

## **Victoria Canning**

*Department of Sociology, Liverpool John Moores University, Liverpool, United Kingdom*

### **Full Contact Details**

**Name:** Victoria Canning

**Address:** Department of Sociology, School of Social Sciences, Liverpool John Moores University, 68 Hope Street, Liverpool, L1 9BZ

**Telephone:** 0151 231 5106

**Email:** [v.canning@ljmu.ac.uk](mailto:v.canning@ljmu.ac.uk)

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### **Biographical Description**

Victoria is a women's rights activist, and researches the significance of the effects of rape in conflict on women's needs for asylum.

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# Who's Human? Developing Sociological Understandings of the Rights of Women Raped in Conflict

*International approaches to human rights have, until recently, largely overlooked the experiences of women in conflict, displacement and crisis. Although women's human rights are progressing on paper, rape and sexual violence continues at mass levels in conflict and civil unrest with few consequences for perpetrator and very little emphasis on preventions.*

*Sociology has itself been slow to engage in discourses around human rights, and even slower progress has been made in developing sociological understandings of gender and human rights. This contribution argues that overlooking gendered inequalities leaves the violation of women at the bottom of a priority list regarding international humanitarian law, and that sociological approaches highlighting and challenging women's subordination may support prevention and conviction at localised and international levels.*

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## Introduction

Rapes, mass rapes and sexual violence<sup>1</sup> have periodically been described as spoils of war, by-products of conflict and largely inevitable<sup>2</sup>. The historically nonchalant attitude to rape in conflict is perhaps reflective of the marginalisation of rape as a 'woman's problem', whilst war is a man's terrain. This has become even more significant in changes and escalations in conflicts within and between states and bordering countries<sup>3</sup>, leading the former United Nations Force Commander for the Eastern Democratic Republic of Congo to declare that, 'it is now more dangerous to be a woman than to be a soldier in modern conflict'<sup>4</sup>. Despite this, it is only recently that rape in conflict has been identified as a systematic weapon of war and genocide<sup>5</sup> and a human rights issue to be challenged at academic and humanitarian levels.

As Bryan Turner and Damien Short outline, discourses around human rights and rights legislation are multifaceted<sup>6</sup>. Whilst human rights are often documented in a positive and inclusive light, the social process of the institutionalisation of rights is embedded with complex power negotiations and hierarchal understandings of what 'rights' actually means, and whose rights are included in these discourses. The issue of sexual violence in conflict perfectly illustrates the exclusionary practices that can result from hierarchal developments of human rights policies, practices and legislation. As socio-cultural feminists have long argued,

cultures which reproduce patriarchal structures are globally dominant in most societies<sup>7</sup>. In systematically reproducing gender power binaries, they continue to exclude or marginalise issues, such as sexual violence, that largely affect women, despite the rippling effects for all of society. This has created a chasm in women's right to the 'equal moral respect and the social status, support, and protection necessary to achieve that respect'<sup>8</sup> that human rights ideologically allow. Rights are seldom exclusively produced by and for women, or with due consideration of gender specific issues that largely affect women<sup>9</sup>. As such, legislation and political strategies can omit or sideline sexual violence as a human rights issue. This affects prevention, response and support for women who have experienced, or may experience, rape and sexual violence in war, conflict and civil unrest, which then resonates to impact on women's rights to asylum, protection and justice.

Developing from PhD research<sup>10</sup> as well as work in voluntary sectors, and stemming from cultural and socio-political perspectives, this essay will gauge developments in international recognition of rape as a deliberate tactic of warfare and the implementation of legislation surrounding this. It documents the effects of rape in conflict<sup>11</sup> and in scoping the significance of these effects at localised and international levels, discusses three sociological perspectives which work as examples of sociological engagement on a theoretical level and in methodological development of research strategies. In doing this, this contribution calls for sociological approaches to engage more thoroughly in research and policy development/implementation regarding the human rights of women raped in conflict.

### **Rape in conflict: an overview**

As has been documented by activists, governmental and non-governmental organisations and (to a lesser degree) academics, rape and sexual violence in war and conflict has been perpetrated in epidemic proportions historically, including during both World Wars, throughout colonisation as well as ancient history; recently, as has been evident in the early to

mid 1990s in both Rwanda and the former Yugoslavia, and presently in various regions globally. As a number of social theorists, anthropologists and historians have indicated, the nature of conflict in global regions has changed along with the division of states and countries and their ever-shifting borders<sup>12</sup>. This has, perhaps inevitably, ricocheted through social groups and localised communities in regions perforated by conflict or civil unrest. Escalations in public violence often result in escalations in private violence<sup>13</sup> or indeed public group violence including public rape, against women. This has become an integral strategy in present conflicts and areas of civil unrest such as Darfur, The Democratic Republic of Congo, Sri Lanka, Sierra Leone, Pakistan, Columbia and Liberia.

Human rights policies, legislation and resolutions have been developing to incorporate gender-specific models over the latter half of the 20<sup>th</sup> century. The inability for international communities to ignore mass rapes of women during the Second World War, including the pre-Second World War invasion of Nanking<sup>14</sup>, meant that the Geneva Convention could not overlook sexual violence, and incorporated the 'special protection' of women in Article 27<sup>15</sup>. Nonetheless, this did not result in anything near adequate results in terms of conviction or further prevention<sup>16</sup>.

More relevant and specific policies have been developed since the mass rapes of women in Rwanda and the former Yugoslavia in the early-mid 1990s. The ad hoc International Criminal Tribunal for Rwanda (ICTR) acknowledged rape as a crime against humanity, and the establishment of the International Criminal Court (ICC) in 1998 was a marked milestone for human rights. Since then, the United Nations<sup>17</sup> Security Council's Resolution 1325 (2000) addresses the gender specific impact of war and conflict on women, whilst Resolution 1820 (2008)<sup>18</sup> finally identifies rape and sexual violence during war and conflict as a threat to international peace and security and a war crime.

Nonetheless, systematic sexual violence in conflict remains a global atrocity which continues to be committed with large scale impunity. Despite being recognised as a crime against humanity, and although prohibited under international law, rape is not specifically identified as an international crime, complicating systematic prosecution. Furthermore, when rape is incorporated into humanitarian law it is often associated with honour rather than violence, which in itself perpetuates ideologies around purity may then be reinforced when women are ostracised for being ‘dishonoured’ through rape<sup>19</sup>.

This contribution does not attempt to determine all of the underlying reasons for the prevalence of rapes in localised zones, or the importance of state impunity that permits it. What it will attempt, however, is to outline one issue relevant to sociological perspectives: no two conflicts are identical, either in context, historical situation, ethnic or tribal division, or colonial (or otherwise) experiences. As differences entrench each context, it is necessary to establish at this point that no overarching causal model or explanation for sexual violence, as perpetrated in conflict either at systematic mass or micro levels<sup>20</sup>, exists independently to determine how or why sexual violence is perpetrated in various conflicts to such scales as it is and has been. Macro theories regarding opportunistic raping, revenge rapes, and so on, such as those outlined by Richters which will be discussed later, are visible in varying degrees in different conflicts, but are not applicable to every situation. What is evident in almost all cases<sup>21</sup> of sexual violence as perpetrated at mass levels is the fact that, despite all other differences in the context of conflict, rape is a gendered Crime against Humanity, largely committed by men against women, and is indeed a crime which has historically been marginalised and sidelined legally, academically, and politically.

### **Effects of rape in conflict**

Rape and sexual violence during conflict can mirror patterns of sexual violence in ‘peacetime’<sup>22</sup> and, as Joanna Bourke argues, ‘A “war like culture alone” could predict

whether men in that society were prone to rape women'<sup>23</sup>. Although sexual violence is often associated with the kinds of physical violence that can be perpetrated alongside rape, such as beating, non-fatal strangulation or cutting, the act of rape itself is also gradually becoming accepted as a form of physical torture in some discourses outside of feminism<sup>24</sup>, which itself acknowledged the torturous nature of rape. Sexual violence in conflict situations can often have escalated instances of particularly violent tactics which include oral, anal and vaginal rape with weapons (including knives), imprisonment with ongoing or continuous rape and, particularly commonly, gang rape.

Like rape generally, rape and sexual violence in conflict has many effects that are experienced by survivors in complex and individualistic ways. Physical effects can include rape resultant or deliberately forced pregnancy<sup>25</sup>, HIV transmission and sexually transmitted diseases or infections, fistula/fistulae, and death. Emotional or psychological effects can include child detachment from children borne from rape, depression, trauma, nightmares, sleeplessness, poor concentration, suicide and anxiety<sup>26</sup>. Social effects can include the 'pollution' of a specific race, ethnicity or tribal group through pregnancy<sup>27</sup>, marital breakdown resulting from pregnancy, mistrust, fear or ongoing emotional trauma, social ostracism from community groups for survivors who are publicly raped or whose rape has been made public, displacement and asylum, further HIV transmission, economic costs in terms of asylum, healthcare, social care and criminal justice or policing.

Considering these factors, two aspects are brought to mind. One is that the individual effects of rape in conflict (or rape in any environment, for that matter) can be hugely significant for the woman who has survived sexual violence. To echo the sentiments of Ruth Seifert, 'When a woman's inner space is violently invaded, it affects her in the same way torture does. It results in physical pain, loss of dignity, an attack on her identity and a loss of self-determination over her own body'<sup>28</sup>. The second element evident when considering these

effects, is that most physical and psychological or emotional effects on the individual, become effects for the wider, at times even global, society/ies, and vice versa. If a woman experiences depression, any family she has may be affected. If a woman is ostracised, she may be forced to flee and take any children or dependents she may have with her. If a woman is raped publicly, spectators may feel fear or experience secondary trauma, perhaps resulting in fear induced forced displacement or migration. Child detachment, if ongoing, may effect future generations in asylum and refugee communities, amongst displaced people and in the conflict zone itself. To pinpoint the argument, when a woman is raped, the effects are seldom experienced by *either* a society *or* an individual. Society and the individual are interlocked in a complex web of consequences which may be multiplied when violent tactics become even more extreme, such as gang rapes, and when rape and sexual violence occur systematically and en masse<sup>29</sup>.

In consideration of the impact and effects of rape and sexual violence on women and societies, specifically in war and conflict, the problem is arguably under-researched and underdeveloped within academia<sup>30</sup>. Although discussions highlighting rape in conflict exist in growing human rights and genocide literature, the position of women is still often problematical in terms of addressing violations under individual or group rights<sup>31</sup>. Furthermore, as Rhonda Copelon pointed out, ‘Historically, the rape of women in war has drawn occasional and short-lived international attention’<sup>32</sup>. Although time will tell if recent surges of academic discussion in the area will last, the fluctuation of interest has been especially notable beyond the scope of feminist discourses and approaches.

The effects of rape have long been documented by feminist movements across the globe, specifically Rape Crisis and similar movements which have highlighted the physical, psychological and emotional effects on the (usually female) survivor, as well as the need to challenge societal attitudes which perpetuate rape myths and the normalisation of sexual

violence<sup>33</sup>. Nonetheless, even with an increase in academic discussions around human rights, rape and sexual violence as an area of serious and concentrated discussion is not always thoroughly integrated to the extent that it perhaps could be.

### **Sociological approaches in women's rights as human rights: where is wartime rape?**

To outline one existing model for explaining sexual violence in conflict, Richters<sup>34</sup> identifies six preliminary reasons why militaristic groups choose to rape during conflict. Her model is a culmination of various understandings of and approaches to sexual violence in conflict which are identifiable in many conflict situations. She describes rape as a tactic as;

- A right mainly conceded to the victors (rape as reward)
- A consequence of the macho culture of armies, where it is used for initiation and social bonding (rape to boost morale)
- A way of damaging both men and women in communities (rape to inflict terror)
- A means of humiliating male opponents who were not able to protect 'their' women (rape as the messenger of defeat)
- A method of destroying the opposing community and culture (rape as cultural warfare)
- A means of ethnic cleansing through impregnating women with mixed-race offspring (rape as genocide)

As a number of feminist writers have argued, clear divisions are perpetuated in both sociological approaches and multi-disciplinary approaches to sexual violence. Although Richter's model is all encompassing as a multi-disciplinary approach to wartime rape, it does not itself provide a thorough focus on feminist interpretations of the act of rape against women. This may be because other non-feminist discourses, including mainstream or traditional sociological approaches, seldom engage in discussion around the rights of women or sexual violence<sup>35</sup>, but also because Sociology and other disciplines within the social sciences may focus on issues for society more as a whole, such as those indicated in Richter's outline.

To highlight one example of this, in discussing rape and genocide Martin Shaw states, 'Women... may be targeted for rape because of the humiliation that their violation will bring

as a society as a whole, and especially on their menfolk<sup>36</sup>. Whilst this may well be true, and although women's bodies may be utilised as pawns in undermining enemy groups, the reiteration of a sense of sidelining is evident in considering the position of the woman in the perpetration of rape. Societies, communities and indeed men are greatly affected by rape in conflict, particularly as public rape is common in conflict, as was evident during the Rwandan genocide, the Bosnian War and presently in the South Kivu Province of the Democratic Republic of Congo, further instilling fear. As discussed, the impact of rape can have a rippling effect through social structures and institutions, as well as increasing displacement and asylum for all members of a social group or community. This does not, however, need to erase or overshadow the significant social, physical, emotional and psychological effects that rape and rape in conflict has on the individual women who survive it, especially since the number of individual survivors run well into the millions<sup>37</sup>. To shift focus from the significance of this is to further sideline the human rights of millions of people, and reinstates patriarchal binaries in defining what is and is not of highest importance in assessing and implementing strategies regarding these rights. By preventing violence against the individual, and in providing sustained and thorough support, protection and counselling to those who survive it, the interests of wider society are already protected. It is often first responses and prevention for individuals that curb the aftermath of sexual violence.

Gaining a rounded approach to understanding, researching and challenging rape and sexual violence in conflict is a vital yet complicated objective: whilst feminism may have paved the way in research, the complexities surrounding conflict environments are vast. As Shaw points out, 'War as a social practice is highly institutionalised',<sup>38</sup> therefore actions which occur during war are not always individualised acts and do not exist within a vacuum, but as part of an overarching social and institutional entity. Rape and sexual violence within this environment are no exception but, like other forms of extreme violence which occur

during such times, social influences encouraging or condoning sexual violence are processes that should be critically addressed.

Despite the interlinking of societal concepts with the prevalence and, arguably, normalisation of rape during conflict, Sociology<sup>39</sup> is quite significantly disengaged from focusing on rape as a crime against humanity, or women's human rights in general. This may of course link to the lack of sociological discourse surrounding human rights more generally, as outlined first by Bryan Turner<sup>40</sup> and more recently by Michael Goodhart and Damien Short<sup>41</sup>. As human rights stem into political practice, those who have been overlooked within practices and policy, including for example immigrants and forced migrants, asylum seekers and stateless people, human rights can be both inclusive and exclusionary. This is furthered when considering the rights of women, who have been, and continue to be, significantly overlooked in discourses around rights and citizenship.

As Sara Delamont argues, 'The relations between feminist Sociology and the malestream has frequently been stormy... At best, there is an ambivalence about grounding feminist Sociology in ideas originally produced by men whose theoretical and personal views on women are, by contemporary standards, unsound'<sup>42</sup>. This disassociation with women's rights as human rights then ebbs into legislative practices regarding sexual violence in conflict and impacts practically on the external effects that develop from this violence, including the gendered experience of asylum and migration. Outside of major contributions made by feminist sociologists and studies, such as those by Susan Brownmiller, Liz Kelly and Cynthia Enloe, and more recently Andrea Cornwall, Maxine Molyneux<sup>43</sup> and Sonia Corres<sup>44</sup>, women's rights have not always been at the centre of mainstream Sociology. As developments are made in sociological engagement with human rights or international perspectives on, for example, genocide, gender is not always fully and intricately embedded in general sociological analyses of rights violations. Although theorists such as Daniela De

Vito and Lisa Sharlach do provide gendered analyses, this is often again from an approach specifically focussed on rape as genocide. Other more general writers, such as Martin Shaw and Alex Alvarez, discuss many issues relevant to human rights in terms of genocidal crimes, but still incorporate little in regard to women's experiences of genocide or the gendered experiences of displacement and asylum<sup>45</sup>. This is of great concern, especially considering that underlying societal influences which breed cultures of violence against women as well as cultures that perpetuate gendered power binaries and women's subordination, are inextricably tied to sociological concerns.

To illustrate this, it is worth considering elements that are strongly related to creating and perpetuating societal norms and socially agreed values. Relevant points will be considered to highlight the significance of sociological concerns in issues entwined with rape in conflict. These include military cultures, specifically gang rape and masculinity; consideration of relevant sociological perspectives; shortcomings in legislation and policy development; and complexities in sociological research into sexual violence in war and conflict.

### **Masculinity, gang rape and patriarchy**

A significant aspect of rape in conflict, and one which has often been overlooked by feminism, is the construction of masculinity through external social institutions and the broader socialisation process<sup>46</sup>. Whilst constructions of femininity are widely focused on, particularly media representation<sup>47</sup>, Western feminist thought seldom acknowledges constructions of masculinity, and yet military environments within which rape and sexual violence occur are massively (and for some, exclusively) male institutions. This lack of focus may have many bases, and those engaging in discussion or research regarding sexual violence in any social realm have various difficulties. Before even scraping the surface of perpetration, low conviction rates, widescale impunity for perpetrators globally and little or no support for

survivors, reproduce constant emphasis on the survivor. However, to quote Helen Jones, 'it is, in fact, all about the men'<sup>48</sup>.

To bring further sociological focus to the experiences of women raped during conflict, Connell's model of hegemonic masculinity<sup>49</sup> whereby man is powerful, physically and sexually dominant, a binary to the perceptively weak female, is perpetually enforced within numerous settings. Perhaps this is never more so than within gangs or military units. Second wave feminists, in particular Susan Brownmiller, were indeed first to identify rape and sexual violence as both a symptom and a product of power relations and binaries rather than a singularly psychological or biological deviation<sup>50</sup>. These same elements of power are evidently exerted in the extreme when particularly violent forms of rape are perpetuated in social groups, most notably gang rape and rape-murder.

As determined in research undertaken by numerous (largely feminist) scholars, non-governmental organisations and aid agencies<sup>51</sup>, gang rape is a particularly common form of rape in conflicts. Although gang rape is also evident in non-conflict situations, feminist scholars such as Joanna Bourke note that the increase in gang rape during war and unrest is partially due to the comrade nature of being in the armed forces and living as 'buddies' or in close cultural structures<sup>52</sup>. Reports from agencies and organisations such as the Medical Foundation for the Care of Victims of Torture and the Refugee Council<sup>53</sup> indicate that gang rape is as common in conflict, and sometimes more so in some conflicts, as rape by an individual man. This problematises pre-second wave feminist approaches to sexual violence, as the social dynamic of gang rape removes rape from the individualistic private sphere in which it can often reside and places it in a public domain that is influenced and perpetuated by gendered social processes. When an individual man chooses to rape a woman, it can be easy to label him deviant, a loner, pervert, psychopath<sup>54</sup>, all labels which can, if incorrectly applied, ignore that the act itself is embedded in a complex web of socialisation processes and

institutional power structures. Gang rape, on the other hand, cannot be explained away, since an agreement of values must be reached between more than one (and a gang rape of 29 male perpetrators is documented in an account in Roy Gutman's *Genocide*<sup>55</sup>) man to partake in the rape.

Living within a social setting with similar daily experiences often results in shared values and norms and, as Scully and Marolla point out, 'Feminists see rape as an extension of normative male behaviour, the result of conformity or over-conformity to the values and prerogatives that define the traditional sex role'<sup>56</sup>. Some level of acceptance of rape as a normative element of hegemonic masculinity must then exist for more than one man to rape one woman, and this becomes more complex when gang rape becomes as common as individual rape<sup>57</sup>. Therefore, drawing on sociological models and theoretical perspectives may be beneficial to feminist discourses of gang rape in conflict, for example in considering the varying degrees in different contexts<sup>58</sup>, but also in addressing the human rights of the women targeted. For the purpose of this contribution, relevant sections of sociological perspectives and theories will be highlighted, including Social Action, hypermasculinity and patriarchy, and Symbolic Interaction as three exemplary perspectives that could, in differing degrees and diverse contexts, be relevant to the theoretical and practical development of studies into rape in conflict<sup>59</sup>. Each has been chosen based on the relevancy to other discussions within this particular contribution. Whilst a full critical analysis of each of these theories and approaches is not possible within the scope of this contribution, and although each is not without its flaws, various points are applicable to some instances where rapes in conflict are evident on a mass scale.

Focussing firstly at this point on mass rapes ordered and perpetrated against women during the Rwandan genocide, fundamental elements of Social Action, and more specifically the interlinking of the micro and macro forms of Structure and Agency and their relationship

with crime<sup>60</sup>, are relevant in part. Consider, for example, the deliberate annihilation and humiliation of an ethnic group, in this case Tutsis and some moderate Hutus, as a form of rational action that combines the complex negotiation in processes between micro and macro. Although the consequences would be extreme, a rational decision was made both by groups and individuals to commit rapes as part of a larger scale of combat<sup>61</sup>. Numerous accounts from both perpetrators and survivors correlate in acknowledging the structural offsetting of the Genocide and mass rapes. Citing socio-historical and socio-political influences such as the ‘othering’ which stemmed, if not largely then at least in part, from the introduction of ethnic identity cards between 1933-1934<sup>62</sup>, the bombing of Hutu President Habyarimana’s plane and the influence of the media<sup>63</sup> demonstrates structural influences toward ethnic annihilation by any means, including rape and rape murder<sup>64</sup>. Considering that there was a clear historical and contemporary drive to eliminate a rival people, deliberate and premeditated steps were taken on individualistic and structural levels to ‘kill every Tutsi without exception’<sup>65</sup>, leading to an agreed and predetermined goal.

This does not take away from two issues: that rape is still actively perpetrated by individuals within a group, and that the decision to rape is still reflective of women’s socially imposed status as less powerful and ultimately penetrable, and that the macro effects of this are felt on micro levels by the individual woman raped.

To question then, how and why this is a chosen strategy that individuals engage in collectively, feminist discussions regarding women’s social position as subordinate and oppressed, combined with the prevalent existence of a hypermasculinity within fraternities in many conflict situations, may provide one possible indicator for the high rate of gang rape during conflict situations. To focus in again, all social elements of Mosher and Sirkin’s model of the hypermasculine as characteristically viewing violence as ‘manly’, perceiving danger as ‘exciting’ and displaying a ‘callousness toward women’<sup>66</sup> are evident in the perpetration of

gang rape and to a degree tie in with the fraternal elements of gang rape. Drawing out agreed norms of masculine interaction with feminine, and combining a degree of the socially constructed power binaries between male and female which clearly manifests at a time when impunity exists for the perpetrators, with an ‘overall climate of indifference towards many forms of violence against women’<sup>67</sup> advertently perpetuates violent sex crimes. Blending these contributors in an already violent environment seems to expose to some degree a traditionally hegemonic power structure that embraces sexual power and force as a form of self expression and bonding process between victors. Even if an army unit are not militaristically superior, morale and power can be sought through exerting power to those who are both physically penetrable and perceptively weaker, rendering rape a normative strategy in developing a ‘buddies’ culture<sup>68</sup>. As Bourke argues, ‘Gang rape was seen as essential in the process of bonding men together as men’<sup>69</sup>.

A hierarchy of power is an integral element within military units. Whilst this can indeed refer to gendered power binaries, often themselves reflective of ‘peacetime’ structures, another focus can be placed on the hierarchal ranking systems within military regimes, and the effects that this has on the continuation of rape and sexual violence. Drawing from Remy’s idea of ‘fraternalism’, structures within the military are reflective both of patriarchy in the ‘traditional’ sense of a father figure as the head of a family or institution<sup>70</sup> in terms of official ranks (from brigades and divisions to commands) as well as the unofficial hierarchies within these structures. For example, in her ongoing study of gang rapes of Jewish women by German soldiers during the Second World War, Mulhauser highlights that instances of rapes increased as the War progressed. This was contrary to orders expressed *not* to rape the perceptively inferior ‘Judenrat’, a derogatory term used against Jews and particularly Jewish women during rapes, as the women were deemed too ‘unclean’ for German Aryans. Nonetheless, Mulhauser argues, gang rapes became more frequent and were

often perpetrated in hierarchal orders with the commander leading, whilst others ‘celebrate and follow’<sup>71</sup>. This hierarchal raping is echoed in accounts of rapes of Bosnian women documented by Stiglmayer<sup>72</sup> and Gutman<sup>73</sup>.

It is here that the idea of ‘fratriarchy’ is a relevant model of masculine and hypermasculine engagement in the social development and perpetration of rape and sexual violence during war and conflict. A structural setting which ‘reflects the demand of a group of lads to have the freedom to do what they please’<sup>74</sup> allows space for men to undertake activities that are perhaps deviant from social ideals of moralistic ‘norms’ but which reaffirm the individual’s willingness to both command and follow<sup>75</sup>. Remy further outlines,

‘The experience of the members of the fraternity undergoing a special ceremony involving the collective symbolic shedding of blood, as may happen most strikingly in war... It is an easy step for the fraternity, particularly if it is a blood brotherhood, to develop a full blown secret society’<sup>76</sup>.

Applying this idea of a ritualistic ‘ceremony’ to rape and sexual violence is indicative of the kind of brotherhood configuration of militaristic groups<sup>77</sup>. A socially agreed act is performed to establish inclusion, exclusion and leadership, in this case, gang-rape and rape-murder. The concept of a ‘secret society’ further establishes bonds of trust, separating one social structure from another, helping to create a veil of impenetrability whereby perpetrators are neither accused nor convicted of their crimes.

These strategies are not only effective as a tactic to maintain an air of domination within military sects but, as Bourke points out regarding the Vietnam War, ‘Raping and killing civilians sent out a warning to the guerrillas... that these units were indomitable’<sup>78</sup>. That these acts are often committed publicly and in front of family members works to humiliate the woman and her community (particularly in compromising her ‘virtue’, and therefore perceived femininity) and undermines the masculinity of men from that community who have not been capable of protecting ‘their’ women from rape<sup>79</sup>. Considering the localised ethnic and nationalistic elements of conflicts in Rwanda and the former Yugoslavia,

this may be a contributing factor, particularly in shattering communities and forcing migration. Raping and/or raping and murdering 'other' women indeed reinforces the dominance of the perpetrator; men who are capable of killing those who are perceptively innocent or defenceless are clearly a ruthless and powerful force. Nonetheless, the impact of rape on the woman, and the social position she holds for which she is targeted, should still remain in focus. Certainly, in the cases of Rwanda and former Yugoslavia, one reason women were targeted was because of ethnic origin. This does not, however, account for the many instances where localised historical ethnic or tribal divisions are not paramount in conflict and the rape and mass rape of women. To highlight examples, 'peacekeeping' troops who rape or gang rape women do not fall into this category, nor do the mass rape-murders perpetrated in My Lai by American troops. It is highlighting these differences in contexts that strengthen the one common correlation: that girls and women can be, and are, raped because of their gender.

Along with individual rape, women are recurrently maimed, terrorised and gang raped before being shot, beheaded or butchered<sup>80</sup>. While this may be analysed as particularly deviant or atypical behaviour, Bauermeister described the actions of the soldier rapist-murderer as, 'rational, flexible with the circumstances, supported by his peers, deliberately executed', and thus showing 'all the traits of 'normal behaviour'<sup>81</sup>. Violence against women and femicide itself are, like rape, not exclusive to conflict situations but are manifest in all patriarchal societies<sup>82</sup>, and therefore can be seen as an (albeit horrifically violent and particularly systematic) extension of a pre-existing normative social phenomena. Although this may seem like a contradiction in terms, the indication is that, although not all men engage in either rape or rape murder, neither are absent from any patriarchal society. To reiterate, some level of normativity or acceptability must exist to allow such vast numbers of

rapes and rape murders to take place during conflict, largely stemming from power binaries, agreed social perceptions of women and overall subordination.

Drawing on a final perspective, and reaffirming that all perspectives are not globally applicable to every conflict or instance of civil unrest, Symbolic Interaction can at some level apply to the decision making process in choosing to rape or gang rape women. As Susan Brownmiller and Liz Kelly<sup>83</sup> have discussed at length, woman is ideologically signified as penetrable and even insignificant. This ideology is evidenced in the actual raping of a woman, with insignificance being exemplified both in the physical perpetration and the ongoing social attitudes and disregard of her and her violation<sup>84</sup>. This is relevant to the lack of support available for the survivor, lack of community understanding if those within society disregard her, and more politically, the lack of regard for her survivor status in human rights legislation, criminal justice or asylum policies. Rape is further entwined in symbolism metaphorically with historical discourses referring to the 'rape' of an invaded country or state<sup>85</sup>.

With reflection on this, and shifting back to a wider sociological level, both Symbolic Interaction and Social Action can be located and applied (in tandem with an acknowledgement of the subordinate status of women) in varying degrees to both macro and micro perpetrations of sexual violence on mass scales during conflict. If men are expected or encouraged to dominate in all forms, this increases the likelihood of one of these forms being sexual domination. If impunity exists and sexual violence is visibly and socially normative and accepted, a social role as rapist, outside of private spheres, is created. To echo Goffman's *Presentation of Self*<sup>86</sup>, each actor takes his role, in this case as a dominant militant aggressor, with one militaristically approved and deliberate strategy thus being rape.

One disenchanting element of applying these areas of Sociology to the perpetration of rape in conflict may be that the examination of social contributors or external influences

reinstates some level of excuse for perpetration, as though no choice exists for the rapist to not engage in sexual violence. Considering the levels of impunity that exist on a global scale for rapists and, in this case wartime rapists, this is a valid concern. Perhaps by focussing too sociologically on the acts of perpetrators, autonomy for the individual's decision to rape, under whatever circumstance, is taken away. This leaves an opportunity for social or militaristic environments to be used as a scapegoat for individual perpetrations. This was perhaps evident in the aftermath of the mass rapes and rape-murders of Vietnamese women by American GIs when Post-Traumatic Stress Disorder was used as an excuse for anyone who raped during the destruction of, for example, My Lai<sup>87</sup>. On the other hand, if the same sociological theories were to be applied with feminist approaches to preventative strategies and human rights, some impact might be made at grassroot levels to prevent (to some degree) the environments that aid in the perpetuation of the mass raping of women in conflict situations. This may be particularly beneficial in challenging understandings and acceptances of masculinity in social institutions (including education) and by practically implementing policy and legislation regarding justice for war rape survivors.

### **Preventative strategies and human rights: where are the women?**

Whilst developments in legislation, including the UN Security Council's Resolution 1325 and Resolution 1820 as well as the ICTR, are indeed indicative of marked progress, largely on the back of feminist and women's rights campaigns<sup>88</sup> and organisations, the continuation of the mass violations of women's human rights provides serious challenges to the reality of success in policy implementation. The ICC has made many successful steps in acknowledging rape as a crime against humanity, incorporating the charge into some successful high profile prosecutions and arrests of war criminals and those suspected of war crimes<sup>89</sup>. Indeed, this potentially serves a function of deterrence for high ranking officers to order or incite mass rapes, but does not directly challenge the micro or macro social

structures and binaries which support sexual violence<sup>90</sup>, as discussed throughout. Less militaristically powerful perpetrators (including civilians) mostly escape the ICCs mandate<sup>91</sup>, and yet all rapes can have severe consequences. The macro structures perpetuating sexual violence and gender power binaries do not stand alone, but are intricately linked to the micro levels and individual perpetration of rape and therefore require systematic dissolution at every level.

Leading on from this, it is of course important to acknowledge, and not undermine, the complexities in responding to crisis situations. Certainly, when conflict occurs, uncountable problems arise. The international community can indeed be challenged in reacting to the many forms of support that are required, from medical aid, to economic support, sustenance, and asylum. Prioritising support is no doubt a complex process. Nonetheless, the likelihood that systematic public sexual violence will escalate, as it often does when protective barriers are removed from women<sup>92</sup>, should remain in focus during first responses to prevention of sexual violence in conflict. Acknowledgement in the first response allows implementation of strategies for prevention, which may come in the form of physical protection, asylum or refuge. Whilst this can be effective, the main issue here is that these forms of protection are not always successful in preventing sexual violence. The root causes in the violation of women's bodies are embedded beyond refuge. To illustrate, the protection of 'peacekeepers' has proven unsuccessful in many instances where reports of rape, forced prostitution and transactional and forced transactional sex are made and, reiterating a previous point, various organisations have identified the prevalence of rape during displacement or asylum processes.

So again the question arises, 'What can be done to *prevent* sexual violence in conflict?'. Whilst this is evidently not an easy question to answer, recommendations have been made time and again by organisations working at grassroot levels<sup>93</sup>. Suggestions include

ending impunity for *all* perpetrators and accomplices, which may act as a deterrent to other potential perpetrators and exercise justice for the survivor(s). Recommendations call for the end to stigma and persecution of the survivor, and for practical development in educational models promoting gender equality and women's rights, on global scales, to effectively challenge normative attitudes regarding sexual violence and gender power dichotomies<sup>94</sup>.

These recommendations exist, yet are seldom implemented at ground level. If they continue to be ignored, overlooked or sidelined in the first responses to conflict or crisis, the ongoing effects on the individual, society and international community documented earlier may then impact on all those affected. Violence against women is not inevitable, yet it will continue on mass scales as already proven in the current cases in the Democratic Republic of Congo and Darfur, to name a few.

## **Conclusion**

Rape in conflict is not a new phenomenon. It is deeply embedded in social rights (or a lack of them), practices and norms and their consequences have infiltrated into universal institutions. It is both a structural and individualistic crime that is systematically perpetrated en masse over and over again in global and historical periods of unrest. Despite this, and as this contribution has highlighted, rape in conflict is left in very specific, largely feminist, realms. If international communities develop policies to challenge it, it can often be sidelined to policies called for by women's rights groups or women's sections of larger organisations, such as the UN's *Stop Rape Now* campaign.

Mass rape in conflict equates to mass torture and the annihilation of individual women's human rights. Mass torture of any group of people is not acceptable under any human rights law, yet it continues on a daily basis both within conflict situations and non-conflict situations across the world. Rape and sexual violence in conflict has finally been acknowledged *by some* as forms of torture and have officially been declared crimes against

humanity. Nonetheless, it still continues in the most part to be an issue confined as a separate concern within legislation, policy and criminal justice rather than mainstreamed in first responses.

As argued, this sentiment is echoed in the disciplinary divide between traditional or mainstream Sociology and feminist discourses and approaches. Concerns seen as 'feminist issues' are seldom taken on in non-feminist sociological approaches or discourses, whether or not there are further implications for wider society which, in the case of rape and mass rape in conflict, there indeed are. If Sociology itself will take on human rights as a subject stream, as it gradually is doing, contributors should consider carefully whose rights they are integrating. It is not enough to acknowledge that hierarchies exist within the power dichotomies that determine what constitutes human rights, or who is entitled to rights, without acknowledging the gendered divide in production, implementation and experience of rights on global and localised arenas.

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<sup>1</sup> This essay focuses on the International Criminal Tribunal for Rwanda's definition of rape and sexual violence as 'a physical invasion of a sexual nature committed under circumstances which are coercive' but acknowledges that the reality is far more complex, and that sexual violence includes many forms of cultural, social and individual violence. See ICTR, Prosecutor v. John-Paul Akayesu, 1998, 138. Mass rape in this context indicates vast numbers of women raped during conflict and unrest, such as in Rwanda; the rapes of groups of women, as was reported in rape-death camps in Bosnia Herzegovina and systematic rapes of women in particular areas, as

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has been evident in the Democratic Republic of Congo. The term ‘micro levels’ refers to the individual perpetrators of rape, whether or not in a group, and the individual women who are raped in conflict. The complex consequences that rape has on the relationship between the individual woman and local and global society will be discussed further on.

<sup>2</sup> Joanna Bourke, *Rape: A History from 1869 – Present* (London, Virago: 2007).

<sup>3</sup> Ingrid Palmary, ‘Positioning feminist research politically: A reflection on tensions and standpoints in African feminist research’, *POWS Review*, 9, no. 1 (2007): 23-33; Liz Kelly, ‘Wars against Women: Sexual Violence, Sexual Politics and the Militarised State’, in *States of Conflict: Gender, Violence and Resistance*, ed. S. Jacobs, R. Jacobson and J. Marchbank (New York: St. Martin’s Press inc., 2000).

<sup>4</sup> Major General Patrick Cammaert, quoted in The Medical Foundation for the Care of Victims of Torture, *Justice Denied*, December 2009, available at [http://justice-denied.torturecare.org.uk/Justice\\_Denied.pdf](http://justice-denied.torturecare.org.uk/Justice_Denied.pdf).

<sup>5</sup> Conflict throughout this contribution includes official wars and any conflict, as well as civil unrest. Each of these are significant as all can include systematic violence, and incorporates violence perpetuated by militia, armies, police, and civilians themselves. Sexual violence can be perpetuated by all of the above, as well as peacekeeping troops. For discussions on definitions of genocide see Martin Shaw, *War and Genocide*, (Cambridge, Polity Press: 2003) and Daniela De Vito, Aisha Gill and Damien Short, ‘Rape Characterised as Genocide’ in *SUR: International Journal on Human Rights*, Vol. 6, No. 10, (2009), 29-50.

<sup>6</sup> Bryan Turner, ‘Outline of a Theory of Human Rights’ in *Sociology*, Vol. 27, No. 3, (1993), 489-512; Damien Short, ‘Sociological and Anthropological Approaches’, Chapter 6 in Michael Goodhart (ed.) *Human Rights: Politics and Practice* (Oxford, Oxford University Press: 2009)..

<sup>7</sup> Susan Brownmiller, *Against Our Will: Men, Women and Rape* (Harmondsworth, Penguin: 1975).

<sup>8</sup> Goodhart, *Introduction*: 4. This definition, an echo of the 1948 Universal Declaration of Human Rights, will be used to outline the ideological discourses of rights throughout this contribution.

<sup>9</sup> Rhonda Copelon, ‘Surfacing Gender: Reengraving Crimes Against Women in Humanitarian Law’, in Nicole Ann Dombrowski, *Women and War in the Twentieth Century* (New York, Routledge: 2004).

<sup>10</sup> The author’s PhD research focuses on the significance of sexual violence in war and conflict situations in women’s claims for asylum, specifically in the Merseyside area of North West England. It is qualitative by nature and encompasses ethnographic and activist research methodologies.

<sup>11</sup> Michael Peel, *Rape as a Method of Torture* (London, Medical Foundation for the Care of Victims of Torture: 2004); Medical Foundation, *Justice Denied*.

<sup>12</sup> Palmary, *Positioning Feminist Research*; Joanna Bourke, *an Intimate History of Killing: Face to Face Killing in Twentieth Century Warfare* (Great Britain: Granta Books, 1999).

<sup>13</sup> This may include private violence committed by partners or acquaintances, but also includes violence in private and domestic spheres committed by strangers in the absence of male ‘protectors’ who have fled in the wake of conflict and/or genocide. This is particularly common in displacement camps and asylum refugees.

<sup>14</sup> Chang, *The Rape of Nanking*.

<sup>15</sup> Relevant section: ‘Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault’ available at <http://www.icrc.org/ihl.nsf/WebART/380-600032?OpenDocument> last accessed 5/02/10

<sup>16</sup> Kelly, *Wars Against Women*.

<sup>17</sup> Due to evidence of significant levels of sexual violence by UN Peacekeeping troops, in 2005, former UN Secretary General, Kofi Annan, was led to develop, ‘A comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations’. This highlights the extent to which women are rendered vulnerable during unrest, even by those employed to protect them.

Available at [www.peacewomen.org/un/pkwatch/discipline/ZeidReport24March05.doc](http://www.peacewomen.org/un/pkwatch/discipline/ZeidReport24March05.doc),

<sup>18</sup> Resolution 1325 available at <http://www.un.org/womenwatch/osagi/wps/>; Resolution 1820 available at <http://www.stoprapenow.org/pdf/Security%20Council%20Resolution%201820.pdf>.

<sup>19</sup> For an in depth discussion on this, see De Vito et al *Rape Characterised as Genocide*. Furthermore, Mackinnon provides significant feminist and legal criticisms of rape laws in the context of honour. See Catherine A. Mackinnon, ‘Defining Rape Internationally: A Comment on Akayesu’ in *Columbia Journal of Transnational Law*, Vol. 44, (2006) 940-958.

<sup>20</sup> The complex consequences that rape has on the relationship between the individual woman and local and global society will be discussed further on.

<sup>21</sup> This contribution explores the specifically gendered nature of rape in conflict as an act of violence largely perpetrated by men against women, and does not have enough scope to engage in discussion about sexual violence as perpetrated against boys and men.

<sup>22</sup> Feminists often highlight that women’s experience of peace can be different to men’s, as violence against women continues to occur outside of conflict. Cynthia Enloe, ‘Feminist Thinking About War, Militarism and Peace’ in B. Hess (ed.) *Analysing Gender: A handbook of Social Science Research* (Newbury Park, Sage: 1987).

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<sup>23</sup> Bourke, *Rape*: 359.

<sup>24</sup> Definitions of torture within legislation and by organisations such as the World Organisation Against Torture (OMCT), have not always fully recognised the significance of rape. Gradually, however, this is coming into fuller consideration in Programmes such as ‘Violence against Women’, however it is something that continues to need mainstreaming in approaching conflict issues. See OMCT, *Violence Against Women Programme*, available

<http://www.omct.org/index.php?id=EQL&lang=eng&PHPSESSID=e0591c3cd4411080e735f0548fef4001>.

<sup>25</sup> Such as was evident during the deliberate impregnation of Bosnian women during the Bosnia – Herzegovina War who were deliberately imprisoned to be systematically raped and tortured. See Roy Gutman, *A Witness to Genocide* (Shaftesbury, Element Books Ltd: 1993) and Alexander Stiglmeier, *Mass Rape: The War Against Women in Bosnia-Herzegovina* (Lincoln and London, University of Nebraska Press: 1994).

<sup>26</sup> Peel, *Rape as Torture*; Medical Foundation, *Justice Denied*; Refugee Council Vulnerable Women’s Project, February 2009, *Refugee and Asylum Seeking Women Affected by Rape or Sexual Violence: a Literature Review* available at [http://justice-denied.torturecare.org.uk/Justice\\_Denied.pdf](http://justice-denied.torturecare.org.uk/Justice_Denied.pdf).

<sup>27</sup> Forced pregnancy in rape camps was an element of mass rape during the Bosnian War. Stiglmeier, *Mass Rape*.

<sup>28</sup> Ruth Seifert, ‘War and Rape: A Preliminary Analysis’ in Stiglmeier, *Mass Rapes*: 55.

<sup>29</sup> Medical Foundation, *Justice Denied*; Refugee Council, *Refugee and Asylum Seeking Women*.

<sup>30</sup> Sexual Violence Research Initiative, available at <http://www.svri.org/>.

<sup>31</sup> For an in-depth discussion on the problems that arise from the binary elements of defining violations of women as a group and violations of an individual, see De Vito et al, *Rape Characterised as Genocide*.

<sup>32</sup> Copelon, *Surfacing Gender*, 332

<sup>33</sup> Helen Jones and Kate Cook, *Rape Crisis: Responding to Sexual Violence* (London, Russell House Publishing: 2008).

<sup>34</sup> Adapted by Peel, *Rape as a Method of Torture*, from M. Richters, ‘Sexual Violence in Wartime’ in Bracken and Petty, *Rethinking the Trauma of War*, (Save the Children Fund: 1998).

<sup>35</sup> Catherine Mackinnon, ‘Rape, Genocide and Women’s Human Rights’, 1993, in Stiglmeier, *Mass rapes*: 183-196.

<sup>36</sup> Shaw, *War and Genocide*: 179.

<sup>37</sup> Consider that approximately 500,000 women were raped during the Rwandan genocide, 20,000 during the Bosnian War, 64,000 in Sierra Leone, 4500 in Democratic Republic of Congo in six months, and hundreds of women per day in Darfur, Stop Rape now, *UN Action Against Sexual violence in Conflict*, available at [www.stoprapenow.org](http://www.stoprapenow.org). This is before even considering the prevalence of rape outside of conflict.

<sup>38</sup> Shaw, *War*: 21.

<sup>39</sup> Sociology is not the only discipline that which can overlook sexual violence, sexual violence in conflict or the human rights of women, but is the main focus throughout this contribution.

<sup>40</sup> Turner, *Outline*.

<sup>41</sup> Short and Goodhart, *Sociological and Anthropological Approaches*.

<sup>42</sup> Sara Delamont, *Feminist Sociology* (London, Sage: 2003): 114.

<sup>43</sup> Andrea Cornwall and Maxine Molyneux, eds. *The Politics of Rights: Dilemmas of Feminist Praxis* (London: Routledge, 2008)

<sup>44</sup> See Sonia Corrêa, Rosalind Petchesky and Richard Parker, *Sexuality, Health and Human Rights*, Part 3 (London, Routledge: 2008)

<sup>45</sup> See Daniela De Vito, ‘Rape as Genocide: The Group/Individual Schism in *Human Right’s Review*, Vol. 9 (2008) 361-378; Lisa Sharlach, ‘Rape as Genocide: Bangladesh, the Former Yugoslavia, and Rwanda’ in *New Political Science*, Vol. 22, No. 1 (2000), 89-102; Shaw, *War*; Alex Alvarez, *Genocidal Crimes* (New York, Routledge: 2010).

<sup>46</sup> Another complex subject worth mentioning is the structures of discipline and techniques for desensitisation within the army and other military environments. See Bourke, *Rape*.

<sup>47</sup> For example, see Kate Millett *Sexual Politics* (New York, Doubleday: 1971); Laura Mulvey *Visual and Other Pleasures* (Basingstoke, Macmillan: 1989).

<sup>48</sup> Helen Jones, ‘One Hand on the Keyboard: Sexual Violence in Hyperspace’ (paper presented at Crime and Social Justice seminar, Manchester Metropolitan University, Manchester, England, 1<sup>st</sup> February 2010).

<sup>49</sup> Robert W. Connell, *Gender and Power* (Cambridge and Oxford, Polity Press: 1987).

<sup>50</sup> See Cook and Jones, *Rape Crisis*, for an in-depth discussion on second wave contributions to social understandings of rape in the UK and USA.

<sup>51</sup> For examples, see Amnesty International, *Sudan: Darfur: Rape as a Weapon of War: Sexual Violence and its Consequences*, 2004, available at <http://www.amnesty.org/en/library/info/AFR54/076/2004>; Human Rights

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Watch, *Shattered Lives: Sexual Violence during the Rwandan Genocide and its Aftermath*, 1996, available at <http://www.hrw.org/en/news/2004/09/29/rwanda-rape-survivors-find-no-justice>.

<sup>52</sup> Brownmiller, *Against Our Will*; Kelly, *Wars Against Women*; Bourke, *Rape*.

<sup>53</sup> Peel, *Rape as Torture*; Medical Foundation, *Justice Denied*; Refugee Council: *Refugee and Asylum Seeking Women*.

<sup>54</sup> Soothill and Walby highlighted the UK media's inaccurate labelling of rapists as deviants and psychopaths, yet it continues to be evident in reports on sexual violence. This vastly undermines the perpetrator's social autonomy, or the structures and gender dichotomies produced and reiterated in society that harbour violence against women. See, Keith Soothill and Sylvia Walby, *Sex Crime in the News* (London, Routledge: 1991).

<sup>55</sup> Gutman, *A Witness*.

<sup>56</sup> D. Scully and J. Marolla 'Riding the Bull at Gilley's: Convicted Rapists Describe the Rewards of Rape' in Bart, P.B. and Moran, E.G. *Violence Against Women: The Bloody Footprints* (London, Sage: 1993): 28.

<sup>57</sup> Medical Foundation, *Justice Denied*.

<sup>58</sup> Again, contexts of rape in conflict differ, and therefore different sociological approaches will inevitably be more relevant to different conflicts and even individual or group acts of one rape.

<sup>59</sup> This is not in itself without complexities, as human rights are not universal, and the rights of women more generally are neither fixed globally nor adhered to within either private or public domains.

<sup>60</sup> James Messerschmidt, *Crime as Structured Action: Gender, Race, Class and Crime in the Making* (London, Sage: 1997).

<sup>61</sup> Paul J. Magnarella, 'How Could it Happen? The Background and Causes of the Genocide in Rwanda', *Journal of International Criminal Justice* Vol. 3 (2005), 801-822.

<sup>62</sup> Magnarella, *ibid*; Jean Hatzfeld, *A Time for Machetes* (London, Profile Books Ltd: 2005).

<sup>63</sup> Magnarella, *ibid*; Jean Hatzfeld, *ibid*.

<sup>64</sup> Hatzfeld, *ibid*.

<sup>65</sup> Quote from Fulgence, a Hutu killer as quoted in Hatzfeld, *ibid*: 9.

<sup>66</sup> D.R. Mosher and M. Sirkin, 'Measuring A Macho Personality Constellation', in *The Journal of Research and Personality*, vol. 18, 1984: 150-163

<sup>67</sup> Medical Foundation, *Justice Denied*.

<sup>68</sup> Brownmiller, *Against Our Will*.

<sup>69</sup> Bourke, *Rape*: 376.

<sup>70</sup> Connell, *Gender and Power*; John Remy, 'Patriarchy and Fratriarchy as Forms of Androcracy' in Jeff Hearn and David Morgan (eds) *Men, Masculinities and Social Theory* (London, Unwin Hyman Ltd: 1990).

<sup>71</sup> R. Mulhauser, 'Coerced Undressing, Sexual Torture and Sexual Enslavement – Different Forms of Sexual Violence During the German Occupation of the Soviet Union' (paper presented at the Rape in Wartime, University of Paris 1, Paris, France, 11-12 May, 2009).

<sup>72</sup> Stiglmayer, *Mass Rapes*.

<sup>73</sup> Gutman, *A Witness*.

<sup>74</sup> Remy, *Patriarchy*: 45.

<sup>75</sup> Brownmiller elaborates on this, 'for once he is handed a rifle and told to kill, the soldier becomes an adrenaline-rushed young man with permission to kick in the door, to grab, to steal, to give vent to his submerged rage against all women *who belong to other men*', 1992, in Stiglmayer, *Mass Rapes*, 1994: 181.

<sup>76</sup> Remy, *Patriarchy*: 45.

<sup>77</sup> Since sexual violence is perpetrated by civilians, military, police, peacekeepers and government forces, each group may not be defined as 'military' but, during conflict and unrest, demonstrate militaristic attributes.

<sup>78</sup> Bourke, *Rape*: 362.

<sup>79</sup> Note that in all these strategies, if the value of woman or her femininity did not lie in being 'pure', sexually inactive or virginal, and if her dignity were not determined by these traits, then this tactic would be significantly less effective.

<sup>80</sup> Bourke, *Rape*; Iris Chang, *The Rape of Nanking: the Forgotten Holocaust of World War Two* (New York, Basic Books Ltd: 1997).

<sup>81</sup> Bauermeister, 1977, cited in Bourke, *Rape*: 381.

<sup>82</sup> Brownmiller, *Against Our Will*.

<sup>83</sup> Brownmiller, *ibid*.

<sup>84</sup> The irony, of course, lies in the significance that must be placed on the domination of women's sexual autonomy, otherwise sexual violence would not be perpetrated on the mass scales that it is.

<sup>85</sup> Gayatri Chakravorty Spivak, *A Critique of Postcolonial Reason: Towards a History of the Vanishing Present*. (Cambridge, Massachusetts, Harvard University Press: 1999).

<sup>86</sup> Irving Goffman, *The presentation of Self in Everyday Life* (London, Penguin: 1959, 1990). Feminists can, however, be critical of Goffman's ignorance of women in Sociology. See Delamont, *Feminist Sociology*: 117.

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<sup>87</sup> Joanna Bourke provides a valid criticism of Post Traumatic Stress Disorder as an excuse developed to provide impunity for American soldiers during this time. See Bourke, *Rape*: 384.

<sup>88</sup> Including men who campaign for women's rights.

<sup>89</sup> See <http://www.icc-cpi.int/Menus/ICC/Structure+of+the+Court/Office+of+the+Prosecutor/Prosecutions/>

<sup>90</sup> See Ashley Dallman, *Prosecuting Conflict Related Sexual Violence at the International Criminal Court*, May 2009, SIPRI, available at <http://books.sipri.org/files/insight/SIPRIInsight0901.pdf>

<sup>91</sup> Although this contribution is too limited in scope to examine all forms of justice, it is worth noting that the controversial Gacaca courts in Rwanda have been both praised and criticised for their method of transitional justice and focus on civilian perpetrations of genocidal crimes, including rape and sexual violence.

<sup>92</sup> Women are significantly more likely to experience sexual violence by a stranger when displaced or seeking asylum, Refugee Council, *Refugee and Asylum Seeking Women*.

<sup>93</sup> For examples, see National Sexual Violence Resource Centre, 2004, *Global Perspectives on Sexual Violence: Findings from the World Report on Violence and Health*, , available at [http://www.nsvrc.org/sites/default/files/Publications\\_NSVRC\\_Booklets\\_Global-perspectives-on-sexual-violence.pdf](http://www.nsvrc.org/sites/default/files/Publications_NSVRC_Booklets_Global-perspectives-on-sexual-violence.pdf), Medecins Sans Frontieres, 2005, *The Crushing Burden of Rape: Sexual Violence in Darfur* available at <http://www.doctorswithoutborders.org/publications/reports/2005/sudan03.pdf> and Medical Foundation, *Justice Denied*.

<sup>94</sup> See the South Africa Medical Research Council *Stepping Stones* as an example of a preventative educational programme, information available at <http://www.mrc.ac.za/gender/stepping.htm>.