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Female Soldiers in Sierra Leone

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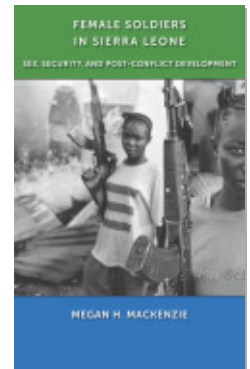
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Securitizing Sex?

Rethinking Wartime Sexual Violence

“We have girls that had their breast tattooed with RUF. During the war, if you have on your skin anything that entails RUF you will definitely be killed or sent to jail and so it is one of the means that the rebels used for these sex slaves to write on their physical skin RUF because of that the girls will not have any way to escape after they have been kidnapped. We faced so many problems with their behavior and so what we did was include in their curriculum some religious and moral skills because some of them were very hostile and some of them find it very difficult to remarry knowing that they already have children that do not have fathers. Especially for those that have writings on their bodies it is difficult. One of the girls took a hot charcoal mass and placed it on her breast to burn out the writing but it didn’t go.”²¹

Fatima was a child soldier for the RUF for two years, beginning when she was fourteen. She held a combat role with the rebel forces and admitted to destroying property and abusing drugs. She summarized the process by which she came to be a soldier and her experience with the RUF as follows: “I was abducted and later forced to join their group. I was persistently raped. I was trained to use a weapon. I was forced to go on long-distance treks on foot.” She told reintegration authorities that she was interested in some sort of formal education and being reunited with a parent.

The question “Why is rape deemed an effective tool of war?” has not been sufficiently explored and has been limited by traditional conflict and security metaphors. Continuing to focus on Sierra Leone, this chapter will explore dominant approaches to wartime rape and offer a new framework from which to consider why rape is used as a tool of war and why it has been a part of militant strategies through history. Questioning the utility of wartime rape and the possible strategic gains to be had from its use poses various difficult and sensitive challenges; however, examining the strategic

use of wartime rape points to embedded patriarchal norms that are laid bare during conflict. This approach also highlights the linkages between sex, the family, and international politics and shows that relationships and norms typically classified as private, domestic matters—such as those associated with conjugal order—are central to understanding warfare politics and strategy.

The starting point of this analysis is the argument that, like other tools of war, rape is used to create disorder. In turn, it is useful to examine the forms of sexual regulation that make up the “order” at which rape is directed. First, this understanding gives a new perspective to the strategic function of rape. Second, it could be helpful for those attempting to construct effective mechanisms to both limit and reprimand the use of wartime rape. Focusing on the use of rape during the civil conflict in Sierra Leone, I argue here that rape was an effective tool of war primarily because it violated norms associated with conjugal order, including legal and normative legacies associated with marriage and the family left from British colonizers.

Jacqueline Stevens argues that the institution of marriage guarantees men access to women’s bodies and labor.² Pointing to historic and current marriage and paternity laws, Stevens reminds us that rape within marriage was (and in many countries still is) seen as an impossibility because sex is seen to be granted to men within the institution of marriage. As indicated in chapter 1, Stevens argues that marriage—by definition—creates unequal gender relationships and roles guaranteeing men access to women’s labor and bodies.³ Building on this point, I argue that part of conjugal order—or the variable norms associated with marriage, paternity, and the family—involves bestowing men, through the institution of marriage, with a significant amount of power over, and access to, the labor of women. As a result, the act of rape becomes an effective strategy because it creates *disorder* by desecrating the authority and property assured to males, as well as violating established norms relating to the family. In turn, the act of creating insecurity or disorder is intimately implicated in, and in fact dependent on, what is typically considered domestic politics. The very relationships that are established through marriage and paternity laws—which are presented as prepolitical and private—provide the motivation, justification, and tactical advantage for one of the oldest and most consistent strategies of war—rape.

Furthermore, wartime rape is an effective strategy for perpetrators because the act has long-term and extensive impacts. In fact, security and development studies largely ignore the broader security impacts of sexual violence within war-affected communities. This includes stigmatization and

marginalization not only for the victim of the rape but also for her family, including any children to whom she may give birth. The “collateral damages” that stem from rape are all too often conceptualized as social matters rather than as sources of significant insecurity. Exploring gender orders and the widespread impacts of rape also helps demonstrate that there is continuity not only between sexual violence within and outside of war but also between the regulation of sex and the family within and outside of war.

In addition to questions of the utility of wartime rape, this chapter explores the implications of ignoring gender hierarchies and failing to see the interconnectedness of the so-called domestic realm, including sex and marriage, to warfare politics and security. Expired notions of the private and public realms in international politics have largely limited traditional and even critical approaches to wartime rape within international relations and security studies. In turn, this chapter utilizes the concept of conjugal order to better understand the relationship between sex, rape, and international politics.

This chapter begins with an overview of dominant explanations of wartime rape. Following this, Sierra Leone is presented as a case study that exemplifies the hypothesis that marriage and family law are directly related to the strategic use of wartime rape. This analysis takes an intertextual approach, which weaves together research from program documents and policies related to wartime rape, existing literature on wartime rape, and unstructured interviews with NGO workers, aid staff, and government officials conducted in Sierra Leone in 2005.

Research on Wartime Rape

Since Susan Brownmiller’s⁴ seminal book on rape, *Against Our Will: Men, Women and Rape*, was published, there has been a proliferation of scholarship in this area. This expanding body of scholarship includes perspectives on wartime rape in relation to international law,⁵ human rights,⁶ nationalism and identity,⁷ and violence against women more broadly.⁸ Although an exhaustive discussion of these contributions is not possible here, identifying major themes illustrates the need to consider the relationship of marriage and the family to wartime rape. One dominant theme within scholarship on wartime sexual violence is a focus on patriarchy. Feminists like Brownmiller have argued that wartime rape is an expression of institutionalized power hierarchies as well as a signifier of embedded social norms related to masculinity and femininity and women’s bodies. This type of research also points to

accounts of rapes that portray the act as a demonstration of the perpetrator's masculinity, while the victim and her family—particularly her husband or male relatives—are perceived as feminized.⁹

There are several related discourses at play in this approach to wartime rape. Cynthia Enloe makes a similar argument using very different terminology. Enloe focuses on militarism and militarization as the root of sexualized violence. Militarism refers to the impact of the military and its values on wider social attitudes, behaviors, and practices. A militarized society is one in which behaviors, values, and practices deemed acceptable during conflict become embedded and institutionalized. Enloe argues that militarization results in the legitimization of the use of violence both within and outside of war.¹⁰ According to this approach, a feature of militarized societies is higher instances of domestic violence and rape.¹¹ In turn, wartime rape can be seen as a “surge” of sexual violence that is standard during peacetime.

Rape is also framed as an extension of war onto the bodies of women. This approach uses language typically associated with traditional warfare, including “borders,” “territory,” “dominance,” “protection,” “supremacy,” “conquest,” and “power,” to describe wartime rape. For example, Jan Jindy Pettman argued that wartime rape is an expression of power and supremacy whereby bodies become part of the violent competition for territory and power.¹² Claudia Card makes a similar case that war rape is a symbol of conquest and domination because it indicates an inability of men to protect “their” women.¹³ Such discussions of protectionism and the responsibility of men to protect their “property” are pointed to as symbolic of the significance of patriarchal relations in war.¹⁴

Those who describe wartime rape as a tool of war represent another approach to this issue.¹⁵ There have been historical accounts of the use of wartime rape as a strategy and tool of war. For example, in the sixteenth century, commentator Francisco de Victoria posited that committing rape could evoke courage in troops and thereby aid in a successful battle.¹⁶ Recent high levels of sexual violence in ethnic conflict, including in Rwanda and Bosnia, have inspired scholarship on wartime rape as a tool of genocide and ethnic cleansing, as well as an attack on honor, identity and national or group cohesion.¹⁷ For example, focusing on ethnic conflict, Nancy Farwell depicts war rape as a strategy for “infiltrating or destroying [ethnic] boundaries and attacking the honor of the community and the purity of its lineage.”¹⁸ Accounts of wartime rape as a tool of war often center on the impact of the rape instead of describing rape as a side effect of a patriarchal society.¹⁹

Each of these approaches has something to add to the study of wartime rape generally; however, attributing wartime rape to patriarchy, describing it as a tool of war, or even an extension of war leaves several difficult questions unanswered, including: Are there specific by-products or elements of patriarchy that give meaning to wartime rape? Are there specific customs and institutionalized behaviors that support the notion of women as property or the logic that men are the bearers of national and ethnic identity? I argue that the laws and norms associated with marriage and the family can answer each of these questions about wartime rape.

The Relationship of Marriage and the Family to Rape

There is evidence that rather than just generalized violence against women or visions of “conquest,” rape has been used to violate or pervert marriages and traditional family structures throughout history. For example, when Japanese troops committed mass rapes in China in 1937, it was reported that “the Japanese drew sadistic pleasure in forcing men to commit incest—fathers to rape their own daughters, brothers their sisters, sons their mothers.”²⁰ In the Democratic Republic of Congo, similar insights are emerging from recent data on wartime rape during the conflict. A doctor in the region found that rather than motivated by desire, “[rape] is done to destroy completely the social, family fabric of society.”²¹ In these cases, rape is used to disrupt conjugal order, including the notion of sex within marriage as consensual and sacred, and beliefs associated with heterosexual sex and the nuclear family. This connection will be expanded and supported later through the case study of Sierra Leone.

Further evidence of the link between wartime rape and the family unit can be found by studying international policies and the international laws related to wartime rape. For example, UNICEF explicitly links the family to wartime rape:

Sexual violation of women erodes the fabric of a community in a way that few weapons can. Rape’s damage can be devastating because of the strong communal reaction to the violation and pain stamped on entire families. The harm inflicted in such cases on a woman by a rapist is an attack on her family and culture, as in many societies, women are viewed as repositories of a community’s cultural and spiritual values.²²

Early international legal responses to rape also centered on the family. In 1907 the Hague Convention IV framed wartime rape as an assault on

the “honour and rights” of the family rather than a violation of individual rights.²³ Similarly, historically the International Military Tribunal for the Far East (IMTFE) did not consider isolated rape cases; instead, rape was only prosecuted in conjunction with other crimes by classifying it as “inhumane treatment,” “ill-treatment,” and “failure to respect *family* honor and rights.”²⁴

Each of these references to the family implies that sex is a part of the natural family unit and that rape is an assault on the entire unit. These descriptions and legal mechanisms are part of the discursive body Stevens attributes to the construction of the family as natural and prepolitical. As she has argued, depicting the family as a “natural” unit assumes that the family is necessary, unchanging, and beyond the realm of political intervention. Subsuming sex within the family unit informs and justifies previous legal frameworks that identified rape as an assault on the family rather than a political act and a violation of individual rights. Furthermore, collapsing sex and the family together into the private and domestic spheres distances them from both the political sphere and what might be considered security priorities.

Sex and the Family in Sierra Leone

In order to explore fully this approach to wartime rape, it is necessary to provide a review of the legacies of colonial law as well as local norms associated with marriage and the family in Sierra Leone. According to Stevens, “The familial nation is not obscure, metaphysical, or difficult to locate. The familial nation exists through practices and often legal documents that set out the kinship rules for political societies.”²⁵ Sierra Leone is no exception to this observation. As mentioned in the introduction to this book, conjugal order is shaped by laws and norms associated with sex and the family. This means that there are multiple iterations of conjugal order reflecting specific cultural and legal contexts. Sierra Leone has four major tribal groups, along with a number of smaller ethnic groups—each with their own distinct practices, norms, and rules. This diversity should result in multiple understandings of conjugal order; however, I argue that conjugal order in Sierra Leone is largely shaped by former colonial laws as well as the current policies of international donors.

As mentioned in chapter 2, during colonization, the British declared the area of Freetown as “the colony,” and the rest of the country was classified as “the provinces.” Only the colony was subject to British laws, while the peoples of the provinces could govern themselves according to traditional laws and customs. This has produced a unique legal framework in the sense

that customary law throughout history has governed the majority of Sierra Leoneans; however, the authority of British law within the capital has had differing impacts on, and relationships with, those customary laws. Most of Freetown's current official legal system is reminiscent of British influence during colonization.

There are three types of marriage in Sierra Leone. "Cultural marriages" involve traditional practices such as the breaking of a kola knot;²⁶ religious marriages may take place at Christian churches or mosques; and "registry marriages" are ones that are legally registered with the government ministry in Freetown. Although all marriages are binding and recognized, registry marriages are distinct for two main reasons. First, registered marriages are the only type of marriage certified by a government institution. Second, registry marriages are the only type that legally assures a woman access to her husband's property upon his death.

Sexual assault within marriage is still not widely viewed as a criminal offense in Sierra Leone. While women can charge their husbands with abuse under the Offences Against the Persons Act of 1861, it is estimated that less than half of cases are reported and less than a third of reported cases ever reach the courts—particularly in cases of sexual violence.²⁷ In some areas in Sierra Leone domestic abuse is viewed as "the overt show of a man's love for his wife."²⁸ When asked about sexual violence within the country, Hamidu Jalloh, country officer for UNDP in Sierra Leone, insisted that before the conflict sexual violence was rare and that the high rates of sexual violence during the conflict and its continued prevalence marked a great departure from typical relations between men and women. He recalled how sexual violence was treated by his community when he was a youth:

It was a serious offense to rape—the family would take it serious. [Women and girls] were a potential income for the family when marriage occurred. I grew up in a home where the girl was first. Over a period of neglect these structures broke down. If a man raped there was such a heavy price that he would disappear.

Customary law is much more explicitly patriarchal than is civil law. Under customary law, a woman must always be under the protection of a male—typically either her father or her husband.²⁹ Customary marriage also prevents women from obtaining rights over marital property. According to customary law, marital property, including children, belongs to the husband and

his family. Women who cohabit with a man but never undergo any recognized form of marriage also have no inheritance rights. If there are children from this union, they also may not benefit from their father's estate.³⁰

Sierra Leone has four major tribes: Krio, Shabu, Timne, and Mende. Of these, only the Shabu tribe is matrilineal. For the other three, male children are prioritized, and the oldest son inherits the family's wealth and property. Also, if a woman's husband dies, it is typically her husband's brother who will inherit the husband's wealth and property—unless the husband and wife have a male child who is considered an adult. Customary law solidifies sexual relations within marriage as the only legitimate and authorized type of sexual activity. Further, under customary law it is always an offense for a man to have sex with a woman to whom he is not married, regardless of the age of the woman or her consent.³¹

The purpose of providing this information on customary and legal norms associated with the family in Sierra Leone is to show how conjugal order is shaped in this country. Both legal and customary practices are patriarchal and prioritize men's rights over women's. Legal marriages are increasingly more attractive to women because only women who enter these forms of marriage have legal claims to property and inheritance. Thus, women are sent the message that they cannot expect certain rights without entering into formalized marriages.

Rape and the Conflict in Sierra Leone

Throughout the conflict, rape, sexual violence, and sexual slavery were primary tactics of warfare. The Truth and Reconciliation Commission report recorded the testimonies of more than 800 women and girls who had been raped, but these represent only a small portion of the total estimated number of victims of sexual violence.³² Although rape was used throughout the eleven-year conflict, the highest number of incidents was reported during the 1999 rebel incursion into Freetown. Between March 1999 and March 2000, a total of 2,350 rape survivors were registered in Freetown alone during the Rape Victims Programme of the Forum for African Women Educationalists (FAWE).³³ Of these survivors, 2,085 were between the ages of zero and twenty-six years, and 165 were over the age of twenty-seven.³⁴ It was reported that "many" other victims of sexual violence did not come forward for treatment.³⁵

The available statistics and information pertaining to war rape in Sierra Leone paint an overwhelming picture. Physicians for Human Rights (PHR)

estimates that between 215,000 and 257,000 girls and women may have been affected by sexual violence in Sierra Leone.³⁶ It is estimated that between 70 and 90 percent of females abducted during the conflict were raped.³⁷ The majority of the incidents of sexual violence reported to PHR (68 percent) occurred between 1997 and 1999. Much of the available information about sexual violence in Sierra Leone offers statistics related to particular categories of women, including abducted women, female soldiers, or refugees. For example, throughout the civil conflict in Sierra Leone, research indicates that 50 percent of all female refugees, 75 percent of all females abducted during the conflict, and 75 percent of former girl soldiers, abducted children, and “unaccompanied children” were raped.³⁸ Categorizing women and girls into particular groups makes it difficult to determine the total numbers who were raped in Sierra Leone—particularly when one considers the likelihood of underreporting due to social stigma and pressure. My own research found that current statistics grossly underestimate the rape statistics.³⁹ On one occasion, I had access to the intake forms of child soldiers and abducted and unaccompanied children. The data relating to girls between the ages of three and eighteen indicate that thirty-one out of forty-two girls (75 percent) had been raped. Regardless of the precise statistics, one can confidently conclude that sexual violence was a major element of the conflict in Sierra Leone and impacted a significant portion of the population.

Although rape was mainly perpetrated by the RUF, all factions involved in the fighting used it as a tactic of war. Women, men, boys, and girls of all ages were raped, but women, especially girls under seventeen, those thought to be virgins, were targeted in particular. In many instances, girls and women were rounded up by rebels, brought to rebel camps, and then subjected to individual and gang rape. Dehunge Shiaka, program officer for the Ministry of Social Welfare, Gender and Children’s Affairs (MSWGCA) in Sierra Leone, summarized this pattern of abuse:

Of course, you know what happens during the war—the rebel would attack a village and then seize and abduct a group of women or even take over the village. They stayed there for a while. While they are there, they rape. Their aim is to move on and take the capital. So when they move to another area they may take some girls and they may forget about the [previous] girls and concentrate on new, fresh girls.

PHR reported that “in many cases the abductees were gang raped, beaten, starved, tortured, forced to walk long distances carrying heavy loads and

told they would be killed if they tried to escape.”⁴⁰ A report by McKay and Mazurana, focusing on girls in military and paramilitary groups, paints a picture of systemic sexual violence against girls in particular.⁴¹ In the study, all respondents who reported their primary role as being fighters also reported that they were forced to be “wives.”⁴²

Human Rights Watch’s report on war rape in Sierra Leone gives the following dismal summary of abuses:

Throughout the nine year Sierra Leonean conflict there has been widespread and systematic sexual violence against women and girls including individual and gang rape, sexual assault with objects such as firewood, umbrellas and sticks, and sexual slavery. In thousands of cases, sexual violence has been followed by the abduction of women and girls and forced bondage to male combatants in slavery-like conditions often accompanied by forced labour. These sexual crimes were most often characterised by extraordinary brutality and were frequently preceded or followed by violent acts against other family members. The rebel factions used sexual violence as a weapon to terrorise, humiliate, punish and ultimately control the civilian population into submission.⁴³

It is important to note that rape did not occur randomly, nor was it merely a “side effect” of the violent war. Rather, rape was used systematically, strategically, and consistently throughout the conflict. There are numerous accounts of women and girls being abducted and kept as “bush wives” and “sex slaves” (these terms have been used interchangeably in various reports and by various organizations). When Physicians for Human Rights conducted a study among 991 internally displaced women and their family members, it found that 94 percent of respondents had experienced some exposure to war-related violence and 13 percent had experienced war-related sexual assault.⁴⁴

Hebbeh Forster explains the legacies of sexual violence in Sierra Leone:

In some rural areas the concept of rape has taken on new meaning. Women have been forced to accept that sexual favors have to be given to those who protect them, be they rebels, soldiers or Civil Defence Forces (CDF). They have lost all rights to the privacy of their bodies and the right to say no to unwanted and possibly unsafe sex. They consider rape as what happens in the bush. This may be one of the greatest evils of our war.⁴⁵

Although seemingly random rapes were a part of the conflict, there was also significant evidence of strategic and targeted rape aimed at violating conjugal order. For example, in order to sever young soldiers' ties with their families, and to demonstrate their loyalty to the armed group, some boys and young men were forced to rape their sisters, mothers, and even grandmothers. Women were raped in public and sacred places including mosques and churches.⁴⁶ Rebels also raped pregnant and breast-feeding mothers.⁴⁷ In addition, sometimes rape was inflicted in front of children, parents, and husbands.⁴⁸

My interviews with women and experts in the field of sexual violence in Sierra Leone also showed a consistent pattern of naming sexual violence victims "bush wives," thereby conflating sexual violence with "taking a woman as a wife." This disturbing trend demonstrates that some men who committed sexual violence saw the act in terms of gaining property and gaining consistent access to a woman's body. In addition, sexual violence created a high degree of stigmatization for the victim, and as will be elaborated further, in some cases rendered her "untouchable" or "unmarriageable." As a result, rape could be seen by perpetrators as a lasting violation of enemy men's property.

Broad Impacts of Rape

In addition to disrupting family norms and creating social disorder, rape was used strategically to impart extensive insecurity and stigmatization. Edward Anague explained some of the lasting impacts of sexual violence:

One of the most famous commanders is still staying with his bush wives in the eastern part of Freetown. The eastern part is a safe haven. I have family visits and visit families that I know were affected by the war. One of the girls was a bush wife and she told me that she was being held captive but wants to stay with him because she has no alternative—she can't go home. She can't go back. If he can feed her she will stay—even if the relationship is forced.

A tactical advantage to wartime rape is the broader social trauma, indignity, and insecurity associated with the act. These lasting and widespread impacts of rape, not only for victims but also for their communities, ethnic groups, and families, remain largely underexamined within international relations and security studies. Moreover, there is little information about children born as a result of wartime rape and their potential vulnerabilities. Even within so-called alternative or critical approaches to security such as

the Copenhagen school, these pervasive yet sometimes invisible sources of insecurity are not recognized. Although wartime rape statistics may be included in descriptions or accounts of a conflict, the legacies of the crime are rarely discussed or prioritized as a source of “post-conflict” insecurity. If the international community is to truly recognize rape as a tool and crime of war, these “collateral damages” of wartime rape must be understood and investigated.

There is a great deal of evidence to support the argument that shame and lasting insecurity resulted from wartime rape in Sierra Leone. Despite the widespread use of rape as a tactic of war, women who are victims of rape are still negatively labeled within their communities, blamed for the assault, and ostracized from their family and community. According to Hamidu Jalloh, a local expert working for the United Nations Development Program, stigma acts as a “double assault” for rape victims; not only must women endure the act of rape itself, but they, and their children, can expect to endure further isolation: “[A woman that has been raped] is a second victim—she suffered twice because of the shame and stigma.”⁴⁹ Stigma compels women to remain silent about rape and sexual assault. As Jalloh explains, “Very few women will get up and say they are raped.”⁵⁰

Therefore, the only reliable statistics on rape in Sierra Leone come from organizations like Médecins Sans Frontières or Physicians for Human Rights when women disclose rape at their clinics. There is no way of knowing exactly how many women in Sierra Leone experienced rape but remained silent. In a study of sexual assault victims conducted by PHR, 65 percent of respondents said that they had reported incidents of sexual violence to another person.⁵¹ Shame and stigma were identified as the main reasons for not disclosing the event. Further, “only 53% of women reported seeking help after the attack.”⁵²

Despite attempts to keep the experience of rape a secret, some women and girls in Sierra Leone are labeled victims of rape based on their roles during the war, where they lived during the war, if they were abducted, and sometimes even if they are single mothers. Within communities that were particularly targeted and ravaged by rebel forces, almost every woman and girl may have been raped. A social worker explains the result: “There are young men in Freetown who say don’t touch a woman from the eastern suburbs because they’ve all been had.”⁵³ Sulay Sesay, a unit manager for the information and sensitization department of the DDR, described how girls who “went into the bush”—either by choice or by abduction—are ostracized in their communities:

A family may shy away from another family because they know they went into the bush with the rebels. They may have not gone on their own accord but they are stigmatized anyway. When [girls] are in the bush they suffer a lot of moral deprivations. Gang sex and that kind of thing—they rape them. So if there are members of the family that went in the bush—especially girls—there is this line. “Your daughter has gone into the bush—she should not be playing with our daughter,” and that kind of thing.⁵⁴

Another form of stigmatization faced by women in Sierra Leone comes from the fact that because rape was widely used as a tactic of war, sexual relationships during the conflict are often assumed to be coerced.⁵⁵ As a result, there may be a supposition that single, young mothers or mothers who had children at a very young age were victims of sexual violence. This is particularly true for women who admit to having a relationship with soldiers or rebels during the conflict. This assumption is contested by testimonies from interviewees who explained to me that it was not uncommon for women and men to fall in love during the conflict—even while fighting as soldiers together—and have legitimate, consensual relationships. For example, when Tryphena was interviewed in 2005, she was living with a man who was captured with her by the same armed group. She stayed with the group for six months before escaping and finding her family. Tryphena has a one-and-a-half-year-old child. Although her husband is identified in the community as a former rebel, she sees him as her legitimate husband and plans to stay with him and raise her child with him.⁵⁶ Family members and the communities of women and men who formed a relationship during the war may deny the bond, and the children they bear, because the union was not authorized through recognized forms of marriage. Therefore, the institution of marriage has been a significant factor in determining if women will face stigma after the conflict.

Because of the vulnerable situation women and girls found themselves in post-armed conflict, and the prospect of shame and stigmatization, some even married their rape perpetrators. Pressure was put on both perpetrators and victims of rape to marry each other to avoid disgracing their families and communities.⁵⁷ Susan Shepler explained that some agencies working in Sierra Leone encouraged girls to marry their former commanders and captors. She maintains: “Marriage somehow solves the problem of reintegration for girls in a way unavailable to boys. No one would suggest that boys formalize their relationship to their erstwhile captors.”⁵⁸ These marriages further complicate ideas of security. Women who marry their perpetrators achieve

personal security, albeit tenuous, not by voicing their rape or “securitizing” rape; rather, they achieve security through remaining silent and reintegrating themselves into established and acceptable social relationships.

The relationship between rape and social disorder clearly has multiple and extensive impacts on women’s and girls’ ability to remain secure and accepted within war-affected communities. The lasting forms of insecurity and social isolation that are inflicted on victims of rape and their wider community mean that victims of rape largely remain silent. For them, the post-conflict period is not necessarily a time of truth and reconciliation but one of secrecy and concealment. Thus, for women in Sierra Leone, the fear of stigmatization or further marginalization associated with disclosing their rapes results in “security as silence.”⁵⁹ This insecurity cannot be measured in official conflict statistics, nor can it be addressed without serious consideration of gender hierarchies and power disparities both during and after conflict. As such, conceptualizing the warfare period as a security flash, or even a series of security flashes, and assuming that the post-armed conflict period results in a return to peaceful “normal” politics does not capture multiple and lasting sources of insecurity such as wartime rape.

Forced Marriage and International Law

Forced marriage has been a key focus of the Special Court of Sierra Leone, a court set up by the government of Sierra Leone and the United Nations to try those deemed most responsible for the country’s civil conflict. There are four different cases before the court, including members from each of the major warring factions and Charles Taylor, who is being tried in The Hague. The trials against members of the Civil Defence Forces, a paramilitary organization, the Armed Forces Revolutionary Council, and former members of the Sierra Leone Army are complete. The members of the CDF were not accused or charged with any crimes related to sexual violence; however, the AFRC members were accused under Article 2 of the Special Court with rape, sexual slavery, enforced prostitution, forced pregnancy, and other form of sexual violence. These crimes are considered crimes against humanity by the court, along with murder, extermination, enslavement, deportation, and torture.⁶⁰

During the AFRC’s trial the crime of forced marriage was introduced as a separate crime against humanity for the first time in an international court. The prosecution sought to make the case that forced marriage should be seen as distinct from sexual violence because it could involve forced labor, forced

pregnancy, and abduction. In June 2007 each of the three suspects in the AFRC trial was convicted of acts of terrorism, collective punishment, extermination, murder, rape, outrages upon personal dignity, physical violence, conscripting or enlisting children under the age of fifteen years into armed forces or groups, enslavement, and pillage.⁶¹ The AFRC trials and the subsequent debate about rape, sexual violence, and forced marriage demonstrate ingrained gender norms that constitute conjugal order.

The AFRC accused were not found guilty of sexual slavery or any other form of sexual violence or forced marriage. The trial judges threw out the charges of forced marriage, concluding that there was no need to differentiate forced marriage from sexual slavery. The judges initially found that evidence related to forced marriage overlapped with that related to sexual slavery, rendering it “bad for duplicity.”⁶² The Special Court declared that “there is no lacuna in the law which would necessitate a separate crime of forced marriage as another inhumane act.”⁶³

The chief prosecutor for war crimes in Sierra Leone soon made an appeal, claiming that

forced marriage differs from sexual slavery combined with forced labour and is therefore not duplicitous in that forced marriage entails a conduct over time whereby a man forces a woman into a relationship with all the trappings of marriage, and in which . . . there are obligations in relation to the division of chores and sexual relations in a marriage.⁶⁴

Chief Prosecutor Stephen Rapp also highlighted the long-term impacts of forced marriage: “We talked to women who still feel tied to their ‘husbands,’ even after the conflict has ended.”⁶⁵ Rapp’s argument indicated that forced marriage involves more than forced sex and can cause multiple forms of insecurity for women and girls.⁶⁵

Other international lawyers such as Michael Scharf and Suzanne Matler have supported the grounds for this appeal. These lawyers point out that crimes against humanity are defined by the “widespread or systematic nature of an attack, and the fact that it is conducted against a civilian population” and conclude: “From the accounts of the survivors, civilian women and girls abducted from their homes during raids and forced to marry the rebel soldiers who abducted them, it is also clear that forced marriage was a part of that widespread attack, which was carried out against the civilian population.”⁶⁶

The Appeals Chamber decided to withhold the existing charges for the convicted AFRC leaders; however, it rendered a landmark decision to

recognize forced marriage as a distinct crime against humanity. The Appeals Chamber explicitly recognized forced marriage as a crime against humanity according to the Nuremberg Charter and defined forced marriage as

a situation in which the perpetrator through his words or conduct, or those of someone for whose actions he is responsible, compels a person by force, threat of force, or coercion to serve as a conjugal partner resulting in severe suffering, or physical, mental or psychological injury to the victim.⁶⁷

It is worth quoting a portion of the trial's ruling at length:

The trial record contains ample evidence that the perpetrators of forced marriages intended to impose a forced conjugal association upon the victims rather than exercise an ownership interest and that forced marriage is not predominantly a sexual crime. . . . They were often abducted in circumstances of extreme violence, compelled to move along with the fighting forces from place to place, and coerced to perform a variety of conjugal duties including regular sexual intercourse, forced domestic labor such as cleaning and cooking for the "husband," endure forced pregnancy, and to care for and bring up children of the "marriage." . . . The Trial Chamber findings also demonstrate that these forced conjugal associations were often organized and supervised by members of the AFRC or civilians assigned by them to such tasks. A "wife" was exclusive to a rebel "husband," and any transgression of this exclusivity such as unfaithfulness, was severely punished. A "wife" who did not perform the conjugal duties demanded of her was deemed disloyal and could face serious punishment under the AFRC disciplinary system, including beating and possibly death.⁶⁸

The court case against the AFRC perpetrators demonstrates the significance of conjugal order even within international law. The court's initial position that rape and forced marriage were overlapping demonstrates how easily sex and the institution of marriage and the family become conflated. The assumption that forced marriage equals sexual violence implies several troubling lines of logic, including: rape is a form of men "claiming" women as their property, similar to marriage; marriage is a guarantor of men's access to women's bodies; and marital labor is an expected part of the union. The fact that there was resistance by the court to consider evidence of slavery, abduction, and forced pregnancy as separate crimes from sexual violence is a disparaging indication of the lack of will to recognize

the multiple sources of gender oppression that occur within the so-called domestic sphere.

Conclusion

Wartime rape has been a part of warfare throughout history. The prevalence of rape during more modern conflicts, including those in Sierra Leone, Bosnia, and the Democratic Republic of Congo, has resulted in an influx of research in the field and an increased focus on wartime rape as an important element of conflict. Despite advances, there is still a need to continue to complicate dominant approaches to, and theorizations of, the use of rape and sexual violence both within and outside of warfare.

During “peace,” sex is regulated through marriage and family law. In efforts to disrupt order during conflict, soldiers violate patriarchal norms, which define women and children as property of men, heterosexual sex within marriage as sacred, and the control of women as a signifier of power and masculine identity. Social norms related to the family unit and marriage dictate that marriage is the institution within which sexual relationships are authorized and provide the context against which rape is understood not only as a violation of an individual body but also as a source of individual, family, and community shame. Security and securitization discourse are limited because they assume a gender-neutral intersubjective process of securitization and ignore the significance of relationships and norms predominantly considered “natural” or part of the domestic realm, including sex and the family.

Although this chapter has focused on Sierra Leone, it is important to note that institutionalized patriarchal norms associated with marriage and the family are not exclusive to this country and are relevant both within and outside of war. It would be difficult to find a society in which conjugal order, or ideas and institutions associated with heterosexuality, marriage, childbirth, and the nuclear family, did not inform gender orders. Periods of disorder—such as war—provide a unique opportunity to view the intricate and vast mechanisms of social and political order that are implicated in a “peaceful” society. These mechanisms and complex relationships must inform a feminist understanding of security studies. Furthermore, feminists should not become enticed by tendencies within the field to concentrate on security flashes and abandon efforts to investigate wider social and political contexts. Wartime rape is more than just a brutal side effect of war. It is an indicator of embedded patriarchal assumptions and practices within “normal”

and “peaceful” society. Given the length of Sierra Leone’s civil war, the sanctioned and extensive use of rape within warfare may be emblematic of the prolonged impacts of militarism and hypermasculinity on shifting conjugal order within the country. Response to wartime rape requires a brave examination of these rooted norms and practices as well as a radical redefinition of insecurity and instability.