

RESEARCH ARTICLE

# Violations of the heart: Parental harm in war and oppression

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(Received 10 February 2023; revised 7 July 2023; accepted 6 September 2023)

## Abstract

This article examines ‘parental harm’ – a harm that occurs when a parent loses or faces the threat of losing a child. We contend that the manipulation and severing of relationships between parents and children has played a central role in war and oppression across historical contexts. Parental harm has long-term and pervasive effects and results in complex legacies for carers and their communities. Despite its grave impact, there is little research within International Relations into parental harm and understanding of its effects. We conceptualise parental harm through two frames – the ‘harm of separation’ and ‘harm to the ability to parent’ – and theorise gendered dimensions of how it is perpetuated and experienced. As such, we advance feminist understandings of family as a gendered institution that shapes the conduct of war and institutionalises racialised oppression. Our conception of parental harm offers novel insights into the relationship between intimate relations, the family, and state power and practices. We illustrate our conceptual arguments through two examples: the control and manipulation of family in antebellum slavery in the United States and the targeting of Tamil children in disappearances in Sri Lanka. These examples demonstrate the pervasiveness of parental harm across contexts and forms of violence.

**Keywords:** disappearances; family; gender; harm; separation; slavery; state violence; war

## Introduction

In sustained periods of violence and atrocity, one of the greatest harms that individuals and communities experience is the violation and manipulation of intimate bonds with others. In this article, we examine two central questions: (1) how do states target familial bonds during armed conflict and oppression; and (2) how do individuals and communities experience parental harm? Taking a relational perspective, we begin with the premise that our connections to other people enrich our lives and offer security and make us vulnerable when those we care and are responsible for are targeted and forcibly taken away. We look at parenting as practices of nurture and care that are often intrinsically bound up in personhood and identity and that have concrete social, economic, political, legal, and psychological implications. We offer a novel conception of what we call ‘parental harm’ as a specific violation. Parental harm may be a direct act of taking a child away or harming the child, or the persistent threat that parents, carers, and their wider communities face that a child will be harmed or their relationship to the child severed.

The examination of parental harm is important and timely for the study of International Relations (IR). We maintain that the manipulation and severing of relationships between parents,

children, and their communities has played a central role in war and oppression in many contexts. In the antebellum United States of America (USA), the separation of African American families through sale or by other means was critical to the upholding of slavery, paving the way for an entrenched system of racial structural injustice and violence that persists into the present. In situations of war and militarisation, parental harm emerges when children are detained for questioning despite being underage, tortured, abducted into armed groups, or disappeared. State enforced disappearances are a significant cause of parental harm, particularly due to the purposefully ambiguous nature of this violation and their often unresolved status. Today, parental harm is a pressing concern in the systematic targeting of youth and the forced separation and destruction of families in Ukraine and Syria. While this article focuses on contexts of war, militarisation, and racial slavery, parental harm and forced separation are relevant to many policy realms in contemporary international politics, for instance, modern slavery, transnational households, migration, refugees and border control, population control, and global marketised post-war reconstruction.

Despite its devastating impact and centrality, there is little systematic research into parental harm, and insufficient understanding and awareness of its effects. In International Relations, there is a growing scholarship that recognises the harm to children as a result of familial separation during war.<sup>1</sup> It shows how children are represented in idealised ways in war and peacetime and discusses how certain children often lack rights or are stigmatised in post-war societies, e.g. children born of rape and child soldiers.<sup>2</sup> However, this literature has said little about how the sudden or looming potential loss of a child affects parents specifically and the broader effects of forced separation on families and communities. While the harm experienced by carers separated from children may be a less intuitive humanitarian concern than the harm experienced by minors, we argue that examining parental harm is crucial, as it has pervasive long-term effects.<sup>3</sup>

Our conception of parental harm also responds to omissions in transitional justice and international law, in particular, the lack of attention to addressing what we call ‘relational harms’ within the legal realm: harms experienced on account of our connections to other people.<sup>4</sup> We see this as stemming from the Eurocentric origins of transitional justice and international law,<sup>5</sup> and a short-term ahistorical focus on abuses that occurred within *recent* transitions from conflict and authoritarian rule. Further, scholars and practitioners of transitional justice have tended to focus on the *immediate* direct victims and perpetrators of harm (those who experienced and carried out *direct* violence), rather than on the families and communities left behind and the structures that enable and sustain violence.<sup>6</sup> Our framework of parental harm provides an important lens to help locate the deeper communal, gendered, and intergenerational legacies of war and oppression.

<sup>1</sup>For example, Alison M. S. Watson, ‘Centralizing childhood: Remaking the discourse’, in J. Marshall Beier (ed.), *Discovering Childhood in International Relations* (Cham: Palgrave Macmillan, 2020), pp. 243–61; Helen Berents and Caitlin Monica, ‘Reciprocal institutional visibility: Youth, peace and security and “inclusive” agendas at the United Nations’, *Cooperation and Conflict*, 57 (2021), pp. 65–83; Marshall Beier, ‘Implementing children’s right to be heard: Local attenuations of a global commitment’, *Journal of Human Rights*, 18 (2019), pp. 215–29.

<sup>2</sup>Miriam Denov, *Child Soldiers: Sierra Leone’s Revolutionary United Front* (Cambridge: Cambridge University Press, 2010); Jana Tabak, ‘A tale of a (dis)orderly international society: Protecting child-soldiers, saving the child, governing the future’, in J. Marshall Beier (ed.), *Discovering Childhood in International Relations* (Cham: Palgrave Macmillan, 2020), pp. 115–134.

<sup>3</sup>The harm born by children in armed conflict is also more visible in the work of international organisations, e.g. Save the Children and the International Criminal Court. In domestic reparations programmes, parents often do not figure as strongly as spouses and children. Ruth Rubio-Marín, Clara Sandoval, and Catalina Díaz, ‘Repairing family members’, in Ruth Rubio-Marín (ed.), *The Gender of Reparations: Unsettling Sexual Hierarchies while Redressing Human Rights Violations* (Cambridge: Cambridge University Press, 2009), pp. 215–291 (pp. 280–1).

<sup>4</sup>This is our definition of the term.

<sup>5</sup>Rosalind Shaw, Lars Waldorf, and Pierre Hazan (eds), *Localizing Transitional Justice: Interventions and Priorities after Mass Violence* (Stanford, CA: Stanford University Press, 2010).

<sup>6</sup>For important work making similar criticisms, please see: Kimberly Theidon, *Legacies of War: Violence, Ecologies, and Kin* (Duke University Press, July 2022); Ram Kumar Bhandari, Bhagiram Chaudhary, and Sushila Chaudhary, ‘Social Justice for Families of the Disappeared in Nepal: Notes from the Field’, *Practicing Anthropology*, 40:2 (2018), pp. 14–18, Chulani Kodikara, ‘Connecting the Egregious and the Everyday: Addressing Impunity for Sexual Violence in Sri Lanka’, in Paul Greedy and Simon Robins (eds), *Transformative Justice* (Cambridge: Cambridge University Press, 2019), Fionnuala Ní Aoláin, ‘Rethinking the Concept of Harm and Legal Categorizations of Sexual Violence During War, Theoretical Inquiries in Law, 1:2 (2000), pp. 1–35.

Our understanding of parental harm as gendered builds on a rich feminist literature on intimate relations and the family in war and oppression and intersectional feminist work on reproductive justice and sexual rights. Feminist IR scholarship has powerfully illustrated how family as a gendered institution and realm of social reproduction is indispensable for the conduct of war and for institutionalising racialised forms of oppression.<sup>7</sup> Constructions of militarised femininities and masculinities and gendered divisions of labour, reproduced through the family, are central to legitimising and sustaining violence.<sup>8</sup> We argue that these gendered constructions also shape how parental harm is perpetrated and experienced at the level of identities. A central theme of reproductive justice scholarship is that the right to become a parent (in a safe and healthy environment) and the right not to have children are closely intertwined, particularly for women representing minority and marginalised communities.<sup>9</sup> Systems of slavery and colonial rule systematically and legally institutionalised who has the right to have children and deprived certain groups of this right. These institutions also took away opportunities to parent more indirectly, by consuming time that could have been spent raising children, by separating families, and by making conditions of life too difficult and unsafe to have children. It is therefore important to recognise parental harm as not just experienced by parents who lost living children, but also by communities and individuals who did not get to have children, because they were forcibly restricted from doing so or because of exploitation, structural poverty, and marginalisation.

In this article, we make three main arguments. First, we maintain that the violation of the bonds we share with others hurts and affects us in ways that are not necessarily recognised in theory and practice. We offer a detailed conception of parental harm to strengthen the case that it should be recognised, made visible, and addressed. We argue that international legal protections must further recognise family as a site of vulnerability and harm. Second, we contend that the control of and violation of intimate dependent relationships often plays a central role in war, militarisation, and oppression, whether as a by-product or as a conscious strategy. Our concept covers both direct acts of parental harm and long-term state and global institutional policies, as in the control of reproduction and rights to family in systems of colonial societies and enslavement. We therefore make a larger contribution to IR literature by conceptually capturing the relationship between intimate relations, the family realm, and state power and practices in novel ways. Third, we argue that parental harm has gendered and racialised aspects, thereby advancing feminist IR scholarship on family. We examine the politics of visibility in which certain harms become visible and invisible based on gendered, racialised, and contextually rooted notions of family, motherhood, and fatherhood. We highlight how parental harm is experienced through a gendered and sexed body and its impact at the level of identities. We assess how political actors promote and project certain identifications, but also how those directly affected take on, contest, and redefine these identities.

We illustrate our conceptual arguments through two empirical examples: the control of and manipulation of family in antebellum slavery in the USA and the targeting of Tamil children in state-enforced disappearances in Sri Lanka. Both cases are devastating examples of parental harm and were chosen for specific reasons. We focus on disappearances as an insidious and widespread form of parental harm. For many years, Sri Lanka had the second highest number of disappearances in the world.<sup>10</sup> As we will detail through the Sri Lankan case, disappearances leave complex and

<sup>7</sup> Anne McClintock, 'Family feuds: Gender, nationalism and the family', *Feminist Review*, 44 (1993), pp. 61–80; Srila Roy, *Remembering Revolution: Gender, Violence, and Subjectivity in India's Naxalbari Movement* (Delhi: Oxford University Press, 2012); V. Spike Peterson, 'Family matters in racial logics: Tracing intimacies, inequalities, and ideologies', *Review of International Studies*, 46:2 (2019), pp. 177–96.

<sup>8</sup> Cynthia Enloe, *Maneuvers: The International Politics of Militarizing Women's Lives* (Oakland: University of California Press, 2000); Jenny Hedström, 'Militarized social reproduction: Women's labour and parastate armed conflict', *Critical Military Studies*, 8:1 (2020), pp. 1–19.

<sup>9</sup> See SisterSong, available at: <https://www.sistersong.net>; Loretta Ross and Rickie Solinger, *Reproductive Justice: An Introduction* (Oakland: University of California Press, 2017), p. 169.

<sup>10</sup> United Nations General Assembly, 'Enforced or involuntary disappearances', Report of the Working Group on Enforced or Involuntary Disappearances, 14 September–2 October 2020.

pervasive legacies for surviving family members and their communities and are notoriously hard to address. We included the case of slavery in the USA as another important form of parental harm, which encompasses the control of reproduction and relies on heavily gendered and racist depictions of parental roles and identities. Our examination of slavery in the USA is also important as a long-standing case of systematic racial oppression that persists in the present. Although both cases are unique and distinctive, our analysis highlights that parental harms against enslaved African Americans in the USA and against Tamil families in Sri Lanka have important commonalities in how they are experienced and their relationship to state power.

After outlining our methodology, this article proceeds in three main sections. The first section, titled 'Parental Harm as Gendered and Relational', situates our argument in relation to two main sets of literature: feminist literature that examines family, intimate bonds, and reproductive justice during war and oppression and interdisciplinary literature on relational harm. The second section, 'Conceptualising Parental Harm', details our concept through two frames: 'the harm of separation' and 'harm to the ability to parent'. The third section deepens our argument by reflecting on the two empirical examples to offer insights into manifestations and ramifications of parental harm. We conclude by stressing that our conception of parental harm helps us to understand important dimensions of how war and oppression are enabled and sustained and to establish future avenues for research.

### Methodology and research process

In both cases, we focus heavily on why states commit parental harm, its political functions, and the lived experiences of victim-survivors. In Sri Lanka, we do this through interviews, focus groups, and ethnographic field research with war-affected Tamil communities in the north-east. Our discussion of parental harm in Sri Lanka draws on Friedman's previous research over five years, particularly in the north of the country, including most recently in August 2018. She spoke with parents whose children disappeared, including parents taking part in the protest movement on disappearances and those involved in less visible protest and memory work, particularly art, prayer rituals, and grieving pilgrimages.

The research employed a feminist and sensitive ethnographic methodology that let participants help guide the interviews and research design.<sup>11</sup> Friedman worked closely with local partner organisations and relied on long-term immersion in affected communities and repeat visits to build trust. She carried out a number of workshops in affected areas in Sri Lanka, where she brainstormed interview questions and the research design with local partners, women's groups, and feminist activists, many of whom themselves lost family members. By building bonds and immersing herself in the communal and individual lives of the interviewees, she developed a deeper emotional engagement with the subject, which opened 'space for new questions, ideas, and interpretations'.<sup>12</sup> In addition to formal interviews and focus groups, the research used ethnographic immersion and observation (sitting in on the protest movement, attending art workshops for parents of the disappeared, and taking part in two overnight mourning religious pilgrimages in affected areas). This was a way to understand the loss experienced by local communities without directly asking sensitive questions. While Sri Lanka remains heavily militarised and disappearances are an inherently painful subject, these steps minimised risks while making the research more symmetrical.

In the USA case, we access this information through secondary sources, including scholarly works that discuss autobiographies of formerly enslaved people and research on family separations. Straddling African American Studies, History, and Literary Theory, this scholarship initially offered insights into the intergenerational dimensions of parental harm. However, in engaging

<sup>11</sup> Brooke Ackerley and Jacqui True, *Doing Feminist Research in Political and Social Science* (London: Bloomsbury Publishing, 2019).

<sup>12</sup> Kristin Blakeley, 'Reflections on the role of emotions in feminist research', *International Journal of Qualitative Methods*, 6:2 (2007), pp. 59–68 (p. 65).

with this literature, our understanding of parental harm started to shift, and it became evident that we needed to think about parental harm in contexts beyond enforced disappearances in armed conflict. A crucial, haunting aspect of reading this literature was to be constantly reminded of how African American enslaved people were excluded from parenthood – and how law and racialised discourses around family explicitly institutionalised this exclusion. Thinking about parental harm under conditions of slavery brings into a focus how delineating who ‘counts’ as a parent enables harm and how such categories have and continue to perpetuate violence and injustice.<sup>13</sup>

### Parental harm as relational and gendered

We recognise parental harm as relational and gendered. In terms of its gendered dimensions, we build on a wide-ranging feminist literature that examines the family and intimate relations in contexts of war and oppression.<sup>14</sup> We understand parenthood as both a discursive construct and a social identity. As a discursive construct, political actors and institutions can draw upon and employ parenthood in various, gendered ways to cause harm – whether to target individuals specifically in their relational capacities as parents or to exclude specific populations from parenthood. The conduct of war is enabled by and produces specific forms of femininities and masculinities, and constructions of motherhood and fatherhood are central to making sense of and legitimising violence.<sup>15</sup> As such, the conditions of war and oppression generate crucial shifts in *how* parenthood is discursively constructed – often further strengthening existing regulatory gender norms. It is thus important to recognise motherhood and fatherhood as sites that are both manipulated for political ends and invested with meaning at the level of lived experiences.<sup>16</sup> Building on this, war and oppression target both men and women in gendered ways and often for gender-specific reasons. As such, thinking about constructions of motherhood and fatherhood is important for recognising how men and women may be targeted in their relational capacities *as parents*. Our concept of parental harm seeks to capture not only harms that are perpetuated as a result of deliberate policies but also harms that emerge as a by-product of the shattering and reordering of social relations that war and oppression effect and rely on.<sup>17</sup>

To understand parental harm at the level of social identities, we examine the transformative and debilitating effects that conditions of war and oppression have on parental identities.<sup>18</sup> Extending from this, we examine the possibility that specific harms – such as the harm of separation – are experienced *as* harms to one’s identity as a parent/mother/father.<sup>19</sup> We seek to delineate both the maternal and paternal dimensions of parental harm. In conceptualising parental harm as gendered, it is important not to think about motherhood and fatherhood as a binary – or somehow as

<sup>13</sup>Patricia Hill Collins, ‘It’s all in the family: Intersections of gender, race, and nation’, *Hypatia*, 13:3 (1998), pp. 62–82.

<sup>14</sup>Veena Das, *Life and Words: Violence and the Descent into the Ordinary* (Berkeley: University of California Press, 2007); Malathi de Alwis, “‘Disappearance’ and ‘displacement’” in Sri Lanka’, *Journal of Refugee Studies*, 22:3 (2009), pp. 378–91; Camillia Cowling, Maria Helena Machado, Diana Paton, and Emily West, ‘Mothering slaves: Comparative perspectives on motherhood, childlessness, and the care of children in Atlantic slave societies’, *Slavery & Abolition*, 38:2 (2017), pp. 223–31.

<sup>15</sup>Joanna Tidy, ‘Fatherhood, gender, and interventions in the geopolitical: Analyzing paternal peace, masculinities, and war’, *International Political Sociology*, 12:1 (2018), pp. 2–18 (p. 3).

<sup>16</sup>Anthony Matarazzo and Erin Baines, ‘Becoming family: Futurity and the soldier-father’, *Critical Military Studies*, 3:7 (2021), pp. 278–95.

<sup>17</sup>Shirin M. Rai, Jacqui True, and Maria Tanyag, ‘From depletion to regeneration: Addressing structural and physical violence in post-conflict economies’, *Social Politics: International Studies in Gender, State & Society*, 26:4 (2019), pp. 561–85; Emily West and Erin Shearer, ‘Fertility control, shared nurturing, and dual exploitation: The lives of enslaved mothers in the antebellum United States’, *Women’s History Review*, 27:6 (2018), pp. 1006–20.

<sup>18</sup>Matarazzo and Baines, ‘Becoming family’.

<sup>19</sup>De Alwis, “‘Disappearance’ and ‘displacement’”; Ní Aoláin, ‘Rethinking the concept of harm and legal categorizations’.

mutually exclusive parts of ‘parenthood’.<sup>20</sup> For example, it might be tempting to position motherhood as a social identity that is enacted through caregiving and nurture while fatherhood relates to the ability to provide for the child – to fulfil the identity of ‘breadwinner’. Parental harm would then emerge as the denial, compromising, or commodification of these *specific*, gendered capacities. This would risk reproducing rather than exploring regulatory gender norms and would silence rather than highlight the ways in which conditions of war and its aftermath further restrict gender norms. Parenthood as a social identity is embodied and enacted through a constant interaction with gendered norms and structures that orient the way in which parenthood is practised in a given socio-historical context.<sup>21</sup> Rather than simply imposed, gender norms are lived through and performed in ways that enable creative action and transgressive practices.<sup>22</sup> For us, the question of *how* parental harm is experienced at the level of gendered identities cannot be fixed from the outset. Rather, it is an empirical question that needs to be carefully addressed in relation to a specific temporal and socio-historical context.

While we make the case that family should be protected as a site of vulnerability, we also highlight how restrictions around who counts as family and has a right to form one continue to control and invalidate parenthood for certain populations.<sup>23</sup> The ideological construct of the nuclear family and its normative institutionalisation as a benchmark of Western ‘modernity’ has generated and continues to generate exclusions and gendered and racialised violence.<sup>24</sup> Tying into an active literature and practice on reproductive rights, in many societies, coercive state practices have denied certain communities the right to have children. This is both through forced sterilisation of Black and Indigenous women and through infertility and childhood mortality caused by pollution, marginalisation from resources and healthcare, and social neglect.<sup>25</sup> As we make clear in our discussion of slavery, liberal feminist movements in the USA failed to recognise the historic relationship between birth control and involuntary sterilisation for Black women.<sup>26</sup> Reproductive justice in the USA today is further bound up in the realms of pervasive structural discrimination and inequity, e.g. inferior maternal health care for Black women and higher infant and maternal mortality, which makes it far less safe to have children.<sup>27</sup> In other contexts in North and South America, forced sterilisation of Indigenous women under the rubric of state population control has similarly gone hand in hand with systematic violence and racial oppression of Indigenous communities.<sup>28</sup> While detailed discussion of these types of parental harm is beyond our scope, it is important to recognise the inability to have children as a further pervasive parental harm that has had a profound impact on social politics and has benefited particular communities at the expense of others.

In terms of relationality, we also locate parental harm within a broad subfield of ‘relational harm’. We draw inspiration from work in African American Studies, which puts emphasis on the family unit and highlights family separation as a key aspect of slavery.<sup>29</sup> Heather Williams’ research on

<sup>20</sup> Adéla Souralová and Hana Fialová, ‘Where have all the fathers gone? Remarks on feminist research on transnational fatherhood’, *Norma*, 12:2 (2017), pp. 159–74.

<sup>21</sup> Louis McNay, *Gender and Agency: Reconfiguring the Subject in Feminist and Social Theory* (Cambridge: Polity Press, 2000).

<sup>22</sup> Matarazzo and Baines, ‘Becoming family’.

<sup>23</sup> Joe Turner, *Bordering Intimacy: Postcolonial Governance and the Policing of Family* (Manchester: Manchester University Press, 2020).

<sup>24</sup> Hill Collins, ‘It’s all in the family’; Peterson, ‘Family matters’.

<sup>25</sup> Loretta Ross, Lynn Roberts, and Dorothy Roberts, *Radical Reproductive Justice: Foundation, Theory, Practice, Critique* (New York: The Feminist Press, 2017); Rosalind Petchesky, *Women and Global Power: The Transnational Politics of Reproductive and Sexual Rights* (London: Zed Books, 2001).

<sup>26</sup> Angela Davis, *Women, Race and Class* (London: Penguin Classics, 2019), p. 185.

<sup>27</sup> Ross and Solinger, *Reproductive Justice*, p. 187.

<sup>28</sup> Sonia Corrêa, *Population and Reproductive Rights: Feminist Perspectives from the South* (London: Zed Books, 1994), p. 56.

<sup>29</sup> Heather Williams, *Help Me to Find My People: The African American Search for Family Lost in Slavery* (Chapel Hill: University of North Carolina Press, 2012); Emily West, *Chains of Love: Slave Couples in Antebellum South Carolina* (Urbana: University of Illinois Press, 2004); Anne C. Bailey, *The Weeping Time: Memory and the Largest Slave Auction in American History* (Cambridge: Cambridge University Press, 2017).

African American parents, whose children were separated from them and sold into slavery, documents not only the central role that the separation of families played in perpetuating slavery, but also the effects this had on family life and parents.<sup>30</sup> We also find helpful perspectives in ethnographic and critical scholarship on transitional justice and peace-building.<sup>31</sup> This literature shifts focus from the state and legal remit to the everyday concerns of affected communities. Denov and Kahn's work on children born of rape highlights the complex everyday settings in which people continue to bear long-term effects of violence and show agency in how they redefine their own trajectories and senses of self.<sup>32</sup> Significantly, while these studies in transitional justice open avenues to thinking about harm relationally, they pay less attention to the specific harms experienced by people in their relational capacities as parents. Our conception of parental harm seeks to address this gap.

Building on this, we also seek to bring out the collective and potentially intergenerational aspects of parental harm. Our understanding of parental harm has evident connections with and draws on Fionnuala Ní Aoláin's work on 'maternal harm' in the context of the Holocaust. While Ní Aoláin looks at maternal harm as a crime in the sexual/reproductive realm, specifically experienced by women, we expand our understanding to include fathers who have lost children. Similarly to Ní Aoláin, we are interested in the cumulative effects of parental harm in creating 'communities of harm' that include 'children, parents, friends, husbands, and partners'. These communities are united by the experience of 'intimate harm' against 'identifiable others who have a co-dependent relationship with the subjects of violation'.<sup>33</sup>

Finally, parental harm engages with research on ambiguous loss. Ambiguous loss is a form of harm that is ongoing, as uncertainty, social stigmas, and an inability to mourn generate 'frozen', interrupted, or complicated grief.<sup>34</sup> Unlike individualised trauma approaches, ambiguous loss adopts a relational perspective, characterising loss as external and continuous.<sup>35</sup> Brandon Hamber and Richard Wilson argue that 'both the survivor and the dead inhabit a symbolically liminal space. Both are part of society but removed from society'.<sup>36</sup> Malathi de Alwis argues that survivors of the disappeared turn into 'chronic mourners' who 'reinhabit the world' in the face of 'continuously deferring loss'.<sup>37</sup> While we engage with the concept of ambiguous loss, prevalent in the disappearances literature, we use the legal language of harm rather than trauma. This is to make clear that parental harm involves a recognisable violation, which demands a legal and juridical obligation for acknowledgement and remedy. We seek to integrate the notion that the 'family' is entitled to protections, which may be useful to confer state obligations.<sup>38</sup> Although overlapping with trauma (and potentially causing trauma), we also feel that our framing of harm minimises predetermining the experience of harm. Where trauma usually connotes a specific experience and emotional

<sup>30</sup>Williams, *Help Me to Find My People*.

<sup>31</sup>Erin K. Baines, "'Today, I want to speak out the truth': Victim agency, responsibility, and transitional justice', *International Political Sociology*, 9:4 (2015), pp. 316–32; Paul Greedy and Simon Robins, 'From transitional to transformative justice: A new agenda for practice', *International Journal of Transitional Justice*, 8:3 (2014), pp. 339–61.

<sup>32</sup>Sara Kahn and Myriam Denov, "'We are children like others': Pathways to mental health and healing for children born of genocidal rape in Rwanda', *Transcultural Psychiatry*, 56:3 (2019), pp. 510–28.

<sup>33</sup>Ní Aoláin, 'Rethinking the concept', p. 29

<sup>34</sup>Pauline Boss, *Ambiguous Loss: Learning to Live with Unresolved Grief* (Cambridge, MA: Harvard University Press, 1999), p. 11; Simon Robins, 'Constructing meaning from disappearance: Local memorialisation of the missing in Nepal', *International Journal of Conflict and Violence*, 8:1 (2014), pp. 104–18; de Alwis, 'Disappearance and "displacement"'.

<sup>35</sup>Robins, 'Constructing meaning', p. 106.

<sup>36</sup>Brandon Hamber and Richard A. Wilson, 'Symbolic closure through memory, reparation and revenge in post-conflict societies', *Journal of Human Rights*, 1:1 (2002), pp. 35–53 (p. 40).

<sup>37</sup>De Alwis, "'Disappearance and "displacement"'', p. 379.

<sup>38</sup>Fionnuala Ní Aoláin, Position of the United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism on the human rights of adolescents/juveniles being detained in North-East Syria, United Nations Human Rights Special Procedures (2021), available at: [https://www.ohchr.org/Documents/Issues/Terrorism/SR/UNSRCT\\_Position\\_human-rights-of-boys-adolescents-2021\\_final.pdf](https://www.ohchr.org/Documents/Issues/Terrorism/SR/UNSRCT_Position_human-rights-of-boys-adolescents-2021_final.pdf).

state, we use the more open framing of harm to also highlight agency in how family members and communities have addressed it.

## Conceptualising parental harm

### *The harm of separation*

Our understanding of parental harm considers both the harm of separation and a broader continuum of harm that is caused to people's ability to parent. The first of these – the 'harm of separation' – occurs when a parent is forcibly separated from their child in contexts of violence and oppression. Fionnuala Ní Aoláin identifies the 'harm of separation' as a specific form of maternal harm. Looking at the forcible removal of Jewish children from their families during the Holocaust, Ní Aoláin argues, 'another quantifiable harm has been perpetrated when a woman is forcibly separated from her dependent child, whose fate she cannot control and can only imagine as grim'.<sup>39</sup> In her view, the enforced separation of mothers and children is a categorical assault on female sexuality because it targets the product of that sexuality – the child. The object of attack is the woman's body, both in its actual and symbolic manifestations.<sup>40</sup> Significantly, the separation of children is a crime of intent, in that both perpetrators and victims understand the significance of the crime:

There is an undisputed, unarticulated communication between the perpetrator and the victim in this context. Both profoundly understand the nature of the harm. There is no misunderstanding between them. Rather, any ambiguity lies outside, in the categorization and naming of the deed rather than in its actual and understood context.<sup>41</sup>

Mothering, in other words, is a gendered undertaking and is understood as such by those seeking to destroy the social fabric of the community.

Ní Aoláin is writing from a legal perspective and seeks to categorise maternal harm as a punishable crime within a legal framework.<sup>42</sup> Her analysis is also rooted in the specific context of the totalising violence of the Holocaust. Like other sexual assault (e.g. bodily rape), she notes that Jewish children were publically separated and killed in front of their parents and communities. As such, the separation of children and the targeting of the family enabled and reinforced the physical and cultural destruction of the Jewish people.

We share with Ní Aoláin an understanding of the harm of separation as a deeply gendered harm that is perpetuated through governing and destroying the person's intimate relations to others with distinct political aims. However, we also expand our analysis to examine fatherhood. In contrast to motherhood, which often holds symbolic power and receives social and political recognition when it is violated (e.g. extensive media coverage and political attention to protesting mothers who lost children around the world), fatherhood and the ways in which fathers are harmed often receive less recognition. As we will discuss in the context of US slavery, this renders fathers invisible in a way that mothers are not. Additionally, although we recognise the importance of determining intent for legal purposes, we also seek to acknowledge the heterogeneity of individual and community experiences of parental harm and people's agency in responding to it. Focusing on lived experiences helps us understand the longer-term everyday ramifications of parental harm for those affected by it and the ways in which it varies and takes form in different contexts.

In establishing the link between the harm of separation and forced disappearances, we position forced disappearance as an act that separates the disappeared from their loved ones and causes

<sup>39</sup>Ní Aoláin, 'Rethinking the concept', p. 16.

<sup>40</sup>Ibid.

<sup>41</sup>Ibid., p. 17.

<sup>42</sup>Ibid., p. 16.



profound relational harm.<sup>43</sup> As the United Nations recognises, disappearances victimise not only those targeted but also those sharing intimate relationships with the disappeared.<sup>44</sup> Disappearances offer many instrumental benefits for repressive states, particularly the quick extraction of tactical information and the avoidance of accountability.<sup>45</sup> For our purposes, disappearances also enable states and militaries to uphold systems of oppression through the terror and fear they inflict on the civilian population in the threat to intimate relationships.

One large dimension of the harm of separation is living amid the fear of separation and the long-term reality of having little control over the fate of one's children. Heather Williams powerfully discusses how the constant 'specter of separation' from family 'hovered' over African American enslaved families, whether or not they were separated through sale (or other means), and whether or not they eventually experienced family separation.<sup>46</sup> The spectre of separation highlights a different side of parental harm – its all-consuming impact on people's lives and experiences beyond the more obvious act of separation. Extending from this, we will now introduce 'harm to the ability to parent' to clarify key ways in which parental harm operates beyond the immediate violent act of separation.

### *Harm to the ability to parent*

Our discussion of 'harm to the ability to parent' presents a broad continuum of parental harm by addressing the following themes: scarcity of resources and parental identities. We understand 'parenting' as a set of practices that are loosely orientated towards preserving the life of one's child/children (biological or otherwise) *and* towards cherishing the relation between the parent and the child, such as nurturing, caring, providing, guiding, educating, and protecting. This is not to suggest fixed, easily identifiable criteria for what constitutes parenting, but rather a loose orientation that allows us to explore the meanings of practices in their specific discursive and social contexts. The ability to parent then refers to the person's capacities to pursue these practices in relation to their children.

The ways in which resources (social, emotional, and material, including time) to provide nurture and care are made scarce – either deliberately or as a consequence of wider conditions of violence – is central to how parental harm operates. In accounting for parental harm, it is important not to focus solely on specific acts of violence (such as enforced disappearances) but to recognise how the scarcity of resources to parent generates wider gendered harm. Rai, True, and Tanyag examine social reproduction in contexts of war and post-war recovery, fusing together the literature on the political economy of violence against women and 'depletion through social reproduction.'<sup>47</sup> Depletion through social reproduction occurs when 'the gap between the outflows – domestic, affective, and reproductive labor – and the inflows – medical care, income earned, and leisure time – falls below a threshold of biological, financial, and affective sustainability.'<sup>48</sup> The provision of daily care during and after violence is not an 'endlessly elastic and self-renewing resource' but rather imposes specific burdens and harms on those who are responsible for performing care labour.<sup>49</sup> For instance, the destruction of existing support networks due to violence might mean significantly hindering access to informal childcare (such as extended family and other networks).

<sup>43</sup>We consciously use the term disappeared rather than missing. This is the term frequently used by families of the disappeared who wish to intentionally capture the active element of disappearances – that someone forcefully disappeared another person.

<sup>44</sup>Notably the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) recognises this double harm by identifying both primary and secondary victims of disappearances.

<sup>45</sup>Danushka S. Medawatte, 'The vanishing act: Punishing and deterring perpetrators through the concurrent application of diverse legal regimes to enforced disappearances,' *Florida Journal of International Law*, 29:227 (2017), pp. 227–252 (p. 231).

<sup>46</sup>Williams, *Help Me to Find My People*.

<sup>47</sup>Rai, True, and Tanyag, 'From depletion to regeneration', p. 563.

<sup>48</sup>*Ibid.*, p. 564.

<sup>49</sup>*Ibid.*, pp. 564, 567.

Here again, parental harm emerges as deeply gendered. Responsibilities for performing social reproduction, and specifically childcare duties, are conditioned by societal gender norms that often become more restrictive during and in the aftermath of war. Unequal gender relations, reproduced through the family structure, mean that the burdens of social reproduction disproportionately affect women in their various relational capacities (e.g. as mothers, grandmothers, sisters).<sup>50</sup> Our understanding of parental harm also encompasses the possibility that resources are *deliberately* made scarce to sustain armed conflict and oppression. As we will elaborate in the discussion of slavery, starvation and food scarcity can prevent parents from providing for and nurturing their children.<sup>51</sup> Similarly, restricting time as a resource available for providing care and nurture can perpetuate parental harm.<sup>52</sup>

To understand how harm to the ability to parent is experienced, it is central to examine this question at the level of identities, that is, how people may experience specific acts of violence, including forced separation, as harms to one's identity *as* a parent. Our concern is not only whether someone is targeted in their relational capacities as a mother or a father, but also whether those affected experience the harm *as* such – as harm to motherhood or fatherhood. Malathi de Alwis explores the ambiguity of loss resulting from the disappearance of a child and how experiences of grief might be tied to with the 'identificatory logic of maternity'.<sup>53</sup> She highlights how this logic interweaves with the labour of caretaking, including everyday tasks such as washing the clothes of one's child. Mothers perform and occupy maternal identities through such everyday practices, and these practices also become sites that encapsulate complex grief. De Alwis writes:

Physical absence – which, in this instance, is not perceived as finite – makes the identificatory logic of maternity (imbricated in care-taking) particularly traumatic because the mother cannot 'take care' of her son's clothing, i.e., wash it, because it still carries the trace of his absent presence.<sup>54</sup>

The notion of harm to the ability to parent seeks to capture these longer-term, all-consuming effects of the act of separation on the everyday lives of parents. The harm to motherhood here emerges not as a singular event but rather a complex process of working out how to 'reinhabit the world',<sup>55</sup> and indeed, how to 'reinhabit' motherhood when the child is no longer physically present.<sup>56</sup> In reference to maternal protest in Argentina, Bergman and Szurmuk describe the intensely physical embodied dimension of such reinhabiting: 'Mothers fought with their own bodies, which they offered as evidence of the existence of the children the regime had "disappeared". They had birthed those children, and now, in their absence, they had to speak for them and birth them again as words and as ideas.'<sup>57</sup> Mothers at the Plaza de Mayo used embodied protest through their bodies and used crafts and drawings to reinstate their disappeared children's corporality and to make the children's physical absence publicly visible. Building on this, we are not seeking to pathologise parenthood as somehow damaged. Rather we recognise that harms have profound ramifications on people's identities as parents and illustrate how parents live through these identities and reinhabit them during and after atrocity and continue to be parents even after the loss of a child.

<sup>50</sup>Hedström, 'Militarized social reproduction'.

<sup>51</sup>Kathleen Kennedy, "'We Were Not to be Eaten but to Work': Foodways, grief, and fatherhood in Charles Ball's narrative of slavery', *Slavery & Abolition*, 41:3 (2019), pp. 505–27.

<sup>52</sup>Juanita Elias and Shirin M. Rai, 'Feminist everyday political economy: Space, time, and violence', *Review of International Studies*, 45:2 (2019), pp. 201–220 (p. 210).

<sup>53</sup>De Alwis, "'Disappearance" and "displacement"', pp. 379, 384.

<sup>54</sup>*Ibid.*, p. 384.

<sup>55</sup>Das, *Life and Words*, p. 223.

<sup>56</sup>De Alwis, "'Disappearance" and "displacement"', p. 379.

<sup>57</sup>Marcelo Bergman and Monica Szurmuk, 'Gender, citizenship, and social protest: The new social movements in Argentina', in Ileana Rodriguez (ed.), *The Latin American Subaltern Studies Reader* (Durham, NC: Duke University Press, 2001), pp. 383–402 (p. 390).

## Empirical reflections

We will now examine two empirical illustrations of parental harm: (1) the case of antebellum slavery in the USA, and (2) state-enforced disappearances in Sri Lanka. In both cases, we examine parental harm through the prisms of the harm of separation and harm to the ability to parent.

### *The African American experience of slavery in the USA*

I had a constant dread that Mrs. Moore, her mistress, would be in want of money and sell my dear wife. We constantly dreaded a final separation. ... These fears were well-founded ... [since] Mrs. Moore left Wilmington, and moved to Newburn. She carried away with her my beloved Lucilla, and my three children, Annie, four years old; Lizzie, two and a half years; and our sweet little babe Charlie.<sup>58</sup>

Forced familial separation was at the very core of the system of slavery in the USA. In a system that was geared towards, and thrived, on destroying people's intimate relations to others – by commodifying these relations – separation from loved ones (children, couples, and other family) was a constant possibility. The 'specter of separation' was always present, whether as a potential loss or as one that had already occurred.<sup>59</sup> By 1860, on the eve of the Civil War, 4 million African Americans lived in chattel bondage in the United States. During the antebellum period (1800–60), a spectacular expansion of human bondage in the southern states, combined with a lucrative domestic slave trade, resulted in virtually all enslaved families living under a constant threat of separation.<sup>60</sup> Importantly, forced separation was not limited to separation through a long-distance sale but could also happen as a result of estate divisions or local sales that forced families apart.<sup>61</sup> While nearly all long-distance movement meant 'irreparable loss',<sup>62</sup> there was a possibility that familial ties could be preserved after local sales or estate divisions as the distances were more manageable. In this context, abroad marriages and cross-plantation networks (involving spouses and other family and community members) became central in mitigating the impacts of a local sale. Families vigorously maintained relationships despite difficult circumstances and the constant threat of a long-distance separation, or what Tom Jones, who lost his family, describes above as 'final' separation.<sup>63</sup>

The denial and regulation of legal marriage was a material condition that made family separations possible.<sup>64</sup> The slave states denied legal marriage to enslaved people to draw demarcations between owner and the owned.<sup>65</sup> In the nineteenth-century South, legal marriage created households that were most often headed by White men – unless they had a widowed White woman at the helm – and any challenge to the owner's power within the household would have constituted a threat to the broader social order that grew out of these patriarchal households.<sup>66</sup> In powerful ways then, the governing of intimate relations and family maintained and solidified the gendered and racialised social order. Joe Turner refers to 'family as dehumanisation' as a gendered process through which categories of heteronormative family rendered non-European women as inferior

<sup>58</sup>Tom Jones, *Experience and Personal Narrative of Uncle Tom Jones, Who Was for Forty Years a Slave; also the Surprising Adventures of Wild Tom, of the Island Retreat, a Fugitive Negro from South Carolina* (Boston: H. B. Skinner, 1855), p. 24. Quoted in West, *Chains of Love*, p. 149.

<sup>59</sup>Williams, *Help Me to Find My People*, p. 13.

<sup>60</sup>Damian Alan Pargas, 'Disposing of human property: American slave families and forced separation in comparative perspective', *Journal of Family History*, 34:3 (2009), pp. 251–74.

<sup>61</sup>Wilma Dunaway, *The African-American Family in Slavery and Emancipation* (New York: Cambridge University Press, 2003).

<sup>62</sup>West, *Chains of Love*, p. 145.

<sup>63</sup>*Ibid.*, pp. 149–50.

<sup>64</sup>Williams, *Help Me to Find My People*, p. 66.

<sup>65</sup>While most states simply ignored the concept of marriage between enslaved people, Louisiana did acknowledge marriage-like relationships, but the state denied slaves any legal marital rights.

<sup>66</sup>Williams, *Help Me to Find My People*.

and denied their right to family.<sup>67</sup> The forced separations of African American families, and the enormous harms effected by these separations, need to be situated in this context.

Slavery relied on the commodification of familial relations in deeply gendered ways. Individuals inherited enslaved status through the maternal line, thus rendering motherhood central to the reproduction of slavery.<sup>68</sup> Under such conditions, claiming one's child as one's own – inhabiting motherhood – was a claim that was 'anarchic'. Reflecting on the catalyst of her novel *Beloved*, Toni Morrison writes about the debates around motherhood among feminist movements at the time:

Suppose having children, being called a mother, was the supreme act of freedom – not its opposite? Suppose instead of being required to have children (because of gender, slave status, and profit) one chose to be responsible for them; to claim them as one's own; to be, in other words, not a breeder, but a parent. Under U.S. slavery such a claim was not only socially unacceptable, it was illegal, anarchic. It was also an expression of intolerable female independence. It was freedom. And if the claim extended to infanticide (for whatever reason – noble or crazed) it could and did become politically explosive.<sup>69</sup>

A devastating reflection on motherhood and freedom under the conditions of slavery, *Beloved* was inspired by a historical case of an infanticide committed by an enslaved woman, Margaret Gardner. Angela Davis recounts how nineteenth- and twentieth-century White-led feminist movements did not appreciate the widespread history of self-imposed abortions and reluctant infanticide as desperate acts motivated by conditions of slavery.<sup>70</sup> Where liberal feminist campaigns often put significant emphasis on opportunities for abortion and birth control, they put less import on issues that were pressing for Black women, such as the opportunity to (voluntarily) become a parent, where this had historically been denied, and to have and raise children in a safe and healthy way.<sup>71</sup> Debates around reproductive justice remain highly relevant in the current context, not just in the realm of reproduction, where, as detailed earlier, Black women are more likely to have dangerous and inferior access to and experience of medical support and social services, but also more indirectly in the everyday ways in which structural inequalities, poverty, and discriminatory political and social policies affect Black parents in the family realm. Black, Native American, and other minority women in the USA are, for instance, more prone to be subject to negative representations of their adequacy as mothers ('sexual citizenship') and to experience interventions into their children's lives once born and into childhood.<sup>72</sup>

In the context of slavery, and crucially to our framework, it was the magnitude of forced labour assigned to women away from their children that severely affected enslaved women's ability to parent. The dominant ideology of private, domestic motherhood excluded enslaved women through racial discrimination that ironically stifled and degraded Black women's ability to mother their own children at the same time that they were made to raise the children of slaveholders.<sup>73</sup> The practice of wet nursing is an example of the 'dual exploitation' of enslaved women as labourers and reproducers, and of how White Southern women manipulated the motherhood of the women they enslaved.<sup>74</sup> As West and Shearer write:

<sup>67</sup> Turner, *Bordering Intimacy*, p. 65.

<sup>68</sup> Camillia Cowling, Maria Helena Machado, Diana Paton, and Emily West, 'Mothering slaves'.

<sup>69</sup> Toni Morrison, *Mouth Full of Blood: Essays, Speeches, Meditations* (London: Vintage, 2019), p. 282.

<sup>70</sup> Davis, *Women, Race and Class*, pp. 182–4.

<sup>71</sup> *Ibid.*, p. 185.

<sup>72</sup> Ross and Solinger, *Reproductive Justice*, p. 178.

<sup>73</sup> West and Shearer, 'Fertility control'.

<sup>74</sup> *Ibid.*, p. 1014.

[Wet nursing] uniquely and literally encompasses the intersection of reproductive exploitation based on the ability to bear children; and the exploitation of women's labour where they provided both their time and their milk supply to those who held them in bondage.<sup>75</sup>

Women who mothered under the conditions of slavery often did not have enough time or milk supply to nurse their own children. Wet nursing was a deliberate shrinking of resources for mothering through the dual exploitation of enslaved women's labour and reproductive abilities.

Returning to *Beloved*, the theme of milk 'being stolen' emerges in shattering ways throughout the narrative of the main character, Sethe, offering a devastating illustration of the commodification of motherhood and women's reproductive labour in slavery. In a central scene, the 'Schoolteacher's' two nephews assault Sethe in a barn. Sethe recounts how one of the nephews held her down whilst the other sucked the milk from her breast with 'their book-reading schoolteacher watching and writing it up'.

They had me down and took it. Milk that belonged to my baby. Nan had to nurse whitebabies and me too because Ma'am was in the rice. The little whitebabies got it first and I got what was left. Or none. There was no nursing milk to call my own. I know what it is like to be without milk that belongs to you.<sup>76</sup>

This assault perpetuates multiple forms of harm. It has a horrific dehumanising element in milking Sethe as if she was an animal; it profanely appropriates the nutrition meant for her children; and the recording of the incident further objectifies and utilises Sethe's suffering for strategic ends.<sup>77</sup> As Mitchell writes, this violation for Sethe goes beyond the immediate horrors of the brutal act and has 'historical import and generational meaning'.<sup>78</sup> We know that Sethe's own mother was not allowed to mother her and that Sethe was barely able to meet her, let alone be nursed by her. As such, Sethe took great pleasure and pride in breastfeeding her own children.

While the institutions and cultural norms in favour of slavery commodified the bond between a mother and child, they did not recognise the bond between a father and a child even in a limited way but rather rendered it disposable and not worth recording.<sup>79</sup> Slaveholders carried out concrete and systematic practices to organise life in captivity that undermined and erased enslaved men's fatherhood. Recent research has revisited various written and oral narratives of formerly enslaved people and their descendants, to explore, as Grant and Bowe put it, 'the memory of enslaved masculinity in its paternal iteration'.<sup>80</sup> Slavery placed White men at the helm of the patriarchal household and within a gender system that 'prized mastery of one's household', this position directly 'undercutting' the masculinity of enslaved men.<sup>81</sup> This arrangement, as Woodard writes, positioned enslaved men 'within in a category of otherness which excluded them from humane categories such as that of father'.<sup>82</sup> For example, fathers' contact with their children was highly regulated, and they often faced extreme forms of violence simply for visiting their children.<sup>83</sup>

Not only physical violence, but also more subtle practices, such as food deprivation, further manipulated and controlled fathers' ability to parent. Parents were continuously prevented from providing sufficient and nutritious food for their children while their enslavers 'feasted' on the

<sup>75</sup> *Ibid.*, p. 1015.

<sup>76</sup> Toni Morrison, *Beloved* (London: Vintage, 2007), p. 236.

<sup>77</sup> Angelyn Mitchell, *The Freedom to Remember: Narrative, Slavery, and Gender in Contemporary Black Women's Fiction* (New Brunswick: Rutgers University Press, 2002), p. 94.

<sup>78</sup> *Ibid.*, p. 94.

<sup>79</sup> Cowling et al., 'Mothering slaves', p. 869.

<sup>80</sup> Susan-Mary Grant and David Bowe, "'My daddy ... he was a good man': Gendered genealogies and memories of enslaved fatherhood in America's antebellum South', *Genealogy*, 2:43 (2020), pp. 1–18 (p. 3).

<sup>81</sup> Kennedy, "'We were not to be eaten'", p. 515.

<sup>82</sup> Vincent Woodard, *The Delectable Negro: Human Consumption and Homoeroticism within U.S. Slave Culture* (New York: NYU Press, 2014), p. 168, quoted in Kennedy, "'We were not to be eaten'", p. 515.

<sup>83</sup> Grant and Bowe, "'My daddy'", pp. 7–8.

results of their exploited labour.<sup>84</sup> These practices need to be situated within a gender system that associated paternal masculinity with the ability to provide for the family. The deliberate prevention of fathers from providing for their children emerges as an insidious form of harm targeted at enslaved men *as* fathers. Harm to the ability to parent then is perpetuated not through a singular act of violence, but through the denial of the everyday practices of parenting – or to use Spillers’s words – by seeking to ‘rob’ men of their ‘parental function.’<sup>85</sup> This is not to say that experiences of enslaved fatherhood were always primarily tied to the identity of the father as a provider – but rather to highlight how food deprivation and starvation were used by the slaveholders as a weapon to ‘sever bonds’ between parents and children, and how this might have been experienced specifically as a harm to one’s identity as a father.<sup>86</sup>

The scholarship that explores narratives of fatherhood through autobiographies of formerly enslaved men offers crucial insights into these entanglements between fatherhood and food. Examining Charles Ball’s *Slavery in the United States*, Kennedy illustrates how providing the necessities of life is central to how Ball constructs fatherhood and hence his identity as a man. For example, Ball narrates his visit to a fellow enslaved man’s cabin, where he witnesses how parents deprived their children of meat in order to sustain themselves through hard physical labour:

His children look up to him in his little cabin, as their protector and supporter ... [but] the father and mother know, that [meat] is not only food, but medicine to them, and their appetites keenly court the precious morsel; whilst the children, whose senses are all acute, seem to be induced with taste and smell in a tenfold degree, and manifest ravenous craving for fresh meat, which is painful to witness without being able to satisfy it.<sup>87</sup>

Having been forcibly separated from his own family, witnessing this scene also prompts Ball’s painful realisation that his own wife and children are not provided for and that he is unable to help. Upon witnessing the scene in the cabin, Ball decides to take on the role of a provider and to share the fruits of his labour with another family, this fathering role becoming a central element of his narrative. Building on Kennedy, narrating fatherhood in this way – as connected to providing and sharing food – also becomes a means of insisting that readers see within him ‘a man whose emotional life and relationship mattered.’<sup>88</sup>

While the enormous impact of slavery on Black fatherhood emerges clearly from the data, when writing about fatherhood during slavery it is important to be conscious of the continuing damaging narrative – prominent in historical analyses and popular culture – of reading African American fatherhood under slavery through a paradigm of ‘enforced absenteeism.’<sup>89</sup> Grant and Bove argue ‘in the antebellum American South, the role of the enslaved father remains largely trapped within a paradigm of enforced absenteeism from an unstable and insecure familial unit.’<sup>90</sup> The now-infamous ‘Moynihan Report’ blames the economic and psychological effects of slavery, the segregated nature of society after the Civil War and into the twentieth century, and the ever-present threat of lynching for working ‘against the emergence of a strong father figure’ within Black communities.<sup>91</sup> The analysis of fatherhood in the US highlights an ethical and political challenge of identifying and acknowledging parental harm – including its intergenerational

<sup>84</sup> Kennedy, “We were not to be eaten”, pp. 514–15.

<sup>85</sup> Hortense J. Spillers, ‘Mama’s baby, papa’s maybe: An American grammar book’, *Diacritics*, 17:2 (1987), pp. 64–81 (p. 78).

<sup>86</sup> Kennedy, “We were not to be eaten”, p. 520.

<sup>87</sup> Charles Ball, *Slavery in the United States A Narrative of the Life and Adventures of Charles Ball, a Black Man, Who Lived Forty Years in Maryland, South Carolina ... with Commodore Barney, During the Late War* (Lexington, KY: Create Space Independent Publishing Platform, 2012 [1837]), pp. 164–5, quoted in Kennedy, “We were not to be eaten”, p. 520.

<sup>88</sup> Kennedy, ‘We were not to be eaten’, p. 523.

<sup>89</sup> Grant and Bove, “My daddy”, p. 1.

<sup>90</sup> *Ibid.*

<sup>91</sup> Authored by American sociologist and then-Assistant Secretary of Labor, Daniel Patrick Moynihan. Quoted in Grant and Bove, “My daddy”, p. 2.

legacies – without predetermining victimhood and pathologising families as broken by the past. While we share the concern that academic research should not further reinforce harmful narratives, we feel it is important to acknowledge the present-day structures and inequalities that generate parental harm by targeting Black fathers in particular. As recent scholarship details, the themes of absenteeism, slavery, and fatherhood continue to be relevant in the present, particularly in relation to the impact of law enforcement and mass incarceration.<sup>92</sup> These realms affect many aspects of family life today, where one out of nine Black children has had a parent in prison.<sup>93</sup>

### *Disappearances in Sri Lanka*

In war, if a son dies in front of his mother, one has to accept and live with that. Birth and death are in the hands of the God. But making a person deliberately disappear is something that is very cruel. No mother or any woman in the world should experience it. That is an unbearable pain. Birth and death are different. Everyone has to face death some day in his life. But disappearance is unacceptable. One can't compare the emotions in both the cases. This is very painful.<sup>94</sup>

The tragic and systematic practice of disappearances in Sri Lanka illustrates both the political instrumental uses of disappearances and their devastating impact on family members and communities. Disappearances have a long history in Sri Lanka, pre-dating the civil war between the military and the Liberation Tigers for Tamil Eelam (the LTTE) from 1983 to 2009.<sup>95</sup> The war began as a separatist uprising by the LTTE following a long period of racially institutionalised discrimination and violence against the Tamil minority by the Sinhalese majority government. In 2003, the International Committee for the Red Cross received 20,000 complaints of disappearances, though many estimate the total number to be significantly higher.<sup>96</sup> Although all sides committed atrocities, the Sri Lankan security forces were responsible for the vast majority of disappearances. The disappeared include LTTE members and high numbers of Tamil civilians. Crucially, building on the earlier discussion of the 'specter of separation', disappearances became a vehicle of control of the Tamil civilian population during war, alongside torture, forced detention, and arbitrary arrest. One of the principal harms inflicted by disappearances is that Tamil families lived in a constant fear of disappearances. The threat of disappearances (for oneself or one's loved ones) was used to elicit information about the LTTE and sympathisers and also to deter the civilian population from joining and supporting the LTTE.

Many wartime disappearances in Sri Lanka occurred during the final stages of the civil war in 2008 and 2009. Critically for our inquiry, these disappearances often relied upon the cooperation of family members. While much of this period remains undocumented, the final stages of the war involved a brutal extended military siege in the north, where the LTTE finally surrendered. Surrounded by thousands of Tamil civilians fleeing the violence, many of the newly surrendered LTTE cadres blended into the civilian population, with some reuniting with their families. Others had returned to their families earlier in the war (due to injury or other reasons) or had only very briefly joined or been abducted into the LTTE. What is important for our purposes is that this frantic blurring of civilians and LTTE insurgents in the final phases of the war helped rather than hindered the military's commission of disappearances. The military relied upon the Tamil civilian

<sup>92</sup> Deadric T. Williams and Arnon R. Perry, 'More than just incarceration: Law enforcement contact and black fathers' familial relationships', *Issues in Race and Society: An Interdisciplinary Global Journal*, 8:1 (2019), pp. 85–118.

<sup>93</sup> David Murphey and Mae Cooper, *Parents behind Bars: What Happens to Their Children?* (Bethesda, MD: Child Trends, Inc, 2015), quoted in Williams and Perry, 'More than just incarceration', p. 86.

<sup>94</sup> Protester and mother of disappeared child, Vavuniya Protest Site, 8 August 2018.

<sup>95</sup> The Sri Lankan military committed large-scale disappearances of Sinhalese youths during the communist insurrection in the 1980s in the south of Sri Lanka. Some believe that this period paved the way for the military's reliance on disappearances and torture during the armed conflict with the LTTE.

<sup>96</sup> By one estimate, 146,000 Tamils went missing in the final stage of the war.

population to identify their LTTE family and assured them that the outcome would be better for cadres if they cooperated. In interviews of parents of disappeared children, many relayed marching their (sometimes gravely injured) children to hospitals and checkpoints, encouraged by the military's promises that they would be safely returned after questioning. A large percentage of people who surrendered never came back and their whereabouts are still unknown. As a protester in Kililnotchi, whose young daughter surrendered to the military and never returned, describes:

They [the military] said they will pardon whoever surrenders and from Omanthai onwards, they arrested the children. ... They took educated children claiming they were LTTE, everyone one was tagged as LTTE, whether you are old or young. ... My one and only child, the girl on that photo with a rose on her hair, they captured her in the Ananda Kumarasamy camp saying, 'she is LTTE'. ... Most of those missing were born in 1991, 1992, 1993, so imagine how old they would have been at the time of capture? When they took us by bus and dropped us at Omanthai they announced that even if you were part of the LTTE, even for one day, come and surrender.<sup>97</sup>

As stated earlier, our conception of parental harm recognises how political actors manipulate family members' desire to protect their dependants to political advantage. In Sri Lanka, the military's awareness of Tamil families' vulnerability in their desire to protect their children enabled some of the highest rates of disappearances during the war. It also left some of the most emotionally painful legacies for parents of disappeared children.

In terms of the harm of separation, one of the gravest challenges for family members of the disappeared is the ambiguous nature of disappearances. In north-eastern Sri Lanka, most families have yet to find out whether their disappeared family members are alive or dead, to learn the circumstances surrounding the disappearances, and to receive their remains. They live in fear that their children have been tortured or killed, leaving them perpetually waiting for news. Many entertain hopes that their children could be alive, citing rumours from others in their communities that their children have been sighted or have succeeded in escaping the country and joining the diaspora. This ambiguity of loss prevents families from finding closure through mourning and other memorialisation. It also reinforces parents' fears of making things worse for their children. Some described keeping their head down and not wanting to be perceived as 'too political' to avoid antagonising authorities and military personnel who might be able to return their children.

The 'specter of separation' affected many aspects of Tamil parents' abilities to provide for their children and the choices and precautions they took. Parents described their fear of letting their children leave the house or allowing them to dress in a way that would make them look suspicious or confused with a cadre or sympathiser (e.g. athletic clothing) or to go to school or university for fear of being associated with the LTTE and picked up by the military. This applied even to young schoolchildren. Some parents relayed trying to keep children home and teaching them to behave in a more subservient way, for instance, encouraging them not to make eye contact or to study politically sensitive subjects, and generally to keep their heads down. Tamil families sometimes described their fear of antagonising authorities, which they worried would make them less inclined to help locate their disappeared children, and attempted to behave respectfully to keep communication open. They also had to balance confronting authorities and seeking attention for their disappeared child with their concerns about not endangering their other children who were still with them.

For families who lost children during the end of the war, disappearances often caused an additional emotional impact, as parents felt profound guilt for having handed over their children. In our interviews, 'we surrendered' our children became a common refrain among parents. As the following excerpt from a mother whose daughter was disappeared makes clear, parents blamed authorities for personally betraying them after they brought in their children for questioning:

<sup>97</sup>Protester and mother of a disappeared child, Kilinochchi Protest Site, 21 September 2017.



We handed over our children in Omanthai, so they were made to disappear ... They [the military] said 'we will have them [the children] with us for a week to question them and we will release them afterwards', that is why the parents surrendered their children without fear. After we surrendered our children like that, they then say 'they are not there' anymore. Where is the end to this? Where did these children go, these were children handed over to you, right?<sup>98</sup>

A protester at Kililnotchi spoke about the guilt some parents at the site experienced for having trusted military authorities:

There are people here who had surrendered whole families. ... After the war ended the son and the mother were on their way to surrender to the military and she felt tired so he went to buy king coconut for her and he sustained a leg injury due to a blast. She helped to lift her son into the military vehicle but the child is not here today. Our children must be hidden somewhere in the south in army camps.<sup>99</sup>

For these parents, betrayal and guilt were interconnected. Parents recalled that the (Sinhalese) soldiers who took their children used the emotive language of parenthood to get them to cooperate. This included addressing Tamil parents in the Tamil colloquial 'Amma' (mother) and 'Appa' (father). They also reassured parents that by cooperating with the soldiers, parents were doing the best thing possible for their children to speed the process and avoid suspicion. One mother, whose son never returned, recalled soldiers behaving almost gently with her child in front of her, telling her, 'Don't worry, Amma, we will bring him home soon.'<sup>100</sup> The parents also described the pain and stress of encountering the same soldiers who took their children, as the military remains stationed in war-affected areas.<sup>101</sup> When they approached the soldiers to look for answers, soldiers brushed parents off with the same language – 'We don't know "Amma", we don't have information either'. Reflecting on these testimonies, we found that the military employed gendered constructions of parenthood in manipulative ways to enable disappearances and specifically to make parents 'hand over' their children. We tentatively suggest that in this context, parental harm intensified as the children's disappearances became connected both to parents' identities as mothers and fathers and to guilt for failing to protect children. The everyday sighting of soldiers further led to chronic experiences of helplessness and served as an acute reminder of the separation from the child.

In 2017, family members of the disappeared began an organised roadside protest in Sri Lanka, demanding truth and justice for their disappeared family members. An important observation is the gendered representation of the protest movement. Although both fathers and mothers took part in the roadside protest, protesters themselves and others in society almost always referred to the protesters as the 'mothers' movement. Mothers of disappeared children are the public face of those left behind. This is not surprising given the powerful political and social currency that motherhood holds in all of Sri Lanka's ethnic communities.<sup>102</sup> Some of the protesters themselves held strong gendered understandings of parenthood and how disappearances harmed mothers and fathers in distinct ways. Common refrains among mothers were that they 'carried the child in their womb' and thus feel the pain more deeply. Yet parents also pointed out that many fathers were expected to work during the day as breadwinners and thus could only show up at the protest in the evenings and weekends (at which point they had a steadfast presence). They also said that fathers suffered in distinct ways from the pain of losing a child, as they did not have the same outlets as mothers to talk about the loss and that emoting was less socially acceptable for fathers. Numerous women

<sup>98</sup>Sixty-five-year-old protester and mother of a disappeared child, Kilinochchi Protest Site, 21 September 2017.

<sup>99</sup>Protester and mother of a disappeared child, Kilinochchi Protest Site, 21 September 2017.

<sup>100</sup>Protester and mother of a disappeared child, Mullaitivu Protest Site, 25 September 2017.

<sup>101</sup>Sri Lanka remains highly militarised since the end of the war, and the military has now branched out into running farms, hotels, and other economic ventures.

<sup>102</sup>Neloufer de Mel, *Women and the Nation's Narrative: Gender and Nationalism in Twentieth Century Sri Lanka* (New Delhi: Kali for Women, 2001).

shared that the pain and helplessness of having a child disappear broke their husbands, leading to severe mental and physical health problems and leaving fathers unable to carry on working.

Looking at the intersections of poverty, gender, ethnicity, and the demographics of victimisation in Sri Lanka, the disappearances of children resulted in profound and devastating legacies for parents in other ways as well. Where many parents came from poorer, remote, and less educated backgrounds and the majority of those left behind were women, losing a child had severe implications. In a context with limited state social provision for the elderly, parents of disappeared children frequently brought up the economic ramifications of losing a child. Many shared the enormous time and resources they invested into raising and educating their children, and their expectation that they would be able to rely on adult children later in life to support them. Female-headed households, in particular, were economically and physically vulnerable, especially if they travelled to work, yet most were forced to do so as breadwinners.

Returning to harm to the ability to parent, the broader impact of losing a child included parents' relationships with their other children still living with them. These parents described making sacrifices in the care they could offer their other children (economically and being as physically and emotionally present).<sup>103</sup> Parents made difficult choices about whether to continue protesting versus focusing on their children who were still at home. Those who continued protesting often travelled long distances under difficult conditions to sit at the roadside protests (enduring heat, air pollution, and security risks).<sup>104</sup> They also gave up professional and economic opportunities to protest. Protesting often meant refusing government reparations (as this would require them to sign a death certificate and give up their search).<sup>105</sup> Some also described suffering from keeping things inside and remaining strong for the rest of their family, whom they wanted to shelter from the gruesome reality of their child's disappearance. Where parents were not mentally and physically well enough or present and earning enough to care for other children at home, the disappearance of a child had cumulative and intergenerational effects on the family.

## Conclusion

In this article, we emphasised the importance of placing parenthood, the ability to care for and nurture others, and the control and manipulation of intimate bonds at the centre of political analysis of war and oppression. We offered a conception of parental harm, which focused on two aspects: the harm of separation and harm to the ability to parent. Addressing the harm of separation is critical, as it is an acute harm that is not often recognised in the legal realm, yet it is present in many spheres of international politics. Examining harm to the ability to parent, in turn, has allowed us to illuminate broader, long-term effects of parental harm and aspects that are not reducible to forced separation. Together, these two dimensions help illustrate the destructive cumulative and collective effects of parental harm, which undermine communities, weaken families, and dampen political agency (where children are deprived of educational and other opportunities and are raised to keep their heads down). These negative effects serve a political and strategic purpose in ethnic and racial oppression and conflict and cause enormous damage, especially when linked to structural injustice and marginalisation.

To conclude, we highlight three sets of arguments that resonate with our empirical illustrations of parental harm and which are fruitful for further research inquiries. First, we believe that it is vital to recognise the central role that the control and violation of intimate dependent relationships plays in war and oppression. During antebellum slavery in the USA, family separations were central to

<sup>103</sup> Protesters whose children disappeared discussed this at length at the Vavuniya Protest Site, 8 August 2018.

<sup>104</sup> At the time of the last field research, six mothers had died since taking part in the protest – many think this is because of the harsh conditions of the protest. On the gendered dynamics of traversing spaces, see also Elias and Rai, 'Feminist everyday', p. 210.

<sup>105</sup> Neloufer de Mel and Chulani Kodikara, 'The limits of doing justice: Compensation as reparation in postwar Sri Lanka', in Deepak Mehta and Rahul Roy (eds), *Violence and the Quest for Justice in South Asia* (New Delhi: Sage, 2018), pp. 55–60.

the functioning of a slave society, thus upholding a system of oppression. Racist discourses delineated who was legally recognised as a parent – by rendering people as property while denying, degrading, and commodifying their parenthood. These discourses also directly legitimised familial separations that perpetuated parental harm. Similarly, in Sri Lanka, disappearances were an instrument of war and repression while a securitised counter-terrorism discourse and control of the media legitimised military tactics. To be meaningful, parental harm as a line of inquiry must illuminate the past and present ways that political actors and narratives deployed notions of ‘family’ and ‘parenthood’ in exclusionary, gendered, and racist ways to sustain reproductive violence and oppression.

Second, we argue that research and practice needs to recognise and address the harm of separation and its long-term effects. In Sri Lanka, especially, we highlighted how the harm of separation has continuous effects on everyday parenting. This is linked to both the ambiguity of loss and the continuing threat of future separations. An added long-term layer emerges in the difficulties parents experience in negotiating responsibilities towards their remaining children and in their continuing efforts to find their disappeared child and advocate for themselves and other families. The physical, economic, and psychological effects of having these overlapping burdens, specifically in contexts where resources for social reproduction are limited due to war, are a crucial and under-recognised aspect of parental harm.

Third, we need to foreground gender to understand how parental harm operates and is experienced. Parental harm is a valuable concept, as it allows us to examine motherhood and fatherhood within the same frame, and, importantly, not as a binary. We highlighted how the commodification of enslaved women’s motherhood in the USA perpetuated parental harm, at the same time as the system of slavery sought to systematically erase enslaved men’s fatherhood. That said, it is important to remember that parents do not cease to be parents even when they are not legally recognised as such and when violence and coercion limits their ability to parent. Understanding the nuanced and complex ways in which enslaved women and men engaged in parenthood is crucial precisely because experiences of motherhood and fatherhood do not necessarily fit fixed, gendered narratives. Although we could only examine this in passing in our article, it is also vital to recognise the resilience and agency of those who experienced parental harm to counter familial separations and the shrinking of spaces to nurture and parent. Parental harm is not passively or uniformly experienced, and in both contexts, individuals and communities went to enormous lengths to help their children often at risk to themselves.

Although our analysis offers two empirical examples, parental harm is relevant to many areas and policy responses in contemporary international politics. It is also a lens that helps expose artificial binaries between war and peace, especially for those who are acutely affected by lingering legacies of violence. Parental harm applies to individuals and communities who have lost and are separated from living children through violent and exclusionary political practices, but also to those who were unable to become parents due to restrictive social, legal, health, and political policies and as it was unsafe for them to do so.

**Acknowledgements.** We are grateful to the UKRI Gender, Justice and Security network for their support of the “Legacies of the Disappeared” project. We would like to thank our discussant, Helen Kinsella, for her careful reading and brilliant comments on this paper at the American Political Science Association (APSA) 2021 Convention in Montreal. We are grateful to Fionnuala Ni Aoláin for her support and engagement with our research leading to the article. We would also like to thank the APSA Women, Gender and Politics Research section for selecting this paper for the section’s Best Paper Award for the 2021 APSA Annual Meeting and for their thoughtful comments. We would also like to thank the IR and Ethics Research Group at King’s College London, and specifically Eitan Oren, for their insightful comments on an early draft and Kirsten Ainley for her support of this project. And thank you to the three anonymous reviewers and Maja Zehfuss for their generous engagement, which significantly strengthened the paper. In Sri Lanka, we are thankful to the International Center for Ethnic Studies and Shantiham for assisting with the field research and to Vidhya Muttulingham and Iswarya Vidhyadaran for their invaluable help in translating and transcribing interviews.

**Funding.** We thank the UKRI GCRF Gender, Justice and Security network for funding the project that led to this paper (Grant reference: AH/S004025/1) and the ESRC Future Research Leaders Grant (Grant reference: ES/N017986/1) for supporting field research incorporated in this paper. Hanna's work on the revisions of this article was supported by the UK Research and Innovation Future Leaders Fellowship (Grant reference: MR/T040653/1).

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