, 1994). Moreover, it harks back to the work of Mary Douglas (1991) on the way the individual body intersects with notions of a collective body in terms of a modality of cleanliness or purity, as well as Nancy Scheper-Hughes (1993)’s conceptualization of the body politic as a tool or weapon of domestication and discipline and of identification, subjection, and resistance. These accounts are insightful and constitute an important conceptual foundation for this research.

3.2. Constructions of agency: Coping, rationality and transaction of suffering

Catherine Burns reaches a conclusion similar to Cahil’s about a theoretical and practical option for understanding agency by taking a different route. In her book, “Sexual violence and the law in Japan” (2005), Burns demonstrates that patriarchy is not monolithic; the nature of power is localized, scattered and never complete. Therefore, there are always some possibilities for resistance and agency. More particularly, Burns contends that if “the body is inscribed with dominant discourses” and can be read as a text, then it “can be re-inscribed, at least to a limited extent, with alternative discourses” (2005:34). According to Burns, even when a woman presents herself as a victim it does not imply that she is lacking agency. Whenever she decides to speak out and file a formal complaint, this means she has resisted the strong social pressure to remain silent. Resistance should be here understood in the context of presenting as victim. For this
reason, the woman’s resistance is a central element in her constructions of an appropriate victim image with an aim of presenting a credible account to the criminal justice in a court case (Burns, 2005).

Of course, it would be a mistake to underrate the agentic capacities of those women who keep silent about their assault. Alternatively, they can accept and transform their silence into positive descriptions. For instance, Veena Das (2004) provides an analysis of how the transaction between body and language can serve as one path towards healing for those who were subjected to sexual violence (in this case, during the Partition in India). Das delineates two forms of transforming the pain from the surface to the depth of the body. In the first, the rapee used the metaphor of pregnancy-hiding pain, “giving it a home just as a child is given a home in the woman’s body” (2004:331). Nevertheless, Das contends that this holding of the pain inside will “never be allowed to be born” - the surface of the body becomes “a carnival of images and the depth becomes the site for hysterical pregnancies” (ibid. 331). In the second form, “these memories were sometimes compared to poison that makes the inside of the woman dissolve, as a solid is dissolved in a powerful liquid” (ibid.330), and she metaphorically “drinks” the pain “so that life could continue” (ibid.332).

Evidently, when women cannot speak out about their experiences, they often find a way to convert the passivity into a form of agency geared towards the socialized efforts or psychic urgency to curtail traumatic memories. More concretely, in a cultural environment that discriminates against women, silence may well be perceived as a solution. Although it is by no means a desirable option, it is an understandable one; the decision to keep silent about the assault has a certain advantage in a context of limited alternatives. This comes very close to what David Morris has noted elsewhere, “suffering is voiceless in the metaphorical sense that silence becomes a sign of something ultimately unknowable” (1997:27), and thus, “suffering implies agency just as agency implies suffering” (Gammeltoft, 2006:600). Viewed in this light, the female body is the object of processes of domination and control as well as the site of women’s subversive practices and struggles for self-determination and empowerment (Bordo, 1993; Davis, 1997).12

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12 See Rydström (2003) for a descriptive analysis of the way a woman’s body is transformed into a material symbol of a female’s assumed social flexibility in the case of domestic violence in Vietnam.
Both Cahill and Burns are primarily concerned with the possibilities of resistance and agency in the context of rape, a crime that is often perceived as the inevitable consequence of superior male strength reinforced by natural male aggression and patriarchal structures. Both remind us that rape scripts or the power dynamics underlying these scripts do not completely undermine the subject. Earlier on, in her ground-breaking essay, “Throwing like a girl,” Iris Young suggests that when a woman lives her space as confined and closed around her, she can “exist as a free subject,” at least in some small area (1990:155).

4. Conceptualizing the socio-cultural specific: The case of Vietnam

How plausible is the operationalization of the relational autonomy concept in the context of Vietnam? Of what value is this in practice? And to what extent are socially shaped agents aware of other alternatives to the sets of values and mores they have internalized?

In searching for answers, I shall examine the role of kinship relations in the decision of whether or not to bring the case to light, and the impact these relations may have on the coping strategy of female rapees in the aftermath of the incidence. I also look at how moral values and cultural notions related to gender relations, sexuality and sexual violence that are reflected in social institutions such as the law and the media. Above all I want to find out what these women think about their rape-related experiences and how they exert their relational autonomy within the transitional context of present-day Vietnam.

4.1. From kinship influences towards a social imaginary

It is appropriate to look at a less studied variable in rape research, namely the role of kinship structure which still carries considerable weight especially in rural areas of Vietnam. The empirical works undertaken by Rhea Almeida and Ken Dolan-Del Vecchio (1999), Imam and Akhtar (2005) indicate that patriarchy in Asian cultures takes

13 See Gammeltoft (2007) for an illustrative example of the way the entire kin-group joins in a discussion regarding “kin-related matters” before an important decision is made; see also Werner (2009), Nguyễn Tuấn Anh (2010) for an explanation that the emergence of the household economy has contributed to the reassertion of kinship ties in the wake of the Đổi Mới.
a different form from patriarchy in the West. For example, in the case of rape, the notion of family honor is used as a distinctive patriarchal tool to restrain the rapee’s choice in pressing charges against the rapist. In passing, I want to touch briefly on the phenomenon of “honor crimes” which are carried out in the name of family honor and manifested under various forms in some countries of South Asia, the Middle East and among migrant communities in a number of Western European countries (Mayell, 2002; Kogacioglu, 2004; Hussain, 2006; Baxter, 2007). These acts of violence usually are committed by male family members against female family members who are perceived to have brought dishonor upon the family such as being victims of rape. In the context of this study I will explore how the notion of “family honor” is manifested not by acts of violence but through efforts of negotiating a settlement and/or finding ways at the family and kin level to deal with social consequences caused by the rape of a family member. As families and communities are closely knit in a collectivist culture, this concern for family honor is both implicit and explicit in the rapees’ (and their families’) fear that exposure of their victimization might bring them disrepute. This, in some instances, may force rapees to flee from the communities to which they belong in order to preserve the honor of the other members of their families.

The portrait of raped women that I am presenting here is one that highlights Charles Taylor (2004)’s conceptual notion of the social imaginary. It sheds light on “the ways people imagine their social existence, how they fit together with others, how things go on between them and their fellows, the expectations that are normally met, and the deeper normative notions and images that underlie these expectations” (2004:23). The social imaginary notion is complementary to Pierre Bourdieu’s concept of habitus, which explains how social norms - or doxa - become embodied in the hexus of individual human beings, both female and male. An individual’s habitus emerges from the social circumstances in which the individual lives and acts, the objective limits of social action that Bourdieu terms the field (Bourdieu, 1977; cf. McNay, 1999; Adkins, 2003). In this line of thinking, social and cultural contexts are more than a backdrop upon which female rapees’ actual choices are projected; they should be seen from the women’s perspectives, and in relation to their experiences of social inequality as a result of patriarchy. In the
following section I look at cultural narratives as a further elaboration of Bourdieu’s habitus and Taylor’s social imaginary within the relational autonomy concepts.

4.2. Cultural narratives in the law and the media

For the purpose of analyses, I draw on Susan James and Gary Foster’s conceptualization of cultural narratives, which offers “a contextual structure for understanding specific historical, spiritual and cultural factors that shape the identity of an individual from within that culture” (2003:68) In cases involving sexual violence these cultural narratives are made explicit in explanations/interpretations (i.e. a woman cannot be raped without her consent; only young stereotypically “attractive” women are raped; women “ask for it;” nothing bad could happen to good girls; rapists are sex-crazed “madmen,” etc.) that come from the dominant discourse of masculinity, femininity and sexuality (cf. Ryan, 1971; Costin and Schwarz, 1987). Therefore it is important to see whether this cultural narrative is internalized by the women themselves (Meyers, 2002) through the process of “interpellation,” to use Antonio Gramsci’s term, which is “a process of psycho-adaptation” to specific conditions (i.e. work, customs, housing, nutrition, etc). It is not something “natural” or innate, but “has to be acquired” and “absorbed in the development of childhood and adolescence” (Gramsci, 1971:296; cf. Althusser, 2001; Truong, 2009).

In addition I examine these cultural narratives in the guise of public discourses as represented in the media and court files of rape cases in the sense that cultural narratives, as suggested by Iain McCalman,14 are those stories that circulate widely and insistently across many media within a specific society or set of societies over a given period of time.

What concerns us here is discourse on sexuality and gender in which women and men are constructed as different social beings - discourse that has shaped gender relations and attitudes toward sexuality (MacKinnon, 1997; Young, 1997). Male sexuality is generally portrayed as active, aggressive, and powerful, while female sexuality is seen as essentially passive, submissive and powerless. These traits are likely to make women,

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namely those who do not conform to the patterns of institutionalized morality, more subject to rape. At the same time, these understandings of “eroticized violence” (Burns, 2005: 17) frame judicial decision-making in cases of sexual violence against women. Thus women’s experiences and perspectives that do not comply with the particular experiences and ideas that contribute to popular perceptions of the ways thing are (Schepple, 1987), in this case conventional understandings of rape, are thereby disqualified or silenced (Burns, 2005). Furthermore, the metaphorical meaning of virginity as a symbol of the social cohesion of family and community and its disruption as a dishonor to all concerned, leaves women in a particular vulnerable position (Manderson and Bennett, 2003). In performing socially approved gender roles, women are typically charged with the task of maintaining “family integrity” and ensuring social stability. Disclosure of sexual violence or knowledge of its existence brings them disrepute, and they will be blamed and forced to carry the burden of stigma and shame. If the incident is hidden to avoid stigma, then they have to bear the burden of silence and social isolation. Therefore, the women subjected to violence, rather than the men who inflict it, often assume responsibility for defending family honor by maintaining silence in order to protect their family from disgrace and shame.

4.3. A mosaic of a transitional society

Much has been written about the social upheavals in Vietnam brought about by the process of transformation from a centralized economy to a market-oriented economy over the past two decades. In this study I will limit myself to examining how female rapees and their families deal with the aftermath of rape in the present social environment. For example, I examine whether the new market economy that has a loosening effect on the kinship structure (Gammeltoft, 2007) in turn may allow rapees more space to exercise their agency. While following Jayne Werner (2009)’s argument that kinship provides the underlying structure of the family and social practices, I wish to explore whether the patrilineal kinship system can still be conceived as a moral realm, with constituting/governing members bonded together in a web of ethical ties in the new

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15 See for example, Scott et al. (2010), Barbieri & Bélanger (2009), Jacobs (2008), Trịnh Duy Luân, Rydström & Burghoorn (2008).
social-economic setting. I also to find out how women - in this case the rapees - can avail themselves of the new moral values that emerge in the wake of Đổi Mới to pursue their own agendas.

In short, the intellectual purpose of this dissertation is to examine the ways in which women develop strategies while experiencing and responding to the predicament of rape, and more importantly, to explore to what extent these individuals’ coping behavior is informed by their cultural framework, i.e. the cultural norms and beliefs shared by members of their ethnic group. Knowing this would take us further in trying to understand if and how these women can reason and act in creative, novel ways so as to go on with their lives in the aftermath of rape.

**Summary**

Listening to experiences of female rapees will provide important insights into the nature of the self and/or self-survival. As David Marr (2000) has indicated in his discussion of the concept of the individual and the self in Vietnam, there are long-established Confucian, Buddhist and Taoist explanations of the self before the Western, mostly French colonial, ideas entered the Vietnamese vocabulary during the early 1900s. It is challenging to rethink Western/de-westernized core notions of autonomy, integrity, and identity by focusing on the women’s life narratives in a specific cultural non-western context. Moreover, I am intrigued by Susan Brison’s view of the autonomous self, arguing that survivors of trauma recover to a greater or lesser extent depending on responses to them from others (2002). Brison also points out that, “aspects of trauma and recovery reveal the deeply social nature of one’s sense of self and underscore the limits of the individual’s capacity to control her own definition” (2002: 64). This argument is no doubt valid but I wonder how female rapees can recover from their trauma without disclosing it to anyone, and thus would not get any responses from others. What would it be for rapees to be unheard? This may be the case of rapees living in societies where traditionally sex-related transgressions are considered as taboo in terms of public acknowledgement and discussion. If so, are there “alternatives” for a rapee to regain control over her life, particularly in the transitional context of Vietnamese society nowadays? This is one of the main questions my research aims to give an answer.
By adopting the relational autonomy approach regarding rapees in my research, I hope to enlarge this theoretical conception in the sense that it could create a new perspective on the workings of ethnicity and specific characteristics of non-western societies as well. Since crimes of a sexual nature have been extensively studied in western societies, further research in non-western societies such as Vietnam may shed new light on (and extend the scope of) existing theories about the interaction between power, gender, mobility, and ethnicity in the realm of sexual violence.

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CHAPTER 3

Researching Rapees:
Where have all tales of the field gone\textsuperscript{16}? 

\textit{Trăm bó дуọc cùng vò được con éch}

[Vn.: Burn a hundred torches and you will catch a frog]
A Vietnamese saying

Introduction

The first part of this methodological chapter deals with the challenges inherent in finding participants for rape-related research. The problem, as pointed out by Elizabeth Stanko and Raymond Lee (2003), reflects the complex nature of researching rape in the sense that investigating violence “usually introduces into the research process contingencies less commonly found in other kinds of study” (2003:2). Section two describes the facilities and the tools I used for gathering information for analytical purposes. Section three provides insight into the impact of researching rape on the researcher, and those associated with the project in distributing flyers, transcribing research interviews as well as reviewing secondary sources such as court files and cases reported in the printed media.

1. Setting the stage for recruiting research participants

At the outset, I should mention that in approaching a highly sensitive and taboo-laden subject such as rape, I paid attention particularly to the ethical dilemmas inherent in this study. Doing fieldwork based on intensive participant observation with an entrenched, culturally based community (in terms of physical space like a territorial or geographical area) has long been the established model for a working anthropologist. Perhaps some aspects of this are relevant in every ethnographic fieldwork, but these generalities do not

\textsuperscript{16} I have deliberately borrowed this phrase from the title of an article written by George Marcus (2006), “Where have all the tales of fieldwork gone?” \textit{Ethnos}, 71 (1): 113-122.
seem to apply to the study of rape. Why? Firstly, because a unique problem in studying crime, especially the crime of rape, is the general reliance on data that are usually secondary accounts of the phenomenon under study. Secondly, rapees making up the target group are often geographically scattered and socially isolated (Campbell et al. 2004). Literature elsewhere has indicated a number of places researchers can turn their attention to find respondents, for example police departments (Gregory & Lees, 1999), medical clinics or rape crisis centers (Burgess and Holmstrom, 1979; Koss and Harvey, 1991). However, these “recruitment sites” are out of bounds in the context of my research setting. In my experience no woman would be willing to discuss such matters as rape with a researcher in the presence of a police officer. And at the time I conducted this research there were no rape-crisis centers or something similar in Vietnam.17

Then how to tackle these rather formidable obstacles? In the following section I will describe in detail the methods employed in carrying out my research among twenty-three rapees in Hà Nội during 2007.18

The counseling office

I have opted for a channel, which I thought would be convenient under the circumstances to approach the rapees by way of a counseling office. In reality, this office was a contact address to receive responses from the flyers that I planned to distribute later on.

Regarding the facilitation of this research project, I managed to reach an agreement with a Hanoi-based NGO called Research Center for Family Health and Community Development (CEFACOM for short19). This concerns legal aspects of the leaflet distribution campaign and the re/activating of the counseling office for sexual abuse that I

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17 This is to say that there is an internationally and state supported counseling shelter, Ngôi nhà bình yên [Vn.: Peaceful House], for victims of trafficking and domestic violence, in particular battered women and their children in Hanoi. Further information is available on line at: http://www.women-bds.com/english/Modules.aspx?file=details&ID=1106. Accessed on June 25, 2010. Although the shelter has run a pilot program since January 2007, it has not explicitly considered women and children who are victims of rape or sexual abuse as its primary target group. When I returned to Hanoi for field research in early 2007, we (CEFACOM and I) managed to reach an agreement with the person in charge of the shelter that they would refer to us cases of sexual violence that they might come across.

18 I also draw on the results from earlier work that I conducted in Hà Nội in 2005 (research funded by the Toyota Foundation).

had started in 2005 when conducting a rape research project funded by the Toyota Foundation.

At a practical level, a CEFACOM staff member who specialized in teaching handicapped children was assigned extra duties in running the counseling office. This person had received some training in handling sexual abuse problems. Her task was to provide prospective “clients” with information such as where to go for medical examination and/or psychological help, how to bring the case to court and where to find safe accommodation or temporary shelter if necessary.

Furthermore we networked with several women’s NGOs which supported victims of trafficking and gender-based violence as well as government agencies dealing with reproductive health care for adolescents. It should be made clear at the outset that I personally was not involved in counseling tasks at the Hanoi “office.” CEFACOM had taken over all the activities from my previous work such as my initial program on sexual assault prevention, which was a part of my Master’s thesis in 2003, and a follow-up research project funded by the Toyota Foundation in 2005. When the victims first came to the office seeking help, they would be provided the necessary assistance as mentioned above. Only after a decent interval, usually one or two weeks after the first contact, would they be informed of my current research and asked whether they would take part in it. If they were willing to see me, I would arrange a meeting. Then the process of making rapport would begin. The length and depth of my interactions with individual informants varied from case to case. We made clear at the beginning that all women who chose to come to our office would be offered the possibility of counseling without any obligation.

The flyer

In terms of content, the flyer highlighted the purpose of the research, stressing such matters as the confidentiality of personal information, the voluntary nature of participation, and the free-of-charge counseling services offered by CEFACOM under whose umbrella this research was conducted (see Figure 1). Well aware of the fact that those who sought help might not be interested in taking part in the research, we pointed out that everyone would be welcome without any obligation. All in all, we distributed
50,000 flyers mainly around Hanoi, but some were distributed in Lào Cai as well, a northernmost province on the border with China.

The content and layout of the flyer were designed in close consultation with CEFACOM staff, legal experts, social workers and other researchers. It should be mentioned that a notion of gender neutrality was intentionally included in the flyer through the use of the words những ai từng bị xâm hại tình dục [Vn.: those persons who have experienced sexual assault], which imply that both females and males could be victims of rape. It was an attempt to obtain a “linguistic equality” of the sexes by minimizing or disregarding gender-specific expressions and constructions, making the reader aware of the possibility that male rape may actually take place. As it turned out a number of male respondents later contacted our counseling office for emotional support. Nevertheless, from the public reactions we received there was an overwhelming perception that women are victims of sexual violence while men are perpetrators.

There is an important reason for choosing the term xâm hại tình dục [Vn.: sexual violation] in the flyers for distribution in public places. This was to avoid possible trouble with the local authorities because “rape” [Vn.: hiếp dâm] is still a sensitive subject in the political sense. Additionally, it might help protect potential research participants from social prejudices attached to this taboo-laden subject. The word xâm hại [Vn.: violation] may be understood in a “practical” way: when someone is robbed, his/her personal property is “violated” legally; likewise, in the case of rape, one’s sexual integrity is considered as being violated. As described in Chapter 4, most of the (raped) women in this current study would prefer the term bị xâm hại [Vn.: subjected to a (sexual) violation] rather than the word bị hiếp dâm [Vn.: being raped] in their personal narratives.
Figure 1: The Flyer
Flyer distribution

With respect to the flyer distribution, I “employed” seven undergraduate students (mostly related to social studies) to hand out the flyers instead of pasting them in public places because this would require local authorization (and this would take time). It turned that handing out flyers directly was rather effective because most people were keen to read them - rape being seen as a “sensational” topic.

It is important to point out that by using the information-gathering technique of flyer distribution I pursued a double objective. Apart from trying to attract the attention of rapees for the case studies, I also wished to monitor people’s reactions to the subject of rape, and the prejudices that women doing research on sexual violence had to face in the social-cultural context of Vietnam. While distributing the flyers, the students were to record the reactions of the people they met during their rounds. In fact, they were required to take field-notes, and write down in details about what happened in their day work including their own thoughts about it. These requirements were also applied to the young (female) assistants helping me with archival research and interview transcribing. I also warned them to be aware of potential problems that might arise from the sensibility of the topic. I met my assistants three times a week to discuss about their experiences, and to share their personal feelings about how this research might have an impact on them personally. In reality, the choice of a location was often made on the spot by the drift of the day. For instance, since most people are expected to spend their free time at public places such as zoos, parks, shopping malls, supermarkets, railways and bus stations the flyer distribution campaign would concentrate on these places during weekends and holidays. During weekdays, the focus was switched to “workplaces” such as secondary schools, university dormitories, factories, hospitals, market places, etc. Furthermore to monitor public attitudes on the subject of rape in terms of gender and age, I engaged a man and a woman, both in their middle age, to help in the leafleting campaign.

Taking the advice from several social workers and fellow researchers we also distributed the flyers among sex workers to get information on rape incidence among this group. This was based on the presumption that prostitutes run a high risk of rape because
of the nature of their “profession,” having to make themselves sexually attractive to prospective “clients.” Another reason given was that women practising the sex trade might be more open-minded to talk about “that thing” (meaning rape and sex-related issues). I managed to “infiltrate” a local network of sex workers made up mainly of migrants and successfully “recruited” participants who were victims of rape. Through “sisterly” chats I found out that one of them was sexually abused by her landlord when she first came to Hanoi to work as an ôsin20 [Vn.: housemaid]; another recently suffered forced sex by her boyfriend whom she was now trying to get rid of. The latter also shared with me her “deflowering” experience by her ex-husband as a means to make her his wife.

Creating a blog

In order to gauge public opinion on the subject of rape, in particular among “bloggers,” I created a web log for posting relevant information about my work using CEFACOM as a contact address. I included four case studies taken from my MA thesis, re-written as simple stories designed to test public attitude on this sensitive subject. I used to end my blog posts with a question for visitors. At the same time, the students (involving in this present research) were asked to post their experiences from their leafleting activities including their own feelings and the public’s reactions to the rape problematic.21

Print media advertising

Instead of simply putting an ad in the press, I have “negotiated” with three columnists of Gia Đình-Xã Hội [Vn.: Family - Society], Tiếng Phong [Vn.: Vanguard] and Thanh Niên [Vn.: Youth], three daily newspapers with focus on social issues, to publish a series of articles on the work of our counselling office and my own research project. Apart from publicizing CEFACOM activities, the articles were also designed to “test” public attitude toward the subject of rape. For instance, there was always a small space at the bottom of

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20 A slang for ‘female servant’ derived from the name of the main female character in a Japanese soap opera, Ôsin, broadcast on Vietnam Television during the early 90s.
21 For further information please visit the following link: http://blog.360.yahoo.com/blog-OysrEZ1_RKXWHiN54qv5xA--.:vlt=AsDi0MngFNOSvPolmwBan1q0AOJ3?eq=1. Accessed on July 12, 2007.
the articles inviting readers to “send your comments on the story, using the box below.” Shortly after the articles had been published, CEFACOM was invited to comment on several cases of sexual abuse presented by the “Heart-to-Heart” program of the national radio station Đài Tiếng Nói Việt Nam [Vn.: Voice of Vietnam] and several newspapers such as Gia Đình-Trẻ Em [Vn.: Family-Children], Phụ Nữ [Vn.: Women], Tiền Phong [Vn.: Vanguard].

2. Multi-site fieldwork and data collection

2.1. Reactions from the rappees

With regard to the flyer campaign in 2007, the very first response we received was from a female undergraduate student (whom I call Lành) via the telephone five days after distribution had begun. Her early enquiry was about the risk of getting pregnant after having engaged in “unprotected sex” with her current boyfriend. The person-in-charge at the CEFACOM office provided Lành with necessary information such as general knowledge about pregnancy, as well as useful contacts for further help, for example the hotline counseling service coordinated by the Ngôi Nhà Tuổi Trẻ [Vn.: Youth House] of Trung Tâm Chăm Sóc Sức Khỏe Sinh Sản Vị Thần Niên/Đoàn Thanh Niên Trung ương [Vn.: Center of Reproductive Health for Adolescents of the Central Youth League]. Also we assured her that she could contact us whenever she felt like it. It was only weeks later that she told me about her experience of date rape by her current boyfriend during a face-to-face interview taking place in the intimacy of my office.


23 Since a student like Lành might ill afford the cost of a long phone conversation I arranged with CEFACOM about the possibility of returning calls after the first contact was made. We were also aware of the fact that a respondent might want to be anonymous when calling us from a public phone or from a pre-paid cell-phone account with non-display numbers. Some might not want to be reached at home for fear of their “secret” being revealed to other family members.
Background of research participants

At the end of my research, I managed to follow twenty-three cases including four cases pending from the previous fieldwork conducted in 2005, three were brought to my attention by CEFACOM, and the rest came from the leafleting campaign.

The women were from fourteen to thirty-six years of age (see Figure 2). Regarding civil status, a large majority of the research participants were single. This may suggest the underreporting of marital rape due to lack of information regarding this type of rape, and the reluctance to say no when their husbands insist on sex (Phan Thu Hiền 2005). As regards education, three had college education, five had less than a secondary education, and the rest had high school or vocational school degrees. The participants worked as domestic helper, waitress/food server, assistant manager of a cosmetic franchise, shop assistant, etc. Four were students. With respect to rape locations, eight cases occurred in public places like open roads, hotels/guest houses; the rest occurred at the assailant’s or the rapee’s house. Based on the time of interview after the incident, the average length of time that elapsed since the assault occurred was 3.8 years, ranging from one month to thirteen years. Many of the assailants used no weapons to force themselves on their victims; the rapees were often coerced through psychological means by people they trusted or at least were familiar with. Perpetrators’ relationship with their victims are as follows: adult stranger (one case), eighteen-year-old stranger (three cases), employer (two cases), dating partner (three cases), husband (one case), acquaintances living in the same neighborhood/ fellow villager(five cases), brother in-law (one case), father (three cases), stepfather (one case), father-in-law (one case), uncle (two cases). Lastly, based on the number of assailants involved, there are three cases involving more than two assailants.

Given that fourteen out of the twenty-three participants were living in Hanoi, most of the interviews took place in the informants’ houses, in my office at CEFACOM, at various cafes, tea houses and restaurants, etc. However, for those whose families lived outside Hanoi, I went to their villages to learn more about their social/cultural background. In this sense, the research was multi-sited as I did fieldwork in a number of provinces outside Hanoi: Quảng Ninh, Tuyên Quang, Hòa Bình, Hưng Yên, Hà Tây and in particular Lào Cai near the Chinese border.
### Figure 2: Demographic and Rape Information of the Study Participants by Rape Category

<table>
<thead>
<tr>
<th>Case ID</th>
<th>Age</th>
<th>Marital</th>
<th>Occupation</th>
<th>Ethnicity</th>
<th>Assault information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ái</td>
<td>18</td>
<td>Single</td>
<td>High school student</td>
<td>Kinh</td>
<td>Intoxicated and gang raped by 6 teenagers in 2006; attempted suicide. Police notified; conviction of gang rape.</td>
</tr>
<tr>
<td>Mỹ</td>
<td>24</td>
<td>Single</td>
<td>Health staff</td>
<td>Mường</td>
<td>Robbed and gang raped by 9 teenagers on a country road in 2007. Police notified and case is pending; media coverage.</td>
</tr>
<tr>
<td>Hanh</td>
<td>23</td>
<td>Single</td>
<td>Health staff</td>
<td>Kinh</td>
<td>Robbed and gang raped by 9 teenagers on a country road in 2007. Police notified and case is pending; media coverage.</td>
</tr>
<tr>
<td>Hai</td>
<td>22</td>
<td>Married</td>
<td>Housewife</td>
<td>Hmông</td>
<td>Raped while staying in a field hut at night in 2004. Police notified; conviction of rape.</td>
</tr>
<tr>
<td>Thanh</td>
<td>19</td>
<td>Single</td>
<td>Farm hand</td>
<td>Hmông</td>
<td>Raped while staying in a field hut at night in 2004. Police notified; conviction of adolescent rape.</td>
</tr>
<tr>
<td>Diễp</td>
<td>19</td>
<td>Single</td>
<td>Farm hand</td>
<td>Kinh</td>
<td>Mentally retarded; raped by a neighbour in 2007, became pregnant; baby given for adoption. Unreported; but was known to the local community.</td>
</tr>
<tr>
<td>Diễm</td>
<td>23</td>
<td>Single</td>
<td>Sex worker</td>
<td>Kinh</td>
<td>Sexually abused by landlord while working as housemaid in Hanoi in 2000; then intoxicated and raped by a 'client' while working in prostitution in 2001. Unreported</td>
</tr>
<tr>
<td>Ly</td>
<td>25</td>
<td>Single</td>
<td>Seasonal worker</td>
<td>Mường</td>
<td>Rape by employer in 2005; became pregnant and baby given for adoption. Unreported but was known to the local community.</td>
</tr>
<tr>
<td>Nga</td>
<td>17</td>
<td>Single</td>
<td>High school student</td>
<td>Kinh</td>
<td>Mentally retarded; raped by a neighbor in 2003; also sexually harassed by a classmate; Police notified; conviction of child rape.</td>
</tr>
<tr>
<td>Nghi</td>
<td>19</td>
<td>Single</td>
<td>Shop clerk</td>
<td>Kinh</td>
<td>Raped by a friend known at chat room, and coerced into second rape in 2006. Police notified but case dropped.</td>
</tr>
<tr>
<td>Thu</td>
<td>17</td>
<td>Single</td>
<td>High school student</td>
<td>Kinh</td>
<td>Raped by a neighbor in 2004. Police notified; conviction of having sex with a minor; media coverage.</td>
</tr>
<tr>
<td>Nguyệt</td>
<td>36</td>
<td>Married</td>
<td>Researcher</td>
<td>Kinh</td>
<td>Surviving attempted rape by an informant at research site in 2005; repeatedly forced to have sex with husband during early years of marriage. Underreported but was known to the local community (re. the attack).</td>
</tr>
</tbody>
</table>

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*Note: The table continues with additional cases.*
<table>
<thead>
<tr>
<th>Name</th>
<th>Age</th>
<th>Marital Status</th>
<th>Occupation</th>
<th>Ethnicity</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duyên</td>
<td>26</td>
<td>Married</td>
<td>Small business owner</td>
<td>Kinh</td>
<td>Sexually abused (non-penetration) by father in-law twice in 2003. Disclosed to husband but received with disbelief.</td>
</tr>
<tr>
<td>Phượng</td>
<td>26</td>
<td>Married</td>
<td>Housewife/ Ex-sex worker</td>
<td>Kinh</td>
<td>Raped by a relative on mother’s side in 1998; left home; became involved in prostitution. Underreported.</td>
</tr>
<tr>
<td>Hồng</td>
<td>18</td>
<td>Single</td>
<td>High school student</td>
<td>Kinh</td>
<td>Repeatedly abused by father since age of 5 and raped at age of 13. Underreported but was known to family and local community.</td>
</tr>
<tr>
<td>Giang</td>
<td>23</td>
<td>Single</td>
<td>Office clerk</td>
<td>Kinh</td>
<td>Repeatedly abused by father during childhood; left home. Reported to a newspaper (under anonymity) known to the family and local community.</td>
</tr>
<tr>
<td>Minh</td>
<td>18</td>
<td>Single</td>
<td>Fresher student</td>
<td>Kinh</td>
<td>Repeatedly abused by father during childhood and raped at age of 14; left home and attempted suicide. Reported to a newspaper (under anonymity); known to family and local community.</td>
</tr>
</tbody>
</table>
Involvement of research participants from ethnic minorities

It is worth noting that seven participants in this project belonged to minority groups such as Hmông, Dao, Tày, and Muông (see Appendix 3 for population distribution of these minority groups). Of these seven, three women belonged to the ethnic groups of Muông and Tày. They got to know about my research through the flyers while they were living in Hanoi as temporary workers. These women were fluent in Kinh (Vietnamese) language thus there was no language barrier as compared to the four cases of Dao and Hmông residents in Lào Cai province.24

The involvement with participants from ethnic minorities created extra methodological problems. First there was the language barrier, since two Hmông participants (in this case Hmông Đơ in Lào Cai) did not speak the Kinh language. Because I myself do not speak the Hmông language there was an obvious need for an interpreter. Secondly, these women were living in an area officially referred to as vùng sâu vùng xa25 [Vn.: deep and remote area] near the Vietnam-China border. Generally those who wish to visit or carry out research in these frontier areas must receive prior permission from the local authorities.26

With respect to local assistance, Anh [Vn.: “brother”] Sỹ, a middle-aged cán bộ [Vn.: cadre] of the Phòng Nội Chính [Vn.: internal affairs section] of the People’s Committee of Rocky Way district, was assigned to accompany me throughout the field work, although originally I had suggested that my former female student now working at the provincial cultural bureau would help me out with the local scene. “Brother” Sỹ, a

24 The reason for my one-month field trip to Lào Cai needs some clarifications. A former student of mine who had assisted me in distributing flyers during my pilot study on rape victims in 2003 in Hanoi was living in Lào Cai in 2007. As luck would have it she was working at the provincial cultural office and had close contacts with different ethnic groups locally. For instance, she handed out the flyers among local people whenever she had a chance to go to the communities for her work-related training courses or meetings in several districts of Lào Cai province. Through her introduction I was able to cover five cases of rape, four of which involved women and girls from three different Hmông and Dao villages, which I call White Peak, Red Slope and Blue Water in Lào Cai province.

25 For a vivid discussion of the notion of vùng sâu vùng xa, see Salemink (forthcoming).

26 For my part I used a “top-down” approach to get authorization to conduct field work in this sensitive area. Having obtained an official letter of recommendation from my home university in Hanoi I contacted the person in charge of Lào Cai province’s Bureau of Culture, Sports and Tourism, who then made necessary arrangements with district level officials. These then instructed the communal cadres to facilitate my field work.
Kinh himself, was best qualified to help me, explained a provincial official, because he was knowledgeable about the rape cases within the district of Rocky Way since he was involved in delivering government support for “children in specific circumstances” including sexually abused children. The head of the internal affairs section, Anh Sỹ’s direct boss, also thought it would not be wise for two women to travel among the ethnic minority groups in the frontier area, often seen as a nhạy cảm [Vn.: sensitive] area and full of phức tạp [Vn.: complicated] problems, both socially and politically. Anyway “brother” Sỹ turned out to be an excellent “research assistant” as well as a reliable xe ôm [Vn.: motorbike taxi driver], without whom I could not have reached my research destination.

Conscientious of the fact that the presence of a male person might impede the conduct of my interviews, I discussed my concerns with Anh Sỹ. We agreed that he would leave me and the local interpreter to talk with the women at their homes and come back to pick me up at a certain time later. In case there were other family members or visitors around, he would stay to talk with them. As it happened, while I was interviewing the woman in the kitchen Anh Sỹ would sit at the doorsteps chatting away, getting useful information such as the family’s attitude toward the rape incident.

At the Hmông village, I found an excellent interpreter in the person of a retired chairperson of the People’s committee of the Moonshine commune who was proficient in the Kinh language. My fieldwork in the two Dao communities was somehow less challenging because my interviewees both spoke the Kinh language.

2.2. Ethnographic fieldwork among rapees and their social network

Rapport development

Most of the respondents first got in touch with us by a phone call, citing “problems” that varied from worries about an unwanted pregnancy to somatic symptoms associated with a recent trauma. However, there were cases when the women were willing to discuss their ordeal even in their first contact with us. We tried to respond to their specific needs whenever possible given our limited resources. Above all, we avoided sounding “pushy”

27 In accordance with Circular number 112/2004/TT-BTC of Ministry of Finance regarding guidelines on the management and use of the Vietnamese Children Protection Fund.
so as not to scare people off; “easy-does-it” seemed to be a good approach at this early stage of rapport building.

**Interview**

Since the aim of the research is to understand how larger social discourses have an impact on the micro context of the life of individuals - in this case the female rapees - data were collected through interviews with these women, as well as members of their social networks including family members, relatives, neighbors, friends, colleagues and social workers.

**Among rapees**

As the main interest of this research is to validate and give voice to women’s experiences and their understandings of rape, I took up the biographic narrative interpretative method (BNIM) adopted by Tom Wengraft (2001) as the crucial interview style for studying life-stories. Broadly speaking, BNIM is a form of lightly structured in-depth interviewing (from the interviewee’s perspective), based on the method of asking just one open-ended, carefully designed narrative question that elicits improvised narratives of a part or whole life-experience from interviewees. I tried to find out the impact of rape on the woman’s health, on her life cycle, and on the way she thought of other people's reactions to it. In addition, in the case the interviewee kept silent about the assault, I also explored what factors had influenced her decision not to report? Otherwise, if she chose to disclose her experience, whom did she tell first? And how did people around her react to the fact that she had been sexually assaulted? Were their responses mediated by age, race, and socio-economic background? Most importantly, how did she herself label/name the experience? What did she call herself after all? How did she see herself at the moment of being interviewed? What about her future prospects?

**Among family members, friends and neighbors (i.e. in reported cases)**

My main focus was to explore what this group think about what had happened to the woman/girl; how did they react on hearing of the rape incident? Did they think such an
incident could happen to the woman/girl? What did/would they do to support/help her? How was this going to affect them?

In total 110 in-depth interviews were carried out from March 2007 to February 2008 (see Table 1 and 2).

* Sixty-one were conducted with rapees. Nineteen of these sixty-one interviews were tape-recorded, whereas the rest were carried out in informal settings such as cafés, teahouses, restaurants, etc.

* Twenty-six were conducted with the rapees’ parents. Fourteen of these were tape recorded including three involving mothers and fathers of the victims simultaneously.

* Twenty-three were conducted with other family members of the rapees (brothers, sisters, aunt, grand mother, mother-in-law), three of which were tape-recorded. Besides I also spent time talking with friends, neighbors, teachers, social workers and other people involved in the rapees’ experiences. Each interview lasted from one to three hours. The longest was four hours.

Table 1: A summary of the interviews (Fieldwork 2007)

<table>
<thead>
<tr>
<th>Interviewees</th>
<th>Numbers of interviews</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Recorded</td>
</tr>
<tr>
<td>--------------</td>
<td>----------</td>
</tr>
<tr>
<td></td>
<td>No</td>
</tr>
<tr>
<td>Rapees</td>
<td>19</td>
</tr>
<tr>
<td>Rapees’ family members, social network (i.e. friends, neighbors, social workers)</td>
<td>17</td>
</tr>
<tr>
<td>Institutional staff (social workers, scholars, language experts, journalists, lawyers)</td>
<td>07</td>
</tr>
<tr>
<td>Total</td>
<td>43</td>
</tr>
</tbody>
</table>
Table 2: A summary of interviewed cases relating to the legal procedure (Fieldwork 2007)

<table>
<thead>
<tr>
<th>Category of rape/sexual abuse</th>
<th>Reported</th>
<th>Under-reported</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Convicted</td>
<td>Dropped</td>
</tr>
<tr>
<td>Acquaintance rape</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- by family members (i.e. uncle in-law; brother in-law; cousin)</td>
<td>01</td>
<td>01</td>
</tr>
<tr>
<td>- relatives</td>
<td>05</td>
<td>01</td>
</tr>
<tr>
<td>- friend, employer, neighbor, client</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date rape</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wife rape</td>
<td></td>
<td>01</td>
</tr>
<tr>
<td>Stranger rape</td>
<td>01</td>
<td>02</td>
</tr>
<tr>
<td>Gang rape</td>
<td>02</td>
<td></td>
</tr>
<tr>
<td>Incest (i.e. father, step-father, father in-law)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>06</td>
<td>03</td>
</tr>
</tbody>
</table>

During the interviews, I took care not to go too deep into the rape scene itself, but tried to let the respondents talk about their experiences and express their feelings at their own pace and at the proper time. It turned out that they themselves quite spontaneously gave me detailed information related to the rape. It seemed that while they were trying to refresh their memory, these details came back quite clearly and quickly to their mind. There were some highly emotional situations I had to deal with, for example in the case of a girl I call Minh who had been raped by her father. She trembled and shook with emotion as she was relating the incident, how she stood outside her own home in the dark after she had been raped by her own father earlier in the day, realizing that she could no longer return to it. I comforted her as best as I could, trying to bring her from her painful memories back to the safety of my little office. My job was not only to bear witness to her story, but also to give her support and comfort. In this sense, my response to Minh was that of a fellow human being. As pointed out by Virginia Dickson-Swift et al. (2007) the researcher has to be prepared to face human feelings in conducting in-depth interviews on sensitive topics though this often comes at a personal cost.
Data recording

At first, I was a bit reluctant to use the digital recorder for the interviews as I was afraid that this would make my informants feel uncomfortable, possibly causing undue anxiety to them and their immediate families. Therefore, the first time I talked to them, I took care not to record the conversation. The second time around, however, depending on the situation I did ask them whether I could use the recorder. To my surprise most people, in particular the rapees’ parents, did not object to this after I had assured them that I would use their information only for my research and their names would not be mentioned. They told me they would not mind, since what they were going to tell me was based on the truth anyway. Some interviewees even shared with me documents and papers relating to the cases themselves.

It should be mentioned that there has been an increasing ethical concern on improving consent procedures in the research process, particularly regarding subjects with little education (Hill et al. 2008). As a researcher, I did my best to make sure that the would-be participants were provided with adequate information before making a decision whether to join my project or not. For instance, they were told in advance that their experience would be the main subject of the interview. In this way I was able to attract respondents who might feel the need to talk about their experiences. The respondents were also asked whether they would want to review the interview transcripts, in terms of accuracy of information and appropriateness of language. I was also aware that the effectiveness of this method largely depends on the educational level of the researched and the amount of time available to them beyond their daily chores and other domestic obligations. My intention was in a sense to empower the women involved in this research, turning them from passive informants into active participants. Furthermore, I was also aware that the openness and intimacy of the interview might lead them disclose information that they might later regret, in particular those with incest experiences. Five of the women accepted to check the accuracy of the interviews concerning them.

On the whole, I was surprised by the wealth and depth of the information my participants were willing to divulge. After each interview, the participants were asked about what impact this nói chuyện [Vn.: conversation] might have on them. Many of them reported that it was a kind of self-healing to be able to talk about their experiences
in a supportive, caring environment. Some respondents told me these sessions helped them reflect more deeply about their experiences and put them in some kind of perspective, helping them to see things that were unclear before, as observed elsewhere by Harry Hiller and Linda DiLuzio (2004). Thus, the interviews served to some extent a therapeutic function in alleviating their suffering.

Participant observation in everyday activities

As noted earlier, a unique problem in studying crime, especially rape, is the general reliance on data that is usually a secondary account of the phenomenon under study (Stanko and Lee, 2003). There have been observational studies of deviance such as cases of drug users, pick-pockets, or traffic offenders where the researcher is able to observe directly what happens when it happens. However, in most crimes of violence, it is almost impossible to collect data by first-hand observation (at least not in the conventional sense).

In the current study, I adopted a pro-active approach to participant observation by spending as much time with my participants as possible in order to learn more about their post-rape experiences. For those who were living in Hanoi I made plans to see them at least once a week for a period six months.

To get a better grasp how rape victims/survivors interact with their families and the surrounding social environment I arranged to join them on trips to their home village. These visits mainly coincided with occasions commemorating life cycle events, for example the death anniversary of a family ancestor. Through my conversations with their family members I tried to understand how their personal experience of sexual abuse/rape and its consequences were impacted by the social relations of everyday life. Moreover I could gain insights into how kinship relations influence the ways in which young women exert their “agency” in the aftermath of their experiences of rape.

The most important information I received did not necessarily came from planned meetings, but sometimes from unexpected moments such as during a stroll down a country road, or on an informal visit to the participant’s family where the notebook or the recorder was not pulled out of the bag.
Diary: A method to access rapees’ experiences

It is worth noting that alternative means of getting feedback could be effective when the rapees - especially when they were rather young - were reluctant to respond directly through normal conversations, for example in the five cases involving adolescent girls (aged 13-17). Accordingly I asked them whether they would prefer to tell their stories in writing; and they were rather keen on taking up this option. I gave each of them a notebook, asking them to write down their experiences and any other thoughts that they might like to share with me. I then came to see them and collect their “diaries” at the end of the month. This procedure was repeated for the next three months. With this approach, I was able not only to gain insight into their daily lives but also collect vital information related to the rape incidents that were not framed by the questions I had posed to them. These personal diaries turned out to be highly valuable for analysis at later stages (see, for example, Figure 3).

Figure 3: An excerpt from a rapee’s personal diary
2.3. Analysis of printed sources

While my focus on the rapees’ experiences as individual narratives is to provide a “bottom up” view, an analysis of court files and media reports, seen from institutional perspectives that shape the popular understandings of rape, can be characterized as a “top down” approach.

Newspapers

Since the media is a mirror of prevailing social/cultural attitudes, which in turn may have a direct bearing on the actual coping behavior of survivors, I want to explore what is the actual representation of rape (e.g., what kind of a crime is it: sexual, social-ethical or an act of aggression?); who is supposed to be a “deserving” rape victim in popular perceptions (e.g., a woman of undisputable sexual reputation?); What is the meaning of “honor” in this respect?; 3) who is held responsible for the rape?; 4) what are the characteristics of a “typical” perpetrator (e.g., economic status, stranger or family member?; 5) what are considered “best practices” in dealing with rape?

To illustrate how women are portrayed in the reporting of rape, I concentrated on four interviewed cases that had been covered in the media. Of these, two involved mentally retarded girls under sixteen living in low-income neighbourhoods of Hanoi, one involved incest, and one concerned a gang rape of two young women in a rural area. More specifically, these cases appeared in An Ninh Thủ Đô [Vn.: Capital’s Security], Gia Đình - Xã Hội [Vn.: Family & Society], Tiĕn Phong [Vn.: Vanguard], and Cộng An Nhân Dân [Vn.: People’s Public Security], and were not covered in other newspapers.

Apart from the case studies, I conducted a general review of three newspapers with rape-related cases (i.e. 687 articles to be precise) in the period from 1990 to 2006 at two major Hanoi-based libraries, the Vietnam National Library and the Library of Social Sciences. The review was necessary in order to examine how the state-controlled media looked at the problem of sexual violence over a period of great upheaval in contemporary Vietnam. Above all, it was to ascertain whether the loosening up of “socialist” control, freer mobility and an unfettered market economy might bring about more sexual violence, as one might hypothesize. I also tried to analyze the ways in which the media might transform rape as a “social evil” into sensational stories to boost newspaper sales.
The list of the newspapers that were scrutinized can be found in the appendix of this dissertation (see Appendix 4). It should be pointed out that I did not include Công An Nhân Dân (affiliated with the Ministry of Public Security) in my general review of rape-related articles. The reason was that Công An Nhân Dân provided less coverage of sexual assault cases, as compared with An Ninh Thủ Đô. In my assessment, An Ninh Thủ Đô, Gia Đình - Xã Hội and Tiền Phong consistently provided more coverage of sexual assault cases, compared to the bigger newspapers such as Nhân Dân [Vn.: People], and Lao Động [Vn.: Labour]. The reason for frequent rape coverage in these newspapers could be explained by institutional affiliation, readership make-up and editorial policy, a topic that will be discussed in Chapter 7. Regarding the representativeness of these newspapers, the two papers Tiền Phong [Vn.: Vanguard] and Gia Đình-Xã Hội [Vn.: Family & Society] are seen as having a nationwide readership whereas the Hanoi-based An Ninh Thủ Đô [Vn.: Capital’s Security] is a regional paper.

One research assistant was assigned the task of browsing through the two libraries to collect and sort out relevant newspaper articles on rape, which I then spot-checked for the accuracy of the newspaper articles.

Court cases

An important objective of this research is to explore how rape cases were adjudicated in court and whether the perpetrators were convicted; if so, were there discrepancies in the severity of the sentences in similar cases? What factors might explain these differential sentences? This will serve as a basis for comparison about the attitudes of rapees in the non-reported cases in my research.

The focus of this study is on the eleven interviewed cases involving child rape and gang rape. Of these eleven cases, which were brought to court, six led to conviction; three were dropped by the plaintiffs while the other two were still pending. It is complicated by the fact that seven cases involved girls aged sixteen and younger, one being mentally

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28 This was based on close consultation with several journalist friends working in Hanoi. In that sense I relied on these journalists to get an idea of the circulation of the newspapers and its coverage of rape-related issues.


retarded and one suffering from epilepsy. Among these eleven victims, two are from minority ethnic groups. Two of the cases involve gang rape.

In addition to the interviewed cases included in this research, I also collected statistics on cases involving sex-related crimes from 1995 to 2006. Although one may raise questions about the reliability of these data given the fact that the majority of victims were unlikely to file formal charges, the statistics are useful as an indication of trends over a period of tremendous social, cultural and economic changes. In this connection, data from the court survey provide a basis for my discussion on legal aspects in Chapter 6.

2.4. Remarks about “post-data collection” arrangements

Regarding the idea of “reciprocity exchange” for research participants, I did not pay them any cash for their time and trouble. Besides the fact that the practice of paying research informants is not so common in Vietnam (cf. Nguyen Tu Anh, 2010), it was not an option because my informants were already clients of the counseling service offered by CEFACOM. Thus, payment in such a context would have been unethical. At a practical level, my reciprocity took the form of offering courtesies such as inviting them to see a movie or taking them out for dinner. When I went to see them at home or paid a visit to their parents in their own villages, I always brought along some food, fresh fruits or cookies as presents.

On another score, I should add that there was some sort of emotional attachment that developed between myself as researcher and some of the women who participated in this research. We remained friends even after my return to the Netherlands to complete my PhD program and stayed in touch via email and phone calls.

Meanwhile I managed to reach an arrangement with CEFACOM about the eventual continuation of the “consulting office” after my research was over. CEFACOM could make use of the office furniture and other facilities that were acquired with the financial support from the Toyota Foundation (in 2005). Moreover, I continued my involvement as an off-site advisor for the consulting office and some research activities carried out by CEFACOM concerning rape and sexual violence.
Interview transcriptions

With respect to transcribing the interviews, I entrusted this task to a female graduate student in anthropology because she was competent and familiar with social sciences. Even though the standard transcription conventions used by many linguistic anthropologists have not been applied in the excerpts (Besnier 1994; Duranti 1997), the principal guidelines were to retain the maximum amount of data that is to keep the transcript as original as possible.31

As regards the cases involving members of the two ethnic groups of Hmông and Dao living in Rocky Way district of Lào Cai province, I relied on the help of experts on ethnic minorities in Hanoi. Specifically in the Dao case, I asked a senior scholar at the Institute of Anthropology - a Dao himself - to go through the transcriptions of the interviews done in Kinh language. In particular I wanted to check certain expressions in the interviewees’ native tongue concerning the terms tiêt khu-ú pai tiêt khọt [D.: virginity] and tchôm miền xia châu tiêt [D.: rape] for instance.

With respect to the interviews with the Hmông, I secured the “service” of a Hmông student to help me with the translation of the interviews.32 By so doing I could double check the transcriptions as well as to use the RPA system to transcribe phonetically a number of crucial concepts peculiar to the Hmong language, such as tsangx muas [Hm.: shame], plu [Hm.: face, honor], saiz tsiv txax [Hm.: respect], tsiv txax [Hm.: well-mannered behaviour] and tsì jông [Hm.: bad people].

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31 For instance, the student was required to transcribe the entire speech, including overlapping utterances, and interruptions such as TV sounds, noises from the surroundings, etc. If the pause in the speech lasted longer than five seconds, it was represented by […]. If the interval was less than five minutes, the (unfinished) sentence was followed with three dots (...). All incorrect spellings and the interviewee’s expression in the local dialect such as the mispronunciation of [n] and [l] were kept intact. When the student was unsure about a certain segment of the tape, she was advised to replay it up to four times. Any unclear sentence must be italicized and marked in blue. As I also pay attention to the difficulties associated with transcription of research interviews on a highly sensitive topic, I asked the student to make personal comments after finishing each tape, what she was thinking and feeling during the transcribing process, which is more than a purely routine technical task. I shall comment on this further in the last section

32 This took place at my CEFACOM office two days a week for a period of two months. We went through the recorded interviews of the Hmông cases together. To facilitate reading, I asked the student to check the translation that I was provided in the field, and transcribe the speech again in the RPA system (I myself listened to the tape to get familiarized with the materials).
Research limitations

It is necessary to mention that due to the highly sensitive nature of the subject, the study is bound to encounter some problems of interpretation. First of all, the small number of participants imposes limitations on the generalization of research findings. Considering the social stigma attached to rape, it is generally expected that most rapees would remain silent in coping with their post-rape trauma, and those who venture to speak about their experiences might be considered as “atypical.” Thus, those who choose to speak about their experience or seek professional assistance might represent a more “progressive-minded” minority among rapees.

The research participants varied in terms of age, occupation, ethnicity, education; their own experiences of the rape itself also varied (reported, unreported, type of rape, etc.). In addition, the time span since the rape incident occurred also differed for each woman: the oldest case dated back to thirteen years; the latest case was one-month old. Because of the limited number of participants I could not focus on a certain kind of rape (e.g., rape by strangers or by acquaintance); a specific age group (at the time they were raped); or occupation (i.e. migrant women).

In addition, several rapees who initially sought counseling did not want the researcher to have direct contact with their social network (family members, friends, etc.). Some preferred “interview-only” while others allowed me to conduct an in-depth ethnographic study. It should be pointed out that even though the number of case studies was rather limited, this was compensated by a careful examination of the participants’ interactions with their social networks (i.e. family members, relatives, friends, neighbors) since the essence of this research calls for analysis, understanding and explanation about the relationship between social conceptions of gender and the actual embodied experiences of female rapees.

3. Experiences as rape researcher and reflections on “secondary victim”

While the problem of researching violence against women has received a great deal of attention in academic literature in the West (Salston and Figleys 2003; Collins, 2003; Campbell, 2002; Schwartz and DeKeseredy, 1997), little has been known about the
effects of public attitudes on those researching rape particularly in a patriarchal society like that of Vietnam.

Despite an increasing awareness of sexual violence, researchers working on rape are subjected to significant stress and are vulnerable to becoming “secondary victim” (Davis, Taylor and Bench, 1995) with “secondary traumatic stress” (Figley, 1995; cf. Shah, Garland and Katz, 2007), or vicarious traumatisation (McCann and Pearlman, 1990; cf. Schauben and Frazier, 1995). Basically, while secondary victimisation refers to victims who are held to be responsible and blameworthy for their own situation, for example, the concept “secondary victim” includes the ripple effects of crime on those close to victims. This was evident in the responses that we received from the lay public during the flyer distribution. The most irritating reaction was that sometimes we were treated as sex objects. From Linh Anh’s diary:

“Others made outrageous remarks about my physical appearance such as: ‘why is a pretty girl like you doing something like this? It’s strange (meaning lucky) that you haven’t been raped yet’.” (AN20071)

I myself became the subject of gossip and innuendo among my own peers and acquaintances; some even called me a “man hater,” a lesbian or just someone with “liberal” views on sex. This unnecessarily caused extra pressure on the conduct of my work.

Additionally the most frequent questions directed at my female associates were about their marital status and the reason of their involvement in the research project. An excerpt from Khuê’s diary:

“They asked me why on earth I would want to do this kind of work. A middle-aged woman said: “A young student like you distributing these leaflets, aren’t you scared? And you’re not even married!” There’s something bitter, cruel, and degrading in her words. What do people think? Do I have to keep silent about sexual matters because I am not married? Is it because I am single, talking about these matters makes me look like somebody with a problem? I don’t really mind (about these attitudes) but sometimes I felt depressed and tense when people made jokes about my work, for example, when someone asked me leeringly whether it had something to do with population control and the use of condoms.” (AN20052)
These perceptions emanate from social expectations that a good girl is not expected to speak openly about sex-related matters. Sex is a taboo subject in the context of Vietnamese culture, and a young and unmarried girl is presumed to be ignorant of sex. Here it appears to run counter to an increasing trend in premarital sex among Vietnamese youth (Zabin et al. 2009; Nguyễn Phương An, 2005). It is easy to make sex-related jokes in their daily conversations, but most people would shy away from problems such as sexual violence. My findings are consistent with a recent survey on sexuality in Vietnam (Khuất Thu Hồng et al. 2009) which concludes that tình dục: dễ dưa khó nói [Vn.: sex is easy to joke but hard to talk about].

Apparently the idea of a single girl engaged in researching rape is not easily accepted by most people even today. It is worth mentioning that two students in my original distributing team unexpectedly quit soon after the campaign had started because of parental disapproval. One of them explains:

“Once my father incidentally saw what I was transcribing on the computer screen. He found my work disagreeable.” (AN20073)

The mother of the other student told her:

“Why do you distribute this kind of flyers instead of (handing out) commercial promotion leaflets? There are so many things you can do. For a girl to take up such a project may cause a lot of gossip.” (AN20074)

Fortunately the rest of the team were enthused with their work, and imbued with a strong sense of activism.

It is worth mentioning that gender stereotyping was evident during the flyer distribution. As mentioned earlier, I included a male student and a middle-aged man in my team. Most people found a man distributing this kind of leaflet rather unusual since rape is regarded as chuyên đàn bà, con gái [Vn.: women and girls’ affairs], something that ordinary men should not be bothered with. However these two males were not subjected to unkind jokes or distasteful remarks. A middle-aged woman in my team told me:

“People often show pity when they see me distributing these leaflets out in the street. They say that the young ones should do this kind of work instead of you. But they gladly receive the leaflets, maybe because of my age.” (AN20075)
But there is no denying the emotional cost that we all had to bear, including those involved in transcribing interviews and researching archives. Personally, I found it hard to control my emotion - mainly horror and grief - when reading and re-reading the transcriptions even after some time had elapsed since the actual fieldwork or the interview took place. My associates involved in reviewing case records of rape in the printed media and in transcribing interviews underwent similar experiences despite the fact that they had no direct contact with the victims. For example, Chung told me she developed a phobia of motorbike taxi drivers after documenting the incidence of rape committed by this group. Another girl called Huyền spoke of her difficulty of concentrating on her transcription work after listening to some shocking episodes from the tapes. She further complained of nightmares. This emotional experience has been echoed among researchers who often listen to powerful stories regarding sensitive topics like rape (Warr, 2004; Dickson-Swift et al. 2009).

Generally speaking, most of my research associates expressed a sense of activism about their involvement in the project. As Hoài, one of the flyer distributors, wrote in her diary:

“People think the work I’m doing is useless, even boring. Maybe they think those who do such work are motivated by personal reasons. Worse yet the topic is about sexual violation. It seems they think that such a topic is too much for a young woman like me. I don’t really know what people think. Having said this I am more determined to carry on. Maybe more people like me are needed to change public attitude and consequently public behavior.” (AN20056)

Like Hoài, some of her colleagues used the term làm việc nghĩa [Vn.: doing charity work] to describe their work, talking about the enthusiasm and confidence they displayed in their work. Besides, taking part in this research allowed them to re-assess some of their preconceptions on rape and particularly child sexual abuse. Chung told me she previously thought that “these things only occur in remote areas where people are ignorant” and thus was shocked by the high incidence of rape in urban areas as revealed in her newspaper search. This has changed her view on gender (and ethnic) relations in a profound way, making her more alert to this hidden crime. Nhàn, a flyer distributor, said that she felt a sense of empowerment after taking part in the project as she recalled how she reacted to overt sexual harassment against her on a busy street.
“Last Saturday night I went out with my boyfriend. I was sitting on the back of his motorbike. The street was crowded as usual... Suddenly a guy grabbed my bottom violently, and then sped away. I mean this was not my first encounter with street sexual harassment. Normally I would let it pass even though I would feel very frustrated. But... don’t know why... this time... I felt so angry... I urged my boyfriend to accelerate to catch the guy... We caught him finally... ‘Do you know what you just did?’ I asked the harasser. He was highly embarrassed by my strong, but calm reaction, the more so because there were bystanders around. He apologized for his wrongdoing, so we let him go. But you know, people in the street looked at me as if I was someone terrible, though they did not object to my behaviour. My boyfriend told me: ‘I didn’t know you are that tough.” (Fieldwork AN20077)

On the whole these first-hand experiences, however fragmented and diffuse, reveal the taboo nature of the rape problematic that inheres in popular perceptions of sex and gender relations. This gives more than a foretaste of the difficulties that lie ahead in uncovering how rapees and their families deal with rape-related stigmas in the cultural-specific context of Vietnam.

**Summary**

In this chapter I highlight the methodological dilemmas and the social-cultural barriers in conducting research on a highly sensitive subject like rape in present day Vietnam. Unlike in the West and some Southeast Asian countries (e.g., the Philippines, Malaysia and Cambodia) where there are rape crisis centers to care for victims of sexual violence, the lack of such facilities in Vietnam makes it extremely hard in the search for project participants. This situation was overcome by a novel approach to methodology that included a flyer campaign, a consultation bureau, and newspaper advertisements.

From the researchers’ perspective, my associates and I had to bear something akin to stigmatization stemming from popular perceptions on gender, sexuality and sexual violence. We were at times objects of ridicule and insult, not to mention threats to our personal safety. And there was the emotional cost of dealing intimately with the rapees through direct interviews or indirectly in transcribing them.

The question is that if researchers like us had to bear their share of emotional cost, which is part of the job, what would it be like for the rapees themselves having to cope
with their traumatic situation? This and other relevant questions will be dealt with in the following chapters.

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CHAPTER 4

The Inner Citadel: Telling Rape Stories

Sống để đa, chết mang theo
[Vn.: The secret that will be carried to the grave]
A Vietnamese saying

Introduction

In a slow, rather monotonous voice, Nguyệt, a thirty-six year old female civil servant, married with two children, recounted to me her sexual experience with her husband. This occurred during our third meeting, in an air-conditioned café in the western part of Hanoi. Outside the noon sun was blazing hot. It was high summer.

“It lasted some 3 to 5 years after my marriage. I had to suffer it all by myself, I used to cry alone, sometimes I just couldn’t help it and sob when there was no one around. All those suppressed feelings. A marriage like this was just like hell. When he came home after a drinking bout with his friends he became violent, just went straight at me. Most times I was already asleep and I didn’t care about having sex. He just pinned me down violently. This is not my husband, this is a monster, I told myself. I felt like being raped, being forced to have sex. At the place where I worked I tried to share my experience with colleagues, but I could not tell the whole story, for fear it might bring my family in disrepute. I never thought of going to a help center or such a place to bare my soul, even if I thought it might do me some good. You know over here (in Vietnam) things are not like in the West where going to such places is just like going to see the doctor. For example if I tell it to you, you may tell another person who happens to work at the same place as I do. That would be disaster. Even if I decide to go to such a place I have to prepare beforehand what to tell and what not. There are things I cannot tell anyone. It’s like carrying a secret to the grave. In order to bring it out, it will take time, very slowly.”

(HN-PI20071)

Not only Nguyệt once thought that she would keep her marital rape experience a secret and carry it to the grave, the majority of the women and girls taking part in this study, those who have been raped or sexually abused regardless of their relationship with their
assailants, were likely to follow the same path. Why? Because, to speak of being raped or sexually abused is to invite dramatic stigmas and social exclusion, for reasons to be explored later, not only to the rapee herself but to her extended family as well. These stories are pushed back into a hidden world of suffering, something akin to self-willed amnesia. Then what makes these female participants decide to break the silence and reveal their hidden secrets to another - a friend, a member of the family, then to the researcher, and for some of them it is a first time disclosure?

The complexity of telling personal experience of rape and sexual abuse will be explored more fully in subsequent chapters. In this chapter I bring out first-person narratives of those women who have “survived” physically and emotionally in the aftermath of rape. The chapter focuses on the women’s accounts of rape experiences, along with their impact on their personal lives. In this respect I try to present an analysis of the women’s self-definition and their own, highly personal interpretations of the event that guide them in dealing with the traumatic incident. Of particular relevance to the discussion are the various coping strategies employed by rapees in the aftermath of the incident. But before describing the use of psychological mechanisms as part of the coping process found among women interviewed in this research, I explore what is meant by “coping” in this context.

As Eldon Tunks and Anthony Bellissimo (1988) point out, coping is as much a colloquial term as a scientific one, being used interchangeably in common parlance and in psychological literature (Pearlin and Schooler, 1978). At the heart of this is the assumption that people do make necessary efforts to manage stressful demands, regardless of how well or badly they work (Larazus and Folkman, 1984). These efforts include denial and even avoidance as a strategy of coping with stressful incidents, although they might have to pay for their costs by a continued vulnerability on subsequent occasions. However in order to understand coping and its effectiveness, it is necessary to examine coping as an entire process. According to Richard Larazus and Susan Folkman (1984), a process approach might be applied to all stressful encounters,

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33 The field of psychology has framed stress as a relationship between the person and the environment that is appraised by the person as taxing or exceeding his or her resources and endangering his or her well-being. For a critical deconstructive approach to stress, see Krohne 2002. Available online at: Stress and Coping Theories: http://userpage.fu-berlin.de/~schuez/folien/Krohne_Stress.pdf. Accessed on October 5, 2010.
considering the long duration of grief and the changes that take place over time. As a consequence, it is necessary to recognize that there are multiple coping functions. Conceptually, a coping function refers to the purpose the strategy serves. Put simply, the properties of a strategy include the elements of planning (Breznitz, 1986), and this planning involves thinking about how to handle the problem (Carver, Scheier and Weintraub, 1989). In the context of rape, many authors refer to Ann Burgess and Lynda Holmstrom’s analysis of the coping process that sets forth three distinct phases: the threat of attack, the attack itself, and the period immediately thereafter (1976). My research however deals with the multiple ways of coping that female rapees usually take up over time, rather than just the period immediately after the event. Normally it takes considerable time for the women to sort out what has happened to them and assess its significance. The purpose of this chapter is to analyze how victimization and survivorship are reflectively understood in the context of cultural narratives concerning women, sexual violence, trauma, and gender identity. In what follows, I shall present: (1) observations of Post-Traumatic Stress Disorder (PTSD) and substance abuse symptoms among some of these women; (2) individual women’s understandings of the experience of rape incident; and 3) the ways in which these women may adopt particular coping strategies as well as make their decision regarding whether or not to disclose the assault for seeking support.

1. Effects of sexual trauma: psychological and physiological aspects

Before proceeding further, I should like to mention that my “pseudo-scientific” analysis of the Post-Traumatic Stress Disorder (PTSD) below was based on my consultations with several internationally qualified psychologists in Hanoi during the conduct of this research in 2007.

Effects of sexual trauma have been salient in the psychological literature as a type of experiencing that can be part of the Post-Traumatic Stress Disorder (PTSD).34 PTSD generally denotes a wide variety of human reactions to “unusual experiences” (Larrabee 1995) of exceptional severity (Isaac et al. 2006) such as combat, disaster, concentration camp, or prison detention and rape (Herman, 1992). According to Robert Lifton, “the

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34 For a historical aspect of the definition of posttraumatic stress disorder, see Gersons and Carlier (1992).
post-traumatic stress disorder is a normal adaptive process of reaction to an abnormal situation reaction to an extreme stress” (1988:9).

In the context of sex-related violence, numerous clinical epidemiological studies have found that a history of sexual victimization makes an individual more vulnerable to a range of cognitive, emotional, and behavioural symptoms (Kimerling and Calhoun, 1994; Epstein et al. 1997; Donat and Bondurant, 2003). There is considerable evidence to suggest that the severe disturbances observed in sexually victimized women also frequently qualify for a diagnosis of post-traumatic stress disorder (see reviews by Bolstad and Zinbarg, 1997; Arata, 2000; Ullman and Filipas, 2001) including the emotional chaos and physical injuries from the rape attack that keep resurfacing in the rapee in the aftermath of the incident (Burgess and Holmstrom, 1974). Libby Ruch and colleagues (1980, 1983) go further to define the concept of sexual assault trauma, including both the acute, or rather immediate reaction to the assault, and the long-range effects of the assault on the rapee. Accordingly, there are two theoretically distinct dimensions of sexual trauma. First, the type of sexual assault trauma refers to the particular emotional concern or problem the rapee is experiencing. For instance, one rapee may react by expressing strong anger, while another may show signs of depression and withdrawal. Second, the level of sexual assault trauma is defined as the degree to which the rapee is affected by the violation of physical integrity.

At this stage, I should add that it is not my intention to dwell too often on the dark side of victimization. One should bear in mind that despite their suffering, rapees are often able to exercise their agency to challenge the status quo of situational power relations in the aftermath of the incident. Chapters 5 and 6 will deal with how they together with their families develop strategies to remove the social stigmas associated with their rape experiences and to cope with the complexities of the judicial process. As Martha Mahoney (1994) aptly puts it, agency and victimization are understood in relation to each other, a topic that I have discussed in Chapter 2.

1.1. Observations of PTSD symptom

From my interviews and close observations in the present study there were signs of post trauma syndrome among recent rapees, especially during the acute phase that lasted
from several hours to several weeks since the rape event. Similar to the psychological literature on rape, my findings indicate that the symptoms ranged from sleep disturbances, nightmares, appetite changes, work-related difficulties to severe depression, flashbacks, and moodiness, etc. (see Tables 3 and 4). Some, who had suffered the incident much earlier on, experienced a changed perception of the world, exhibited phobic behaviours and admitted having sexual problems. Moreover, it has been shown that even if the situations of the rape are similar, people as individuals respond differently to the incident in terms of long-term effects. This supports the argument that the personally intrusive nature of rape is what makes it uniquely traumatic (Ullman and Fillipas, 2001).

Table 3: Percentage of women reporting PTSD symptoms by rape history

<table>
<thead>
<tr>
<th>PTSD symptoms</th>
<th>Age at the time of the rape</th>
<th>Relationship to the offender (s)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Before age 16(childhood rape)</td>
<td>At age 16 or older (adult rape)</td>
</tr>
<tr>
<td></td>
<td>N = 10</td>
<td>N = 13</td>
</tr>
<tr>
<td><strong>Somatic symptoms</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tension &amp; headaches</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>Stomachache or nausea</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Back pain</td>
<td>4</td>
<td>7</td>
</tr>
<tr>
<td>Allergies</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Weight changes</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Migraine headaches</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Insomnia</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>Genital burning</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Defloration</td>
<td>5</td>
<td>8</td>
</tr>
<tr>
<td>Rape - related pregnancy</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>AIDS transmission</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Other illnesses</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td><strong>Σ</strong></td>
<td><strong>20</strong></td>
<td><strong>35</strong></td>
</tr>
<tr>
<td><strong>Psychological symptoms</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lack of sexual pleasure</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td>Phobia</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>Depression</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Self-destructive</td>
<td>7</td>
<td>9</td>
</tr>
<tr>
<td>Nightmare</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Attempted suicide</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td><strong>Σ</strong></td>
<td><strong>23</strong></td>
<td><strong>30</strong></td>
</tr>
</tbody>
</table>
Table 4: Predictors of PTSD symptom severity from social reactions to (reported) rapees

<table>
<thead>
<tr>
<th>Social reactions</th>
<th>Age at the time of the rape</th>
<th>Relationship to Offender (s)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Before age 16 (childhood rape) N = 9</td>
<td>At age 16 or older (adult rape) N = 10</td>
</tr>
<tr>
<td>Positive reactions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Belief (re. 1st disclosure)</td>
<td>4</td>
<td>9</td>
</tr>
<tr>
<td>Aid</td>
<td>4</td>
<td>9</td>
</tr>
<tr>
<td>Emotion</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Listen</td>
<td>4</td>
<td>9</td>
</tr>
<tr>
<td>Σ</td>
<td>14</td>
<td>29</td>
</tr>
<tr>
<td>Negative reactions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disbelief</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>Treat differently</td>
<td>3</td>
<td>8</td>
</tr>
<tr>
<td>Blame</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>Distraction</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Σ</td>
<td>13</td>
<td>16</td>
</tr>
</tbody>
</table>

The following excerpts are illustrative of the severity and frequency of both somatic and emotional symptoms reported by my research participants. For example, in the case of Nguyệt, being regularly assaulted by her spouse, she reported physical symptoms that are seen as both somatic and psycho-physiological reactions to severe stress.

“To tell the truth, the things that you do not want but still have to bear are very painful. It’s pure torture. I was battered physically, sore all over. Each time it was physically exhausting. I had to wash myself, it took 3 to 4 hours before I could catch some sleep. In the morning when I went to the office, I felt very low emotionally. It was hard to concentrate on my work. An overwhelming feeling of being suppressed took over. It made me even angrier because I could not share it with anyone.” (HN-PI20072)

Nguyệt’s distress was exacerbated by her incapacity to make any sense of her painful experience; she was at a loss to turn it into an intelligible, coherent story. Above all, she could not communicate to her husband because as she put it, “my generation is different from what goes on today, there were things you could not discuss, like that thing (meaning sex-related issues), even between husband and wife.” And since these were matters related to the domestic sphere, they should not and could not be disclosed,
therefore Nguyệt had no one to turn to.\textsuperscript{35} That is where she got stuck. Nguyệt’s life story exemplifies not only the type of traumatic stress commonly seen in clinical settings, but also reflects findings from researches on wife abuse, the main form of domestic violence in Vietnam. In a patriarchal society females are supposed to endure suffering or sacrifice their own safety and health for the sake of their family and children (see Rydström, 2003b for a vivid discussion of the theme; for related research with similar conclusions, see Kwiatkowski, 2008), so when it comes to abusive situations, they are expected to stay calm by holding themselves back. By virtue of this pressure on keeping household harmony, as Helle Rydström (2003b) points out, ideas of males’ patrilineal-defined superiority over females are often used as excuses for not intervening in violent conflicts within a household.

An interesting finding of this study is the influence of various characteristics of sexual victimization on PTSD symptom severity during the acute phase immediately after the attack. From the limited number of cases taken up, this study shows that there was a correlation between the severity and type of sexual assault and the degree of psycho-physiological disorders. For example, twenty-four year old Mỹ who was robbed and gang-raped by nine teenagers on the country road, suffered more somatic manifestations of stress, as compared to Nguyệt, a victim of wife rape. As Mỹ recalled:

“They took us straight to the hospital because of our injuries caused by the beating. Look at my hand (she showed me her bruised right hand) it was still swollen a few days before. My eyes were also swollen. They kept striking at my eyes, my head. You don’t see from the outside but my head hurts like hell. My body kept shaking. And sleeplessness. I had to take sedatives. One or two pills of ‘seduxen’ helped me sleep for a few hours. I woke up at 2 in the morning. Taking these pills caused eczema, just look at my face. I never had it before. I lost all appetite. Some days I skipped breakfast and lunch altogether. The

\textsuperscript{35} Even if the battered woman wants to file for divorce, there is usually a mandated quá trình hòa giải [Vn.: reconciliation process] involving a variety of state agencies and mass organizations, such as the judicial system, the Women’s Union, the representative of the cơ quan [Vn.: work unit], or the local community leaders who are not generally trained as professional counsellors. The practice of the reconciliation group aims to restore family stability, harmony and order, and to ensure the stability and strength of the society (Kwiatkowski, 2008). In recent years, for a number of reasons more women have been acquiring divorces in Vietnam as compared to previous decades, particularly in urban areas (Nguyễn Thanh Tâm, 2002; Kwiatkowski, 2008).
It seems that Mỹ’s experience bears a resemblance to the symptoms of PTSD as widely reported in the psychology literature on rape. Among the physical symptoms she experienced, several might also be somatic consequences of depression and anxiety such as headache, back pain, sleep and eating disorders. Theoretically, extreme psychological and physical stress could bring about a number of physical symptoms and poorer physical health (Kimerling and Calhoun, 1994). In this case, Mỹ interpreted her psychological distress as of a somatic nature, and seeing other common bodily sensations as symptomatic of disease. Furthermore, judging from these narratives one can infer that nightmares, and specifically the frequency of nightmares, are likely to have an impact on other aspects of the post-traumatic stress process. As Barry Krakow et al. (2002) point out, nightmare frequency and intensity are integral components of the psychophysiological process embedded within the hyper-arousal insomnia observed in sexual assault survivors. Specifically, increased nightmare frequency may be associated with increased levels of anxiety, depression and PTSD. This was echoed by Ái, an eighteen year-old victim of another gang rape incident while being intoxicated. Her mother recalled:

“At night she screamed intermittently, then she held me against her, sobbing uncontrollably. When she woke up she huddled in a corner of the bed, covered herself with a blanket, saying unintelligible things. It lasted almost two months.” (LC-PI20074)

Ái’s experience shows correlations between PTSD symptoms and anxiety dreams interrupted by awakenings (read: nightmares). Considering the number of assailants involved in this gang-rape incident with all its savagery, it is not surprising that the rapees showed high levels of psychological distress and somatic symptoms.

1.2. Self blame and guilt feelings

There is evidence indicating that incidence of depression correlates with the degree of deleterious impact, such as disposition of the rapee to blame herself for the attack and the physical severity of the assault. As revealed in the narratives of Mỹ (coming back from a party late at night) and Ái (being intoxicated in the company of strangers), both tended to
blame themselves even though they did nothing to bring the misfortune on themselves. Mây recalled:

“I think that if didn’t go to the party that night (smiled)... if I volunteered to be on duty... it’s because others put pressure on me to go along.” (HT-PI20075)

And Ái told me:

“I still feel great regret because I trusted them, that’s why it happened.” (LC-PI20076)

Here one may pose the question: how does Ái’s drunkenness fit into her self blame? If public regulatory norms about body and sexuality may serve as a guiding light then in terms of gender construction it is regarded as not “feminine” to drink alcohol because of the “heat” contained in alcoholic drinks (Rydström, 2003b). In this context, female drinking is seen as a transgressive behavior, and therefore should be discouraged because women’s bodies are assumed to be a site of control and containment. One sees parallels between the ways in which bodies and sexualities become regulated and prescribed within the patriarchal structure of different societies like Vietnam, Malaysia (Ong, 1990) and India (Oza, 2001). Thus the two young women expressed behavioral self-blame related to their behavior prior to the rape incident. More precisely, they blamed themselves for “going to the party” (i.e. the case of Mây), or “not having known the possibility of being intoxicated” (i.e. the case with Ái) at the time.

It is important to note, however, that specific traumatic characteristics seldom act independently and may be confounded with other variables to result in PTSD (Frazier et al. 1997; cf. Ullman and Filipas, 2001). Especially interesting is the demographic variable. For instance, a depression related to sexual victimization was apparent in the case of Nga, who had been raped at the age of thirteen by an acquaintance. Her mother observed:

36 This argument is only valid in the case of the ‘majority’ Việt/Kinh people. Traditionally among several ethnic minorities groups, women’s drinking and smoking are allowed. However in the past few years the practice of drinking (and to a lesser extent smoking) has been adopted by a number of Kinh female youth as an indication of modern styles of living which are frequently associated with Western influence. For these young women, their motto is sống như Tây [Vn.: live like (the people of) the West] (Nguyễn Bich Thuấn and Thomas, 2004).

37 It is linked to local ideas of a cool-hot dichotomy of the human body, which are amplified by a Taoist cosmology in which female bodies are associated with the forces of  âm (Yin in Chinese), indicating that a female body basically is thought to be cool, whereas the dominant forces of dương (Yang in Chinese) are located in a male body/ a male basically are perceived to be hot, also alluding to hot temper.
“To tell the truth she seemed like a lost soul, like someone suffering from deep depression. She just sat there, crying all day. She didn’t want to eat, didn’t react when you talked to her. Like a ghost. It lasted two months.” (HN-PI20077)

Nga was likely to suffer rape-induced depression that had an adverse impact on her physical well-being. Similarly, in the case of Linh who was raped at about the same age, there were symptoms of dissociation, numbness, and detachment during the acute phase following the assault. As her grandmother recalled:

“She acted like a zombie for almost a year. She lost all concentration, became absent-minded, kept forgetting things. It affected her schoolwork. Luckily she didn’t have to repeat her class for another year. Even now when she sits next to me if I ask her about something, sometimes she does not answer. Her mind seems to be elsewhere, I have to shake her to bring her back to reality.” (HN-PI20078)

These instances are consistent with other findings that show those who are raped before the age of fifteen are more likely to suffer from some sort of mental disorder (Epstein et al. 1997; Bartoi et al. 2000), in particular during the months immediately after the assault. In addition, factors such as age, relationship with the attacker, and circumstances of the incident may be predictive of the development of PTSD as a psychological disorder. Thus, differences in terms of assault situations, characteristics of perpetrator and rapee are likely to have a bearing on PTSD development.

In some cases, rapees who displayed a greater level of PTSD-related symptoms (e.g., greater depression, low self-esteem) were obsessed with the loss of their virginity, considered as a mark of dishonour in a patriarchal society like Vietnam. This anxiety could be traced in some of the interviews. For twenty-two year old Lành, who was raped by her ex-boyfriend, the loss of her virginity was a paramount concern. She dreaded the thought of how a future husband would respond to the fact that she was no longer virgin.

“I have been mentally tortured by this problem. Basically I still follow the traditional view concerning it (virginity). I want to keep it for my future husband. Anyway he will ask me about it. That’s why I asked you the other day whether he’d find out. I’ve been thinking a lot about it. If I dropped him (the boy friend) I might try to fill the gap by getting involved with other boys. Later on if my future husband asks me how many boyfriends I had, I’ll tell him I had just one. That’s better, I think.” (HN-PI20079)
Having internalized the traditional notions and cultural emphasis placed on virginity, Lành felt extremely ashamed at being sexually assaulted. She talked with visible apprehension about her belief that a woman’s reputation is tied to respect, honor, and ultimately to virginity. In this respect her loss of virginity constitutes a blemish of dishonour, an irreparable damage to her dignity as young woman which in turn would have a negative impact on her marriageability. This is particularly salient in the story of a Dao girl named Phi who was raped at the age of fourteen by a Kinh road builder. Her father commented:

“They say that it (vagina) is now big enough for a buffalo to pass through. This thing (virginity) is considered very important.” (LC-PI200710)

It seems that the loss of good reputation is what matters not only to the woman herself, but also to her whole family and kin network (Nguyễn Phương An, 2005). Not surprisingly, the centrality of family honor has been attributed to reasons for non/delayed disclosure. Some victims may disclose the abuse incident to a family member, for example, but for a variety of reasons the incident may not be formally reported. This point will be expanded further in the following chapter.

Since a rapee is the subject of stigmatization, an overview of the discussions on stigma may be appropriate at this stage. Here Erving Goffman’s qualitative analysis of stigma as “an attribute that is deeply discrediting’ may serve as a starting point” (1963: 3). According to Goffman, stigma refers to a mark or sign of some sort that is seen as disqualifying individuals from the full social acceptance of a society; it also refers to beliefs about individuals with such a mark. Bruce Link and Jo Phelan (2001) suggest that the term can be applied when a combination of labeling, stereotyping, separation, status loss, and discrimination occurs in a power situation. It should be pointed out that the norms of stigma are to be distinguished from the other notion of deviance. While stigma (shame) connotes a form of social unacceptability, indicating some flaws in the bearer’s constitution, deviance (blame) carries with it a charge of moral culpability (Scrambler and Paoli, 2008). In fact, the distinction between stigma and deviance is most often blurred in the case of prostitution, as I shall discuss later in the chapter. In my research on

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38 For a comprehensive review, see Hinshaw and Cicchetti (2000); Link and Phelan (2001).
rape the fear of stigma (shame) is a major factor that inhibits disclosure and/or reporting, especially when the problem of loss of virginity is involved.

It is interesting to note that there was a pervasive concern about the social consequences of losing virginity or chastity among unmarried participants who were virgins prior to being assaulted. Occasionally a few urban women expressed no fear regarding the loss of their virginity after the abuse. Khanh, an eighteen-year old Tày girl, who had been sexually abused by her stepfather, escaped to Hanoi to work as a shop assistant. She looked at the issue matter-of-factly:

“I think if you can keep it (virginity), it’s a good thing. But these days it’s no longer as important as before. The social environment in Hanoi is no longer as strict as in former times.” (HN-PI200711)

Here one can see a self-conscious effort to move away from the moral expectations of ngày xưa [Vn.: former days] regarding female virginity, in particular among urbanites. Further data from my research indicate that many young people nowadays engage in premarital sex. For instance, Hông, an eighteen-year old rapee (incest) told me:

“Nowadays these things are rather normal. They (the girls) have (sexual) relations with their boyfriends quite normally. My classmate Quỳnh has been sleeping with her boyfriend for some time now. She brags about using condoms of different fruit scents (orange, banana, and so forth), changing them from week to week.” (HN-PI200712)

It is not an isolated viewpoint, being shared even by older people. A rapee’s mother commented:

“Generally speaking it’s not that important anymore. Young people nowadays are different from our generation. There are undesirable developments in society, but they follow their way of thinking, we cannot force them to change.” (HN-PI200713)

Implicit in this quotation is that parents are often less able to exert influence on their children, as compared to past situations. Even though the mother may hold the traditional view that the loss of virginity is both shameful and shaming, she accepts a freer trend of urban sexual mores. Given the fact that these women are members of a population group in the city of Hanoi, further comparative research is necessary to understand present-day social attitudes on gender roles and perceptions of female virginity in both rural and urban areas.
1.3. Women’s reproductive and sexual health

This study extends Jacqueline Golding’s (1996) findings that some types of sexual assault are more strongly associated with health problems than others. Rather, most of the interviewed women indicate a high prevalence of reproductive problems including multiple eczema infections, pelvic pain, menstrual irregularity, sexually transmitted diseases, and non-specific gynaecologic problems (cf. Gibson, 2003). An interesting issue for further investigation regarding individual’s definitions of the content of the general reproductive problems is the extent to which the woman understands and recalls a medical explanation of her symptoms. This may reflect various factors such as symptom severity, access to health care, and learned behaviour about what reproductive problems to report to a local physician. It appears that there may be cultural differences in the ascription of meanings to sexual assault in reporting unexplained symptoms to physicians. For example, even though Phi had suffered symptoms of painful menstruation and excessive menstrual bleeding, her mother was reluctant to report these problems to the local physician. Specifically, she expressed a real fear about unwanted pregnancy that might result from the rape of her daughter:

“I was very worried. If there was something unusual, then I would have to take her to the hospital. After the incident, I took her to the hospital on a Sunday, but there was no doctor on duty then. The nurses asked whether she (Phi) had a period. I said she had it twice. They said not to worry. Then we were relieved and went home. If it just happened once, maybe she wouldn’t become pregnant.” (LC-PI200714)

However in this study there are two instances (i.e. Ly and Diệp) in which the rapees experienced rape-related pregnancy. Since twenty-five-year-old Ly was not able to take care of her newborn son, her family decided to give him away for adoption. However in the case of nineteen-year-old Diệp, who was mentally retarded, her father decided to take her to the hospital for an operation of tubaligation after her childbirth. The father feared that her daughter might be prone to further attacks and become pregnant again.

In addition, this research project provides modest evidence (from the cases of Mỹ and Hạnh) about associations between sexual assault and HIV-related risk. It does, however, suggest that sexual abuse, especially involving penetration, poses HIV risks for the female rapees. For instance, Mỹ later found out that one of the gang rape defendants was
HIV positive. At the time of the research interview, Mỹ expressed a great deal of fear about contracting HIV from this defendant.

Another finding of the present study is that a history of sexual abuse seems to have an impact on sexual well-being among participants aged eighteen and over. Interestingly, sexual victimization can result in two pathways (Gold et al. 1999; Bartoi et al. 2000). In one pattern, negative feelings associated with the abuse make some participants more likely to have sexual difficulties (e.g., fear of sex, arousal dysfunction, and nonorgasmia). In this regard, Phượng’s story is a case in point. Sexually abused at the age of fourteen by a relative on her mother’s side, she later ended up working in prostitution. Phượng, now a twenty-six-year-old married woman, described an absence of sexual pleasure.

“I didn’t feel anything, it was empty, the thing (vagina) was empty… Even when I worked in prostitution, penetration was so easy, I didn’t feel anything, I just move it so (the client) may ejaculate quickly; myself I felt nothing. Even now with my husband I don’t have any pleasure, there’s nothing left… First I was forced, then I had to work in prostitution. Now I just let him do what he wants. When we just began dating there were times we made love in the park, but I was always alert, being afraid there might be other people watching. But he didn’t pay any attention.” (HY-PI200715)

Despite her involvement in prostitution, Phượng’s sexual dysfunction may also be linked to traumatic sexualization following her childhood sexual abuse, “a process in which a child’s sexualization, including both sexual feelings and sexual attitudes, is shaped in a developmentally inappropriate and interpersonally dysfunctional fashion as a result of sexual abuse” (Finkelhor and Browne, 1985: 531). Accordingly, the sexual component of the assault settles in and proceeds to evoke a negative reaction in the woman (cf. Godling, 1996). As plainly described in Phượng’s case, sexual difficulties can persist long after the assault. Other symptoms found among participants in this study include pain during intercourse and burning sensation in the sexual organs. Whereas low level of sexual interest and inability of achieving orgasm have been reported by several participants, others indicate a heightened interest in sexual activities like having more dating partners, such as the cases of Hồng and Thu.

In examining the linkages between a history of child sexual abuse and the degree of involvement in promiscuity or precocious sexual behavior, the study is compatible with
other research that has found an effect of self-blame (Arata, 2000). Women who have been assaulted and have experienced victim blaming following the incident may encounter feelings of guilt, shame and low self-worth with subsequent engagement in casual sex because the rapee perceives herself being only “worthy” (i.e. worthy of being loved) of a romantic relationship if sex is offered (cf. Gold et al. 1999). Moreover, Antonia Abbey et al. (1996) suggest that more men find forced sex more acceptable if a woman is known to have had sexual intercourse with other men and even more so if she has had experience of non-consensual sex. This is illuminated in the narrative of Thu, a child victim of an acquaintance rape, as she talked about her current boyfriend:

“We got to know each other since last Christmas, all he wants is to have sex. He often says: ‘let me do it’. Hearing it so many times, I finally let him. I swear to you I don’t like it, I am scared. I would tell him: ‘I’m serious... I don’t dare to love you any more’. But he keeps on begging, so I give it to him. Especially after he has drunk beer, he becomes wild. Normally I let him do it once a week. And you know, I sometimes take a walk in the park, some guy would point at me and say: ‘Hey, she looks like a horny bitch.’ I respond by swearing back at them.” (HT-PI200716)

Thu regarded the relationship with her boyfriend as a “beg-and-give” exercise and she herself was in control of her sexual autonomy. But while she thought her behavior “normal,” others might interpret it as a sign of sexual overture. In Hanoi, for example, a “good girl” would not take a walk in the park all by herself, hence Thu’s action might be seen by others as provocative, to put it mildly. This was an act of defiance on Thu’s part, trying to show that she was no longer afraid, that she had survived and was coming to terms with her ordeal of sexual violence. Her perceptions of men’s sexual cues might be based on the level of force that she had experienced during her painful episode which served as some sort of a threshold. Then if her boyfriend used less force, Thu might overlook warning signs of potential for abuse from a sexually aggressive partner. Ironically, most of the young rapees in this study received explicit warnings from their own families about their potentially active sexual lifestyle. As Hong told me:

“They say that once you taste it, especially at such an early age, you get used to it, and you start sleeping around with different people.” (HN-PI200717)

These perceptions may have a negative impact on the rapee’s sense of self and her ability to relate to others. In fact the way Hong acted corresponds to a distorted state of mind...
inherent in children of sexual abuse that there is something “wrong” about themselves, a mental condition that persists over time. Rapees who adopt this attributional attitude, therefore, may be vulnerable to being victimized again. It seems probable that high rates of sexual activity may be both risk factors and consequences of sexual assault (Arata, 2000). In addition, my study finds that family’s function is an important variable in mediating effects. In line with the results of earlier research (e.g., Brison, 2002; Nguyễn Thu Hương 2004), several women in this study mentioned how rape affected their views concerning men in general and their perceptions of certain types of men in particular. As Giang, an incest rapee, told me:

“No if I look at men, any man, I think three out of ten have the face of a person who could do such thing to his daughter. Of course I keep it in my head. I wonder what they might do with their daughters. I am fearful for teen age girls, I think of their fathers, men who can do it at a thoughtless moment, may be they plan it before. I’m afraid. I like girls, but I’m afraid to have a daughter of my own later on when I get married.” (HN-PI200718)

Describing her distrust of men, Giang confided that the incest had affected her in ways that colored the prospect of her motherhood in the future, especially about having a daughter of her own. More specifically she was wary of men’s behavior after her experience of sexual aggression. She saw the impact of social hierachy and male dominance on her own life, making her wary and distrusting of men in general. In her view she saw incest and child abuse as an acceptable part of everyday life. In making an attempt to externalize her trauma by assuming potential risks for others, Giang tried to reduce the risk of being blamed and hence restore her self-esteem. This is the core of her coping strategy that will be discussed in a later section of the chapter.

Taken together, this study seems to indicate that rapees go through assault-related PTSD in a variety of ways depending on factors such as age, life situation, the circumstances of the rape incident and specific personality traits. These differentials may be further influenced by whether the rapee receives social, familial or professional support, and the coping skills she apply in the aftermath of the incident.

Significant among these coping patterns and adjustment strategies are individuals’ efforts to make meanings of their experiences of sexual trauma, as will be discussed below.
It is noteworthy that the need to endow suffering with meaning seems to be shared across human cultures. Robert Lifton observes that survivors of traumatic experiences such as Hiroshima and the Nazi concentration camps and returning GIs from the Vietnam War continuously search for a “sense of inner form” (1978:42) - a search for meaning that involves issues of larger human connectedness, “a sense of being on the great chain of being” (1988:9). In the same vein Gammeltoft in her research in northern Vietnam found that a number of females who endured a late-term abortion attempted to find meaning in their suffering by drawing on a vast cultural repertoire that included poetry, sayings, proverbs and popular tales (Gammeltoft, 2006).

2. Making meaning in trauma narratives

In this section, my discussion joins a recent and growing interest in many disciplines and areas of research in applying methods of narrative analysis to individuals’ accounts of their experiences (Harvey et al. 1991, 2000; Foa et al. 1995; BenEzer, 1999; Schiffrin, 2003). According to Crystal Park and Amy Ai (2006), when encountering stressful events, individuals appraise the meaning of the event in an attempt to make it consistent. In the present study, my respondents attributed a particular meaning to their stories that served as a turning point, leading to a shift in understanding and opening up possibilities to break out of the “plot” that had held them captive. Continuing their search for understanding, they reframed their experience, placed them in a different context, and embarked on an extended and arduous process that eventually enabled them to speak to others, to act, to become agents in re-telling their lives and reshaping their identities. By examining such accounts, I hope to shed light on how sexual assault is contained not in the events themselves but in the individuals’ descriptions of their experience. In this way, as argued by Susan Lea and Timothy Auburn (2001), human subjectivity and the broader ideological context are inextricably interrelated.

2.1. Naming the experience

During the conduct of this study, I came to realize that the verb *bij* [Vn.: subjected to harm] was generally used by the victims of sexual violence - as well as members of their family members - to describe their situations in ordinary conversations. They would only
use the label “victim” [Vn.: nạn nhân] or “the offended (party)” [Vn.: người bị hại] to refer to the person portrayed or identified as being raped or abused within the context of a trial or in legal proceedings. In the Vietnamese - English Dictionary, published by the Institute of Linguistics, the word bị means “be subjected to” or “be victim of” (p.49). Looking up in the Dictionary of Vietnamese, published in 1997 by the Center of Dictionary, the word “bị” as a verb, indicates that “the subject undergoes an unfortunate incident/ or is subjected to an unfavourable act” (p.58). For example, bị tai nạn [Vn.: having an accident], bị mất cấp [Vn.: being subject of a theft], while the equivalent of “victim” in Vietnamese is “nạn nhân,” which means “the person who suffers from an incident, a social catastrophe or an unjust regime” (p.635).

Now I examine the semantics of Vietnamese terms related to victimization of sexual assault. Interestingly most of the women I interviewed would prefer the term bị [Vn.: having been harmed, someone who has been subjected to a violent act]. Indeed they tended to regard themselves as being victimized for a definite length of time in the normative expectations. In general they showed an aversion to terms such as nạn nhân [Vn.: victim] and người sống sót [Vn.: survivor] probably because these terms imply long-term stigmatization. In their own “intrinsic narratives,” - to use John Hall’s concept - (Hall, 1999; cf. Dunn, 2005), the women made an attempt to leave behind their “victim identity” as part of the healing process, in developing their own coping strategies in the aftermath of their traumatic experience. A number of informants told me that for them the word nạn nhân [Vn.: victim] denotes someone who has suffered something truly catastrophic like a fire or a big flood. It may seem, then, that the image of raped women (apart from rape cases involving murder) is internalized in most people as something not “that serious” since their physical appearance has not changed that much after their ordeal. Moreover, a representation of raped women as nạn nhân might induce others to view them not as a “normal” person but rather as a “marked” individual, someone who has been inflicted by violence. At another level, the label “victim” may dissuade rather than encourage these women to overcome their traumatic experiences, specifically because the term conveys a sense of passivity associated with fear, powerlessness and despair. The same is true for the word người sống sót, literally meaning “survivor” in English, someone who manages to
stay alive after having gone through a disaster. This term carries potentially discrediting connotations as contained in the term nan nhân [Vn.: victim] above.

By interpreting their personal experiences, these women show that they are capable of finding alternative ways to express what in English is commonly understood as “rape victim.” In their efforts to find suitable terms to describe their situation, the women tried to alleviate the psychological burden caused by prejudices attached to rape victimization. This endeavour leads to the construction of an alternative identity to replace the unbearable situation in which the individual is trapped with the rape stigma. In other words, it provides the basis for finding a new sense of agency as the result of the creation of a new narrative identity that re-relates the rape incident in the context of a new and different meaning (Ricoeur, 1991). Charles Taylor refers to this as “the meaning of a situation for an agent” (Taylor, 1987:42), which centers on the purposiveness and the self-consciousness of the individual. This is what Anthony Giddens terms “a moment of reflexivity” (Giddens, 1979:55-56), an awareness of the process in which the individual is able to see herself as the performer of the story as well to take charge in her search for a “narrative identity.” It is in these performances of stories that emerges a sense of individual agency (Holma and Aaltonen, 1997).

Then, how does the woman reorganize her world meaningfully? How is the reorganization of these meaning structures constructed socially through the interview? Seen from a narrative point of view, the participant brings in her life story, a self-interpreted narrative that is intimately merged with her suffering. This means that her personal experience becomes shared with the researcher in the process of dialogue where the meanings of her rape incident become “storied.” Much of the hermeneutic discussion in psychoanalysis can be applicable here. This is what has been termed “double hermeneutic” (Giddens, 1977: quoted in Phillips, 1996:66). That is, the human subject is always involved in self-interpretation, by virtue of the fact that human beings are “self-interpreting animals” (Taylor, 1985: 261). This interpretation is then subjected to a second-level interpretation by the “professional” interpreter, in this case the researcher/interviewer. This is where the existence of mutual language, a socially constructed frame for interpretation (Giddens, 1993), comes into play. Similarly in
Taylor’s words it is a shared language which provides a “public space, or common vantage point” (1985:273) that persons can share.

In most instances, the interviewed women used the term chuyên động [Vn.: that story/that thing] to indicate what had happened to them. What I found interesting was that the term “rape” was hardly mentioned. Notably most victims of incest and acquaintance rape tended to use the phrase “(he) did that thing to me” [Vn.: làm chuyên động với mình] to articulate their experience. The word làm [Vn.: to do, to perform, to make], which appeared frequently in the transcripts to describe the sexual act, could mean anything from full penetration to less severe forms of sexual assault. This indicates an ambiguity on the part of the interviewees with regard to the components inherent in sexual violence where rape is often viewed as an expression of sexuality rather than violence in their understanding of the event. The relationship between these personal narratives and the cultural “master narratives” about women, sexual violence, trauma, and gender identity in the cultural-specific context of Vietnam can be observed in the following life-history interviews.

2.2. Telling the unmentionable and unbearable

Looking at the various ways the interviewed women tried to reconstruct their experiences, I paid attention to the availability of cultural repertoire of explanations and the language used in describing events of a sexual nature. With relatively young and/or innocent rapees with no prior sexual knowledge and/or experience, there might be difficulties in obtaining an intelligible account of what happened to them. This is best seen in the case of Giang. The case of Giang who was twenty-three at the time I interviewed her, is typical of the incest rapees I came across. What is striking is the way she recounted her experience and her attempt to articulate her own understanding of what happened against the backdrop of popular notions about rape.

“When I prepared to enter secondary school, my mother had to work shifts, some time the whole night long, but that thing occurred mostly during early afternoon when my mother worked on afternoon shifts. He often fondled me. I didn’t like it at all. I vaguely remember the unpleasant feelings when I had to lie next to him during siesta. He told me and my sister to put our legs next to his and touch it (meaning penis)... That’s what he
Giang told me that she had no words to describe what happened, the incident she still referred to as *chuyện dô* [Vn.: that story], avoiding words like “rape” or “incest” proper. When experiencing abuse, Giang was silenced internally by the response of her body and psyche. Her pretending to be asleep might be prompted by a conscious attempt to focus on how best to avoid injury, and above all to deny the terror of the incestuous experience. This is the creation of another state of consciousness, which, as Roberta Culbertson (1995) explains, forms the basis of the compression of the self in the experience of physical distress and numbness.39 At one point, Giang was confused about why he (her father) was “doing it” to her. Then, she tried to instill a sense of aloofness to create some measure of comfort for herself, attempting to disconnect herself from the awareness of intense pain of the abuse itself. Interestingly, Giang tried to abstain herself temporarily from acknowledging her incest history by using linguistic shorthand such as “that story.” It was her way of self-empowerment in coping with the situation.

What emerges from the above excerpts is further confirmation of a consistent link among cultural beliefs about what constitutes rape and individual women’s interpretations of it. Specifically, Giang considered it rape when there was evidence of

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39 In the case of certain kinds of abusive betrayals of children where escape is not a viable option, the “psychic numbing” (Lifton, 1978), or ‘dissociation’ (Herman, 1992) are commonly understood to be a necessary psychological defense against overwhelming images and stimuli, as if removing pain is a logical end goal (cf. Freyd, 1994).
actual resistance (i.e. in verbal or physical forms) and penile penetration of the vagina. Giang had incorporated a stereotypic thinking about the nature of the sex act during rape into her viewpoint, especially with respect to the notion of vaginal penetration by the penis. This suggests that her conceptualization of the event was influenced by what she learned from popular culture. Probably what others said about rape and the law, and depictions of rape in the media all influenced her ideas as to what constituted rape. Giang no doubt was not aware of the fact that even the slightest degree of penetration might be sufficient for the perpetrator to be prosecuted for the offence of rape, a theme that will be explored in Chapter 6. It is worth mentioning that Giang later sought support from a female lawyer regarding the possibility of prosecution against her father.

On the other hand, Giang noted that it was an incident of non-consensual intercourse as her father tried to do “that thing” during her sleep. Clearly, Giang tried to negate the fact that she became awake by the act of abuse, denying her consciousness of the incident. Since the age of consent for sexual intercourse is thirteen years and she was under the age of thirteen at the time, her father’s action was considered as statutory rape regardless of whether there was consent or not. Her passivity might suggest “consent,” however “consent” in this case occurred in the context of limited options. She might be afraid that her usually cruel father would respond with physical violence if she resisted. Learning to accommodate the sexual abuse was the only alternative available. Furthermore, her reluctance to label the experience as rape or incest allowed her to avoid self-blame and shame when taking the role of the victim. By intentionally using terms such as làm dụng [Vn.: abuse/exploitation] and quấy rỗi [Vn.: harassment], Giang actively prevented the experience of incest from being internally acknowledged and catalogued in a manner that would allow her a measure of autonomy. Moreover, by taking such a mental stance she was able to control depression and sadness. Here the paradox is more than simply the difficulty of reporting an event that seems unmentionable even to oneself. It is the paradox of keeping (the) distance from one’s own experience, which is however the hallmark of survival, or “a long-term successful adjustment” (John Harvey et al. 1991).

Giang’s story is a vivid portrait of a vulnerable and helpless child from a provincial working-class family. The sexual abuse was seen as one form of corporeal punishment
she suffered at the hands of her brutal father. In such a situation, her emotional engagement in denying the reality of sexual abuse was commensurate with her attempts to protect herself from further violence. By contrast, the following incestuous instance of Hỏng occurred in the family of an affluent official right in the heart of the capital of Hanoi.

“From the age of five, young as I was I felt there was something strange when my father and I were alone. When I attended the 6th class (aged twelve) I liked a boy in my class and wrote about him in my diary. My father read it, threatened to tell my schoolteacher and my mother who was very strict about such things. She’d make a big fuss out of this. After that he forced me “to do it” as if to punish me. Then he bought me all kinds of things. My mother never gave me anything. During that time, I felt something terrible would happen to me. Something like death, you know. I went out with friends a lot, afraid that I wouldn’t have the chance to do it again. After that thing happened he gave me anti-conception pills. Once he told me: “this is between you and me, there’s nothing to lose”. It’s like “I will teach you.” Really at that time I didn’t know precisely what that thing meant… Later on I began to think maybe my father was bèn hoï [Vn.: exceedingly attached] to me, he was hooked on me… People told me he was doting on me ever since I was very young, always hugging and kissing me each time he came home. I don’t know why I’m telling you this. Now when I see some lecherous-looking men, I thought how disgusting they are, then I realize there’s such a man in my family.” (HN-PI200720)

In this account, Hỏng was confronted with contradictory messages regarding loving care/punishment, attention/neglect, and obligation/resistance. In addition to the dependency and vulnerability, strategies employed by the father including inducements (e.g., privileges and material goods) further complicated Hỏng’s ability to recognize the situation as abusive. In reference to abuse dynamics, Hỏng seemed to draw on the feelings of intense attachment to her father. Hỏng perceived her incest as a form of bèn hoï [Vn.: exceedingly attached]. On the one hand, it served as an “excuse” for the father, especially for what he had done to her. There was also the need for Hỏng to avoid uneasiness as well as shame and feelings of guilt that might be fed by the reactions of others to her childhood sexual abuse. Hỏng began to associate incestuous behavior with sexually hyperactive persons (Vn.: e.g., người dâm dê/ a lecherous person). This was in line with Giang’s perception of her father-abuser as người dâm dê. In the light of these
responses, my informants regarded their experiences as a sexual problem rather than a crime. Although these accounts mirror cultural messages about women being men’s property (i.e. a female’s duty is to service a man’s needs), Giang and Hông’s portrayal of their offenders as dâm dê [Vn.: lecherous], however, reveals part of their efforts to minimize the experiences of incest, shifting the focus to the perpetrators away from themselves. This shift of focus can be seen as a part of the meaning-making process in the aftermath of trauma (Park and Ai, 2006).

The quotations further reveal language barriers since precise wording was lacking to catalogue this experience, leading to narrative deficits for the event. In fact both Hông and Giang used the term làm [Vn.: have the thing done to me] in referring to their childhood abusive experiences. Since these instances are not discussed with parents, the linguistic representation of abuse may be further suppressed (Newman, 2007). Again, memories of a childhood trauma may overwhelm a person’s narrative ability because to narrate a child’s memory is not only to confront the confusions of violence but also to construct a culturally acceptable narrative unavailable to the child (Culbertson, 1995). In other words, the larger context of sexual culture serves to reduce the probability that explicit narratives concerning abuse will be generated.

Numerous researchers (see Rawson and Liamputong, 2010 for a review) indicate that sex has not traditionally been a subject for open public discussion in the context of Vietnamese culture. In other words, there was little official public concern with sexuality or sexual relations. However, since Đổi Mới there has been a growing interest in sex education, and studies on sexual relationships of high school and college students have been carried out. The results show that members of this age group have very limited knowledge of sexual matters (Hoàng Bá Thịnh, 1999). Clearly, girls are more often confused and worried as they enter their first relationship than their counterparts in the West. In spite of the fact that many publications on sexuality have appeared recently in bookstores, it does not mean that they are accessible for everyone. And there is a lack of formal sexual education as found in the stories of Giang, Hông and Nga as well as other child victims in this study.

It is worth noting that while the term hiếp dâm [Vn.: rape] is officially used in court cases and still widely used in popular parlance, the term xâm hại tình dục, literally
“sexual violation” has become increasingly commonplace in more formal settings such as government agencies, academic circles and the more “serious” media. The “taboo” nature of rape is reflected in the apparent reluctance to look at rape as a despicable act - a violent sexual act grounded in the physical and mental abuse of power - and the oblique euphemistic use of xâm hai tình dục [Vn.: sexual violation] in public discourses can be seen as a way of avoiding this sensitive subject in a patriarchal society like Vietnam. Especially, the lay public harbours dreadful impressions regarding the term “rape.” All the women in the study, to some extent, were reluctant to use the expression hiếp dâm [Vn.: rape] in recalling their experiences. As Giang rationalized:

“The word hiếp dâm is more likely to be applied in the context of criminology than the daily use of vocabulary. Because in ordinary life no one uses that term, right? That term makes me a little scared. The other word xâm hai [Vn.: violate, abuse] sounds less traumatic, even though it might still bring some pain to the person involved. But the latter is much preferred, compared to the first. Personally speaking, the mention of the first is already too much for me, reminding me about murder cases, which I find even less severe than the rape situation.” (HN-PI200721)

Following this line of reasoning, the event is not likely to be erased from Giang’s memory; she purposefully forgets it in her daily life, a self conscious exercise of agency in control of the memory of her ordeal.

2.3. “Blame it on the booze:” an attempt to avoid rape stigma

To understand why the mention of this terrible term is upsetting for women in certain situations, it is necessary to look again at the way Nguyệt compared her experience of wife rape - presented at the beginning of this chapter - with the incident that occurred in the village where she was assaulted by an informant at the research setting. Nguyệt did not consider the incident as an attempted rape (as compared with the “real rape” by her husband), although she recognized it as “unwanted contact” mainly because she dreaded the stigma associated with rape victimization.

“Maybe it’s just that he had too many drinks. Afterwards he phoned me to apologize… It’s the drinks that caused it, he said. Maybe because of the apologies I thought it was not so serious after all. That day there was a wedding in the village - lots of comings and goings. The house I was staying was next to the main road. The landlady just went out. In
the alley several old women were chatting away. I was alone, crouching on the bed checking the report cards of my fieldwork. Then this guy came in, smelling of alcohol all over. I didn’t pay much attention, just said: “Where did you get so much to drink?” I wasn’t really on my guard because the night before the landlady happened to say something about this guy - that he was a well-behaved guy and so on. He asked where the landlady was, why I was alone like this, looking rather wild. I kept on working and scolded him: “why are you looking at me like this.” Then he moved toward me. He grabbed me from behind, tightening my hands. After some struggle I managed to escape his grip and ran outside to where some old women were sitting, shouting for help. The women looked at the state I was in, they were shocked themselves. One of them said: “He must be raving mad. How could he do it to someone like you. You’re much older than him.” The news spread quickly. Soon his parents came to apologize, adding “how could this scoundrel son of ours do this shameful thing! He’s already married, you know.” But no one mentioned the attempted rape by name. I wonder what happened if Mai, a younger, unmarried female member of our research group was attacked instead of me. Tuy, the (male) leader of our research group told us if that was the case we would have left for Hanoi the same day to avoid possible shame. I myself felt no shame after the incident. Shame and blame should go to this scoundrel alone. I felt myself a hardened person. I’m a married woman with a good position.” (HN-PI200722)

At first Nguyệt did not feel like a victim, instead she interpreted the incident as symptomatic of a broader social problem, the effect of alcohol abuse on human behaviour. What Nguyệt said about her experience and how others responded to the event shed light on the relationship between rape and the social construction of female sexuality and its implications for women. One of these is that female sexuality can be owned, and it can have different levels of worth and gradations of meaning. As the (male) research leader said, if the younger and unmarried colleague had been assaulted instead of Nguyệt, the consequences would have been much more serious. What the group leader said reflects the conception of a woman’s sexuality as a usable object that accrues or loses value depending on how it is used. In other words, the value of a woman’s sexuality, and hence her person, is based on the criterion of how many men have had access to her sexually. This is reflected in the widely-held belief that it is a worse offense to rape a virgin than a non-virgin. The greatest devaluation comes with intrusion into
“virgin territory.” Thus once having been “used,” a female’s sexual worth could not be much worse off by additional “usage.” As the thinking goes, a married and middle-aged woman is seen as dan đi [Vn.: which, in this context, can be understood as a “seasoned,” mature woman open to easy sex]. By her own interpretation, Nguyệt felt that her being assaulted did not bring shame on her precisely because she was a married woman, one with a respectable job. Nguyệt’s emphasis on her marital status was to emphasize the fact that she was “socially protected” as a wife, and she was by no means a woman of easy virtues.

Now about the role of alcohol in this episode. Nguyệt attributed the cause of the attack to excessive drinking. This connection justified a need for responsibility claiming, especially the “excuse” of male drunkenness in order to have sex. Thus the attack could be perceived as a “time-out” (Abbey et al. 1996) during which men do not stick to their usual behavioral standards. Nguyệt rationalized that alcohol consumption allows men to feel comfortable in using force to obtain sex when the woman’s lack of consent becomes less clear to them. However, as she tried to make sense of the incident, this justification enabled her to garner support from others, and more importantly to get away from potential shame pertaining to the sexual denotations of the attack, and the traumatic effects that might follow its disclosure. This process, in turn, changed her internal feelings of the event from one characterized by anger and panic at the attack, and a lack of respect for her own basic rights, to one characterized by anger at what she now perceived to be caused by excessive alcohol use.40

Also the non-normative nature of the attack may be seen in Nguyệt’s interpretation of the differential social norms of power, in which she saw herself as a more “superior” person compared to her assailant. Reading between the lines, the sexual attack on a middle-aged, married and urban professional might be construed as a shameful act on the attacker’s part, which put his virility and his very humanity in question. First the image of a local man - a married one at that - who had to resort to alcohol to act out his sexual desire, was not acceptable by the community. In any case no self respecting man in the

40 It is grounded in the perception that heavy alcohol consumption often leads a drinker to an uncontrollable state of mind [Vn.: không tự chịu kiểm soát được bản thân], so among other things, sexual arousal can be expected. Because alcohol is perceived to correspond to “hot,” male characteristics, men can become “boiling” and act violently if they drink too much alcohol (Rydström, 2003).
village would try to rape a female guest (in this case a guest of honor, to some extent). The man was surely to suffer enormous status loss in the eyes of his fellow villagers; he was also a disgrace to his own family by committing such an odious act. For her part Nguyệt rationalized the attack as a violation of social norms concerning acceptable behaviour, involving a contestation of hierarchy and power. In doing so she was inclined to downplay the sexual component of the incident, with terms such as chỉ [Vn.: only] or thể thôi [Vn.: that was all] being frequently used.

One should not forget that Nguyệt had been victim of wife rape for a considerable length of time thus she was no stranger to sexual violence. It was unthinkable for her, however, that a rape could occur in such situational dynamics (i.e. by a “known” local man in the research setting). Furthermore, Nguyệt was fully aware that the assault could have been more violent if the attacked person had been her younger, unmarried and presumably “less (sexually) experienced” research colleague. Yet the rape of a married woman is generally considered to be less serious than that of an unmarried woman, given the fact that female virginity is an important issue. In short, by engaging in a denial of the experience of attempted rape, Nguyệt expected to solicit support from others, as well as to escape from the prospective stigma attached to sexual victimization.

2.4. Can a sex worker be raped?

Since this study covers several cases involving women working as sex workers it is worthwhile to examine the contentious claim that women in the sex trade always consent to sexual activity for money (Sullivan, 2003; Rafael and Shapiro, 2004). Take the case when the sex worker is forced to do the things she does not want, or with men she does not want to have sex with. A number of informants in my study expressed the view that a prostitute is raped when she is forced to serve extra clients or beyond the time agreed. However, some sex workers I talked to did not regard this experience as non-consensual sex. This is because their life as a prostitute was such that they became accustomed to the inherent risks of their trade, subjected to all kinds of ill-treatment ranging from kinky sex to extreme violence. The story of Vy, aged thirty, who worked as a part-time sex worker is an example of this.
“To tell you the truth, in this profession it’s not unusual to meet guys who wear “accessories” on their penis when doing it, causing a lot of pain...we are forced to do it with several guys at the same time. They do all kinds of things and some don’t even pay us in the end. It’s a private arrangement between us girls and the clients. If we cry out for help, that would ask for trouble, and who would report these things to the police anyway. This is our fate having to work in this trade. We do it voluntarily, and have to accept the consequences.” (HN-PI200723)

It is clear that Vy experienced some kind of “felt stigma” (Scambler and Paoli, 2008), denoting a fear of being discriminated against, as well as an internalized sense of shame and blame as bearer of the “whore stigma” (Corbin, 1986; Corbin and Sheridan, 1996; cf. Gouda, 1990; de Vries, 2001) that has long been attached to prostitution. Historically prostitutes have been looked down with disdain (see for example Đặng Văn Chi, 2008, for an account of the Vietnamese printed media’s stigmatising of prostitution in the early 1900s). Prostitution was seen as bán trọn/thần nuôi miệng [Vn.: sell one’s behind/body to feed one’s mouth], an occupation only fit for women lacking moral and intellectual qualities.

Indeed, in the case of Vy, she felt that rape is an occupational hazard, not a violation of basic rights. She might have internalised feelings of being a “bad” woman anyway, and thus not deserving of being treated with respect. Presumably, the perpetrators also follow the popular attitude that since the sex worker is paid for her service, sexual violence including rape is part of the deal. Likewise, the harm done to a prostitute cannot be that serious, the rape of a sex worker does not count. Moreover, it is necessary to note that, in the context of rape, the term xâm hài [Vn.: to violate] also carries an element of làm nhục [Vn.: to humiliate, to denigrate], thereby constituting an act of degrading personal dignity. Therefore, one of the public attitudes that I and my research assistants received during the flyer distribution seems to cling to this sense of integrity 41 (regarding the term xâm hại) to assume the impossibility of the rape of a prostitute. Anyway she

41 In a larger context, the systematic rape of women during wartime, for instance in Bosnia-Herzegovina and Rwanda, can be seen as an extremely cruel form of torture, considered to be an integral part of strategic ethnic cleansing (Dike and Laustsen, 2005). For the latest and comprehensive account of the phenomenon of rape in the Vietnam War, see Weaver (2010).
already commits an unlawful act as a commercial sex worker in the first place.\textsuperscript{42} Hence, of all possible forms of rape, the one committed by clients on sex workers is the most overlooked. Seen in this light, sex workers rarely report rape cases to the police.

While many sex workers are not particularly keen in reporting sexual assault for fears of being charged/or arrested with prostitution offences, the situation is not that different concerning sex workers under the legal age of consent (i.e. 18). In my review of rape representations in the print media, which is the focus of Chapter 7, I have come across cases of sexual violence against under-age sex workers. Defendants were subsequently found not guilty of rape but were convicted of having sexual relation with a minor (see Chapter 6 for a discussion on legal aspects). Here one sees again the dividing line between children and adults in rape cases, because it is universally accepted that children and juveniles are simply minors, and therefore require additional protective measures. While this is true, it is premature to assume that rape claims by under-age sex workers are taken more seriously by the authorities as compared with older sex workers. This is a matter for further investigation.

As I have shown thus far, the women who survive sexual assault tend to put their ordeal behind them and move beyond the stage of shame and self-blame with stigmas attached to rape and incest. Above all, the stories told highlight the interplay between culturally available framings of their experiences and their own strivings to find explanations that are specifically meaningful to themselves. The important question is whether these personal explanations have an impact on their particular coping strategies following the incident and whether these perceptions play a role in the likelihood of disclosure. These will be my primary focus in the section below.

3. Disclosure vs. silence: Women’s concerns and post-rape adjustment

The discussion so far highlights the various ways rapees label the event and assess the degrees of its seriousness. In the following I consider how women's initial thoughts and feelings about the incident help shape their decision-making process that precedes first

\textsuperscript{42} There are no provisions in the criminal code regarding prostitution itself. Instead, prostitutes are subjected to \textit{xử phạt hành chính} [Vn.:administrative fines] and their activities are effectively made illegal according to the Decrees concerning Administrative Transgression. For a further elaboration of the topic, see Nguyen-vo (2008:121-22).
disclosure and subsequent help-seeking strategies. Specifically, what emerges from the above narratives supports the proposition that women’s motives and concerns in reporting an assault depend on their relationship to the offender, which, in turn, affects their perceptions of the severity of the offense.

Before discussing the specific life stories in more details, it is important to point out the distinction between “disclosure” and “reporting.” In the stories under discussion, my focus is on abuse disclosure, rather than on actual reporting of the abuse to the authorities with judicial ramifications, as will be discussed in Chapter 6. Disclosure is a crucial first step in the process of reporting to appropriate authorities (Hanson et al. 1999). As Clare MacMartin points out, disclosure implies the revelation of previously concealed facts in terms of the individual transmission of information heretofore unknown to the recipients (1999: 507). The present study involves a number of adult females and young girls who suffered severe physical injury. These rapees, however, did not initiate the disclosure themselves, but their sexual assault was “accidentally” discovered, for example the physical injury in a child noticed by an adult who then reported it to the police. It is important to add that children rarely have the resources to report directly to the police or other agencies, therefore they may have to rely on an adult for facilitating abuse reporting. Moreover, one should take into account the social-cultural context of Vietnam where people often get things “done” through informal networks rather than seeking recourse to official channels (Gammeltoft and Herno, 2000). These stories and their reception will be analyzed in Chapter 5 focusing on the family’s response when an incident of rape comes to light.

3.1. Fears of derogation of family honor

Now I go back to the case of Nguyệt. By her own account, she was victimized by a spousal offender, describing herself as a sufferer of a “rape-like experience.” Her mention of the word *hiếp dâm* [Vn.: rape] in the context of husband-to-wife abuse indicates that she disagreed with the commonly-held belief that consent to marriage is also consent to sexual intercourse and as long as the marriage is valid, this sexual right cannot be revoked. However, the dire predicament she suffered at the hands of her husband made her consider the divorce option. She wanted to change the status quo, to overcome the
social prejudices about female passivity that kept her silent as a powerless and abused wife. Yet, when it came to weighing the pros and cons of an eventual divorce, she decided against disclosure. Here the motive that kept Nguyệt from revealing her experience was related to the fear of derogating family honor, particularly her own parents and her children. To be specific, what concerned Nguyệt most was the possibility that a divorced woman might be burdened with a social stigma (Nguyễn Thanh Tâm, 2002).

“Once I decided to sue for divorce. But after typing the first line “Socialist Republic of Vietnam, Application for divorce” I could not go on. I did not know whom to send it to, and where. Then I thought of my parents, then my children. If I went for a divorce, they would badmouth that I wasn’t behaving properly, that it was my husband who sued for divorce, he was the one who dropped me. And the children would grow up without the presence of their father. And what about my colleagues, what would they think about me? I was always fearful of what others would think about me. All this was in ‘98, ‘99… Just ten years ago, but things have changed so much since then. My parents told me to keep the matters within the family, if others knew about it they would laugh at us.”

(HN-PI200724)

Nguyệt’s reluctance to disclose her conjugal misery to her friends and family stems from the normative expectation for females regarding the maintenance of household harmony in Vietnamese society. Her attitude can be traced to cultural assumptions of resilience and endurance endowed by females (cf. Rydström, 2003b; Kwiatkowski, 2008). In this case, it is emblematic of her attempt to save “social face” by remaining silent. The reasoning is that to reveal the dark side of one’s own family - vạch áo cho người xem lung [Vn.: bare one's back for others to see] - would not only bring shame to the family but also to oneself (Nguyễn Thu Hương, 2004).

3.2. Ambiguities about rape experiences

It is worth noting that most subjects in this study often claimed that what happened to them was not serious enough to warrant disclosure, particularly when their experiences did not meet the internalized idea of what constitutes a “real” rape (sexual assaults involving strangers, act of penetration or serious injury on the part of the victims, etc.).

43 This formula is required for all official documents in the country.
This clearly has implications for the disclosure of sexual abuse incidents among family members, friends and other sources of social support. In the case of Nguyệt being attacked while doing fieldwork in a remote village, she was reluctant to acknowledge (even to herself) that what happened to her was in fact an attempted rape. The incident became public knowledge when she ran out of the house calling for help, yet she put the blame on the influence of alcohol. Her attitude was bolstered by cultural constructions regarding rape and female sexuality (penile penetration required), and the social salience of power and hierarchy. She decided that it was better to write it off as a minor incident of little consequence.

Here the judgment of sexual victimization can be influenced by the woman’s own understandings of what constitutes rape. For instance, Giang wondered whether her experience qualified as rape, because the abuse was not particularly violent, and did not involve the act of penetration. The fact that she often suffered corporal punishment at the hands of her violent father might heighten this feeling of confusion, leading her to regard the experience as another form of physical mistreatment. The fact that Giang remained silent for almost ten years was partly due to a perceived lack of options and partly due to the embarrassment caused by the sexual nature of the incident. Giang only broke her silence when she learned about the incestuous rape of her younger sister, Minh. It was to get her younger sister out of the abusive situation that Giang turned to her aunt for support.

“I told my aunt about what happened to (sister) Minh. She didn’t believe me at first. No way. I had to say that this thing also happened to me, describing it. She then began to believe me, but told me to keep this secret to myself, not to tell anyone.” (HN-PI200725)

Clearly, disclosing serious abuse is a hazardous affair. The aunt’s reluctance to acknowledge the incest at first testifies to the taboo and silence that surround the topic. To convince her aunt Giang had to disclose that she herself had suffered incest with her own “first-hand” experience. However, this relative advised Giang to keep it a secret for fears of bringing disgrace to the family as a whole (The question of rape in the context of kinship relations will be the central theme of Chapter 5). This kind of reaction led Giang to censor herself and remain silent about an experience she considered as shameful and stigmatizing.
“I thought I would never tell anyone about this (again), because I don’t want to create a negative image about myself and my family. Of course they (acquaintances/peers) might not show their feelings to me, but I think that deep down they would despise me and my father. Frankly, a person like my father is not worth thinking about, even for a minute. What happened to me is just because I am unfortunate to have such a father, and an insensitive mother also. That’s it. I had nothing to do with it as a kid... children are innocent by nature anyway.” (HN-PI200726)

Following this line of reasoning, she put the blame squarely on her father, and in doing so enhanced her ability to disengage herself from self-blame, trying to see the situation from a different perspective. This is a first step in replacing long-standing feelings of powerlessness by a new sense of agency. Here the psychoanalytic concept of “projection” comes into play, which concerns the subject’s “projective” descriptions of other people. That is “the projecting individual (in this case: Giang) ascribes characteristics, feelings, or motives onto another person” (her father) (Holmes, 1968). Also, Giang changes her beliefs about it so that these beliefs would be consistent with her (new) feelings. In the language of psychoanalysis, the example of Giang resembles the so-called complementary projection because Giang projects a trait that is different from her own, the projected trait is the complement of her own trait. As David Holmes explains, “the motivation or dynamic behind complementary projection can be conceived of as ego defensive in that it enables the person to see the world as consonant with and justifying her own feelings or actions” (1968: 251). In this way, there is a good deal of similarity between complementary projection and rationalization, which some researchers refer to as “rationalized projection” (Murstein and Pryer, 1959).

The case further suggests that disclosure recipients play a role in how rapees interpret their experiences. Reactions from others to disclosure of a stigmatized experience like sexual assault have in impact on the survivor’s appraisal of the incident (Ullman and Filipas, 2001). This finding opens up an interesting line of research on how women evaluate, weigh, and explain the social reactions they receive upon the disclosure.
3.3. It’s the relationship that matters

As indicated by accounts of the participants in this study, inhibitions about disclosing to some extent reflect the characteristics of the victim-offender relationship. This finding is consistent with prior research (Felson et al. 2002; Kaukinen, 2004; Felson and Pare, 2005) showing that women victimized by their male family members are less likely to report than rapese in other circumstances because they consider conflicts between family and close personal relations as issues that are more appropriately handled by the parties involved. Moreover, victims of intra-familial abuse are often reluctant to speak out because this would imply disloyalty toward a member of their own family (cf. Jonzon and Lindblad, 2004). It is also probable that this reluctance may be based on their economic dependence on the offender, or some emotional attachment to this person as Hông told me:

“At the time when it happened to me, there was no help phone to call. If I told my mother I wasn’t sure that she would believe me. I only told a close friend I thought I could trust. But she went around telling everybody. When my name was mentioned everyone I knew asked me about it. I denied it and they only half believed me. You know, I had to change school many times. But even at the new school, they kept asking me about it. My father had to escape to the South to avoid the pressure. It was terrible. In fact at the time I wasn’t sure about the nature of this thing. I only knew it was not right. I only asked Mrs. Dương (the social worker) about it. But I didn’t tell her all the details. I thought I was able to readjust myself. No one knew how serious the situation was. At any rate, he’s still my father.” (HN-P[200727)

Although Hông considered disclosing to her mother, she was afraid of being accused of lying, and so she kept the secret for a long time. When she turned thirteen, there was an experimental child abuse prevention program at her school. As she became aware of what had been happening to her, Hông told it to a close friend who later spread the story around. At first the relatives on her father’s side and her mother did not believe it. They said Hông made it up to cover up her loose relations with other boys. Even when she contacted the social worker from the child sexual abuse prevention program - the one who explained to her the incest nature of her experience - she did not make a full statement. As mentioned earlier her reluctance to tell may stem from a desire to protect her father, she did not want to get him in trouble because deep down she feared that it
might disrupt the source of family income, particularly the material comforts her father had been giving her.

In the beginning of 2008, after a prolonged conflict with her mother, Hong spoke out about her experience as an incest victim. Hong’s mother was shocked and finally came to believe her story, but could not make up her mind about reporting it to the authorities. At the time the mother was forced to walk a thin line. Hong’s father was recently arrested on corruption charges. While her paternal family was lobbying against a possible life sentence awaiting her father, Hong was living with her mother and two other sisters in the flat officially owned by her paternal grandparents. What if Hong and her mother decided to sue the father? How would Hong’s paternal family react to that? Hong told me she feared that further disclosure and eventual reporting would be emotionally and physically disastrous for her aging grandmother, since Hong’s father might be locked up for an extra period of time apart from the sentence for corruption if found guilty. Meanwhile her feelings of shame were too strong to overcome. Hong felt that talking to others would not help so she tried to forget about the incest and move on with her life. But Hong did not know that the post-memory of incest would continue to haunt her for a long time to come. After refraining from her initial attempt to disclose for several years, Hong once made a slip of the tongue to her boy friend:

“I didn’t mean to talk about it again, but, once I made a slip of the tongue. I remember that day Dinh (her present boyfriend) and I were talking about something that was related to that (sexual abuse). God! He was in for a shock when I told him that thing happened to me. He asked me to say it again as he couldn’t believe it. I mean, it was something beyond his wildest imagination. Then he said, well, that thing could not have occurred without my consent. And, he said, ah, if it were true I couldn’t stay as calm as I was telling him the experience. His response kind of made me angry. I said to him, well what do you expect? Should I cry and moan when I tell you this secret? You know, he kept asking me why I could tell it in such a cold manner. He repeated that question a year later. Because he did not believe me. I was so frustrated that I told him: Ok, now you know the truth. If you want, we can continue the relationship, if not, just go away. I have felt already very bad about it. How could I make it up? And for what? If you can’t help me to forget what happened, why don’t you stop asking me about it?” And, well, he didn’t say a word about it since then, you know.” (HN-PI200728)
The story reflects the boyfriend’s doubts about Hông’s integrity, even questioning her personal character. In effect, this reaction only exacerbates her fears of being blamed by others. Nevertheless, Hông’s anger at her boyfriend in a way helps her to externalize her pain as she tries to understand what is wrong with him.

Even more surprising is the finding that despite cultural norms for emotional constraint, women who do not show outward manifestations of intense fear, helplessness or horror appear to have a hard time getting adequate support from family and friends or from community resources. For example, in asking Hông “how” she could recount her terrible experience in such a cold and detached manner, the boyfriend had expected a show of emotional outburst, a stereotypic expectation of a “real” victim’s reaction brought on by recollection of her terrible experience. Since the rape victim is consigned to the image of someone who has been traumatized and therefore ill, a calm and reasonable person does not fit with this framing, therefore her story is not credible. There is an ironic twist here since the focus on the observable and measurable symptoms lead to a denial of the harm of rape among those whose experiences do not match normative expectations. Unfortunately, this stereotypical imagination of “the victim” appears to be all too common. Four of the interviewed women in this study cited their calm composure as a reason for others to doubt the truthfulness of their stories. Thus speaking out about the assault to insensitive interlocutors may have detrimental consequences for the victims as they are subjected to further trauma at the hands of the very people they turn to for help (Ahrens, 2006). The experience may seem like a “second rape,” a phenomenon known as “secondary victimization” (Campbell et al. 2001; Ullman and Filipas, 2001).

This reminds us that the fundamental relational character of the self is highlighted by the dependence of survivors on others’ attitudes toward them in the aftermath of the trauma (Brison, 2002). From the accounts recorded in my study, negative reactions often serve as a silencing function. For example, Hông who initially broke the silence and spoke out about the incest quickly reconsidered the situation and opted for silence. In the case of Phượng, fears of negative reactions combined with embarrassment caused her to remain silent for several years. For Phượng, her first disclosure was my interview with her. Likewise, Nguyệt mentioned the fact that my interview opened up the possibility to break out of her wife-rape secrecy that previously imprisoned her. Furthermore, even
among those who did tell someone at some point of time after the assault, it was to seek support from informal social assistance members (i.e. family, friends) rather than from formal support providers, such as mental health professionals and physicians. At any rate, as pointed out by Yu-Wen Ying (2001), mental health services are inadequate, inappropriate and/or inaccessible in Southeast Asia. And considering culturally-biased stigmas associated with mental health disturbances, it is not surprising that only a couple of cases were reported to social work professionals in this research.

3.4. Post-rape adjustment: self silencing or burying the pain in a secret drawer

While the reasons to keep silent or refrain from disclosing are complex, the decision can be seen primarily as a form of self-protection (Ahrens, 2006). Having lost faith in the efficacy of disclosure, these women choose to heal themselves by using avoidance - that is avoiding to think about the incident - as a coping mechanism. In doing so they are more like actors making strategic and rational choices rather than just passive victims. For instance in her interview Giang used the metaphor of ngăn kéo bí mặt [Vn.: secret drawer] in which she stored her memory of incest.

“It’s like storing (the incest) in a drawer, but a secret one. If necessary you open the drawer and look at it then close it again. It’s possible you’ll never touch that drawer.”

(HN-PI200729)

At one level, it can be seen as an exercise in emotional suppression to deal with the experience of incest. By putting the painful experience into a drawer, she tried to insulate its memory from her waking life. On another level, she was well aware that the memory itself might get out of control and return unexpectedly and repeatedly to interrupt the normal course of her life. Here the kind of memory termed “episodic memory” (Tulving, 1984) can be seen in the mental exercise that Giang was going through. It is this memory structure that allows people to mentally travel back in time and remember events previously observed through experience. The memory traces of the event continue to exist in the present, and when they are retrieved, the person remembers the event (Tulving, 2002). In its simplest form, episodic memory can be considered as what one “remembers” including contextualized information about a specific event. This helps visualize how the metaphor ngăn kéo bí mặt [Vn.: secret drawer] actually works. This
“immutability” is referred by Cathy Winkler (2002) as an emotional tattoo that will remain a part of remembrance, suggesting that recall of the incident is close to consciousness (Bletzer and Koss, 2006).

Nevertheless, it is important to point out that remembering does not mean re-experiencing the past. And to remember, according to Susan Sontag (2003), is not to recall a story but to be able to call up a picture. In this respect, Giang did not endure its effects in a passive manner, but she knew there was something she could do to find a way forward. Realizing the chance of having to “open the secret drawer” and retrieve the memories, she might acquire the fortitude to “look at what is in the drawer” and directly confront intrusive thoughts, and then to “close the drawer again.” In that sense, the act of “closing the drawer” enabled her to gain control of certain aspects of the memories, making them less intrusive and giving them the kind of meaning that makes them a part of the past. This can be interpreted as an adaptive survival strategy, whereas she has no other way of regaining a sense of control. Thus by using cognitive strategies (Arata, 1999), Giang appeared to be at an earlier stage of successful adaptation (Emm and McKenry, 1988) in the healing process.

Similarly, Nguyệt initially considered “swallowing” the pain as the best “solution” to cope with her wife-rape experience. This is tantamount to burying the pain deep into the inner recesses of the self, something like drinking the pain “so that life could continue” (Das, 2004:332). Significantly, the women are to carry the pains, sufferings, and testimonies of sexual assault in their bodies. This finding is consistent with other studies that have indicated that the ways in which the women experience their personal emotions of suffering may be construed as discrete (Green, 1994; Lempert, 1997).

In the instance of Vy cited earlier, she attributed her experience of “prostitute rape” to misfortune. Since her involvement in prostitution prevented her from using the legal system to redress the wrongdoings done to her, Vy invoked the curse of fate in trying to make sense of her plight. It is worth noting that Vy tried to posit herself as a hardened woman - creating a kind of self empowerment in the face of cruelty.

“You know, my job is just to open the legs to earn some money. It doesn’t matter much if I do it once more (even not being paid for that). I don’t count… I consider it my unlucky day.” (HN-PI200730)
By adopting such an attitude, Vy tries to attenuate the severity of the act of violence, making it bearable so that she could get on with her daily existence as a commercial sex worker. Evidently, when women cannot speak out about their experiences, they often find a way to convert that passivity into some sort of agency in an effort to deal with their traumatic memories. Thus, in a real sense, abused women can accept and transform their silence into positive sentiments and descriptions. At times, silence may well be perceived as a solution. Although it is by no means an ideal solution it is an understandable option because the decision to keep silent about the assault has a certain advantage in a context of limited alternatives.

**Summary**

The core of this chapter is based on rapees’ personal narratives. In examining the traumatic consequences suffered by these women, my findings tend to indicate that while symptoms of psychological distress manifest differently from case to case, the majority of these women experience some forms of Post-Traumatic Stress Disorder (PTSD) at a certain stage in their lifetime, no matter whether the trauma is disclosed or not. Disclosure (to family and friends) and reporting (to public authorities) of rape-related incidents mostly depend on the nature of offender-victim relationship. Early disclosure and reporting occur often in cases involving strangers as offenders, whereas incidents within family circles are slow to come out.

It is notable that there are a variety of reasons why women often choose not to disclose their victimization. These include fears of family disruption, of being blamed by others for the incident, or simply of not being taken seriously. Given the social stigma and taboo that surround the topic of rape, disclosing serious abuse is a hazardous affair. It is worth noting that some subjects in this study often claim that what happens to them is not serious enough to warrant disclosure, particularly when their experiences do not meet their internalized idea of what constitutes a “real” rape (sexual assaults involving strangers, act of penetration, serious injury, etc.). This clearly has implications for the disclosure of sexual abuse to family members, friends and other sources of social support.
While the reasons to keep silent or refrain from disclosing are complex, the decision can be seen primarily as a form of self-protection.

Furthermore, the chapter also deals with the dimension of personal agency: the capacity of victims to engage in meaningful ways in coping with the aftermath of sexual violence. Of particular interest is the strategy of self silencing in which victims try to repress the knowledge - and memories - of the traumatic incident in an effort to free themselves from past suffering. The narratives also bear out the influence of cultural representations upon the individual’s perceptions or understanding of rape. These life stories posit individual feelings and meanings as inevitably embedded in the larger social, historical, and cultural relations, illustrating the permeability of the dividing line between the individual and the social. In the next chapter I shall attempt to learn about how women’s agency is enabled, represented and contested along the lines of class, ethnicity, gender, family and kinship set against the backdrop of social mobility during the whole disclosure process.

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CHAPTER 5

Searching Beyond the Best-kept Family Secrets: Intersection of Kinship, Ethnicity and Migration

Một con ngựa đau càn tàu bất có
[Vn.: When a horse falls sick all the horses in the stable cease to eat the grass]
A Vietnamese saying

Introduction
I heard this story on my third visit to Linh’s “home,” a tiny box-like shed (9 square meters) in a quarter popularly dubbed as xóm liều [Vn.: ‘risky slum’] on the right banks of the Red River, considered a “no go” area by ordinary Hanoi citizens. Outside the streets were full of people in a celebratory mood. It was the country’s National Day marking the 50th anniversary of Vietnam’s declaration of independence from French rule (September 2nd, 1945). Linh’s mother had asked me to stay for lunch. We talked while preparing the spring rolls. Linh’s mother recalled the incident that occurred at a New Year family reunion.

“Who would expect that it happened right in my mother’s house? What a scum! I simply want him (the rapist: Linh’s bác thể Vn.: husband of her mother’s elder sister) to be locked up again. Last time he was sentenced to 13 years for raping his cháu gái [Vn.: niece, younger brother’s adolescent daughter]. It was a big shame for the family. His younger brother had to sell off his house, then took his family to the South. There’s nothing to be done because it’s in his nature! Just want to get rid of him definitely… a thorn in the eye. This time he’ll be in jail for many years… When they (Linh’s cậu Vn.: younger brothers of her mother) dragged him away from her, he got down on his knees, kowtowed to grandma, and cried out that everyone could beat him to death right there in the house. He wanted to die right there, that’s what he said, he was afraid of going back to jail…then he ran upstairs, threatening to jump to his death… They (Linh’s cậu) had to drag him down as
he raised a hullabaloo to cover his crime. My mother (Linh’s bà ngoai/ Vn.: grandmother) was afraid that if he stayed in the house, my younger brothers will beat him up. Yes, the three of them would beat him to death… in that case they would commit a crime themselves.” (HN-PI200531)

Using this narrative as a point of departure, I will examine the ways in which kinship’s structure and function among different ethnic groups influence the response of the victim’s family when the incident of rape comes to light. I will point out that the experience of rape affects not only the physical and psychological well-being of a raped woman or girl but also affects the honor and status of her immediate family members, and her kin relatives as well. By paying attention to the interplay of relationships between family members and the wider kin network, and the social hierarchies and cultural processes beyond that, I try to gain insight into aspects related to the “face-saving” question that concern other kin members. Moreover, I will focus on how individual agency is enabled, represented and contested during the whole revelation process.

The rape and incest cases discussed in this chapter, provide the basis for investigating how kinship relations are connected to individual experiences, in this case those of the raped person. In this chapter particularly I will argue that the aftermath of rape is not seen as an individual affair, but an event that (section 1) involves intra-family and/or kinship relations (always inflected by gendered notions of morality) within the own “kin group;” that (section 2) therefore involves inter-family negotiations about apology and compensation, before reporting to the police or pressing charges; and that (section 3) might result in the (temporary) removal of either the rapist (through incarceration or migration) or of the rapee herself (through kin networks or individually/secretly). While the main line of this chapter is about kinship and family dynamics, I will also explore to what extent cultural variations pertaining to marriage, sexuality, and especially female virginity among different ethnic groups have impact on reactions from the local community regarding sexual crimes against women.
1. Intra-familial decision: Going public or not

Before focusing on the family’s reactions, which vary depending on such factors as when and how the family gets to be “informed” about the assault, I set out by looking at the concept of disclosure. As pointed out in Chapter 4, disclosure is a crucial first step in the process of reporting the assault to the appropriate authorities (Hanson et al. 1999; Macmartin, 1999). Whereas disclosure can be interpreted as an individual act, reporting can be seen as a collective effort in which the individual’s moral position and the meanings of the family’s honor are jointly negotiated. This conceptualization on the one hand highlights the potential dynamics of the family as a whole in negotiating the incident that might leave out the woman’s voice. On the other hand, this might serve as a ground for particular individuals to turn their personally painful predicament into a more or less collective endeavour, rather than bearing it alone (e.g., Gammeltoft, 2007). In this respect women may articulate their experiences to others in an effort to gain post-assault support and assistance, which can be seen as a form of “social sharing” (Rime, 1995). Accordingly, depending on the types of support providers (informal vs. formal), rapees may receive positive or negative reactions after disclosure (Ullman, 1996, 1999; Campbell et al. 1999; Ahrens, 2006; Ahrens et al. 2007).

This chapter largely deals with cases involving disclosure to informal support circles such as family members, friends and neighbors as well as reporting to official authorities such as the police. The women’s reasons for disclosing fall into two categories: 1) “purposeful” disclosures, which include seeking emotional support, catharsis, tangible aid, or simply a desire to catch the rapist; 2) “accidental” disclosures initiated by others which include the need to explain their behaviour after being asked where they have been, what they have done; or whether the police has been called to the scene. More specifically, those in the first group engaged in self deliberation prior to disclosure, whereas in the second group disclosure was prompted by the situation itself. It should be noted that my discussion does not include those who chose not to reveal the incident at the family level, but then took the initiative to seek professional assistance elsewhere. In order to gain an understanding as to how and why prevailing family dynamics and kin relations play a major role in the reporting decision itself, my discussion focuses on three
main points including gendered role of women in kinship structure, the stake of family honor and the rapee’s marriage future.

1.1. Reporting to the police

The present research has come across several cases involving a report to the authorities soon after the assault. I return now to the case of Linh, a Kinh adolescent girl mentioned in the beginning of the chapter. In her own narrative, Linh’s mother expressed her outrage over the rape of her daughter, particularly venting her anger at the offender, a member of her extended family. Her decision to contact the police came only after she had gone through a family drama involving intricate kin interactions. It is interesting to note that the “rapist uncle” at first appeared to be remorseful, fully aware of the prospect of going to jail again (he had served a long sentence for raping a niece before) after the rape was uncovered. Since parents and elders in the family command respect from and exert influence on their offsprings (Giang Thanh Long and Pfau, 2007), the rapist-uncle turned to Linh’s grandmother - the de-facto head of the household after her husband’s death - in order to apologize and seek pardon, together with a threat to kill himself. This double manoeuvre was underscored by the man’s denial of his wrongdoing later at the trial. In the Vietnamese context, the uncle rapist’s behaviour can be partially explained by cultural notions of family harmony relating to traditional gender roles.

Much of the social discourse conveys the idea that women are held accountable for the behaviour of their children and the moral image of their family. It is not surprising that women are the most affected when their families run into difficulties. For example, while mothers are commonly blamed when reproduction goes awry (Gammeltoft, 2007), wives bear responsibility for marital conflicts (Shiu-Thornton, Senturia and Sullivan, 2005). Specifically, mothers are often blamed for the sexual abuse of their daughters as I shall discuss in the next section. In Linh’s case the grandmother’s decision to seek legal intervention is grounded in the anticipation of trouble if she chooses to deal with the case informally. It is a move to pre-empt her sons from committing crimes of their own if they decide to go after the rapist themselves. At first glance, the strong position of the elderly widow in this case somehow does not fit entirely with the general perceptions of Vietnamese kinship as dominated by the patrilineage.
Actually, the gender roles of men and women and the consequent distribution of power within Vietnamese families could be regarded as a “paradox of power” (Oosterhoff, 2008). Although the woman’s traditional position is quite limited as compared to that of men (Luong, 1992; Phạm Văn Bích, 1999; Tran, 2008), this status is enhanced especially after she gives birth to a son, thus strengthening the patrilineage of her husband. But, while motherhood gives a Vietnamese woman status, infertility and failure to produce a son would have serious social consequences for her (Pashigian, 2009). The wife’s influence becomes even greater when her sons get married because of her inherent right to “teach” her daughters-in-law. Her authority increases and her opinion counts even more particularly after her husband’s death. This is consistent with the Vietnamese tradition that elderly widows often act as matriarch in their families (Teerawichitchainan, 2009). The situation can be observed in the case of Linh’s bà ngoại [Vn.: maternal grandmother] as the de-facto head of her household after Linh’s ông ngoại [Vn.: maternal grandfather] had died of lung cancer in 1998. Linh’s bà ngoại has been the breadwinner for her family of nine children, besides she is an important figure as chairperson of the Women’s Union at the local ward. Her position inside and outside her family no doubt influenced her decision to report the rape incident to the local authority. Arguably, her involvement in local politics might make her all the more aware of her obligation to report cases of child sexual abuse to the authorities.

A scrutiny of the family composition revealed that this bà ngoại was in fact the second wife of Linh’s ông ngoại who also had a daughter from his first marriage. This daughter is married to the man who committed child rape against Linh. Here comes the question: Would Linh’s cậu [Vn.: maternal junior uncles] resort to violence against the rapist if his wife were not their half sister? and, Was it due in part to the fact that there was more or less the feeling of bằng mặt nhưng không bằng lòng [Vn.: outwardly OK but not from the heart] among these half siblings? For the bà ngoại, in seeking external intervention did she try to avoid being blamed for the internal conflict and to cover up the lack of harmony among her family members? If the rapist’s wife was her own daughter, would she decide to report the rape? This must have something to do with her double role

44 Linh’s mother once told me that there is a distance between them as half-sisters (from the same father and different mothers).
as a logical gate-keeper (to her own children) and as a matriarch in weighing the options what to do with the rapist husband of her stepdaughter. The grandmother’s decision of reporting to the authorities shows that attributing culpability to a close family member is a complicated, risky business. It shows that familial self-interest figures prominently in the process of making the decision of whether to report or not.

This example also illustrates the bloodline relationship in which biological children are preferred over stepchildren, as reflected in a popular proverb đời nào mẹ ghê mà thường con chồng [Vn.: No stepmother will ever love her stepchildren]. This finding is correlated with the implicit recognition of the importance of both bilateral and nuclear relations as espoused in Luong (1989)’s classic work on Vietnamese kinship. The link between this and other family and demographic factors and reactions to the problem of sexual abuse and incest should be an interesting area for further analysis.

1.2. Pressing charges

In addition to the role of mothers in the decision making process, I would argue that the relationship between the mother and her own siblings or siblings in-law plays a buffering role in help-seeking efforts. More particularly, the type of reaction the rapee’s family receives from its kin members is likely to have an impact on its course of action that ranges from reporting to initiating a lawsuit. For instance, in the case of Thu who was raped by a sixty-six year old next-door neighbour, her mother did not know about the incident until she was told by another neighbor one week after it had occurred. At first Thu knocked at this neighbor’s door asking for emergency help. She wanted to cleanse herself so that her mother wouldn’t know what had happened, fearing that her mother would punish her. Thu then turned to her cô [Vn.: aunt, younger sister of her dead father] who lived also nearby and told her about the incident. Knowing her mother and her nhà nội [Vn.: paternal family] were not getting along well and thereby were unlikely to discuss the matter together, Thu sought out support from this aunt. However, the aunt used the occasion to bad-mouth about Thu’s mother, blaming her for her daughter’s misfortune. Thu’s mother recalled her anger when her mother-in-law told her:
“See, if you save a person’s life you will reap multiple merits, but this daughter of yours is pretty whory, you know it... If he (the rapist) goes to jail, it still doesn’t solve anything.” (HN-PI200732)

This reminds us that in a patriarchal discourse, women’s rape narratives are often called into question even by other women, who may even deny the reality of pervasive male violence against them and their loved ones (Shearer-Cremeen and Winkelmann, 2007). Emerging from this attitude is an emphasis on women’s responsibility for male violence that influences social attitudes towards women as rapees, as well as women in the expected role of mothers. In fact, Elena Newman (2007) in her study of childhood sexual abuse in the US, points out that the socio-cultural and historical milieux of sexual trauma create an environment in which survivors anticipate disbelief, shame, blame, alienation, or punishment from others.

Furthermore, the reaction of Thu’s grandmother is consistent with the findings from the case of Linh which reflect the nature of blood-line relationship and the intra-family interplay. However this blood-line relationship does not appear to act as a buffer in the disclosure process in a similar manner as shown in the case of Linh. As previously mentioned Thu’s aunt spread around malicious gossip about the abuse instead of giving her solace or tangible aid. It is also possible that the aunt might not feel comfortable to discuss the abuse with Thu’s mother. The distance between Thu’s mother and her in-laws could be traced back to the family history:

“My husband (Thu’s father) is the out-of-wedlock son of his father (Thu’s biological paternal grandmother who died several years ago), the first wife (Thu’s present paternal grandnmother) naturally dislikes him from the start. That’s why they (Thu’s paternal kin) don’t care much about me and my daughter.” (HN-PI200733)

In fact Thu’s father was the eldest son in the family, although he was born out of wedlock (for a further discussion about the differentiation of kinsmen see Luong 1989). Whereas Thu’s paternal grandfather was still living and seemed to have sympathy and concern for Thu and her widow mother, he did not give his con đau [Vn.: daughter in-law] and his cháu gái [Vn.: grand daughter] any tangible help. Thu’s mother explained to me this was due to the fact that he was now living with a married son on whom he depended for his upkeeps. For her part Thu’s so-called grandmother showed little sympathy after the
disclosure of the incident. By so doing the grandmother made a point of denying Thu’s mother a sense of belonging: she was neither part of the family, nor a member of the extended kin group, and thus had no moral right to ask for help. Interestingly Thu’s cô [Vn.: paternal aunt] told me in an interview that “she (Thu’s mother) is just a peasant woman who left her village to pick garbage in the city. At night she sleeps with the landlord, that’s why her daughter is good for nothing.” Thu’s mother herself was also the subject of gossipping and was blamed for breaking up other people’s family, given the fact that Thu’s father was already married with another woman at the time he started seeing Thu’s mother.

Out of this complex intra-familial web, the moral line is rather simple: a mother who fails to live up to the moral ideal of chastity is bound to have a daughter who behaves in similar ways that will drag her deep in the mud. This way of reasoning, which predominates “public” assessment of Thu’s sexual victimization, resonates with a long tradition in Vietnamese culture attaching moral meanings to social events. It is especially important to note that local mores, being grounded in Buddhist beliefs of luất nhân quả [Vn.: karma], tend to link the occurrence of misfortune to the lack of phúc đức.45 [Vn.: merit and virtue] of the family. In this line of thinking what happens to a person in this life is a consequence of the law of cause-and-effect, and may be accountable for personal events and actions in one’s previous life, or those of one’s immediate family members. More specifically, the Kinh believes that phúc đức tài mậu [Vn.: merit and virtue are derived from the mother]. As should be expected, a good woman of proper conduct and morals brings happiness and good fortune to her family while a bad woman brings only tragedy and despair. This popular belief, according to Nguyễn Khánh Linh and Jack Harris (2009), masks the cultural construction of women as keepers of morality. Yet at the same time the accountability that phúc đức places upon family members

45 Arguably it is “quantified” because reference is frequently made from the point of không có/vô [Vn.: no] to nhiều [Vn.: much] or rất nhiều [Vn.: very much] phúc đức. Phúc (or phước in Southern dialect) đức is considered to be influential over a span of five generations (Slote, 1998). For instance, the birth of a disabled child has social and moral consequences for the entire family- and, especially, for the parents and siblings of the woman and her husband (Gammeltoft, 2007). The physical anomaly is taken as an indicator of moral transgressions made by the child’s parents or grandparents, called quả báo [Vn.: a negative result of karma]. On the contrary it is assumed that a family blessed with phúc đức is to have healthy and well-behaved children. A “proper” female would bring great honor to her own family and later to that of her husband when she gets married (Ngô Thị Ngọc Bình, 2004). For a detailed account of phúc đức as a form of intrapsychic coping mechanisms for many Vietnamese, see Slote (1998).
through different generations may operate as social resources for the fashioning of individual thought and action, in this case the rapees. The scope of this dissertation however does not allow a full discussion of the role of religion or spirituality in the rapee’s healing process - an important factor that may help them come to terms with their misfortune.

Suffice it to say here that this moralizing version of the rape incident suggests mother-daughter intergenerational correlations in the sphere of socialization, according to which if the mother transgresses orthodox moral standards the daughter might do likewise. Inevitably the victim/daughter was subjected to innuendo and suspicion that she may have “provoked” the rape herself, as reflected by Thu’s aunt doubting her credibility, blaming her for what happened. This is in line with the idea of a “just world” where a rapee is seen as responsible for her fate, a mother is held responsible for her childrearing, and a woman is blamed for any “deviant” behavior that might go against the prevailing gender ideology. By challenging the perpetrator through legal action, Thu’s mother wanted to show that she had nothing to hide, thus enhancing her credibility and reducing the risk of being blamed. Moreover the negative reactions from kin relatives must have had an impact on her decision to take legal action.

At another level the mother’s anger was partly due to her failed attempt to claim for her daughter a proper place in the paternal family. Given the position of Thu’s mother as a poor migrant widow living on the margins of society, such a claim also appealed to a sense of responsibility on the part of her husband’s family. Still these kin members rejected her cry for help, giving no resources or referrals. Their reaction might reflect the Kinh people’s emphasis on collectivism, to the effect that serious interpersonal offenses cause humiliation and loss of face not just to an individual but also to that person’s family and the entire kin group. In this manner, public knowledge of rape not only brings potential stigma to the victim herself or her family, but risks blemishing the entire kin body as well. However Thu’s paternal grandmother’s response was so unsympathetic that Thu’s mother had no choice but seeking help elsewhere:

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46 For example in the rape of Thị Mịch - a female character in the novel Giông tô [Vn.: The Storm] - the event is interpreted as bringing shame to the whole village (Vũ Trọng Phùng, 1996).
“When I went to see my family in-law, they all scolded me. I said: “That guy (the Bluebeard/ the rapist) slept with my daughter who is your niece (Thu). She is one of your kin. He (the perpetrator) may look down on you because you all are just stupid. No one can blame me because I am just a woman. Her father (Thu’s father) died early so that he couldn’t bring her up properly. You are her senior uncles but you don’t feel any pity for her, your blood-related niece.” (HN-PI200734)

When facing the prospect of being left out in the cold by her family in-law, Thu’s mother decided to go it alone, bringing her daughter’s case to justice. In doing so the mother not only wanted to show how she was perceived and treated by her in-laws but also to give an example of what a poor migrant widow like her could do in order to secure her citizen’s rights.

1.3. All quiet in quê (ngoài): A rescue alternative

It is important to mention that the mother did not turn to her natal kin for help in the reporting process because she believed that doing so would be ineffective and only result in negative consequences such as bringing stigma/blame on her. As Thu’s mother explained: “My elder brothers would say since I am married I should not bother them anymore. I should run my own life instead.” The underlying cultural norm is that a married woman is considered as belonging to her husband’s family, thus cutting herself off from her natal kin (cf. Bélanger, 2002). Central to this viewpoint is a belief that this is a task that the woman should consult with her husband’s family to which she belongs, both socially and morally.

Meanwhile the supportive reactions that Linh and her mother received from their maternal relatives mentioned earlier seemed to be in tune with the popular saying of cháu bà nội tôi bà ngoài [Vn.: one can be a granddaughter of a paternal grandmother, however the burden of care falls on the maternal grandmother]. This somehow contradicts the above mentioned scenario suggesting that a daughter belongs to her husband’s family after her marriage - the husband’s family being regarded not only as a main source of support but also as a source of obligations for her. But as Nguyễn Đức Truyện (2003) points out, even after her marriage a daughter still maintains strong ties with her natal family, reflecting certain bilinearity in the Vietnamese kinship system (Luong, 1989).
This feature of the Vietnamese family and kinship system reveals a more complex picture, which is far from being strictly patriarchal since both the maternal and paternal sides matter (Bélanger and Barbieri, 2009).

A closer look at the case of Thu however reveals that the mother tried to keep the incident secret from her quê [Vn.: natal village], fearing social consequences would follow if others in her quê knew about her daughter’s predicament. As the mother explained:

“Such a story will make it impossible for her to get a husband there. In the countryside that’s very difficult. It (the story) would quickly spread among the villagers. Out here (in Hanoi) it’s different. I asked everyone (in her natal family) to keep it (the incident) within the family. Later if she (Thu) wants, she might go back there to find a husband.” (HT-PI200735)

By so doing, the mother was preparing an “escape route” for her daughter to return to her home village for marriage feasibilities. In this situation, the focus the mother placed on her daughter’s future might hinder her efforts to seek social support (from her natal kin). When alluding to the cultural tradition which considers a married woman as “belonging” to her husband’s family, Thu’s mother appealed to the sense of responsibility of her husband’s family and kin with regard to what happened to her daughter.

Moreover, an analysis of the mother’s interaction with the larger kin group indicates that speaking out about the assault (of her daughter) may have detrimental consequences for the mother herself since she may be subjected to further blame at the hands of the very people she turns to for help. This occurs particularly in cases where the absence of a father figure in the family is noted, thus supporting the idea that the role of the head of the family - mostly a man - is not only important in the social economic activities of the household but also instrumental in maintaining family life, discipline and moral ethics (Nguyễn Đức Truyện, 2003; see also Luong, 1989; Kleinen, 1999; Bélanger, 2002; Trường Huyên Chi, 2009). On the whole, it is a hazardous thing to reveal the rape of a female family member because of the intricate interplay of intra-family relations. This in the main constitutes an obstacle to the rapee and her family in pursuing a criminal prosecution of the offender.
It should be pointed out that these cases took place against the social-cultural background of the “majority” Kinh people, where Confucian ethics on female virginity and chastity are of primary importance. A public reporting entails serious consequences not only for the raped person but also for the whole family. But in Linh’s case no one seemed to take this into account in initiating the legal steps. Only after the lower court had passed a judgement deemed unfavourable to her case did Linh’s mother decide not to pursue the case further, citing the need to protect her daughter’s good name. There is a contradiction between family interests, particularly the parents’ own interest, versus the need to focus on their daughter, the victim who needs emotional support in the wake of disclosure. Hence the question of whether to take into account the need to protect the girls’ honor is arguably a matter of compromise. In the following section I will show how concerns pertaining to other family members and the extended family affect the decision whether to report sexual victimization or not. These concerns will also be examined against a backdrop of specific ethnic cultures that place less emphasis on the question of virginity.

1.4. A private matter: Family honor and marriageability in a case among the Dao

While the above example is illustrative of a prompt response in rape reporting, in most cases in this study the rapee’s family often shows a reluctance to contact the authorities or try to treat the incident as a private matter. This section will discuss the fear of social disgrace following public knowledge of rape, and the ulterior motives of marriage settlement, under the guise of bridewealth in some ethnic communities. The emphasis placed on the idea of “family honor,” which is inextricably tied to a woman’s marriageability, can get so extreme that the family may feel that such kind of crime should not be disclosed at all. It is worth noting that the fear of bringing disrepute to other members of the family is evident even among the ethnic minority groups who do not consider virginity as an important social factor as in the case of Dao people in Lào Cai.

Take the case of Yến, a fourteen year-old Dao girl raped by a brother in-law who subsequently committed suicide on the same day of the incident. Yến’s father also

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47 Please refer to Chapter 4 for a further discussion of present-day social attitudes on gender roles and perceptions of female virginity in both rural and urban areas.
suspected that her elder sister was abused by another son in-law later on. But the father said:

“We don’t report (to the authorities)...this will only create troubles, (that’s what) I told my wife. She also says we don’t do it, better to protect her honor. If this becomes known when she grows up she will have difficulty finding a husband.” (LC-PI200736)

Concerning the rape of Yến, her father told me in an interview that if this son in-law of his had not committed suicide he would have taken him to the police.48 However when confronted with the case of his other daughter (Yến’s elder sister) who was raped by another son in-law, the father was trapped between the need to seek help for assault-related sequelae and the need to hide another abuse (within his own family), for fear that disclosure could cause familial discord and much suffering to many people involved. The father chose not to report to avoid the potentially negative reactions to the (second) abuse that would spell disaster for the whole family. He would never be able to find a husband for his daughters (meaning Yến and her elder sister), and the shame and dishonour would stay with them as long as they live. This finding leads to the question whether the father’s attitude has anything to do with extraneous concerns such as family status and his daughter’s marriageability, given the fact that there is no emphasis on ‘traditional value’ attached to women’s tiết khu-ú paí tiết khố [D.: virginity] among Dao ethnic group.

As pointed out by several researchers (Phạm Quang Hoan, 1999; Lý Hành Sơn, 2003), in Dao society, particularly among the two sub-groups of Dao Đỏ and Dao Tuyên in Lào Cai involved in the present research, it does not matter much whether a girl is virgin or not in terms of marriage eligibility. Put it differently, miên chăng miên xiá [D.: premarital sexual relations] within these two ethnic subgroups are not seen as shameful, and thus the virginity concept does not play an important role in marriage.49 Typically, an informant commented dryly that “even these girls do not know whether they still have it” (virginity), implying that a young Dao female enjoys unrestricted sexual freedom. Indeed, there is a commonly held belief among majority Kinh living in Lào Cai that “young Dao

48 The incident happened around noontime at the perpetrator’s house during Yến’s short visit there. She ran home and was taken to the nearest hospital by her neighbors since her parents were away at the time. Yen suffered serious vaginal laceration with heavy bleeding. The case became known to the villagers, but there was no prosecution due to the suicide committed by the perpetrator.
49 This is in contrast with the “first-night” nuptial ritual as commonly practiced among Kinh people to ascertain the bride’s virginity.
people are just like Westerners” in the sense that they do not care much about their future partner’s sexual history. Because they have few restraints over their sexual urge, “they are as free as the Westerners. If they like each other they just do it. No one cares as long as they don’t get pregnant.” The question is whether there is a link between the extent of sexual freedom and the seemingly low incidence of sexual assault among Dao youths, given the fact that rape report would not be taken seriously, and it might be relatively “rare” in the sense that the vast majority of sexual assaults that do not fit the “dominant pattern” (e.g., pregnancy as a result of rape, presence of witnesses), would go unreported, and thus go unpunished. How then these so-called traditional attitudes on chastity have an impact on the stigma, which the women have to bear? And does it work in the same way as in the case of a Kinh woman? The following section will deal with the ways in which these cultural particularities may make it even more difficult for a victim to disclose a rape incident.

The findings of my fieldwork nevertheless show that nowadays Dao girls still maintain their behaviors according to local norms of morality [D.: hi-íu diêm nhân lòng]. Lý Hành Sơn, an expert on Dao culture and himself a member of this ethnic group, told me that local customs still condemn mài ton gòi [D.: out-of-wedlock pregnancy], and if this occurs the boy and the girl will have to get married [D: ép nàn bua phây thô-ô]. Dao youth are not as casual in sexual relations as it might seem. They may indulge in “free love” but this is often based on conscious choice: girls are picked for their skills of weaving and embroidery while boys are chosen for their good character and physical attributes. The next step is to ‘officialize’ the situation by arranging for the two families to meet to assess whether their ages are compatible according to local horoscope. This age compatibility is a sine qua non condition for a marriage to proceed. Otherwise, the boy and the girl are free to look for other prospective spouses. The open attitude about female virginity allows leeways for them to start anew without affecting family and kin relations. On the other hand, it also has a restraining function on the youth in their pre-marital relationships. Put it differently, a Dao girl is encouraged to dsủ xin [D.: self-restraint] concerning premarital sexual relations.

Generally Dao womanhood is subjected to certain restrictions in order to protect the female’s mài msiên [D.: reputation, honor] as well as that of her family. Traditionally a
Dao girl is considered a symbol of her family’s dignity and social status - an asset, which her parents often use to attract eligible sons of local dignitaries, with an eye on getting a substantial bridewealth. For most Dao groups, the marriage custom of bride wealth has broader implications than its economic aspects. The size of the bridewealth is an indication of how “valuable”/well-bred the daughter is, it is her parents’ public display of honor. On a more practical level, a bridewealth may constitute the means of acquiring and adjusting labor needs: in case the girl’s family needs labor for agricultural activities or if the boy is poor, the girl’s family would ask the boy to stay with them temporarily, which would prolong the pre-nuptial period. It is worth noting that the boy and the girl are not regarded as truly married until the bridewealth is paid. Only after the boy is accepted by the girl’s parents to live under their roof, the couple is officially given the approval to sleep together (Ly Hanh Son, 2003). Therefore, it is not uncommon to see couples with grown-up children holding their wedding for the first time. Apparently this kind of practice is a burden to those who have many sons, and it is not uncommon to see parents start to save for the bridewealth requirement as early as their son turns ten. Families having daughters need not to worry about this economic burden (Ninh Van Do et al. 2003). For this reason, even though the Dao has a kinship system similar to the Hmong and the Kinh, there is no discrimination against female children in Dao families (Do Ngoc Tan et al. 2004).

In the two rape cases among the Dao, the notions attached to women’s role seemed to cause their rape experience to look more problematic because of their failure to meet the social expectations of a proper girl. Their sexual violation was different from premarital sexual relation in the sense that the incidents were not kept in the private sphere. In the case of Yến she had to go the hospital because of the grievous wound caused by the rape and the subsequent suicide of the perpetrator. Even though there was no pregnancy, these two girls were stigmatized as those who “have failed,” and thereby becoming miên xía tchâu quây mût tra-á [D.: devaluated girls]. Because of the rape incidents their worth as future brides became much less. They would be reprimanded (by her parents) for getting themselves into such a situation.

50 In case the marriage cannot be obtained as a form of restitution, the perpetrator will have to pay five silver coins instead as compensation for the loss of the victim’s honor. This payment is called thím min chi
What is at stake here is the link between the traditional practice of bridewealth and a relatively high value that Dao society places on female youth, which in turn has a bearing on the experience of tchôm miên xia châu tiết [D.: rape] and its consequences. Moreover in Dao society the parents of rapedes are often barred from communal functions such as performing rituals in launching a new crop season or representing the clan on prenuptial arrangements. This downgrading of their social status together with the economic loss is bound to affect the parents’ attitude toward their own daughter, which might include resentment and bitterness. As for the daughter, she might find herself subjected to *nsa-âm tha-âm* [D.: heavy stress] for derogating family *mài msiën* [D.: honor] and depriving her parents of a sizable source of income in the form of bridewealth.

Going back to the unreported rape case of Yến’s elder sister, one can assume that her parents tried to keep the incident within the family, not wishing to compromise the marriage eligibility of another daughter. Their consideration was based on the fact that there was already a “devalued” daughter (in this case: Yến) in the family. As her mother put it:

“Don’t want to do (report) it to protect our daughter’s name. Anyway she’s at the marriage age.” (LC-PI200737)

Another reason is the father’s weak position as head of the household and his fear of revenge from his rapist/son-in-law:

“If I reported this to the police I’d have to assemble all the family members and tell them the whole thing, otherwise he might use violence, then I wouldn’t be able to defend myself. I didn’t dare to challenge him. He threatened to beat me…What could I do? Look at my hands, they were crushed when a tree fell down on me…Now I can’t even catch a chicken for my wife, let alone fight against him.” (LC-PI200738)

The situation obviously influenced her mother’s decision not to report the incident. The mother was aware of the fact she might be held responsible for the rape of her two daughters because, in Dao society, it is expected that a respectable woman should know how to raise her daughters properly (Lý Hành Sơn, 2003). Given the potentially overt *lín và doa-á* [D.: blame] that might come after the disclosure, Yến’s mother preferred to deal

[D.: compensation for loss of honor]. Later if someone comes to ask the girl to marry these five coins will be reduced from the would-be bridewealth (Phạm Quang Hoan, 1999).
with the abuse informally rather than seeking external intervention. It was decided to keep silent about the incident to protect not only the rapee but also other family members (particularly females) from the *tu-ú và doa-á* [D.: social stigma] of rape. The case affirms the role of Dao mothers in making important family decision. This resembles the analyses offered by Mary Douglas (1991) and Ann Stoler (1989), in which women are made responsible for policing the moral-physical boundaries of their families, in particular what pertaining to women’s and girls’ sexuality.

In most cases involving both Kinh and non-Kinh, my findings indicate that the mother occupies a central place in the process of disclosing and/or reporting of rape. This may be attributed to the intensity of the mother-daughter bond, which is characterized by factors such as closeness, reliability, and collectivism (Rastogi and Wampler, 1999). To some extent, as noted by Nancy Chodorow (1977), mothers experience their daughters as like them and their sons as different from them. Also, girls can develop their gender identity as being like that of their mother whereas boys must separate from their mothers earlier in order to develop their masculine identity (cf. Strauss, 2004). Additionally, the differential values of sons and daughters in a predominantly patriarchal culture like that of Vietnam, has implications for a high degree of connectedness and interdependence within the mother-daughter relationship. This is because sons are expected to be responsible for their parents in their old age, while daughters will move in with their in-laws after marriage. Indeed, parents invest more in sons because they have greater long-term expectations of returns from them.

This preconception leads to a significantly different socialization of boys and girls within families and communities. For instance, Rydström’s (2003a) work on children’s socialization in Vietnam shows that boys hold intrinsic value through their “superior” sexed bodies, while girls must acquire a sense of worth and value to their parents and society through socialization. Regarding this point, mothers always have been a model and socializer for daughters (Song, 2001). Again, this inheres in the closeness and intimacy of the relationship, highlighting the mother’s practical importance to the daughter. The distinctness of the feminine personality, as Phan (2005) found among Vietnamese-American youths, lies in this capacity for empathetic connectedness. The
significant involvement of mothers in revelations concerning their daughters’ experience of rape is discussed below in more detail.

2. Inter-familial negotiations: “Sentiment-based” settlement or fight till the bitter end

The discussion so far about the impact of intra-family relations on revelation of rape, has brought to the fore the significance of the underlying considerations, thoughts and emotions especially of women who play the role of a mother. In this section I examine the complexity of post-rape dealings at inter-familial level which may result in a negotiated settlement or a legal pursuit.

2.1. Room for apology and restitution

In most incidents involved in this study, the rapees’ mothers told me that the attitudes and reactions from the offenders and their families influenced considerably their decision whether or not to file a formal charge. Mothers who initially reported to the police might reconsider their decision and eventually drop the case for reasons discussed below.

For example, in the case of seventeen year-old epileptic Nga, the arrogant behaviour of the offender and his family was the major factor leading to her mother’s decision to report to the police despite the fact that the rapee’s family was well aware of the consequences of public disclosure. Nga’s mother told me:

“To tell the truth, when all this happened it was not really a good thing for my daughter, deep down I was very apprehensive.” (HN-PI200739)

Thu’s mother shared similar feelings:

“I did not want to start a big fight. It’s a matter between humans and not with animals. If it became a big thing, my daughter, young as she is, would have to bear all the shame.” (HN-PI200740)

It should be noted that the delay of the police to bring rape charge against the assailants as described in the Kinh cases of Nga and Thu sent a signal to the rapees’ families that the incident should be best dealt with informally between the parties concerned. Popular
notion about “virginity” also emerged in the local police’s thinking. Nga’s mother recalled:

“They (the police) said: ‘your daughter is unhurt that’s a good thing, no problem now. Your family denounces his crime, that is just. But since your daughter is OK, it’s better to drop it.’ That means they urged us to withdraw the complaint.” (HN-PI200741)

Apparently, the police’s emphasis on female virginity may reflect their prejudice with regard to the seriousness of the case, making the act of the offender less serious to be considered as rape (See Chapter 6). When this occurs in conjunction with blaming and doubting responses from the local community, it only reinforces the perceptions that existing systems do not care and will not provide any help. In the cases of Nga and Thu, factors such as their mental retardation and lower social-economic status may have encouraged the perpetrators and their families to deny that an offense had taken place, to take responsibility for that offense, and, finally, to offer some compensation. This is probably due to the assumption that when one offers an apology, one shows willingness to humiliate oneself to an extent that offering an apology is a face-saving act for the hearer (the offended) and a face-threatening act for the speaker (the offender), as Ruba Bataineh and Rula Bataineh point out (2006). In the case of rape, the perpetrator and his family seem to be willing to offer explicit apologies to the victim’s family who shares with them the same social economic background. How class and status affect the apology strategy will be discussed in the final part of this section.

In the case of Thu, the offender was released after a nine-day detention. After that, the police did not investigate the case further, thus sending a signal that his crime would go unpunished. Thu’s mother described the situation:

“He (the perpetrator) just acted arrogantly, telling his neighbors that he didn’t care or else he could have slapped that damned woman’s face (Thu’s mother)...At that time my blood boiled up, I just wanted to fight him there and then. If this was what he wanted I’d take him to the police for them to decide...for the court to make it clear, black and white...if his family didn’t have money, he’d have to come and talk to my family, asking for pardon, then I might forgive.” (HN-PI200742)

Here the question of apology comes into play. Apology, especially when involving some form of behavioral restitution, plays an important role in social relations among Kinh.
Apology is often negotiated in the context of the extended family and clan. From the perspective of an interdependent self (Markus and Kitayama, 1991) attempts to offer apology may restore face and re-establish harmony in social relationships, which, in turn, may bring about forgiveness. As Joshua Hook et al. (2009) observe, for collectivists group harmony and preservation of mutual face are of primary importance. Likewise, Nga’s mother recalled:

“His wife and his mother came right away and proposed that since this thing already happened, we should withdraw the accusation; they would make amends and compensations. Considering they were after all our neighbors and acquaintances, we were inclined to accept.” (HN-PI200743)

These peculiar situations often make room for reaching a compromise between the contending parties, a topic to be elaborated in Chapter 6. The following section examines why women - in the case of the Kinh people - are often involved in the role of negotiators.

2.2. A half-hearted apology: Tug-of war-delaying tactics

A half-hearted attempt to apologize on the part of the offender or his family was often cited as the main reason for the injured party to seek justice. For example, Nga’s mother recalled:

“A few days later (after the incident) his mother and his wife kept on coming here. But suddenly they stopped coming, maybe they had already arranged something with the police. The scoundrel began to insult our family. He accused my daughter of selling him heroin, he had nothing to fear. It costs him 50 million dong, he said, so go ahead to sue him, he dared us.” (HN-PI200744)

In this case the offender’s family tried to get out of trouble via its social connections; this explains the reluctance to offer an outright apology. Outwardly it pretended to show goodwill in wanting to reach an agreement with the injured party - a form of temporary appeasement. Soon it spread words around that it had spent 50 million VND to turn the case in its favour. It was a form of psychological pressure on the victim’s family to drop the case or else they might be sued for calumny. From the offender’s perspective a

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51 In the same study, the authors propose that collectivistic forgiveness, which is distinct from reconciliation, is to alleviate conflict and maintain social harmony.
success in having the case dropped or changed would carry significant implications. His family would be seen as winner in the “struggle” socially as well as financially. Socially because it would not be tagged with the stigma of rapist or suffer the humiliation having to apologize officially. Financially because it would not have to pay compensation, often large sums to the plaintiff’s family. In the gang rape case of Ái, the offenders’ families kept delaying in offering an apology until Ái’s mother actually filed a complaint. The mother recalled how she reacted to the attitude of the offenders’ parents:

“I said to them: you just want to play it the hard way. You all knew about the incident after it happened, but you didn’t tell us. When we found out, you said you would pay compensation. After a time you stop coming here, you said you couldn’t find the money.”

(LC-PI200745).

To understand the half-hearted attitude on the part of the offender’s family, it is essential to explore the implications of apology in resolving interpersonal conflicts. When a person is accused of committing a misdeed, he/she is motivated to provide an excuse to avoid possible legal and social sanctions. Offering a formal apology especially when accompanied by compensation, is perceived as an admission to the crime, with the implications of stigma attached not only to the offender but to the rest of his kin. Obviously the members of offender’s family do not want to acknowledge that one of them has committed the crime of rape and therefore do not wholeheartedly go along with a peace making gesture toward the rapee’s family. Here one can see the dynamics of settling rape-related incidents between the parties concerned. When the need arises to negotiate both parties profess to find a solution based on **tình làng nghĩa xóm** [Vn.: community sentiment; cf. Gillespie, 2005] but if one party perceives that their demand is not met (for example too little compensation) or that it has the upper hand in the legal process (owing to social/political connections) the willingness to make peace may evaporate. This is like a tug-of-war involving both soft and hard tactics with pauses in between to assess the situation and rally support from influential quarters. Meanwhile the community looks on with keen interest, taking on the role of a cheerleader whose support or disapproval depends on the nature or degree of social relations.

Conversely, attempts to pursue a trial may be prompted by social pressure from people outside the kin network. For instance, a neighbour commented in the case of Nga:
“Everyone says: it shows that your family has lost to his family. They have money, but you don’t. You can’t pay the police, that’s why you lost.” (HN-PI200746)

This suggests that despite the pain and embarrassment caused to the victim’s family by the rape incident, the decision to go public via legal channels can be seen as an effort to restore her family’s social status. The rationale was:

“First we must protect our daughter’s rights, to defend her honor. It would give her some consolation, and give us a clear conscience. It’s strange. The victim’s side is pushed deep in the mud while the offender’s side acts like victors. That’s why we’ll fight this to the bitter end.” (HN-PI200747)

In Thu’s case, concern about the family’s “face” came again into the picture. This was different from the initial disclosure of rape when her mother’s main worry was social disgrace for their family as a whole. Now, filing of a lawsuit would be a challenge to the social reluctance to acknowledge that rape had actually occurred. For instance, Thu’s mother explained:

“If I could bring a lawsuit, it’d be a good thing. If I couldn’t, they (local people) would laugh at me, saying: you bring a lawsuit, but you can’t do a thing against him (the perpetrator).” (HN-PI200748)

Because of this criticism and the uncertainty of a legal case, Thu’s mother tried to cover her tracks when she was busy with the legal procedures away from home. The mother told her neighbor:

“If someone asks me where I am, just say I’m just visiting friends.” (HN-PI200749)

However her initial success was crucial in changing the attitudes of others.

“After I filed the complaint and the police came here to arrest him, the neighbors said: Oh yeah, it’s true, her daughter was harmed. They did not lie about it.” (HN-PI200750)

There was a measure of “heroism” in the action of Nga’s mother as she recalled:

“It’s a matter of honor. This scoundrel has raped quite a few women, but people couldn’t do anything despite his crimes (the perpetrator was a known drug addict having close contact with some senior police officials). First it’s for the sake of our daughter; second, it’s a kind of contribution to society, this makes us determined to lay bare all the facts … to set an example for others in future… Even if we do not overcome (the obstacles) we must continue (the fight) and will not relent in bringing the issue to an end so that people
in similar circumstances, those being oppressed will follow (our example), and do their best, keep on until the goal is achieved... Giving up is like losing to them... the more obstacles, the more we fight on.” (HN-PI200751)

By linking her daughter’s incident to the series of crimes committed by the same perpetrator in the area, the mother benefitted from a sense of solidarity, even support within her community. This unexpected source of support brought a new dimension to the rape prosecution dynamics, enhancing the chances of the plaintiff to be heard and reducing the risk of being blamed. The satisfaction of being heard induced Nga’s mother to look beyond her family’s predicament at the larger picture where justice was yet to be rendered in similar cases elsewhere.

2.3. Mothers as peacemakers

In traditional Kinh families the wife is supposed to be in charge of minor day-to-day decisions on running her household and leaving the important decisions to the husband who is considered as trụ cột [Vn.: the pillar of the family] (cf. Rydström, 2003b; Phinney, 2009). As noted earlier, mothers are considered to be responsible for raising children and often bear the brunt of blame for their children’s misfortune. When it comes to incidents of rape with all its moral and social implications the task is left to women as third-party mediators in negotiating a settlement. This is not to say that the rape itself is perceived as a “minor” affair. Arguably, regardless of the means by which the rape is resolved internally, the inherent secrecy conveys the idea that sexual violence is something bad and dangerous, taking into consideration the stigma attached not only to the concerned persons but also their wider social network. In the victim’s family rape with its gender and sexual connotations is regarded as chuyên dàn bà, con gái [Vn.: women and girls’ affairs], something the husband as head of the family would rather let his wife handle its fall-out. Thus the outcomes of these negotiations affect not only the “face” of the woman concerned but that of their family and wider kin as well. Females who act on behalf of the offender often target the emotions of their counterparts from the victim family, appealing to a sense of sympathy not only on account of their shared gender but also their role as mothers. For instance, Ái’s mother told me:
“Thành’s mother came here. First she writhed on the floor then pretended to faint on the bed. That made me quite afraid. I had to call the neighbors over to act as witnesses. I told them she did it on her own, none of my family did anything to her. She said only me could save him, nobody else.” (LC-PI200752)

The recourse to this informal woman-to-woman channel is also reflected in Nghi’s story, which carries an indirect threat of blackmail:

“Shortly after the son was arrested, his mother came straight here to apologize. I asked her to sit up here in the house but she preferred to keep a distance. She kept saying: ‘Sister, please turn a blind eye so that our family could go on scraping a living. If you take him to court, my son will surely get no more than 3 years, but your daughter will have a hard time getting a husband.’” (HN-PI200753)

The situation in twenty-three year old Mỹ’s gang rape case was more delicate since one of the offenders was her em con dì [Vn.: matrilateral same-generation cousin]. Even though the dyad had not recognized each other as the rape occured at night on a country road, Mỹ was struggling with the idea whether to ask for a sentence reduction for her cousin:

“My aunt came to ask me to write a petition asking for a reduction of her son’s sentence. She said although he’s young and foolish, he still has many years to live. They would give him a heavy sentence, no doubt. She kept begging me. She also put pressure on my mother. I don’t know what to think.” (HT-PI200754)

It should be noted that while the Kinh mothers took a leading role in the negotiating process in the aftermath of rape, this was not the case of the Hmông or the Dao where the leadership structure of the clan system is highly patriarchal (cf. Dương Bích Hạnh, 2007). More specifically, Hmông and Dao people tend to resolve interpersonal conflicts and reach forgiveness with the help of a male clan chief or a religious leader. In the cases of the Kinh the above examples suggest evidence for the position of Kinh women as nội tướng [Vn.: mistress of internal affairs], which is rather influential in the household within the patrilineal hierarchy. Kinh women’s negotiating skills may be derived from their experience gained from centuries of marketing activities (Nguyễn Quang Ngọc, 1993).
Going back to the cases of Ái and Nghi, the female negotiators for the perpetrator stressed the view that a girl is worthless once she loses her virginity and tried to convince their counterparts that marriage may be a solution acceptable to the rapee’s family. Although no deal was obtained in both cases due to the inconsistencies of the negotiating process that will be discussed shortly, it is not surprising that the practice of marrying off a rapee to her rapist still persists among many ethnic groups in Vietnam.

2.4. Virginity as emblem of honor and economic asset: variations on a theme

As shown in my case studies, it seems that while Kinh people tend to draw on cultural values associated with female virginity, the notion of “family honor” and economic value (in the form of bridewealth, for example) figure prominently among Hmông and Dao groups. The families of rapees within these groups resort to customary law using marriage as a form of restitution. In this way, the marriage “resolves” everyone’s problems: the woman gets a husband despite being a “damaged good,” the family honor is salvaged, and the rapist gets the wife he might desire. Take the example of Phi, another adolescent Dao girl raped by a Kinh road builder. Her family agreed to take monetary compensation as an alternative to bringing the offender to justice. Given the rapist was a Kinh construction worker involved in building a road that ran across a Dao village, a “deal” was quickly struck between the rapee’s family and the project leader who acted on behalf of the rapist immediately after the case was brought to the attention of the local authority. As a result, the family of the rapee eventually dropped the case, the rapist was sent back home, and the project continued its course.

Commenting on the above case, a middle-aged Dao man living in the same village told me that the Kinh offender could have apologized to the rapee’s parents and asked to marry the girl. In this way he would have acquired a wife at much less cost. He could gọi quyền áo [D.: to divorce from wife] her later if things don’t work out between them, the man said. Anyway Dao customs are not stringent about i có phá quyền [D.:divorce]. What’s more, he did not have to disburse such a big sum as compensation for raping the girl. The reason is that once a girl is known to have been tạch mien xià chau tiệt [D.: raped], her family could not ask for a high bridewealth, and thus mải xià tạch nhoạn [D.: to sell their daughter at a cheap price] This way of reasoning seems to be in line with
the custom in some countries where forced sex is a “culturally accepted” method of obtaining a bride (Rimonte, 1991).  

While the phenomenon of “post rape” marriage [D.: ép nàn bua pháy thô-ô] among the Dao is related to the custom of thách cuội [Vn.: bridewealth] and ơ ré [Vn.: son-in-law living with the daughter’s family, a form of matrilocal post-marital residence, which exists also among the Kinh], the case involving Nghi, a Kinh girl who was raped by a chat friend in Hanoi can be seen from the culturally specific emphasis of the Kinh on female virginity. As it turned out, after the rape was revealed and the offender took flight, the offender’s mother came to see the rapee’s mother with a marriage proposal together with the request that the lawsuit be dropped. Since the moral ideal of virginity still dominates the moral world of Kinh families and communities in both rural and urban Vietnam (Gammeltoft, 2001; Nguyễn Phương An, 2005), it only serves to discourage the rapee’s family from reporting the incident. But moral ethics aside, the offender family’s marriage proposal to the rapee’s family in itself leaves out the personal considerations of the rapee, taking no account of her feelings and making her feel even more isolated and distressed in the rape aftermath. Above all it deprives her of the understanding and sympathy she might expect from those supposedly closest to her in times of need. This way of solving the post-rape consequences may be partially explained by the Kinh traditional custom of marriage arrangement, in which a daughter has no say as she is expected to obey her parents’ decisions. Traditionally in these involuntary marriages, the bride’s mother is the one who weighs up the pros and cons of various options (Hoàng Bá Thịnh, 2005). This is in stark contrast with the emerging freedom regarding the choice of one’s own partner among the Vietnamese youth in urban areas nowadays (Marr, 2000; Gammeltoft, 2002a).

52 The practice of marrying off a rape victim to her rapist is indigenous to many Pacific - Asian cultures and persists to this day in many rural areas in Southeast Asia (Rimonte, 1991), and China (Luo, 2000). In a similar manner, Freeman (1983) views rape in Samoa as part of a cultural strategy by males to obtain marriage partners because victims of rape are so ashamed that they prefer silence or eventual marriage to the rapist rather than their public exposure as non virgins.
2.5. A question of kin honour: deconstructing a case of rape among the Hmông

If a settlement cannot be reached, the question of “family honor” is at stake which may lead to a decision to seek formal justice. In this sense, the act of filing a rape complaint can be interpreted as a pragmatic response to protect the honor of the family and the larger kin network. An illustration of how social pressure affects the family is the case of Ḥả, a twenty-two year old Hmông girl whose uncle was a local cadre. The rape incident occurred when Ḥả and her friend Thịnh were sleeping in a hut in a terraced rice field at midnight. Two fellow villagers sneaked into the hut and raped them. In the case of Ḥả after trying to deal with the perpetrator informally without obtaining any restitution, Ḥả’s father decided to report to the police. In the process, the police advised that the case should be settled informally between the families concerned. The offender meanwhile insisted that it was a case of mistaken identity given the fact that the incident occurred at night. Only then did Ḥả’s father decide to file a lawsuit. The offender’s persistent denial was seen as a challenge to the integrity of Ḥả’s family and her clan. It was a question of honor that needed to be resolved by official justice as the last resort.

Regarding Hmông people in Lào Cai, it is worth taking a look at the concepts of tsan̄x muas [Hm.: shame] and plu [Hm.: honor]. In Hmông society, saiz tsiv txax [Hm.: respect] from others is acquired on account of one’s age, knowledge, life experience, wisdom and education. Hmông parents believe that if their children, in particular daughters are ziz nav txir hais [Hm.: being obedient to parents] and become tsiv txax [Hm.: well-mannered] or xuz vênhx [Hm.: gentle] in the society, they will bring honor, pride and respect to their own ziv nênhx [Hm.: family] and xênhv [Hm.: clans]. On the contrary if their children behave badly and become tsiv jông [Hm.: bad people] they not only bring shame, disgrace and “a loss of face” to themselves, but also to their extended families clans. By virtue of this correlation, parents will say, coax ua co cur tri muax plu saiz luôs te luox [Hm.: since you did such a thing I cannot face anyone anymore]. If someone in the community commits a wrongful act, people would use such expressions as a warning to their own children: saiz tul yuror cao mà zzâuv jông tsı cha cur pôngz plu [Hm.: look at that guy. Do not make me lose face because of you].

From the Hmông perspectives, it is understandable to see that Hâi’s family preferred to deal with the incident informally rather than turning to official legal channels. Indeed,
Hải’s father was considering the possibility of forgiveness when he showed his goodwill for negotiation with the offender’s family. Locally, for those whose daughters have been rape victims, it would be difficult for them to regain respect from other members of the community. The shame and dishonor will stay with the whole family as long as they live. It is assumed that honorable parents must know how to raise their daughters.

Females learn from an early age to cultivate their manners, to show their *tsiv txax* [Hm.: good manners], which help uphold their family’s *plu* [Hm.: face]. Due to this belief in and practice of *plu* and *tsangx muas*, one finds frequent references to these terms in daily language to restrain adolescent sexual behaviour by family and clan. Moreover there is strong disapproval of premarital sex for girls during courtship because *nhuas nzais lâul tsi muax nênhz zuar* [Hm.: a daughter’s promiscuous sexual behaviour] would bring *pôngz plu* [Hm.: loss of face] to not only herself, but also the good name and reputation of her parents, extended family and clan. If she has any sexual relationship, particularly resulting in *muax nhuas* [Hm.: a pregnancy] it mostly meant that she has agreed or will *hâus chuar* [Hm.: to get married] as soon as possible to prevent *lao jas pêl yuor* [Hm.: bad reputation] and *pôngz plu* from happening to the girl, her extended family and clan. If transferring such social expectations to women and their bodies, in the case of rape a woman’s body is converted into a material symbol of “capital drain,” to use the words of Nilda Rimonte (1991). And if a female is seen as part of her family and acting in its interest, her body is signified in terms of “damaged goods” when she finds herself as victim of ents of sexual transgression.

With respect to sex-related issues, the Hmông youths in Lào Cai share with their Dao counterparts the notion of how a girl is considered to be “dishonored,” regardless of whether she is virgin or not. Even though there are no explicit values placed upon female virginity, the Hmông has a strong distaste for “immoral” things, in particular regarding *zângl nul hais tsi lao* [Hm.: matters of sensitive nature] such as *changr tkhaor dêr* [Hm.: sex-related issues]. In fact the Hmông youths tend to be very discreet in matters of love.

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53 As regards the matter of *ua daos* [Hm.: sexuality], Hmông consider it as *chair* [Hm.: taboo], meaning that sexual activity is something that only concerns the two parties. Some Hmông informants told me that if someone happens to tumble on or catch sight of the spot (outside the house) where *paul pair* [Hm.: sexual intercourse] has taken place, he/she can become ill. A common belief among Hmông is that *lao air* [Hm.: the love spirit] could cause a swollen foot, or *tuo vuv* in Hmông, literally meaning “a crazy foot” for those who have accidentally set foot in such a “place.”. *Ua nênhz* ceremony is usually held to determine the
(and sex). My interviews reveal that they rarely talked about sex-related issues, and would not reveal their relationships to others.

In the case of Hài, her image as “damaged goods” was not only related to the loss of her virginity (if such is the case) but also was due to the fact that her victimization experiences involved zângl nul hais tsi lao [Hm.: matters of sensitive nature], in this case changr tkhaor dër [Hm.: sex-related issues]. This brought the risk of social stigma not only to Hài herself but to her clan, represented by her uncle who was bí thư xã [Vn.: secretary of the commune’s people committee], in the wake of disclosure. People would say that the family had failed in raising its children. As a result, the family members, particularly the parents of the rapee would suffer a loss of face and their social status in the community would be affected. The same went for her uncle, particularly with regard to his political status. These were the reasons behind the initial attempt to deal with the incident informally. Nevertheless seen from the Hmông collectivistic worldview (Sandage et al. 2003) the persistent denial of the offender constituted an offence to the honour of Hài’s family and kin. The only alternative was to seek legal intervention as Hài’s brother explained:

“They will say such an influential uncle couldn’t do a thing for his niece. That would reflect badly on my uncle.” (LC-PI200755)

In the context of Hmông society, clan membership is the source of identification, and serves as a management function as well as a binding force among blood related people (Symonds, 2004). Kin members are obliged to help each other in such tasks as settling disputes with outsiders, solving debt problems, and above all, upholding the clan’s reputation. Hài’s family had no choice but bringing the case to justice with the aim of getting the toughest sentence to the perpetrators. At stake was not only her family’s honor but her uncle’s social-political prestige. For people may ask if an influential figure like her uncle could not bring such an outrageous case to a successful end, what would the rest of the powerless ordinary citizens expect in similar circumstances?

cause of the person’s illness and to provide payment (sacrifice) to lao air. Usually chickens are used as sacrificial offerings in a ua nênhz ceremony. It is common to see forest farmers trying to stay away from places which appear to have “abnormal” signs such as a trampled patch of grass.
3. Kinship network and post-rape management

The above cases indicate that the rapee’s family plays an important role in deciding whether or not to report a rape incident to the authorities and/or to follow the legal course at the initial phase of the police investigation. A major factor involved here is the need to protect the family itself from social judgment. Then how does the family treat a member of its own who is victim of rape, especially when the case has been taken up by the judicial system but the social repercussions are still very much alive? The main thrust of this section is to examine the role of the family in dealing with social consequences related to rape not only to protect the victim but also to protect her family and the larger kin? In other words focus will be on:

a/ how kinship relations are utilized as a source of support to relocate the rapee elsewhere so as to ease social pressure on the family locally and;

b/ in cases where the perpetrator is a family member the rapee wants to move elsewhere to free herself of the abusive situation.

The motives to migrate in these cases are different from situations in which the economic motive normally leads individuals or households to move from one region to another for a better future.

Before discussing rape-related migration, I shall briefly touch on the current socioeconomic and the political context in which individual and/or family decisions on migration are made. In-country migration has occurred in Vietnam over most of its history that accompanied territorial expansion (see Zhang et al. 2006 for a full account of the varied trends and patterns of migration in different historical periods). Prior to Đổi Mới [Vn.: reform, renovation] population mobility was strictly regulated. The process of economic reform accompanied by institutional changes led to decollectivisation of agricultural production in the countryside and the emergence of non-state sectors including trade and services that had great impact on population movements in contemporary Vietnam. The erosion of the hộ khẩu [Vn.: household registration] regime reflected a policy relaxation that made migration possible (see Li, 1996; Đảng Nguyên Anh et al. 1997; Hardy, 2000; Luong, 2009). All these have had a great impact on

54 This is necessarily brief. For more in-depth accounts I refer to Hardy (2001); De Brauw and Harigaya (2007).
population mobility, making people more aware of the new opportunities across space and administrative boundaries (Rushing, 2006; Nghiêm Liên Hươn, 2006; Bélanger and Pendakis, 2009).

To understand the family’s option for migration (whether permanent or temporary, long or short distance, individual or collective) it is necessary to examine the social reaction caused by stigmatization after revelation. As discussed earlier, disclosure of rape causes not only causes psychological hardship for the rapee herself, but also brings shame and dishonor to her own kin, particularly her immediate family members. Since shame and honor are related to a complex set of values and behaviors governing female propriety in a patriarchal system, stigmatization will result in cases of deviation from the norms. When faced with public knowledge of the rape incident, the individual and her immediate family members will be subjected to criticism, mostly in the form of negative gossip in their local community. In this respect, it may be necessary to review briefly the concept of gossip as a genre of informal communication and the function of gossip in a community.

3.1. Social gossiping: Pressure to bear on rapees and their families

Social anthropologists and others have extensively covered the phenomenon of gossip the world over (Gluckman, 1963; Pitt-Rivers, 1971; Besnier, 1989). The commonly accepted understanding of gossip is that communicative interaction (about absent third parties) typically takes place in a context of privacy and intimacy and only through friends and acquaintances (Michelson and Mounly, 2004). It is this social relationship that defines gossip as opposed to rumor, which contains information that is of interest to a wider audience (Smith, Lucas and Latkin, 1999), and sometimes pertaining to events rather than people (Foster, 2004). For the purpose of this study, I refer to Max Gluckman’s (1963: 313) definition of gossip as “a hallmark of membership” and “statements making moral judgments.” This means that gossip can serve to “usher in conformity, aligning members’ behaviors with group values and objectives,” therefore serving as a tool of social punishment for those who deviate from the norms (Akpinar,

While I am interested in examining the negative valence of gossip, I also realize that gossip can be construed as harmless talk in some contexts, even providing a range of benefits (Michelson and Mounly, 2004). For detailed accounts of the social functions of gossip, see Foster (2004); Turner et al. (2003).
In other words, gossip serves as an effective means of informal social control (Merry, 1997).

It should be noted that the residential patterns in both urban and rural areas are such that people live in close proximity, making privacy difficult. Every event is regarded as common knowledge and is commented upon endlessly. People’s observation is sharp and so is their tongue. In such an environment, negative gossip may be pervasive and impossible to avoid. Its effect is devastating as Nga’s mother admitted:

“Myself and my family often are so upset, we hardly could control ourselves.” (HN-PI200756)

In the context of this study, gossips accompanying revelations of rape can have horrendous effects on the quality of life of all family members, especially females (Shalhoub-Kevorkian, 1999). These are borne out in the case of Ái, a high school student drugged and raped by a group of six teenagers who eventually were all convicted. Her mother recalled:

“To tell you the truth, our family just wants to move elsewhere. It’s impossible to stay here. I don’t mind the threats from the families of those who went to jail...To harm us is easy said than done. ...but the gossips...they get on our nerves...it’s so terrible... we just want to move away...some place no one knows...start life anew...From the time of the sentencing, not a day passes without someone coming to our house with some story...one says that one of the rapists has AIDS, so Ái must have got it too. Now even her girlfriends avoid her, let alone her male friends.” (LC-PI200757)

If gossip can be seen as “an outlet for hostile aggression” (Stirling, 1956:263) that facilitates information flow to forward individual interests (Paine, 1967) then this is what the families of the offenders did in spreading harmful rumor aimed at Ái and her family. It should be noted that these families initially turned to Ái’s mother to seek forgiveness. However, because they refused to offer full apology together with the proposed

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56 Some might question whether the perceived environment, or network density guide behaviour to some degree, and whether the consequences of gossip differ for individuals in various social settings. Even though Ái and her family are subjected to a vast amount of negative gossip in their close-knit community, this is not to say that gossip may be of far less concern in a different social setting. Rather, my interest concerns the motivational functions of gossip (Paine, 1967) within a given group. As a participant in my research puts it, “I think not everyone is kind. If people dislike you for some reasons, they will say this or that about you and your family.” In fact, the nature of social connectedness may have effects on both the spread and the type of gossipy communications.

57 It is necessary to note that this is the case of Kinh people in a rural and mountainous community in the northernmost part of Lào Cai province.
compensation of twenty-five million đồng, Ái’s mother decided to seek legal intervention. The complex dynamics of social reputation, political power, and gender role of this case are discussed in detail in Chapter 6. Briefly, the families of the rape convicts were vengeful and spread a malicious rumor that one of the gang rape perpetrators was HIV positive, and that Ái had contracted AIDS from him as a result. Thus, Ái had to carry the double stigma of being both rape victim and HIV-positive. In Vietnam as elsewhere (Duffy, 2005), Aids-related stigma carries with it fears of easy transmission, incurability and certain death. Such fears obviously affect human relations at various levels and in more ways than one.

Here comes the question: how did the public (and successful) prosecution of Ái’s gang rape offenders upset community relations? Firstly, it challenges the common way of hushing up scandalous incidents where a giải quyết kiêu Tình cãi [Vn.: settlement based on sentiment] is preferred (cf. Hardy, 2000). Villagers generally are averse to internal conflicts that disturb existing social order and bring disrepute to their community.58 A court case in this case is therefore the least desired scenario. It should be noted that the person who initiated legal action and won the case was a woman and a powerful one at that. This ran counter the gendered view of power relations where women were portrayed as being passive and vulnerable when it came to upholding family honor. The success of Ái’s mother in garnering high-level support outside the community must have been something of a shock to the local people. This caused certain envy and resentment in some people who were more than willing to circulate rumors unfavorable to Ái and her family. While the publicity around the story in a way enhanced social awareness of sexual crime punishable under state law, it did not necessarily generate sympathy for the rapee and her family. Prevailing views and prejudices in social relations played a role in the circulation of gossip within the community. As the gossiping escalated, the mother began to consider residential mobility to escape from the social stigma her family had to bear.59

58 From a macrosociological viewpoint, rape may be seen as the cause of social disruption that impinges on the integrity of local communities and weakens the regulatory power of social norms (Barons and Straus, 1987).
59 It is worth noting that family stigma is not a monolithic phenomenon but varies depending on the relationship with the raped person. For example, parents may be stigmatized by public attitudes that blame them for their incompetence leading to their daughter’s sexual victimization. Brothers may have a hard
Going back to gossip as a primary derivative of social stigma, the possible likelihood that people may either support or badmouth the family through the grapevine may be influenced by the extent to which the family engages in social intercourse with other community members. The main concern of individuals and their families now is to exercise damage control in the face of hurtful gossip by making extra efforts to maintain and reinforce social engagement with friends, neighbors and acquaintances. When asked how the family was trying to cope with the situation in a densely populated neighborhood of Hanoi, Nga’s mother said:

“When neighbors and acquaintances are busy with events like funerals and weddings we have to show that we care by making our contributions properly... getting along with neighbors is very important...you have to greet them whenever you see them. You cannot lower your head when you pass them daily, you have to cultivate good neighborly relations, though living in the city is not like living in the countryside...of course there are people who are unkind, those who don’t like you would say things behind your back...still if people like you they will say things in your favor.” (HN-PI200758)

Nga’s mother thus actively engaged herself in shoring up nonfamilial support from neighbors and acquaintances - those who were ‘in the know’ and prepared to show some measure of empathy to her predicament. Hiếu, in her own words, was acknowledged when others showed a tacit recognition and acceptance of the plight of her family having a rape victim, implying that the incident would not be mentioned unless someone brought it up on purpose. The mother hoped that supportive friends and neighbors would serve as a protective shield to fend off the damage of stigma through gossips.

3.2. Stigma fallout: A source of intra-familial strains

Now I will focus on the impact of rape-related gossip on intra-family relations leading to conflict and irritability among family members. This stressful situation has a debilitating effect on the rapee’s mental and physical well-being, and sending her away may be one of the options. Social pressure often gives rise to advesive behaviors by members of the family toward the rapee. Here one has to deal with the phenomenon of time getting a wife because prospective brides may think that after getting married they will have to take care of the sister in law who has been raped. This is due to the popular thinking that a person stigmatized by rape will have a hard time getting a husband.
“courtesy stigma,” a possibility of stigma spreading from the stigmatized individual to his/her close connections (Goffman, 1963). In this sense, a courtesy stigma is acquired by virtue of the individual’s relationship with the person who carries a stigma. Consequently this situation creates tension among the family members themselves. The case of Mỹ is telling:

“They stirred up all kinds of rumors, even among our own relatives. All fabricated stuff... My mom heard them then questioned me when she got home. My dad talked about them at dinner, the only time the family got together. He said I was a fool. He didn’t curse me though, but what he said was terrible, worse than cursing. It really hurt. My mom remained silent, knowing that if she said something he would beat her up, blaming her for letting me go to work far from home.” (HT-PI200759)

Although the incident concerning Mỹ involved nine perpetrators from outside the village, she was not immune from malicious criticisms from local gossippers. Considering the fact that Mỹ and her other friend were on their way home from a birthday party late at night when the attack occurred, she was at fault since she did not take into account her own safety seriously. Thus Mỹ was considered as a “bad girl” for having failed to follow the norms of behaviour in the eyes of her fellow villagers and therefore became a subject of “blame gossip” (Elias and Scotson, 1965). Such gossipping emanating from socially disapproved behaviour served to stigmatize the sinner as punishment (in this case: Mỹ) and to remind others not to err from the norms. Reactions to deviations from group norms might be expressed in the form of gossipy stories to maintain the group’s hold on its members. Besides, the questions and negative comments by members of Mỹ’s kin network were hard to ignore. One way out for Mỹ was to cut herself off from these social ties. Mỹ told me:

“That’s why I tried to avoid the relatives, let my mother go to these social functions...in case I couldn’t avoid them I would arrange to come early to help with the preparations and leave before the guests arrive. They pretended they did not know, just asking what happened to me...then commented that it would have been better for me to stay home and work in the field.” (HT-PI200760)

The blaming attitude was not directed at Mỹ alone but at her parents as well, who were considered to have failed in the task of educating their children. This was a blemish on
their honor and Mỹ’s father in turn blamed her and her mother for what had happened. In this respect, the Confucian ideal about the gendered nature of children’s upbringing remains a strong norm. The father may feel particularly ashamed for failing to live up to his central role as the tru cốt [Vn.: pillar] of the family in both material and moral terms. The fact that his daughter has been raped casts a bad light on the father himself for having failed to keep his daughter from harm’s way. The father then shifts the blame on his daughter for her deviant behaviour as hostile gossips are mounting in the community and within the kin network. The mother also gets her share of blame for failing to “teach her daughter properly.” To cope with this gossipy environment is an unbearable thing for the all concerned. However the fact that Mỹ’s workplace, the health station, was located some 30 kilometers away and she only came home occasionally saved her father from the painful reminder of the stigma her daughter brought on the family. It was also a blessing for Mỹ as she told me:

“It’s a fortunate thing that I work at this distant health station. It relieves me from a lot of pressure.” (HT-PI200761)

3.3. A (temporary) removal: Out of sight, out of mind

The findings of this study indicate that the main support for rapees to migrate came from their kinship network. This network was utilized to gather information about possible destinations as well as sponsorship providing temporary lodgings and facilitating job search. The parents often provided the bulk of the financing, either with their own savings or by borrowing from relatives. Some families sold their belongings to cover the moving costs. Moreover potential migrants may be able to benefit from their kin who have already established themselves in the place of destination. For example in the case of Hạnh, as described earlier, her family arranged for her to move to Ho Chi Minh City to stay with her aunt, her mother’s older sister, who then got her a job at a local infirmary. In the child abuse case involving the eighteen year-old Hồng, she had to change school four times to escape the gossips surrounding the scandal. In the meantime she was moved to her aunt’s house in another district of Hanoi; her father, the perpetrator, meanwhile “fled” to Ho Chi Minh City and stayed there with his parents for a year.
Several women and girls interviewed in this study told me that their parents chose to send them away (mostly temporary moves, which in some cases became permanent) to assuage the stigmatization for the rest of the family. Some parents believe that the removal of the children from a gossipy environment will help them to recover from their ordeal. As Ái’s mother said:

“First I’ll ask permission for her to leave school, then to go and stay with my elder sister in Yên Bái... Here with all these gossips her mind is in a mess. When things are finally arranged the whole family will move to the house of my cẩu [Vn.: maternal uncle] in Hanoi.” (LC-PI200762)

This is in line with observations from Namibia (Jewkes et al. 2005) that the raped daughters are sent to some relatives in the countryside, far from their place of residence.

Nevertheless, the desire to migrate is often thwarted by a lack of financial means and social connections. Intentions to move away among ethnic minorities are difficult to realize because of the lack of information and capital networks, as compared with the lowland Kinh. Even among the Kinh the high costs involved are a major obstacle as Nga’s mother told me:

“My family wants to migrate but we do not know when. Before it was easy...now moving elsewhere is a big problem. Houses are expensive because the high prices of land... To tell you the truth we don’t have the cash to make the move. To go somewhere we will need a few hundred (million đòng) but what we have is far short of that, then how can we go anywhere? I have to think very carefully. I’m no longer young so I cannot do such a thing just like that.” (HN-PI200763)

Behind concerns about residential mobility was the housing problem. Fast urbanization but poor planning and management have resulted in a huge lack of housing as the population rapidly increases in major cities like Hanoi. The mother’s hesitation to make a residential change was understandable since the city of Hanoi was - and still is - a popular destination for migrants from the countryside (Li, 1996). The house of Nga’s family was located in the vibrant Phố Cổ [Vn.: Old Quarter] of Hanoi - a highly priced piece of real estate where Nga’s mother ran a profitable laundry business. To switch from such a secure situation to the uncertainties of migrating to a strange place would not be an easy decision to make.
Additionally, other factors such as age and marital status of the parents also played a role in migrating. For Nga’s mother, who was in her early 50s and the breadwinner of the family, the desire to move away might be tempered by her age (“I’m no longer young so I cannot do such a thing just like that”) and current economic circumstances. However this mother was not alone in her reluctance to take risks. Nhi’s mother was also lukewarm about the prospect of moving: “a family is not tô chim [Vn.: a bird-nest] that can be moved from place to place.” Thus, migration behavior may be the result of a series of decisions in which intentions to move change as intervening conditions or events prompt a reconsideration of prior intentions.60

If migration for the whole family was impossible, then the alternative was a temporary removal of the rapee elsewhere within the kin network. As Nga’s mother recalled:

“We just sent her back to my natal village for a while. As time passes, people will forget about the whole thing.” (HN-PI200764)

This may be true that families often deal with ‘courtesy stigma’ by removing the object of stigma from the local scene, hoping that the situation will soon be “back to normal,” a sort of “out of sight, out of mind” solution.

The above discussions show how family and kin relations play an important role in decisions of relocating an individual or the whole family as a way of escaping gossips and social pressure. Collective support in terms of exchanging information, providing financial means and finding housing and job are crucial in a migration decision. Other factors such as age, marital status and social position of the parent(s) are also important. The bulk of the interviews indicate that most families want to migrate to avoid the social pressure locally. However whether such a move is feasible depends on the family’s financial capability and its relations with other kin members.

3.4. Individual migration: Going it alone

It should be noted that there are cases in this study where individuals who were rape victims (often by a family member, or an acquaintance) managed to migrate from their villages without any help from their own families or other kin members. In their new

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60 It seems likely that those who stay put may go through the painful decision of moving or staying, and these pressures may conflict at the household and individual level.
surroundings (in this case the capital of Hanoi), they eked out a living by working as a street vendor, a sex worker or a factory hand. One thing they shared in common: none relied on relatives in preparing their getting away or when they arrived in the big city. The question is whether these women in pursuing their personal choices represented a break with traditions which place emphasis on kinship relations. Given the fact that one of their own family members was the cause of their victimization, the decision to break away was an understandable reaction in seeking personal security far from the source that caused it.

However these breaks did not last long. With the passage of time, these women having established themselves in their new location often tried to renew ties with their family, for example by paying them a visit on the occasion of Tết [Vn.: New Year Eve], sending remittances to help cover household expenses or pay for school cost of their siblings.

Take the case of Giang, a twenty-three year old incest survivor. To escape her home situation Giang left school at the 10th grade and went to Hanoi where she survived as a street vendor and shop attendant before getting a job in a photo shop. The photo shop was part of a company which had a branch in Togo, Africa. When this branch had a vacancy, she applied successfully and went to work there for a year and a half. While she was in Hanoi, her younger sister Minh (fifteen at that time) joined her. Minh also ran away from home after being raped by the same father. Over the past several years, Giang supported her parents financially.

“I bought everything (for my parents)... From the TV set to the tea table costing just a hundred thousand (dong)... from the rice cooker to the smallest item... Each month I go home I bring some money, I spend it all (for the family)” (HN-PI200765)

In the social-cultural context of Vietnam children have a moral obligation to repay their parents for giving them life and raising them. Giang might internalize her obligations towards her parents and see them as voluntary duties. This is probably due to the fact that Giang and several research participants in this study happen to be the elder daughter in
their families.\textsuperscript{61} But Giang’s remittance has other self-serving motives, a point I will return later.

Before doing so, I examine the process by which remittances are sent home by (raped) women who migrated with the help of their kin. Diễm is a case in point. Diễm was born into a poor peasant family in the northwestern part of Hà Tây province, the second of six siblings. She left school at the 5\textsuperscript{th} grade, soon after her father died. Through kin relations Diễm’s mother sent her to Hanoi in 2002 to work as an  Osaka [Vn.: housemaid] for VND 300,000 per month. There she was sexually molested by her housemaster. She ran away and went back to her village. As Diễm did not tell her mother about the incident, her mother kept scolding her for being lazy, not looking for work. Diễm decided to return to Hanoi and with the help of a cousin who worked in prostitution, she landed a job in a karaoke bar (although having been sexually abused she was “technically” still a virgin at that time). One day she was raped by a “john” (a client) when she was under the influence of alcohol, and after that she began to work in prostitution. Then she met a friend of her brother in-law, fell in love and returned with him to the village. An ovarian pregnancy forced her to have an abortion and her boyfriend left her soon after that. Depressed and hopeless Diễm went back to Hanoi and this time had an affair with a married man who owned a brothel. With his help Diễm became a mả mì [Vn.: madam], who took charge of the day-to-day management of the nhân viên [Vn.: staff] within her partner’s tổ dịch vụ [Vn.: service unit]. Diễm told me how she helped her family with her earnings:

“I figure out that after working (in prostitution) for 4 years I’ve saved up 120 million đồng. Fifty million I gave to my mother to settle old debts and support my siblings (for their schooling). I’ve made up my mind… Eventually I plan to go back to my natal village and start some small business, trying to earn a million or more a month. That’d be OK.” (HN-PI200766)

How are we to interpret these behaviors? According to Bélanger and Pendakis (2009) young single female migrants in Vietnam send home remittances not only to show filial

\textsuperscript{61} Ethnographic evidence from Mexico reveals that cultural obligations and birth order may raise the chances that early-born daughters migrate to work while other siblings invest in education (Kanaiaupuni, 2000). Elsewhere, for example China, individuals who ranked higher among siblings according to their birth order are more likely to migrate (Meng, 2008). Here emphasizes the need for further investigation of the effect of birth order and gender on migration patterns and remittance behavior prior to marriage in Vietnam.
pity, but also as a form of empowerment in terms of family relationship. In traditional Vietnamese family sons are preferred over daughters who are not considered as permanent members since they will be part of their husband’s families after their marriage. Teenage daughters often feel that they carry less weight than their brothers and a girl who is no longer virgin as a result of rape must feel much less worth. Yet in sending home remittances these migrant women want to show that despite their ordeal they still care for their family; and in so doing they may want to change their image in the eyes of those who once considered them as a source of shame.62

One aspect that so far has received little attention in Vietnamese research and elsewhere is the way in which perceived responsibilities and duties towards their family have an impact on the behavior of females who have been sexually violated and sometimes later engage in prostitution. As Giang explained to me it was the realization of her position as the eldest daughter of the family with inherent responsibilities toward her siblings that kept her from “negative behaviors,” as she put it, such as engaging in prostitution.

“If I was just on my own, having no one to care for, I might fall into it (prostitution). When I came to Hanoi I thought sooner or later it would happen. Because in my situation, it’s easy to get depressed, then you don’t care any more, easy to let go. Then thinking of my em [Vn.: younger siblings], I thought if I could not behave myself how could I tell them to behave themselves...That’s why I manage to be like this today.” (HN-PI200767)

As for Diễm, the elder sister, worries about her siblings was one of the reasons that made her give up prostitution.

“Because my younger siblings were still at school, I was afraid they might be ashamed, that’s why I quit working (in prostitution). Their school mates might poke fun at them, saying that their sister is a phò [Vn.: slang for whore], they might be quite shocked.” (HN-PI200768)

62 This is similar to the social attitudes toward female sex workers in Thailand (Peracca et al. 1998) that if the woman works as a prostitute to support her destitute family, the merit accumulated by doing so may offset the demerit of being a prostitute, a view reflecting the broader moral value system heavily influenced by Buddhist ethics. Put differently, the financial needs of the families of women who engage in commercial sex may take precedence over other considerations, allowing for communal and familial sanctions to be reduced.
Diễm was afraid that public knowledge of her involvement in prostitution might lead to gossips in her natal village. These were bound to cause undue strain on the younger siblings because of the stigma attached to their sister’s work in prostitution.

3.5. Homeward bound: Insurance for an uncertain future

It would be oversimplifying to suggest that the behaviors of people like Giang and Diễm are mere reworkings of what is considered to be proper for young, single Vietnamese women, thus recasting them in inferior roles as daughters in Vietnamese families. Behind these collectivist-minded and seemingly unselfish attitudes are personal choices based on deeper motives that underlie the individual female’s capability to weight their options of how to deal with the “old” families that they have left earlier. When and how these “returns” eventually come about has a lot to do with their troubled past tarnished by the rape experience and their present living and working circumstances with an eye on a future fraught with uncertainties. As Giang told me:

“Anyway there is still the family, at least it is something like a (protecting) shell ... maybe the family members are not close, but we should not destroy it (the family) so that it still exists for everyone...before I didn’t care, telling myself that I would never go back... especially when (sister) Minh (also abused by her father) came to join me. Now I change my mind, I don’t know why... For Asians the family is something binding… everybody needs a father and a mother... Maybe in the West children probably don’t need their parents after they grow up but it’s different here... For example when I get married people would ask why I would go to such extremes (in renouncing parents), something terrible must have happened, they would say... It’s another matter if your parents passed away, but when they’re still alive and you renounce them...people will say: look, that’s how she treats her own parents, they will look at you in a negative way. That’s why I did not renounce them... To tell the truth there’s self interest in it.” (HN-PI200769)

In an environment, which considers the family as a primary institution, Giang realizes its social role with the obligations incumbent on its members. Notwithstanding her personal pains, the thought that one day she may get married brings to mind the need to have her parents - and that include the father who has abused her - around for such an auspicious occasion, if only for the sake of social respectability.
It may be interesting to discuss briefly the case of twenty-five-year-old Ly, a young female seasonal worker of the Mường ethnic minority who was raped by her landlord in a nearby village and became pregnant. She gave up her child for adoption. Since Mường people from Hòa Bình province share many cultural traits with the majority Kinh (Tạ Đức, 1999; Nguyễn Tứ Chi, 2001), including the value attached to pre-nuptial virginity, a woman like Ly would have difficulty in finding a husband in her own village. To escape local pressure, her parents sent her to Hanoi ostentiously to find work but also to look for marriage opportunity in the anonymous surroundings of the big city. Ly told me in case she could not find a suitable husband she would return to live with her parents, probably sharing the same roof with her parents and her brother and his family after the latter’s marriage. This attitude not only reflects strong family attachment but also is motivated by a local belief that an unmarried woman after her death would become Bà Mốt [M.: Single Lady], a sacred figure revered by the local people for her benevolence. A prospective Bà Mốt is held in high regard and respectfully treated by her family and others in expectations of future blessings after her death. For her part Ly maintained close ties with her family, sending remittances and visiting home regularly. These examples illustrate how ethnic-specific cultural and social characteristics influence young female migrants who are rape survivors in shaping their family and kin relations in the face of an uncertain future.

In considering the “homebound” option the young women besides trying to fulfill their family obligations, also want to keep their place in the family they have left behind, and to prepare for a possible return. The fact is that these women are well aware of the precariousness of their present situation. The jobs they have are temporary: factory workers have to search for new work when their labor contracts are over whereas sex workers’ earning ability is short-lived, highly depending on such variables as age and health. The remittances and visits are part of a coping strategy: investing in family goodwill for an eventual return in the worst case scenario. It should be mentioned that in Kinh families, the phenomenon of a single daughter (being an “old maid,” widowed or divorced) living with her parents or with a sibling is not uncommon (Oosterhoff et al. 2010; cf. Teerawichitchainan, 2009; Oudin, 2009; Bélanger and Khuất Thu Hồng, 2002).
Summary

In the foregoing I have shown that a disclosure of the rape, which is a crucial first step in the process of reporting the assault to the appropriate authorities, is inextricably bound up with the idea of family honor, with assumptions about kinship, social belonging and shared responsibility in a collective society such as Vietnam. Motivational factors inhibiting disclosure include fears of the social stigma their family has to bear left many rapees keep silent about the incident. From the accounts collected in this study, reactions such as rage, helplessness, shame and self-blame are common especially among those belonging to socially marginal groups at various stages in the disclosing process. Another point I want to make is that the family’s decision regarding disclosure largely depends on the degree of closeness between the parents and their kindred. The present research provides only modest evidence about the practice of marrying the rapee off to the offender as a solution to sexual assault. The process of reporting a rape to the authority, which involves other people’s reactions to disclosing attempts and the timing of the disclosure, reflects an interplay of kinship relations and the socio-economic status of the parties concerned. In this sense, the decision to pursue the case through legal means (for example when no agreement about restitution is reached) constitutes an attempt to defend the honor of the family and that of the larger kin. On the other hand when no support is received from the larger kin network, individual action (for example by the rapee’s mother) can be regarded as an attempt to put other kin members on the spot, getting them to share the burden of social prejudice with the rapee who is a member of their own kin.

A disturbing finding is that the parents’ behaviour in the aftermath of rape often reflects their own interest rather than genuine concern for the well-being of the rapee herself. Although there are cultural variations pertaining to the meanings of female virginity, the value attached to virginity is often a matter of trade-off: what is at stake is the “face” of the family and the larger kin, and the parents’ social status in particular. Put differently, despite cultural differences, in all ethnographic stories there is a tendency to more or less deal with rape in similar ways, that I would call “collectivist” or “kin-based.” Conversely, my research reveals that serious crimes against the integrity of persons, like rape, can be dealt with outside of the justice system, which is formally against the letter of the law.
Besides its central role in the decision on disclosure and reporting, the family is also a major player in the post-rape management. By relocating the rapee elsewhere through migration even for an indefinite period, the family attempts to help her recover from the ordeal in a new environment with the help of kin members or acquaintances. It is also an effort to relieve social pressure on the family members who stay behind, now that the object of shame is removed - a sort of “out of sight, out of mind” solution. But what happens to the former rapees who are now full fledged survivors? With the passage of time the one who once “fled” the environment of their victimization often yearns for a return journey, in the sense she wishes to maintain or renew ties with her own family. Migration might improve her economic situation in the meantime, enabling her to send home gifts and remittances to help with her siblings and relieve the family’s financial burden.

Seen from a socio-economic perspective and amid multiple family entanglements, this homeward journey, in both a material and metaphorical sense, may be seen as a response of the rapee to the social repercussions related to the incident in the past. It may well be a personal choice in the face of uncertainties of the future. Above all it is a reflection of the bonds that exist between a person to one’s natal community. Here Michael Jackson (2002:14-15) is helpful in reminding us about the “human need to imagine that one’s life belongs to a matrix greater than oneself, and that within this sphere of greater Being one’s own actions and words matter and make a difference…for sustaining a sense of agency in the face of disempowering circumstances.” The following chapters will examine the ways in which gender and sexuality are produced in legal discourse and media representations that often distort women’s accounts of their sexual victimization. These constraints are many, however there is space for resistance.

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CHAPTER 6

In search of justice: The rape plaintiff’s hazardous road

Chò được vra thì mà đa sung

[Vn.: While the grass grows the horse starves]

A Vietnamese saying

Introduction

This chapter focuses on the ways in which gender and sexuality are produced in a range of legal discourses that are used to make sense of allegations of rape. It also deals with the principles and practices of the criminal justice system, regarding particular social and cultural obstacles that prevent cases from proceeding to a formal adjudication in court. The intention is not to engage in a legal discussion about either procedural rules or codes of rape and punishable conduct; instead, I wish to reflect upon how certain aspects of the legal definition of rape constitute a significant barrier to bringing a case to trial and securing a conviction.

Yet at the outset, it might be necessary to provide some background information about the criminal procedures used by Vietnamese courts, but before that I will touch briefly on the legal systems of Vietnam and their evolution since the pre-colonial period. As Carol Rose (1998) points out, “imperial” premodern Vietnam’s laws imbued with neo-Confucian ethics emphasizing on state authority were incongruent with the individual rights-based legal system introduced by the French during the colonial period (about 1862 to 1954). The five codes were civil, civil procedure, criminal, criminal procedure, and commercial. Since the establishment of the Democratic Republic of Vietnam in 1945 (which became the Socialist Republic of Vietnam in 1976 after reunification of North and South) a labor code replaced the commercial code due to

63 By the criminal justice system I refer to the police, the public prosecutor, and the courts.
Soviet influence. Vietnam’s criminal code and criminal procedure code particularly places emphasis on protecting the integrity of the socialist state and punishing political acts against the regime.

Vestiges of the French legal system also linger in Vietnam. The former hierarchy of statutory laws, for example, reflects the French model. It is worth noting that even during the Resistance War against the French (1946-1954), the Democratic Republic of Vietnam stipulated that those law codes dating back to the French rule which were not incompatible with national sovereignty in the area of civil and criminal matters, for example, would remain in effect. In fact during the two long wars against the French and against the Americans, the Democratic Republic of Vietnam promulgated many written laws and regulations, far surpassing those in China (Ta, 2006).

With regard to criminal procedures, surprisingly some aspects of the jury system, a particular feature of the Anglo-American legal system, are found in the court system of Vietnam as Tai Van Ta remarks (2006). Judges serve together with hội thẩm (Đinh Văn Quế, 2005) - also known as thẩm phán nhân dân [Vn.: citizen jurors (Quinn, 2003), or people’s assessors (Nicholson, 1999; Ta, 2006)] - on a panel, consisting of one professional judge and two jurors for criminal trials. Judges together with the “people’s assessors,” must decide cases based upon a majority vote (Quinn, 2003; Đinh Văn Quế, 2005; Ta, 2006). Thus, it appears that Vietnamese law assigns an important role to members of the public in the administration of justice. However at a closer look one can see that these jurors/assessors - each serving a five-years term - are not selected randomly as in the West but are hand-picked by the Fatherland Front, a Party front organization, whose selection criteria places emphasis on political loyalty and reliability. This fact alone is bound to color the judgements of these “jurors/assessors” who are supposed to be independent and act strictly in accordance with the law.

66 Item 1 of Article 38, Chapter 4 of the Pháp lệnh Thẩm phán và Hội thẩm Tòa án Nhân dân năm 2002 [Vn.: Ordinance on Judges and Assessors of the People’s Courts 2002].
Against this background, an examination of rapees’ experiences with the criminal justice process may help in illuminating the assumptions of “normal” rape in the Vietnamese context and in uncovering factors that affect the likelihood that sexual assault will be reported to the authorities. Following this line of reasoning, the first part of the chapter considers the problem of bias from a different perspective, focusing on these pervasive questions: how the legal system handles an allegation of rape; to what extent is the difficulty of securing convictions, especially in acquaintance rape cases, due to the prosecution’s burden of proof; which women, as a result of this procedure, have been seen as “credible” victims, and which men as “probable” perpetrators. There is a need to explore how rape cases have been adjudicated in court and whether perpetrators have been convicted; and if so, are there discrepancies in the severity of the sentences in similar cases? Another major question that needs to be addressed is what constitutes an apparent strategy in some rapees’ active involvement in the process of prosecuting their assailants?

By describing the rapees as socially situated persons with regard to age, ethnicity, social background as well as educational level who, together with their friends and families, draw on their various resources to tackle the legal process, the second part of the chapter attempts to show that these women are not always passive. In fact, some women can be said to develop agency to the extent that they initiate preparatory activities as a means to achieve justice, knowing that they will have to deal with difficult situational power relations in the process.

These issues are considered in the light of my interviews with ten female rapees whose cases were reported and/or prosecuted, as well as with members of their family. A scrutiny of their narratives may provide insights into how gender and ethnicity interact with mainstream criminal justice. Of the two dropped cases, in one case the man accused of rape tried an out-of-court settlement with the rapee’s family; the other case was delayed because the police failed to catch the suspect. Apart from the two pending cases, there were six cases that resulted in full trials.

In addition to the interviewed cases, I also rely on the statistics of cases involving sex-related crimes from 1995 to 2006. Although one may raise questions about the reliability of these quantitative data, given the tendency among rapees to be reluctant to
file formal charges, these statistics are useful as a descriptive indication of trends over a period full of social, cultural and economic upheavals.

1. Legal definitions: An overview

1.1. Understandings of rape

Before I proceed to discuss aspects of the criminal justice system that often make prosecution difficult and painful for the women involved, I shall outline what rape is in the context of the current law.

In the Vietnamese legal parlance, rape is defined as an act committed by someone who, through means of violence or a threat of violence or by taking advantage of the victim’s helplessness or other means, forces the victim to have sexual intercourse against her will. It carries a punishment of imprisonment for (a term of) two to seven years (Article 111, Chapter 12 of the new 1999 Luật Hình Sự [Vn.: Penal Code], hereafter cited as 1999 P.C). Besides, the convicted offender is forbidden to take up any position of responsibility, or doing certain kinds of jobs, for a subsequent period of one to five years. Depending on the severity of the crime, however, the maximum punishment may vary considerably, i.e. it can also produce lengthy prison terms of up to twelve or twenty years, life imprisonment or even death (for a detailed treatment of the legal aspects of the rape problematic in the Vietnamese context, see Nguyễn Thu Hương, 2006).

It should be mentioned here that at first sight a notion of gender neutrality seems to be present in the definitions of rape in Vietnamese law through the use of the word ngô�i nào [Vn.: whoever], which gives the impression that both females and males as potential victims (or perpetrators) of rape (e.g., Art.111;112;113;114). As Pauwels (1998) points out, a gender-neutral rape law (in Western countries) represents an attempt to obtain a “linguistic equality” of sexes by minimising or disregarding gender-specific expressions and constructions. In practice, in rape cases in Vietnam, only men can be convicted as principal offenders, although women can be convicted as accessories (Art. 111; 112; 113).68 In this respect the law appears to be gender neutral on the surface, but is in fact very much gendered underneath.69

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68 In the legal context of Vietnam the subjects of the crime of rape (those who carry out the act of sexual intercourse) are understood to be males and the victims are females. According to a judge of the People’s
When accompanied by a rigorous application of the requirement that a person who is subjected to the criminal liability for the act of having sex with a child must be an adult - meaning eighteen years of age or older and can be both male or female - the law is open to the possibility of prosecuting an adult woman for either child molestation (Art.116) or having sex with a child (Art.115; 150), because the law takes the view that there is an element of consent to have sex on the (male) victim’s part (Art.115). Dương Tuyết Miên (2007) suggests in this case that the intention of the statute is for the protection of children, even though the child may act on his/her own free will. However, in view of its serious consequences to society, this form of sexual relations is criminalized. The child in this case must not be under thirteen and not older than sixteen because if the child is under thirteen the crime will be considered as statutory child rape.

This brings us to the other central concept of the rape law. According to the definition of rape in the Giáo trình Luật Hình Sự Việt Nam [Vn.: Syllabus of the Vietnam Penal Code], “the elements of the crime of rape require that the perpetrator must have sexual intercourse with the victim, but do not require that the act of sexual intercourse to have been completed physiologically” (2004:326). The proper interpretation should be that the grounds for a conviction require the act of sexual intercourse to have occurred regardless of whether that act has been completed or not physiologically.

In reality, in rape-related statutes, focus is placed on the word giao cấu [Vn.: coitus] which is considered to be a determining element of the crime (i.e. Art.111-1; Art.112-4; Art113-1; Art.115-1; Art.150), whereas the second part of the above mentioned definition of rape (i.e. whether the act has been completed or not

Supreme Court, up to now the courts have never adjudicated a case where the subject carrying out the act of sexual intercourse is a woman (Personal communication from a jurist friend, Hà nội, August 2007).

69 In a recent gang rape of a transsexual woman who was still registered as a man in Quảng Bình province, the provincial authorities declared incompetent to judge the case, because Vietnamese law only covers rape of women by men. Source: http://www.mail-archive.com/transgender-news@googlegroups.com/msg09987.html. Accessed on August 25, 2010.

69 In the absence of court cases involving men or boys who are sexually assaulted by women, there has been widespread belief that it would be almost impossible for a man to get or maintain an erection when threatened or assaulted by a woman. As Rumney (2008) points out, the importance of appropriate labeling should not be underestimated. The lack of public acknowledgement of male rape would have impact on the ability of victims to recognize their own victimization.

71 It should be noted that the term giao cấu is commonly understood in the context of male - female sexual intercourse giao hợp [交合], or giao cấu [交媾], according to Thiếu Chữ’s Sino - Vietnamese Dictionary (1942).
physiologically) is often overlooked. This wording creates possibilities for subjective interpretation on the part of the judges, as often occurs in legal practice (cf. Ekström, 2003).

Interpreted this way, “penetration (often by a penis) is more central to both the legal definition of rape and the male definition of sexual intercourse than it is to women’s sexual violation or sexual pleasure,” as the feminist scholar Catharine MacKinnon puts it (1982:532). Until this requirement is confronted as such, the only possible way to prove penetration is through examination of the vagina and detection of sperm. What if the rapist does not have an orgasm, or if there is an absence of sperm but there has been vaginal penetration? Trần Văn Luyện (2007) acknowledges this fact when he points out that in actual police investigations there were cases in which the perpetrator admitted to having committed one of the sexual crimes (i.e. rape, forced sex or having sex with a child) and completed the act of penetration as well, however the forensic results appeared to be inconsistent with the convicted rapist’s testimony at times. The main reason is the time lapse in reporting the case to the authority.

Indeed, it is worth noting that the present-day Vietnam rape law only punishes non-consensual penile-vaginal intercourse, and thus leaving out a great deal of behavior involving other forms of penetration inter alia. This is an aspect of the proscriptive, normative nature of the French Roman law tradition, vestiges of colonial French influence on Vietnamese law. For example, if one cannot with any reliability determine penetration by examination for the presence of sperm, then one may proceed to examine the vagina, noting the condition of the hymen in case the victim is a young girl who has had no previous sexual experience. But, there is no way to prove penetration in a sexually mature woman unless this is done shortly after intercourse.

A probably much more widespread idea is that the severity of the crime is always made dependent on evidence of bodily injuries on the part of the female victim, in particular the loss of her virginity, then her marriageability. The explicit basis of such logic appears to have led so many reports of rape to be dismissed without prosecution, or resulted in an unjust judgment. The point is that such emphasis reveals traditional legal thinking about the nature of rape, considering penile penetration of the vagina have the potential to cause greater physical and psychological suffering (such as fear of
pregnancy) than other forms of bodily penetration (cf. Rumney, 2008). So long as the court holds on to the requirement of penile invasion of the vagina, rapists may receive acquittals by claiming that penetration has not taken place or it has been ‘done’ by other means.

At the same time, we can find the element “against one’s will” in the current rape law. Put differently, in a rape case, a matter of utmost importance lies in the proof of the application of force or a threat of violence through which the victim is compelled to submit to a sexual act. Yet, how is it possible to objectively prove the element of “no consent”? Reviewing research on rape, Keith Bletzer and Mary Koss have noted that: “consent is an area of conceptual ambiguity, and this is due, in part, to an absence of social understanding regarding what constitutes appropriate communication before, during, and after sex” (2004: 118).

The failure to prove retroactively that the act is “against one’s will,” which has so often exonerated many an offender and allowed a defendant to escape from rape conviction, results from the impossibility of this burden of proof. This leaves the victim to prove her “non-consent” by showing signs of resistance, such as injuries, or calling on witnesses who have heard her cries for help at the moment of the rape. Moreover, this requirement often reinforces the tendency of rape trials to focus on the behavior of the female victim rather than the male offender. Following this definition, it does not matter if the woman wants to engage in the sexual intercourse or not; as Nicolle Zeegers (2002) makes it quite clear: she is not asked, she is not in the position to choose. From a feminist perspective, MacKinnon further argues that the defining theme of consent “rather than no mutuality as the line between rape and intercourse further exposes the inequality in normal social expectations” (1982:532). This view fits with the cultural construction of femininity in Vietnam heavily influenced by the Taoist ideology of yin and yang, suggesting that women naturally have low sex drives and thereby become sexually inferior to men whose strong sexual desires might read in the past as legal polygamy, while in the modernity as a menu of possible extramarital relationship (Nguyễn Khánh Linh and Harris, 2009). Stereotypically, this dominant construction of masculinity as inherently sexual is also one of the reasons public discourse - as reflected
in the media - used to explain or rationalize rape as a phenomenon of sexual nature rather than an act of violence. I will return to this point in Chapter 7.

It is worth mentioning that the wide range of possible sentences is not unique to rape. Most other offenses have a similar range of punishments, to be determined in light of the circumstances of individual cases and overall government policy at any given time. This does not mean that the judges themselves are granted so much personal discretion in sentencing. The bureaucratic nature of governance is such that the judicial system does not operate independent of the political system.\(^72\) Rather, the wide range of possible sentences depending on the nature and severity of the cases tends to create more space for public corruption in the courts (cf. Posner, 1998). In practice, when faced with unfamiliar cases and new situations, judges in Vietnam tend to defer to the provincial or national governments, often seeking an informal opinion on the state of the law (Quinn, 2003). Generally it seems that local governments often have the opportunity to affect more directly the outcome of cases in which they have an interest.

1.2. Forced sex: Coercion and abuse

Sexual relations grounded in coercion and abuse are regulated in Article 113 of the Penal Code. This article defines the crime as follows: anyone using any available means to force any vulnerable person, whether a subordinate fellow worker or a dependent family member, to engage in sexual intercourse shall be sentenced to imprisonment for a term of six months to five years. The elements of the crime require that the perpetrator is indeed aware of the state of unconsciousness, meaning the dependency, or the desperate situation of the victim and that the victim’s socially fragile condition precludes self-defense. Thus the scope of this statute is more specific, indicating less general behavior than Article 111. Like rape, this crime requires the mens rea\(^73\) of intent. According to the Vietnamese Penal Code, “criminal intent exists in the following instances: 1) the criminal is aware that his behaviour is dangerous to society, foresees the consequences of that behaviour and wants these consequences to actualize; 2) the criminal is aware that his

\(^72\) For further discussion about the administration and management of the Vietnamese legal system see Gillespie (2007), Quinn (2003).

\(^73\) The legal concept is used to denote a person's awareness of the fact that his or her conduct is criminal.
behaviour is dangerous to society, foresees the possible consequences of that behaviour, and while he does not want these consequences to actualize, he still consciously lets them actualize” (Từ điển Pháp luật Hình sự [Vn.: Dictionary of Criminal Code] 2006: 146. See also Dinh Văn Quê, 2005:41-43). When a “guilty mind” is accompanied by, or expressed in, an act of culpability, it is this act that is liable to prosecution.

As Dương Tuyết Miên (2007) recently observes, the victim’s behaviour is an important element in drawing the distinction between rape and forced sex. In a rape incident, trái ý muốn [Vn.: an absence of consent] is a primary element (except in situations as regulated in section 4 of Art.112, 1999 P.C), whereas references to miên cương [Vn.: reluctance] - are often cited in cases of forced sex. In addition, she argues that it is vitally important for the jury to differentiate between the two crimes by looking at the nature of the perpetrator’s behaviour. In the rape situation, the perpetrator through means of violence or through threat of violence takes advantage of the victim’s helplessness and forces the victim to have sexual intercourse against her will. Meanwhile, in the case of forced sex, a defendant is to be found guilty if he uses any available means to force a dependent or a person in a desperate situation to engage in sexual intercourse.

In rape-related crimes, the crime of unlawful carnal knowledge is defined as sexual intercourse with a child under thirteen years old (Article 112/4, 1999 P.C).  The penalties range from twelve to twenty year prison terms, life imprisonment or even death. “Child molestation” is a crime involving a range of indecent sexual acts [Vn.: known as hành vi dâm ô] committed by an adult against a child. The penalties range from seven to twelve years of imprisonment (Article 116, 1999 P.C). It is important to keep in mind that children are defined as persons under the age of sixteen. Article 1 of the 1991

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74 Whoever has sexual intercourse with a child under the age of thirteen will be found guilty of child rape and is liable to be sentenced to not less than twelve years up to twenty years of imprisonment, life imprisonment or even death, depending on the severity of the cases. This “age of consent” (13) brings us to the “rape” saga about Polanski, the film director who was recently arrested in Switzerland for the alleged statutory rape of a thirteen years old girl in California more than 30 years ago (see Chapter One).

75 The term “statutory rape” is understood in Vietnamese as phạm tội hiếp dâm theo quy định của pháp luật (personal communication from Dr. Dương Tuyết Miên).

76 The Vietnam National Assembly lately endorsed a number of amendments to the criminal code, which take effect January 1, 2010. Accordingly, rape and several other offences have been removed from the list of crimes punishable by death.

77 Those of eighteen years of age and older are considered as người thành niên [Vn.: adults]; those not yet reaching the age of eighteen are considered to be người chưa thành niên [Vn.: adolescents] (Article 18, Luật Dân Sự [Vn.: Civil Code] 2005).
In reality, the issue of the victim’s age has assumed particular significance as a result of the prevalence of miscarriages of justice directly attributable to the prosecution’s concealment of exculpatory evidence, particularly with regard to the true age of the victim and the relationship between the accused and the victim in case of sexual offence involving children (Article 68 of the 2003 Criminal Procedure Code, hereafter cited as 2003 Cr.P.C). To this end, the Tòa án Nhân dân Tố cao [Vn.: People’s Supreme Court] also highlights section B-3, Article 196 (2003 Cr.P.C) in order to govern the sentencing and imprisonment in sexual offences cases (Resolution No2/2003/NQ-HDTP dated 17 January 2003 of the Hội đồng Thẩm phán Tòa án Nhân dân Tố cao, The Council of Judges of the People’s Supreme Court, hereafter cited as PSCJC). 78

As Trần Văn Luyện points out (2000), there has been a rising concern about the problem of the sexual abuse of children in recent years, taking into account the grave consequences the child has to suffer in the process of growing up and, more generally, the erosion of traditional norms in society. Thus, this type of offence should be deterred by legally sanctioned and enforced threats of criminal punishment. This can be explained by the introduction of two relatively new statutes on “child molestation” and “forced sex with a minor” to the amended 1999 Penal Code (see Table 5 for statistical data on these crimes since 2000). At the same time sexual harassment, a taboo subject so long ignored in Vietnam’s male-dominated society, has also begun to draw more public attention, but a law is yet to be drafted to deal with this subject.

Moreover, the legal recognition of forced sex within marriage as a crime, as provided for in the Luật Phòng chống bạo lực gia đình [Vn.: Law on Domestic Violence Prevention and Control], promulgated in 2007 (hereafter cited as 2007 L.D.V.P.C) has been part of an attempt to address with greater sensitivity the prevalence of such behavior. In the Vietnamese context, the introduction of the idea that cưỡng ép quan hệ tình dục [Vn.: forced sex] between spouses as a form of domestic violence, and thus a coercive and illegitimate act, is in itself an intriguing social phenomenon.

78 In this Resolution, mức hình phạt tù có thời hạn thấp nhất [Vn.: the minimum prison penalty] for “rape” is two years and for “child rape” is seven years, while the maximum penalty for both crimes is twenty years. This indicates that “child rape” is considered to be more serious than “normal” rape in the eyes of legal authorities.
It is interesting to note that the term *hiếp dâm* is not used in this new law, thus excluding the form of coercive (and violent) sexual acts from the general rape provisions, as shown in Art. 2-d (2007 L.D.V.P.C). It has been bolstered by Order 16/2008 CT-TTg, issued by the Prime Minister, concerning enforcement of the afore-mentioned law, which places these acts under the jurisdiction of civil law rather than criminal law. This is an important point, because if one is prepared to acknowledge that a wife can be raped by her husband or vice versa, then one has to consider how the (criminal) law should label and adjudicate such experiences. In other words, the legal system has been reluctant to consider this form of sexual assault within the scope of criminal law, and this reluctance can be partially explained in terms of popular perceptions about the “natural” entitlement of sexual intercourse within marriage. In this connection there are on-going debates on whether and how to develop successful interventions that include a criminal legal system helping women escape abuse and combat domestic violence in different parts of the world (Römkens, 2001, 2006; Bui, 2003; Sokoloff and Dupont, 2005; Morash et al. 2007). These issues, however, are beyond the scope of this present study.
Table 5: Statistical data on crimes of sexual offence from 1995 to 2006

<table>
<thead>
<tr>
<th>Year</th>
<th>Rape C/O</th>
<th>Child Rape C/O</th>
<th>Forced Sex C/O</th>
<th>Forced Sex with a minor C/O</th>
<th>Having sex with a minor C/O</th>
<th>Incest C/O</th>
<th>Sex offence crime C/O</th>
<th>Total crimes C/O</th>
</tr>
</thead>
<tbody>
<tr>
<td>1997</td>
<td>916 / 1252</td>
<td>N.A</td>
<td>17/19</td>
<td>N.A</td>
<td>70/75</td>
<td>N.A</td>
<td>3/4</td>
<td>1006 / 1350</td>
</tr>
<tr>
<td>1998</td>
<td>533 / 886</td>
<td>564 / 625</td>
<td>14/19</td>
<td>N.A</td>
<td>126/144</td>
<td>N.A</td>
<td>5/5</td>
<td>1242 / 1679</td>
</tr>
<tr>
<td>1999</td>
<td>401 / 622</td>
<td>624 / 763</td>
<td>8/8</td>
<td>N.A</td>
<td>143/147</td>
<td>N.A</td>
<td>7/11</td>
<td>1183 / 1551</td>
</tr>
<tr>
<td>2000</td>
<td>408 / 679</td>
<td>713 / 792</td>
<td>1/2</td>
<td>3/3</td>
<td>172/198</td>
<td>80/96</td>
<td>4/6</td>
<td>1518 / 2003</td>
</tr>
<tr>
<td>2001</td>
<td>399 / 618</td>
<td>700 / 761</td>
<td>5/7</td>
<td>2/2</td>
<td>203/218</td>
<td>106/111</td>
<td>1/2</td>
<td>1493 / 1848</td>
</tr>
<tr>
<td>2002</td>
<td>384 / 617</td>
<td>673 / 767</td>
<td>4/5</td>
<td>3/3</td>
<td>200/209</td>
<td>89/94</td>
<td>0</td>
<td>1442 / 1831</td>
</tr>
<tr>
<td>2003</td>
<td>360 / 550</td>
<td>638 / 724</td>
<td>5/9</td>
<td>1/1</td>
<td>221/234</td>
<td>88/95</td>
<td>2/2</td>
<td>1389 / 1737</td>
</tr>
<tr>
<td>2004</td>
<td>374 / 591</td>
<td>614 / 705</td>
<td>4/4</td>
<td>6/6</td>
<td>290/309</td>
<td>114/114</td>
<td>2/2</td>
<td>1484 / 1854</td>
</tr>
<tr>
<td>2005</td>
<td>426 / 652</td>
<td>684 / 776</td>
<td>17/36</td>
<td>2/2</td>
<td>343/365</td>
<td>141/144</td>
<td>0</td>
<td>1688 / 2112</td>
</tr>
<tr>
<td>2006</td>
<td>360 / 558</td>
<td>653 / 702</td>
<td>12/21</td>
<td>3/4</td>
<td>311/334</td>
<td>158/159</td>
<td>1/1</td>
<td>1637 / 2044</td>
</tr>
</tbody>
</table>

Source: The People’s Supreme Court (Hanoi: Fieldwork 2007)
Note: C: Case; O: Offender(s)

2. Rape reporting: Early contacts with the police

In this section, I focus on what is generally considered to be a crucial stage in the prosecution process: the disclosure of rape to the local authority (Jordan, 2002). How these interactions with police officers as agents of institutional power unfold can have profound implications about procedural “fairness.” Furthermore, it is through the security of binary parameters at the site of officer-citizen interaction that the legal process is launched, establishing the troublesome paradigm whereby the citizen/rape victim is the subject/object of examination and assessment, and the police officer is the powerful observer.
2.1. Report locale

The following story of Nga is a case in point. It describes how problematic it is for women to go public with their stories of rape. This story was told by her mother.

“I reported to the local phường79 [Vn.: ward] police station where we live. The ones I met there were real scoundrels. I came at 5PM but they made me wait until 7 PM then took me to the ward police of Tower Block because the incident took place there. Later I heard from others, that the guy (defendant) knew personally a police officer at the district who called his colleagues at the ward where I initially reported. That explains why I had to wait until 7PM when they finally took me to the other ward where they transferred the case there. Only there they began to take up Nga’s statement and mine as well. Afterwards it was almost 10 PM when they gave me a note of introduction to bring Nga to the hospital for a medical examination. When I got to the hospital, the staff there did not allow me to go with Nga into the examination room. Instead they told me to go back for the result at 9AM the next day. I was there at 9AM the next day but the result was not yet available. I was asked to come back at 2PM the following day. I went back, still no result. Again they told me to come back again next day. Totally frustrated I decided to go to the Tower Block ward to inquire about the results of the medical exam. There I was told to leave the business to the ward’s police officer. I gave him VND 100,000 for his ‘travel cost’ to go the hospital to get the result. But they (policemen) did not inform me about the result. A few days later I came back to the ward to ask about it, it was only then that they told me that my daughter had not been harmed. Meanwhile they kept my daughter’s underpants - obviously the most important piece of evidence - in a closet at the station instead of sending it for forensic exam… Since I made a complaint the ward police made a show of arresting him (the offender) at the entrance of the local market. He was arrested at 8PM and was released an hour later, after claiming his innocence. A few days later the police of the Tower Block ward transferred the case to the district police of Free Wheel. At the district police bureau they all said the same thing that my daughter had not been harmed. Meanwhile the police at my own ward put on the green light for him (the defendant) to escape, saying that he was sent away for a drug rehabilitation program. Because the ward police was aware of the possibility that the district police

79 Phường [Vn.: ward] is the lowest state administrative unit in urban areas; in rural areas it is the xã [Vn.: commune].
might change their mind and order the guy’s arrest, they offered him an escape route.” (HN-PI200770)

Nga’s story demonstrates that the initial reporting of an incident to the police is generally followed by the officer’s decision whether to handle the case or not. Local officials do not base their dealings with people only simply on laws and rules; in fact there is a considerable amount of mediation that occurs at the everyday basic urban level as pointed out by David Koh (2006), and in this case between the police and ordinary citizens.

It should be borne in mind that a plaintiff can contact either the police of the location where the crime occurs or the local police where the plaintiff’s is officially registered (Article 101, 2003 Cr.P.C). While the authorities encourage the public to report crimes particularly the more serious ones, in practice the system does not work that way. Underlying the police’s reluctance to investigate the case of Nga are two major assumptions. The first emanates from a general belief that a rape case is more likely to proceed if the victim has visible, physical injuries to corroborate her account and if the rapist is someone who is a total stranger to the victim. The second suggests possible police malpractice. As the gatekeeper to the justice system, the police play a key role in their ability to influence which offences are registered, investigated and turned over to a prosecutor.

This is clearly a problem for some of the rapees even at the point of initial contact with the police. In Nghi’s case, it was her female friends who urged her to report to the local authority that she had been sexually assaulted by a chat friend. Nghi decided to contact the police station of the ward where the assault occurred. After three days of being kept at the police station for statement taking, Nghi and her two other friends were allowed to go home. As she recalled:

“It was possible that the case might be sent back to River Side ward as I am a registered resident there... Anyway they did not catch the guy (the rapist). The policemen of Blue Bridge ward told my mother that they would still handle the case if my family insisted... But I heard people say that his family bribed the police of the River Side ward and thus they did not proceed further.” (HN-PI200771)
Nghi’s decision regarding whom to report to and where to report, was motivated in part by an attempt to insulate herself from further shame. Rather than going to the police of the ward where both she and the perpetrator were registered residents, she went to the police station of the location where the assault had taken place. It was her effort to keep the incident away from her mother. This form of reaction is consistent with the idea that sexual victimization is something embarrassing or shameful that might bring the entire family in disrepute and therefore should be kept from her family (cf. Fisher et al. 2003). More importantly, Nghi’s main concern was to prevent the incident from becoming social gossip if she reported it to the local authority.

Concerning the cases of Nghi and Nga, the regulation on reporting was used only as an excuse to cover up the reluctance to solve the crime on the part of the police in charge of the case. A common point in these two cases was that the defendants both lived in the same ward as their victims, even though the incidents took place somewhere else. According to section 4, Article 110 of the 2003 Cr.P.C, the local police has the responsibility to investigate the crimes that occur in their territory. In Nghi’s case after she had reported the incident to the police where the incident occurred, she was referred back to the local police at the ward where she was a registered resident. The reason given was that the local police would be best qualified to continue the investigation, and to search for the culprit. But no one knew what the police were up to, or why no search warrant was issued.80 As Nghi’s mother recalled:

“All after he (the defendant) did it he ran away, and only came back a year later. The other day Nghi was visiting friends. The scoundrel, obviously drunk, happened to be in the vicinity. He yelled: ‘Where’s the little Nghi? I’ll stab her to death because she dared to take me to court.’ Nghi was so scared that she ran back home and told me not to go on with the case. “If you do it, I won’t be able to stay here. He’ll take revenge and kill me.” I said: “You don’t have to worry. You just stay put. I already told all the cops.” Then I went to the scoundrel’s house, told his family: “From now on, if anything happens to my daughter, if she is stabbed, you will be held responsible.” Maybe the scoundrel was afraid when he heard that we were still getting on with the case, he ran away again.” (HN-PI200772)"

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80 2003 Cr.P.C 141 states that the search requires a warrant issued by the chief prosecutor or his deputy, or the president or vice president of the court, or the head or the deputy head of the investigating bodies at all levels (See also Ta, 2006).
In Thu’s case, for instance, her mother’s previous brushes with the police had been prompted by interpersonal conflicts, mainly quarrels with neighbors and in-laws. The police officer who had dealt with her before, arrived thinking he was responding to a civil case rather than rape. This explained his initial reluctance to take on the incident. As the mother explained:

“So I brought Thu to the ward police... It was 9 P.M... The police officer on duty that day was Duy. He said to me: ‘It’s too late now... I worked enough. Let me take a rest.’ I replied: ‘This is not an ordinary matter... This is a matter of violation of human dignity, even a violation of justice. If you let me wait until tomorrow the matter will cool down I won’t be able to tell it again. So if you do not want to take my statement right now, just write it down on a piece of paper.’ Then I added: ‘Tomorrow I’ll go to the central office of the Women’s Union to report the case, I’ll bring that piece of paper as evidence (that you don’t want to do it).’ At that time I was raving mad so I didn’t really care. Then he told me: ‘If I write down things like that surely I’ll get myself into deep trouble because it shows that I have failed to do my duty as a law enforcement officer. All right, just sit down and tell me what happened.” (HN-PI200773)

This episode about the police’s initial interaction with the plaintiff seems to express the so-called “particularized respect” (Barrow, 1976, quoted in Mahabir, 1996: 106). This particularized respect is based on the police’s first impression of the person with regard to his/her wealth, place of residence, family background, education, employment status, and the type of emotion displayed. All this is bound to influence the police’s response (Kaufmann et al. 2003). In the Vietnamese context there is a proverb saying: *trông mặt mà bắt hình dong* [Vn.: looking at the face to capture the true figure]. In the case of Thu, her mother made a strong impression on the police officer with her apparent familiarity with the law, and the forceful manner in which she presented her case eventually persuaded him to proceed further. Even in a patriarchal society, this woman’s fortitude proved crucial in breaking through cultural and social preconceptions about gender and class.

Regarding procedures of complaint, 2003 Cr.P.C 103 (1) stipulates that “the investigating authority, the public prosecutor have the duty to receive fully all complaints, reports of crimes brought to their attention by individuals, agencies, organizations and proposals to prosecute sent to them by public authorities.” However,
police malpractice clearly undermined the strength of the case of Nga where she had been lured to sign a misleading statement. Nga’s mother recalled how angry and dejected she felt when the officer in charge had played a trick on her and her daughter during the early stage of reporting:

“The fact was that the ward policemen of Tower Block tricked me into signing the initial complaint, accusing him (the defendant) of child molestation rather than rape. That evening was just a mess... I wasn’t really myself as my mind kept drifting aimlessly... After taking my statement, the police official told me that ‘it was late now you should bring her (Nga) to the hospital for the medical exam. I will do the rest (of the paperwork). Just sign here.’ Without hesitation I just followed his instructions, signing any piece of paper he gave me. Based on these documents they (the police officers) later made a counter claim, saying that I did agree to sue him (the offender) for child molestation but not child rape. But fortunately there was still my daughter’s hand written account of the incident with her own signature on it.” (HN-PI200774)

In Nga’s case, the rape charge was reduced to indecent assault as the ward police tried to protect the defendant. Furthermore the issue of a prompt complaint was considered relevant in the police’s records of the incident but no attention was paid to this vital point. Even so, the police’s “arrangement” in sending the accused away to a drug rehabilitation program raised a number of questions. First, suppose the investigating agency concluded that the offensive act was not rape as stated in the complaint, but another type of sexual offense then was it justifiable to send the accused to a rehab-center to keep him away from his place of residence for a certain period of time? Article 87 (1) of 2003 Cr.P.C stipulates that the time limit for detention in custody may not exceed three days. Section 3 of the same article stipulates that during this temporary three-day detention period, if there is no basis for prosecution, the accused must be freed immediately. For example, in the case of Thu, the accused was released after nine days in temporary custody. The decision was based on the premises that in cases when the accused admits his crime, shows sincerity in volunteering information, has no previous criminal record, or is of advanced age (in this case the accused was sixty-six years old at the time), he/she may be

81 In the case of Nga, the perpetrator was a drug addict.
82 For those interested to know more about this topic, see Ta (2006), Đình Văn Quê (2005).
83 The persons exempt from this detention include women who are pregnant or have to feed a child under the age of 36 months, and people of ill health who have fixed addresses (2003 Cr.P.C 88).
released temporarily but is not allowed to leave the area of residence until the investigating body has completed the dossier and submitted it to the prosecutor’s office for further decision.

Moreover, in the case of Nga, one can see police malpractice in view of the fact that while the accused kept denying his crime and the victim persisted in her demands to bring the matter to justice, the local police decided instead to send the accused to a drug rehabilitation center. This was a clear violation of the law. Admittedly, the investigating body cannot bring khởi tố [Vn.: institution of the prosecution] when 1) there is no criminal act; and 2) the (alleged) act does not have the components of a crime according to section 1 and 2 of Article 107 (2003 Cr.P.C). With respect to Nga’s case, even when the investigating authority determined that there was no evidence of the crime of rape, it was difficult to deny the evidence of the crime dâm ô trẻ em [Vn.: child molestation]. In this light, there were no grounds for the investigating body at the locality where the incident occurred to release the alleged offender immediately, and for the investigating body at the locality where the alleged offender was a registered resident to send him to a rehab center. The fact that Nga’s family maintained their request to bring khởi tố with regard to the crime of child rape made it even harder to comprehend the behaviour of the investigating authority concerned.

2.2. Rape: a matter for private prosecution?

By way of contrast, comments made by Nghi’s mother were full of praise for the way in which police officers handled the case at the station where had Nghi initially reported the incident. As she recalled:

“If you make a misstep you still have a chance to correct it but if you make a slip of the tongue then it’s finished. There were about a hundred pieces of paper that I was asked to sign. I told the police officer that I did not have much schooling and the only thing I

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84 In this case the competent officer must not bring khởi tố or if this has been done he must issue an order to annul the earlier decision to bring khởi tố, and duly inform (the concerned parties) the reasons thereof - section 1, article 108 (2003 Cr.P.C) on decision not to bring khởi tố of a criminal case.
85 Regarding the decision to bring khởi tố when evidences of a crime have been determined, the investigating agency must issue a decision to bring khởi tố of criminal charge, as stipulated in Article 104 (2003 Cr.P.C).
86 As stated in Section 1, Article 105 (2003 Cr.P.C), all the crimes as stipulated in section 1 of Articles 104, 105, 106, 108, 109, 111, 113, 121, 122, 131 and 171 will only be considered for khởi tố upon request of the victims or the legal representative of the victims who are adolescent, physically or mentally disabled.
know is to write down the initial letters of my name. They said it was all right... They read them out one by one... just to make sure that I understood what I was about to sign. They also asked me whether I would withdraw the accusation if the family of the offender insists on that... I said that ‘it is my right to decide whether or not to continue with the complaint. My wish is to have you as a law enforcement officer to support us during the process of reporting’... From the beginning until now I did not have to bribe them, apart from offering them some cigarettes each time I came to see them. Actually I once offered them some cash in an envelope but they turned down... because ‘your family is so poor,’ they said.” (HN-PI200775)

There were also clear instances where prompt response from the local police was instrumental in speeding up the confession to a crime, as illustrated in the case of Phi, a thirteen-year-old Dao girl raped by a Kinh road builder:

“The next day we went to see the guy in charge of the construction team where he (the perpetrator) worked, but the guy told us to wait until evening. Evening came but he still didn’t want to talk to us. My family decided to contact the commune people’s committee. When the commune police came, he (the perpetrator) confessed everything. The commune police chief asked us: “How do you want to resolve this case? If the case is referred to higher levels, it will be serious, this guy has to go to prison.” We thought if we proceeded with the law, other people would know, and it would be difficult for my daughter to get a husband. We said: it’s best to solve it amicably. He has to pay (compensation). Then we will sign a statement saying we will not sue him further. Not much, 10 million VND (= US $ 650\(^{87}\)). If he doesn’t agree, we will go higher levels.” (LC-PI200776)

This feature of ethnic relations in many rape complaints from members of minority groups may explain the arrogant attitude shown by the offender and his boss in their reluctance to admit the wrongdoings given the fact that they appeared to be both economically powerful (being involved in a road-building project through a Dao village) and culturally “superior” (being majority Kinh). Additionally social status also had an impact on the outcome of cases of sexual violence against girls and young women. In the case of this Dao girl, the police involvement shifted the balance of power between the rape plaintiff and the assailant in an overt way. This is an example showing that when it

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\(^{87}\) Vietnamese đồng - US dollar exchange rate at the time.
comes to solve the “internal” problems, the police may stand up for the local residents, due to their sense of being part of the local community (cf. Koh, 2006).

At this juncture, it may be worthwhile to reflect briefly on issues of ethnicity as they relate to power differentials, local affinities, insider-outsider status, majority-minority subjectivities, etc. Here the interesting point is that while the police officer in charge of the case belongs to the minority Dao, who together with other minorities, are often regarded as less advanced, less developed, and less civilized (cf. Đrong Bích Hanh, 2006; Salemink, 2009), the alleged rapist is from the majority Kinh group. The police officer found himself in a position where he had to defend the interests of one of his fellow villagers, while exerting his authority in dealing with a Kinh outsider. Opting for a “negotiated settlement” instead of pressing a criminal charge seemed to satisfy all parties concerned. By keeping the rape case off the official records, the local police would lend credence to the official view that instances of rape were “under control” in those sensitive địa bàn trọng điểm [Vn.: areas of special focus] a term referring to mountainous and remote areas inhabited by minority groups. A sort of “all quiet on the border front” that would keep everyone happy. It would also make the local police officer look good in the eyes of his superiors at the district and provincial levels, thus enhancing his promotion prospects. During my fieldwork in Lào Cai, one local cadre said that authorities at the grass roots often denied or played down the existence of “social evils” such as drug addiction, prostitution in their communities. The authorities often tried to divert my attention when I attempted to make inquiries about the rape problematic locally.

As noted in Chapter 5, the motives behind the decision of Phi’s father not to pursue the case further might stem from the Dao’s conception of womanhood, which emphasizes the marriageability of girls (with financial consequences) and the honor of their families. This is apparent in the cases of Hải and Thịnh cited earlier, two Hmông girls who were raped while sleeping in a hut in a remote field by two fellow villagers. Having failed to get a “negotiated settlement” (as compensation) with the rapists, the two girls’ families

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88 Focusing on the prevalence of rape in the so-called địa bàn trọng điểm has the effect of masking the true incidence of rape nationwide by leaving out the major cities and urban areas. This is the view expressed by several participants at the workshop on Child Sexual Abuse Prevention co-organized by World Bank and Research Center on Family Health and Community Development (CEFACOM) in Hanoi, November 2007. Among the participants were a (male) senior official of the Bureau of Criminal Investigation and a (female) senior official from the Ministry of Labor, Invalids’ Welfare and Social Affairs. I was there as a member of the organizing committee.
decided to go to the local authority to seek justice. These stories are powerful examples how plaintiffs among the ethnic minority groups could make use of the formal legal system effectively to seek compensatory payments.

In dealing with cases of sexual violence, factors related to the particularities of the officers in charge including personal relations and ethnic background also need to be considered. In the cases of Phi, Thịnh and Hải both local officers involved were from the same ethnic groups as the plaintiffs. This appears to be in stark contrast with the attitudes and behaviors displayed by the local police in cases involving a perpetrator from another ethnic group (e.g., in the case of Phi). Similarly in the case of Hải, whose uncle was an influential figure (i.e. the secretary of the local branch of the Party) it can be seen that informal ties played an important role in securing the arrest of the offender soon after the victim’s father went to the police. Likewise, the male officer who initially handled Thu’s complaint had family connections on her father’s side.\textsuperscript{89} Despite his reluctance in the beginning to get involved due to previous unpleasant dealings with Thu’s mother in matters related to family disputes, the officer facing a serious crime on his hand was spurred on by compassion and decided to go after the rapist. This is an example of a member of the local authority who responds to the call of moral duty in helping fellow community members (Koh, 2006).

The question is whether the compassionate attitude shown by some police officers who initially deal with rape plaintiffs represents a genuine concern for the plight of the victim? A closer look reveals that behind this police-plaintiff “compassion,” there is a host of questions involving family honor and social taboos, spinning a web of entanglements among relatives, friends and neighbors. For someone like Nghi who has no local family connections, one wonders whether the sollicitous attitude of the police officer handling her case is truly motivated by compassion. It should be mentioned that the police suggested to the plaintiff (in this case: Nghi’s mother) to drop the case altogether. Given the fact that the mother had reported to the police that her family and especially her daughter were running a real risk of becoming target of an act of revenge

\textsuperscript{89} He was married to the woman whose mother was the younger sister of Thu’s grandfather.
from the perpetrator, a suggestion of suspending the investigation midway by local officials left a lot of unanswered questions.\(^{90}\)

Examples like these have led some authors to develop the notion that crimes of rape are a matter for private prosecution (Ekström, 2003), which means that if the woman withdraws her charge, the legal authority may not pursue the case. Rape is thus primarily perceived as something private - something that concerns the woman personally - rather than as a serious crime. In the Vietnamese context, the stories above show that often it is up to family members of the victim to decide whether to press charge against the perpetrator or not, as I have pointed out with illustrating examples in Chapter 5. Real life situations suggest that there seems to be a mix between an individualized legal battle on the one hand, and a family-and-honor-based dispute that may fit this kind of “private prosecution” on the other. These peculiar situations often make room for reaching a compromise between the contending parties. One may wonder whether this has something in common with the notion of law as a visible manifestation of “community sentiment” (Durkheim 1960, quoted in Gillespie, 2005:31), which is understood in the Vietnamese context as \textit{tinh làng nghĩa xóm}. From a perspective of mediating and preserving the public peace, as David Koh (2006) points out, emphasis is placed on moral considerations rather than laws. The course followed by individuals involved is to seek a “negotiated settlement,” as expressed by the old saying \textit{dị hòa vị quý} [Vn.: keeping the peace is the best solution].

2.3. Gendered behaviour in interviewing: The macho-culture of the police officer

The above analyses attempt to show the factors influencing preliminary reactions of the local police officers when they first received report of the incident, to be followed up by interviewing the rapee. From the women and girls that I talked to, their most common remarks were about the acute lack of sensitivity and understanding on the part of the police. Nga, for example, recalled:

\(^{90}\) Section 2, Article 105 (2003 Cr.P.C) provides that if the plaintiff chooses to withdraw the accusation, he/she will not have the right to make a second request, unless the plaintiff is under pressure or is forced to drop the allegation. In this respect, if there is sufficient evidence of the use of force or violence on the plaintiff, the police, the prosecutor, and the judge may authorize further proceedings without a formal complaint. At the same time, the investigative agencies have a responsibility to protect the safety of the plaintiff (Section 3, Article 103, 2003 Cr.P.C).
“The officials threw a barrage of questions at me… I did not understand anything at all… They were screaming at me so how could I remember… They were all men, that made me scared stiff.” (HN-PI200777)

Nghi recalled her despair in facing a group of male interrogators, finding it extremely difficult in revealing intimate details:

“It’s terrible all these questions. They (police) just shouted at me, especially a middle aged man asking such nasty things... as he appeared to be drunk. I just don’t want to recall the questions that he asked me... Very insulting indeed... He asked me intimate things like how the guy took off my clothes, and why there were no bruises on my arm to show that he used force... I said he (the offender) held my hands so tight... That day I wore an open neck shirt that made it easy for him (the defendant)... The (police) man kept asking me to give every single detail... There were about ten of them... They interrogated me continuously for three days... I was retained in the ward police station for statement-taking for three days... They almost forced me to report... They shouted at me... How scary.” (HN-PI200778)

On the basis of this experience, Nghi decided not to disclose the rest of the incident to the officer. Excerpts of her narrative:

“I just said: yes, after he did it, he did it again... I didn’t want to tell it it again... I slept there for several days... I ate nothing but instant noodles almost every day. Totally fed up.” (HN-PI200779)

Given the sensitive nature of the incident, and the intimate questions that had to be asked, Nghi found it very difficult to be questioned by male officers. From her experience she would have preferred a woman to do the job.

"Once there was a young woman... She just asked once, summarized it in the report, then let me go... Women are better than men. Men make me scared.” (HN-PI200780)

Several of the women interviewed said that it would be easier to disclose details of the incident to another woman. These are clear cases of “it has to be a woman” or “women get it right.” Regarding Linh’s case, her mother thought a woman officer might be more sensitive about this aspect:

“I think it best to let these things concerning women be handled by women police officers... They do it better than male police officers or male prosecutors... Females
understand these things better... They use better words, especially in cases involving children... making it easy for them to respond.” (HN-PI200781)

Thus it seems that policewomen might show more understanding and sensitivity in response to the needs and feelings of rape plaintiffs. However, not all of the women interviewed by male police officers rated their experience negatively. As Mỹ remarked:

“Generally speaking, they asked many questions, how I was beaten. I told them what happened. It wasn’t easy to tell every detail. They (the male officers) also showed respect (to me), didn’t use rough words. Anyway they needed my declarations to arrest the culprit. They encouraged me, tried to create a sympathetic atmosphere so I could calmly tell what happened.” (HT-PI200782)

Mỹ felt heartened by the detective’s warmth and sensitivity. In her case public confidence in the police was redeemed. Mỹ’s story indicates that maleness per se does not necessarily determine the way an officer respond to sexual assault victims or his attitude during the interviewing process. Not every male is an aggressive, hostile interrogator.

Still, Mỹ felt that women police would be better in responding to rape plaintiffs.

“To be interrogated by a female might be easier. But what can you do, the great majority of police officers are males. There are so few women (in the police force).” (HT-PI200783)

Linh’s mother initially felt that it would be easier for her daughter to disclose intimate details of the incident to a woman officer when they first reported to the local police. But the gender factor became irrelevant when they met a female district prosecutor who wanted a bribe:

“Take the example of that woman, the district prosecutor. At first she said, with a crime like this, the scoundrel would get at least 12 to 13 years. Later she came to us, saying: ‘that guy has an important cousin, the head of the investigating office of the district police who wants to protect him.’ She wanted to intimidate us, hinting that some money might be necessary to get the case going.” (HN-PI200784)

Generally, the women’s experiences indicate that the gender variable affects their treatment by the police. Female interviewers are thought to show more warmth, compassion and sensitivity. However, in terms of rating their satisfaction with the police, the gender factor of the interviewing officer is not singled out as the key element as Nga’s mother pointed out:
“Professional duty is the main point. If they can do their job in a transparent way it doesn’t matter whether they are men or women. But if they want to take bribe they are all the same.” (HN-PI200785)

The onus is on the police as professionals, and as the gatekeepers of the justice system their professional comportment should be a paramount consideration. By establishing a transparent and participatory environment that fosters empowerment among rapees, a professional police force, whether consisting of male or female officers, might enhance a sense of fairness in the adjudication of rape complaints and prosecutions.

3. From report to verdict

The divergent responses that women encounter in their initial efforts to pursue prosecution for acts of sexual violence either on behalf of their daughters or themselves reveal a recurrent fact that it is the police who exert the ultimate influence. The actions of the police must be viewed in relation to what we may call the “key scenario” (Ortner, 1973; cf. Ekström, 2003) of individual women reporting rape. The fact that a report of rape is assessed and evaluated according to a number of particular standards or benchmarks, which are assumed to be valid indicators of truth and blameworthiness. The primary “marker of truth” is the putative “purity” of the woman, primarily assessed in terms of virginity; and evidence of penile penetration of a vagina. The following discussion focuses on the way in which the police relies predominantly on this so-called standard of truth and blameworthiness before it decides whether a case is worth pursuing or not.

3.1. “Pure and innocent”: Does it work?

The extent to which rape charges end up being prosecuted as child molestation or unlawful carnal knowledge is best illustrated in the 2003 case of Nga, a thirteen year-old epileptic daughter of a common-law couple of working class background. Nga seems to be just the kind of victim the law of rape is intended to protect, being configured as a vulnerable, virginal girl who was sexually violated by an acquaintance. At this point it should be pointed out that usually incidents involving a young, teen-age virgin are
considered more serious than those involving a mature woman. However, the preliminary inquiry showed that Nga’s hymen was still intact. Nga’s mother recalled:

“They said that her hymen is of the hoa khế [Vn.: starfruit flower] type, that means it is stretchable, that’s why it didn’t break. Normally in other girls it would break easily. The incident occurred in June 2003 - in the meantime we were trying to bring the case to justice - but it took the police 5 months before they sent for us. The officer in charge of the investigation said: ‘Look, from the way things are your daughter is OK. The medical exam shows the hymen is intact, no harm was done. How fortunate it was for your daughter! Don’t you think this is a case of đâm ô [Vn.: child molestation]?’ I said: ‘I don’t accept this. His crime is of the other kind (meaning rape), not the kind you say.’”

(HN-PI200786)

The condition of Nga’s hymen had an impact on the police’s perception of the degree of the harm done. For them the violence was not sufficient enough to deflower or injure her. The police were inclined to see the incident as “indecent assault,” allowing the accused to plead guilty to the lesser charge of child molestation.

There is evidence elsewhere that the police are more reluctant to investigate cases where there is little evidence of violence or no injury beyond the rape itself (Mack, 1993). In addition, the issue of non-disclosure of material evidence against the accused assumed particular significance in this case - a miscarriage of justice directly attributable to police concealment of exculpatory evidence. Nga’s mother questioned, for example, how the police could fail to disclose relevant material that would substantially strengthen the prosecution’s case.

“Almost half a year later the police summoned us and sent my daughter for an examination. At the institute of criminal forensics, they said she had no problems. Then they asked why in her statement there was mention of a pair of underpants with a pink blood stain. It was only then that the police produced this piece of evidence, that was five months after the incident took place. They (the forensics expert) said: ‘For similar cases we have sent written instructions (to the police) at all levels that it is essential to send evidences like these to us as soon as possible. After 5 months a thing like this could have degenerated easily...’ Then he scolded the police: “Why did you wait till now...instead of bringing it straight to us the day after you received it.” Then there was another mishap. The envelope containing the piece of evidence was sealed with scotch tape, this was not
in order they (the forensic analysts) wanted a date on it. So it was sent back to be stamped with a date on it.” (HN-PI200787)

The case reveals the careless and fallacious construction of the prosecution case by the police in the first place. According to Article 75 of the 2003 Cr.P.C, pieces of evidence have to be collected in a timely manner, in their entirety, and recorded truthfully in the report. In addition, Article 310 (2003 Cr.P.C) stipulates that evidentiary material have to be sealed and preserved carefully and if the person responsible for this task fails to do so, depending on the level of failure and violation, he/she will face a fine or being charged with a criminal offence.

Nga’s experience also highlights how a rape complaint can be subjected to a range of questioning tactics: repetition, attacks on credibility, doubts about memory, questions about behavior before-during-and-after the alleged assault, etc. The starting point is questioning the plaintiff’s credibility. As Nga’s mother recalled:

“Earlier on, my daughter described in graphic details how it happened. He (the defendant) was wearing a pair of black shorts, naked above the waist save for a T-shirt hung over the shoulder. Then he took off the shorts. There was a black (birth) mark on his groins. She could not remember whether it was his left or right groin, but she saw it. It’s obvious that he took off his shorts otherwise how could she have noticed it…Sure the thing happened because the underpants (of my daughter) bore traces of the guy’s semen. I washed it (her vagina) when she came home, at the guest house he (the defendant) also made her wash it, but it (the semen) was still oozing. In such a panic I took her straight to the ward police. I also saw traces of blood on her panties…But the police still didn’t believe our story and kept repeating their questions. They believed we wanted to slander him (the defendant). My daughter stuck to her story. Only after the result of the DNA test was known, did they go to the rehab center to arrest the scoundrel and took him to test whether he matched the DNA result.” (HN-PI200788)

The police’s disbelief of Nga’s testimony is consistent with Mary Paine and David Hansen (2002)’s findings that children with disabilities are likely to encounter special problems disclosing their abuse. Nga’s medical history, in particular her assumed mental retardation, was raised by the police to undermine her credibility. There have been some suggestions to the effect that the more unspoiled and “asexual” the woman is assumed to be in her

91 Until now a DNA test is not always available and/or affordable for the rape plaintiffs, in particular for those living in the rural and remote areas of Vietnam.
character and behavior - the so-called “innocent and pure” - the more likely she would fit the role of the victim (Ekström, 2003). Given that the police are likely to dismiss cases not conforming to conventional understandings of rape scenarios, including those in which the rapees’ sexual history can be used to discredit their testimony, it is surprising that when a rapee is morally innocent, it nonetheless hinders the perceived integrity of her claim. In other words, even though the police knew that Nga did not have an unsavory sexual past, they nonetheless proceeded to downgrade the crime of her rapist from child rape to child molestation.\footnote{Working with the same set of facts, the appeals court found the perpetrator guilty of child rape and sentenced him to nine years imprisonment.} The case of Nga shows that being an “ideal” victim per se does not translate automatically into a conviction of a de-facto rapist.

In another twist the following story of Linh illustrates the marked discrepancies in the police findings and the prosecutor’s presentation of the case. Her mother recalled:

“That day he volunteered all the necessary information, he spoke the truth, but at the court he denied everything. They did not let me see the notes taken at the police station, the only evidence given was that I took the girl to have an examination of her wounds. In the beginning the police said that with this crime this guy should get 12 or 13 years at least. Even the lady who investigated the case said so. But later they passed a completely different judgement. That’s why I think they wanted to get money from us. But we had nothing to offer. That’s why everything took a 180-degree turn... They gave him a much lighter sentence.” (HN-PI200789)

The prosecutor in Linh’s case also used the argument that the absence of evidence of a broken hymen could potentially undermine the allegation of rape. This is interesting because the police initially concluded that it was a rape case. As it happened, I did meet and interviewed the officer involved in the incident when it was first reported to the local police. He noted that he found her allegation of rape convincing enough to pursue the investigation. This was also supported by the fact that the offender had admitted the crime of child rape at the local police station. However Linh’s mother explained to me that the offender has a cousin who was the chief of the district police at the time. The offender’s family used this connection to intervene in the case, trying to save him from being prosecuted from the crime of child rape. In fact, the female prosecutor in charge of the case told Linh’s mother the offender has a “big umbrella” - implying powerful protection by
people in high places - and asked her whether her family had the financial resource and the determination to pursue the case to the end. According to the constitution, the prosecutor’s office (an agency affiliated with the National Assembly) has the power to proceed with the investigation independently and to “control and inspect” the work of the police, which is a government branch. The above shows that even when police investigation recognizes the case as rape, as the proceedings go on its character can change greatly, taking account of outside influences that ultimately affect the outcome of the trial. Thus it is difficult for women - even those who believe they conform to dominant images of the blameless, sexually innocent victim - to convince the authority.

3.2. Gendered interactions in the courtroom

One of the consistent tactics adopted by defense lawyers during cross-examination was an attempt to shift the nature of the criminal act from rape to the lesser offense of indecent assault. Thus, the emphasis of the trial was on who did what to the plaintiff, when and how. One method of shifting the nature of the criminal behavior, for example in Linh’s case, was to emphasize her alleged failure to provide a consistent detailed account of the incident. The fact that the assault took place in a dark attic and she was under age was ignored by the jurors. This can be explained that, in most of cases, juries are inherently biased in favor of mature male defendants. Yet in this context these details are crucial. As her mother recalled:

“For example when the court asked: “Then what did he do to you, what did you see?” She only knew that he pushed her to the floor, covered her mouth with his hand. Then they asked: “what did he put into you?” How could she know whether it was a finger or the other thing (the perpetrator’s genitals)? When asked did it hurt, she said of course it did. Why didn’t you shout? How could she shout when he put his hand on her mouth like that. They kept asking questions like that. She’s just a kid of twelve, how could she know about that male thing (penis) to answer them. Also it was very dark in the attic, no electricity up there. At the investigating office, they repeated those questions. My daughter is very timid. She just said yes or no. If they persisted she said she didn’t know.” (HN-PI200790)

By using this line of questioning, the prosecutor reduces the victim to the role of witness and in so doing, reinforces both gender and cultural essentialism (Mertus, 2004). This was what the defence tried to re-characterise Linh’s reaction during the alleged assault. Her
explanation of being scared and unable to resist the defendant was discounted and her lack of resistance recast as indicating consent.\textsuperscript{93} This attempt to undermine the coherence of Linh’s testimony was followed up by the defense pointing out that the defendant had given her a “good luck” envelope containing cash gift during Tế the traditional New Year festival. This might raise doubt in the minds of the jurors about the credibility of the rape allegation, suggesting none too subtly that Linh had exchanged sex for money, thus ruling out “no consent.” In general, the use of leading questions that generally require a “yes” or “no” answer is also a deliberate tactic used by the judge to give the appearance that the plaintiff agrees with the defense’s questioning. Leading questions provide little opportunity for the plaintiff to explain herself or place her answers in a specific context, thus undermining the credibility of her narrative.

Regarding courtroom performance Kathy Mack (1993) observes that women are more likely to speak hesitantly even if they are certain, while men are more likely to speak with assurance even if unsure or wrong. Moreover, the judge apparently does not take into account the possibility that the defendant might lie to protect himself, because it is reasonable to assume that defendants have a lot to gain by avoiding or minimising their punishment and are therefore potentially unreliable sources of information (Burns, 2005). As Nga recalled:

“He shifted all the blame on me. He said that day I lured him to the guesthouse to sell drugs, and it was only by accident that he dropped semen on my hand.” (HN-PI200791)

Obviously this defendant’s argument was far from convincing. One can assume that he made up such a story to cast blame on the victim and discredit her, stressing her earlier provocative behavior (consenting to take the cash gift and go along with the defendant). Similarly, the blaming tactic was used by the defendant in Linh’s case, as her mother recalled:

“He was so well drilled in these matters that he puts up all kinds of arguments... He said for example that the girl tempted him to go upstairs, holding his hand... Only under the pressure of the police did he confesses to the crime of rape.” (HN-PI200792)

Apparently, the defendant tried to dwell on the likelihood that the court might believe that he had made a “voluntary false confession” due to police coercion during interrogation.

\textsuperscript{93} The fact that Linh was twelve years and six months old at that time of the incident was not considered. Her case belonged to the category of statutory rape.
This could be linked to a point made by Burns that “such allegations are likely to be believed because the interrogation process inevitably involves an element of coercion” (2005: 121). Perhaps more importantly the “imagined proceedings” (Ekström, 2003), the stage when the defendant weighs up his chances at the trial in his own mind, has led him to adopt a masculine, powerful speech style in his own defense. Consequently, the verdict in Linh’s case came as no surprise: a thirty-six month prison sentence for child molestation, clearly a victory for the defendant.

While space is created for expanding the defendant’s power to define events, the space in which women can express their opinion is simultaneously contracted. For instance, in Ái’s case, when she wanted to refute the inaccuracy in the defendants’ testimony, the judge did not allow her to do so:

“I stood up trying to tell the court that what the accused said was untrue, but the court did not allow me to speak.” (LC-PI200793)

This aspect of gender bias works directly against women in the particular context of rape trials, since the victims find themselves at odds with the cultural norms that emphasize female modesty and decent character. As Simon Ekström (2003) points out, persons involved in rape cases relate to a set of special connections and associations that have something to do with imagined gender differences. As a result, these norms inhibit females from talking publicly about sex-related matters and it is this inhibition that often hinders the prosecution of rape and other sex crimes in Vietnam.

Now one may pose the question: where were the lawyers all these times? The fact is that in most cases lawyers representing the plaintiffs are present at the trial, but they are mere figureheads, hardly measuring up to their expected roles as defenders of their clients’ interests. Take the case of Linh, for example. According to her mother, their lawyer failed “to speak one good sentence on their behalf.” Instead he put his own client - in this case a twelve year old girl - in an unbearable situation in front of the court. Her mother recalled:

“He asked my daughter silly questions like: “What did he do?”; “Did he put his penis into you?” How could a child of twelve answer questions like that.” (HN-PI200794)
3.3. A matter of mediation

Sentencing in rape cases depends largely on the burden of proof, primarily on the evidence of sexual intercourse based on penile penetration of the vagina, and it is a heavy burden indeed. Due to the strict evidentiary stipulations in the rape law, probably nothing short of death, or, at the very least, serious physical injury could convince court officials of the veracity of the rape charge. Regarding Linh’s case, the judge ruled that it was not rape:

“The evidences are unable to prove that Sang committed the act of intercourse with Linh, but only show the presence of Sang’s semen on Linh’s underpants in agreement with the accused’s confession that he did lie on top of Linh, still wearing his underpants. The hospital also confirmed there was no perforation of the hymen and there was no presence of sperm in Linh’s vagina, therefore there was no foundation to conclude Sang has committed the act of rape or forced sex.” (CP200795)

Although there was no disagreement regarding the fact that the defendant did force himself on Linh, nevertheless, because Linh did not repel his act and there was no evidence of a penile penetration, it could only be concluded that the sex act fell under the category of **dâm ô trẻ em** [Vn.: child molestation]. As a result the appeals court gave the defendant a rather light sentence term. Regarding Thu’s incident, the judge reasoned:

“When Quy put Thu on the bed, and pulled down her trousers, Thu did not display any acts of resistance or cried for help. Only when Quy put his penis in Thu’s vagina, and shook repeatedly did she feel pain and pushed him away. Medical examination showed that Thu’s hymen bore old marks of perforation.” (CP200796)

Even though there was evidence of a broken hymen the judge did not regard this incident as child rape because Thu did not try to resist. The key reason, as the judge insisted, was that there were no verbal pleas to stop until the act of penetration was over. Moreover, when the defendant fondled her breasts and unzipped her pants, Thu offered no resistance. Thus this was interpreted as a sign that she actually enjoyed the sexual encounter, given the fact that Thu had let the defendant perform cunnilingus prior to the incident. As a result, the defendant was convicted of having sexual intercourse with an under-age girl and sentenced to thirty-six month imprisonment. We can see that in these two cases, the victims’ behaviour was put on trial, and the outcome of the cases depended heavily on the interpretation of their behaviour by the presiding judge. In the cases of Thu
and Linh, the court concluded that they had not put up resistance against their assailants vigorously enough.

Here again the findings reveal that even if the man fits the profile of perpetrator (i.e. incorrigible criminality, capacious sexuality) there is no certainty that the complaint would lead to a just conviction at the end of the day. A considerable amount of mediation occurs throughout the court proceedings, a situation which Koh (2006) refers to as the penumbra of the state-society relations in Vietnam. In highly complex situations, this penumbra is present at the everyday basic urban level. Local officials do not base their dealings with people on laws and rules alone, leaving ample space for manipulation, corruption and abuse of power within the bureaucratic system. This situation is bound to affect the outcome of the prosecution of rape cases.

Now let me examine those cases where the trial led to a successful conviction, for instance, the cases of Ái, Hài and Thịnh. While the two perpetrators in the gang rape of twenty-two year old Hài and nineteen-year-old Thịnh were condemned to heavy prison sentences of ten years each, the four offenders in Ái’s case received prison terms of up to ten years. In Ái’s case a guilty plea was secured thanks to a witness who immediately called the police to the scene of the crime; such evidence was not readily available in the other cases. It should be mentioned that gang rape is considered to be a more serious crime than other forms of rape and as such is not limited by the provisions of prosecution based on complaint.

But power cuts both ways and sometimes can favour the plaintiffs. Ái’s case was reinforced by the informal ties her mother had with some law enforcement officials at the provincial level. In Hài’s case, her uncle’s position in the local administration was likely to strengthen the plaintiff’s position. This element of power play was absent in the cases of Thu and Linh whose families were socially marginalized.

It is worth noticing that regarding rape incidents in remote mountainous areas where defendants belong to ethnic minority groups, the courts often passed heavy sentences on offenders of ethnic minority backgrounds (the Hmông in Hài’s case), those considered as “less advanced” or “less civilized” in the eyes of the majority Kinh people (see, for example, the 2009 World Bank Country Social Analysis Report on Ethnicity and Development in Viet Nam). By singling out abusers and victims from certain ethnic backgrounds, the courts
might want to deliver a message that rape occurs as a more or less deviant behavior in địa bàn trọng điểm [Vn.: areas of special focus], namely mountainous and remote villages.

4. At the peripheries of law: Making ways for agency

As the above cases indicate, reporting sexual victimization to law enforcement officials was not an easy task. The police stations and the courts appeared to be a hostile place for women claiming rape, and their experiences amounted to a secondary victimization. Yet, there existed the possibility of agency, which enabled the rapees and their families to find useful channels to publicize their cases and adopt proper tactics in order to overcome the adversarial process, especially when they had to act as eyewitnesses. In the present study, the meaning of what seemed like “agentic” acts as part of their struggles in seeking justice, lay in a conscious attempt to challenge the status quo of situational power relations. Above all, the stories provided insights into how the justice system operated in real life and how the women, as rapees and mothers, developed strategies to cope with the complexities of the judicial process.

4.1. Leapfrogging: Exploitation of bureaucratic hierarchy

On the basis of their experiences with the criminal justice process, some women described the difficulty, frustration and costs of dealing with the legal authorities. This is in line with the view that law, like most forms of public power, is organized bureaucratically (Ewick and Silbey, 2003). In this respect victims from poor families and members of minority groups often started out at a disadvantage, and often subjected to some forms of discrimination. At the same time, through contact with legal personnel and involvement in investigation and court events, some people managed to discover and exploit openings in the institutional structure of the legal system for their own benefit. Nga’s story is a case in point. As Nga’s mother told me:

“The guy (the defendant) lobbied very hard. At that time my family sent petitions to all kinds of organizations: the Public Security Ministry, the City’s Police Department, the city’s Women’s Union, the Central Committee of the Women’s Union, the National Committee for Population, Family and Children. Ten days later we received an official letter from the deputy inspector-general of this National Committee, acknowledging receipt of our letter and mentioning that he has written to the investigating authority to
request proceeding with the case. Meanwhile by pure chance my husband read in the
newspaper about an organization that supports children’s rights. I called its hot line and
got in touch with Mrs Mai. After hearing my case she told me to write a complaint and
give it to her. She then brought my complaint to the same National Committee for
Population, Family and Children. She helped us a lot with the paperwork. Without her
engagement, the procedure couldn’t be sped up that way.” (HN-PI200797)

It is clear from the above example that by bringing their problem to the attention of those
higher up in the bureaucracy, Nga’s mother was able to heighten the significance of the
case, turning it from an individual matter into a bureaucratic issue, a sort of cause célèbre.
In discussing the route to get the case to the top, she admitted that this was a difficult
climb and a time-consuming effort. Patricia Ewick and Susan Silbey (2003) aptly calls
this tactic “leapfrogging” over layers of bureaucratic hierarchy. Feeling betrayed by a
lack of police integrity and deeply frustrated by a fallacious construction of the
prosecutor’s case by the local officials, the family decided not to follow the routine
channel for handling complaints but go to upper echelons in the bureaucratic hierarchy.
Nga’s parents reasoned that the more doors they knocked and the higher authorities they
approached, their case would become widely known and might reach people in leadership
positions.94

Furthermore, by going to agencies at the national level, and especially by alluding to
the international discourse of women’s rights and child protection (e.g., the involvement
of the local NGO), Nga’s story had the primary effect of letting the higher authorities in
the hierarchy know about what was going on among their subordinates (e.g., district
prosecutors and local police officers). It is an example of this “frog-leaping” tactic that
ultimately helped her achieve justice. According to bureaucratic procedures, disputes of
various kinds were to be resolved from the grassroots upward. The action undertaken by
Nga’s family sent a strong distress signal about their predicament in order to attract the
attention of those higher up in the hierarchy of power. In seeking (and receiving) the

94 The 2003 Cr.P.C devotes the whole Chapter 24 to the rights of individuals as well as agencies and
organizations in proceedings, to file complaint against acts in criminal proceedings that are in violation of
the laws or infringements of their interests, and the complained person, be it the investigating person, the
procurator, the judge, or another person conducting investigation, must give explanation with evidence
justifying the legality of these acts. For a further discussion on this issue, see Ta (2006).
support of an influential agency - in this case the **Ủy Ban Dân Số, Gia Đình và Trẻ Em**[^95] [Vn.: National Commission for Population, Family and Children], one that was not related to the judicial system - Nga’s family had overstepped the bounds of “regular” criminal jurisdiction. This Committee was affiliated with the National Assembly, whose role was to supervise the activities of government ministries and related bodies. While one cannot rule out the factor of sheer luck in such a case, Nga’s family has adroitly made use of the opportunity offered by a non-governmental agency in bringing their case to the court.

All this would not happen if the family did not receive the assistance of an NGO whose activities Nga’s mother had read about in a newspaper. It was this NGO that made initial contact with the National Committee for Population, Family and Children on their behalf. In a society like Vietnam private citizens used to mobilize their networks of relatives and acquaintances with influence in order to get things done (Gammeltoft and Herno, 2000). For ordinary people with humble social backgrounds like Nga and her family, the assistance of an NGO was something of a novelty. These NGOs only emerged in the 1990s (Heng, 2001) bringing in their wake rudimentary ideas of a civil society (cf. Salemink, 2006) in the wake of the Đổi Mới reforms. To be able to get information about such organizations and their activities via the media was an interesting development, something unheard of in the years preceding Đổi Mới (Marr 1998). This topic will be investigated in depth in Chapter 7.

4.2. Open court or open for support: Shifting the balance of power

With respect to the conduct of judicial proceedings, Article 178 (4) of the 2003 Cr. P.C stipulates that the prosecution has to decide whether the trial is held in public or behind closed doors. The rationale of this requirement is to take into consideration the need to “protect state secrets, to maintain the people’s fine customs and to preserve the privacy of the persons involved based on their own justifiable requests” (Art. 18, 2003 Cr.P.C). In rape cases, a preference for a closed trial often stems from a concern to

[^95]: The Commission was dissolved following a decision of the National Assembly; its tasks were reassigned to various ministries (Decree 1001/ QĐ-TTg issued on 8/8/2007 by the Prime Minister).
protect the victims’ reputation, especially in the cases of very young girls, thus saving them from the shame associated with having to speak in public about their victimization.

On the other hand, some plaintiffs request the court to hold open trial, in the belief that such a setting would enhance the credibility of their cases and increase the likelihood of achieving a fair outcome. This is the case of Ái, a Kinh eighteen-year-old schoolgirl, drugged and raped by a group of six teenagers who eventually were all convicted. For Ái, an open court was important since it allowed everyone who wished to be there free access to hear her speak of her victimization. Her decision to “go up front” also aimed at mobilizing public opinion in her favour in the gang rape case. Part of this strategy was to counter the allegations that she had drunk together with men she hardly knew before the incident, and to focus on the crucial fact of her being drugged before being raped.

Seen from another perspective, the open court was chosen since it offered both emotional and physical support to the plaintiffs through the presence of others. Considering the fact that the defendants and their family members were bound to form a majority in the audience at the trial, Ái’s mother was anxious to restore the “power balance” between the defendants and her own side. This is the reason why she asked for a public trial, despite the judge’s early suggestion to hold the proceedings behind closed doors. In Ái’s own words:

“The court preferred a closed sitting but my family wanted it to be open… Look, (in a closed trial) if we were there on our own, there were six of them with their parents making it twelve altogether. A closed trial had many disadvantages for me at least numerically. In a closed sitting of the court they could change their lines of testimony which might work against us. We had nothing to hide that’s why we asked for an open court.” (LC-PI200798)

For example, Ái’s mother asked an attorney friend who has had previously worked at the district prosecutor’s office to accompany her to the tribunal together with her other colleagues. Mobilizing a specific group of people to attend the court proceedings is part of the mother’s strategy to show their refusal to be intimidated, while boosting the morale of her daughter during her testimony.

The case of Ái also shows that both mother and daughter were knowledgeable about their allocution right. In opting for an “open” court they believed that this would enhance the likelihood of a fair trial. Yet not everyone was aware of his/her legal options. My
observations indicate that many of the plaintiffs were unfamiliar with the nature of the courtroom interaction and their own place in the prosecution process. The case of Linh was illustrative:

“Over there they decided to hold an open trial. They asked us to come. I did not request for a closed trial. Frankly I did not know much about what went on out there, let alone the things related to the law... I only knew he was guilty and he had to be condemned and sentenced for the crime he committed... How would I know what they were up to?” (HN-PI200799)

Linh’s mother expressed negative feelings because of her lack of general information about courtroom procedures. Both Linh and her mother appeared to be ignorant of what to expect in court and were unable to manage the discomfiting aspects of testifying. From the standpoint of securing a conviction, this may be counterproductive (Konradi, 2001). It works against the plaintiff’s desire to actively contribute to the success of prosecution and thereby reduces the chances of financial compensation. Linh’s mother explained:

“When we appealed the case we just requested compensation for the damage to honor and human dignity and the harm done to health. Now they said that since the lower court didn’t resolve this problem they couldn’t do anything. Where could we go to ask for this? How could we know what price to ask? If the state sets this price for this (sort of crime), that price for that (sort of crime) then we knew what to ask. I just wanted compensation for the loss of honor of my daughter, that was all. How much honor is worth, the court must know... They have judged many cases, they must now how much... Now they asked us how much we demand... The lawyer had told us to send along the medication bills and so forth. But we didn’t buy anything that day. We just wanted compensation for the dishonour my daughter had to suffer, a moral debt to the girl.” (HN-PI2007100)

This example makes one wonder to what extent the plaintiff’s understandings of the criminal justice process may impact the outcome of the proceedings. Logically, the information acquired not only eases their worries and boosts their confidence, but also helps them formulate their testimony in such a way to back up the prosecutorial effort. Thus they may enter the court with a complete sense of what they want to say, not just a vague, general expectation that they would talk about the assault event (Konradi, 1996). In this sense one would expect that those who are knowledgeable about the legal process would have a better chance of securing a conviction. Unfortunately, not all jurisdictions
offer crime victims the opportunity to be prepared for such an eventuality. In reality, often confused by formal procedures and bewildered by bureaucratic obstacles, ordinary plaintiffs, especially those belonging to minority groups, often find themselves at a loss in facing the jury, unable to perform their witness roles in a credible manner.

4.3. Dealing with emotion: Contrasted image of rape victims

The emotion factor plays an important role in the courtroom performance of the plaintiff on the witness stand. Most rapees would rely on the presence of relatives and friends to give them moral support, and help them in keeping their emotions in check with a view to giving a coherent testimony (Konradi, 2001). Re-constructing a particular courtroom demeanour in a rational, dispassionate way is a strategy that can help a plaintiff. As Ái recalled:

“Generally speaking, at that moment I felt rather normal. I didn’t cry at the court sitting.”
(LC-PI2007101)

Likewise, one of the tactics adopted by Nga and others was trying to avoid eye contact with the defendant:

“I did not want to look at his face. I felt normal when I looked at the judges. When the lawyer asked me questions, I answered them all right.” (HN-PI2007102)

This is not surprising as many women make genuine efforts to mitigate conditions that might exacerbate their anger, embarrassment and fear. For some, the court scene offers a setting for them to regain personal control vis-à-vis their attacker. In Nga’s case she did this by mentally putting him out of her sight and out of her mind at a stroke in order to concentrate on her testimony. Both Ái and Nga seemed to have achieved an inner calm that did not allow any show of emotion in the courtroom, a far-cry from the stereotyped witnesses testifying in tears. Furthermore, Nga described her testimony in the witness stand as a way of shutting out the memory of her rape experience:

“To tell the truth, once I told my account of what happened, that’s it. I let it go, don’t want to remember it, ever.” (HN-PI2007103)

As Konradi (2001) suggests, this emotional neutrality reflects both a respect for the authority of the court and a commitment to the pursuit of a successful prosecution. Yet in the case of the twelve-year-old Linh, she found it extremely difficult to cope with the court scene and failed to provide a consistent, detailed account of the incident. It was
particularly painful for her to revive and retell the harrowing experience of being raped by a family member. Her mother thought the extended involvement in the court proceedings only prolonged Linh’s pain and made it all the more difficult for her to recover emotionally.

Apart from the task of telling their rape experiences to the court in a convincing manner, most rapees felt the need to give detailed accounts of their assaults. This was problematic for two reasons. First, the prospect of providing an adequately detailed account required the accuracy of memory and recall. The plaintiffs were unsure whether they would be able to remember specific details of the incident which occurred months or even years before. This made cross-examinations particularly worrisome for plaintiffs since they were expected not only to present their own cases coherently but also to recall details of the acts of their assailants correctly.

It should be pointed out that in the case studies, not all rape plaintiffs were passive bystanders in the legal proceedings. Faced with their new roles as witness and the responsibility to testify in the public forum of the courtroom, some women went out of their way to prepare themselves for the trial. In doing so, they tried to present themselves as credible witnesses in their own cases, hoping for the best possible outcomes at the end of the judicial ordeal.

**Summary**

In the foregoing I have pointed out that certain aspects of the legal definition of rape make it difficult for women in Vietnam - even those conforming to the dominant images of the blameless, sexually innocent victim - to bring their cases to justice. The case studies in this research reveal that the process of rape prosecution is fraught with hazards and pitfalls spanning across social backgrounds and ethnic lines. As gendered interactions come into play, rape plaintiffs often have to face a dismissive attitude and rude treatment by the police during the early phase of the judicial process. Furthermore the long judicial procedures often cause a heavy emotional burden on the victims, making them susceptible to a further risk of secondary victimization. Seen from a broader perspective, the practice of law enforcement in rape cases is not cut-and-dry but often boils down to a
power play the outcome of which is usually mediated between three major players: the victim (and her family), the perpetrator (and his family) and the local authorities. This interaction takes many forms, notably coercion, resistance, negotiation and even imposition.

From the cases analyzed in this chapter there seems to be a mismatch between a concern for the harm done to the individual rapee and the need for legal redress on one hand, and notions of honor and virginity that have more to do with family interests (e.g., in terms of the rapee’s marriageability) on the other. In real life situations an individualized legal battle often goes hand in hand with a family-and-honor affair that seems to fit the notion of “private prosecution” in rape cases mentioned earlier. This peculiar situation often creates room for a possible compromise between the contending parties. It should be added that for the victims and their families there is the possibility of agency which enables them to publicize their cases and adopt proper tactics in order to overcome the adversarial judicial process, especially when they take the witnesses stand.

Last but not least, from these legal narratives one is able to catch more than a glimpse of the representations of rape often seen in the Vietnamese mass media, which often mirror popular understandings of the problem. These also color the perceptions of the plaintiffs and actualize in the ways they muddle through the judicial process. To illuminate this point further the next chapter will deal with the representations of rape in the printed media.

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CHAPTER 7

A double-edged weapon:

Representations of rape in the print media in modern Vietnam

Cán bộ báo chí cũng là chiến sĩ cách mạng.
Cây bút, trang giấy là vũ khí sắc bén của họ.

[Vn.: Journalism cadres are also revolutionary soldiers;
A pen and a piece of paper are their sharp weapons]

Hồ Chí Minh96

Introduction
The air was clear and fresh after the early morning downpour heralding the start of the rainy season. In a café in the heart of Hanoi’s Phố cổ [Vn.: the Old Quarter], the guests sat next to their tiny cups of cà phê phin [Vn.: café filtre /filtered coffee], a leftover habit from French colonial days. Most were sitting idly, each with his/her private thoughts. A man across the room was in a boisterous mood, telling his friend of his latest business coup. No one seemed to mind the lady-owner behind the counter shouting orders to her personnel or the noises from chaotic traffic outside. Suddenly a piercing voice from the loudspeaker of the newspaper boy pushing his cart caught everyone’s attention: “Latest news! Gang rape in the middle of the rice fields! Nine offenders all teenagers.” A middle-aged man sitting close to the entrance straightened his back and waved for a copy. Others quickly followed suit. The lady owner exclaimed in her acid voice: “What kind of news is this? Robbery and rape? No way! It’s just a bunch of country kids with nothing to do having a roll in the hay, that’s all.” With a sinking feeling I also asked for a copy. Glancing at the first few lines mentioning the location and the time of the incident, I realized that one of the two victims portrayed in the news item had recently contacted our consultancy office for psychological support.

In this chapter, I try to unpack how the media in Vietnam, specifically the print media, reports on incidents of rape. More precisely, I attempt to highlight the fact that one-sided and insensitive ways of reporting unwittingly exacerbates the suffering of rapees, sometimes turning them into objects of criticism in local opinion. I also wish to point out that misconceptions/misinterpretations of rape-related incidents in the media tend to reinforce existing social prejudices as regards this problematic. In the second part, in order to explain the differences in the ways a rape incident is reported in various newspapers, I shall deal with aspects pertaining to institutional control that allow a certain degree of openness in the media since Đời Mới was launched in the late 1980s.

Taking into account the important role of the press in the fight against social evils, as defined in official discourses, I explore avenues available to rapees to fight for justice and pursue their survival strategies individually.

To illustrate how women are portrayed in the reporting of rape, and how the news coverage reinforces the very myths and stereotypes that many women have internalized thus making it even more difficult for them to heal emotionally, I concentrate on four cases - through in-depth interviews - that involved media exposure. Of these cases, two concern girls aged under sixteen living in low-income neighbourhoods of Hanoi (Thu and Nga), one involves incest of two sisters who migrated to Hanoi (Giang and Minh), and one concerns a gang rape of two adult women in a rural area near Hanoi (Mỹ and Hạnh). As an illustration, I rely on the coverage of these particular cases in four daily newspapers, namely An Ninh Thủ Đô [Vn.: The Capital’s Security], Gia Đình-Xã Hội [Vn.: Family and Society], Tiện Phong [Vn.: Vanguard], and Công An Nhân Dân [Vn.: People’s Public Security]. Indeed, the rape cases were picked up by these four newspapers precisely because they were unusual and loaded with sensational elements such as a gang rape, an old rapist and an underage victim.

It should be stressed that since these cases have received widespread coverage, they could shed light on how the Vietnamese media treat various aspects of rape. Wherever relevant this is supplemented by the reactions from people in the street which were collected during the flyer distribution. Furthermore I will also present statistical data resulting from a general review of three selected newspapers on rape-related cases (in total 687 articles) in the period between 1990 and 2006 - at the height of Đời Mới - which
may be useful to illustrate how the media transforms rape as a social evil into sensational stories to boost newspaper sales since Đổi Mới.

At this stage it would be worthwhile to take a look at the current state of the media in Vietnam.

1. The media since Đổi Mới: An overview

It is a well-known fact that the media in Vietnam is under state control and its main task is the propagation of state policies. As such it pays less attention to reporting news than to educating the populace (Thomas and Heng, 2001; Thomas, 2004). Since Đổi Mới there has been a dramatic transformation as shown in the growing number of newspapers and magazines in circulation. Journalists have been allowed to investigate matters such as corruption and abuse of power in the bureaucracy. However the media often has to exercise a delicate balancing act between attracting a wide readership for commercial gains and staying clear of sensitive questions for fear of being accused of provoking political instability.

Nowadays the most popular medium in Vietnam is by far the television and its growth has been spectacular. It is estimated that 86.9 percent97 of households in Vietnam have access to television and practically almost every urban household has a TV set. The rise of the television is accompanied by the demise of the radio which had played a pivotal role as a propaganda tool in the wars against the French and the Americans. And in the age of globalization one also has to mention the growing popularity of the internet.98 From 2005 to 2009, the number of Internet users reportedly jumped from 9.2 million to 22.7 million, yielding an Internet penetration rate of 26.55% (Trung tâm Internet Việt nam [Vn.: the Vietnam Internet Center], VNNIC for short).99 A study carried out by the OpenNet Initiative (ONI)100 points out that most users access the

98 The Vietnamese telecommunications system is patterned on the French system where postal offices are important providers of services such as telephone (Public Switched Telephone Network, PSTN) and Internet access. Meanwhile, the emerging cable television service is provided by the state-owned VTV (Vietnam Television).
Internet from cybercafés, which is relatively inexpensive. State regulation determines how Internet connectivity in Vietnam is organized and managed, and facilitates Internet content filtering by limiting external access points that must be controlled. What emerges is a complex picture where the State tries to leverage the Internet to provide economic development and benefit, while simultaneously struggling to block citizens from accessing political and religious material that might undermine Vietnam’s one-party system. In addition, blogging remains quite limited in Vietnam. It therefore came as little surprise that the print media¹⁰¹ is often the main medium for the reader to obtain all the information concerning world affairs and national issues.¹⁰² Hence the print media has been selected to explore the representations of rape in this study.

A number of studies have been carried out on the media structure in contemporary Vietnam (Marr, 1998; Sidel, 1998; Heng, 1998, 2001, 2004; Pettus, 2003; Surborg, 2007). Historically, the media in Vietnam is based on Marxist-Leninist ideology, and the media system is largely perceived as “a mouthpiece of the state and Party” (London, 2009:392). This explains why each publication unit is called as a cơ quan báo chí [Vn.: journalistic “organ”] per se, and operates under the guidance and ownership of the Party and State or a Party-approved mass organisation, which official terminology refers to as the cơ quan chủ quản [Vn.: supervisory organization]. In practice, the management style of a supervisory organization often leaves its mark on the quality of its publication. This, as Russell Heng argues, involves “a network of criss-crossing horizontal and vertical lines of control” (1998:34), meaning various government agencies and mass organizations responsible for the media (Surborg, 2008). For example, Gia Đình Xã Hội [Vn.: Family and Society] is under the auspices of the National Committee for

¹⁰¹ By May 2009, Vietnam’s print media consist of 178 newspapers (76 at central level and 102 at local and regional levels), and 528 magazines (414 at central level, and 114 at local and regional levels). There are 67 TV and radio stations, 88 (official) websites of the printed press. The main provider of national news is the Thông tấn xã Việt Nam [Vn.: Vietnam News Agency]. Source: Press Department of the Ministry of Information and Communications.

¹⁰² For further discussion about the popularity of Vietnamese newspapers as the main medium of information, see Thomas and Heng (2001).

¹⁰³ Interestingly, the term cơ quan has been widely used to refer to a work unit in the state sector. See Pham Văn Bích (1999) for a full account of the role of the workplace in the state sector, and especially its direct involvement in spouse selection for its personnel prior to Đổi Mới.
Population, Family and Children\textsuperscript{104} (CPFC for short), focussing on children and women’s issues, whereas \textit{An Ninh Thủ Đô} [Vn.: The Capital’s Security] and \textit{Công An Nhân Dân} [Vn.: People’s Public Security] sponsored by Hanoi public security authorities and the Ministry of Interior respectively, cover social and public security matters. \textit{Tienen Phong} [Vn.: Vanguard] affiliated with the \textit{Đoàn Thanh niên Cộng sản Hồ Chí Minh} [Vn.: Ho Chi Minh Communist Youth League\textsuperscript{105}] focuses on youth-related matters. It is pertinent to note that all media continue to be under the control of two major organs, the Party’s \textit{Ban Văn Hóa Tư Trường Trung Ương} [Vn.: Culture and Ideology Department] and the \textit{Bộ Thông Tin và Truyền thông}\textsuperscript{106} [Vn.: Ministry of Information and Communications].

What about the journalists working for these newspapers? Since there is no private ownership in the media, those working for mainstream news organizations are considered as \textit{công chức}, or \textit{viên chức nhà nước} [Vn.: state employee], although most of the news organizations have to look for financial sources in the private sector to pay for their personnel.\textsuperscript{107} This is different from what existed before \textit{Đổi Mới} when all production costs and wages of journalists were subsidized by the state. For reporters, their function as “state employees” means that they are subject to certain code of conduct imposed by \textit{Luật Cán bộ, Công chức năm 2008} [Vn.: The 2008 Law on state cadres and employees], the most important \textit{nghĩa vụ} [Vn.: duty] of which as a state employee is to be loyal to the Party and the state (Article 8.1. of the 2008 Law on state cadres and employees). Inevitably, the association with the government is bound to exert an influence on the

\textsuperscript{104} As noted in Chapter 6, the Commission was dissolved following a decision of the National Assembly; its tasks have been assigned to various ministries (Decree 1001/QĐ-TTg issued on 8/8/2007 by the Prime Minister).

\textsuperscript{105} See Marr and Rosen (1998) for a full account of the core function of this kind of League.

\textsuperscript{106} In accordance with \textit{Nghị định số 178/2007/NĐ-CP ngày 03 tháng 12 năm 2007 via Chính phủ} [Vn.: Decree No 185/2007/ND-CP of 3 December 2007] the Ministry of Culture and Information was restructured and split into two ministries. The press and publishing departments of the former Ministry of Culture and Information (now called Ministry of Culture, Sport and Tourism, MCST) were merged with the former Ministry of Posts and Telecommunications to become the new Ministry of Information and Communications (MIC).

\textsuperscript{107} The party’s daily newspaper \textit{Nhân Dân} [Vn.: The People], which has a circulation of about 220,000 is read mainly in the governmental offices all over the country (http://www.nhandan.com.vn/english/about.htm). \textit{Nhân Dân}’s editorial lines reflect the ideological viewpoints of the Party and State.
journalists’ liability for public disclosure of truth, a topic that will be discussed later in the chapter.

Nonetheless, the media have undergone great changes since Đổi Mới. A newspaper can no longer count on its supervisory organization for financial subsidy (King et al. 2008, cf. Heng 1998). As market forces push news organizations to become profit-making enterprises, there is a need for newspapers to pitch their stories concerning the topics and presentations of tabloid publications to meet popular demands (cf. Marr, 1998; Heng, 2001; Pettus, 2003). In this respect the reporting of sensational news is seen as a deliberate effort to boost newspaper sales. And exploiting the subject of sex, and in particular sex crimes among other forms of sensationalism, is considered as a means to attract readers and viewers (Bennett, 1996; cf. Gamson, 2001).

A breakdown of articles on rape-related incidents collected from several newspapers is set out in Table 6. It shows a rising trend in rape coverage since 1990. This tendency is most apparent in the case of An Ninh Thủ Đô, a báo ngành [Vn.: a “sector”- oriented newspaper] sponsored by the police authorities, having access to the latest incidents and crimes, while the more đại chúng [Vn.: mass-oriented] Tiền Phong shows a rather irregular pattern in its reporting of sexual crimes.

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108 On this subject, Prime Minister Nguyễn Tấn Dũng, at a conference held by the Ministry of Information and Communications on January 8th, 2010, was quoted as saying: “The truth is always the truth, but we must choose the proper time to tell the truth to ensure the country’s interests...The press should not report information that harms the country’s interests;” and “The 17,000 journalists must be loyal soldiers serving the nation.”

109 This goes the same for Công An Nhân Dân [Vn.: People’s Public Security].
Table 6: Newspaper coverage of rape in An Ninh Thủ Đô, Tiền Phong, and Gia Đình Xã Hội (1990-2006)

<table>
<thead>
<tr>
<th>Year</th>
<th>An Ninh Thủ Đô</th>
<th>Tiền Phong</th>
<th>Gia Đình Xã Hội*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990</td>
<td>12</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>1991</td>
<td>15</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>1992</td>
<td>6</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>1993</td>
<td>15</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>1994</td>
<td>12</td>
<td>1</td>
<td></td>
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<tr>
<td>1995</td>
<td>10</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>1996</td>
<td>16</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>1997</td>
<td>53</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>1998</td>
<td>21</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>1999</td>
<td>41</td>
<td>0</td>
<td>8</td>
</tr>
<tr>
<td>2000</td>
<td>17</td>
<td>18</td>
<td>2</td>
</tr>
<tr>
<td>2001</td>
<td>40</td>
<td>21</td>
<td>7</td>
</tr>
<tr>
<td>2002</td>
<td>38</td>
<td>4</td>
<td>8</td>
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<tr>
<td>2003</td>
<td>39</td>
<td>4</td>
<td>9</td>
</tr>
<tr>
<td>2004</td>
<td>53</td>
<td>9</td>
<td>17</td>
</tr>
<tr>
<td>2005</td>
<td>43</td>
<td>26</td>
<td>11</td>
</tr>
<tr>
<td>2006</td>
<td>49</td>
<td>32</td>
<td>33</td>
</tr>
<tr>
<td>Total</td>
<td>480</td>
<td>112</td>
<td>95</td>
</tr>
</tbody>
</table>

Note:
Gia Đình Xã Hội has been in circulation since 1999.

2. Rape incidents as portrayed in the press

First let me look at two cases of rape that were widely reported by the printed media at the time of the incidents. The first concerned the gang rape case mentioned at the start of this chapter (see Figure 4). The second case involved a “Bluebeard”110 and his child victim (Figure 5).

110 Bluebeard" (La Barbe bleue) is a folktale written by Charles Perrault first published in Paris in 1697. The story is about French nobleman who murdered his wives until his secrets were discovered by the last wife. In my review of seven popular newspapers, namely Thanh Niên [Vn.: Youth], Tuổi trẻ Thành phố Hồ Chí Minh [Vn.: Youth of HCM City], An Ninh Thủ Đô [Vn.: Capital’s Security] , Phụ Nữ Thủ đô [Vn.: Capital’s Women] Pháp Luật [Vn.: Laws], Tiền Phong [Vn.: Vanguard], and Gia Đình Xã Hội [Vn.: Family and Society] in the1990 - 2006 period, I found that the term quỷ râu xanh [Vn.: Bluebeard devil] first appeared in Thanh Niên in 1993: Con quỷ râu xanh thời tiểu học [Vn.: The Bluebeard devil of the Cyber Age], then in the An Ninh Thủ Đô in 1995: Bắt 2 quỷ râu xanh [Vn.: Two Bluebeards devils arrested], and in the Tiền Phong in 1996: Con quỷ râu xanh [Vn.: The Bluebeard devil]. Since then, this colloquial expression has been used widely by the press to refer to a male person who has committed either sexual assault or displayed indecent sexual behaviours.
These are the opening lines of the article that appeared on Tiền Phong newspaper on 8 August 2007, based on information provided earlier by Công An Nhân Dân (See Appendix 6). In fact the first report of what came to be known as the Hà Tây serial robbery/ gang rape actually appeared in the daily Công An Nhân Dân [Vn.: People’s Security] on June 30, 2007, a month after the assault took place. It was reported that nine young men from Hà Tây, aged from seventeen to twenty, were indicted on charges of gang rape and robbery of two young women from the same district. The attack took place on the road in the middle of a rice field at night when the victims together with two male...
friends, were on their way home from a birthday party. The gang released smoke on the road, making it difficult for the motorbike drivers to keep control, then came out from the roadside to assault them. The two male companions were attacked first. One of them was beaten until he lost consciousness. The other managed to escape, and ran to a house nearby to ask for help. The two females whom I shall call Mỹ and Hạnh were repeatedly raped by the youths for an hour. When the local police came on the scene, the defendants had run away, leaving the two women in tears at the roadside. During the assault, the two rapees recognized three of the nine defendants as people who were familiar to them. All nine were arrested early next day. Three were high school students, the others were dropouts. During preliminary investigations, the police discovered that these youths had committed three other acts of rape and robbery elsewhere in the same district. At the time I was conducting this research, the case was pending and had been taken over by the provincial police.
The case was first exposed in *An Ninh Thủ Đô* [Vn.: The Capital’s Security] of October 20, 2004. A thirteen-year old girl I shall call Thu was sexually abused by a neighbor aged sixty-six. The case was reported to the local authority two weeks after it had occurred when the mother of the girl realized that her daughter’s private parts were bleeding. At the police station, the man confessed of having had sex with the child.¹¹¹ The initial report of the story appeared on one of the inside pages of the newspaper together with the photo of the offender. The report was rather brief but the big headline stressed the fact that the defendant was an old man and the victim was a young girl, mentioning her

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¹¹¹ According to Vietnamese law, sexual relation with a minor under the age of thirteen is considered as statutory rape (liable to a minimum sentence of twelve years imprisonment) even with the minor’s consent, whereas the crime of having sex with a minor aged from thirteen to sixteen carries a minimum sentence of one-year imprisonment. For further a discussion on this subject, see Chapter 6.
precise date of birth. While no picture of the victim was shown, the photo of the perpetrator displayed a rather healthy man - all this conveying an image of imbalance in power and size since the victim was identified as being thirteen. And while the offender was mentioned with his full name complete with home address, the child was identified only by the initials of her real name, with the mention that she lived in the same ward. The story added that the child did not dare to disclose the incident out of fear. Noteworthy was the detail that “her hymen was broken as confirmed by the result of the medical exam at the O.B hospital.”

The above details are important since they highlight the representations of rape in news articles about high-profile cases of sexual assault. With such media attention before the cases went to trial, the public was fed many details - some true and some unsubstantiated. In the section that follows, I will explore the manner in which the media portrays sexual assault victims and how this affect them personally as revealed in the cases of Mỹ, Hạnh and Thu - all subjected to insensitive and stereotyped coverage. I also focus on the media’s treatment of sexual assault that serves to prime and reinforce rape myths in public perceptions, which, in turn, influence popular attitudes about sexual assault and their victims.

2.1. Victim identification: Engendering sympathy or silencing disclosure?

The question as to how the media handle victim identification has been raised by several researchers and opinions vary widely (Black, 1995; Johnson, 1999a; Reidy, 2004), specifically how identifying rapees affects the reader’s perceptions when it manipulates the personalization of the rapees. Some argue that news media may subtly reduce empathy and engender blame for female rapees by including personal information and referring to them by name (Anastasio and Costa, 2004). Others contend that greater personalization may be an indicator of greater importance within the community, whereas few personal references may imply that the rapee is not worthy of much coverage. Perhaps the exclusion of rapees’ names may perpetuate the stigma, suggesting that she has something to be ashamed of (Wiegand, 2001). The withholding of rapees’ names is even attributed to male chauvinism (Denno, 1992), thereby reducing the opportunity of the rapee to present her side of the case. Notwithstanding, many researchers show the
downside of victim identification in the news media (Johnson, 1999b; Reidy, 2004), pointing out that getting publicity as victims of rape may result in feelings of shame, regardless of age or social background. The findings of my research concur with this line of thinking as indicated, for example, in the case of Thu.

Even though Thu’s mother took the initiative to bring the case to media attention in an attempt to enhance the possibility of conviction in an eventual trial - an aspect that will be discussed in the second part of this chapter - she did not allow the reporter to photograph her daughter and told him not to print her full name and exact address. It should be stressed that victim identification in press accounts can serve as a silencing function and the manner in which personal information is revealed may make rapees and their families more cautious about possible repercussions of further disclosure and ultimately opt to remain silent (Ndegeocello, 1999; Wiegand, 2001). Take the case of twelve-year old Linh raped by her uncle who was later found guilty of child molestation. As Linh’s mother explains:

“If I tell it to the reporters, they will come here to get the details. Even if they do not reveal my daughter’s real name, they would make it (the incident) recognizable to the people around here. The news would spread out. She (Linh) is still attending school, I do not want her to be stigmatized among her peers.” (HN-PI2007104)

Apparently Linh’s mother’s concern about the effect of media exposure on her daughter’s case was genuine. Regardless of whether or not the rapee’s name was kept from getting published in the news, people who knew the rapee and her family and the rapee’s direct neighbors might already have been aware of the situation. Given the close-knit character of community life, the mother’s reluctance to go public with the rape story could be seen as an exercise in damage limitation to prevent a “second victimization” that might occur112 (Campbell et al. 1999).

Now I look at the coverage of the incident involving Mỹ and Hạnh in the two papers. Even though the manner in which these two women were identified (“M” and “H” in An Ninh Thủ Đô, or Nguyễn Thị M and Đào Thị H in Tiễn Phong) slightly differed, a reference to their occupations together with their workplace made their chances of being

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112 Secondary victimization has been defined as the victim blaming attitudes, behaviours, practices engaged in by multiple community systems, which result in additional trauma for rape victims (Campbell and Raja, 1999; Campbell et al. 1999).
recognizable even greater. For instance, even being a subject of rumour may have detrimental consequences for Mỹ, stigmatizing her in the eye of the people living in her own community.

Like most of the women interviewed in this study, Mỹ initially wished to keep the rape incident away from her family, and more importantly from her local community. Given the fact that she worked as a nurse in a communal medical station situated about 15 kilometres from her home, Mỹ decided to go back to her workplace immediately after receiving emergency treatment at the district hospital. Meanwhile Hạnh, the other victim of the same gang rape incident, had to be hospitalized for two weeks because of the serious injury she had suffered from the attack. During the week following the incident, Mỹ remained at her workplace. The police came to see her and asked for witness accounts. Mỹ thought she had done her best to keep the incident from her family and others. However the news spread quickly. Her younger brother, a seasonal worker in Hanoi at the time, also learned about the incident from the newspapers. As Mỹ described her shock of finding herself at the center of media attention:

“They refer to me as Nguyễn Thị M, adding that I am from Thanh Hà village, An Phú (commune), Mỹ Đức (district), Hà Tĩnh (province). Ironically, there are only two persons with such a name in the village. The other M works as a farmhand in the village, while I work outside. The victim has to be me then. A few days later my family took me to the district hospital for an X-ray check. On the way I heard the newspaper vendor shouting out loud about the incident. I felt so depressed. They (the press) should not report it, this is a very personal stuff. Just imagine if the victim cannot bear it, she might kill herself… The following days I was so depressed that I did not come out of the house.” (HT-PI2007105)

Mỹ felt extremely upset by the news coverage. She feared that others might not only try to find out what happened to her but also look for reasons to blame her for the rape. Rape, after all, is a crime of sexual violation and thus is more personal, traumatic and stigmatizing than other crimes. For this reason, some researchers have argued that both rapees and the perpetrators should be kept anonymous (Wiegand, 2001).

Regarding the question of freedom of the press, news reporters might claim that they are simply providing information the public has a right to know, by reporting events
factually. Furthermore revelation of details such as the location of the crime may be well intentioned in alerting women to potential dangers or warning about a rapist on the loose. However, details involving the rapees’ personal information such as occupation, working place or marital status serve no practical purposes. On ethical grounds it has been argued that journalists should routinely withhold information such as the rapee’s name and address, nor should they disclose the identity of juveniles who are either criminal assailants or rapees (Meyers, 1997). Furthermore, as Gerd Bohner points out (2001), at the time a crime is reported the defendant has not been legally convicted, it is therefore unlawful to reveal his/her true identity, based on the principle everyone is presumed innocent until proven guilty.

In the context of Vietnamese journalism, news reports often reveal the alleged offender’s personal identity in full, complete with name and photo.113 Some journalists told me that specifics enhance the credibility of their stories. On matters of privacy, Article 10 of the Press Law stipulates that the media is not allowed to publish wrongful information which can damage the honor and professional reputation of agencies, organizations or individuals. The legal statute, however, does not prohibit the media from publishing information pertaining to the identity of victims or perpetrators of various crimes. In actual fact, there is a tendency to protect the identity of victims, rather than the perpetrators, since they are often mentioned only by the initials of their names. Whether this would be of any practical help is another matter since, as noted in the case of Mỹ and Hạnh, by revealing the initials of their names, the reports made them easily recognizable by their fellow villagers. Here, I would argue that the general tendency to identify the offender while showing a “half-hearted” concern to protect the anonymity of the rapees is an attempt to sensationalize stories of rape. Most of the journalists I interviewed told me that such details as name and age would lend credibility to the story, making it more attractive for a wide readership.

2.2. Press reports of rape: Eye catching news or reconstructing popular myths?

Stereotyping of offenders and victims

113 As regards the presumption of innocence, Article 9 of the 2003 Criminal Procedure Code states that a person is presumed innocent until his guilt has been established.
Now I examine the *An Ninh Thứ Đó*¹¹⁴ coverage of Thu’s incident. The headline *66 tuổi còn giở trò đồi bại* [Vn.: Aged 66 but still acting despicably] carried specific aspects of the rape myth. The mention of the offender’s age evoked the cliché of lecherous old men taking advantage of young children sexually - the archetypal child molester. The stereotyping went further in pointing out that the old molester in this case was living in a poor area of Hanoi near a garbage-dumping site. This reinforces the assumption that rape and other sex crimes are prevalent among the poor and less educated, and thus “normal” people may safely distance themselves from these “bad” elements. The image of a “dirty old man” who “still” commits an odious act against a child, suggests uncontrollable male sexual desire, and portrays rape as a phenomenon that has more to do with presumed addictions to sex and other bad habits than with violence. A woman living in the same neighbourhood told me that “Bluebeard” might find the option of going to a whore house unaffordable and therefore grabbed what was available close by. This is in line with a public perception of rape observed during our flyer distribution to the effect that that rape happens less in the city due to the availability of commercial sex as compared with the countryside. This reminds us that prostitution can be sometimes be perceived as a means of managing (male) desire while upholding conservative values and protecting the chastity of women (Manderson and Liamputtong, 2002; cf. Corbin and Sheridan, 1996 for an elaborate discourse in nineteenth-century France about the inevitability of prostitution as a social evil that needs to be condoned but controlled).

¹¹⁴ Following the line of argument, the first *An Ninh Thứ Đó* article serves as a focal point of analysis. The other three articles in *Gia Đình Xã Hội* will be examined in later section.
Table 7: Year of article by rapee - rapist relationship and the rapee’s age

<table>
<thead>
<tr>
<th>Year</th>
<th>An Ninh Thù Dò</th>
<th>Tiền Phong</th>
<th>Gia Đình Xã Hội</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A</td>
<td>B</td>
<td>C</td>
</tr>
<tr>
<td>1990</td>
<td>1</td>
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</tr>
<tr>
<td>1991</td>
<td>2</td>
<td>13</td>
<td>2</td>
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<tr>
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<tr>
<td>Total</td>
<td>141</td>
<td>338</td>
<td>187</td>
</tr>
</tbody>
</table>

Note:
A: Offender well-known or a previous acquaintance
B: Offender a new acquaintance or a complete stranger
C: Involving victims aged 16 or under
D: Involving victims above the age of 16

It is worth noticing that the An Ninh Thù Dò article in its affirmation of the presence of sexual assault mentioned that “little DT suffered a broken hymen.” The popular notion of virginity loss is a familiar trope used to refer to young victims of sex crimes, considered to be a valid indicator of truth. The case of Thu - an under-age girl raped by a man known to the victim and not by a stranger - offers the media an opportunity to exploit the titillating potential of acquaintance rape stories, particularly if graphic descriptions of sexual acts are added to spice things up. This potential is perhaps best realised in a “human interest” story rather than a “horror” story as in the gang rape case, as pointed out by Maria Los and Sharon Chamard (1997). The An Ninh Thù Dò coverage of Thu’s case follows closely this type of reporting (see Table 8).

Here I examine the gang rape involving the twenty-four year old Mỹ and the twenty-three year old Hạnh. At the outset, these women were portrayed as “helpless” victims in the face of their attackers who were ruthless serial robbers and gang rapists. In general, rape stories concerning very old or very young victims often depict them as “innocent”
Mỹ and Hạnh, however, did not belong to this category since they were neither too young nor too old at the time. The rape was described as incidental, as if the two women were unfortunate to be at the wrong place at the wrong time. On the other hand, they were considered as “innocent virgins” rather than “vamps,” sharing some of the characteristics suggested by Helen Benedict (1992): both having good jobs, being young, unmarried and presumably sexually innocent. Following this line of reasoning, since the rapees are respectable persons, their story is bound to be credible. Moreover, taking into account the popular belief that rape mostly happens to “low class” people, this bias makes the rape case involving two professional women in their early 20s a rather sensational incident, therefore deserving good coverage. Another implication is that this tragic event would serve as a reminder that all women - regardless of their social background - are at risk of sexual attack if they deviate from their “normal behaviours” (in this case: being at the wrong place at the wrong time).

Furthermore, the image attributed to the rapees as “good” girls is signified through the lines describing the state of their injuries. As the story unfolds, the reader is told that the two rapees did plead with the attackers and even put up a fight. Here, a woman’s strong physical resistance is interpreted as an important marker of truth, and the injuries she sustained are undeniable material evidence. Above all, it fits the expected behaviour of a “chaste” woman having to endure a wanton sexual assault. The news report thus conforms to the stereotypical myth that respectable women are expected to resist their attacker(s) to protect their honour (Kosse, 2007). It is perhaps for this reason that people in her village had doubts about Mỹ’s behaviour since she seemed to have put up little resistance by the look of her rather normal physical appearance after the ordeal, whereas Hạnh suffered much more with her broken ribs and broken teeth. Moreover, even when the blame attributed to these young women was partially absolved by their ordeal in

115 In her ground breaking study about the coverage of sex crimes in daily newspapers, Benedict (1992) points out that media rape stories often perpetuate the image of the victim either as a “virgin” or “vamp.” If the woman is either pure or innocent she tends to be squeezed into the category of a “virgin.” Adversely if she is a wanton female who provokes the assailant by her looks, behavior, or generally loose morality she is viewed as a “vamp,” and thus is to be blamed for her own victimization.

116 When asked about the occurrences of rape, most of the journalists I interviewed share the view that women and girls of humble social backgrounds (e.g., migrants, minorities) are more likely to be attacked sexually.

117 Interviews and exchanges with local people who knew about the incident indicated more sympathy for the “innocent” Hạnh, whereas Mỹ - considered as an “experienced” woman - received less sympathy.
the face of sexual violence committed by a notorious gang, they would still be regarded as responsible for their own victimization because they had displayed erratic behaviour or at best, shown a lack of caution, implying that women’s behaviour is subjected to different standards of caution than men’s.

**Shifting the blame: Rapee’s “erratic behaviour”**

Continuing with the case of Mỹ and Hạnh, these myths and assumptions are embedded in the journalistic “when” and “where” of the story. By mentioning the time of the incident (at night), and the victims’ whereabouts prior to the assault (on their way home from a birthday party), the Công An Nhân Dân article for its part makes the behaviour of the rapees look questionable. They were where they should not have been - on a country road and late at night - and since they did not take their own safety seriously, they were at fault. More ominously, the article mentions that these young women were going out in the company of two bạn trai [Vn.: male friends, literally “boyfriends”]. The term bạn trai itself, however, denotes a relationship that - in the context of present day Vietnamese society - can mean something more than a friend who happens to be male. Paradoxically the allusion to romantic love also reinforces the good - bad girl dichotomy. Given the fact that only one of these two males was Hạnh’s genuine “boyfriend” and since the four of them were working in the same unit, they could have been described as colleagues going home after attending a social function, but the article’s use of the term bạn trai [Vn.: boyfriend] rather than đồng nghiệp nam [Vn.: male colleague] to describe the relationship, is bound to create unfavorable impressions with regard to the rapees. This in turn might divert the reader’s attention from what happened to these young women to why they were raped. As Mỹ told me in an interview:

“The villagers exaggerated the story. Some said that after we left the birthday party we headed for the rice fields, just sitting there idly. We were caught and attacked by the youth gang right there.” (HT-PI2007106)

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118 Indeed, đi chơi [Vn.: to go out, go play] on motorbikes in a group or as a pair is a popular pastime for young Vietnamese nowadays (see Marr 1996). While there are plenty of cinemas, karaoke bars, clubs, cà phê việt [Vn.: garden café] and guest houses for young people to meet in urban areas, there are few such places for rural youth who turn to certain public spaces such as deserted rice fields for courtship practices and love making.
In giving the reasons behind the rape incident, the news report hints that the rapes only had themselves to blame, following the traditional line that “good” girls who do not transgress moral and social norms are safe from outside threats. In doing so it reconstructs the world outside as a dangerous place for women and girls (Naylor, 2001). It also infers that if the public sphere for them is unsafe, the private sphere is secure. This, in turn, reiterates social attitudes that are a continuation of traditional perceptions concerning “maleness” and “femaleness,” in which women are usually portrayed in domestic settings, whereas men are seen in the outside world and at work (Rydström, 2004).

It is worth noting that the framing of the story reflects the social expectation that women must uphold propriety and chastity when it comes to sexual matters. Traditionally in a patriarchal society it is expected that marriage is the only channel for women to have sex (Gammeltoft, 2002b), particularly since female sexuality is so closely tied to reproduction, any evidence of premarital sexuality is seen as a form of deviance (Bélanger and Pendakis, 2009). In this connection the chastity of the woman serves not only as the foundation of her dignity and morality, but also as a matter of reputation or, if transgressed, as a humiliation for her extended family (cf. Phạm Văn Bình, 1999; Nguyễn Phương An, 2005). In the light of more recent research on sexuality in contemporary Vietnam, premarital sexual relations have emerged as a new trend among young people in both urban (Nguyễn Phương An, 2007), and rural (Rydström, 2006) places, but at the same time, it is still considered a transgression of well-established norms. Against this background, the sexual connotations embedded in the language of the news reports only help sustain the myth of the victim’s own contribution to her own rape, reflecting the boundaries of acceptable behaviour and the forms of retribution women can expect for stepping beyond such bounds.

**Are victims truly innocent?**

Turning back to the case of Thu, it should be mentioned that the ambiguous attitude toward the child rapee as both innocent and consensual ran through the *An Ninh Thứ Đô* article. On the one hand, it suggested that such an act was opportunistic, the incident occurred when there was no one around, thus it was seen as an individual’s aberrant
behaviour. Thu appeared to be the “ideal victim” on account of her age and because she belonged to the same social class (being poor) as the offender. She was perceived as naïve, childish, and not particularly intelligent, and the reason that she kept silent about the abuse because “she has great fear” (no specific reasons were given). Her social naiveté and infantile emotional state were further highlighted when it was mentioned that she occasionally dropped by the offender’s house, asking for a drink of water, even after she had been molested and given a note of VND 2000. The article further added that the rapee received another VND 5000 after she let the old neighbor perform the act of intercourse a second time.

A reconstruction of the case like this shifts the blame to the child rapee. Implicit in the article is that the rapee was actually having consensual sex with a (much older) man in exchange for a drink of water and therefore sexual assault did not actually occur. Moreover, the reader is told that Thu was living in the same area as the offender; there was a neighbourly relationship between the two (Thu occasionally came to the offender’s house asking for a glass of water). It appears that Thu’s family was even poorer than the offender’s (no availability of drinking water at home). Thus one could assume that she did not take her neighbour’s offensive acts seriously in order to meet her very basic necessities. In this way Thu looked pretty much a willing player in the sexual game rather than a victim of sexual assault.

While the report includes the detail that Thu was given a little money each time the offender “played” with her, the reporter could not have known or chose to ignore the fact that two neighbors had witnessed Thu in tears as she tore up the five thousand đồng note that the offender gave her when she left his house. It did not come as a surprise that after An Ninh Thủ Đô printed the first report, people in the neighbourhood began to gossip that Thu had let the abuser “do it” her for such little money. Worse yet, a woman living in the same area told me:

“Who would think that dirty little girl is just a whore! At such an age she knows how to do the business for (VND) 5.000! Her mother makes a fuss just because the girl is so young.” (HN-PI2007107)

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119 This detail came up in my interview with the neighbors.
Such a reaction after the appearance of the first *An Ninh Thủ Đô* article reflected the popular attitude attributing the blame to Thu. In doing so the news report downplayed the seriousness of child sexual abuse - a criminal offense under the law. Instead, the hideous act committed by the offender was interpreted as sexual in nature. The thinking was: If the old man could afford a visit to the whorehouse and if the child was not so poor that she agreed to exchange sex for a few thousand đồng [Vn.: VND], all of this would not have happened. Thus news report of this kind reinforces the idea that the crime of rape is an isolated and pathological deviance, having little to do with the behaviour of “normal” people in the larger social structure (see Table 9). Again, this allows most people to have a false sense of security, shielded from the idea that they or their loved ones could be victims as well. This image of rape as an individualized matter also obscures the social roots of sexual assault and relieves the larger society of any obligation to end it. A salient feature that emerges from these press reports is the attribution of blame - albeit indirectly - to the rapees and their identification as “others”. Victims of rape are often seen as a group apart because most women do not get raped (Los and Chamard, 1997). Consequently, those who get raped only have themselves to blame (Thanh Lê, 2004). In this line of reasoning, the press often uses “just-world” explanations to make sense of sexual assault, the idea is that good things happen to good people and bad things happen to bad people (Lerner, 1980). By endorsing these rape myths, the print media in its reporting remains profoundly gendered in ways that are unhelpful to the rapees, as shown in the analysis of these two cases.
### Table 8: Myths reinforced or dispelled over the time period

<table>
<thead>
<tr>
<th>Year</th>
<th>An Ninh Thủ Đô</th>
<th>Tiền Phong</th>
<th>Gia Đình Xã Hội</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>a)  b)  c)  d)</td>
<td>a)  b)  c)  d)</td>
<td>a)  b)  c)  d)</td>
</tr>
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<td>1991</td>
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<td>0  2  2  2</td>
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<tr>
<td>1993</td>
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<td>1  1  1  1</td>
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<tr>
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<td>3  7  4  9</td>
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<td>0  3  2  7</td>
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<td>0  5  1  5</td>
<td>1  1  2  3</td>
</tr>
<tr>
<td>2006</td>
<td>1  3  18 7</td>
<td>12 3  1  1</td>
<td>1  5  0  6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>16  50  16  283</strong></td>
<td><strong>22  37  33  50</strong></td>
<td><strong>5  16  15  17</strong></td>
</tr>
</tbody>
</table>

Note:
Myth
- a) Rape is motivated by sexual need.
- b) Rapists are psychologically abnormal; or under the influence of drugs, alcohol, and porn videos.
- c) Women act provocatively or behave irresponsibly (going out at night, provocatively dressed, being sexually attractive, etc.).
- d) Rape happens at night in deserted streets in the city, or during daytime in rural or mountainous areas.

### 3. The press in Vietnam: Keep on the right side

While the cases analyzed above do not offer a complete picture of media-conveyed discourse on rape, they do shed some light on the ways in which rape is being represented in the press. Not only do they bring to the fore the social stereotypes and misconceptions related to sexual assault, they also reflect the institutional influences that have a bearing on these print media themselves. It is in this context that I examine how rape scripts vary from one newspaper to another, which should be seen in the larger media environment, which Heng (2001) refers to as “state - media negotiation dynamics” that have emerged from the socio-economic renovation known as Đổi Mới in Vietnam in the late 1980s. The result is an unofficial new role for the Vietnamese media as a civil society actor.
(Salemink, 2006), especially useful in the struggle against “negativism” that includes the publicly designated “social evils” such as rape. It is against this background that I explore how rapees can avail themselves of media exposure for the purpose of seeking justice.

3.1. The topic of rape: A newspaper sales-booster?

I now turn to examine how the four papers An Ninh Thủ Đô, Công An Nhân Dân, Tiền Phong and Gia Đình Xã Hội reported on the cases of Thu, Mỹ and Hạnh. I also try to find out whether increasing competition and tabloidization of the news has influenced the content of their coverage of rape news and if so, to what extent.

As regard the reporting of rape incidents in these papers, a former journalist of the Gia Đình Xã Hội told me:

“Both An Ninh Thủ Đô and Công An Nhân Dân tend to report the incidents factually with minor details such as the exact time of the incident, the descriptions of the criminal act, and the arrest of the offenders. Tiền Phong does almost the same, but offers more relevant information such as the context of the crime and personal motives of the offender. Gia Đình Xã Hội appears to be in line with Tiền Phong in its reporting style; however it focuses less on descriptions of the criminal act itself and pays more attention to the social background of both offenders and victims and particularly the suffering of the victims.” (HN-PI2007108)

This assessment appears to be in line with the views of other journalists working for various newspapers that I interviewed. My analysis shows that 74% of Gia Đình Xã Hội articles related to rape and sexual abuse expressed the paper’s opinions about the incidents and at times leveled criticism at the criminal justice system. The figures for An Ninh Thủ Đô and Tiền Phong were 3% and 11% respectively (see Table 9). In fact An Ninh Thủ Đô devoted around 44% of its crime reporting to rape-related news, presented in special columns entitled Tín Tòa Án [Vn.: Court News], Tín Khấp Nơi [Vn.: News From Everywhere] and Tín Qua Fax [Vn.: News via Fax]. 50% of An Ninh Thủ Đô sensational rape-related stories were marked in bold capital headings in the columns of Chuyên Pháp luật [Vn.: Law Stories], or Cảnh giác [Vn.: Beware]. Similarly, 36% of all the Tiền Phong stories of rape were jammed into a side box called Tin Pháp Luật [Vn.: Law News], and 52% of Tiền Phong sensational stories were shown in a column called Tuổi Trẻ và Pháp Luật [Vn.: Youth and the Law]. By way of comparison, Gia Đình Xã
Hội printed full-page or half-page reports on rape crimes (46% of all coverage) under the theme of Gia Đình, Xã Hội và Pháp Luật [Vn.: Family, Society and the Law]. These variations in format and content might be prompted by commercial and production considerations. The intention of An Ninh Thủ Đô and Tiền Phong in printing titillating rape stories was no doubt to attract readers’ attention with a view to boosting their newspaper sales, rather than educating the public. In this respect, focus on judicial and social issues ranked low in their editorial agenda, as compared to Gia Đình Xã Hội.

Table 9: Type of coverage

<table>
<thead>
<tr>
<th>Year</th>
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<th>Tiền Phong</th>
<th>Gia Đình Xã Hội</th>
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</tr>
<tr>
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<td>222 234 19  1</td>
<td>54 68 13  3</td>
<td>18 19 52 6</td>
</tr>
</tbody>
</table>

Note:
Type of coverage
e). Information/court events (columns of court news, general news, cases coming up for trial, fax news, etc.).
f). Crime descriptions (columns of “Legal Talks,” “Beware,” “Stories from the Court,” etc.).
g). Social and legal issues (the thematic-oriented page of society, law, etc.).
h). Others (column “Letters from the Readers,” etc.).

The “Bluebeard” Case

As an illustration, I examine the case of Thu and the Bluebeard. Both An Ninh Thủ Đô and Gia Đình Xã Hội reports began by revealing the offender’s identity with full name, age and address. Interestingly enough, Gia Đình Xã Hội in its three reports on the case did not once mention the fact that the defendant and his victim were living near a
garbage-dumping site. *Gia Định Xã Hội* only mentioned the ward - an administrative unit - where they both resided. My understanding is that *Gia Định Xã Hội* tried to avoid being trapped in the archetypal construction of rape wherein the offender was often depicted as belonging to a certain social class, or coming from deprived neighbourhoods (in this case living next to a garbage dumping site). Likewise there was no mention of the rapee’s social background either in these reports. Deliberately or not this attitude seemed to be in line with the established narrative on sexual violence according to which all women are potential victims of rape. In this way, *Gia Định Xã Hội* tended to portray the incident as a sordid aspect of everyday life, reporting it as a “newspaper of record” (Naylor, 2001) rather than trying to exploit sensational details or highlight other “tabloid” characteristics of the crime. In contrast, *An Ninh Thủ Đô* took up the case primarily because it was a sensational topic well-suited to a popular readership taste. For *An Ninh Thủ Đô*, it was a singular occasion and the case was treated as quirky with succinct descriptions, without follow-ups or explanations.

After the initial *An Ninh Thủ Đô* report, *Gia Định Xã Hội* published three articles in its weekday numbers of October 23, 2004; November 4, 2004; and January 2, 2005, focusing mainly on the actual court proceedings and the eventual sentencing of the accused. The different approaches of the two papers to the story were evident. The *An Ninh Thủ Đô* article with the headline 66 tuổi còn giữ trò đùi bái [Vn.: Aged 66 but still acting despicably] put focus on the offender, a lecherous old man who could not control his desire and was driven to having sex with a child.

The *Gia Định Xã Hội* for its part focused on the victim rather than the offender. For instance, in its first report, *Gia Đình Xã Hội* used the headlines, Lại một cháu bé là nạn nhân của yêu râu xanh [Vn.: Again a child falls victim to the Bluebeard Devil], thus shifting the attention to the rapee by using the term cháu bé [Vn.: little child], while highlighting the problem of child abuse which has attracted public attention in recent years. Here one can see the unequivocally contrasting images: the offender as an old, scheming “sex maniac,” a true “Bluebeard”, and the rapee as a “little child.” The image of the rapee as a little girl - thus innocent sexually - would serve to raise a certain level of empathy in the reader’s mind. It should be emphasized that none of the three *Gia Đình Xã Hội* articles provided sexual details about the case or the rapee’s behaviour prior to
the incident. Moreover, in the Gia Đình Xã Hội coverage there was a strong sense of outrage at the offender and the seriousness of the crime. The paper in its last report on the case expressed dismay at the rather light sentence passed by the court. All in all Gia Đình Xã Hội showed a genuine concern about the rising incidence of child sexual abuse, naming it a “social evil” that should dealt with more seriously.

The Gang Rape Case

Now I look at how Công An Nhân Dân and Tiền Phong handled the gang rape case. As a follow-up to the coverage of the gang rape involving Mỹ and Hạnh in Công An Nhân Dân, Tiền Phong published an article on the subject on August 8, 2007. While there were certain similar details such as the rape situation, and the police’s initial investigation, the incident was treated differently in both articles, especially with regard to how the victims and perpetrators were identified in these papers. For instance, in its initial coverage of the case, Công An Nhân Dân only identified three main gang leaders while Tiền Phong revealed the identity of all nine gang members together with their photos, including full names, ages and places of residence. Although the rapees’ identity was referred to by their abbreviated first names only, Tiền Phong mentioned in its opening paragraph that “these victims are very young and unmarried,” adding that this “makes the police task of statement taking more difficult.” Compared to the initial report in Công An Nhân Dân, Tiền Phong provided more details about the rapees’ reactions to the youth gang’s vicious assault, ranging from crying, pleading, and resisting which led to further violence that caused serious injuries to them. Tiền Phong also commented on the serious nature of this particular crime and discussed briefly the problem of juvenile delinquency.

It is worth noting that both articles appeared on the inside pages of their respective newspapers. Tiền Phong in particular printed a two-page spread, focusing mainly on the perpetrators of the gang rape case. My scrutiny of the files indicates that most articles on “the Bluebeard” scandal and the infamous gang rape case appeared on odd-numbered pages (e.g., page 9 in the case of An Ninh Thủ Đô, page 3 of Công An Nhân Dân and page 7 of Tiền Phong). As Berns (2004) points out in her study on the American media, these pages normally contain interesting but relatively unimportant news, mainly
concentrating on celebrity gossips and scandal stories. In contrast, even-numbered pages contain important but not so interesting news items, mostly related to politics, business and international affairs because it transcends a basic human desire for human-interest and personal information. With few exceptions this is also the case of Vietnamese newspapers. In this respect, the *Gia Đình Xã Hội* stands out in covering the stories of Thu on even-numbered pages (e.g., pages 10 and 16, which is the back page). Thus in giving the “Bluebeard” case a prominent place in its editorial layout, *Gia Đình Xã Hội* wanted to highlight the rising problem of child sexual abuse in the country while other papers paid more attention to sensational aspects of the crime.

A close look at how the rape cases were represented in these four papers revealed the influence of information sources that underlined the differences in their reports. According to Berns (2004) news organizations tend to rely heavily on main news sources, particularly authoritative ones coming from representatives of the courts, the police, and experts in respected institutions, which are either directly or indirectly controlled by the central state. Consequently, as Hill *et al.* argue, an analysis of the media provides a reliable means of tracking policy pronouncements, with print media linked directly to government sources of legislation and regulation in Vietnam (2009:790). Of the four reports on the rape cases, three (i.e. *An Ninh Thủ Đô*, *Tiền Phong*, *Công An Nhân Dân*) relied exclusively on the information provided by the local police. In the case of the gang rape incident, none of these papers investigated the incidents on the spot. The newspapers relied mainly on the police as the primary, legitimate source of information, without taking into account the fact that the official perspective may be marked by prejudice and sexism as part of a wider social context. As Meyers (1997) has noticed, what gets covered is also a function of what the police think should be covered. As a result one might infer that as long as the police remains the primary source of information in crime reporting, rape-related news continue to reflect the gendered notions prevalent in an essentially patriarchal society. In general, female rapees are portrayed as helpless if

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120 For example, during my review of the printed media, I came across a brief item in the column *Tín Kháp Nơi* [Vn.: News From Everywhere] of *An Ninh Thủ Đô*, dated on September 29, 2006, regarding the other case of Nghi who was sexually assaulted by a chat friend. As both Nghi and her family members had not found out about the publication of the incident, it was possible that the reporter got the news from the local police station where Nghi initially contacted.
not blameworthy, someone we should have pity for. The *Gia Đình Xã Hội* coverage was remarkable in that it contained relevant information gathered from the rapee and her family. In doing so, *Gia Đình Xã Hội* took the side of the rapees, showing its activism in the fight against the prevalence of “social evils,” defending the weak and the vulnerable in the face of social injustices.

### 3.2. Media: A defender of justice?

As mentioned earlier, in the wake of the *Đổi Mới* policy, even though the media system still retains the main structural features of state propaganda machinery from the socialist state, the media in recent years have been allowed more editorial space to deal with corruption and social injustice (Pettus, 2003). In other words, while the media appear to assume the role of a public watchdog, at the same time it must continue to be subservient to the state (Heng, 2001; MacKinley, 2008; Surborg, 2008; London, 2009), resulting in neither full autonomy nor complete censorship (Sidel, 1998). A full discussion of the relationship between the media and the state is beyond the scope of this study, but it is important to keep sight of how the media function as a cautionary arbiter as well as a public watchdog in the battle against the range of “social evils” designated as significant or worrisome by the central state. This is best illustrated in the cases of Thu and of the two sisters Giang and Minh as presented below.

**A pro-active journalism on behalf of child rape victim: the case of Gia Đình Xã Hội**

Concerning Thu’s incident, “the Bluebeard” was released after nine days in temporary detention. According to the law, in cases when the accused admits his crime, shows sincerity in volunteering information, has no previous criminal record, or is of an advanced age, he/she may be released but is not allowed to leave the area of residence until the investigating authority has completed the dossier and submitted it to the prosecutor’s office for further decision. As it happened, the early release of the defendant caused a rumor among the local community that Thu and her mother had made.

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121 Article 87 (1) of 2003 Cr.P.C discusses at length about the time limit for detention in custody that may not exceed three days. Section 3 of the same article stipulates that during this temporary three-day detention period, if there is no basis for prosecution, the accused must be freed immediately. See Chapter 6 for a further discussion on this aspect.
up the rape story. This rumor was reinforced by the fact that there were no signs of any action on the part of the police working on the case. Depressed by all this and taking the advice from friends, Thu’s mother decided to approach the press to seek justice, and the paper she sought out to help her daughter’s cause was Gia Đình Xã Hội. Befitting its name, Gia Đình Xã Hội [Vn.: Family and Society] often ran reports on violent crimes against women and children. While not averse to occasional sensationalism, Gia Đình Xã Hội often followed up on court cases and raised legal issues about the oft-occurring mistreatment of women and children. Generally speaking Gia Đình Xã Hội made its mark by reporting more honestly and straightforwardly than other papers on these subjects.

If headlines are to summarize particular understandings of the story’s core elements and communicate a commentary to the readership (Peelo and Soothill, 2000) then those displayed by Gia Đình Xã Hội in reporting Thu’s story unambiguously highlight the problem of sexual abuse of children and the urgent necessity to prosecute offenders. The headlines varied, but all reflected the severity of the offender’s crime. Following up on its first report on October 23, 2004 as mentioned above, the Gia Đình Xã Hội’s second report on November 4, 2004 is a good example of this. The heading was quite lengthy: Thông tin thêm vụ “Lại một cháu bé là nạn nhân của yêu râu xanh 66 tuổi”: Đã khai to ké hiếp dâm trẻ em [Vn.: More about the case “Another child falls victim to the 66-year old Bluebeard: Prosecution of child rapist has begun]. The message was unwavering and crystal clear, a reminder of the brutality of the crime, only more categorical this time in naming the offender a “child rapist” [Vn.: ké hiếp dâm trẻ em]. The coverage went beyond the rape narrative to largely focus on the prosecution of the case. The second report mainly featured quotes from an interview with the head of the investigation unit of the district public security office. It conveyed a sense of public outrage at the odious act committed by the identified offender, linking this crime to the broader social problem of sexual violence against children. The report also urged the authorities to speed up the legal proceedings to bring the case to a just end.

\[122\] My interviews with local people revealed that the defendant formerly worked as a physician at a provincial hospital. He was fired because of sexual misconduct involving a patient. Soon after the scandal, his wife filed for divorce. The man then fled to Hanoi where he met his current partner, an “old maid.” The two lived together in a small house near the garbage-dumping site in Đống Đa District of Hanoi.
The third and last *Gia Đình Xã Hội* article on the Bluebeard episode concerned the trial of the defendant on January 2, 2005. Its heading 36 tháng tù cho tên yêu râu xanh [Vn.: 36-month prison sentence for “Bluebeard”] carried a sardonic tone in view of the court ruling based on the lesser charge of giao cấu với trẻ em [Vn.: having sex with a minor] instead of the original prosecution for the crime of child rape, and the light sentence that went with it. While expressing disappointment at the sentence, the article mentioned that the plaintiff would make an appeal to a higher court. Implicit in the article was a criticism of the law enforcement authorities in terms of its effectiveness in delivering justice.

**Journalistic trial balloon in an incest case**

Now I take up the incest case involving the two sisters Giang and Minh that was publicized in the *Thư bạn đọc* [Vn.: Letters from the readers] column of *Tiền Phong*. Giang was sexually molested by her own father since early childhood. At the age of sixteen she managed to run away from her hometown of Nam Định, and started life anew in Hanoi. A few months later, her younger sister Minh, came to see her with a confession that she had also been raped by their father. Minh begged Giang to let her stay in Hanoi as she did not want to go back to Nam Định. Terrified by the thought that her father might come to seek them out she asked a journalist friend for help. This journalist put her in touch with a female lawyer. As Giang recalled:

“... The lawyer told me that it would be possible to bring the case to court. However the first step I should follow was to send a letter to the column of *Thư bạn đọc* [Vn.: Letters from the readers] in the newspaper. I put forward an inquiry to see whether I could sue my father for what he had done to my younger sister and myself. I got a very positive response from the commentator, who mentioned the kind of punishment the offender (in this case my father) would get for such a crime. I sent the newspaper clippings to my father.” (HN-PI2007109)

But in the end Giang only used the *Tiền Phong*’s column to give her father a warning and did not file incest charge against him. As a result, there was no further development of the case in the media. The important point here is that Giang was able to turn to the press for making her case as an incest victim. As Heng (2001) describes in his discussion on Vietnam’s media politics, curiosity about a potential scandal may begin with a reader’s
letter to an editor complaining about some personal injustices or problems. Historically, the existence of letters-to-the-editor columns can be traced back to the early twentieth century; a particular topic would be declared open for discussion by readers, a selection of responses were published and a wrap-up editorial summarizes the expressed opinions (Marr, 1998). At a time when the media show signs of activism in a social environment that has begun to take on certain nascent forms of a civil society (Salemink, 2006), the media can serve as a useful instrument in the fight against social injustice.

Taken all together, the response on the part of social institutions (in this case the print media) in the cases of Thu, Giang and Minh who did report their victimization but decided not to file charges was in itself an encouraging development. On the one hand it shows that taboo-laden subjects such as rape, child sexual abuse and incest are “social evils” that need not be hidden but should be dealt with openly. Because, as Björn Surborg (2008) has pointed out, interwoven into the theme of “social evils” which are often associated with the open door policy since Đổi Mới and attributed to negative western influences (cf. Nguyen-vo, 2008). For instance, during the flyer distribution carried out in my current study, a number of respondents blamed the influx of porn videos and magazines - officially banned - for incidence of rape. However one should bear in mind that “the creation of a discourse on social evils by the state should be considered covert strategic action rather than an ethical discourse” (Klein and Huynh Minh, 2004, quoted in Surborg, 2008: 355). Accordingly, the so-called social evils appear to have been only poorly contained in terms of the State regulations. On the other hand, this complex network of criss-crossing horizontal and vertical lines of control between the party and the various government agencies and mass organizations responsible for the media, allows for considerable diversity of positions and perspectives (Heng, 2001; Kerkvliet, 2003). The combination of this official discourse on “social evils” (i.e. including rape) together with the identified role of the press as a vital anti “negativism” tool - albeit within limits as London (2009) observes - as well as a wide range of factions in the Party state apparatus (McKinley, 2008; Gainsborough, 2007) indicate the nature of authoritarianism has its nuances. In such a context, the few cases in this study show that rapees can make
decisions and take action to change their personal situations; and in doing so, they are agents of resistance out to change the status quo.

**The journalistic manner of víra làm víra ngo**

The two case studies discussed above illustrate how media practitioners have been able to pursue a form of activism in the aftermath of Đối Mới. Of particular concern here is the question: do the press in Vietnam really help the weak systematically, or they have to be wary when facing bureaucratic red tape.

Take the case of Nga, who had been raped at the age of thirteen by an acquaintance. Her family considered contacting the press for intervention after having experienced police malpractice during the pre-trial period. Instead of treating the case as hiếp dâm trẻ em [Vn.: child rape], the police steered it toward the category of hành vi dâm ô [Vn.: lecherous sexual act] thus allowing the accused to plead guilty to the lesser charge of child molestation. As Nga’s mother recalled:

“I turned to several newspapers for help but all in vain. None dared to report the case. They said that they would have to investigate (the case) first and there was no guarantee of getting it covered in the news. So I knew I didn’t have much hope for that. Because if the reporter wanted to report the case he would need to get the police statement about the victim’s bodily injury resulting from the assault. Since the police said no harm was done then who would dare to go on with the investigation?” (HN-PI2007110)

It became clear that the journalists Nga’s mother turned to for help were more than reluctant to report on the case. This might be partly due to the lack of evidence of physical violence inflicted on the rapee; there was no injury beyond the rape itself. Comparing this case to the “Bluebeard” incident, one can see that “Bluebeard” was much easier for the press to handle because of the available evidence of the victim’s “broken hymen” as a result of the assault. Again, this type of reaction mirrors the prevalence of popular beliefs regarding elements of proof (e.g., broken hymen) as markers of truth in a child rape case. Legal considerations notwithstanding, the reporters’ reluctance to take on the investigation might be caused by their apprehension of confronting an entrenched bureaucracy (in this case the police and prosecution network) trying to cover up mistakes.

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123 Excerpts from interview with a male journalist working for Tiền Phong newspaper (HN-PI2007111). Roughly translated as “keep a watchful eye (situational awareness) while doing the job.”
of its members. The peculiarities of the situation on the ground explain why no reporters were eager to take on Nga’s case. Interestingly enough, An Ninh Thư Đô, the paper affiliated with Hanoi police authorities which had remained silent throughout the long legal process, ran a big article on March 3, 2005, virtually endorsing the verdict of the case (See Appendix 6).

A last point I wish to discuss is the existence of reciprocity in the practice of journalism in Vietnam. The subject of media-citizen reciprocity has been discussed elsewhere (see Barger and Barney, 2004 for example), and it takes many forms such as material gifts, cash, and opportunity for secondary employment. Especially in the context of Vietnam, salaries of government workers are so low to keep up with normal costs of living that they have to rely heavily on other sources of income to make ends meet (cf. King et al. 2008). Although I do not intend to engage the question of professional integrity of journalists, it is important to note that there is a custom of bồi dưỡng [Vn.: “nurture” in cash or in kind for those who do favours] as a common form of reciprocity. In the case of Linh, for example, having been frustrated by the whole legal process, her mother thought about turning to the press for help. But then she faced a financial dilemma as she told me:

“If I rely on the press to seek justice, there is an unwritten code that I am expected to give something back to them (the journalists). That’s what they (journalists) live on.” (HN-PI2007112)

It is common practice for journalists and editors to receive gratuities for favourable reporting (cf. Marr, 1998). This occurs in the form of phong bi [Vn.: envelop] containing a cash gift to repay for favours rendered. Journalists like their counterparts in other state sectors are poorly paid, thus any extra income would be more than welcome. Linh’s mother felt that she could not afford to repay for any service rendered. In the money-oriented society of present-day Vietnam, she did make a point because involvement with the authorities and bureaucrats is often costly in dignity, time and money (Hengehold, 2000).

My findings on media behaviour in dealing with sexual violence are in agreement with the observations made by Heng (2001) that journalists in Vietnam often face the challenge whether or not to report on matters, which certain influential quarters would not want to publicize. This is a dilemma but also a challenge for the media if it is to play
a meaningful role in the fight against injustice and social evils. As a (male) journalist friend half jokingly described to me his professional behaviour: “practising journalism is something like vìa làm vìa ngo [Vn.: keeping a watchful eye while doing the job].” This is not surprising considering the current state of the media in Vietnam, which has been described as having neither full autonomy nor complete censorship (Sidel, 1998). In such a situation, journalists and newspaper editors often pick up on government-sanctioned “clues” as to what constitutes a legitimate social issue.

Summary

My discussion has indicated that the intersection of assumptions, stereotypes, and social notions embedded within cultural understandings of gender, class, age, and other signifiers of inequality both shapes and delimits how a particular incident of rape is portrayed in the Vietnamese media, specifically in the print media. By focusing on the case studies that involved media exposure I have analyzed the double-edged impact of rape-related news. On the one hand I have found that the media, in this case newspapers, play an important role in shaping public perceptions of the issue of rape, which in turn influences public attitude toward female rapees in particular, and women in general. For example, the good girl/bad girl dichotomy that permeates news coverage of rape reflects patriarchal notions about the ‘proper’ place and the role of women in society. This often reinforces misconceptions about sexual violence as portrayed in the interpretation of rape incidents by the popular press, placing the blame and responsibility on the rapees instead of the offenders. On the other hand, the changes brought about by Đổĩ Môi have given rise to a more open atmosphere in dealing with basic human rights issues including women’s and children’s rights. In particular, the activism shown by some quarters of the media has had a positive effect in encouraging rapees to use newspapers as a useful channel to air their grievances and seek justice.

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CHAPTER 8

Looking Back and Looking Ahead:
Summary and Conclusion

In this concluding chapter I review the substantive findings presented in the dissertation and assess how these findings answer the research questions. I also make some proposals regarding anti-rape interventions and reflect on the conceptual framework used for this research with implications for future work.

1. Looking back

The four substantive chapters deal with individuals’ experiences of rape along with the impact these entailed for their personal lives, the role of family and kinship in post-rape management, the rape plaintiffs’ experiences with the criminal justice process, and the ways in which the Vietnamese printed media treat various aspects of rape.

Among the important findings are that a majority of the individuals involved in this research project were raped or sexually abused by people known to them, the incidents occurred in familiar surroundings and the offenders were persons who maintained a relationship or at least were acquainted with the rapees. This is consistent with earlier research (Rozee and Koss, 2001; Pagaduan-Lopez et al. 2004; Yamawaki and Tschanz, 2005; Bletzer and Koss, 2006; Das, 2007) that suggests that a large proportion of rape cases are perpetrated by a male acquaintance of the female rapee. My research refutes popular opinions such as “only bad girls get raped,” or “rape can occur only in a certain situation,” for example “street rape” by a stranger, which appear to be unfounded. Thus, my findings lend support to the view that in any situation, a woman is vulnerable to sexual assault (Nguyễn Thu Hương, 2004).

In examining the traumatic consequences suffered by female rapees, my findings are in line with the literature concerning Post-Traumatic Stress Disorder (PTSD) that while symptoms of psychological distress manifest differently from case to case, the majority of these women showed some form of PTSD at a certain stage in their lifetime, regardless of whether the trauma was disclosed or not. Disclosure (to family and friends) and reporting (to public authorities) of rape-related incidents mostly depended on the nature
of offender-victim relationship. Early disclosure and reporting occurred often in cases involving strangers, whereas incidents within family circles tended to be slow to come out.

Furthermore a disclosure of rape - a crucial first step in the process of reporting to the appropriate authorities - was often linked with the idea of family honor, assumptions about kinship, social belonging and shared responsibility in a collectivist society such as Vietnam. Motivational factors inhibiting disclosure including fears of the social stigma their families might have to bear often made rapees keep silent about the incident. From individuals accounts in this study, reactions such as rage, helplessness, shame and self-blame were common at various stages in the disclosure process. Family decisions to report largely depended on the degree of closeness between the parents and their kindred. Parents’ behaviour in the aftermath of rape often reflected their own interests rather than genuine concern for the well-being of their daughters.

The case studies reveal that the process of rape prosecution was often fraught with hazards and pitfalls spanning across social backgrounds and ethnic lines. As gendered interactions came into play, rape plaintiffs often faced a dismissive attitude and rude treatment by the police during the early phase of the investigation process. Furthermore the long judicial procedures often imposed an emotional burden on the rapees. Seen from a broader perspective, the practice of law enforcement in rape cases was not cut-and-dry but often reflected a power play, the outcome of which was mediated between three major players: the rapee (and her family), the perpetrator (and his family) and the local authorities. This interaction took several forms, notably coercion, resistance and negotiation. Above all there was a mismatch between a concern for the harm done to the individual rapee and the need for legal redress on the one hand, and notions of honor and virginity that had more to do with family interests (in terms of the rapee’s marriageability, financial compensation, etc.) on the other. In real life situations an individualized legal battle often went hand in hand with a family-and-honor contestation that fits the notion of “private prosecution” in some of the rape cases under study. This peculiar situation often created room for a possible compromise between the contending parties.
In focusing on the case studies that involved media exposure I found that the media, in this case newspapers, played an important role in shaping popular perceptions of the problem of rape, which in turn influenced public attitudes toward female rapees in particular, and women in general. For example, the good girl/bad girl dichotomy that permeated news coverage of rape mirrors cultural narratives reflecting patriarchal notions about the “proper” place of women and their role in society. This often reinforced misconceptions about sexual violence as portrayed in the interpretation of rape incidents by the popular press, placing the blame and responsibility on victims instead of offenders. On the other hand, the changes brought about by Đổi Mới opened up a new social environment in which basic human rights issues including women’s and children’s rights were increasingly coming up for discussion, and the activism shown by some quarters of the media had a positive effect in encouraging rape victims to use the media as a useful channel for airing their grievances and seeking justice.

2. A summary of the main findings

In this section, I present the empirical findings in response to the main research question that how do female rapees cope with their experiences and how is this affected by cultural narratives about rape in the transitional context of present-day Vietnam?

2.1. Ways of coping

The results of my research on a limited number of female rapees show that they engaged in a wide range of coping behaviors, from keeping silent, disclosing to family members and friends, reporting to local authorities to filing a formal lawsuit.

Keeping silent or refraining from further disclosure

For those who maintained their silence, there were a variety of reasons including fears of family disruption, of being blamed by others for the incident or simply of not being taken seriously. Some initially disclosed the incident to friends and family, but because of negative responses such as blaming, doubting or outright disbelief, stopped talking about it altogether. This had serious consequences for rapees, since they were deprived of timely support, both psychologically and socially. While the reasons to keep silent or
refrain from disclosing were complex, such behaviour could be seen primarily as a form of self-protection.

The question is: for those who did not speak out or let themselves be heard, how did they move on with their lives? Most of them tried to forget about the incident, bent on “bringing the secret to the grave,” or “burying the pain in a secret drawer.” Some resorted to naming the experience in various ways in an attempt to alleviate self-blame and shame. Others tried to minimize the seriousness of the experience in order to escape from the rape stigma.

**Disclosure and/or reporting and migration**

With respect to cases which were disclosed to family members and/or were known in the local community, individual coping strategy depended largely on the web of family and kin relations. For those whose parents had good relations with their kin, the family could turn to them for practical support, including the possibility of (either collectively or individually) moving to a new location. In cases involving adolescents, some parents sent their daughters to stay with relatives elsewhere to relieve them temporarily from local gossip, hoping this would help them recover from the ordeal in the meantime. For individuals or families who decided to stay put, these often made extra efforts to reinforce social engagement with friends, neighbors and acquaintances in an attempt to exercise damage control in the face of hurtful gossip.

In this connection I found a discrepancy in the accessibility of (post-rape) residential mobility between the majority Kinh people and other minority groups. The few cases involving non-Kinh in this study showed that mobility via kin network either individually or collectively was unavailable because of lack of financial means. Nevertheless some young women from minority groups managed to migrate without any family backing. A migration of a non-Kinh rapee could be seen not only as an escape from malicious gossiping but also as a relief for family members having to deal with the phenomenon of “courtesy stigma.” Among the Kinh, when the rapee’s family was informed about the incident through friends and neighbors or by the police, the rapee often turned to her family and kin circles for help. If rapees were still young and single, to protect their
marriageability, some mothers arranged a “rescue route” for the girls to return to their natal home villages where no one was likely to know about the incident.

Furthermore my findings show that coping strategies generally depended on the extent of revelation about the incident. For example if it was kept within the family, concerns about rapees’ (emotional) well-being often induced parents to send them away for a time. In well-publicized cases where both rapees and their family members were subjected to malicious gossip that became unbearable, some parents also decided to move the entire family elsewhere.

**Types of rape and the nature of relationship**

What are the factors that contribute to the shaping of these coping strategies? My study shows that the type of rape reflecting the nature of the rapee-rapist relationship played a major role in rapees’ decision whether to disclose the incident or not. For instance, those who were raped or sexually abused by a member of their immediate families often kept silent about their experiences. In cases of disclosure, the time lapse between the incident and the moment of disclosure was usually long, even measured in a number of years. In contrast, in cases involving stranger or acquaintance rape disclosure or reporting often occurred within a short period after the incident. The absence of blood ties with the perpetrator - in stranger or acquaintance rape cases - made disclosure easier. And since stranger rape cases often took place in locations far from the rapees’ home and often involved police intervention, disclosure was often inevitable. It should also be mentioned that the type of rape as well as the relationship between a rapee and her offender also had an impact on the rapee’s behaviour following her decision to remain silent or to disclose the incident.

**Reactions of others**

The nature of the rape incident had a bearing on the reactions of those to whom the incident was disclosed. These reactions in turn affected the behaviour of the rapee herself. For example in intra-family rape cases - except in cases when the perpetrator was caught in the act - the initial reactions of family members were expressed in doubt,
disbelief or outright refutation. This caused despair to the rapee who withdrew into silence instead of seeking help from others.

**Age of rapees**

The age of rapees at the time of the incident was crucial in the ways in which rapees responded to their rape experiences especially in matters of disclosure and/or reporting. From their life stories it can be inferred that the reasons why most rapees tried to keep their victimization to themselves were different. For example, in cases where the rape incident occurred at an early age at the hands of a family member, the reason for keeping silence was the apprehension of not being believed. In cases concerning adult women, the reason for not disclosing was to preserve family harmony and social respectability.

**2.2 Socio-economic and cultural context**

I now zoom in to see how moral values and social mores influence the coping strategies at the individual and collective levels.

**The silence option**

At the individual level, the option of preserving silence reflects the general reluctance to confront topics related to sex in a straightforward manner. My findings are consistent with numerous studies that indicate that sex has not been a subject for public discussion in the context of Vietnamese culture. It is easy to make sex-related jokes in their daily conversations, but most people would shy away from discussing problems such as sexual violence in a serious manner. The reporting of sensational news, in particular sex crimes, in the Vietnamese media is seen as a deliberate effort to boost sales. Ironically, for rapees, the larger context of sexual culture serves to reduce their probability to speak about their experiences. It is a reflection of the lack of gender and sexual education among the general public found in stories of child rapees in this study.

Conversely, in some cases, a decision to remain silent is linked to an anxiety about the loss of one’s virginity, considered as a mark of dishonour in a patriarchal society like Vietnam. More importantly, it would have a negative impact on marriageability in the cases of young rapees.
Moreover, the decision to keep silent was also burdened by a lack of sexual knowledge that made rapees unsure of their victimization. Individual perceptions or understandings of rape were mostly fed by cultural narratives about female sexuality and sexual violence as represented in the media. For example, some claimed that what happened to them was not serious enough to warrant disclosure or reporting, particularly when their experiences did not meet their internalized ideas of what constitutes a “real” rape (i.e. sexual assault only involves strangers; penetration or serious injury are not in evidence, drunkenness as an excuse for the perpetrator’s behaviour, etc.), not to mention their perceptions of the social salience of power and hierarchy (i.e. the rape of sex workers is the mostly overlooked). These feelings and meanings are embedded in the larger social, historical, and cultural relations, illustrating the permeability of the dividing line between the individual and the social.

The reluctance of some rapees to disclose their rape incident to friends or family stems from the normative expectations of females regarding the maintenance of household harmony in Vietnamese society. This attitude is traceable to cultural assumptions of resilience and endurance embodied by females. In case of rape, it is emblematic of their attempts to save “social face” by remaining silent.

A private matter

At the collective level, family coping strategies to post-rape stigma mirror moral values and cultural notions related to the intricacies of family relations, kinship and the community. In the first place, a (family’s) decision to keep the incident unreported (to the local authorities) conveys the idea that parents are held accountable for the behavior of their children and the moral image of their family. Specifically, it is expected that a respectable woman should know how to raise her daughters properly. In the case of rape, the blaming attitude is not directed at the rapee alone but at her parents as well, who are considered to have failed in their task of educating their children properly. The fear of social disgrace following public knowledge of rape can get so extreme that the rapee’s family often shows a reluctance to contact the authorities or try to treat the incident as a private matter.
Community relations

For cases where a disclosure was prompted by the situation itself, most parents initially showed goodwill in wanting to reach an agreement with the offender’s side in some forms of behavioural restitution. These peculiar situations often made room for reaching a compromise between the contending parties, instead of filing a formal charge. The implications of apology in resolving interpersonal conflicts can be traced to the prevailing views of tình làng nghĩa xóm [Vn.: community sentiment]. This means that the common way of hushing up scandalous incidents where giải quyết kiểu tình cảm [Vn.: settlement based on sentiment] was preferred.

Furthermore, when it came to incidents of rape with all its moral and social implications the task was often left to women as mediators in negotiating a settlement. The inherent secrecy conveys the idea that sexual violence is something bad and dangerous, taking into consideration the stigma attached not only to the concerned persons but also their wider social network. In the victim’s family rape with its gender and sexual connotations is regarded as chuyện đan bà, con gái [Vn.: women and girls’ affairs], something the husband as head of the family would rather leave to his wife to handle. Thus the outcomes of these negotiations would affect not only the “face” of the women concerned but that of their family and wider kin as well. Females who act on behalf of the offender often target the emotions of their counterparts from the victim family, appealing to a sense of sympathy not only on account of their shared gender but also their role as mothers.

During the negotiation process, it is interesting to note that while Kinh people tend to draw on cultural values associated with female virginity, the notion of “family honor” and economic value (in the form of bridewealth, for example) figure prominently among Hmông and Dao groups. It is not surprising that the possibility of marrying off a rapee to her rapist still persists in some ethnic groups in Vietnam. The offender family’s marriage proposal also serves to discourage the rapee’s family from reporting the incident.

My findings indicate that in some cases forgiveness was not obtained due to the inconsistencies of the negotiating process. For instance, if one party perceived that their demand was not met (too little compensation) or that it had the upper hand in the legal process (owing to social/political connections) the willingness to make peace might

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evaporate. If a settlement could not be reached, the question of “family honor” at stake might lead to a decision to seek formal justice. In this sense, the act of filing a rape complaint could be seen as an ultimate response to protect the honor of the family and the larger kinship.

Social face

Moreover, the meanings of family’s honor as a whole continue to play a role in the post-rape management. A major factor involved here is the need to protect the family and the larger kin from social judgement, especially after the case has been taken up by the judicial system but the social repercussions are still very much alive. By relocating the rapee elsewhere through migration even for a definite period, the family attempts to help her recover from the ordeal in a new environment with the help of kin members or acquaintances. It is also an effort to relieve social pressure on the family members who stay behind now that the object of shame is removed - a sort of “out of sight, out of mind” solution. The findings of this study indicate that the main support for rapees to migrate came from their kinship network. This network was utilized to gather information about possible destinations as well as sponsorship providing temporary lodgings and facilitating job search. The parents often provided the bulk of the financing, either with their own savings or by borrowing from relatives. Some families sold their belongings to cover the moving costs. Moreover potential migrants might benefit from their kin who had already established themselves in the place of destination. Besides its central role in the decision on disclosure and reporting, the family is a major player in post-rape dealings.

My findings further show that the social role of the family as a primary institution also had an impact on individual rapees’ coping strategies. There are cases in this study where rapees managed to migrate from their villages without any help from their own families or other kin members. However, with the passage of time, these women having established themselves in their new location often yearned for a return journey, in the sense they wished to maintain or renew ties with their own family. Migration might improve their economic situation in the meantime, enabling her to send home gifts and remittances to help with their siblings and relieve the family’s financial burden. Seen from a socio-economic perspective and amid multiple family entanglements, this
homeward journey, in both a material and metaphorical sense, may be seen as a response of the rapee to the social repercussions related to the incident in the past. It may well be a personal choice in the face of uncertainties of the future.

The transitional context

Above all I want to put the whole picture of the ways in which female rapees and their families dealt with the aftermath of rape into the present social context. My findings show that to certain extent the rapees and their families could avail themselves of the new environment in the wake of Đổi Mới to pursue their own agendas. Firstly, it was in this environment that individual and/or family decisions on migration were made. The process of economic reform accompanied by institutional changes and the emergence of non-state sectors including trade and services, have had a great impact on population movements in contemporary Vietnam. Moreover the erosion of the hộ khẩu [Vn.: household registration] regime reflecting a policy relaxation made migration possible. All these combined have fostered population mobility, making people more aware of the new opportunities across space and administrative boundaries. Secondly, the fact that some ordinary rape plaintiffs in this study have adroitly made use of the opportunity offered by a non-governmental agency in bringing their case to the court is worth noticing. To be able to get information about such organizations and their activities via the media is an interesting development, something unheard of in the years preceding Đổi Mới. Thirdly, the availability and accessibility of information in the mass media regarding women’s and children’s rights also enhanced public awareness of these issues. Fourthly, at a time when the media showed signs of activism in a social environment that began to take on certain emerging forms of a civil society, the media - in this case the print media - could serve as a useful instrument in the fight against social injustice.

3. Relevance of theoretical concepts

In searching for a suitable theoretical framework, instead of representing rapees either as desperate, hapless victims or survivors fully capable of agency, I have adopted the concept of relational autonomy for the research. This approach enabled me to look at “both sides of the same subjective coin,” so to speak. On the one hand I was able to
provide accounts of individuals’ lived experiences of rape and its aftermath. On the other
hand I could observe women’s efforts to mobilize their resources however limited, to
cope with the post-rape ordeal, set against prevailing cultural and social narratives as
portrayed in the media and in the ways rape cases are handled by the judicial system.

By looking at the space between women’s victimization and oppression and their
responses to these conditions, I have tried to resolve the victim/agent dichotomy. In
the context of this research I used an approach that regards victimization as a dimension
of experience - *bị* in the words of my research participants - rather than conferring
connotations of an individual identity or a permanent state. Moreover, such a
conceptualization shifted my analytical focus from individual predicaments to the social
conditions that cause them. This, in turn, allowed me to focus on the “social” rather than
the “individual” as a site of investigation. Put differently, from the perspective of
relational autonomy, it is the society, and not just the agent, that is the subject of critical
scrutiny and reflections in this study.

I examined the scope and nature of available choices, rather than focusing exclusively
on rapees’ specific decisions. This brings to light the fact that individuals’ choices - far
from being free - including the option to keep silence, stem from personal considerations
arising from a maze of prevailing moral values and cultural notions related to family and
kinship, gender and sexuality. This is a reminder that social construction is an inevitable
fact of life. Seen from this perspective, the relational autonomy theory is relevant in that
it takes into account the social conditions that shape women’s choices, making these
conditions the basis of my critical analysis.

The portrayal of raped women and girls in this research is based on the notion of the
social imaginary, which refers broadly to the ways individuals understand their collective
social life. In this sense these women develop strategies to cope with their predicament of
rape, and this coping behavior is informed by the social-cultural norms and beliefs shared
by members of their ethnic group. By highlighting the social and historical contexts in
which individuals are embedded, the notion of social imaginary fits with a relational
account of autonomy in the sense that “autonomy is about agency, and that agency is
always exercised by an embedded self. “Others” will always be a part of the exercise of
one's agency in some form or another” (MacDonald, 2010: 203; cf. Truong, 2009).
Furthermore, an examination of the social conditions surrounding female rapees in this study indicates a connectedness and compatibility between the concept of relational autonomy and Bourdieu’s notions of habitus and field. The case studies in this research show that former victims - even of incest - after a lapse of time often yearn for a return journey, in the sense that they wish to maintain or renew ties with the families they left behind under horrible circumstances. Time is a healing remedy and migration has improved their economic situation in the meantime, enabling them to send home remittances and pay regular visits. The fact that these women choose to make a homeward journey metaphorically or otherwise seems to conform to the gendered habitus they acquired since birth in relation to the social sphere - the field - in which they live their lives.

In short, an alternative analysis using the theoretical framework of relational autonomy that theorizes the impact of oppression on women’s choices, identities, and actions allows me to explore the dynamics between the impact of oppression and the ways women respond to it. The empirical findings of this research reveal that individuals, in this case female rapees, exercise their autonomy within particular contexts and relationships. In other words, their autonomy is shaped by “complex, intersecting social determinants and is constituted in the context of interpersonal relationships” (Mackenzie and Polter, 2010:48). The results of my research support the contention that autonomy should be “understood as social in nature and contingent, or processual, in practice” (MacDonald, 2010:203). From an intervention perspective, a combination of several theoretical concepts in my analysis indicates that “gender norms cannot be overcome by a simple act of will alone,” and as Clare Chambers points out, “the most effective intervention for social change lies in the combination of an enforced, structural change together with active promotion of a new set of norms” (2005:342).

It is within this use this conceptualization to propose a set of measures to help tackle the problem of rape in present day Vietnam. This is what I turn now in the following section.
4. A vision for the future

Before closing I wish to point out a number of limitations concerning this thesis. Hopefully this will serve as a point of departure for further research. I also include a set of concrete proposals for anti-rape interventions and offer some thoughts on the concept of autonomy as mediated.

4.1. Limitations of the research

As pointed out in the chapter on methodology, a major obstacle in this research was to find participants and the ways they were “recruited” through a leafleting campaign, a counselling office and media advertising were self-limiting. The small number of participants was a representative sample of those who felt confident enough to take part in the research.

Since the number of participants was limited, this research did not concentrate on any particular type of rape experience. Likewise the scope of the research did not allow me to engage in a comparative study of the behaviours/ responses of rapees, their families and kin networks pertaining to a particular type of rape as well as rapees’ perceptions of the behaviours of their own families and kin networks in dealing with post rape consequences. I also did not have the time and the opportunity to look into the role of religious faith that might influence the ways in which female rapees and their families cope with the consequences of the incident.

From a gender perspective since the focus of this study was on women and girls, I did not look into how male rapees (i.e. males raped by women and homosexual rape) cope with their experiences and compare them with those of female rapees, as well as to gauge the reactions from their families and community.

From an ethnicity perspective I did not have the opportunity to differentiate the ways in which various ethnic groups regard the rape problematic. For example, because women belonging to these groups often lack the means to migrate, how do they cope with their experiences of rape in the transitional context of Vietnam? These are questions for further scrutiny. Also the scope of this study did not allow me to explore how the differences between my Kinh cultural background and those of my non-Kinh participants might have influenced our interactions in the research interviews.
4.2. Recommendations

In mentioning the limitations of this research, I wish to suggest new directions for conducting further research into the subject of rape in Vietnam. Based on my working experience with a number of female rapees in this study, I also propose some practical intervention programs to deal with the rape problematic.

From a criminal justice viewpoint

I recommend that an elaboration of guidelines for implementing judicial procedure concerning rape-related cases should be provided for people engaged in the legal professions at various levels. Amendments to the current rape laws should be made, emphasizing that a rape conviction should not require the act of sexual intercourse to have occurred regardless of whether that act has been completed or not physiologically. Also an act of rape does not necessarily involve the penetration of the female sexual organ because it may occur in other ways, neither does it have to involve the use of the male organ since it can be done by other means or artificial instruments.

Rape can be committed not only by resort to physical force but also by blackmail, social and financial pressure, or by taking advantage of situations when the victim is asleep, unconscious, severely drugged, or otherwise physically helpless. There should be conceptual clarifications and practical implications regarding the fact that men can be victims of rape and women can be convicted as principal offenders.

In the diagnosis of rape, one should be sensitive to the fact that the physical signs of abuse may not always be obvious, especially in cases of acquaintance rape (because victims rarely fight with their attackers). Thus, the absence of cuts, fractures, and bruises does not mean that an attack has not occurred. The need to have evidence of violence or resistance to violence in the definition of “rape” has been a major obstacle in rape conviction and one of the primary targets for change.

Awareness-raising activities

In the longer run, the problem of rape awareness - having both an educational and preventive character - has also to be taken into account. The problem is how to raise
public awareness about a subject that socially and culturally is still very much taboo. This could be done through public campaigns and via the channel of education.

In the case of Vietnam where sex education is still in its infancy, basic information on sex and reproductive health should be incorporated into the school’s curriculum at an early stage, for example from grade three upwards (about the age of nine) since most cases of sexual abuse begin before puberty. Ideally, information on sexual abuse should be integrated into a general curriculum of sex education. Children can learn what they most need to know about sexual abuse, without being unduly frightened or developing generally negative sexual attitudes. Besides, children need to know the recourse that is available to them outside their families if they are being abused, or to know there are concerned adults outside their family circles to whom they can turn if necessary.

Combined with school curricula, the mass media could be mobilized to enhance public awareness of the danger of rape. For example, one can organize a panel discussion on TV or radio with the participation of experts from various disciplines related to the problems of rape and child sexual abuse. These measures may have an impact in changing popular attitudes on sex issues in general, and the rape problematic in particular. For instance, the content of talk show programs should be designed with an aim to convey the message that rape happens to anyone (i.e. regardless of gender, age, ethnicity and social status) in any situations (i.e. public places and private sphere). Therefore all rapees should be able to receive emotional and practical supports from the community, and society at large.

Consideration should be given to the ways in which rape cases are reported in the mass media. It is essential that the privacy of both rape victims and the perpetrators must be protected scrupulously. At the same time, as a deterrent to the crime of rape, a public campaign should be launched - to be repeated at regular intervals - in order to propagate the rape statutes in the criminal law, with emphasis on the severity of the crime and the heavy penalty that goes with it.

At the community level, training courses and capacity building for dealing with rape-related issues should be provided for officials of the courts, the prosecution office and the police as well members of other mass organizations like Women’s Union, Fatherland Front, Youth League and Farmers’ Union.
At the family level, parents who want to warn their children about the danger of sexual abuse need to be well informed about the problem themselves; they also ought to feel comfortable when talking about it.

With the popularity of the internet there are possibilities to set up online support groups, message boards and chat rooms for those who (or whose loved ones) have experienced rape and sexual abuse. The objective of these groups is to offer these people a safe space to vent their emotions in order to ease the pain of isolation, generate mutual support and exchange ideas for coping.

Also I recommend the establishment of support groups and clubs made up of community staffs and professionals (e.g., researchers, NGO activists, social workers, health care service providers, “volunteer” experts on legal aspects) working on rape-related issues and other highly sensitive subjects. These professionals are to be offered a space to exchange working experiences, discuss their feelings, talk about how their work has impacted them, and receive supportive feedback and validation from other colleagues.

4.3. Concluding remarks: The universal and the particular in the study of rape

By way of concluding I would like to offer some reflections pertaining to my research, placing its findings in the context of on-going debates on gendered violence and rape in particular.

Firstly, I submit that the high visibility of the use of mass rape as “a weapon of war” in conflict areas - notably in the Balkans and Africa in the 1980s and 1990s - and which has been officially recognized as a crime against humanity, has overshadowed the fact that the rape of women as “individuals” in these very conflicts has been largely ignored as shown, for example, in the very low number of convictions of rape in the records of the UN-sponsored Rwanda Tribunal (Buss, 2009). Thus violence against women in wartime as well as in “peace time” remains largely “invisible” in terms of legal and political priority (Nowrojee, 2005).

While the topic of rape in conflict areas has attracted much public and academic interest due to the severity of the crime and the implications of international politics, I would argue that sexual violence in peacetime deserves more attention. Peacetime rape
not only leads to serious consequences for the victims’ mental and physical health but also creates considerable legal and social obstacles for them in speaking out and seeking support from others, thus effecting hiding the crime from public view. If research on rape as a weapon of war attempts to contextualize rape within the military and political goals of a conflict, my research on peacetime rape reveals the everyday politics as expressed in the social attitudes and responses to the incidence of rape. More specifically, I have shown in the chapters that social prejudices and inconsistencies in legal proceedings have the combined effect of restricting women’s choices in the aftermath of rape. In a way, the current discourse on “social evils” including rape in Vietnam, which is supposed to protect “innocent” citizens has the effect of associating them with the “evil” they experienced, thus leading to victim blaming. An important finding of my study is that the institutionalized injustices women often face as victims of sexual violence are not specific to the situation in Vietnam. For instance, victims of sexual violence in Japan are liable to be blamed for their misfortune if their accounts do not fit with certain patterns including the element of resistance (Burns, 2005). Having said this, my findings support the view that prevailing assumptions from the dominant discourse of masculinity, femininity and sexuality deeply affect the functioning of the legal system surrounding rape, regardless of wartime or peacetime (Baxi, 2007; cf. Das, 2008).

Secondly, in linking up these research findings with the large body of work on sexual violence against women, my emphasis has been on aspects relating to family and kin relations and everyday community interactions. In particular the notion of “family honor” plays a prominent part as manifested in efforts of negotiating a settlement and in the ways family and kin react to the social consequences of the rape incident involving one of their member. More concretely, I dwell on responses which are formulated (and manipulated) and manifested in various (mainly non-violent) forms in the name of family honor. My analysis of the key role played by the family in dealing with the consequences of rape in which individuals’ needs are subsumed to family interests might have relevance for other cultures and societies as well. In this sense the findings of my research may have relevance to the field of sexual violence by emphasizing the importance of ethnic and cultural differences in dealing with rape in a nonwestern
society. This in turn may highlight blind spots in existing research and assist in developing new perspective in an increasingly multicultural western society.

In patriarchal societies the chastity of the woman is not only emblematic of her dignity and morality, but also reflects the good name of her family, clan, kin group, ethnic group or class. If transgressed, it is a humiliation for her extended kin (Douglas, 1991; Stoler, 1992). This is what happens to women and girls who have been raped or otherwise abused. But rape is a threat that hangs over each and every woman in Vietnam and elsewhere like a sword of Damocles. In other words, the issue is not just about rape, but about the discursive and practical constraints on women’s freedoms. This may remind us of Émile Durkheim’s (1994) notion of “social facts” (as expressed in social rules) that remain under the surface until you transgress them and feel the sanctions. Through exposure to such sanctions and - more commonly - the threat thereof, women and girls of Vietnam are reminded how to behave “properly.” In other words, women as mothers know the rules all too well, and - as I have described in the previous chapters - in many instances actively contribute to upholding these gendered social and sexual norms, even at the expense of their own daughters’ welfare.

Although the topic of my research is the horror of rape, my focus is on how women deal with the suffering and oppression caused by rape. In this respect my findings are in line with those of other researchers showing that despite barriers that hinder their search for justice, women and girls who have been raped somehow manage to muddle through the bureaucratic maze and inherent corruption in the social structures (Burns, 2005). I should add that the option of preserving silence adopted by some of the rapees in my research is comparable to the metaphor of women drinking “poisonous knowledge” as part of the healing process in the case of those who were subjected to sexual violence during the Partition of India (Das, 2004).

Regarding the ways the raped women and their families respond to the revelation of rape and to what extent family and kin relations have an influence on individual women’s coping strategies, the results of my research lend support to earlier work on the social aspect of the “autonomous self,” which in turn plays a role in the healing process of those who have gone through traumatic experiences such as rape (Brison, 2002). There is evidence indicating that recovery of raped women depends on the reactions they receive
from their families and communities. I take a step further in showing that raped women can also rely on the social role of family and kin relations in mapping out their long-term coping strategy. The case studies in this research have illustrated women’s ability of making rational choices in writing their own scenario of life in the aftermath of the rape trauma.

From individuals’ accounts in this study, young women in Vietnam are more or less fair game in the complicated social processes of transition from orthodox state socialism to a market-oriented society with its heightened social and geographic mobility and enhanced interpersonal fluidity. While Đổi Mới is for the most part man's enterprise run by government bureaucrats, risk-taking entrepreneurs, representatives of NGO's, etc. it has also created new opportunities for women, especially in the economic and educational fields. Against the backdrop of economic and social “liberalizations,” women are simultaneously constrained to the roles of dutiful wives, mothers and daughters, harbingers of morality, and therefore are seen - and function - as the “social” glue. In a patriarchal society, rape - and the threat of rape - can be seen as part of an interlocking mechanism that makes women the (gendered) social glue that they are. What are the implications of having to live and function in these “grey” areas in which women do not have an equal voice or equal resources? And what are the possibilities and particular risks for women and girls in terms of autonomy and agency in the face of man-dominated power structures and assumptions about male and female sexuality?

Based on the findings of my research on raped women I propose an understanding of individuals’ autonomy as “mediated” in relation with other actors in the social sphere. By “mediated” I suggest that autonomy does not exist in intention and desire only but also manifests in individuals’ perception of their particular situations for making rational choices and carrying them out under certain circumstances. In this sense, mediated autonomy is an extention of the notion of relational autonomy developed by feminist theorists; it further expands and contextualizes agency that is mainly understood as intention and desire or as “situated.” In this line of reasoning, mediated autonomy also implies practicality, continuity and flexibility in individuals’ capability of weighing options to move on with their lives.
In brief, my idea of mediated autonomy might serve as a useful theoretical tool to throw light on the so-called “grey” areas in which individual women, in their nuanced and variegated ways, act out their life strategies in the aftermath of rape. In this respect, attention should be paid to individuals’ particularities, their subjectivity and their ability to mediate within the context of gender relations from a cross-cultural perspective.

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Appendix 1: Map of Northern Vietnam

Source: Map of Northern Vietnam
Appendix 3: Population distribution of ethnic groups involved in this research

<table>
<thead>
<tr>
<th>Ethnic group</th>
<th>Average population (persons)</th>
<th>Structure of population (percentage)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Whole country</td>
<td>Province</td>
</tr>
<tr>
<td>Kinh</td>
<td>65,795,718</td>
<td></td>
</tr>
<tr>
<td>Tày</td>
<td>1,477,514</td>
<td>172,136 (TQ)</td>
</tr>
<tr>
<td>Mường</td>
<td>1,137,515</td>
<td>479,197 (HB)</td>
</tr>
<tr>
<td>H'mông</td>
<td>787,604</td>
<td>123,778 (LC)</td>
</tr>
<tr>
<td>Dao</td>
<td>620,538</td>
<td>74,220 (LC)</td>
</tr>
</tbody>
</table>


### Appendix 4: List of selected newspapers for review

<table>
<thead>
<tr>
<th>Newspaper</th>
<th>Affiliated organization</th>
<th>Representativeness</th>
<th>Estimated circulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gia Đình-Xã Hội [Vn.: Family &amp; Society] <a href="http://giadinh.net.vn">http://giadinh.net.vn</a></td>
<td>General Office for Population Family Planning of Ministry of Health Vietnam Central Ho Chi Minh Communist Youth League</td>
<td>National</td>
<td>25,000 copied/issue 3 issues/week</td>
</tr>
<tr>
<td>Tiếng Phong [Vn.: Vanguard] <a href="http://www.tienphong.vn">http://www.tienphong.vn</a></td>
<td></td>
<td>National</td>
<td>120,000 copies/day</td>
</tr>
<tr>
<td>An Ninh Thủ Đô [Vn.: Capital’s Security], <a href="http://www.anninhthudo.vn">http://www.anninhthudo.vn</a></td>
<td>Hanoi’s Bureau of Public Security</td>
<td>Regional (e.g., Hanoi)</td>
<td>20,000-30,000 copies/day</td>
</tr>
</tbody>
</table>

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124 This information was given to me by journalists working for the respective newspapers (Hà nội, June 2007).
Appendix 5: Table of Legislation

Bộ Luật Hình Sự Năm 1999 [the 1999 Penal Code]: Articles 111;112;113;114;115;116;150.

Bộ Luật Tố tụng Hình sự năm 2003 [the 2003 Criminal Procedure Code]: Articles 18; 24; 68;75;87(1,3);88;101;103(1,3);104(1);105(1,2);106;107;108(1);109;110(4);111;113;121; 122;131; 141; 171;178 (4); 196 (3b); 310.


Luật Phòng, Chống Bạo Lực Gia Đình Năm 2007 [the 2007 Law on Domestic Violence Prevention and Control]: Article 2 (d)


Nghị Quyết Số 05/2005/NQ-HDTP ngày 8 tháng 12 năm 2005 của Hội Đồng Thẩm Phán Tòa án Nhân Dân Toản Cao Hướng Dẫn Thi Hành Một Số Quy Định Trong Phần Thứ Tư “Xét Xử Sở Thám” của Bộ Luật Tố Tụng Hình Sự Năm 2003 [Resolution No. 05/2005/NQ-HDTP] dated 8 December 2005 of the Council of Judges of the People’s Supreme Court]: Section 4 of Part II.

Quyết Định Số 1001/ QD-TTg ngày 8 tháng 8 năm 2007 của Thủ Tướng Chính Phủ Về Việc Giải Điều Ứy Ban Dân Sò, Gia Đình và Trẻ Em Theo Nghị Quyết của Quốc Hỏi [Decision 1001/ QD-TTg issued on 8/8/2007 by the Prime Minister concerning the dissolution of the National Committee for Population, Family, and Children as approved by the National Assembly].

Chi Tiết Của Thủ Tướng Chính Phủ Số 16/2008/CT-TTg ngày 30 tháng 5 năm 2008 Về Việc Tổ Chức Triển Khai Thi Hành Luật Phòng, Chống Bạo Lực Gia Đình [the Order issued by the Prime Minister, No. 16/2008 CT-TTg, dated 30 May 2008 concerning enforcement of the Law on Domestic Violence Prevention and Control].

Committee of the National Assembly, No. 02/2002/PL -UBTVQH11 dated 4 October 2002 regarding judges and the people’s jury.

Appendix 6: List of newspaper articles quoted

1. *An Ninh Thủ Đô*
   2004: October 20 (9)
   2005: March 3 (9)
   2006: September 29 (9)

2. *Gia Đình Xã Hội*
   2004: October 23 (10); November 4 (10)
   2005: January 2 (16)

3. *Tiền Phong*
   2007: August 8. Available online at:

4. *Công An Nhân Dân*
   2007: June 30. Available online at:
Appendix 7: Glossary
Vn.: Vietnamese; Hm.: Hmông; D.: Dao; M.: Mường
A

anh  (Vn.) brother
án  (Vn.)  Yin in Chinese

B

Ban Văn Hóa Tư Trường Trung Ương  (Vn.) Culture and Ideology Department
báo ngành  (Vn.) sector-oriented newspaper
bác re  (Vn.) husband of mother’s elder sister
bán tròn/thần nuôi miệng  (Vn.) sell one’s behind/body to feed one’s mouth
bà  (Vn.) grandmother
Bà Mồ  (M.) Single Lady
bà ngoại  (Vn.) maternal grandmother
bà nội  (Vn.) paternal grandmother
bằng mặt nhưng không bằng lòng  (Vn.) outwardly OK but not from the heart
bạn trai  (Vn.) male friends, literally ‘boyfriends’
bến hơi  (Vn.) exceedingly attached
bí thư xã  (Vn.) secretary of the commune’s people committee
bí  (Vn.) be subjected to/ be victim of
bí tai nạn  (Vn.) having an accident
bí mất cấp  (Vn.) being subject of a theft
bí hề dâm  (Vn.) being raped
bí xâm hại  (Vn.) subjected to a (sexual) violation
Bộ Thông Tin và Truyền Thông  (Vn.) Ministry of Information and Communications
bồi dưỡng  (Vn.) nurture

C

cà phê phin  (Vn.) café filtre /filtered coffee
cẩn bò  (Vn.) cadre
cảnh giác  (Vn.) beware
câu  (Vn.) maternal junior uncles
ccox ua co cur tri muax plu saiz luôs  (Hm.) since you did such a thing I cannot face anyone anymore
te luôx
con dâu  (Vn.) daughter in-law
cò  (Vn.) paternal aunt
công chức nhà nước  (Vn.) state employee
cơ quan  (Vn.) work unit
cơ quan báo chí  (Vn.) journalistic ‘organ’
cơ quan chủ quản  (Vn.) supervisory organization
chair  (Hm.) taboo
changr tkhaor dër  (Hm.) sex-related issues
cháu bé  (Vn.) little child
cháu gái  (Vn.) niece
cháu bà nội tôi bà ngoài  (Vn.) one can be a granddaughter of a paternal grandmother, however the burden of care falls on the maternal grandmother
chi (Vn.) only
chờ được vả thì mà đã sung (Vn.) while the grass grows the horse starves
chuyên dàn bà, con gái (Vn.) women and girls’ affairs
chuyên đảo (Vn.) that story
chuyên pháp luật (Vn.) law stories
cưỡng ép quan hệ tình dục (Vn.) forced sex
cứu một người phục đang hà sa (Vn.) if you save one person, you reap multiple merits

D
dan dĩ (Vn.) experienced, seasoned
dăm đề (Vn.) lecherous
dăm ô (Vn.) indecent sexual acts
dăm ô trẻ em (Vn.) child molestation
dì hòa vị quý (Vn.) keeping the peace is the best solution
dương (Vn.) Yang in Chinese
dsu xin (D.) self-constrain
dại chúng (Vn.) mass-oriented
dịa bàn trọng điểm (Vn.) areas of special focus
Đoàn Thanh Niên Cộng Sản Hồ Chí Minh (Vn.) Ho Chi Minh Communist Youth League
dồng (Vn.) Vietnamese currency
dồng bạc trang (Vn.) silver coins
dồng nghiệp nam (Vn.) male colleague
dời nào mẹ ghề mà thường con chồng (Vn.) no stepmother will ever love her stepchildren
Đối mới (Vn.) reform, renovation

E
e (Vn.) younger brother/sister
e (Vn.) matrilateral same-generation cousin
e (D.) arranged marriage

G
gia đình (Vn.) family
gia đình, xã hội và pháp luật (Vn.) family, society and the law
giao cấu (Vn.) sexual intercourse
giao cấu với trẻ em (Vn.) having sex with a minor
giao hợp (Vn.) sexual intercourse
giải quyết kiến hiệu tình cảm (Vn.) settlement based on sentiment
gó quyền âo (D.) to divorce from wife

H
hai (Vn.) two
hậu chươr (Hm.) get married
hành vi đâm ô (Vn.) indecent sexual act/s
hít-úi điểm nhân lòng (D.) morality
hiếp dâm (Vn.) rape
to understand (verb), empathic (adjective)
starfruit flower
household registration
the District People’s Committee
The Council of Judges of the Supreme People’s Court
divorce
institution of the prosecution
no
an uncontrollable state of mind
the love spirit
bad reputation
to do, to perform, to make
have the thing done to me
doing charity work
abuse/exploitation
blame
Civil Code
Penal Code
karma
madam
reputation, honor
out-of-wedlock pregnancy
premarital sexual relations
devaluated girls
reluctance
when a horse falls sick all the horses in the stable cease to eat the grass
pregnancy
the minimum penalty of imprisonment
victim
conversation (n)
mistress of internal affairs
former days
ngạn kéo bí mật  (Vn.)  secret drawer
nghia vụ  (Vn.)  duty
người bị hại  (Vn.)  the offended (party)
người dâm dê  (Vn.)  a lecherous person
người nào  (Vn.)  whoever
người sống sót  (Vn.)  survivors
người thành niên  (Vn.)  adults
người chưa thành niên  (Vn.)  adolescents
nhay câm  (Vn.)  sensitive
nha nội  (Vn.)  paternal family
nhan viên  (Vn.)  staff
niêu  (Vn.)  much
nhaus nzais làul tsi muax nènhs zuar  (Hm.)  a woman’s promiscuous sexual behaviour
nsa-ám tha-ám  (D.)  heavy stress

O
ósin  (Vn.)  housemaid
ông ngoại  (Vn.)  maternal grandfather
ở rê  (Vn.)  matrilocal residence

P
paul pair  (Hm.)  sexual intercourse
plu  (Hm.)  face, honor
phạm tội hiếp dâm theo quy định của pháp luật  (Vn.)  statutory rape
phong bì  (Vn.)  envelop
phò  (Vn.)  slang for whore
Phong Nơi Chính  (Vn.)  internal affairs section
Phó Cố  (Vn.)  Old Quarter of Hanoi
phúc (or phước) đức  (Vn.)  merit and virtue
phúc đức tai mậu  (Vn.)  merit and virtue are derived from the mother
phúc tap  (Vn.)  complicated
phương  (Vn.)  ward
pôngz plu  (Hm.)  loss of face

Q
quà báo  (Vn.)  a negative outcome of karma
quê  (Vn.)  natal village
quây rói  (Vn.)  harassment

R
rát nhiều  (Vn.)  very much
**S**

saiz tsiv txax  
(Hm.) respect  
Do not make me lose face because of you.

saiz tul y  
(Vn.) the secret that will be carried to the grave

ươ  
(Vn.) live like (the people of) the West

cha cur pôngz plu  

sông đê đa, chét mang theo  

sông nhu như Tây

**T**

tchôm miên xia cháu tiêt  
(Tế)

tiết khu-ú pai tiêt khót  
(Tín Kháp Noi)

Tín Qua Fax  
(Tình làng nghĩa xóm)  

Tòa án Nhân dân Tố Cao  

thách cấuí  

thần phân nhân dân  

thằng cha đảm đê  

thế thôi  

thip min chỉ  

trái y muốn  

trấm bỏ được cùng với được con  

ếch  

trồng mặt mà bất hình đồng  

trướ cốt  

tsongx muas  

tsi jong  

tsv txax  

tu-ú và đoa-á  

tuo yuv  

Tuổi Trẻ và Pháp Luật

**U**

ua daos  
(Hm.) sexuality  

ua nênhz  
(Hm.) ceremony  

Ủy Ban Dân Só, Gia Đình và Trẻ Em  
(Vn.) National Commission for Population, Family and Children

**V**

vach áo cho người xem lung  
(Vn.) bare one's back for others to see

vô  
(Vn.) no

vira làm vira ngó  
(Vn.) keeping a watchful eye while doing the job
### X

- **xâm hại** (Vn.) violate (v), violation (n); abuse
- **xâm hại tình dục** (Vn.) sexual violation
- **xe ôm** (Vn.) motorbike taxi driver
- **xênh vênh** (Vn.) clans
- **xóm liều** (Vn.) risky slum
- **xử vợ** (Vn.) gentle
- **xử phạt hành chính** (Vn.) administratively punished

### Y

- **yêu /quý râu xanh** (Vn.) Bluebeard devil

### Z

- **zăngl nul hais tsi lao** (Hm.) matters of sensitive nature
- **ziz nav txir hais** (Hm.) being obedient to parents
- **ziv nênhs** (Hm.) family
Appendix 8: Overview of Interview Quotes

<table>
<thead>
<tr>
<th>Code</th>
<th>Date and Location</th>
<th>Profile</th>
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<td>Chapter 2</td>
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<tr>
<td>AN20071</td>
<td>April 21, 2007</td>
<td>Female, student, aged 20, flyer distributor, daily note</td>
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<td>February 16, 2005</td>
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<td>April 7, 2007</td>
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<td>Female, civil servant, aged 36, rapee, (unrecorded) personal interview</td>
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<td>Gender, Occupation, Age, Relationship, Notes</td>
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Summary in English

“Rape Experiences and the Limits of Women’s Agency in Contemporary Post-Reform Vietnam” explores how women and girls cope with their experiences of rape and how this is affected by social discourses on gender and sexuality in the Vietnamese context. Conceptually the research is based on contemporary theories about relational autonomy as well as on anthropological visions of embodied experience. As the focus of this study is the “experience” of raped women and girls and their “coping” strategy rather than the nature and incidence of rape, a qualitative approach and a context-specific interpretative analysis are adopted for the main body of the research. Data are collected primarily through an ethnographic study of a limited number of respondents, using open-ended interviews, life histories and participant observation. Supplementary data are retrieved from court files. These sources are used for a discourse analysis of the meaning of rape as a gendered crime. Of additional value is an examination of representations of rape cases in a number of selected newspapers.

If research on rape as a weapon of war tends to contextualize rape within the military and political goals of an armed conflict, my research on peacetime rape scrutinizes the everyday politics as expressed in the social attitudes and responses to the incidence of rape. My findings show that social prejudices and inconsistencies in judicial proceedings have the combined effect of restricting women’s choices in coping with the consequences of rape. The current discourse on “social evils” including rape in Vietnam, which is supposed to protect “innocent” citizens has the effect of associating rape victims with the “evil” they experienced, thus leading to victim-blaming. Additionally, the notion of “family honor” figures prominently in family and kin relations and everyday community interactions in the aftermath of rape. This can be seen in efforts of reaching a negotiated settlement and how families and kin respond to the social consequences of the rape incident involving one of their members. These responses are formulated (and manipulated) and manifest in various (mainly non-violent) forms. The role that the family plays in dealing with the consequences of rape and the ways individuals’ needs are subsumed to family interests as shown in this research no doubt have relevance for other cultures and societies as well.
In patriarchal societies the chastity of a woman is not only emblematic of her dignity and morality, but also reflects the good name of her family, clan, kin group, ethnic group or class. This is what happens to women and girls who have been raped or otherwise abused. But rape is a threat that hangs over each and every woman in Vietnam and elsewhere like a sword of Damocles. In other words, the issue is not just about rape, but about the discursive and practical constraints on women’s freedoms. There are social rules that remain under the surface until you unwittingly transgress them and feel the sanctions. Through exposure to such sanctions and - more commonly - the threat thereof, women and girls of Vietnam are constantly reminded of their “proper” behaviour. Women as mothers know the rules all too well, and more often than not actively contribute to upholding these gendered social and sexual norms, even at the expense of their own daughters’ welfare.

Although the topic of this research is the horror of rape, my focus is on how women deal with the suffering and oppression caused by rape. In this respect my findings are in line with those of other researchers showing that despite barriers that hinder their search for justice, women and girls who have been raped somehow manage to muddle through the bureaucratic maze and inherent corruption in the social structures. It should be added that the option to remain silent adopted by some rapees in this research is comparable to the metaphor of women drinking the poisonous knowledge as part of the healing process.

From individuals’ accounts in this study, young women in Vietnam are more or less fair game in the complicated social processes of transition from orthodox state socialism to a market-oriented society with its heightened social and geographic mobility and enhanced interpersonal fluidity. While Đổ Mới is for the most part man's enterprise run by government bureaucrats, risk-taking entrepreneurs, representatives of NGO's, etc. it has also created new opportunities for women, especially in the economic and educational fields. Against the backdrop of economic and social “liberalizations,” women are simultaneously constrained to the roles of dutiful wives, mothers and daughters, harbingers of morality, and therefore are seen - and function - as the “social” glue. In a patriarchal society, rape - and the threat of rape - can be seen as part of an interlocking mechanism that makes women the (gendered) social glue that they are.
Based on the findings of my research on raped women I propose an understanding of individuals’ autonomy as “mediated” in relation with other actors in the social sphere. By “mediated” I suggest that autonomy does not exist in intention and desire only but also manifests in individuals’ perception of their particular situations for making rational choices and carrying them out under certain circumstances. In this sense, mediated autonomy is an extension of the notion of relational autonomy developed by feminist theorists; it further expands and contextualizes agency that is mainly understood as intention and desire or as “situated.” In this line of reasoning, mediated autonomy also implies practicality, continuity and flexibility in individuals’ capability of weighing options to move on with their lives.

This idea of mediated autonomy might serve as a useful theoretical tool to throw light on the so-called “grey” areas in which individual women, in their nuanced and variegated ways, act out their life strategies in the aftermath of rape. In this respect, attention should be paid to individuals’ particularities, their subjectivity and their ability to mediate within the context of gender relations from a cross-cultural perspective.

Onderzoek naar verkrachting als wapen in oorlogstijd verbindt verkrachting aan de militaire en politieke doelen van gewapende conflicten. Mijn onderzoek naar verkrachting in vredetijd concentreert zich op de vormgeving van alledaagse politiek en alledaagse machtsverhoudingen zoals die worden uitgedrukt in de maatschappelijke reacties en standpunten met betrekking tot verkrachting. Mijn onderzoeksresultaten laten zien dat sociale vooroordelen en het gebrek aan consistentie in juridische procedures tesamen zorgen voor een beperking van de keuzemogelijkheden van vrouwen bij de verwerking van hun verkrachting.

Het huidige vertoog over “maatschappelijk kwaad”- waartoe verkrachting in Vietnam wordt gerekend - is een vertoog dat wordt verondersteld de “onschuldige” burgers te beschermen. Dit vertoog heeft als effect dat slachtoffers van verkrachting worden geassocieerd met het “kwaad” dat zij hebben doorgemaakt, met als verder gevolg dat zijzelf de schuld krijgen voor wat hen is overkomen. Daarbij komt nog dat de notie van familie-eer voorop staat in de familieverhoudingen en gemeenschapsverbanden, ook bij

Hoewel de weerzinwekkendheid van verkrachting het onderwerp is van dit onderzoek, is mijn aandacht gericht op de vraag hoe vrouwen omgaan met de lijdensweg en de onderdrukking die door verkrachting worden veroorzaakt. Mijn onderzoeksresultaten sluiten aan bij die van vergelijkbaar onderzoek: ondanks de barrières die verkrachte vrouwen tegenkomen op zoek naar gerechtigheid, slagen ze er toch in om de bureaucratische hordes te nemen en hun weg te vinden in de door inherente corruptie aangetaste sociale structuur. Daarbij moet worden aangetekend dat de keus om te zwijgen voor sommige verkrachtingsslachtoffers in dit onderzoek vergelijkbaar is met
de metafoor over “vrouwen die giftige kennis drinken” als deel van het verwerkingsproces.

Uit de individuele verhalen van dit onderzoek blijkt dat jonge vrouwen in Vietnam onbeschermd staan in het gecompliceerde sociale proces van overgang van orthodox staatssocialisme naar een chaotische markt-georiënteerde samenleving, met een verhoogde sociale en geografische mobiliteit en complexere sociale netwerken. Terwijl Doi Moi grotendeels een mannenonderneming is, gerund door bureaucraten, risicodragende ondernemers en vertegenwoordigers van NGO’s, zijn er ook mogelijkheden voor vrouwen geschapen, vooral op het gebied van economie en onderwijs. Tegelijk wordt Doi Moi echter gelijktijdig teruggedrongen in hun rol van plichtgetrouwe echtgenotes, moeders en dochters, als boogbeelden van moraliteit. Daardoor kunnen ze worden beschouwd en functioneren ze in de praktijk als “sociale kleefstof.” In een patriarchale samenleving kan verkrachting - en de dreiging van verkrachting - worden gezien als onderdeel van een verdergaand mechanisme dat vrouwen maakt tot de (gendered) “sociale kleefstof” die ze in feite belichamen.


Deze opvatting van “beredeneerde” autonomie kan dienen als bruikbaar theoretisch instrument om te onderzoeken hoe het zogenaamde “grijze” gebied eruitziet, waarin individuele vrouwen hun eigen, bijzondere overlevingsstrategieën toepassen na een
verkrachting. In dit opzicht zou meer cross-culturele aandacht moeten worden besteed aan de bijzondere eigenschappen en omstandigheden van elk individu, aan haar subjectiviteit en haar vermogen om te beredeneren met en binnen de context van bestaande genderverhoudingen.
Summary in Vietnamese - Tóm tắt tiếng Việt


Nếu nghiên cứu hiếp dâm như thụ vụ khi chiến tranh có xu hướng đặt hiện tượng này trong những mục tiêu chính trị và quản sự của cuộc xung đột vùng trang thi nghiên cứu của tôi về hiếp dâm thời bình đi sâu vào tính chính trị thường nhất biểu hiện qua các phần ứng, thái độ xã hội tối ưu việc hiếp dâm. Kết quả nghiên cứu của tôi cho thấy những định kiến xã hội và sự thiếu nhận quan trọng cơ chế pháp lý có tác động kết hợp trong việc giới hạn lựa chọn của phụ nữ khi ừng đổi với các hệ lụy từ trải nghiệm hiếp dâm.

Các ngôn thuyết hiện thời về thế nản xã hội gồm cả hiếp dâm ở Việt Nam, vốn nhằm báo ve những công dân “vô tội” với hình chung tác động tối việc ừng nhận nhận hiếp dâm với điều “tội lở” mà họ ném trái, dẫn đến sự chỉ trách nhân nhân. Hon núa, cái ý niệm “danh dự gia đình” hiện diện rô nét trong quan ệ gia đình, họ tổ cung như trong một tương tác cộng động thường ngày trong thời gian sau vụ việc xảy ra. Điều này thể hiện qua những nỗ lực thường lòng để dân xép và cách gia đình, họ mac phân ứng ra sao trước những hệ lụy xã hội từ vụ việc hiếp dám liên đổi một thành viên (trong số họ). Những phản ứng này được hoạch định (và vận động), cũng như biểu thị dưới nhiều dạng thực khác nhau (không mang tính bảo lạc). Hiện nhiên cái vai trò gia đình nhằm giữ trong cách xử trí những hệ lụy từ vụ việc hiếp dám và cách thức mà theo do nội bất hạnh cá.
nhân phải những chỗ cho lợi ích gia tốc như nghiên cứu này chỉ ra còn nguy yếu trong tự ở các nền văn hóa, xã hội khác nữa.

Trong các xã hội gia trưởng, tiếc hàn không chỉ biểu trưng cho nhân phẩm và đạo đức người phụ nữ mà còn phản ánh cả danh tiếng gia đình, đồng họ, tổ người hay giai tầng xã hội của người đó. Đấy chính là điều xảy ra cho những chi em từng bị xâm hại hoặc làm dũng. Thế nhưng hiếp dâm là mối đe dọa treo lơ lửng trên đầu từng người và tất cả phụ nữ Việt Nam hay ở bất cứ đâu như lời guồng Damocles. Nói cách khác, vấn đề không đơn thuần là hiếp dâm mà ở những hạn định về ngôn thuyết lẫn thực tiền tối quyền tự do người phụ nữ. Và còn đó những quy chuẩn xã hội ngầmẩn mà chỉ đến khi người ta vô tình vượt quá giới cảnh nhận được các chế tài. Đối mặt trước những chế tài đó - hay thông thường hơn - mối đe dọa của nó, chỉ em Việt Nam vẫn luôn được nhắc nhở về hành vi “đồng mục.” Phụ nữ trên con đường đi, người mẹ hiểu quả rõ mọi quy chuẩn này mà vẫn thường tích cực góp phần duy trì những chuẩn mục xã hội và tinh đất dẩm chất giới này, thậm chí phải trả bằng sự an sinh của chính con gái họ.

Mạc dù chủ đề nghiên cứu là nạn hiếp dâm ghê rợn, tôi lại tự tâm đến việc phụ nữ đều đau như thế nào trước những đơn đau và đến nên mà trải nghiệm hiếp dâm gây ra. Đưới góc độ này, những phát hiện của tôi tương đồng với các nghiên cứu khác vòng cho thấy, mặc mọi rào cản ngăn trở nỗ lực tìm kiếm công lý của họ, những chi em từng bị xâm hại phần nào đó có thể xoay sở với luật quan liêu và nan thênh những cố hữu trong cơ cấu xã hội. Cảm thê mạng cách lựa chọn tự lực им đang ở một số chỉ em từng bị hiếp trong nghiên cứu này rất gần với hình ảnh ăn dủ phụ nữ “uống” những trải nghiệm dây độc tó như một phương cách để vượt lên.

Theo nghiên cứu này, các phụ nữ trẻ ở Việt Nam gần như là đối tượng dễ ve và sần suốt trong cái tiến trình xã hội chuyển đổi đã phức tạp tại nước xã hội chủ nghĩa chính thể sang một xã hội kinh tế thị trường với mức gia tăng dịch chuyển về mặt xã hội và địa lý cũng như nâng cao tinh mờ trong các liên kết giữa người với người. Trong khi Đối đổi phân da do nam giới nắm giữ với những viễn chức nhặt nước, các doanh nghiệp xong sáu hay người đại diện của các tổ chức phi chính phủ, vẫn vẫn, nó cũng tạo nhiều cơ hội mới cho phụ nữ, đặc biệt trên lĩnh vực kinh tế và giáo dục. Người với bộ cánh “tự do hóa” kinh tế và xã hội, phụ nữ đồng thời lại chịu hạn chế trong vai trò người vợ, người mẹ, người con làm tròn bốn phận, những người giữ gần luyến lý, vậy nên họ được xem và
có chức năng như chất keo dinh xã hội. Một xã hội phù quyến, năng hiệp dâm và mọi đề đôi hiệp dâm có thể coi là bối cảnh của một kết cấu không khớp kinh phu như trở thành thứ keo dinh xã hội (đây tính giới).

Trên cơ sở những phát hiện nghiên cứu của bản thân về những phụ nữ từng bị xâm hại, tôi muốn để xuất cách hiểu về sự tự chủ cá nhân như là “thương thưởng” trong mọi quan hệ với các tác nhân xã hội khác. Với “thương thưởng” tôi muốn cho thấy sự tự chủ không chỉ tồn tại trong ý định và nguyên vọng mà còn biểu thị ở nhân thức cá nhân về từng cảnh hưởng cụ thể để có những lựa chọn mang tính lý trí và thực thi dưới các điều kiện nhất định. Theo ý đó, sự tự chủ có tính thưởng thưởng mở rộng hơn khái niệm tự chủ thưởng quan của các thuyết gia ví như; cũng như phát triển tiếp và bổ cảnh hóa khái niệm tính tự giải văn được hiểu chủ yếu dưới dạng ý định và nguyên vọng hoặc như có tính “tình hưởng.” Với cách lý giải này, sự tự chủ có tính thưởng thưởng cũng hàm chứa tính thực tiễn, tính tiếp nối và tính linh hoạt trong năng lực cá nhân cần nhắc các lựa chọn để tiếp tục sống.

Ý tưởng về sự tự chủ có tính thưởng thưởng hân sơn sẽ là công cụ lý thuyết hữu hiệu giúp soi rọi những vùng “xám” mà ở đó các chị em, với muốn lạc phương thức khác nhau, thực thi sách lược sống của họ sau trải nghiệm hiệp dâm. Dưới khía cạnh này, sự chủ ý nhằm đến nét đặc thừa cá nhân, tính chủ thể cũng như khả năng thưởng thưởng của họ trong bởi cảnh quan hệ giới từ góc độ giao thoa văn hoá.