Rape experiences and the limits of women’s agency in contemporary post-reform Vietnam
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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 dông (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. 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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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 Hương, 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 tê 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 Quý and Đặng Vũ Cạnh Linh, 2007; Kwaitkowski, 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 Mới⁴, 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,

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.