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Author(s): MIRANDA ALISON

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Wartime sexual violence: women's human rights and questions of masculinity

MIRANDA ALISON

Abstract. This article examines wartime sexual violence, one of the most recurring wartime human rights abuses. It asserts that our theorisations need further development, particularly in regard to the way that masculinities and the intersections with constructions of ethnicity feature in wartime sexual violence. The article also argues that although women and girls are the predominant victims of sexual violence and men and boys the predominant agents, we must also be able to account for the presence of male victims and female agents. This, however, engenders a problem; much of the women's human rights discourse and existing international mechanisms for addressing wartime sexual violence tend to reify the male-perpetrator/female-victim paradigm. This is a problem which feminist human rights theorists and activists need to address.

This article proceeds from the premise that sexual violence is one of the most recurring wartime abuses of women and girls and remains a critical women's human rights issue deserving our attention, but that there are certain analytical problems involved. Despite developments in human rights discourse and international law, abuses continue and there remains a certain poverty of explanations. One of the areas in which our theorisations need further development is in regard to the way that masculinities feature in wartime sexual violence and the intersections with constructions of ethnicity. This article attempts to address this intersection, based on the claim that to try and prevent such horrific violations a clearer understanding of the causes is in many ways more important than changes to international law. I begin by examining some of the reasons for and the functions of wartime sexual violence, focusing in particular on issues around masculinity and ethnicity. The reality of wartime sexual violence is then examined, beginning with a critical discussion of the discourse of women's human rights and going on to revisit some of the theoretical points raised in relation to the former Yugoslavia and Rwanda. The article concludes by returning to some of the difficulties for the women's human rights movement that are presented by the problem of male victims and female agents of wartime sexual violence.

Theorising masculinities, ethnicity, and wartime sexual violence

Hegemonic masculinity and sexual violence

The study of masculinity has demonstrated that there are multiple masculinities that vary over time and space. Hegemonic masculinity has been conceptualised as norms

and institutions that seek to maintain men's authority over women and over subordinate masculinities.¹ John Tosh points out that the term 'implies that control (even oppression) is in some way integral to masculinity, providing a framework for placing men in relation to women and to those males whose manhood is for some reason denied.'² The assumptions of hegemonic masculinity become naturalised through social hierarchies and cultural mediums, as well as through force. However, women may challenge ideas of male supremacy and some men do not subscribe to the practices and values of hegemonic masculinity. Therefore, '[h]egemonic masculinity is always in a tense – and potentially unstable – relationship with other masculinities'.³

Certain attributes of hegemonic masculinity seem to be quite enduring – such as physical strength, practical competence, sexual performance, and protecting and supporting women – whilst others are more contingent.⁴ It can be further argued that an expectation of a certain level of aggression, tied to expectations of physical strength and sexual performance, is another enduring element whilst an expectation of non-aggression is an enduring element of femininity (though such expectations frequently do not reflect the lived reality of actual men and women). This expectation of aggression is tied to socially-sanctioned institutionalised uses of force with the military as the ultimate exemplar of masculinity: '[s]oldiering is characterised as a manly activity . . . [and] [i]t has historically been an important practice constitutive of masculinity'.⁵ Indeed, Joshua Goldstein's work shows that connections between masculinity and being a warrior are very widely cross-cultural, across historical periods.⁶ Although women are capable of aggression and violence, most societies implicitly condemn female aggressiveness and socially approved uses of force or violence remain largely performed by men in jobs associated with masculinity – the army, police, prison officers.⁷ The much greater public shock in reaction to a woman's involvement in the 2003 sexual torture of male Iraqi prisoners in Abu Ghraib than to her male comrades' involvement indicates the continued naturalisation of men as perpetrators of sexual crimes and the naturalisation of women as non-aggressive – even when they are soldiers. Lynne Segal stresses, however, that we could reverse the assumed causal link between masculinity and violence: '[t]he idea that what is at stake here is state violence in the hands of men (rather than, as many feminists believe, male violence in the hands of the state) is supported by reports of women's use of force and violence when they are placed in jobs [or other positions of power] analogous to men's.'⁸

¹ John Tosh, 'Hegemonic Masculinity and the History of Gender', in Stefan Dudink, Karen Hagemann and John Tosh (eds.), *Masculinities in Politics and War: Gendering Modern History* (Manchester: Manchester University Press, 2004), p. 51, citing R. W. Connell, *Which Way is Up?* (Sydney, 1983) as having first outlined the concept.

² Tosh, 'Hegemonic Masculinity', p. 42.

³ *Ibid.*, p. 43.

⁴ *Ibid.*, pp. 47–8.

⁵ Charlotte Hooper, *Manly States: Masculinities, International Relations, and Gender Politics* (New York: Columbia University Press, 2001), p. 47.

⁶ Joshua S. Goldstein, *War and Gender: How Gender Shapes the War System and Vice Versa* (Cambridge: Cambridge University Press, 2001), p. 266.

⁷ Lynne Segal, *Slow Motion: Changing Masculinities, Changing Men* (London: Virago, 1990), pp. 266–8.

⁸ Segal, *Slow Motion*, p. 268.

Sexuality is another significant element integral to masculinity; homosexuality has for the last century or more been perceived in Western countries as the most threatening challenge to hegemonic masculinity. R. W. Connell explains that it was not until the second half of the nineteenth century that 'the homosexual' as a distinct identity and social type in Western societies became clearly delineated and heterosexuality became 'a required part of manliness.'⁹ Put another way, heteronormativity became an integral part of hegemonic masculinity. For the purposes of this article Connell's most interesting assertion is about '[t]he contradiction between this purged definition of [heterosexual] masculinity, and the actual conditions of emotional life among men in military and paramilitary groups'.¹⁰ Though Connell does not discuss this, I suggest this provides us with one of the rationales for wartime rape in certain contexts. The homosocial nature of militaries may be necessary for cohesion but its attendant danger of homosexual behaviour does not sit well with the heteronormativity of hegemonic masculinity.¹¹ Rape (even, as discussed later, rape of *men*) serves to reassert heteromascularity.

Finally, it has been noted that gang-rape performs a bonding function for groups of men and that it accounts for a high proportion of wartime sexual violence. Gang-rape cements a sense of loyalty between men and those who might not rape individually *do* rape collectively in a group assertion of masculinity.¹² Goldstein suggests that raping as part of a group 'may serve to relieve individual men of responsibility'.¹³ I suggest, however, that part of the reason gang-rape promotes group cohesion may be that it bonds men together in a complicity (in fact a shared *awareness* of responsibility) that makes loyalty to the group vital. There is evidence that at least some of the soldier-rapists in the Balkan wars possessed a sense of guilt. Testimonies of internees and rape victim-survivors state that some Serbian soldiers in the rape camps took sedatives or stimulants to enable themselves, at least in the early days, to commit rape; many others sought resolve or escape in alcohol. Some wept.¹⁴ Similarly, in Rwanda the provision of alcohol to those committing the genocide was necessary.¹⁵ Tragically for their victims, self-doubt and uncertainty about their actions – even, Lisa Price suggests, about their very identity¹⁶ – produced distress that may in turn have led to the men being even more violent in an effort to reassert their hetero-masculinity, their nationalism, their loyalty.

⁹ R. W. Connell, *Masculinities* (Cambridge: Polity Press, 1995), p. 196.

¹⁰ *Ibid.*, p. 196.

¹¹ Though Joshua Goldstein notes that the homophobia and intolerance towards gay soldiers found in modern Western militaries has not been universal cross-culturally or throughout history and gives some examples of militaries that tolerated or encouraged homosexual behaviour. *War and Gender*, pp. 374–6.

¹² Lisa S. Price, 'Finding the Man in the Soldier-Rapist: Some Reflections on Comprehension and Accountability', *Women's Studies International Forum*, 24:2 (2001), p. 216; Goldstein, *War and Gender*, pp. 364–6.

¹³ Goldstein, *War and Gender*, p. 365.

¹⁴ Price, 'Finding the Man', p. 217. Price also suggests that the testimony of some victim-survivors that after being brutally raped, humiliated and tortured, they were told by the rapists on pain of death not to tell anyone what happened, further indicates knowledge on some level that what they had done was wrong.

¹⁵ Adam Jones, 'Gender and Genocide in Rwanda', *Journal of Genocide Research*, 4:1 (2002), pp. 65–94.

¹⁶ Price, 'Finding the Man', p. 217.

Ethnicity and wartime sexual violence

Much of the feminist work on rape, including wartime rape, presents the issue purely in the context of male-female gendered power relations. Rape is seen as motivated by a universal male tendency towards indiscriminate violence against women and a generalised masculine desire to maintain a system of social control over all women: 'a conscious process of intimidation by which *all men keep all women* in a state of fear'.¹⁷ It has been claimed, therefore, that '[i]n wars men only continue to do what they did before but in a more mindless and indiscriminate way',¹⁸ and that '[r]ape . . . happens during war for the same reasons it happens during peace. It is a phenomenon rooted in inequality, discrimination, male domination and aggression, misogyny and the entrenched socialisation of sexual myths.'¹⁹ Susan Brownmiller goes further, maintaining that '[r]ape in war is a familiar act with a familiar excuse. . . . War provides men with the perfect psychological backdrop to give vent to their contempt for women.'²⁰ Brownmiller's early work on rape was highly significant in demonstrating that we cannot seriously explain sexual violence in terms of individual isolated acts by deviants but must address, in Segal's words, 'the wider social context of the power of men'.²¹ However, Brownmiller's (and similar) arguments do not explain why particular men rape while others do not, beyond the general idea that the power of all men over all women is secured by the actions of the few. Such generalisations are also insupportable given that the extent of rape in different societies and at different times varies significantly.²² Finally, such work allows no room to examine why men sometimes rape other *men*.

While it is hard to disagree that male-female power imbalances are fundamental to the incidence of rape and that there are similarities between wartime rape and 'peacetime' rape, explanations for the widespread, often systematic and orchestrated occurrences of wartime rape need to be more complicated. A significant failing of explanations for wartime rape that focus on ideas of universal unequal gender relations and indiscriminate male violence towards women is that

¹⁷ Susan Brownmiller, *Against Our Will: Men, Women and Rape*, 2nd edn. (New York: Penguin Books, 1976), p. 15. Emphasis in original.

¹⁸ Vesna Nikolić-Ristanović, 'War and Violence against Women', in Jennifer Turpin and Lois Ann Lorentzen (eds.), *The Gendered New World Order: Militarism, Development, and the Environment* (New York: Routledge, 1996), p. 196.

¹⁹ Tamara L. Tompkins, 'Prosecuting Rape as a War Crime: Speaking the Unspeakable', *Notre Dame Law Review*, 70:4 (1995), pp. 850–1.

²⁰ Brownmiller, *Against Our Will*, p. 32.

²¹ Segal, *Slow Motion*, p. 237.

²² Although it is generally accepted that rape is influenced by sociocultural conditions and so patterns of rape vary, within anthropological literature there is a high degree of controversy over whether or not *any* societies can truly be described as 'rape-free', though there is more consensus that some societies are 'rape-prone' (including all modern Western societies). Many contemporary scholars working on rape who describe some societies (generally smaller tribal and pre-industrial societies) as 'rape-free' base this on the work of Peggy Reeves Sanday, though she is not the only anthropologist to have made this claim: see 'The Socio-Cultural Context of Rape: A Cross-Cultural Study', *Journal of Social Issues*, 37:4 (1981), and 'Rape and the Silencing of the Feminine', in Sylvana Tomaselli and Roy Porter (eds.), *Rape* (London: Basil Blackwell, 1986), pp. 84–101. Sanday's and similar work has been challenged, however. See, for example, Craig Palmer, 'Is Rape a Cultural Universal? A Re-Examination of the Ethnographic Data', *Ethnology*, 28 (1989), pp. 1–16.

the intersection of gender with ethnicity is disregarded. In ethno-national conflicts this intersection is particularly significant but in fact it is important in all wars. Such explanations tend to present wars as essentially identical in terms of the reasons behind sexual violence towards women, which blurs the complexities of wars and masks differences between them. Conversely, the mainstream literature on ethnicity, nationalism and ethnic conflict tends to have impoverished conceptions of gender and rarely mentions in any detail the rape of women (or men) during armed conflict; when it is raised it is usually dismissed as an unfortunate by-product of war. Existing theories on conflict and its relationship with human rights abuses are also largely inadequate to explain gendered violence.

The notion of rape as indiscriminate is problematic. In terms of 'peacetime' sexual violence stranger-rape may be indiscriminate, with victims selected due to ease of access (which in fact is likely to bring in factors of ethnicity or 'race' and class, making it less indiscriminate than it first appears); however, sexual violence within families, romantic relationships, or between known acquaintances is much more common. In wartime the idea of indiscriminate rape is even more suspect. In contemporary armed conflicts, particularly though not exclusively ethno-national, rape is intentionally committed by specific men against specific women (and men) – namely 'enemy' women (and men) – and therefore it cannot be regarded as indiscriminate. Even the definition in the Geneva Conventions of 'indiscriminate' attacks against civilians in times of war as being those which are not directed at a specific military objective often no longer applies. In contemporary conflicts rape often *is* directed at a military objective and so is not indiscriminate. It is true that there are often cases of men raping members of their 'own' ethno-national group, their 'own side' in the war, but these are less frequent and are more commonly isolated incidents rather than systematic. The available evidence suggests that rape of one's 'own' women occurs when women are seen to be political traitors²³ (refusing to go along with prevailing ethnic chauvinism, for example), social traitors (in romantic relationships with members of the 'Other'), or are victims of the spillover violence that occurs when a society becomes highly militarised.²⁴

²³ Vesna Kesic maintains that alongside the conflicts between different nationalities in the former Yugoslavia, conflicts among member of the same ethnic groups who had different political interests also sometimes developed, and rapes took place along similar lines. 'From Reverence to Rape: An Anthropology of Ethnic and Genderized Violence', in Marguerite R. Waller and Jennifer Rycenga (eds.), *Frontline Feminisms: Women, War, and Resistance* (New York: Routledge, 2001), p. 32.

²⁴ As Price puts it, 'it may be that once habituated to violence men find it difficult to either forsake it or to constrain its use within particular settings'. 'Finding the Man', p. 222. What we know of the links between wartime violence and domestic violence is also significant here. See, for example, Liz Kelly, 'Wars against Women: Sexual Violence, Sexual Politics and the Militarised State', in Susie Jacobs, Ruth Jacobson and Jennifer Marchbank (eds.), *States of Conflict: Gender, Violence and Resistance* (London: Zed Books, 2000), pp. 59–60; Vanessa Farr in 'Gender Perspectives on Small Arms and Light Weapons: Regional and International Concerns', *Brief*, 24 (Bonn: Bonn International Center for Conversion, July 2002), accessed 4 January 2004: (<http://www.bicc.de/publications/briefs/brief24/content.php>), p. 21; Wendy Cukier in 'Gender Perspectives on Small Arms', p. 26; Monica McWilliams, 'Violence against Women in Societies Under Stress', in R. Emerson Dobash and Russell P. Dobash (eds.), *Rethinking Violence against Women* (Thousand Oaks, CA: Sage, 1998), pp. 111–40.

The feminist body of literature on the gendered nature of ethnic and national processes²⁵ has demonstrated that not only are ethnic identities fluid, contested, and not always cohesive (rather than fixed, primordial, and unified), but within ethnic groups there are distinct and contested conceptions of masculinity and femininity that are central to their self-definition. During times of conflict multiple binary constructions are formed; not only is 'masculine' contrasted to 'feminine' *within* a group and 'us' contrasted to 'them' *between* groups, but 'our women' are contrasted to 'their women' and 'our men' to 'their men'. 'Our women' are chaste, honourable, and to be protected by 'our men'; 'their women' are unchaste and depraved. Wartime propaganda presents the (male) enemy as those who would rape and murder 'our' women and the war effort is directed at saving 'our' women. Martin van Creveld goes so far as to assert that 'protecting women against rape has always been one of the most important reasons why men fought' and that, since rape of enemy women is used to symbolically demonstrate victory over enemy men, who have failed to protect 'their' women, 'rape is what war is all about.'²⁶ Clearly the difficult counterpoint to this notion of (male) soldiers fighting to protect 'our' women from rape is their corresponding abusive behaviour towards 'Other' women, as well as their restrictive behaviour towards the women they 'protect'. The ethnicised wartime construction of masculinity is highly significant here. One of the features of national crisis is that it can bring about drastic changes in the socially acceptable ways of being a man.²⁷ In wartime, perpetrating sexual violence – at least against the 'enemy' – becomes a more socially acceptable feature of (militarised) masculinity. As Price asserts, militarised nationalism 'does not simply *allow* men to be violent, but *compels* them so to be. In militarised societies . . . men who resist violence are suspect. Not only is their loyalty to the state [or nation] questioned, but also their loyalty to (heterosexual) masculinity.'²⁸

'Enemy' women are also targeted for sexual violence because of women's vital importance in constructing and maintaining the ethnonational group. Because of women's roles as biological reproducers of the collectivity, reproducers of the boundaries of the collectivity and transmitters of its culture, and signifiers of ethnonational difference,²⁹ they are likely to be targeted in attempts to destroy a collectivity or assert dominance over it. As Ruth Seifert puts it, the female body is 'a

²⁵ For an entry point into this literature, see (in no particular order): Valentine M. Moghadam (ed.), *Gender and National Identity: Women and Politics in Muslim Societies* (London: Zed Books, 1994); Nira Yuval-Davis and Floya Anthias (eds.), *Woman-Nation-State* (Basingstoke: Macmillan, 1989); Nira Yuval-Davis, *Gender and Nation* (London: Sage, 1997); *Women's Studies International Forum*, Special Issue, 19:1–2 (1996); Anne McClintock, Aamir Mufti and Ella Shohat (eds.), *Dangerous Liaisons: Gender, Nation, and Postcolonial Perspectives* (Minneapolis, MN: University of Minnesota Press, 1997); Cynthia Enloe, *The Morning After: Sexual Politics at the End of the Cold War* (Berkeley, CA: University of California Press, 1993); Cynthia Enloe, *Bananas, Beaches and Bases: Making Feminist Sense of International Politics*, updated edn. (Berkeley, CA: University of California Press, 2000 [1989]).

²⁶ Martin van Creveld, *Men, Women and War: Do Women Belong in the Front Line?* (London: Cassell, 2001), pp. 34–7. Van Creveld fails to point out that rape of women has historically been construed as a property crime against the victim-survivor's male family members, rather than as a crime against the woman. His discussion also, overall, fundamentally misunderstands the nature of rape in general and rape in the context of war and contains some questionable and, in places, offensive presumptions.

²⁷ Tosh, 'Hegemonic Masculinity', p. 48.

²⁸ Price, 'Finding the Man', p. 222.

²⁹ Yuval-Davis and Anthias, *Woman-Nation-State*; Yuval-Davis, *Gender and Nation*.

symbolic representation of the body politic' and rape of women is 'the symbolic rape of the body of [the] community'.³⁰ Relatedly, it has been argued that wartime sexual violence functions as a form of communication between men and a measure of victory and of masculinity, with women's bodies the vehicle of communication, the site of battle and the conquered territory.³¹ It is a communication, then, between hegemonic and subordinate masculinities. As Rhonda Copelon argues, however, the fact that rape of women performs a communicative function between men also illustrates more than anything else women's fundamental objectification.³²

Finally, it is critical to assert that male to male wartime sexual violence is no less gendered nor any less ethnicised than male to female violence. Studies of male to male rape in non-war situations, primarily in Western prisons, suggest that the act occurs as a way of asserting power and masculinity. Rather than being received as a homosexual (thus *less masculine*) act, male to male rape is a highly masculinised act for the perpetrator and his audience, whilst the victim is feminised.³³ This reflects the construction of female sexuality as passive and male sexuality as active. In wartime, then, male to male rape (as male to female rape) humiliates and feminises the victim whilst asserting the perpetrator's dominant (heterosexual, ethno-national) masculinity.³⁴ The ethnonational element means that symbolically the victim's national identity is also feminised and humiliated. *Sexual violence is 'preferred'*, Inger Skjelsbæk suggests, because 'this is the form of violence which most clearly communicates masculinisation and feminisation'.³⁵ Through the logic of the systematic or genocidal rape policy and the actual act of raping, the soldier-rapist asserts his (or potentially her) 'hetero-nationality'³⁶ – a different and superior national identity from that of the victim, who in turn has her or his national identity forced through the rape into an inferior position as feminine.

Addressing the reality of wartime sexual violence

When reports emerged from the former Yugoslavia in 1992–93 about mass rape of women, in particular Bosnian Muslim and Croatian women, the atrocities were often

³⁰ Ruth Seifert, 'War and Rape: A Preliminary Analysis', in Alexandra Stiglmayer (ed.), *Mass Rape: The War against Women in Bosnia-Herzegovina* (Lincoln, NE: University of Nebraska Press, 1994), pp. 62–4.

³¹ Seifert, 'War and Rape', p. 59; Goldstein, *War and Gender*, p. 362; Mary Ann Tétreault, 'Justice for All: Wartime Rape and Women's Human Rights', *Global Governance*, 3:2 (1997), p. 203.

³² Rhonda Copelon, 'Gendered War Crimes: Reconceptualizing Rape in Time of War', in Julie Peters and Andrea Wolper (eds.), *Women's Rights, Human Rights: International Feminist Perspectives* (New York: Routledge, 1995), p. 206.

³³ A. M. Scacco, Jr, *Rape in Prison* (Springfield, IL: Charles C. Thomas, 1975), p. 86, cited in Segal, *Slow Motion*, p. 247.

³⁴ This is not a new tactic. Goldstein provides evidence that homosexual rape perpetrated by victors upon the vanquished, as a way of feminising enemy soldiers, was common in the ancient world in Greek, Middle Eastern, and Amerindian societies. Similarly, male to male sexual violence in the form of castration of conquered enemies was also common in the ancient world, perpetrated by Chinese, Persian, Amalekite, Egyptian and Norse armies. *War and Gender*, pp. 357–60.

³⁵ Inger Skjelsbæk, 'Sexual Violence and War: Mapping Out a Complex Relationship', *European Journal of International Relations*, 7:2 (2001), pp. 225–7.

³⁶ Coined by Euan Hague, 'Rape, Power and Masculinity: The Construction of Gender and National Identities in the War in Bosnia-Herzegovina', in Ronit Lentin (ed.), *Gender and Catastrophe* (London: Zed Books, 1997), pp. 50–63.

described as unprecedented. This is fundamentally historically inaccurate. It is more accurate to argue that in the twentieth century 'rape, which had always been an effective weapon of war, became more self-consciously so; rape was recognised as a means to demoralise and destroy the enemy'.³⁷ Further, it has been claimed that in the post-Cold War context 'what were previously byproducts of war – rape, genocide and ethnic cleansing – have now become its primary aims.'³⁸ Two of the most prominent examples are the conflicts in the former Yugoslavia 1991–95 and Rwanda 1994, which both involved mass and systematic sexual violence, often entailing very public gang-rape. These cases are used to illuminate some of the points raised earlier but before this, a discussion of human rights discourse as it relates to wartime sexual violence is provided as a way of contextualising and drawing together the theoretical discussion with the empirical cases.

Human rights discourse and international law

It has frequently been demonstrated that the discourse and legislation of universal human rights is underpinned by masculinist assumptions,³⁹ neglecting many areas of women's lives and 'occlud[ing] forms of oppression and human rights violations suffered by women as women'.⁴⁰ It has also been argued that this discourse is ethnocentric and does not take sufficient account of differences between women.⁴¹ Sexual violence, often viewed as the archetypal example of a human rights violation suffered by women as women, has historically not been seriously addressed in human rights law or the laws of war. In the 1949 Geneva Conventions and the 1977 Additional Protocols, sexual violence is not designated as a 'grave breach' but only as a lesser abuse (though the view that it comes under the rubric of other grave breaches, such as 'wilfully causing great suffering or serious injury to body or health' and 'torture or inhuman treatment', has come to gain wide acceptance). In the Geneva Convention relative to the Protection of Civilian Persons in Time of War and the Additional Protocols sexual violence is also problematically characterised as an attack against women's 'honour' rather than as a violent crime that violates bodily integrity.⁴²

³⁷ Catherine N. Niarchos, 'Women, War, and Rape: Challenges Facing the International Tribunal for the Former Yugoslavia', *Human Rights Quarterly*, 17:4 (1995), p. 662. See also Tompkins, 'Prosecuting Rape'.

³⁸ Caroline Kennedy-Pipe, 'From Cold Wars to New Wars', in Clive Jones and Caroline Kennedy-Pipe (eds.), *International Security in a Global Age: Securing the Twenty-First Century* (London: Frank Cass, 2000), p. 21.

³⁹ Moya Lloyd, 'The Democratizing Potential of (Women's) Human Rights: Paradoxes and Possibilities', this volume; Jane Freedman, 'Women, Islam and Rights in Europe: Beyond a Universalist/Culturalist Dichotomy', this volume; Juanita Elias, 'Women Workers and Labour Standards: The Problem of "Human Rights"', this volume; Julie Peters and Andrea Wolper (eds.), *Women's Rights, Human Rights: International Feminist Perspectives* (New York: Routledge, 1995); Hilary Charlesworth and Christine Chinkin, *The Boundaries of International Law: A Feminist Analysis* (Manchester: Manchester University Press, 2000).

⁴⁰ Lloyd, 'Democratizing Potential'.

⁴¹ Freedman, 'Women, Islam and Rights'.

⁴² United Nations Division for the Advancement of Women (DAW), 'Sexual Violence and Armed Conflict: United Nations Response', *Women 2000* (DAW, April 1998), accessed 12 January 2005: (<http://www.un.org/womenwatch/daw/public/w2apr98.htm>). See also DAW's Beijing Platform for Action section on women and armed conflict, note E.132 (accessed 28 January 2005), (<http://www.un.org/womenwatch/daw/beijing/platform/armed.htm>).

Activism for women's human rights led to changes over time in human rights discourse and international law regarding women, such as the 1974 UN Declaration on the Protection of Women and Children in Emergencies and Armed Conflicts⁴³ and the 1979 Convention on the Elimination of All Forms of Discrimination against Women.⁴⁴ Neither of these mention sexual violence. By the mid-1990s and the Fourth World Conference on Women held in Beijing in 1995, however, violence against women (of all forms) was firmly on the feminist human rights activist agenda.⁴⁵ With regard to wartime sexual violence the most pertinent developments in international law have followed revelations of the extreme and widespread occurrences of this in the armed conflicts in the former Yugoslavia and Rwanda. In 1994 the UN Human Rights Commission established the post of Special Rapporteur on violence against women and in 1995 the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities appointed a Special Rapporteur on the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict.⁴⁶ The 1994 UN Declaration on the Elimination of Violence against Women⁴⁷ addresses sexual violence within the family, the general community, and that perpetrated or condoned by the state, but not in the context of war specifically (though it does explicitly recognise that women in conflict situations are particularly vulnerable to violence). The International Criminal Tribunal for the former Yugoslavia (ICTY)⁴⁸ has recognised and tried sexual violence for the first time as a distinct war crime (human rights violations committed in the course of conflict, not necessarily systematic or widespread) and as a crime against humanity⁴⁹ (human rights violations constituting part of a widespread or systematic attack on a civilian population based on ethnic, national, 'racial', political, or religious grounds). The International Criminal Tribunal for Rwanda (ICTR)⁵⁰ went further and, for the first time, recognised rape as potentially an act of genocide.⁵¹ The Rome Statute of the International Criminal Court⁵² also recognises sexual violence (including forced pregnancy) as a war crime and a crime against humanity. International norms have clearly changed in regard to wartime sexual violence.

⁴³ Proclaimed by UN General Assembly resolution 3318(XXIX) of 14 December 1974. See <http://daccessdds.un.org/doc/RESOLUTION/GEN/NR0/739/20/IMG/NR073920.pdf?OpenElement> (accessed 12 January 2005).

⁴⁴ Proclaimed by General Assembly resolution 34/180 of 18 December 1979 and came into force 3 September 1981. See <http://www.ohchr.org/english/law/cedaw.htm> (accessed 12 January 2005).

⁴⁵ See Beijing Platform for Action (accessed 28 January 2005), <http://www.un.org/womenwatch/daw/beijing/platform/index.html>.

⁴⁶ DAW, 'Sexual Violence and Armed Conflict'.

⁴⁷ Proclaimed by General Assembly resolution 48/104 of 23 February 1994, A/RES/48/104. See <http://daccessdds.un.org/doc/UNDOC/GEN/N94/095/05/PDF/N9409505.pdf?OpenElement>, accessed 12 January 2005.

⁴⁸ See the UN's website for the ICTY: <http://www.un.org/icty/>.

⁴⁹ DAW, 'Sexual Violence and Armed Conflict'.

⁵⁰ See the UN's website for the ICTR: <http://www.ict.rg/>.

⁵¹ R. Charli Carpenter, 'Surfacing Children: Limitations of Genocidal Rape Discourse', *Human Rights Quarterly*, 22 (2000), pp. 444 and 477. Originally rape was not asked about or included in charges against defendants. Allegedly, the ICTR's first deputy prosecutor told Human Rights Watch that there was no point in asking for rape evidence because 'African women don't like to talk about rape', and the Chief Commander of the UN Tribunal investigators was also unwilling to collect evidence of rape in Rwanda. Rape cases were eventually prosecuted at the Tribunal because evidence of rape came up so repeatedly in the testimony of numerous witnesses that prosecutors asked for special permission to amend the charges. DAW, 'Sexual Violence and Armed Conflict'.

⁵² Entered into force 1 July 2002. See http://www.icc-cpi.int/library/about/officialjournal/Rome_Statute_120704-EN.pdf (accessed 12 January 2005).

Nevertheless, these developments are not unambiguously positive; human rights discourse contains both ‘paradoxes and possibilities’ for women.⁵³ Most obviously, it would be hard to argue that such developments have had any success in preventing sexual violence, though they have certainly contributed to making such abuses visible and viewed seriously as more than a by-product of war; as political rather than as a ‘private’ and individual concern. Second, it could be argued that once again they frame women largely as victims of war, requiring (male) protection, and as the sole victims of sexual violence.⁵⁴ Third, there remains the problem of framing women as a universal group, neglecting different positioning and experiences. As Lloyd notes, ‘human rights discourse . . . abstracts from the structural determinations that position diverse groups of women in fundamentally inegalitarian ways’ and ‘[p]resuming too much commonality between women can occlude significant structural inequalities between them, perpetuating the values and agenda of the most powerful against the least powerful.’⁵⁵ (Others, however, contend that human rights discourse has the capacity to embrace the diversity of women.⁵⁶) All of this becomes problematic when we look at contemporary examples of wartime sexual violence, for reasons elaborated earlier: women are not only victims of war, they are also agents of violence; men are also victims of sexual violence; the idea of male protection is inherently problematic and can lead in itself to abuses of women; women are not all located the same and one’s positioning impacts on one’s experiences of war.

This leads us to a further overriding problem: how to both acknowledge and respond to the reality of male victims and female agents of sexual violence whilst still recognising and acting with the simultaneous reality that women and girls remain the majority of victims and men and boys the majority perpetrators – but, further, that both women’s and men’s ethnic and social positioning contributes enormously to differential experiences. Put another way, the points I have outlined illustrate some of the problems with the masculinist and universalist notions underpinning human rights discourse in regard to women, but does this then leave us with no ground from which to launch activism against abuses of women in the context of human rights? I would like to suggest that this does not have to be the case but do not have an easy, unambiguous alternative. The crux of this article is to argue, however, that drawing on the theoretical points discussed earlier about masculinity, femininity, ethnicity, sexuality and wartime sexual violence, and using them as the starting point for analysis of the specificities of particular cases and causes of wartime sexual violence, is a strategy that may be fruitfully adopted. Accordingly, the remainder of this section attempts to do this very briefly in regard to the former Yugoslavia and Rwanda.

⁵³ Lloyd, ‘Democratizing Potential’.

⁵⁴ Although the ICTY has issued some indictments charging sexual violence committed against men, the framing and language of the international discourse and documents continues to implicitly presume women as the victims. See, for example, DAW’s Beijing Platform for Action section on women and armed conflict, notes E.135 and 136 and various strategic objectives: (<http://www.un.org/womenwatch/daw/beijing/platform/armed.htm>), accessed 28 January 2005.

⁵⁵ Lloyd, ‘Democratizing Potential’.

⁵⁶ Jill Steans, ‘Debating Women’s Human Rights as a “Universal” Feminist Project: Defending Women’s Human Rights as a Political Tool’, this volume.

Sexual violence during the wars in the former Yugoslavia

The Balkan wars clearly illustrate some of the points raised in this article. The connection between masculinity and soldiering is clear and has been particularly well documented in regard to Serbian nationalism and the resurrection of the notion of the Serbian warrior. Cynthia Enloe maintains that '[t]here is evidence that the warrior is a central element in the twentieth-century cultural construction of the Serbian ideal of masculinity. Researchers are also demonstrating that the ideals of Serbian femininity have been constructed in ways deliberately intended to bolster the militarisation of masculinity'.⁵⁷ Nationalist ideals linking Serbian masculinity with militarism were constructed alongside the 'woman-as-mother' image,⁵⁸ illustrating the significance of women as biological and social reproducers. Gender roles became more polarised as belief in ethnic differences became more entrenched; as demographic competition deepened between groups⁵⁹ the role of women as reproducers was being entrenched in national psyches. Women were expected to fulfil the role of 'heroic mothers' and 'to accept the maternal role as the "natural" outcome of their gender and ethnic-national destiny'⁶⁰ whilst men, in particular Serbian men, were expected to engage in socially sanctioned violence for the 'good of the nation' and their manhood. These processes tragically merged in the lives of women in the region in the form of systematic and mass rape (including the use of 'rape camps'), forced impregnation, pregnancy and maternity.⁶¹ Such abuses were targeted at 'enemy' ethno-national groups and were not indiscriminate. All ethno-national groups committed rape but the clearest evidence of a systematic policy pertains to Serbian forces. A European enquiry estimated in 1993 that at least 20,000 women and girls were raped.⁶²

As discussed, sexual violence can function as a form of communication between men and between hegemonic and subordinate masculinities, as well as between men and women and masculinity and femininity. In the former Yugoslavia sexual atrocities communicated power and oppression, engendering terror in populaces

⁵⁷ Cynthia Enloe, 'All the Men Are in the Militias, All the Women Are Victims: The Politics of Masculinity and Femininity in Nationalist Wars', in Lois Ann Lorentzen and Jennifer Turpin (eds.), *The Women and War Reader* (New York: New York University Press, 1998), p. 54.

⁵⁸ Enloe, *Morning After*, p. 243. See Wendy Bracewell, 'Women, Motherhood, and Contemporary Serbian Nationalism', *Women's Studies International Forum*, 19:1-2 (1996), pp. 25-33; Maja Korać, 'Understanding Ethnic-National Identity and its Meaning: Questions from Women's Experience', *Women's Studies International Forum*, 19:1-2 (1996), pp. 133-43; Carol S. Lilly and Jill A. Irvine, 'Negotiating Interests: Women and Nationalism in Serbia and Croatia, 1990-1997', *East European Politics and Societies*, 16:1 (2002), pp. 109-44.

⁵⁹ On this, see Darius M. Rejali, 'After Feminist Analyses of Bosnian Violence', *Peace Review*, 8:3 (1996), pp. 368-9; Lilly and Irvine, 'Negotiating Interests', pp. 129-36; Bracewell, 'Women, Motherhood'.

⁶⁰ Korać, 'Understanding Ethnic-National Identity', p. 137.

⁶¹ See Carpenter, 'Surfacing Children' for an explication of the difference between these three categories, generally subsumed under 'forced pregnancy' or 'forced impregnation', and a discussion of the debate over rape and forced pregnancy as genocide and the position of the children produced through this in Bosnia. See also Carpenter, 'Forced Maternity, Children's Rights and the Genocide Convention: A Theoretical Analysis', *Journal of Genocide Research*, 2:2 (2000), pp. 213-44.

⁶² Alan Riding, 'European Enquiry Says Serbs' Forces Have Raped 20,000', *New York Times* (9 January 1993), p. 1:1. This does not include the later Kosovo conflict, where rape also featured, which is not addressed here.

under attack, and led to 'ethnic cleansing' through widespread flight.⁶³ Further, some rape camps were specifically formed with the aim of impregnating women, who were repeatedly raped until they conceived then freed when abortion was no longer an option.⁶⁴ The most systematic and documented use of forced pregnancy was by Serbs against Bosnian Muslim women but these were not the only perpetrators or victims. Imposing maternity on women of an opposing group was also conceptualised as 'ethnic cleansing' in the Balkan context, where shared attitudes to ethnicity encourage a view of women as mere incubators for male genes;⁶⁵ both Islam and Orthodox Christianity tend to view identity as patrilineal. Nevertheless it is important to consider that the idea that children conceived of rape bear the sole ethnicity of their fathers was not automatically accepted by perpetrators *or* victims. The Serbian leadership had to actively promote and encourage this idea, which faced resistance – indicating further the continually contested process of the construction of ethnicity.⁶⁶

Finally, the evidence of male-to-male rape and other forms of sexual torture committed during the Balkan wars (again, predominantly though not exclusively by Serbian forces), including castration and forcing male prisoners to rape or perform sexual acts on other prisoners,⁶⁷ illustrates how male to male sexual violence is both gendered and ethnicised, acting to feminise victims and their homosexualised ethno-nationality whilst masculinising perpetrators and their heterosexualised ethno-nationality. Dubravka Zarkov's review of articles about male victims of sexual assault in the local print media found not a single such article in the Serbian newspapers during the war and only six in the Croatian papers. Those few Croatian articles reveal the interlinked nature of ideas about masculinity, sexuality and ethnicity. Zarkov argues that 'the invisibility of men who endured sexual violence is related to the position of masculinity and the male body within nationalist discourses

⁶³ On wartime rape as a strategy of 'ethnic cleansing' in the context of state partition, where it is intended that populations will no longer live together, see Robert M. Hayden, 'Rape and Rape Avoidance in Ethno-National Conflicts: Sexual Violence in Liminalized States', *American Anthropologist*, 102:1 (2000), pp. 27–41.

⁶⁴ Tompkins, 'Prosecuting Rape', p. 868; Kelly Dawn Askin, *War Crimes against Women: Prosecution in International War Crimes Tribunals* (The Hague: Kluwer Law International, 1997), pp. 273–4; Todd A. Salzman, 'Rape Camps as a Means of Ethnic Cleansing: Religious, Cultural, and Ethical Responses to Rape Victims in the Former Yugoslavia', *Human Rights Quarterly*, 20:2 (1998), pp. 348–78; Silva Meznaric, 'Gender as an Ethno-Marker: Rape, War, and Identity Politics in the Former Yugoslavia', in Valentine M. Moghadam (ed.), *Identity Politics and Women: Cultural Reassertions and Feminisms in International Perspective* (Boulder, CO: Westview Press, 1994), p. 77; Copelon, 'Gendered War Crimes', p. 205; Tadeusz Mazowiecki, 'Report on the Situation of Human Rights in the Territory of the Former Yugoslavia, Annex II: Report of the Team of Experts on Their Mission to Investigate Allegations of Rape in the Territory of the Former Yugoslavia from 12 to 23 January 1993', E/CN.4/1993/50 (United Nations Economic and Social Council: Commission on Human Rights, 10 February 1993), (<http://www.unhcr.ch/Huridocda/Huridocda.nsf/TestFrame/c0a6cfd5274508fd802567900036da9a?OpenDocument>), accessed 22 September 1999.

⁶⁵ Beverly Allen, *Rape Warfare: The Hidden Genocide in Bosnia-Herzegovina and Croatia* (Minneapolis, MN: University of Minnesota Press, 1996), p. 87; Nikolić-Ristanović, 'War and Violence against Women', p. 202.

⁶⁶ Price suggests that urban peoples may have been more resistant to the idea than rural peoples because the urban populations of mixed cities like Sarajevo had a longer history of inter-marriage between ethno-national groups. 'Finding the Man', p. 221.

⁶⁷ See Adam Jones, 'Gender and Ethnic Conflict in Ex-Yugoslavia', *Ethnic and Racial Studies*, 17:1 (1994), pp. 115–34; Dubravka Zarkov, 'The Body of the Other Man: Sexual Violence and the Construction of Masculinity, Sexuality and Ethnicity in the Croatian Media', in Caroline O. N. Moser and Fiona C. Clark (eds.), *Victims, Perpetrators or Actors? Gender, Armed Conflict and Political Violence* (London: Zed Books, 2001), pp. 69–82; Hague, 'Rape, Power and Masculinity'.

on ethnicity, nationhood and statehood.⁶⁸ Zarkov's analysis of the articles illustrates the homosexualisation and emasculation/feminisation of male victims of sexual assault, who are ethnically figured as Muslim, while the perpetrators are figured as Serbian.⁶⁹ Zarkov asserts that '[t]he castration of a single man of the ethnically defined enemy is symbolic appropriation of the masculinity of the whole group. Sexual humiliation of a man from another ethnicity is . . . proof not only that he is a lesser man, but also that his ethnicity is a lesser ethnicity.'⁷⁰ In the (limited) Croatian press representation, then, 'Croat man's unquestioned heterosexuality and unchallenged masculine power are preserved by his absence from the narrative of sexual violence and castration . . . [which] consequently renders Croat nationhood potent and the newly emerging Croatian State powerful.'⁷¹

Sexual violence during the Rwandan genocide

As with the Balkan wars, the sexual violence committed during the 1994 Rwandan genocide was not indiscriminate but was targeted. The United Nations estimates that somewhere between 250,000–500,000 women and girls, the majority of them Tutsi, were raped.⁷² Hutu women who were perceived as social or political traitors were also targeted. Women were held captive and repeatedly raped and many were forced into so-called 'marriages' with their rapists. Although forced impregnation does not seem to have been the norm, mass pregnancy was an inevitable result. There are also indications that infection of victim-survivors with the HIV virus was widespread and in some cases deliberate.⁷³

In Rwanda, as with the Balkans, the significance of the association of warrior status with masculinity can be seen, particularly in light of other aspects of masculinity being undermined. Adam Jones emphasises the economic and social positioning of young Hutu men prior to the genocide. Rwanda was one of the poorest countries in the world; renewed civil war in the early 1990s, along with prolonged drought, exacerbated the situation. The economic decline, in conjunction with an ongoing crisis over available land, in Jones's view produced a gender crisis for young Hutu men. He accepts that economic problems affected women as well as men but argues that for young Rwandan men, particularly Hutu, 'the crisis was additionally an *existential* one' since without employment or land they were inhibited from marrying and achieving social status. Killing Tutsis, Jones says, gave these men 'significant opportunities for upward mobility' and also, his work seems to imply, for re-asserting Hutu masculinity in a context where martial ability was being emphasised.⁷⁴

The importance of women's symbolic position as signifiers of ethnic difference can be witnessed in terms of binary constructions of 'our' women versus 'their' women.

⁶⁸ Zarkov, 'Body of the Other Man', p. 73.

⁶⁹ *Ibid.*, pp. 73–9.

⁷⁰ *Ibid.*, p. 78.

⁷¹ *Ibid.*, p. 80.

⁷² 'Violence against Women in War: Rape, AIDS, Sex Slavery', *AIDS Weekly Plus* (25 November 1996), p. 13; Jones, 'Gender and Genocide', p. 81.

⁷³ Coomaraswamy, 'Report of the Mission to Rwanda'.

⁷⁴ Jones, 'Gender and Genocide', pp. 66–68. Emphasis in original.

Christopher Taylor argues that gender issues 'figured prominently in the social construction of boundaries between ethnic groups and in local cultural notions of racial purity.'⁷⁵ Integral to the systematic propaganda campaign that was an essential part of preparations for the genocide was the intersection of notions of ethnicity and gender. Tutsi women, presented as highly sexual, dangerous and arrogant, came to signify the difference between Tutsi and Hutu, with Hutu women presented as modest, honest, and good wives and mothers. Radio stations and extremist magazines, well before the genocide began, consistently portrayed Tutsi women as arrogant and superior, higher-class, beautiful seductresses who would corrupt pure Hutu society and who deserved to be humiliated for having the 'arrogance' to think themselves 'too good' to sleep with Hutu men.⁷⁶ The absurdity of such claims in a society where intermarriage between groups was the norm was apparently lost on many Hutu, even some who had Tutsi family members.

The legacy of colonial ideas was very significant here. The colonial era in Rwanda, in particular the Belgian administration, entrenched the Hutu and Tutsi labels as ethnic and opposed categories; before this, Hutu and Tutsi were more like labels for changeable socioeconomic and political status.⁷⁷ The two categories were not unduly exclusionary at this time, with intermarriage and social mixing common. Colonial historiography identified Tutsi as 'quasi-Caucasian'; more civilised, racially and intellectually superior to Hutu.⁷⁸ Colonial notions also portrayed Tutsi women as more beautiful than Hutu women – beauty being interconnected with 'racial'/biological superiority in colonial conceptions.⁷⁹ One of the tragic ironies of such myths was that although extremists explicitly recognised that to maintain racial purity Hutu men would have to 'categorically renounce Tutsi women as objects of desire',⁸⁰ the strength of those same myths contributed to the sexual violence against Tutsi women. Jean-Paul Akayesu is reported by witnesses to have said to his militia members after they had committed a rape, 'never ask me again what a Tutsi woman tastes like.'⁸¹ Other survivors report that the men who raped them made comments about wanting to know what Tutsi women were like, if they were different from Hutu women, wondering how they 'look inside'.⁸² The negative portrayal of Tutsi women also owed something to their potentiality as mothers of ethnically anomalous children. Official ethnic identity was determined by the father due to Belgian colonial

⁷⁵ Christopher C. Taylor, *Sacrifice as Terror: The Rwandan Genocide of 1994* (Oxford: Berg, 1999), p. 152.

⁷⁶ See Human Rights Watch, *Shattered Lives: Sexual Violence During the Rwandan Genocide and its Aftermath* (New York: Human Rights Watch Africa, 1996); Coomaraswamy, 'Report of the Mission to Rwanda'; Taylor, *Sacrifice as Terror*.

⁷⁷ Alain Destexhe, *Rwanda and Genocide in the Twentieth Century*, trans. Alison Marschner (London: Pluto, 1995); Human Rights Watch, *Slaughter Among Neighbors: The Political Origins of Communal Violence* (London: Human Rights Watch, 1995), p. 5.

⁷⁸ Gérard Prunier, *The Rwanda Crisis, 1959–1994: History of a Genocide* (London: Hurst, 1995); Destexhe, *Rwanda and Genocide in the Twentieth Century*; Taylor, *Sacrifice as Terror*, p. 171; Radhika Coomaraswamy, 'Report of the Special Rapporteur on Violence against Women, its Causes and Consequences: Addendum: Report of the Mission to Rwanda on the Issues of Violence against Women in Situations of Armed Conflict', E/CN.4/1998/54/Add.1 (United Nations Economic and Social Council, 4 February 1998), (<http://www.unhcr.ch/Huridocda/Huridocda.nsf/TestFrame/aa272e9c0693a7b2c125661e0053fd4b?OpenDocument>), accessed 22 September 1999.

⁷⁹ Taylor, *Sacrifice as Terror*, pp. 170–1.

⁸⁰ *Ibid.*, p. 174.

⁸¹ Coomaraswamy, 'Report of the Mission to Rwanda'.

⁸² Human Rights Watch, *Shattered Lives*, pp. 42–3, 47.

practice, yet children of mixed Hutu and Tutsi background were seen by many as racially impure; ambiguous identities were less and less tolerated in the years leading up to the genocide.⁸³

Finally, there does not as yet seem to be evidence of men being raped during the Rwandan genocide, though this does not mean it did not occur. However, the genocide does present us with examples of the contrasting analytical problem outlined earlier – women as agents of political and sexual violence. The ICTR produced the first ever conviction for genocide in an international trial, that of Jean-Paul Akayesu,⁸⁴ but also holds the dubious distinction of having tried the first woman ever to be charged with genocide in an international court, Pauline Nyiramasuhuko (ironically the former Rwandan Minister for Family and Women's Affairs), who was charged with organising massacres and encouraging sexual violence against Tutsi in Butare.⁸⁵ Nyiramasuhuko is only one example of many Hutu women who were agents of the genocide.⁸⁶

Conclusions

The existence of male victims and female agents of sexual violence cannot be ignored. However, this leaves us with a conceptual and analytical problem in regard to activism for women's human rights and the existing international mechanisms for addressing wartime sexual violence, which are based on masculinist notions that tend to essentialise women (and men) and women's wartime experiences: the male-perpetrator/female-victim binary (in fact, 'all men are potential rapists' and 'all women are equally likely to be victims') remains largely intact. I have argued that a more complex analysis of empirical cases of wartime sexual violence that examines the interplay between masculinity, femininity, ethnicity and sexuality, is required and serves to bring into relief the problems with accepting this binary at face value and wholeheartedly. The example of wartime sexual violence as a problem for women's human rights, then, illuminates a broader conundrum feminists face: how to 'do' women's human rights if in so 'doing' we actually reify certain (unhelpful, incomplete, potentially essentialist) constructs that we also wish to – or need to – annihilate.

This article has maintained, therefore, that theories about wartime sexual violence that are based solely on rape as a product of misogyny and universal patriarchal gender relations are inadequate to explain the fact that in most wars, and particularly in ethno-national conflicts, sexual violence is deliberately targeted at women and girls of 'Other' ethnic groups and in particular ways, not at all women and girls indiscriminately. Ethnic and social positioning contributes enormously to differences of experience and the potentially ethnocentric universalism of some human rights

⁸³ Taylor, *Sacrifice as Terror*, pp. 155–6. In pre-genocide Rwanda it was more common to find Hutu men married to Tutsi women than Tutsi men married to Hutu women.

⁸⁴ James C. McKinley Jr, 'UN Tribunal, in First Such Trial Verdict, Convicts Rwandan Ex-Mayor of Genocide', *New York Times* (3 September 1998), p. A14.

⁸⁵ 'Nyiramasuhuko & Two Other Suspects Plead Not Guilty to Rape & Genocide Charges', *Africa News Service* (13 August 1999); Jones, 'Gender and Genocide', p. 83.

⁸⁶ See Jones, 'Gender and Genocide', section vi; Coomaraswamy, 'Report of the Mission to Rwanda'; and, most extensively, African Rights, *Rwanda – Not So Innocent: Women As Killers* (London: African Rights, 1995).

discourse needs to be addressed. Such theories also significantly fail to explain why men and boys are sometimes raped. To argue the converse, however – that rape is simply one abuse on a list of atrocities committed to demoralise the enemy group (female and male) – does not explain why rape *is* usually overwhelmingly directed at women and girls nor, in fact, why a minority of sexual violence breaks this general pattern and is directed at men and boys. Any serious analysis of manifestations of wartime sexual violence needs, therefore, to take into account the particularity of constructions of both gender *and* ethnicity (and/or sexuality, class, religion, caste, ‘race’, politics and so forth) and the interplay between these aspects of identity. Significantly, local hegemonic and subordinate masculinities need to be examined in light of their relationships to ethno-national identity, militarism, violence, and complementary constructions of femininity.

Nevertheless, the strategic political problem for the women’s human rights movement remains in the form of the ‘paradoxes and possibilities’⁸⁷ of human rights discourse. As was noted in the Introduction to this Forum, some feminists and women’s human rights activists maintain that despite its attendant problems, the universalist (and essentialist?) nature of human rights discourse and policy frameworks is necessary in order to promote the cause of women’s rights at the national and international level, and retains the potential to challenge gender structures and injustices⁸⁸ (the ‘possibilities’). On the other hand, the ‘paradoxes’ are stark in relation to wartime sexual violence. Do we relinquish the notion of sexual violence as the archetypal women’s human rights abuse, and reframe it as a human rights abuse more generally? This would make room for male victims and female agents. However, would this then mean that the fact that women and girls remain the majority (though not the sole) victims and men and boys the majority (though not the sole) perpetrators will become elided? And if that is the case, will national and international activism on the issue lose its current political force in the very same period that wartime sexual violence seems to be an ever-increasing problem? (If feminists stop talking about rape, who will?) These are questions which require extensive further debate and elaboration. However, I would stress the fact that this article has shown that sexual violence against men and boys is no less a gendered issue than sexual violence against women and girls. Perhaps, then, we can acknowledge and address the reality of male victims and even female agents whilst still maintaining sexual violence as a feminist issue within the framework of human rights – though definitely not as exclusively a *women’s* issue.

⁸⁷ Lloyd, ‘Democratizing Potential’.

⁸⁸ See Steans, ‘Debating Women’s Human Rights as a “Universal” Feminist Project’.