

Jelke Boesten (2017): Of exceptions and continuities: theory and methodology in research on conflict-related sexual violence, *International Feminist Journal of Politics*, DOI: 10.1080/14616742.2017.1367950
Online: 4 Oct 2017

Of exceptions and continuities: Theory and methodology in research on conflict-related sexual violence

Jelke Boesten

Department of International Development, King's College London, United Kingdom

Abstract

In response to an emerging debate around qualitative and quantitative methods in sexual violence research, in this paper I explore the apparent unease between the two methodological approaches, and ask how empirical data with regard to sexual violence in conflict informs policy and calls for justice. I argue that the quantitative turn in conflict-related sexual violence research feeds into its exceptionalization and tends to divorce such violence from more contextualized gender analyses, or perspectives that emphasize continuums of gender-based violence. While in some cases exceptionalization is essential, such as for the purpose of criminal accountability, for the purposes of understanding prevalence we need quantitative and qualitative analysis, and comparative as well as contextual data that will allow us to see the continuities as well. The analysis of gender, understood as “constitutive element of social relations” (Scott 1986), is central to such a quest of better understanding both sexual violence and war.

Keywords: sexual violence in conflict, continuum of violence, gender-based violence, methodology.

Introduction

The testimonies of victim-survivors in the Sepur Zarco trial (February 2016) against military commanders in Guatemala shows once more that rape in war has specific meanings and intentions that are informed and shaped by the specific coordinates of conflict. Evidence presented at the trial suggests that rape was used as a weapon of war: to conquer, to evidence victory, to send a message, humiliate and fragment entire communities—in sum, to control.¹ This understanding of systematic sexual violence made the conviction of Lieutenant Esteelmer Reyes Giron and Heriberto Valdéz Asig for crimes against humanity possible. The testimonies leading to this conviction showed that these men had been involved in the repeated military attacks on the rural community Sepur Zarco in the 1980s. Local indigenous leaders who were trying to get their land titled by the state were kidnapped, tortured and killed. Women who went to search for disappeared family members at the military base were captured, beaten and raped, and enslaved as sexual and domestic servants of soldiers. Several witnesses at the trial told details about how they were raped and beaten multiple times, in front of or alongside their children, sometimes in a pit where their husbands would be held before being buried (Burt 2016a). The surviving witnesses also told about other victims, abused, enslaved, raped and killed in their presence. The statements show a world of extreme cruelty and suffering, facilitated by racism and sexism, and encouraged by a military campaign against indigenous communities that lasted three decades. Witnesses' detailed testimonies,

presented some thirty years after the events, underpinned the conviction of these men for crimes against humanity, sexual violence, and sexual and domestic slavery.

The Sepur Zarco trial is unique; it is the first domestic trial prosecuting former military for sexual violence in conflict in the world. What happened in Sepur Zarco is less unique: the witness statements echo the experiences of women who gave their testimony to the Peruvian Truth and Reconciliation Committee (2001–2003), where women in embattled communities were also systematically raped and/or enslaved. Peruvian ex-military accused of sexual violence of civilians in the mid-1980s are currently also on trial in Lima, although its outcome is far from certain. There are other experiences—other genocides, war contexts, rape camps in contemporary history—which would allow for a solid comparison with Sepur Zarco. Such an observation confirms the importance of the Sepur Zarco trial for the future of accountability and justice in cases of war-related sexual violence, in Guatemala and Peru, in Latin America and indeed globally.

Of course, military commanders can only be prosecuted for systematic rape if we accept that rape in war is exceptional, different and not inevitable. Perpetrators can only be held accountable if we recognize their *agency* in the act, their authority in allowing certain acts to happen. Men do not rape because they *can*, as Susan Brownmiller (1975) famously argued, but because they are explicitly or implicitly encouraged to do so. The extreme cruelty and violence that accompanies many of these acts further confirm that rape in war represents a rupture in a community's history and in the lives of both perpetrators and victims. This is not normal, and hence, we can prosecute.

Yet, there are others, including myself, who have emphasized the continuity in the history and possibility of sexual violence against women in war and peace (e.g., Boesten 2014; Cockburn 2004; Moser and Clark 2001). I have argued, based on the testimonies of victim-survivors of rape in Peru, that while much of the scale and cruelty of these experiences were certainly exceptional and strongly conflict related, the script for these acts—immersed in racism and sexism, as in the case of Guatemala—pre-dated the conflict, and has yet to be dismantled (Boesten 2014). There is a persistence in the continuum of sexual violence against women that supersedes the categories of war and peace.

I am interested in exploring how we can understand sexual violence in conflict both as an exception and as existing along a continuum without undermining the possibility of interventions to address such violence. My concern is that the exceptionalization of conflict-related sexual violence in global policy, perpetuated by increased media attention for such violence in specific wars, ultimately fails to address what makes such violence possible. Qualitative research that emphasizes local contexts and histories, as well as the specific features of gender inequality, may allow for more complex understandings of sexual violence but do not easily support policy making. After all, policy benefits from measurable indicators and generalizable definitions; contemporary evidence-based governance demands quantitative knowledge (Merry 2016). My main concern here is not quantitative knowledge itself, but the idea that much of this quantification obscures gender as a useful analytical category, just as global policy tends to do. Ultimately, I aim to reconcile the discord—or overcome the binary—over exceptions and

continuities, as well as quantitative and qualitative analysis, in understandings of sexual violence against women in conflict. Realizing this is a tall order, I hope to appeal to a shared need to address both peacetime and wartime sexual violence, and hence, while we may not all agree on the theory and methodology, we can agree on the urgent need for a discussion of different approaches in research, and how this might relate to strategies for action.

The quantitative turn

In response to the increasing demands for international criminal accountability for war-related sexual violence, researchers have sought ways to improve our statistical knowledge of its occurrence. More precision in determining the patterns and trends of sexual violence in specific conflicts is the only way to seek accountability; after all, if we just say rape in war is endemic, or inevitable, than it is apparently the natural behavior of men, or to-be-expected collateral damage of war. Numbers that underpin the analysis of patterns and trends in specific contexts provide evidence that sexual violence might be organized and deliberate, or related to specific conditions or objectives of war and violence, including the targeting of specific populations. A better understanding of such patterns, underpinned by statistical evidence, might not only undermine common myths regarding such violence, but also improve the possibility of accountability and intervention. As such, researchers in truth commissions, UN investigative committees and elsewhere have attempted as accurately as possible to provide estimates of patterns of sexual violence in specific contexts to the purpose of understanding who perpetrators and victims

might be and why (UNSC 1994, annex IX.I.C; Ball, Spierer, and Spierer 2000).² Providing such an evidence base is also the objective of the recent surge in quantitative analysis of patterns of sexual violence in conflict among, especially, political scientists (e.g., Cohen, Hoover Green, and Wood 2013).

That being said, reliable statistical data with regard to sexual violence is extremely difficult to find, not only in complex conflict settings or their aftermath, but also in democratic countries with solid institutions and reporting mechanisms. Indeed, most of the difficulties of getting access to reliable data are the same. Amelia Hoover Green, in a blog from 2013, discusses a series of problems with statistical information: most statistics regarding sexual and gender-based violence are compiled from police reports, or from other first line service providers (healthcare workers, social workers, paralegal workers), or, in the case of post-conflict situations, in testimonies or oral histories that form part of transitional justice processes. However, only a fraction of victim-survivors report such violence in any of these sources. Which part of the population reports, and which does not? How do class, race, family structures, marital status, perpetrator profile, intention, stigma, shame and/or age influence whether a victim-survivor reports or recounts their experiences or not? This adds a level of complexity that is difficult to quantify in any meaningful way. Or, as Hoover Green (2013) summarizes, “in addition to dramatically undercounting rape, [self-report sources] over-represent some victims and underrepresent others.” Another source for compiling statistics about sexual and gender-based violence are surveys, but these also hold high levels of bias. A slight change in wording of questions and answers may change data dramatically; a

slight difference in survey techniques, or resources provided, is also likely to cause changes in reporting. How sexual violence and gender-based violence is defined, what words are used to refer to certain experiences and who can be victim or perpetrator influences both data collection as well as its interpretation (see Hoover Green 2012). All this makes comparing different data from different countries and cases even more difficult, if not impossible. Nevertheless, with the increasing importance given to sexual and gender-based violence in global policy, over the years, research teams have developed more accurate and comparable data sets based on either collecting new data using standardized survey methodologies (see WHO 2005 report), or triangulating and coding existing data sets by well trained and consistently monitored and supported coders (see Cohen and Nordås 2014).

Dara Kay Cohen and Ragnhild Nordås (2014) developed the Sexual Violence in Armed Conflict (SVAC) data set, a publicly available data set that documents twenty years (1989–2009) of sexual violence in 129 active conflicts globally. The dataset is built from existing human rights databases—namely, from US State Department, Amnesty International and Human Rights Watch. The data set might be the most comprehensive comparative quantitative data set regarding sexual violence in conflict that currently exists, and provides multiple possibilities for further research. Of course, Cohen and Nordås recognize the limitations and biases of the data, of which underreporting and data collection bias are the most constraining—and it is impossible to know to what extent the resulting data is a reflection of reality or not. Hence, the authors do not actually include numerical estimates for prevalence, but use three categories of severity: massive, numerous

and isolated perpetration of sexual violence. Despite the limitations, the SVAC data set does clearly create a range of opportunities to test hypotheses or create new ones (e.g., Cohen and Nordås 2015). However, to inform policy interventions or legal action, as Hoover Green (2012, 2013) emphasizes, one would need to complement this type of quantitative information with qualitative contextual information in order to come to any kind of reliable analysis.

In an important volume outlining the use and problematic of evidence bases of international sex crimes, the authors emphasize the need to evidence patterns and trends in order to prosecute sexual violence as crimes against humanity, genocide, or war crime (Bergsmo, Butenschon Skre and Wood 2012). Indeed, in order to prosecute sexual violence as a crime against humanity in international law, one needs patterns and trends of such violence, and to demonstrate affected *populations* rather than individuals, both of which are mostly associated with statistical data (Hoover Green 2012, 296). Such data is also required by policy agencies: quantitative knowledge informs evidence-based policy (Merry 2016; Solesbury 2001).

The focus on quantifiable and comparable data as evidence for policy, without the necessary contextual and historical specifics of any situation, is problematic. There are a set of epistemological assumptions underlying a focus on numerical evidence that are arguably incompatible with critical research, and certainly with qualitative research, that would insist on contextualization. Trisha Greenhalgh and Jill Russell (2009), reflecting on the prevalence of quantitative evidence in biomedical research, argue that measuring the social world and

translating this into comparable numbers and indicators represents a specific positivist worldview in which context, history and subjectivity lose ground. Sally Engle Merry (2011) observes that the singular focus on quantifiable indicators for policy has moved from national governance (e.g., in terms of health) and economic analysis to development and global governance. She observes, for example, that composite indicators to monitor human rights performance “promote quick comparisons of countries along a scale but ignores the specificity of various human rights and conceals particular violations” (Merry 2011, 87). Indicators and measurements tend to exclude a range of factors that markedly shape our world, and “have embedded theories and values that shape apparently objective information and influence decisions” (Merry 2011, 85). So, these authors argue, we have gone from a postmodern understanding of the world in which all knowledge is subjective back to a positivist view of the need and possibility of objective knowledge about the social world in order to manage it.

My question is not if the trend to quantify sexual violence in conflict is good or bad in itself, as knowing the scale of any problem is indeed essential to understanding that problem. However, it is relevant to ask how reliable the data is, which I have discussed above, and how it is shaping policy agendas. Here, I observe the following: policy prefers to take sexual violence in conflict as a singular issue, isolated from broader social structures or even warfare itself, in order to be able to design policy directed at a defined problem, underpinned by evidence. For better or worse, the quantitative data around sexual violence in conflict supports such isolation from broader structures or processes, as it relates data to factors such as

target populations, forms of violence, location and timing that can make the data comparable across contexts but rejects gender analysis (Cohen and Nordås 2014, 420). Such a focus on sexual violence in conflict ignores gender analysis around inequality (e.g., in access to resources of all kinds), perpetration (what are the gendered dynamics of manhood that make rape possible?), or victimhood (what gendered dynamics before, during and after war make some women and men more vulnerable than others?). In addition, and perhaps even more importantly, it rejects gender analysis as a method to uncover how structures of governance may or may not reinforce inequality. Some of the literature seems to reject gendered structures as a cause, or unit of analysis: Wood (2015, 463) has criticized the idea of a continuum of gender-based violence as “banal” and only valid in the “abstract”; Cohen (2013) finds that gender inequality does not explain sexual violence in conflict; and Quijano and Kelly (2012, cited in Davis and True 2015, 6) suggest that assuming a link between peacetime inequality and wartime sexual violence constitutes “simplistic cultural arguments.” The idea that gender inequality alone cannot explain sexual violence in conflict is a valuable and necessary observation that allows for the careful examination of other factors informing armed group’s behaviors, but a rebuff of gender analysis in understanding sexual violence in conflict feeds into the idea that it is unique to conflict, and hence should be understood independent of existing inequalities and power dynamics in any given context. What if the nature and character of gender inequality, and indeed gender-based violence, differ across nations and groups, and hence inform the possibility of sexual violence?

Jaquie True and Sarah Davies (2015, 3) suggest using a “dynamic and contextualized indicator-based approach” using the Social Institutions and Gender Index (SIGI) to show that gender inequality and levels of sexual violence in conflict do correlate. Using a quantitative methodological approach, Davies and True certainly make a start in “bringing gender back in,” as their title suggests, although it also seems to state the obvious to all those feminist researchers who see gender analysis as essential to understanding sexual violence in conflict in the first place. Do we really have to prove it, providing quantitative comparable indicator-based evidence to show that gender inequality is relevant to prevalence of sexual violence? Is that statistical correlation on the one hand so obvious that it indeed is banal, and on the other hand so limited (what about poverty? Ethnic or racial tension? Post-coloniality? International intervention? The dynamics of war and politics on the ground?) that it becomes irrelevant? Well, no, using quantitative data analysis to make a point about gender, violence, war and inequality is not superfluous; in fact, one of the most influential contemporary books on the theme, *Sex and World Peace* (Hudson et al. 2012) does just that. If we understand gender as constitutive of social relations, and hence of power (Scott 1986, 1067), then gender analysis is an excellent starting point to understand violence, security, war and peace. Using statistical correlation *only*, however, might limit the analysis. Looking at how indicators of gender inequality correlate to statistics of violence and security is useful, particularly in this world where evidence is largely interpreted as numbers. However, gender analysis assumes more complex, and situated, research that is able to see sexual violence as constituent of gender identities, relations and behaviors, as

well as vice versa: understandings of gender facilitate sexual violence. In addition, the particulars of such dynamics and how gender intersects with other vectors of inequality and identity, such as race, ethnicity, religion, class, age and perhaps particularly sexuality in making sexual violence more or less likely in any given context, are difficult to capture with statistical analysis only.

Ultimately, a focus on quantitative evidence that measures sexual violence in conflict as divorced from more complex gender analyses reinforces—for policy makers not for the researchers involved—the idea of rape as a weapon of war, to be eradicated or controlled just like chemical or nuclear weapons. This simplification of the evidence was demonstrated clearly at the 2014 Global Summit to End Sexual Violence in Conflict, hosted by the UK (Hoover Green 2014; Kirby 2014; Thuy Seelinger 2014; Boesten 2015). The idea that sexual violence in conflict can be a weapon of war is an important contribution to our understanding, but it is also widely debated, as not all sexual violence is deployed strategically (e.g., Wood 2009; Eriksson Baaz and Stern 2009; 2014; Cohen 2013; Boesten 2014). In doing so, agents of global governance misinterpret the evidence, simplifying complex knowledge in favor of simplified slogans.

In addition, as can be seen in the number of UN Security Council Resolutions (SCR) dedicated to sexual violence in comparison to other gendered themes (of the eight resolutions issued after the groundbreaking SCR 1325 issued in 2000, five concerned protection from sexual violence, two concern participation in peace processes and one concerns further mainstreaming of gender concerns in the peace and security agenda), a singular focus on sexual violence in conflict is rapidly

replacing gender analysis of war and peace, thereby overlooking other equally important elements of both sexual violence and gendered dynamics of war. While SCR 1325 aimed to unsettle the gendered assumptions embedded in security discourse, the resolutions that followed arguably perpetuate stereotypes of women as either traumatized victims of sexual violence or the natural holders of peace (Heathcote and Otto 2014, 1-20). Especially the emphasis on women as victims of sexual violence, and the global activism and media coverage that has followed, has rightfully raised alarm among feminists concerned with disrupting gender binaries and the military emphasis in security and peace discourse and practice (Engle 2014). The research that is available with regard to wartime sexual violence shows that, first, sexual violence—and violence against women more broadly—is not only widespread during war but also omnipresent during peacetime. This means that gendered social structures—independent of warfare—partly dictate which violences will be effective during war. It also suggests that it might not be wise to separate war and peace as political contexts if the aim is to eradicate sexual violence. Ending sexual violence cannot replace, or be substitute to, gender analysis of war and peace. The exceptionalization of sexual violence in conflict as something divorced from the gendered dynamics of both war and peace thus stands in stark contrast to feminist analysis of gender-based violence, which has long emphasized that such violence is part of a continuum.

Continuums and exceptions in patterns of sexual violence

The idea of a “continuum of violence” is usually traced back to the work of Liz Kelly in *Surviving Sexual Violence* (1988). Kelly drew on interviews to apply a feminist analysis of prevalence and ubiquity, arguing that different forms of sexual violence, including the threat of violence, sexual harassment, pressure to have sex, sexual assault, obscene phone calls, coercive sex, domestic violence, sexual abuse, flashing, rape and incest, are connected by the underlying characteristic of “abuse, intimidation, coercion, intrusion, threat and force men use to control women.”³ The idea of the continuum aims to identify connections between what is seen as criminal acts (rape, incest) and what is largely perceived as normal or minor (harassment, coercion, catcalling). While Kelly explicitly avoided placing a hierarchy on different types of sexual violence, others such as Judith Herman (1977, cited in Kelly 1988, 75) or Joseph Marolla and Diana Scully (1985, 262, cited in Kelly 1988, 75) used the term “continuum” to interrogate male sexual aggression as at the extreme ends of largely accepted and normalized forms of sexual violence.

Herman’s (1977) work on incest understands the high prevalence of incest as facilitated by the persistence of patriarchy in homes and beyond. She explicitly analyzes the possibility of father-daughter incest through the social roles assigned to women and men, and persistent inequality and subordination of women to male power, highlighting these as the underlying cause of such relationships. Herman also finds a strong relationship between domestic chores and sexual abuse: in most of Herman’s cases, girls were coerced into sexual relationships with a male carer (father, stepfather, uncle) as replacement for a mother’s sexual unavailability; these same girls often also took care of household chores, including caring for children.

Hence, Herman concludes, in this patriarchal constellation of family and society, men have a right to be served by women, while women have a duty to supply both sexual and domestic services (see also González-López 2015).

Women held at military bases to sexually serve men are often also required to wash and cook. At the Sepur Zarco trial, according to a report by Jo-Marie Burt (2016b), one witness reported:

“Two [soldiers] tied me up while two were standing guard,” she said. “They had weapons.” Her children were all in the house when she was being raped; one of her sons fell down and broke his leg. Caal said that she was pregnant at the time of the rape and as a result, she suffered a miscarriage. She said the soldiers set her house on fire and forced her to go with them to the Sepur Zarco military base. There, she was forced by soldiers to cook and wash clothes. Later the women rotated duties at the military base, having to report every three days.

The Sepur Zarco case also heard a former military commissioner tell the court how the then-head of the military base and the accused in the trial, Lieutenant Esteelmer Reyses Girón, ordered soldiers to gang rape a woman, and that the lieutenant himself “took” this woman as his “wife” (Burt 2016c). In similar vein, in the case of Peru (Boesten 2014), few women used the words “rape” (*violación*) to describe their experiences. Instead, some said “he used me as his wife,” indicating how domestic and sexual enslavement were part of the package of abuse. One witness even stated, “he started to beat us as if we were their wives,” further blurring the boundaries between the domestic and the political, between wartime abuse and peacetime

abuse, and arguably between husband and abuser (Boesten 2014, 12). Chris Coulter's book *Bush Wives and Girl Soldiers* (2009), on the experiences of young women in Sierra Leone, makes a similar point: sexual and domestic slavery go hand in hand, and is made possible because of the peacetime structures in which women's roles are already defined by their service to men. Hence, girls forcibly recruited into rebel armies soon became "wives."

The idea that those who are violently enslaved could in fact be in a consensual relationship such as marriage, albeit an unequal one, provides a veil of legitimacy to an otherwise exceptional situation. It does, indeed, suggest a level of normality, a continuum, of life as one knows it. It might be the veil that makes survival possible. In *Trauma and Recovery* (1997), Herman sees a continuum of violence in the socio-cultural frameworks of gender and sexuality that allow for a suggestion of complicity on the part of the victim, both in political and domestic contexts. Those who are forced to do things—provide sex, betray relationships, loyalties or moral values, or perpetrate violence on others—are "frequently subjected to furious condemnation" by those closest to them (Herman 1997, 115). The suggestion of complicity in her captivity and abuse, by merely surviving, makes the victim-survivor contaminated, stigmatized. Many victim-survivors of conflict-related rape and sexual slavery are ostracized from their communities, exposed to a life of continuous abuse from their intimate partners, or choose to hide their trauma out of fear of retaliation. The women who testified in the Sepur Zarco case either did so behind closed doors, or they hid their faces behind veils during public sessions.

What happened in war might have been exceptional, but not sufficiently so to entirely erase the suggestion of complicity—even after the war.

Herman's careful analysis has helped us understand why women victims of male abuse often fail to report this, why women who do report often fail to press charges and why women keep silent even towards family and friends, and/or are blamed when they do share their experiences. The idea of complicity, grounded in perceptions of gendered roles, also strongly affects institutional responses to cases of sexual and gender-based violence, informing impunity and secondary victimization. Unfortunately, these are indeed all characteristics of experiences of sexual violence in so-called peacetime, as well as those that occurred in wartime as part of intentional or condoned strategies or practices of systematic rape.

In my book *Sexual Violence in War and Peace* (2014), I identify a continuum in how sexual violence is understood and perpetrated in both war and peace in Peru, and hence, how such violence is addressed post-conflict. The characteristics of rape regimes perpetrated by military in the high Andes of the 1980s and early 1990s showed many known features of power relations along lines of race, sex, class, age and gender. Sexual violence, because of its intimate and potentially reproductive qualities, helps produce and reproduce those unequal power relations. In war this might be strategic, or it might simply be facilitated and condoned, in order to dominate others (i.e., to affirm power subordinate others and destroy communities, as well as to consolidate military loyalty and masculinity). In peacetime, it does the same: sexual violence, be it catcalling, sexual harassment,

marital rape or other forms of highly gendered and sexualized violence, produce dominance and subordination between genders, races, sexualities, classes and ages.

Thus, understanding sexual violence along a continuum does not say anything about the gravity of the violence or even how it might be experienced. On the contrary, by recognizing and naming the differences between forms of sexual violence, experiences can be named as violence and as harmful, instead of normal or deserved. What the concept of a continuum of violence intends to highlight is how all forms of sexual violence are part of gendered social structures and patterns that have to be identified and transformed. Thinking in terms of a continuum does not aim to minimize rape in conflicts, gang rape or the femicides we are seeing particularly in parts of contemporary Central America, but it gives us an analytical tool that allows us to connect sex, male violence and gender inequality, both in the everyday as well as during armed conflict. Thinking in terms of a continuum allows us to see how much violence is hidden, institutionalized and/or normalized in everyday life, both in peacetime and wartime, in homes, in intimate relationships and in public spaces. The term allows us to see parallels between the extreme and the everyday, the public and the private, thereby not undermining the seriousness of the extreme but undercutting the normality of the everyday.

Within feminist International Relations and critical theory there is also generally strong support for thinking in terms of a continuum, or structural gender inequality as the main root of sexual violence. Feminist IR, however, is not only concerned with how an exceptionalist focus on conflict-related sexual violence in contemporary security discourses ignores structural gender inequality and its

related spectrum of harms in both war and peace, but also with how gendered hierarchies inform warfare itself (Enloe 1990; Cockburn 2010; Sjoberg and Via 2010; Hudson et al. 2012), and hence, how conflict-related sexual violence—or the “rape as a weapon of war” discourse—has become a policy tool that affirms and perpetuates militarized gender inequality (Heathcote and Otto 2014 Meger 2015). Violent men who commit war crimes are often infused with sexist and racist discourses and attitudes. They have been taught—not necessarily only while in arms—that men have to be strong, aggressive and predatory, while women are taught the opposite. These gender regimes of macho men and available women feed into warfare. Such men are more easily convinced to go to war, and part of that war might be protecting ones’ own women, or conquering available enemy women. Protecting women in faraway places from the sexual violence of faraway men does not undermine the racist and sexist gendered stereotypes that feed into such violence in the first place; rather, it takes these to a global level and metaphorically deems whole populations to be weak victims or barbarian perpetrators (Boesten 2015).

In their important contribution to this debate, Maria Eriksson Baaz and Maria Stern (2013) question and problematize the “rape as a weapon of war” thesis at the interface of global political discourse and realities of violence in Democratic Republic of Congo. Eriksson Baaz and Stern (2013, 110) argue that the “rape as a weapon of war” thesis is convenient as it allows for a belief in the possibility of eradicating conflict-related sexual violence and, in its wake, disciplining and civilizing populations. They conclude that the discourse fails to deliver any justice,

and instead, limits what we can hear and see. Sara Meger (2015) takes this critique step further: she argues that the exceptionalization of rape in war in contemporary security and IR scholarship and policy-making feeds into the fetishization of sexual violence, commodifying both victims and perpetrators in a manner that brings economic or political capital to its main interlocutors. Meger (2015, 7) even suggests, based on anecdotal evidence, that there is a blowback, or unintended consequences, of the object known as “‘conflict-related sexual violence,’ which is traded in and traded upon within the contexts in which we are seeing this violence perpetrated.” Rape might become a weapon of war if and when it has high value in international security planning and funding, and a victimhood strategy if it can be traded against access to the judiciary, decent healthcare and even individual and collective financial assistance provided by international donors (Meger 2015, 8; see also Eriksson Baaz and Stern 2013). These are harsh analyses, suggesting that perhaps this thinking in terms of exceptionality and strategy does more harm than good, and might feed further into the continuum of violence in unintended ways.

In sum, there seems to be a common understanding among feminist scholars, of different disciplinary backgrounds and studying different forms of violence against women in a wide range of contexts, that there is a continuity in gendered violence that helps explain the underlying structures that facilitate and uphold the persistence of sexual violence across social, political and economic contexts.

Exceptions

Considering the above, in order to address the roots of conflict-related sexual violence, policy makers would have to focus on the multifaceted and widely diverse issue of unequal gendered social, political and economic structures. Considering the often intersectional nature of gender inequality in specific contexts, it would also have to focus on other inequalities, including class, age, race, ethnicity, religion and sexuality. At a minimum, policy would have to look at all of the complex and contextually different forms and expressions of sexual violence in war and in peace. That makes for a difficult-to-manage policy agenda. In addition, it would require such profound social change that it would have to encroach on debates about which there is no consensus and/or that involve powerful people and vast amounts of money (pornography, prostitution, trafficking). From a policy perspective, it pays to look at one specific aspect that avoids too much complexity or controversy. In the words of Eriksson Baaz and Stern (2013, 4),

The Rape as a Weapon of War discourse is decidedly policy friendly, lending itself to the necessary reductionism for arriving at viable policy goals, which can also be placed in a results-based framework. In the urgency to redress sexual violence within global security policy, a framework for understanding that is seemingly cohesive and universal emerges that –more often than not– poorly reflects the realities of the complex warscares in which it is applied. Thus, a theoretical construct that helped understand the complexity of the relation between sexual violence, gender, nationalism and political violence when most observers thought rape was an inevitable byproduct of war (and hence, of the natural and uncontrollable violence and promiscuity of men), and which put rape in

war on global policy agendas in the mid-1990s, is reduced to a simplified, measurable and limiting script that can be eradicated with the correct policy tools and based on the correct evidence.

What does this approach do other than exceptionalize rape in war? The ethnic wars in the former Yugoslavia and Rwanda catapulted the issue of mass rape into our homes via our televisions and newspapers. Never had rape in conflict been documented so well, and never had this been perceived as a main atrocity of warfare (Skjelsbæk 2010). The events in Bosnia and Rwanda led to two separate international tribunals, which included prosecutions and convictions for sexual violence as crimes against humanity and genocide. The convictions in the International Criminal Tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR) led to the Rome Statute and the International Criminal Court, where the debate around how to prosecute conflict-related sexual violence continues to date. This regulation of sexual violence in conflict through international law relies on the idea of rape in war as exceptional, as a political act rather than a private act, as an intentional and condoned, or even ordered, act of violence.

Indeed, the Sepur Zarco trial shows how systematic conflict-related sexual violence is exceptional, socially and politically, individually as well as collectively. In addition, the case would not have seen trial were it not for the perspective of criminal accountability within the legal understanding of rape as a crime against humanity, and the recognition that what happened at Sepur Zarco had a specific military context that targeted a specific group because of a political identity, as much as gender and race. In other words, rape was used as a weapon of war. As

Catherine O'Rourke (2015, 122) argues, thinking in terms of a continuum of violence obscures differences between private and public harms, and how political violence and interference may produce new and different harms for women; in addition, thinking in terms of structural inequalities "diminishes prospects of legal accountability for public harms." The Sepur Zarco case was successful because of the exceptionalization of rape in war. So, for the sake of criminal accountability, justice, and reparation, thinking in terms of ruptures and exceptionality is simply necessary.

Distinguishing clearly between peacetime and wartime sexual violence creates a hierarchy of harms that allows for prosecution under international law. Without a hierarchy of harm, the law would be impossible to apply. On a socio-political level, such a hierarchy may have two distinct effects: it allows victim-survivors of war-related violence to organize and seek accountability or reparation based on that exceptionality, which in itself may provide some form of justice (O'Rourke 2015). Secondly, it may send a message that while systematic wartime rape is a crime to be redressed, forms of sexual violence that are seen as domestic or private are not. If, as in the case of Guatemala or Peru, violence against women, including sexual violence, is high and such violence is not addressed adequately by the state, then the exceptionality of wartime rape might further normalize the everyday violence many women experience. If violence against women is so high in peacetime, why would it surprise us that such violence is exacerbated in wartime? Are these two not related along lines of pre-existing inequalities like racism, sexism, ageism and the cultivation of male violence? The meticulous study of large data sets, however biased, has shown that there is no inevitability in conflict-related rape, not

even in sexist or racist contexts. Hence, peacetime inequality is not a *predictor* of sexual violence. Nevertheless, in order to understand prevalence of sexual violence in conflict in different settings, complexity of analysis, including gender analysis that extends beyond the context of war, is essential.

Concluding thoughts

In this paper I have argued that the trend in political science to analyze patterns in conflict-related sexual violence via quantitative causal analysis of comparative data sets feeds into a trend in global governance to exceptionalize sexual violence in conflict, separating it from other forms and contexts within which sexual violence takes place—and from a more complex gendered analysis of war. As discussed above, the dangers of this exceptionalization of sexual violence in conflict are multiple: the normalization of violence against women in peacetime, unfair categorization of groups of women foremost as victims and certain men as perpetrators, commodification of rape in conflict both in global governance as well as on the ground, and most importantly neglect or even erasure of a gender analysis of sexual violence and of war.

Feminist analysis of violence against women, including rape in war, has always emphasized the root—if not always the direct cause—of such violence as misogyny, or structural gender inequality. Rape in war can be an exacerbation of peacetime violence, or it can be deliberate strategy of war; either way, it is possible and imaginable because of existing understandings of gender, violence and

sexuality. This continuum of violence is important to keep in view, as without a gender analysis, one might only address the immediate, not the structural, causes of such violence. This does not mean that sexual violence in conflict should always be analyzed along a continuum—on the contrary, highlighting the exceptional nature of any experience of sexual violence, including those perpetrated in war, is essential to criminal accountability. Hence, I am not arguing against the perception that sexual violence in war is an act that should be prosecuted as crimes against humanity, war crimes or even genocide. The need for qualifying different acts of violence according to international law in order to be able to prosecute does not, however, mean that we can thus lift sexual violence in conflict from broader contexts of war, gendered harms and indeed peacetime inequalities.

As such, understanding that *gender*, understood as the configurations, understandings and practices of masculinity and femininity in any given context and as constitutive of social relations and hence power (Scott 1986, 1067), is essential to understanding war as well as violence, including sexual violence in war and peace. Gender analysis should be the starting point of all quests for explanations, understandings and ultimately solutions for the enormous problem that sexual violence in conflict poses. This is what underpins the concept of the “continuum of violence” in feminist research—an analytical tool that allows for understanding linkages between experiences and patterns of sexual violence in both war and peace, without undermining the idea that all such violence might be an exceptional in individual life stories, or indeed, in the socio-political histories of communities.

Jelke Boesten

Department of International Development

King's College, London

Strand Campus

London, WC2R 2LS

Jelke.boesten@kcl.ac.uk

Acknowledgements

I thank Kieran Mitton at the Conflict, Security and Development Research Group at King's College London for providing the opportunity to discuss my thoughts, and Marsha Henry and Paul Kirby for asking sharp questions; of course, the results are entirely mine.

Notes on contributor

Jelke Boesten is Reader in Gender and Development at the Department of International Development, King's College London.

References

Azuero Quijano, A. and J. Kelly, A Tale of Two Conflicts: An Unexpected Reading of Sexual Violence in Conflict through the Cases of Colombia and Democratic Republic of the Congo. In *Understanding and Proving International Sex Crimes*, edited by M. Bergsmo, A. Butenschon Skre, and E. Wood, 437-494. Beijing: Torkel Opsahl Academic E Publisher.

- Ball, P., H. Spierer, and L. Spierer, eds. 2000. *Making the Case: Investigating Large Scale Human Rights Violations using Information Systems and Data Analysis*. Washington, DC: American Association for the Advancement of Science.
- Bergsmo, M., A. Butenshon Skre and E. Wood. 2012. *Understanding and Proving International Sex Crimes*. Beijing: Torkel Opsahl Academic EPublisher.
- Boesten, J. 2014. *Sexual Violence in War and Peace: Gender, Power and Post Conflict Justice in Peru*. New York: Palgrave MacMillan, Studies of the Americas.
- Boesten, J. 2015. "On Ending Sexual Violence, Or Civilising War." IDI Working Paper, June 2015. Accessed June 2016.
<https://www.kcl.ac.uk/sspp/sga/idi/Research/Boesten-IDI-Working-Paper-2015-02.pdf>
- Brownmiller, S. 1975. *Against Our Will: Men, Women and Rape*. New York: Ballantine Books.
- Burt, J. 2016a. "‘Do you want to live or die?’ Survivors tell of sexual abuse and enslavement." *International Justice Monitor*, February 22. Accessed February 2016. <http://www.ijmonitor.org/2016/02/do-you-want-to-live-or-die-survivors-tell-of-sexual-abuse-and-enslavement/>
- Burt, J. 23 February 2016b. "‘Your husband isn’t coming back.’ More stories at the Sepur Zarco trial." *International Justice Monitor*, February 23. Accessed February 2016. <http://www.ijmonitor.org/2016/02/your-husband-isnt-coming-back-more-stories-of-abuse-at-the-sepur-zarco-trial/>
- Burt, J. 2016c. "Former Military Commissioner Accuses Reyes Girón of Ordering Gang Rape." *International Justice Monitor*, February 25. Accessed February

2016. <http://www.ijmonitor.org/2016/02/do-you-want-to-live-or-die-survivors-tell-of-sexual-abuse-and-enslavement/>
- Cockburn, C. 2004. "The Continuum of Violence: A Gender Perspective on War and Peace." In *Sites of Violence: Gender and Conflict Zones*, edited by W. Giles and J. Hyndman, 24-44. Berkeley, CA: University of California Press.
- Cockburn, C. 2010. "Gender Relations as Causal in Militarization and War." *International Feminist Journal of Politics* 12 (2): 139–157.
- Cohen, D.K., A. Hoover Green, and E. Wood. 2013. *Wartime Sexual Violence: Misconceptions, Implications, and Ways Forward*. Washington, DC: USIP Special Report.
- Cohen, D.K. 2013. "Explaining Rape During Civil War: Cross-National Evidence (1980-2009)." *American Political Science Review* 107 (3): 461–477.
- Cohen, D.K., and R. Nordås. 2014. "Sexual Violence in Armed Conflicts: Introducing the SVAC Dataset, 1989-2009." *Journal of Peace Research* 51 (3): 418–428.
- Cohen, D.K., and R. Nordås 2015. "Do States Delegate Shameful Violence to Militias? Patterns of Sexual Violence in Recent Armed Conflicts." *Journal of Conflict Resolution* 59 (5): 877–898.
- Comisión de la Verdad y Reconciliación de Perú. 2003. *Informe final*. Accessed April 2008. <http://www.cverdad.org.pe/ifinal/index.php>
- Coulter, C. 2009. *Bush Wives and Girl Soldiers: Women's Lives through War and Peace in Sierra Leone*. Ithaca, NY: Cornell University Press.
- Davies, S., and J. True 2015. "Reframing Conflict-Related Sexual and Gender-Based Violence: Bringing Gender Back In." *Security Dialogue* 46 (6): 1–18.

- Engle, K. 2014. "The Grip of Sexual Violence: Reading UN Security Council Resolutions on Human Security." In *Rethinking Peacekeeping, Gender Equality and Collective Security*, edited by G. Heathcote and D. Otto, 23–47. New York, Palgrave Macmillan.
- Enloe, C. 1990. *Bananas, Beaches & Bases. Making Feminist Sense of International Politics*. Berkeley: University of California Press.
- Eriksson Baaz, M., and M. Stern. 2009. "Why Do Soldiers Rape? Masculinity, Violence, and Sexuality in the Armed Forces in the Congo (DRC)." *International Studies Quarterly* 53 (2): 495–518.
- Eriksson Baaz, M., and M. Stern. 2013. *Sexual Violence as a Weapon of War? Perceptions, Prescriptions, Problems in the Congo and Beyond*. London: Zed Books.
- González-López, G. 2015. *Family Secrets/Secretos de la familia: Stories of Incest and Sexual Violence in Mexico*. New York: New York University Press.
- Greenhalgh, T., and J. Russell. 2009. "Evidence-Based Policy making: A Critique." *Perspectives in Biology and Medicine* 52 (2): 304–318.
- Heathcote, G., and D. Otto, eds. 2014. *Rethinking Peacekeeping: Gender Equality and Collective Security*. London: Palgrave Macmillan.
- Herman, J., and L. Hirschman. 1977. "Father-Daughter Incest." *Signs* 2 (4): 735-756.
- Herman, J. 1997. *Trauma and Recovery*. New York: Basic Books.
- Hoover Green, A. 2012. "Statistical Evidence of Sexual Violence in International Court Settings." In *Understanding and Proving International Sex Crimes*, edited

by M. Bergsmo, A. Butenschon Skre, and E. Wood, 295–312. Beijing: Torkel Opsahl Academic E Publisher.

Hoover Green, A. 2013. “The Devil is in the Data: How Rape Culture Shapes Rape Statistics.” *Women Under Siege*, February 11. Accessed February 2016.
<http://www.womenundersiegeproject.org/blog/entry/the-devils-in-the-data-how-rape-culture-shapes-rape-stats>

Hoover Green, A. 2014. “Ignoring the Evidence at the End Sexual Violence in Conflict Summit.” *Women Under Siege*, June 17. Accessed April 2016.
<http://www.womenundersiegeproject.org/author/profile/amelia-hoover-green>

Hudson, V.M., B. Ballif-Spanvill, M. Capriolo, and C.F. Emmet. 2012. *Sex and World Peace*. New York: Columbia University Press.

Kelly, L. 1988. *Surviving Sexual Violence*. Cambridge: Polity Press.

Kirby, P. 2014. “Acting Time; or, Ending Sexual Violence in Conflict.” *The Disorder of Things*, June 17. Accessed September 2014.
<http://thedisorderofthings.com/2014/06/17/acting-time-or-ending-sexual-violence-in-conflict/>

Meger, S. 2015. “The Fetishization of Sexual Violence in International Security.” *International Studies Quarterly* 60 (1): 149–159.

Merry, S.E. 2011. “Measuring the World: Indicators, Human Rights and Global Governance.” *Current Anthropology* 52 (3): 83-95.

Merry, S.E. 2016. *The Seductions of Quantification: Measuring Human Rights, Gender Violence and Sex Trafficking*. Chicago: University of Chicago Press.

- Moser, C., and F. Clark, eds. 2001. *Victims, Perpetrators or Actors? Gender, Armed Conflict and Political Violence*. London: Zed Books.
- O'Rourke, C. 2015. "Feminist Scholarship in Transitional Justice: A De-Politicizing Impulse?" *Women's Studies International Forum* 51 (July-August): 118–127.
- Scott, J.W. 1986. "Gender: A Useful Category of Historical Analysis." *American Historical Review* 91 (5): 1053–1075.
- Scully, D., and J. Marolla. 1985. "'Riding the Bull at Gilley's': Convicted Rapists Describe the Rewards of Rape." *Social Problems* 32 (3): 251–263.
- Sjoberg, L., and S. Via, eds. 2010. *Gender, War and Militarism: Feminist Perspectives*. Santa Barbara, CA: Praeger.
- Skjelsbæk, I. 2010. *The Elephant in the Room: An Overview of How Sexual Violence came to be Seen as a Weapon of War*. Report to the Norwegian Ministry of Foreign Affairs. Oslo: PRIO.
- Solesbury, W. 2001. "Evidence Based Policy: Whence it Came and Where It's Going." ESRC UK Centre for Evidence Based Policy and Practice Working Paper 1.
- Thuy Seelinger, K. 2014. "An Open Letter to UK Foreign Secretary William Hague and UNHCR Special Envoy Angelina Jolie." *Huffington Post*, June 17. Accessed September 2014. http://www.huffingtonpost.com/kim-thuy-seelinger-id/sexual-violence-initiative_b_5490235.html
- Telesur. 2016. "'Available Meat': Rape Used as a Weapon of War in Guatemala." *Telesur*, February 18. Accessed February 2016. <http://www.telesurtv.net/english/news/Available-Meat-Rape-Used-as-Weapon-of-War-in-Guatemala-20160218-0039.html>

- UNSC (United Nations Security Council). 1994. *Final Report of the United Nations Commission of Experts Established Pursuant to Security Council Resolution 780 (1992)*, S/1994/674/Add.2, vol. V. New York: United Nations.
- Wood, E.J. 2009. "Armed Groups and Sexual Violence: When is Wartime Rape Rare?" *Politics and Society* 37 (1): 131–161.
- Wood, E.J. 2015. "Conflict-Related Sexual Violence and the Policy Implications of Recent Research." *International Review of the Red Cross* 96 (894): 457–478.
- World Health Organization. 2005. *WHO Multi-Country Study on Women's Health and Violence Against Women: Summary Report of Initial Results on Prevalence, Health Outcomes, and Women's Responses*. Geneva: WHO.

¹ This was confirmed by expert witness Paloma Soria at the trial (Telesur 2016), as well as by the Washington Office on Latin America (WOLA) trial observer Jo-Marie Burt (2016c).

² See also Comisión de la Verdad y Reconciliación de Peru (2003), volume VI, chapter 1.5 on sexual violence against women, especially annex 3 (statistical summary).

³ One could argue that in the case of conflict, the use of sexual violence to control extends to men, and even whole communities. This makes it then a weapon of war.