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Securitizing Sex?

TOWARDS A THEORY OF THE UTILITY OF WARTIME SEXUAL VIOLENCE

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Abstract

Visions of the post-conflict reintegration process in Sierra Leone as a moment of healing, reconstruction, opportunity and rehabilitation do not take into account the experience of women and girls who were raped during the conflict. For them, the post-conflict period is often characterized by trauma, silence and stigmatization. This article examines wartime rape in relation to the liberal family model and the perception of sex as a 'private' social concern rather than a public security issue.

Keywords

development, gender, post-conflict reconstruction, securitization, sexual violence, Sierra Leone, war rape

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.¹ This article 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.

The starting point of this analysis is the argument that, like other tools of war, rape is used to create *dis-order*. In turn, it is useful to examine the forms of sexual regulation that make up the 'order' rape is directed at. 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 limit and reprimand the use of wartime rape. Focusing on the use of rape during the civil conflict in Sierra Leone, it is argued here that rape was an effective tool of war primarily because it violated norms, including legal and normative legacies associated with marriage and the family left from British colonizers. Marriage and paternity laws, as well as patriarchal norms that define women as inferior or as property *give meaning* to rape as a violation not only of a female body but also of embedded and engrained social norms linked to national identity and security.

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 she may give birth to. These '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 article 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. Drawing on the work of Jacqueline Stevens, this article points to marriage and the family as a significant starting point for conceptualizing the relationship between sex, rape and international politics. This article begins with an overview of dominant explanations of wartime rape. Following this, Sierra Leone is presented as a case study which exemplifies the hypothesis that marriage and family law are directly related to the strategic use of wartime rape.

APPROACH

This article draws upon the Copenhagen School's rendering of security. The Copenhagen School can be seen as part of a larger group of critical approaches aimed at expanding and rethinking traditional notions of security. It is particularly focused on the significance of language and power relationships to ideas of security and makes the case that security is not a fixed entity that is detached from power structures and politics. Instead, it is argued that security is constructed by securitizing actors through the 'speech act' (Buzan *et al.* 1998). Securitizing actors are defined as individuals or groups – including government, leaders or military groups – who perform speech acts (Buzan

et al. 1998). Speech acts denote the process of naming and thereby constructing a security concern.

According to this understanding, the securitizing actor and the audience are the central players in the construction of security. As such, securitization is presented as an intersubjective process in the sense that it is only when the audience accepts a securitizing actor's speech act that an issue will become securitized. When an issue is securitized, it becomes prioritized above 'normal politics', and 'extraordinary means' are necessary to address the problem (Buzan and Waever 2003).

The way immigration has been discussed and reframed during the so-called war on terror is an example that helps illustrate securitization. After the attacks on 11 September 2001 against the United States, many western governments began discussing immigration as a national security concern. For example, Robert M. Russo (2008) has pointed out that the anti-terrorism legislation that Canada passed post-9/11 represented a drastic departure from existing immigration and refugee policies; it included policies to deport Arab refugees and the use of security certificates to hold suspects indefinitely without trial. In this case the Canadian government can be seen as the securitizing actor. It used the threat of future terrorist attacks along with concerns that Canada was a 'weak link' in the war on terror and an easy refuge for terrorists to convince the Canadian public to accept drastic changes to their immigration and refugee policies. In turn, immigration effectively became securitized. Like many other countries, this has changed the way immigration is prioritized by the national government as well as the nature of immigration policies.

This approach to security has gained in popularity over the last decade. Feminist security studies scholars share a great deal with the Copenhagen School (MacKenzie 2009a). In particular, both groups of scholars place significant emphasis on language, power relations and the limitations of traditional definitions of security. Lene Hansen is a scholar who has successfully worked within the Copenhagen School highlighting its potential for those interested in feminist security studies. At the same time, Hansen points out that although there may be shared interests between feminist scholars and those purporting securitization, the Copenhagen School has been reluctant to engage explicitly with feminist scholars and to address the significance of gender to their analysis (2000, 2006). Hansen sees potential within feminist scholarship to build on the idea of securitization. In particular, she recommends that feminists not become fixated on expanding the definition of security to include those issues that might traditionally impact women – or simply try to 'securitize' gender issues. Rather, she is more interested in the relationship of gender to the construction of security discourses.

Building on Hansen's critique, I argue that both the Copenhagen School and traditional approaches to security have been overly transfixed with what I call 'security flashes', or issues deemed an immediate public security matter. Realists use the terms 'high' politics and 'low' politics; while the Copenhagen School uses 'normal' politics and 'securitized' matters. In focusing on the

movement of an issue towards the security arena, both approaches ignore the fact that 'high' politics and 'securitized' are only meaningful concepts in relation to 'normal' or 'low' politics. Concentrating only on 'security flashes' obscures the broader social context within which security matters are shaped and understood and discounts the possibility that 'security' always already depends on the construction and reconstruction of normal, domestic and peaceful politics.

Gender is at the centre of ideas of 'normal' politics and security. The 'order' that is implicit to notions of peace and stability depend on multiple gender constructions. Traditional approaches and securitization discourses are limited because, in fixating on 'security flashes', 'high politics' or 'securitized politics', the significance of relationships and norms predominantly considered 'natural' or part of the domestic realm, including sex and the family, is ignored. Simply attempting to make the case that gender or 'women's issues' should be categorized as a security matter can actually reify this high/low, normal politics/securitized dichotomy, eroding decades of feminist scholarship dedicated to drawing attention to the importance of domestic politics and 'the personal'. Security and insecurity should not be exclusively demarcated; rather, times and spaces of insecurity and disorder – such as war – provide a unique opportunity to examine the multiple relationships, norms and hierarchies that serve to construct security. In addition, thinking beyond the high/low, normal politics/securitized politics dichotomy furthers an understanding of the continuums of violence, insecurity, discrimination and subordination that women face both within and outside of war.

Rather than assuming that war is a time of exceptional politics and behaviour, I argue that the disorder that tends to come with conflict reveals the intense effort necessary to regulate sex and construct gendered identities, or protect what I call 'conjugal order'. Conjugal order here refers not only to the institution of marriage, but also to the broader social norms associated with marriage and the family, including the privileging of heterosexual sex and the assumption that sex within marriage is consensual. Sexual violence is not an extraordinary side-effect of warfare politics but a signal as to the significance of conjugal order to notions of nationalism, stability and security. During peacetime, or 'normal politics', the State functions and can grant men access to women's bodies and labour through the institution of marriage. However, in war – a time when the State's ability to guarantee men's access to women's bodies through marriage and paternity laws is weakened, and a time of heightened efforts to control and manipulate 'the enemy' – the female body and reproductive capacities become one of the most significant sites of power politics.

The work of Jacqueline Stevens is particularly useful in identifying the significance of sex and the family to politics and war. In *Reproducing the State*, Stevens (1999) makes several critical arguments pertinent to this analysis. First, she contends that although the family is often presented as 'natural' and pre-political, it is in fact constructed and regulated by the State primarily

through marriage and paternity laws. Focusing on discourses associated with the family, Stevens argues that what is considered 'normal' or 'natural' is in fact highly regulated and controlled both through explicit disciplinary tactics of the State and through implicit messages about what is acceptable and 'normal' in societies. It is important to note that although Stevens writes from a western perspective, she demonstrates the significance of norms associated with marriage and the family across patriarchal societies.

Second, Stevens argues that these regulations that construct the family create a particular gender order and serve to regulate citizens by sending signals about appropriate behaviour, and power dynamics. Within this order, the family and sex is defined as pre-political, or a private matter. Stevens contends that the family is constructed as a natural, 'given' unit, existing prior to political society in order to justify the intervention, or non-intervention, of governance structures. In turn, the construction of the family as natural and pre-political often justifies decisions to treat issues related to sex and the family as interconnected and private, domestic concerns rather than security matters.

Third - and perhaps most importantly for this analysis - Stevens argues that the institution of marriage guarantees men access to women's bodies and labour. 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. Stevens (1999: 210) summarizes: 'the very definition of matrimony suggests the institution is constitutive of inequity in roles related to reproduction, that marriage is an asymmetrical system assuring men access to mothers (mater), creating unrecognized and largely unrequited demands on women'.

This framework leads to new conclusions related to wartime rape. I argue that part of conjugal order involves bestowing men, through the institution of marriage, with a significant amount of power over, and access to, the labour of women. As a result, the act of rape becomes an effective strategy because it creates dis-order 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, 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 pre-political and private - provide the motivation, justification, and tactical advantage for one of the oldest and most consistent strategies of war - rape.

This argument is supported using a feminist critical discourse analysis. As Stevens (1999: 23) notes, 'discourse is then the field where the regulatory norms of sex are observed'. Michelle Lazar has also pointed to the significance of discourse for feminist scholars. I am principally concerned with Lazar's (2005: 4) description of discourse as 'a site of struggle, where forces of social (re)production and contestation are played out'. Looking at war as an

important site of struggle for women, this analysis takes an intertextual approach, which weaves together research from programme documents and policies related to wartime rape, existing literature on war rape and unstructured interviews with non-governmental organization (NGO) workers, aid staff and government officials conducted in Sierra Leone in 2005.

RESEARCH ON WARTIME RAPE

Since Susan Brownmiller's (1975) seminal book on wartime rape, *Against Our Will: Men, Women, Rape* was published, there has been a proliferation of scholarship in this area. There is an expanding body of scholarship that includes perspectives on wartime rape in relation to international law (Meron 1993; Barkan 2002; Engle 2005), human rights (Tetreault 1997; Barstow 2000; Alison 2007), nationalism and identity (Hansen 2001; Snyder *et al.* 2006) and violence against women more broadly (Olujic 1998; Liebling-Kalifani *et al.* 2008). 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 (Stiglmayer 1994; Barstow 2000).

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 manner in which the valorization of war and the military impacts institutionalized and engrained attitudes and behaviours even outside of conflict (Enloe 2007). A militarized society is one in which behaviours, values and practices deemed acceptable during conflict become embedded and institutionalized. Among others, Enloe argues that militarization results in the legitimization of the use of violence both within and outside of war. According to this approach, a feature of militarized societies is higher instances of domestic violence and rape (Kelly 2000). 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 (1996) argued that wartime rape is an expression of power and supremacy whereby

bodies become part of the violent competition for territory and power. Claudia Card (1996) 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. 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 (Farwell 2004: 394).

Those who describe wartime rape as a tool of war represent another approach to this issue (Allen 1996; Kamal 1998; Pratt and Werchick 2004; Wood 2009). 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 rape could evoke courage in troops and thereby aid in a successful battle (Kennedy-Pipe and Stanley 2000: 1). 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 honour, identity and national or group cohesion (Stiglmyer 1994; Coomaraswamy 1998; Olujic 1998). For example, focusing on ethnic conflict, Nancy Farwell (2004: 395) 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'. Accounts of wartime rape as a tool of war often centre on the impact of the rape instead of describing rape as a side-effect of a patriarchal society (Card 1996; Coomaraswamy 1998; Olujic 1998).

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 behaviours that support the notion of women as property or the logic that men are the bearers of national and ethnic identity? I argue that 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' (Frederick 2001: 19). 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' (Pratt and Werchick

2004: 8). 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 (1996: 1) 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.

Early international legal responses to rape also centred on the family. The 1907 Hague Convention IV framed wartime rape as an assault on the 'honour and rights' of the family rather than a violation of individual rights (Frederick 2001: 14). 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 'inhuman treatment', 'ill-treatment' and '*failure to respect family honor and rights*' (Mertus 2000: 77, emphasis added).

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 with the construction of the family as natural and pre-political. As Stevens (1999) 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 (1999: 108), '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.' Sierra Leone is no exception

to this observation. The way that the family is envisioned in Sierra Leone is reflected through family laws and cultural norms and practices that regulate its citizens.

It is important to understand that 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, customary laws. Most of Freetown's current official legal system is reminiscent of British influence during colonization. As a result of the damage and chaos caused by the eleven-year civil conflict, as well as the lack of resources and attention given to maintaining records, many of these laws are 'scattered around' or have 'gone out of print'.² This means, literally, that some copies of various legal documents cannot be located because the remaining paper copies of the documents are lost or have been destroyed. This confusing reality, combined with the fact that the majority of Sierra Leoneans lived in the provinces, has meant that traditional practices, norms and rules continued to regulate the family during colonization, and are often considered the most influential and relevant regulations today.

There are three types of marriage in Sierra Leone. 'Cultural marriages' involve traditional practices such as the breaking of a kola knot.³ Religious marriages may take place at Christian churches or Mosques, and 'registry marriages' are marriages that are legally registered with the government ministry in Freetown. Although all marriages are binding and recognized, registered 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 women access to her husband's property upon his death.

Customary law is much more explicitly patriarchal than civil law. Under customary law, a woman must always be under the protection of a male – typically either her father or her husband (Harrell-Bond and Rijnosdorp 1975: 27). 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 (Nicol 2001: 69).

Sierra Leone has four major tribes: Kriole; Shabu; Timne; and Mende. Of these, only the Sherbro tribe is matrilineal.⁴ For the other three, male children are prioritized and the oldest son inherits the wealth and property of a family. 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. What's more, under customary law it is always an offence 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 (Harrell-Bond and Rijnsdorp 1975: 57).

Sexual assault within marriage is still not widely viewed as a criminal offence today in Sierra Leone.⁵ Women can charge their husbands with abuse under the Offences Against the Persons Act of 1861; however, 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 (Nicol 2001: 72). In some areas in Sierra Leone domestic abuse, is viewed as 'the overt show of a man's love for his wife' (Nicol 2001: 71).

RAPE AND CONFLICT IN SIERRA LEONE

Sierra Leone is recovering from over eleven years of civil war. For years, Sierra Leone was governed by a corrupt regime. An armed military faction called the Revolutionary United Front (RUF) – headed by Foday Sankoh and backed by Liberia's former president Charles Taylor – took power in the country in 1991. Although free elections were held in 1996, the rebel groups ousted President Ahmed Tejan Kabbah and there was a surge of violence from 1996–9 which was the most brutal period in Sierra Leone's history. In 1999 rebel forces conducted a brutal rampage characterized by violence, looting, killing and rape called 'Operation No Living Thing'. A peace accord was signed in 2001 between the various rebel factions and the Government and today Charles Taylor is facing international charges in The Hague International Court.

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 (MacKenzie 2009b). For example, throughout the civil conflict in Sierra Leone, research indicates that 50 per cent of all female refugees, 75 per cent of all females abducted during the conflict and 75 per cent of former girl soldiers, abducted children and 'unaccompanied children' were raped (Physicians for Human Rights 2002; Refugees International 2004; MacKenzie 2009b). 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 (MacKenzie 2009b). Physicians for Human Rights (PHR 2002) have estimated the total number of girls and women who experienced sexual violence, including rape, between 215,000 and 257,000; again, due to underreporting these numbers are likely gross underestimations. It was reported that 'many' victims of sexual violence did not come forward for treatment during the conflict (Forster 2001: 148). 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 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 (MacKenzie 2009b). Rebels also raped pregnant and breastfeeding mothers (PHR 2002). In addition, sometimes rape was inflicted in front of children, parents and husbands (Pemagbi 2001: 35).

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 such a high degree of stigmatization for the victim, and as will be elaborated further, in some cases rendered them 'untouchable' or 'unmarriageable'. As a result, rape could be seen by perpetrators as a lasting violation of their 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. 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 their communities, ethnic groups and families, remain largely understudied 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 labelled, 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, they, and their children, can expect to endure further destitution: '[a woman that has been raped] is a second victim – she suffered twice because of the shame and stigma.'⁶ 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.'⁷

Therefore, the only reliable statistics on rape in Sierra Leone come from organizations like Medicines Sans Frontiers 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 per cent of respondents said that they had reported incidents of sexual violence to another person (PHR 2002). Shame and stigma was identified as the main reason for not disclosing the event. Further, 'only 53% of women reported seeking help after the attack' (PHR 2002).

Despite attempts to keep the experience of rape a secret, some women and girls in Sierra Leone are labelled 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' (Radio Netherlands Worldwide 2000). Sullay Sesay, a Unit Manager for the Information and Sensitization department of the Disarmament, Demobilization and Reintegration (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.⁸

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 (Baldi and MacKenzie 2007: 90). 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. 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-conflict, some even married their rape perpetrators as a result of the prospect of shame and stigmatization. Pressure was put on both perpetrators and victims of rape to marry each other in order to avoid disgracing their families and communities (Shepler 2002). 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’ (Shepler 2002: 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’ (Hansen 2006). 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 warfare as a security flash, or even a series of security flashes, and assuming that the post-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 trial against members of the Civil Defence Force (CDF), a paramilitary

organization, the Armed Forces Revolutionary Council (AFRC) 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 any other form of sexual violence. These crimes are considered crimes against humanity by the court, along with murder, extermination, enslavement, deportation and torture (Sierra Leone Office of the Attorney General and Ministry of Justice Special Court Task Force 2002).

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 distinct from sexual violence because it could involve forced labour, forced pregnancy and abduction. In June of 2007 each of the three suspects in the AFRC trial were convicted of eleven of the fourteen counts, including acts of terrorism, collective punishment, extermination, murder, rape, outrages upon personal dignity, physical violence, conscripting or enlisting children under the age of 15 years into armed forces or groups, enslavement and pillage.⁹ The AFRC trials, and the subsequent debate about rape, sexual violence and forced marriage, demonstrate the engrained norms comprising conjugal order.

The AFRC accused were not found guilty of sexual slavery and 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 of sexual slavery rendering it 'bad for duplicity' (Glassborow 2007). It was declared that 'there is no lacuna in the law which would necessitate a separate crime of forced marriage as another inhumane act' (Glassborow 2007).

An appeal was soon made by the chief prosecutor for war crimes in Sierra Leone, Stephen Rapp (Special Court for Sierra Leone 2004). The prosecution claimed 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.

(Decision: 5)

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' (Glassborow 2007). Rapp's argument indicated that forced marriage involves more than forced sex and can cause multiple forms of insecurity for women and girls.

Other international lawyers such as Michael Scharf and Suzanne Mattler have supported the grounds for this appeal (Scharf and Mattler 2005). 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.

(Scharf and Mattler 200: 15)

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.

(Morley 2008)

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 labour 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 organised 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.

(quoted in Morley 2008)

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 labour as an expected part of the union. The fact 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 Sierra Leone, Bosnia and 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 beyond the limits of state centered security studies.

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 provided the context against which rape is understood not only as a violation of an individual body but 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 article 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. An effective response to wartime rape requires a brave examination of these embedded norms and practices as well as a radical redefinition of insecurity and instability.

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Notes

- 1 This article is concerned with rapes perpetrated against women and girls; however, it must be acknowledged that men and boys are also victims of rape.
- 2 Personal interview with Dehunge Shiaka, Deputy Minister, Ministry of Social Welfare, Gender and Children's Affairs, 12 December 2005, Freetown, Sierra Leone.
- 3 A rope is tied around a kola fruit and the two parties pull either side of the rope to break the kola.
- 4 It is important to note that matrilineal societies, or societies where inheritance rights pass through the female line of the family, are not the same as matriarchal societies, or societies where social relationships prioritize and valorize females. A matrilineal society may still be patriarchal.
- 5 Personal interview Dehunge Shiaka, Deputy Minister, Ministry of Social Welfare, Gender and Children's Affairs, Freetown, Sierra Leone, 12 December 2005.
- 6 Personal interview with Hamidu Jalloh, United Nations Development Program Officer, Freetown, Sierra Leone, 14 December 2005.
- 7 Personal interview with Hamidu Jalloh, United Nations Development Program Officer, Freetown, Sierra Leone, 14 December 2005.
- 8 Personal interview with Sullay Sesay, Unit Manager, Information and Sensitization, Disarmament, Demobilization and Reintegration, Sierra Leone, Freetown, Sierra Leone, 16 December 2005.
- 9 A complete record of the trial and the judgment can be found at <http://www.sc-sl.org/CASES/ArmedForcesRevolutionaryCouncilAFRCComplete/AFRCJudgment/tabid/173/Default.aspx>

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