

Understanding Sexual Violence in Political Terms;
Rape as a Weapon of War

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Date: 24 January 2020

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Abstract

In this paper I respond to Baaz en Stern's critical analysis of the dominant 'Rape as a Weapon of War' discourse. Through a conceptual analysis of three theories of rape that shift away from the notion of 'consent', I conclude rape should first and foremost be understood as a serious wrong. Additionally, rape should be understood in political terms; as both a product and instrument of systematic gender inequality. On these grounds, I conclude wartime sexual violence can be understood as a weapon of war, regardless of whether it is executed according to a military strategy.

Preface

Before I delve into the subject matter of this paper, I would like to take a brief moment to caution you, the reader, that this paper deals with sensitive topics, such as sexual violence and more specifically rape. I am aware of the fact that these topics can be triggering to certain individuals, and by no means do I insist everyone should be comfortable with continuing to read and engage with these issues.

However, precisely because these matters are so sensitive, confrontational and sometimes outright painful, I think it is important we do not resort to silence all together. With this paper I hope to make a stance against sexual violence against women and contribute to an academic discourse that will reinforce the discussion on gender inequality and sexual violence both inside and outside of academia. I hope opening up about these issues; talking about them, doing research into them and engaging with them, not only in the academic world, but also in the political, legal, public and private sphere, will contribute to change and ultimately a safer, more equal world.

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Introduction

Following a revision of the United Nations (UN) mandate on sexual violence in conflict last spring (2019), I noticed a number of headlines framing rape as a ‘weapon of war’ in the media¹. Not only in the context of warfare, rape is a much contested concept. Both in the academic world as well as in more practical, legal settings, such as in court, rape is much contested. Because it is such a relevant yet complex and distressing topic, it is all the more important its definition is not taken lightly. Because I believe that only when the concept of rape is understood and defined in its entirety, victims of sexual violence can be served justice and retaliation. In this paper I aim to provide a conceptual analysis of *rape* and *wartime rape*. In response to Baaz’ and Stern’s critical analysis of the Rape as a Weapon of War (hereafter RWW) discourse, I explore the following question: How can rape be considered a weapon of war?²

Throughout this paper you will notice the terms *weapon*, *tactic* and *strategy* of war, will be used relatively interchangeably, as well as *sexual violence* and *rape* respectively. I do not necessarily believe these terms have exactly the same meaning, but they are frequently used interchangeably within the existing academic discourse as well as the media. That being said, I think all war weapons are part of a strategy or tactic of war, similar to how all instances of rape are a form of sexual violence, but not necessarily the other way around. Having considered this, we move on to Baaz’ and Stern’s case.

In Baaz’ and Stern’s critical analysis of the RWW discourse, it is claimed that wartime rape has been widely framed and accepted as a weapon of war, without much conviction or further explanation as to why wartime rape can or should be considered a weapon of war. They claim the RWW discourse depends for a large part on the notion of ‘strategicness’, meaning that wartime sexual violence is supposedly executed as part of a (military) strategy to further political, ideological or religious means for instance. Baaz & Stern argue there is not enough ground to claim

¹Julian Borger, "US Threatens To Veto UN Resolution On Rape As Weapon Of War, Officials Say", The Guardian, Last modified 2019, <https://www.theguardian.com/world/2019/apr/22/us-un-resolution-rape-weapon-of-war-veto>.

² Maria Eriksson Baaz and Maria Stern, *Sexual Violence As A Weapon Of War?* (London: Zed Books, 2013).

wartime sexual violence really does occur in such a strategic manner, and the RWW discourse is therefore a flawed interpretation of wartime rape according to them.³

In order to better understand the appeal of this RWW framework, Baaz and Stern distinguish two narratives that support this framework, namely the so-called 'sexed' narrative and the 'gendered' narrative, which I will further explain later on. Both narratives offer a different yet related explanation of why rape can be understood as a weapon of war. In this paper I draw on the gendered narrative and aim to find out how this approach ties in with the conceptualization of wartime rape. Although Baaz & Stern are critical of the supposed generalisations that are made in order to frame rape as a weapon of war, they do not seem to consider the complexity of rape as a concept in itself. Therefore, I want to turn my attention to the concept of rape and analyse how it can best be defined before returning to the RWW discourse.

³ Baaz and Stern, *Sexual Violence As A Weapon Of War?*, at 109.

1. Three Theories of Rape

Most people seem to know what rape means at least to some extent, however, there is by no means a clear, universal definition of it. Although I do not aspire to find a definition of rape everyone can unanimously agree on in this paper, I deem it fundamental to get a better grasp of which factors are essential to form an understanding of rape that is both clear, practical and above all non-exclusionary. Hence, before delving into the question of whether or not rape can rightfully be considered a weapon of war, I would like to turn my attention to the concept of rape. Therefore, I critically analyse a number of significant conceptions and theories of rape that have been put forward by various scholars over the years.

A common conception is that rape is sex without consent. For example, in the UK the following definition of rape is legally endorsed: “A person (A) commits an offence [rape] if - he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis, B does not consent to the penetration, and A does not reasonably believe that B consents.”^{4 5}

On this account, what makes ‘the sexual act’ rape, is the lack of consent given to the penetration. Following this widespread view of rape, it is easy to conclude that rape is simply put sex without consent. However, some scholars have argued we should draw away from the emphasis on consent (or lack thereof) when defining rape, since it wrongly suggests that that ‘sex without consent’ is all there is to it. In reality rape is a much more complicated phenomenon and should be approached and defined whilst taking a number of factors including specific personal, political and cultural circumstances into account, rather than just consent or lack thereof. Some say, the focus on consent distracts from the serious wrongness of rape and its potential to cause longlasting physical and/or psychological trauma. Furthermore, unwanted sex can take on many forms, including ‘consenting’ to unwanted sex because refusing to engage in the sexual activity could lead to a worse outcome, such as physical abuse. In the following paragraphs I present three theories on rape that shift away from the emphasis on consent and suggest a different approach to understanding rape. The theories

⁴“Sexual Offences Act 2003”, Legislation.Gov.Uk, Last modified 2020, <http://www.legislation.gov.uk/ukpga/2003/42/part/1/crossheading/rape>.

⁵ One might note this legal definition does not include un-wanted sex executed by people without a penis; for example a woman ‘raping’ a man, or a woman being unwantingly penetrated with an object by another person. In the UK these two instances are currently recognised as sexual assault rather than rape, however these legal definitions vary from country to country, so in some places these instances might indeed also be considered rape.

do not specifically deal with rape in war, but I do not want to distinguish rape in war and what I call 'isolated rape' just yet, since the supposed difference or similarities between the two may serve the analysis further. With 'isolated rape' I mean all instances of rape that happen outside the context of war and are, presumably, not part of a wider strategy or political objective in the way that rape in war arguably tends to be. Later on I will connect to following theories to wartime sexual violence.

1.1 Burgess-Jackson

The first theory I want to put forward is Keith Burgess-Jackson's 'Theory of Rape'.⁶ In his effort to define the concept of rape, he claims that rape should first and foremost be understood as 'coerced sex'. The element of coercion here is key to the notion rape, opposing to the widely held view that (the lack of) consent is the main or only factor to be taken into account when determining rape. Burgess-Jackson furthermore distinguishes 'force' from 'coercion'; in the case of force the person being raped, the victim, is left no choice, whereas in the case of coercion, Burgess-Jackson's argument goes, the victim is coerced, either physically or psychologically, into 'choosing' rape, because the alternative is even worse, such as physical injury or murder. This coercion into 'choosing' rape could (legally) be interpreted as consent, especially in the case of a verbal agreement towards the unwanted sex. Therefore, according to Burgess-Jackson, this distinction and emphasis on coercion is essential to the theoretical and practical conception of rape, and more inclusive than any other account of rape as a concept. However, according to Burgess-Jackson's definition of coercion, one cannot inflict coercion onto someone who is no rational, self-interested agent, since they are incapable of judging a threat and acting in a self-sustaining manner and cannot express 'unwillingness' to their perpetrator. Thus, rather problematically, unconscious or certain severely mentally impaired people are excluded from being coerced and thus being raped on Burgess-Jackson's account.

1.2 Mackinnon

This clear weakness in Burgess-Jackson's theory begs for another, more inclusive view on rape. Catharine Mackinnon has a more radical approach, which draws on the systemic and institutional

⁶ Keith Burgess-Jackson, *A Most Detestable Crime* (New York: Oxford University Press, 1999): at 92-117.

gender inequality that prevails in society to this day.⁷ Although MacKinnon speaks from a Western point of view, it is safe to say sexism, misogyny and general gender inequality sadly apply to many cultures and societies today. Mackinnon first and foremost understands rape as a product of systematic gender inequality.⁸ She suggests the complete abandonment of the concept of consent or lack thereof when distinguishing rape from 'regular' sex. She claims consent is an inherently unequal concept deriving from unequal power relations between men and women respectively, and is therefore redundant in defining rape. "My point is, when a sexual interaction is equal, consent is not needed and does not occur because there is no transgression to be redeemed. Call it sex. And when a sexual incursion is not equal, no amount of consent makes it equal, hence redeems it from being violative. Call it sexual assault."⁹

I agree with MacKinnon insofar consent is not an exhaustive criterium for distinguishing unwanted sex or rape, however I do think in certain cases it can be an effective tool or indicator to recognise some instances of rape. Especially when it is understood that consent as a concept is not an equal agreement between equal parties, it can be applied as a basic starting point from which to further investigate cases of sexual assault or violence.

1.3 Archard

David Archard agrees with MacKinnon that defining rape merely as non-consensual sex is insufficient, he claims rape should primarily be understood as a 'serious wrong'. Non-consent is a part of that but should not dominate our conception of rape.¹⁰ Moreover, according to Archard we should not see rape as sex minus consent, because this suggests rape is on the same continuum as 'normal' sex (sex plus consent), which should be understood as an entirely separate act. In the case of rape, the 'sexual part' of it should always be understood as inseparable from the non-consent part, because the combination of sex and non-consent is what makes rape a wrongdoing, rather than sex with the absence of consent, as Archard explains in the following citation: "What is wrongful is sex-without-consent. The wrong is not measured as sex from which consent has been subtracted; the wrong of rape is the indivisible wrong of non-consensual sex." When compared to

⁷ Catharine MacKinnon, 'Rape Redefined', *Harvard Law & Policy Review* 10 (2016): 431-477.

⁸ MacKinnon, 'Rape Redefined', at 469.

⁹ *Ibid.*, at 476.

¹⁰ David Archard, 'The Wrong of Rape', *The Philosophical Quarterly* 57:228 (2007): at 374-393.

other wrongdoings this becomes even clearer; robbery is not understood as giving your belongings without consent, it is not giving at all, in the same sense that rape is not sex. Furthermore, Archard claims that it is mistaken to define the wrongdoing of rape by the value we attach to ‘regular’, consensual sex, as one would perhaps do in case of other wrongdoings. Because this implies that rape would not be as much of a wrongdoing to people who do not value sex in the conventional sense or consider sex less significant (i.e. asexuals, celibates, sex-workers). He argues for an account of the wrongdoing of rape that puts emphasis on the damage it does to one’s ‘core being’ and ‘sense of self’ (“the physical, emotional, psychological and intellectual space [the person] lives in”).¹¹ On this account rape is a complete disregard and disrespect of someone’s existence and is thus utterly diminishing and dehumanizing, which makes it a severe wrongdoing.

One could object though that the implication holds; that to some people their sexuality is not such a significant part of their ‘core being’ or ‘sense of self’, and therefore rape might still not be as much of a wrongdoing to some. However, the fact that some people value sex to a lesser extent does not actually challenge that sex is still very much ingrained in most societies and more generally in humanity. If anything, the fact that some value and experience sex less or differently, shows that sex is so present in our being that it is too part of our identity when we experience a lack of (desire for) it. This shows that rape deeply violates someone’s right to personal autonomy and denies their personhood, regardless of the victim’s individual relationship with their sexuality. Rape can therefore be considered a serious wrong.

¹¹ Archard, ‘The Wrong of Rape’, at 388.

2. Wartime Rape

Considering these three accounts on the concept of rape, I would like to gradually connect this to the context of warfare. If sexual violence including rape can be understood as a weapon of war, it would logically follow it has something in common with other weapons or tactics of war. Therefore, I will analyse some statements in which sexual violence is indeed presented as a tactic of war. Consider the following excerpts from a UN resolution, issued by the Security Council, on sexual violence in conflict situations:

“... sexual violence [...] as a tactic of war to humiliate, dominate, instil fear in, disperse and/or forcibly relocate civilian members of a community or ethnic group...” (Resolution 1820, 2008)¹²

“... sexual violence, when used or commissioned as a tactic of war in order to deliberately target civilians or as a part of a widespread or systematic attack against civilian populations, can significantly exacerbate situations of armed conflict and may impede the restoration of international peace and security...” (Resolution 1820, 2008)¹³

Following the first citation, a tactic of war can be interpreted as a means to a certain political, ideological or economical goal, which can be furthered through sexual violence/rape. Moving on to the second citation, the notion of ‘systematicness’, or what Baaz and Stern call ‘strategicness’, seems to be essential to understanding rape as a weapon of war. For it says something about the nature of the sexual violence, namely that it has a certain intentionality, rationality and objective to it, again furthering political/ideological aims. Thus far these descriptions are in line with Baaz’ and Stern’s interpretation of the dominant RWW discourse. However, Baaz and Stern argue there is not enough reason to claim wartime sexual violence really does occur according to a strategically planned attack, hence according to them it is problematic to claim wartime sexual violence can be understood as a weapon of war: “[...] in contrast to the dominant representation in the Weapon of War discourse, military institutions rarely function according to the celebrated ideals of discipline, hierarchy and control. Reflecting both the agency of soldiers themselves and the defining

¹² Resolution 1820 (2008), ‘United Nations Security Council Resolutions – United Nations Office Of The Special Representative Of The Secretary-General On Sexual Violence In Conflict’, Un.Org, Last modified 2020, <https://www.un.org/sexualviolenceinconflict/digital-library/resolutions/>.

¹³ Ibid.

uncertainties of warring, the efficient, rational military remains an ideal that has turned out to be difficult to attain in practice, particularly on the battlefield.”¹⁴ Considering Baaz and Stern’s words, it seems that on this account we cannot conclude other forms of wartime violence, that *are* classified as a weapon of war, are always perfectly executed according to a strategy either. Thus perhaps, the notion ‘strategicness’ is not an essential quality of a weapon of war. In other words, to what extent does the essence of a weapon of war really depend on strategy?

2.1 The Terror of Rape

I suggest there are grounds other than ‘strategicness’ on which to claim wartime sexual violence can be understood as a weapon of war. Returning to Archard’s account of the wrongness of rape, it seems clear how sexual violence and more specifically rape, is such a serious crime and can have severe, damaging effects on the victim.¹⁵ According to Archard, “[t]he seriousness of a harm is [...] measured in two dimensions: the number of interests it damages, and the extent of time over which it does so.” Following, “[i]f our sexuality is an interest which defines who and what each of us is, then it is at the very heart of our self-identity.¹⁶ In consequence, rape attacks and damages something crucial to our being and personhood.” On this account sexual violence could be considered a weapon of war on grounds of the harm it causes, arguably similar to the pain and terror caused by other weapons of war.

Furthermore, wartime sexual violence often does not only have damaging consequences for the victim, but also for their family and/or entire community. In the following paragraph I will present a brief historical overview of the symbolical and cultural role of rape and its impact on today’s position and understanding of sexual violence in society.

2.2 The symbolic and nationalist meaning of rape

Looking at rape from a historical perspective, it becomes clear our understanding and the symbolical meaning of it has changed overtime, hence it is worthwhile to consider how certain historical and cultural factors might shape our conception of rape. Moreover, the historical

¹⁴ Baaz and Stern, *Sexual Violence As A Weapon Of War?*, at 109-110.

¹⁵ Archard, ‘The Wrong of Rape’, at 388.

¹⁶ *Ibid.*, at 388.

perspective shows how the 'sexed narrative' is deeply rooted within society and continues to impact our perception of masculinity and femininity to this day. In this way it has laid the foundation of the gendered narrative we see in the RWW discourse. This significant historical foundation of the gendered narrative provides a solid ground for the argument that sexual violence, including wartime rape, cannot be understood separate from the clear gendered aspect to it.

Deriving from the idea that a woman is a man's property - i.e. a father's daughter or a husband's wife - rape used to be mainly perceived as the damaging of a woman's 'purity' and hence her value and desirability. Rape was not primarily perceived as a violation of the woman's bodily autonomy, but rather an offence that would 'spoil' the woman and hence ruin her marital potential.¹⁷ Consequently, women who committed premarital sex had already been 'spoiled', following rape could not negatively affect them anymore. Even though in many societies these perceptions of rape are legally outdated and marital rape is widely recognised as a serious criminal offence, in some cultures the idea of a girl's or women's purity and innocence before engaging in sex still prevails. On this account rape could thus be instrumentalised to effectively bring shame upon members of a particular, targeted community. Not only does it bring shame upon the female victims, but also - perhaps even more so - upon the men of the community who 'failed to protect their women', as also illustrated in the following citation: "[...] rape has been defined by the Geneva Convention as 'a crime against honour' rather than as a mode of torture. Here the 'honour' is that of the men and the community, rather than necessarily that of the women themselves."¹⁸ Here, Yuval-Davis illustrates how men are considered the political bodies of a community and thus the ones who either receive or lose respect, whereas the woman is considered apolitical and is not the primary subject of shame. Women are in this case rather the symbolic embodiment of the community or nation, and by means of sexual violence their bodies are used to communicate political 'messages'.

Furthermore, the act of forced/unwanted impregnation of women of a certain (minority) group holds significant symbolical value. Historically, rape and sexual violence have been utilized to mark territory and to symbolise the submission, defeat and/or even ethnical cleansing of a

¹⁷ "Feminist Perspectives On Rape (Stanford Encyclopedia Of Philosophy)", Plato.Stanford.Edu, Last modified 2017, <https://plato.stanford.edu/entries/feminism-rape/>.

¹⁸ Nira Yuval-Davis, *Gender & Nation* (London: SAGE Publications, 1997): at 110.

community or nation, for example through the forced impregnation of the women and girls of a targeted group.¹⁹ One explanation of why the domination of a nation or cultural group can be linked to the subordination and rape of their women, derives from the binary understanding in which women are perceived as the embodiment of nature and the private sphere, as opposed to men as the representative of culture and the public sphere.²⁰ Nature here represents nurturing, vulnerable, peaceful and conventionally ‘female’ qualities, whereas culture is associated with being intellectual, rational and superior to nature. The ‘sexed’ idea that culture (a male force) is supposed to conquer nature (the female force) is found in many cultures and may be one of the underlying contributors to distorted power dynamics between men and women.

Drawing on this idea of women as the ‘natural caregivers’ whom are confined to the private sphere, women can also be regarded as the creators of community, both literally and figuratively. This notion is clearly phrased by Yuval-Davis: “As the biological ‘producers’ of children/people, women are also, therefore, ‘bearers of the collective’ within these boundaries [of nations].”²¹ Following Yuval-Davis, it becomes clear how women, the so-called ‘bearers of the collective’ are an effective target in order to destroy a community’s basic structure. This reinforces the dominant RWW framework which leans on this supposed targeted and strategic nature of wartime sexual violence. However, regardless of tactics, in this brief historical overview I aim to have shown how women are simultaneously considered *apolitical* and *essential* to the reproduction and preservation of the collective. Therefore, sexual violence aimed at women in particular has serious and longlasting consequences for the collective as a whole, i.e. the targeted (minority) community or nation. Whether or not wartime sexual violence actually occurs according to these strategies, it is an extremely destructive offense to communities and can on that ground alone be considered a weapon of war.

Furthermore, this so-called ‘sexed narrative’ in which femininity and masculinity are positioned as two opposites divided by biological differences, has arguably enabled women to take on the

¹⁹ Baaz and Stern, *Sexual Violence As A Weapon Of War?*, at 48-49

²⁰ Yuval-Davis, Nira. *Gender and Nation*, at 1-25.

²¹ *Ibid.*, at 26.

role of victim and men to be the perpetrator or the protector of women.²² In that sense it is not surprising that women and girls are the first to be victimised in situations of conflict. This idea that hyper-masculine and -feminine performance increases during the ‘chaos of war’ is explored further in the following paragraph.

2.3 Lines of Force & Victim Interchangeability

Drawing on a specific example of sexual violence during the Rwanda genocide of 1994, put forward by MacKinnon, it becomes clear how situations of conflict, such as genocide, or warfare in general, can create inequality between ‘the targeted and the targeting group’. Through this process the opportunity is provided to exploit those with less power, in this case the targeted. This is illustrated by the following quotation.

“Calling what Rukundo [sexual assault convict] did opportunistic, not genocidal, ignores that the genocide created the opportunity. But for fleeing for her life from genocidal murder, from all that appears, CCH [victim, a young woman Tutsi refugee] would never have approached this pastor for refuge or followed him into the seminary room. Nor is it persuasive to say that the sexual assault was not genocidal because he was merely abusing her helplessness and desperation. She was desperate and helpless because she was Tutsi fleeing murder in a genocide against people like her. If the contextual factors that situated the relevant collectivities are properly applied to the individuals involved, this sexual assault is not merely interpersonal; its dynamics follow and depend upon the lines of force of the genocide.”²³

This excerpt shows how any instance of sexual violence during conflict is arguably made possible through the context of conflict, which according to MacKinnon would make these instances *forced* and hence can be classified as rape.²⁴ These so-called ‘lines of force’ created through the chaos of conflict, provide an ideal environment for sexual violence to occur in. Moreover, the sexual violence only further enhances the context of chaos, fear, desperation and force. Thus, not only is sexual violence *caused* by the dynamics of war, it also *perpetuates* these dynamics, which arguably makes sexual violence into a significant instrument of warfare.

²² Maria Stern and Marysia Zalewski, ‘Feminist fatigue(s): reflections on feminism and familiar fables of militarisation’, *Review of International Studies* 35 (2009): at 611-630, at 623.

²³ MacKinnon, ‘Rape Redefined’, at 472.

²⁴Ibid., at 473.

Although, existing power dynamics - for instance between men and women - can exacerbate during conflict and new power dynamics can arise, these ‘lines of force’ do not only exist in the context of warfare. MacKinnon considers these unequal power relations, which in the case of sexual violence is oftentimes gender based, to be essential to the general definition of rape. In line with Archard’s view that rape should not be considered sex, MacKinnon suggests a new definition of sexual assault, including rape, in which the context of the act defines the inherent wrong and forcefulness of it. Hence there is no need to focus on consent to prove the wrong of rape:

“[...] the transnational definitions of sexual assault that take inequality into account can be combined to redefine rape domestically as: *a physical invasion of a sexual nature under circumstances of threat or use of force, fraud, coercion, abduction, or of the abuse of power, trust, or a position of dependency or vulnerability*. The definition includes but is not limited to penetration. Psychological, economic, and other hierarchical forms of force—including age, mental and physical disability, and other inequalities, including sex, gender, race, class, and caste when deployed as forms of force or coercion in the sexual setting, that is, when used to compel sex in a specific interaction—would have to be expressly recognized as coercive.”²⁵

A definition of rape such as this one, that takes the context of inequality into account, simultaneously exposes the collective aspect of sexual violence. Especially in a context of conflict this is noteworthy, because when the element of inequality is considered it can be shown that instances of wartime sexual violence are not just incidental, isolated and/or interpersonal crimes, but rather both products and instruments of warfare. As opposed to rape outside the context of war, which according to statistics is mostly interpersonal, committed by a person known to the victim or within a relationship, wartime rape is more likely random.²⁶ Meaning, that ‘any woman or member of the targeted community’ could have been the victim of wartime rape. This notion reinforces the notion that wartime rape is not isolated, or aimed at attacking specific individuals necessarily, but rather aiming at a particular group. This factor of ‘victim interchangeability’, is a useful measure for wartime rape, showing it is the context of warfare making these rapes possible and distinguishing it from isolated rape.²⁷ The victim interchangeability factor could arguably

²⁵ MacKinnon, ‘Rape Redefined’, at 474.

²⁶ "Feminist Perspectives On Rape (Stanford Encyclopedia Of Philosophy)", Plato.Stanford.Edu, Last modified 2017, <https://plato.stanford.edu/entries/feminism-rape/>.

²⁷ Brian Levin and Steven Weisburd, ‘On the Basis of Sex: Recognizing Gender-based Bias Crimes’, *Stanford Law and Policy Review* 21 (1994).

function as a defining characteristic of rape as a weapon of war, making it more feasible to show how rape is a product of war dynamics.

3. Understanding Rape as a Weapon of War

Baaz and Stern conclude that using the RWW framework to explain wartime rape is too simplistic and generalising and the discourse is blindsided by the promise of redemption.²⁸ As opposed to the ‘sexed narrative’, the ‘gendered narrative’ on which the dominant RWW discourse supposedly depends, shows that we are not confined to these natural, biological urges, and that sexual violence is merely a product of our culturally constructed perception of masculinity and femininity. This gendered interpretation of wartime sexual violence allows for the possibility of improvement in a way the ‘sexed narrative’ does not. Moreover, Baaz and Stern claim the RWW discourse relies too heavily on the notion of ‘strategicness’.²⁹ They argue, there are not enough grounds to say wartime sexual violence really does occur according to a strategy. Without the strategy, wartime rape cannot really be considered a weapon, according to them.

I would like to remark that this conceptual analysis of rape has offered a variety of grounds for the argument that rape can be considered a weapon of war, regardless of ‘strategicness’. When rape as a concept is analysed, it becomes clear how the gendered aspect of sexual violence has deep roots, hence it cannot be understood outside the notion of gender. Therefore, wartime rape cannot be understood without acknowledging the dynamics of gender inequality either.

Following MacKinnon’s statement; “[t]he definition of sexual assault should begin with taking advantage of circumstances of inequality.”, any instance of wartime sexual violence can be considered unequal and thus *forced* because of the very nature of conflict. Wartime sexual assault cannot be understood separate from the context of war, because it is war that generated these so-called circumstances of inequality. Additionally, wartime sexual violence is not only the *product* of these circumstances, it also *reproduces* these unequal power dynamics between the targeting group and the targeted. Or in other words, it reproduces the dynamics between those within power and those without, i.e soldiers and civilians, men and women. Through these dynamics, the chaos and terror is fed, enabling the sexual violence to continue. This ‘cycle’ of chaos leading to sexual violence and vice versa, arguably makes sexual violence an integral part of warfare. Or one might say, a weapon of war.

²⁸ Baaz and Stern, *Sexual Violence As A Weapon Of War?*, at 109.

²⁹ *Ibid.*, at 107-114.

3.1 Concluding Remarks

This paper has discussed a of theories of rape, connected them to the context of war, and ultimately applied these theories to the RWW framework. As I have hopefully shown, a revision of our basic understanding of the concept of rape, offers a variety of reasons to consider rape as a weapon of war. First and foremost, I suggest rape should always be understood as a serious wrong. As Archard has shown, rape can severely harm and traumatise its victims, both physically and psychologically. Moreover, it can destroy the basic structure of entire families, communities and nations. Through our historically and culturally embedded understanding of masculinity and femininity, circumstances of inequality are created and exacerbated in the context of warfare. Following the sexed narrative, women are positioned as the ‘bearers of the collective’, making the sexual violence against women especially destructive, for communities. Regardless of whether or not wartime sexual violence is systematic and/or strategic, I think the severity of sexual violence, in it self could be enough for wartime rape to be understood as a weapon of war. In this paper I have deliberately stayed away from graphic examples of specific cases of wartime rape, because I deem it unnecessary to select the most extreme, violent, terrible sexual assault example in order to make my case. The point of this paper is not to prove rape is wrong, but to show that because of it wrongness, it can be understood as a weapon of war. Moreover, I want sexual violence to be understood as the *product* and an *instrument* of systemic gender inequality, both in- and outside of the context of war. Understanding rape in political terms means understanding it as an integral part of gender inequality in society, rather than a series of isolated instances. Sexual violence actively induces fear in society, especially in a conflict situation, which makes it not only a grave wrongdoing, but a crime that reinforces the system of gender inequality. To acknowledge rape and sexual violence as a weapon of war is therefore not only a way to ensure justice and retaliation for victims, but also paves the way for a more sustainable, solution for systematic gender inequality and wartime sexual violence.

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