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► **To cite this version:**

Albert Doja. How to think about the instrumental politics of mass rape: A critical appraisal of feminist approaches. *International Journal of Human Rights*, 2025, 29 (1), pp.68-103. <10.1080/13642987.2024.2377753>. <halshs-04659264>

**HAL Id: halshs-04659264**

**<https://shs.hal.science/halshs-04659264v1>**

Submitted on 15 Jan 2025

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# How to think about the instrumental politics of mass rape: a critical appraisal of feminist approaches

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## ABSTRACT

Mass rape and other forms of sexual violence in ethnic conflict, as their incidence in Bosnian and Kosovo wars in former Yugoslavia showed in the 1990s, cannot be relativised along some strategy of either 'victimization' or 'everyone is guilty' within an antiquated framework of ethnic-religious hatred. In this case as in others, the local notions of honour and blood cannot be taken uncritically to be binding cultural traits that ought to determine social behaviour. Incidentally, they cannot either account for a structured ideology of 'men's war against women', or for a postmodern feminist ideology of gender and the moral panic of a 'patriarchal dream-order' restored. In this article, I offer a critical appraisal of the stereotyped and relativising accounts of feminist and human rights scholars, a critique very much needed for an anthropological approach attentive to cultural ideology and activism. To understand the effectiveness of mass rape in a military strategy of ethnic cleansing, I suggest local cultural concepts and moral relativist ideas are not culturally given, but instrumental resources deliberately mobilised.

## ARTICLE HISTORY

Received 23 November 2021  
Accepted 1 July 2024

## KEYWORDS

Sexual violence; wartime rape; ethnic cleansing; former Yugoslavia; Bosnia; Kosovo

## Introduction

A large research agenda focus on why combatants deliberately seek to harm civilians in a variety of ways, whether through massacres, forced movement of populations, torture, terrorist attacks, indiscriminate bombing and shelling, and so on.<sup>1</sup> These works are important for the scholarly understanding of conflict in order to devise interventions that could minimise human suffering during conflict and to provide social responses and transitional justice in the aftermath of violence. As an important part of this movement, research on conflict-related sexual violence has identified the historical, strategic, organisational, political, ideological, and cultural factors that drive rape and other forms of sexual abuse during wartime.

This article draws on a normative definition that includes 'rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity'.<sup>2</sup> Rape and forced perpetration of sexual violence

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are severe crimes, which are examined here as a form of instrumental politics of war and genocide in ethnic conflict. Conflict-related rape and gender-based violence are a critical issue of human security and a threat to post-conflict reconstitution and prosperity. These effects may not explain why rape occurs in ethnic conflicts, why mass rape becomes an effective weapon of the military strategy of ethnic cleansing, and why sexual violence is reaching a 'new juncture' typified by catastrophic new trends of extremist groups using it as a tactic of terror.<sup>3</sup>

We know little about what can be done to prevent this violence, probably because many explanations fail to take into account the social construction of group interests, security priorities, and perceptions of right and wrong through social interaction and strategic framing of particular narratives. Mass rape is critical both to women's existence and to their identity as women and their identity as members of an ethnic-national community. They are easily turned into security issues, merely by means of speech acts in terms of analytical philosophy, which are argued to create threats rather than respond to them, albeit calling for real security measures and actions.<sup>4</sup> Yet, some of the explanations neglect to theorise mass rape, at the same time, both as a salient marker and as a securitisation issue of gender, ethnicity, and nation-state categories.<sup>5</sup> In particular, they virtually dismiss the structural dimensions of instrumental rape that might bring forth rather more productively a concern with public culture, political agency and cultural ideology.

Feminist and other accounts on wartime rape have problematised existing premises and established truths by asking alternative questions and offering different conceptions. They have contributed to the theorisation of wartime rape, posing critical challenges to dominant discourses and the paradigmatic, one-dimensional narratives that are constructed around the universal rather than diversity of lived victim experiences. They have recognised and deconstructed representational power, gender binaries, fixed subjectivities, victim hierarchies, and the implicit links between gender, sexuality, and violence.

Although not uncontroversial, feminist theory and writing, including specifically the range of feminist works and critiques on conflict rape and violence are a deep, varied and dynamic literature that cannot be taken as a block of unified formation. Controversies among feminists are not merely divergences of opinion but are connected to different variations of feminism, arising from different histories, geographies, and geopolitics. On that account, I limit the scope of my enquiries to some contributions and theoretical critiques of mass rape during the Bosnian War (1992-1995) and the Kosovo War (1997-1999) in former Yugoslavia. This limitation cannot give a justification or clear-cut answers for other types of women rape that took place in other conflicts and other contexts, neither for other rape paradigms that include other types of gender-based victims. In addition, my line of inquiries may not be representative of all feminist approaches to wartime rape and ethnic conflict-related sexual and gender-based violence. In turn, they may show occasionally that even feminist and critical literature in this area may still rely on and reproduce essentialist stereotypes and misconceptions of the structural and cultural conditions of violence.

In the following sections, I explore a number of intellectual interpretations of the strategy of mass rape in former Yugoslavia and beyond across several disciplines, taking issue with feminist activism, nationalist propaganda, media sensationalism, procedural legalism, security dilemmas, and conventional misogyny. To further scrutinise and challenge

the predicament of feminist worldviews and agendas, in the next sections I argue about the feminist and legalist reproduction of patriarchy, the culturalist reproduction of traditionalism, and other essentialist representations that rely on gender and cultural ideology, organisational structure, and political economy of gender inequalities, which they inadvertently support while reproducing them anew. As an alternative approach, I emphasise the conceptualisation of the cultural notions of family honour and blood purity, not as culturally given, but as instrumental rhetoric resources of a cultural activism and cultural ideology that turn them into social facts.

## Mass rape in former Yugoslavia and beyond

To begin with, it should be no surprise that the rape is an old phenomenon, always being part of warfare and genocide, and running riot irrespective of nationality or geographic location. Rape and sexual assault in war occurred both in ancient and in modern times. They escalated from the simplest level of toleration, as in the case of French women raped by invading German soldiers in the First World War, to encouragement and sanction, as in the case of Berlin women raped by Soviet forces in 1945, or US 'double veterans' who raped and murdered enemy women during the Vietnam War.<sup>6</sup> Rape might have been institutionalised as in the case of the so-called 'comfort women' coerced into forced prostitution by the Japanese military during the Second World War.<sup>7</sup> It was instrumentalized in a tactic serving strategic war aims of ethnic cleansing and genocide used to destroy and defeat another group by bringing blame, stigmatisation, marginalisation and ostracism to victims and survivors as in former Yugoslavia and in Rwanda,<sup>8</sup> or it is motivated by the ideology of extremist Islamist armed groups against other specific social and ethnic-religious groups.<sup>9</sup>

This evidence laid important conceptual foundations for different ways to understand sexual violence as a part of gender analysis,<sup>10</sup> which emphasised why women in general were targeted and why specific groups of women were selected.<sup>11</sup> Some scholars viewed sexual violence as a natural and unavoidable side effect of war due to male sexual urges,<sup>12</sup> while others considered rape as a form of symbolic social and political meanings,<sup>13</sup> a central element of the politics of identity,<sup>14</sup> and specifically as a violation of family honour.<sup>15</sup> Recent literature, new data sources, and reports of rape in ongoing conflicts in Africa, the Middle East, and elsewhere have documented substantial variation in sexual violence across times, locations, conflicts, identities of perpetrators and targeted victims in times of war, ethnic conflict, and their aftermath.

Building on renewed attention and observed variation, scholars developed and tested a wealth of theoretical and empirical approaches to analysing causes, dynamics, and consequences of conflict-related sexual violence.<sup>16</sup> There are also attempts to expand the gender conception of conflict-related sexual violence to include male victims, women rapists, transgender women, and people outside the binary.<sup>17</sup> Recent approaches tend in particular to prioritise the political economy of gender inequalities and to consider any other form of gender-based violence more generally.<sup>18</sup> Notwithstanding the fact that there may be multiple contributing factors leading to rape during conflict, a broader concept of gender-based violence is claimed to include either physical, sexual, and emotional threats, acts, coercion, or any other means of depriving someone from liberty.<sup>19</sup>

While many of these paradigms must remain outside the scope of this article, the massive occurrence of the phenomenon and the ineffectiveness of its prevention in international arrangements arises the question as to which purpose and which function rapes do have in wars. Cases of systematic use of rape and sexual violence are multifarious and the explanations offered are manifold. The issue has received much-needed attention from scholars across multiple disciplines in recent decades. A good deal of studies examining the causes of wartime sexual violence are grounded in empirical research and most scholars are consumed with comparing indicators and patterns of rape that vary widely in scope, scale, purpose, pre-existing levels of gender inequality, and form between and within conflicts.<sup>20</sup> Some of them employ much ingenuity to build multifactorial models providing cohesive and integrative analyses of individual, sociocultural, and situational variables,<sup>21</sup> or they test statistically a host of explanations for the variation of wartime rape by using the best proxies available in various data sets.<sup>22</sup> While the rapid expansion of both quantitative and qualitative studies of sexual violence has raised concerns about data bias and the limitations resulting from underreporting and stigma,<sup>23</sup> among dominant patterns of causal attributions and representations, several layers of causation may be noted. It is not just that sexuality and violence may be manifest together in troubled times, but that the mass rape and sexual assault appear standardised in certain ways.

The escalation of mass rape in recent conflicts has increased public awareness of the gendered dimension of ethnic conflicts and wars, calling attention to sexual violence against women as instrumental rather than a mere by-product of armed conflict. The instrumental understanding of rape has been a key feature of some feminist approaches and has found support in feminist exploration of the gendered ideologies and effects of women's bodies and sexuality, which play pivotal roles as territories, markers, and reproducers of narratives of culture, identity, and nationalism.<sup>24</sup> In particular, when war broke out in former Yugoslavia in the early 1990s, rape became an important topic that deserved close scholarly attention, especially with reference to those aspects of gender and sexuality that are related to ethnicity and identity politics. While men from all ethnic groups committed rape, Serbian military and paramilitary forces perpetrated rape and sexual violence against Bosnian and Kosovo women,<sup>25</sup> which have been described as 'especially alarming'.<sup>26</sup> Many of the patterns of violence directed at civilians appeared to confirm feminist analyses of the vulnerability of women in ethnic-nationalist conflicts. Gender-targeted violence against women once again brought rape in wartime to the attention of the world. Since then, many consider that rape is more common in certain types of conflict, namely ethnic conflict, genocide, and secessionist movement, where it correlates with other forms of violence.

An important factor contributing to public awareness of the magnitude of rape and sexual atrocities during the ethnic conflicts in former Yugoslavia has been the increased activism of journalists, aid workers, feminist scholars, women's advocacy groups and local movements in connection with the international mobilisation on behalf of the Bosnian and Kosovo victims and survivors of sexual violence.<sup>27</sup> Major newspapers and media from many countries and a high number of organisations have collected data and written up reports, commentaries and accounts that have given rise to an enormous though widely divergent literature on wartime rape, published in print or posted on their websites, both in Western countries and in former Yugoslavia. Among leading feminist analyses, an edited collection included a range of feminist voices, along with numerous

other journal articles, symposia and books.<sup>28</sup> They came to focus on rape as a weapon of war, an instrument of genocide, an engine of war, a war tactic, and so on. These expressions reflect a conception of sexual violence as having a systematic, pervasive, deliberate, or officially orchestrated function in furthering militaristic, masculinist and/or nationalist goals such as the destruction of a community.<sup>29</sup> All emphasise that rapes 'are not random acts, but appear to be carried out as deliberate policy'.<sup>30</sup> In such contexts, rape is a political event, located within militaristic or nationalist agendas and requiring substantive analysis and action.

In most militarised conflicts, rape serves as a strategy to intimidate, degrade, humiliate, punish, and torture, aimed as a retribution to undermine and emasculate the enemy. In some cases, rape is a prelude to death. In other cases, rape may be a tactic of secessionist groups intended to signify the end of inter-group relationships, or it may be part of a larger campaign of ethnic cleansing or annihilation, aimed to deactivate communities and force civilians to abandon territory, in order to assert ethnic and political dominance.<sup>31</sup> In most cases, rape often involves compulsory performances of the perpetrator as well as the victim who must enact public rituals of degradation before significant others.

In the emergence of the global campaign on violence against women, the issue of rape in the Yugoslavian wars, framed as an attack and a method of ethnic cleansing against the individual and the collectivity, emerged as a condensation symbol, capable of evoking deep emotions and provoking suitable responses.<sup>32</sup> Feminist arguments for the recognition of rape as a weapon of war gained legal traction and ultimately became crucial in the establishment of the International Criminal Tribunals for the former Yugoslavia and Rwanda, which were prompted to deal openly with these abuses.<sup>33</sup> The workings of the ad-hoc International Tribunal owed much to the activism and effort of feminists who had a substantial impact on its determinations that rape is a war crime and more specifically can constitute a crime against humanity.<sup>34</sup> This legal recognition led to a greater political visibility of the practice of systematic rape, and during the early 1990s, feminist scholars and activists discussed at great lengths the appeal to prosecute rape as an instrument of ethnic cleansing and a crime of genocide.<sup>35</sup>

In both Rwanda and former Yugoslavia, the International Tribunal was the first institution to convict for using rape as a weapon of war and to recognise that systematic rape and sexual enslavement in time of war was a crime against humanity and an instrument of genocide.<sup>36</sup> The Tribunal decision in *Akayesu* is often cited as the first leading decision to have convicted the accused for aiding and abetting rapes committed as acts of genocide in Rwanda.<sup>37</sup> Similarly, in *Kunarac*, the Tribunal found that individual acts of rape committed in former Yugoslavia against Bosnian women amounted to crimes against humanity and were part of a larger policy to terrorise Bosnian population, evict them from the area, and convert the region into a Serbian breeding ground.<sup>38</sup>

Due to the political action of local and worldwide women's groups and feminist activists, rape in war has become a world human rights issue during conflicts in former Yugoslavia. Many authors applaud the fact that the significance of rape has received considerable attention, which lead to the prosecution of genocidal rape, well justified for reasons of justice for individual victims. However, while many feminist scholars highlighted the instrumentalism of rape, after the establishment of the International Tribunal, they were divided on the implications of advocating for a recognition of rape as a gender crime versus rape as a crime of genocide.

Some feminists argued the mass rape in Bosnia was part of a genocide against non-Serbs, and the extreme nature of these rapes as genocide committed by Serbian military forces should be emphasised. They suggest the instrumental, strategic and tactical purpose of wartime rape and sexual violence are central to policy directives. In cases of ethnic cleansing and genocide, they are used as ethnic markers and may serve as an attack on women's cultural, ethnic, and national identity.<sup>39</sup>

In turn, a growing body of research on wartime sexual violence in the Middle East and other conflict contexts urged other feminists to caution against overplaying the exceptionalism of mass rape as a weapon of war and genocide. They may view sexual violence as a by-product of war and armed conflict, but its inevitable aspect of warfare is facilitated necessarily by economic, political and gendered conditions.<sup>40</sup> They rely on a transnational framework of commitment analysis, which is an anti-imperialist, anti-capitalist, and contextualised feminist project to expose the overlapping forms of women's subjugations and their intersectional experiences that are not homogenous but vary depending on hierarchical structures of class, age, ethnicity, social conditions, material constraints, and other power dynamics.<sup>41</sup> They address in particular the implications of disproportionality, spectacular description, sensationalism, fetishisation, and securitisation of wartime rape and sexual violence, which are claimed to obscure the complexity of the intersectional and international political economy of wars and ethnic conflicts.<sup>42</sup>

They argue about the narratives of rape as a weapon of war utilised overall in media and policy reports, which are blamed of providing a homogenised view of sexual violence under a security paradigm that leads to its securitisation and its fetishisation.<sup>43</sup> In particular, they accuse conventional narratives of wartime rape to marginalise other forms of sexual and gender-based violence, being detrimental to other types of suffering and victimhood, or to reproduce heteronormative understandings of victimisation, almost exclusively focusing on heterosexual women and obscuring the experiences of males and LGBTIQ victims.<sup>44</sup> They also argue, not without reason, that the attempt to protect women's human rights and to pressure international institutions to prosecute rape as a war crime serves a political narrative that has been manipulated primarily and pervasively by local factions and governments, politicians, nationalists, and journalists, but also by international media, international justice, and international politics.

### **Nationalist propaganda and media voyeurism**

One of the most disturbing aspects of war rape in former Yugoslavia is the special explosion of extensive media coverage surrounding the sensationalised reporting of systematic mass rape, sexual violence and other war atrocities. They often aimed at amplifying either the nationalist fervour of warring factions or return funding to both media industry and non-governmental organisations, rather than helping the traumatised women.<sup>45</sup> From the outset, while more Bosnians had been raped than Serbians, feminist claims insisted it was still the case that rapes have been carried out by all sides.<sup>46</sup> The problem is not that Bosnian and Albanian women were the only victims of rape, and the violence perpetrated against other women must not be minimised. However, there is ample evidence that in former Yugoslavia this type of crime was overwhelmingly committed by the Serbian forces and this was identified as a crime against humanity in the indictment of Serbs at the International Criminal Tribunal.

Most importantly, Serbian strategic use of rape representations for political purposes began in Kosovo, before the first shot was heard in former Yugoslavia, when Serbian victimisation and militancy found place in the symbolism of women's body. It paralleled the sexual and racial politics of colonialism, which promoted the racist and sexualised images of racialized rapists and their 'primitive' and 'uncontrollable' sexual urges.<sup>47</sup> In the end of 1980s, local Serbian activists in Kosovo and Belgrade-based nationalist intellectuals and clerics began to campaign against a growing Albanian majority in Kosovo, characterising Albanian high birth rates as a conspiracy of sexual aggression and alleging a genocidal plan to exterminate Serbs by using rape to inspire terror. Many of the claims that Albanians might have started the very war of rape were not backed by factual evidence but were built up as popular rumours believed amongst Serbs in Kosovo.<sup>48</sup> They were actually used later to detract international attention from the Serbian genocidal politics of mass rape in both Bosnian war and Kosovo war.

Despite the many visibilities of wartime sexual violence, some feminist scholars did not take account of the apparent paradox of heightened visibility in some contexts and relative invisibility in others. They may have overlooked the feminist concerns that violence against women in wartime remains largely invisible as a matter of political urgency and they discarded explanations by the selective mobilisation of rape narratives for nationalist propaganda. When feminist legal scholars argue for an alternative approach through a focus on 'what actually happens during rape situations', considering variances and exceptions at a 'level of detail with all the inconsistencies and complexities revealed', this cannot make it possible to imagine 'a situation where rape is not inevitable'.<sup>49</sup> In this situation, the sociological problem to be explained becomes the detailed experiences of violence, rather than violence and its instrumental links to gender and power, while wartime rape and sexual violence become relativised and ultimately wiped out.

Nationalist media reported mass rape on the evening news as a highly effective tool in the propaganda war, but there are indications that some women in Bosnia and Kosovo have also seen the international focus on rape as depriving women of personality and agency.<sup>50</sup> Women's groups and activists have very often discussed how documentation of the use of sexual violence in the wars in former Yugoslavia was also employed as propaganda even in the Western media to raise readership and viewing rates. The issue of sexual abuses against women was often manipulated for political advantage in order to spread war propaganda, to aggravate ethnic-national hatred, to manipulate Western populations according to the needs of daily politics. In particular, the Bosnian government used the issue of rapes to evoke Western sympathy and to make a plea for international military intervention.<sup>51</sup>

For multiple reasons, political and politicking, the excessive role of mass media and modern technology in the coverage process of ethnic war in former Yugoslavia, including the vagaries of the last episode in Kosovo, was for long widespread in almost all Western countries. Many worried about the rhetoric of war rape and the fact that some of the media coverage appeared to have taken on a life of its own, creating a kind of hysteria and voyeurism far from the experience of the individual victims.<sup>52</sup> Activists report that Western journalists barged in refugee camps offering some women substantial money to tell their story to the international press, or major news organisations sent faxes to interview women about the rape camps in former Yugoslavia. One fax received by the Zagreb Centre for Women War Victims entered into legend: 'Raped Bosnian

women, possibly pregnant and speaking English, were in great demand'.<sup>53</sup> Such apocryphal jokes and stories told by American journalists and scholars seem to confirm the horror of the voyeuristic gaze of the West.

More seriously, as I argued elsewhere,<sup>54</sup> some scholars lend themselves to this voyeurism with quite an intellectualistic cast. In their approach, they prefer the impulsive aspect and the aesthetic representation of rapes throughout the war in Bosnia, since 'in war or outside war the most significant fact is not the sociological reality of war as a field of cruelties' but 'the cruelty that becomes the highlight of aesthetic production' (sic!).<sup>55</sup> References to the aesthetic in the context of atrocity are uncomfortable and raise unavoidable questions about the ethics and the power dynamics of representation. It is hugely difficult to make sense of sensationalism in acts of representing trauma, at the risks of ideological appropriation and obfuscation with the potential for reifying and re-traumatizing victims. The sexual exploitation and victimisation of women in times of war is not simply difficult to grasp because of the complications of theorising rape in general, but may also rely on a professionally conditioned deformity that lends itself to media mechanism, intellectualism, and voyeurism.

In so doing, the mobilisation of the international community might have subjected raped women to a new form of humiliation by the media, to use an infamous phrase that otherwise intended to 'turn rape into pornography'.<sup>56</sup> While there is no evidence for the rumours about the existence of videotapes of rapes circulating on the international pornography market, Serbian gang rapes in Bosnian detention camps are identified as a 'brotherhood of guilt',<sup>57</sup> which involved a public performance to whip up a popular frenzy for the Serbian war effort. The existence of deliberately created rape camps is reported where Serbian forces perpetrated public rapes of women in front of their male relatives and numerous witnesses, villagers and neighbours.<sup>58</sup>

This kind of evidence is a notorious matter of dispute between activists and scholars, which is closely tied as a rule either to the uneven propaganda battles between Serbs, Croats, Bosnians and their nationalist governments and their media and intellectual extensions at home and abroad, or to different strands of feminist activism aiming to promote their own agendas.<sup>59</sup> It is quite possible that propagandists and demagogues have circulated with great delight some grotesquely exaggerated and made-up horror tales as empirical facts. Yet again, during the Kosovo war, thousands of Albanian women became victims of the same patterns of sexual violence as during the Bosnian War.<sup>60</sup> Virtually all of the sexual assaults documented in Kosovo were gang rapes, with the majority of the perpetrators being Serbian paramilitaries, but also including Serbian special police and Yugoslav army soldiers.<sup>61</sup> Like in Bosnia, Serbian soldiers are pictured gang raping an identified Albanian woman in Kosovo in the presence of her family members. In the plenary session held in the Kosovo Assembly on 16th May 2019 for voting Serbian genocide resolution, MP Flora Brovina showed to the media the shocking evidence found in the camera of a convicted Serbian soldier.<sup>62</sup>

Arguably, the alarming claim of 'postmodern genocide' remains that 'the world has never seen sex used this consciously, this cynically, this elaborately, this openly, this systematically with this degree of technology and psychological sophistication, as a means of destroying a whole people'.<sup>63</sup> This claim remains true in spite of the overall feminist commitment to women's rights and protection of all women as victims.

## Feminist legal and security dilemmas

A growing body of feminist scholarship on conflict-related sexual violence has examined post-conflict justice mechanisms such as war crimes tribunals, truth/reconciliation commissions, peace agreements and international legal instruments as spaces within which gender norms and identities are defined, enacted, and reiterated.<sup>64</sup> The post-conflict period is often heralded as a transformative time in which social and political relations can be reconstituted, but this literature has also mapped how gender identity and relations are often reiterated in conservative ways, particularly through the assessment of gender, sexualised harm, and rape as a sensational fact corresponding to legal procedural definitions.

Legal feminist analyses suggest that legal procedures do not allow witnesses to tell their own suffering in their own ways and in their own words. Instead, when women testify, their evidence tends to be constrained by the procedures of criminal tribunals and truth commissions, which are inherently limited by their focus on the condemnation of perpetrators, not the truth telling of victims. The trial process limits what women can speak or it re-interprets their evidence as tales of sexual violence and gender inequality.<sup>65</sup> The result is a series of blind spots in transitional justice both about women's experience of conflict and about the structural effects of inequality that hinge on large-scale violence. In particular, feminist legal scholars have critiqued the ways in which transitional justice institutions persistently elide victims with women and women with sexual violence. They overlook the intricate relationship between how harms are identified and the constitution of particular subject positions in post-conflict justice mechanisms that construct women as a particular type of victims.

The adoption of several UN Security Council resolutions throughout the 2000s have been envisioned as a promising provision of transitional justice for women survivors of war violence after the end of ethnic conflicts in former Yugoslavia. It was widely believed that such provisions might bring justice and equal treatment to all women who suffered sexual and gender-based violence during the wars, regardless of their ethnicity. However, proclaimed goals like the overall post-conflict societal reconstruction, with a special emphasis on sexual and gender-based violence, disarmament, and furthering peace and anti-militarist values, were overshadowed by the progressive gender mainstreaming of the security sector. The gradual increase of the number of women in military and police forces in an attempt to reduce conflict-related rape is shown to be an ineffective policy prescription and could not substantially address post-conflict reconstruction or reintegration of the survivors.<sup>66</sup> These resolutions are criticised for narrowly framing peace and security, for not adequately capturing the broader context of gender inequality, and for the securitisation of rape, resulting in a greater concern for the security of states rather than women.<sup>67</sup>

In addition, the adoption of national strategic documents and actions plans for the implementation of UNSCR 1325 on *Women Peace and Security* produced a new exclusionary politics that is in fact opposed to both reconstruction and reintegration.<sup>68</sup> Whether in Bosnia or in Kosovo, instead of offering post-war justice to survivors of sexual and gender-based violence, these legal instruments are strengthening dominant gender hierarchies and ethnic-national victimhood through legally nationalist and exclusive narratives.<sup>69</sup> The international interest and reaction to conflict-related sexual

violence moving from deliberate silence to concrete policy response is not triggered from a normative advocacy built on women's human rights.<sup>70</sup> It is tied to the strategic interests of nation-states and ethnonational groups in justifying their own military and media campaigns against adversaries who can be portrayed as barbaric due to their use of this weapon.

Women's domestic advocacy for justice on behalf of survivors of sexual violence continued throughout the Kosovo war, but was silenced in the aftermath of liberation from Serbian repression following NATO humanitarian intervention. The political leadership that emerged from the war promoted masculine ideas of valour and patriotism, which came to dominate public discourse and completely sidelined women's perspectives in the state-building process. Contrary to expectations, the UN administration that took over the government of Kosovo failed to act on women's rights and allowed the repetition of patterns of gender stereotyping. Not only international institutions neglected to deal with the sexual abuse and trafficking already observed in Bosnia, but they also caused to flourish it again in Kosovo by the presence of large NATO troop contingents.<sup>71</sup> By evading its responsibility and accountability for the exercise of power, the UNMIK administration shaped events on the ground more as an 'empire in denial' leading to further instability rather than promoting democracy and responsible governance.<sup>72</sup> The isolation and setbacks that survivors and their advocates faced in their search for justice after the Kosovo war reveal the inaction of UNMIK and the shortcomings of the International Tribunal, thus shaking the common assumption that the international establishment is consistent in adherence to human rights norms.

International courts and transitional justice institutions have recognised that gender and gender inequality produce certain kinds of gendered violence and victims during periods of extreme conflict.<sup>73</sup> Most commonly, this link between gender inequality and gender harm is reified in the kind of conclusions like rape in times of armed conflict is profoundly destructive to a community and a 'fate worse than death' for women of traditional societies. Naming and recognising gendered forms of harm, including sexual harm, can have an important performative dimension that signals international condemnation of violence against women, which has been an important feminist political and legal objective, seen as essential to a transitional reconstitution of social and political order.<sup>74</sup> However, all this may reinforce stereotypes about certain people's cultures and may perpetuate certain narratives about women's rapes, including the supposed erasure of gender from war narratives.<sup>75</sup> Many scholars in the field of conflict-related sexual violence have increasingly drawn attention and rightly critiqued the problematic gender binaries that position women exclusively as victims and men as perpetrators of wartime sexual violence.<sup>76</sup>

Feminist international security scholars have written extensively on the ideological importance of a valorised misogynistic masculinity. They emphasise the extent to which the maintenance of group cohesion and effectiveness involves instrumental mechanisms of misogynistic training and bonding practices that are rooted in the larger discursive context of armed organisations as sites of masculinisation through violence and gender-based violence.<sup>77</sup> Gang rape is often used as a socialisation mechanism or a rite of initiation to bond forcibly recruited fighters and improve the morale of perpetrators. Serbian factions during the ethnic wars in former Yugoslavia employed rape to ensure that fighters could not leave their units for fear of having to reconcile their actions.

Security scholars argue that in armed groups organisational factors take precedence over individual dynamics in driving violence against civilians.<sup>78</sup> In this argument, organisational pressures operate through a variety of mechanisms, including not only propensity to obey commands but also individual conformity to gendered norms and beliefs of the society. Because of the hierarchical structure and the social identity of armed groups, horizontal social interactions and organisational socialisation processes may transform those group norms and beliefs into hyper-masculinist and misogynist norms and preferences that promote collective sexual violence as an organisational cultural practice.<sup>79</sup>

In particular, the scant evidence that states are delegating the task of perpetrating sexual violence to militia groups, with states committing sexual violence as a complement rather than a substitute for violence perpetrated by militias, seems to prompt the organisational characteristics of armed groups to explain the wide variation in the level of perpetrated sexual violence.<sup>80</sup> In this argument, militia groups that rely on the abduction of fighters, measured by child recruitment, may have low internal social cohesion and may be significantly more likely to be associated with a higher reported prevalence of sexual violence, which serves to generate intragroup cohesion.<sup>81</sup> In addition, government-trained militias are reported to commit higher levels of sexual violence, which may be in part the result of diffusion, whereby states that use sexual violence disseminate this practice through interactions with the militias they train. Allegedly, this lends credence to views that sexual violence is not typically used as a weapon of war, but may be the result of toleration, opportunistic and nonstrategic factors rather than the result of ordered and strategic behaviour.<sup>82</sup>

The distinction between sexual violence as an instrumental strategy and as an opportunistic crime facilitated by a lack of command structure or norms against sexual violence may seem inconsequential, simply because both explanations may remain 'poorly operationalized' to account for the structural conditions of gender inequalities.<sup>83</sup> However, opportunistic agent dynamics of sexual violence informed further discussions of organisational characteristics and several studies that emphasised the role of oversight, discipline, and ongoing education as a prerequisite for restraint.<sup>84</sup> It is suggested that when armed groups engage in frequent rape, they often do so as a routinised 'practice' of the organisational 'culture' of armed groups rather than as a deliberate strategy of group politics.<sup>85</sup> Legal scholars often contend that although individuals in fact perpetrate crimes against humanity, these are not individual crimes because victims are targeted predominantly on the basis of their membership to a targeted group, and such offenses aggrieve not only the victims and their own communities but all human beings regardless of their community.<sup>86</sup> Yet, some feminist scholars still insist on recognising and encapsulating the inherent tension between structural and individual explanations for both the perpetration of sexual violence and the ensuing victimisation.<sup>87</sup>

### **Men's war against women**

Similar attempts to consider mass rape outside of an immediate outrage or ascription of chaos and pathology threatens to become independent of compelling human concerns. There is perhaps a welcome relief in referring men's sexual violence to something other than their choices, as is often the case with multifactorial analyses that relegate it in the first instance to individual personality determinants like child abuse, parental

violence, sexual promiscuity, and hostile masculinity. Thereafter, in a sociocultural context of interpersonal violence and patriarchal practice of masculine domination, these distal factors will initiate sexual preference for rape and imagined sexual aggression, which will finally become a reality when aggravated by proximal factors in a wartime situation of the organisational culture of militarism, group dichotomisation and ethnic-nationalist chauvinism.<sup>88</sup>

Biological and evolutionary theories represented rape as an act of pathological male lust or a consequence of natural sexual difference, not an act of political violence or the expression of historical discrimination and overpowering. By this means, it is hardly surprising that sexual aggression is worked out of masculine culture and psycho-physiological contingency to become a by-product of 'normal socialization' and sex-driven psychobiology,<sup>89</sup> or an evolutionary adaptation and a 'natural' history of rape as a biologically determined behaviour.<sup>90</sup> They characterise wartime rape as an uncontrollable part of the male sexual drive and portray men as possessing genetically wired instincts for sexual aggression that simply had to run its course in the chaotic environment of war. These approaches have historically downplayed and normalised rape as an unfortunate, yet natural, inevitable by-product of war.<sup>91</sup> They may claim some expedient attraction in clarifying why ordinary men can turn into rapists, but they typically ignore the gravity of rape as a wartime abuse. Eventually, they make unnecessary any policies aimed at preventing rape or punishing rapists.<sup>92</sup> These approaches are highly dubious and largely discredited, even though they may happen to be confirmed by asking the perpetrators or the victims or both.<sup>93</sup>

As a result, the ground for a major ahistorical confluence model of sexual aggression was prepared by both feminist and evolutionary sociobiological theories of rape.<sup>94</sup> From a classic feminist orientation, the pressure that builds and results in atrocities of sexual violence during war is the expression of either biological impulses or socialisation forces and a culturally rooted misogynistic masculinity that is lived out in times of crisis. Recent attempts in the fashion of intersectionality, despite claims to the contrary, still focus attention on the role of individual agency and culpability in the perpetration of such crimes or they exclusively blame structural gender inequality and a so-called 'rape culture' for the prevalence of rape.<sup>95</sup>

Biology-based theories are not particularly influential and are generally regarded as anti-feminist scholarship. Feminist scholars turned to anthropology and cross-cultural analysis to question the construction of rape as universal and define it as the signifier of universal domination of women.<sup>96</sup> They came to see rape as a preferred form of political violence against women, and *mutatis mutandis*, as an extension of normative heterosexual sexuality. From the start, they characterised it as 'a conscious process of intimidation by which all men keep all women in a state of fear'.<sup>97</sup> They draw attention to hostility toward women in some instances of wartime rape as demonstrated by quasi-ritualistic atrocities in Bosnia, where sometimes women's breasts were cut off, pregnant bellies were ripped open, and genitals were torn apart with military tools after the rape.<sup>98</sup> They argue that the 'terror warfare' of collective sexual violence is only the frankest expression of the politics of gender aimed at the depersonalisation of women.<sup>99</sup> Men may fight on different sides and for different reasons, but in one sense they are all warriors on behalf of their gender and the enemy is woman.<sup>100</sup> This standard dichotomist view, which is identified largely with American feminist debates on the workings of

gender, sex, race and power,<sup>101</sup> is seen as a sufficient reason for the existence of the phenomenon and the development of rape ideologies that valorise misogynistic masculinity.

Despite their theorisation of rape extended to wartime and genocidal rape, some prominent western feminists virtually continued in the 1990s to locate rape in male/female relations.<sup>102</sup> They may even come to the conclusion that rape is not a sexual but an aggressive act or describe rape as a 'pseudo-sexual' or 'anti-sexual' act that has nothing to do with sexuality but is defined as a normal mode of exerting patriarchal power and sexual violence, typically as intentional and premeditated political violence directed against women. In line with older sex-drive theory approaches, rapes are considered a result of male sexual frustration in pre-industrial societies with strongly regulated sexuality. In this context, male sexuality is again established as an ahistorical constant, understood to follow the 'hydraulic reductionist' theory of a steam boiler or pressure cooker.<sup>103</sup> According to this transgressive argument, also advocated by some psychobiological anthropologists, the expression and realisation of uncontrollable male sexual propensities are usually checked by social sanctions but unleashed or promoted through the opportunities of war. Military rape would be 'the unchaining of a generally disallowed biological imperative of absolute desire and destruction following an increase in individual power over others'.<sup>104</sup> For radical feminists, men engaged in warfare, even if fighting on opposing sides, share an understanding of rape, prostitution, pornography and sexual killing as an excess of passion in peace or the spoils of victory in war.

### **The feminist predicament**

Feminist scholars preoccupied primarily with mass rape in the ethnic conflicts of former Yugoslavia remained in a double-bind predicament of gender essentialism and cultural essentialism that reified women both as victims of sexual violence and as victims of patriarchal oppression. Over the course of the 1990s, a consensus emerged among them as a joint representation of their own worldview, argument repertoire, and reform agenda. It was not, as one might expect, a liberal feminist view that could split the difference between conservative and leftist feminist ideologies. Instead, a new feminist organisational style and capacity evolved rapidly into a 'governance feminism', a term used to capture the complex ways in which the nongovernmental activism adopted by feminists aiming to advance specific social interests have induced non-state prescriptions for political engagement with law and new governance formations.<sup>105</sup> The manifest consensus and the coalitional style adopted by governance feminists yielded a pinnacle of neoliberal feminism and paradoxically a new and updated radical feminism, strongly committed to a dichotomist rule choices in the understanding of male domination and female subordination.

In their dichotomist approach, these feminist scholars and activists assume that a male/female distinction matters when in some domain of human affairs male is superior to female so as they could direct their efforts to carrying a brief on behalf of women.<sup>106</sup> More specifically, they think that women are a distinct human group suffering distinct harms and requiring distinct advocacy. Legal scholars have criticised their ambition to wield the sovereign neoliberal power of the international legal order to produce absolute results, which is not to warn and deter but to end impunity, by putting a supreme

emphasis on criminalisation, prosecution, and punishment.<sup>107</sup> Over the 1990s, feminists discovered ways of implementing a highly contested dichotomist view that rape was not merely a tool of belligerent forces but part of a global war against women. As neoliberal reforms of international legal organisations took shape, a new feminist universalist worldview was clarified, in which international law relating to armed conflict could be about women, ‘not as a particular group of humanity but a universe of their own’.<sup>108</sup> Such universal dichotomist vision, which is tagged mistakenly by legal critics with a gratuitous and awkward qualification of ‘structuralist feminism’,<sup>109</sup> made it possible to look simply at the eruption of ethnic-nationalist conflict in former Yugoslavia as a war against women. It involved a chilling indifference to any acknowledgement that men suffered and died in it, ultimately reproducing in reverse the blind-spotted moral vision that it contested.

The ideological importance of ahistorical approaches is to assume an essential and everlasting misogynistic character of conflict-related rape, which inadvertently reifies the organisational factors and the politics of gender in armed groups. Such approaches rest on an essentialist view of masculinity as fundamentally aggressive and of femininity as fundamentally sensitive. Although a wealth of current anthropological scholarship historicises shifting gender dynamics and their relationship to political violence,<sup>110</sup> they may often presume all men are inherently absolute aggressors limited only by social norms and all women are perfect victims to be protected by legal instruments. Again, while men are sometimes located as victims of war rapes and women as perpetrators, the tribunal record is often claimed to constrain the types of victims and forms of harm that constitute the victim as naturally gendered.<sup>111</sup> Ultimately, the focus on sexual violence ends up defining women exclusively by the violations to their bodies, thus perpetuating their domination. The complexity of violence is also stripped away by a ‘narrower gendered focus on gross violations of human rights’ when archetypal representations of the sexually abused ‘woman victim’ stand in as a conceptual shorthand for the complexity of large-scale violence and atrocity.<sup>112</sup>

A reframing of feminist critiques in these gender terms focused on women as exclusively passive victims of wartime sexual violence, flattened the complexity of women and men’s experiences of violence, and rendered some victim subjects visible at the expense of others. In these frames, men are agents and women are victims of sexual violence. Men may experience human rights abuse, but women experience sexual abuse. Other feminist critiques focus on problematising the subjugation of victims through universal, homogenous representations of suffering that serve to deny agency and autonomy, while noting that representations of women as victims tend to fixate a paradigmatic narrative of sexual violence that universalises women’s experiences. In the existing dominant discourses within certain activist and scholarly circles, women are represented as the authentic and ideal victim subject, perpetually and inevitably powerless, vulnerable, sexually constrained, tradition bound and incarcerated in the home.<sup>113</sup> The victim-subject is thus monolithic, one-dimensional, and ahistorical, denied any opportunity for self-representation, fixed to her identity as a victim, and in need of protection by men, the law, or the state.<sup>114</sup> As it is often argued, this representation obscures or ignores other narratives, concealing the role that women play as agentic, autonomous, and resilient civilians or combatants.<sup>115</sup>

More importantly, this representation further impacts on the ways in which essential categories of women are positioned as always raped or inherently likely to be raped, while

rape is depicted as almost a natural or inevitable gendered consequence of genocidal conflicts between polarised sides seen as essentially ethnic or nationalist. In the context of ethnic conflicts in former Yugoslavia, the representational power of the iconic woman victim integrated 'specific lived experiences, of specific women and men within specific political and cultural contexts, with supposedly universal meanings'.<sup>116</sup>

In particular, a number of scholars made assertions about the presumed conservative, patriarchal and incidentally Islamic nature of Bosnian community, concluding that Bosnian women raped during the wars would experience heightened social stigma. Inadvertently, they invoked both orientalist and ethnocentric interpretations as they reproduced a particular western narrative of Occidentalism regarding Bosnian women above all as Muslim women who are widely perceived as victims of their own condition and who 'need saving' from patriarchal oppression, whether in times of conflict or not.<sup>117</sup> Actually, in the 1990s, public opinions used to uncritically take up and reproduce this characterisation, which mistakenly conflated Bosnia in the former Yugoslavia with a Muslim ontology in the Middle East.

Southeast European studies had already focused more closely on a critical research framework to explore the reified conceptualisation of so-called Balkan social structures, customary norms, and religious values as a typical imagination of Southeast European cultures and societies.<sup>118</sup> Arguably, similar assumptions permeate feminist and mainstream representations of mass rape in former Yugoslavia, developed by women's groups, media and scholarship that combined feminism and the Balkanist variant of Orientalism. They might have triggered various approaches to explaining mass rape that may imply the perpetuation of harmful gendered and cultural logics and stereotypes.

### **Feminist and legalist reproduction of patriarchalism**

Standard feminist contributions to understanding sexual violence seek to identify social and structural causes or so-called risk factors for sexual violence perpetration. On the one hand, they claim it is crucial to understand rape perpetration within the social and structural context of the gender order as a 'historically constructed pattern of power relations between men and women and definitions of femininity and masculinity'.<sup>119</sup> On the other hand, they examine concepts of the biological categories of sex and the gender behaviours associated with those categories to argue that 'gender proves to be performative', that is, rather than defined by sex, it constitutes 'the identity it is purported to be'.<sup>120</sup> In the impenetrable academic style of Butler's iconic postmodern feminist ideology of 'gender trouble', this means that human bodies and persons do not exist in their own right, but come into being and become intelligible through performing accepted standards of gender intelligibility.

In her recent much more lucid book, asking 'who's afraid of gender', after critiques of 'the so-called facts of sex', Butler surged forward into disingenuous ideological provocations against 'anti-gender ideology' that is blamed to be driven by 'the restoration of a patriarchal dream-order',<sup>121</sup> circulating a fantasy that gender is a dangerous threat to families, local cultures, and civilisation. A patriarchal structure that regulates the behaviour of individuals is always assumed, while the reiterative and citational performance of gender is shaped by discourses that outline the recognisable norms by which a person becomes viable and qualify a body within the domain of gender intelligibility.

Queer feminists like Judith Butler and her followers, inspired by Foucault's work on biopower and biopolitics,<sup>122</sup> suggest that humans are not only vulnerable to violence through their natural bodies, but 'they also are vulnerable because they exist only in and through their constitution in a social and political world',<sup>123</sup> which is above all patriarchal. They argue that contemporary practices of wartime rape and conflict-related sexual violence are constituted with reference to both biopolitical and patriarchal discourses, which is why women that conform with accepted standards of gender intelligibility are treated as either bodies that must be eliminated or bodies that must be protected.<sup>124</sup>

The feminist objective is to show how discursive practices have the power to create particular forms of knowledge about mass rape and sexual violence in times of war, ethnic cleansing and genocide, which inform in turn biopolitical and patriarchal practices of violence. Although individuals may perpetrate rape and other forms of sexual violence, the expression or the performance of a normative hegemonic masculinity is encoded in a socially constructed binary system of gender and sexuality. Hegemonic masculinity and misogyny, patriarchal attitudes and beliefs about sex, sexuality and gender are essentially 'important environmental influences on men's likelihood of being sexually violent'.<sup>125</sup> In other words, mass rape and conflict-related sexual violence are culturally constituted and endorsed by patriarchal conventions and norms.

In so-called patriarchal cultures, men are socialised to despise women, often on an unconscious level, and rape in times of war offers them an opportunity to 'give vent to their contempt for women'.<sup>126</sup> After the significant critiques over the subsequent fifty years, this infamous thesis of a global war on women and rape as a conscious and universal process of intimidation of women by men may not be part of contemporary scholarly debates. It nevertheless remains a touchstone of feminist scholars that place emphasis on local and global contexts in which violence against women occurs.

By addressing institutional and structural forms of gender-based inequality and discrimination, feminists broaden what they mean by a political economy of violence and abuse. They highlight the shortcomings of the securitisation framework for its lack of understanding of the root causes of conflict-related sexual violence and for overlooking other forms of gender-based violence.<sup>127</sup> They argue a political economy approach demonstrates that violence against women and conflict-related sexual violence are not an inevitable aspect of masculinity or wartime, but are facilitated at the macro levels, and the particular contexts in which they are deployed must be unpacked.<sup>128</sup> They move beyond visible and direct acts of violence and coercion to focus on the linkages between economic, social, and political factors.

They often rely on the perspective of civil society activists to view conflict-related and strategic sexual violence predominantly as the result of patriarchal structures.<sup>129</sup> They claim existing gender inequalities are exploited and exacerbated during times of conflict, often through the use of conflict-related sexual and gender-based violence, which cannot be isolated to conflict zones, but exist on a continuum of violence in pre-conflict situations.<sup>130</sup> These are facilitated by a further 'breakdown in law and order, which is intimately related to society's hierarchy of gender, ethnicity, political and civil rights',<sup>131</sup> believed to facilitate a better understanding of how and why rape and sexual violence used during conflict.

Unsurprisingly, in the areas of war and ethnic conflict, feminist scholars of political economy approach focus extensively on the customary order of patriarchal norms and

values. They examine, for instance, how the use of early and forced marriage restricts women's access to education, or how the restrictions placed upon their mobility outside of the home impact their ability to access education and formal employment. They argue that a lack of access to education and employment must inform structural conflict-related sexual and gender-based violence, as women and men are disproportionately affected due to patriarchal understandings regarding the sexual division of labour.

They are similarly tempted to assume intuitively 'the context of a deeply patriarchal society', for even women's increased participation in public life, which must leave them vulnerable to abuse and exploitation, including many forms of conflict-related sexual and gender-based violence.<sup>132</sup> They suggest that as conflict and frustration levels intensified in former Yugoslavia or the Middle East, as elsewhere, incidents of sexual harassment, domestic and intimate partner violence, forced work, honour shaming and honour killing, coerced prostitution and survival sex have arisen due to assumed patriarchal understandings of gender roles, whether in the conflict areas or in the refugee host sites.<sup>133</sup> In an area where 'cultural models' of patriarchy are claimed to understand wartime rapes as part of the 'rules of war', fantasies of destruction unconsciously directed against women must have been encouraged and acted out.

Remarkably, even the International Tribunal, for instance in the *Krstic* trial process, 'confirmed' that Bosnian women lived in a traditional patriarchal society and their identity as Muslim rather than Bosnian become the dominant lens through which their experiences as victims of genocide were understood.<sup>134</sup> The exchanges between judges and witnesses are productive moments and knowledge practices through which new and different meanings about violence and the experiences of conflict are produced and reproduced.<sup>135</sup> From the start, the Prosecutor's questions served to define the constituent elements of patriarchy and then to establish the witness as a typical member of a community structured by patriarchy, often quite in contradiction with witness's own testimonies.

Of course, as the *Krstic* Transcript read (26 July 2000, 5744-5746), one of witnesses had 'four years of elementary school', because she 'didn't have the means, especially not for girls, rather boys were educated to a higher level if possible', while 'girls attended to the household and housework, they engaged in knitting and embroidering and farming'. However, she was married when she 'was going on to 23', as 'it was quite normal for girls to get married at that age, [although] some at a slightly earlier age'. Again, her 'role was to be a faithful housewife, to work hard, to take care of the household and its needs, to look after the children, to do the housework, and the farming and the land, everything that was necessary, to tend the livestock as well'. Again and again, her 'husband was head of the family and the household and everything', but they 'would consult together if necessary and take decisions'. If she 'were to suggest something, he wouldn't humiliate [her], [they] would decide together, albeit he was the number one'. Her 'husband earned the money and brought it home, and then together [they] would decide what [they] needed, what for, and how much, and [they] spent it like that'. Finally, the way in which their family was organised 'was very common' in their village.

The judge heard and made sense of both witnesses and experts by rephrasing their testimonies. In his own words, 'some of the other experts who spoke here mentioned to us that in this Islamic community, it's a patriarchal society, with all the effects of a patriarchal society' (*Krstic* Transcript, 27 July 2000, 5855-5856). Remarkably, expert witnesses

accept the rephrasing and even contextualise their response. 'It will be very interesting to see in what way the role of the women will change in these patriarchal, Islamic families, as this concerns the rural areas to a greater extent, because in towns women have their jobs, their professions, and they are able to live on their own' (*Krstic* Transcript, 27 July 2000, 5857).

The judge then ruled out authoritatively his own meaning on the evidence he encountered in the courtroom, where the supposed social fact of patriarchy came to cohere as a legal fact with legal consequences. In the process, the variable meanings and complexities of what is meant by patriarchy as lived and understood in Bosnian society,<sup>136</sup> including in witness testimonies, are stripped away, and patriarchy is asserted as a universal Bosnian experience without nuance or context. In this way, the International Tribunal emerged as another integral part of a larger system of knowledge production that filtered evidence and established official versions, not only about the past or about the social, political, and economic relations that structure violence and its effects.<sup>137</sup> It does also about the reified conceptualisation of traditionalist gender inequalities, ethnic divisions, and culturalist oddities like patriarchalism.

To ground these arguments, whether feminist accounts, expert reports, or tribunal rulings often mistake anthropological explanations, or else certain scholars trained in anthropology, who are too often going native, may themselves provide misleading interpretations of cultural and symbolic practices as given, out there, and binding across social contexts and political situations of peace, war and postwar times.<sup>138</sup> Without disputing the notion of Slavic and other Balkan family systems being patriarchal, I have argued elsewhere that the cultural myths and ideologies associated with patrilineality are conflated with the actual practices of patriarchy.<sup>139</sup> Many commentators too easily assume that the patriarchal language and discourses that symbolically support patrilineality result uniformly in outcomes and practices that they simply reify as patriarchal.<sup>140</sup>

The choice of rape and other forms of sexual violence is certainly gendered and is shaped by structural forms of sex and gender inequality, including patriarchy. Scholars have argued persuasively that rape can have a role in asserting militarised masculinities or in feminising and humiliating an ethnic, religious, or family group.<sup>141</sup> However, structural gender inequality is likely far too common across space and time to explain the incidence of conflict-related sexual violence.<sup>142</sup> At any rate, there is little support for the correlation between the level of conflict-related rape and the standard view of cultural institutions measured by putative patriarchal practices and existing gender inequalities.<sup>143</sup> This lack of correlation can mitigate the feminist critique regarding the tendency to elevate sexual violence as the worst possible harm,<sup>144</sup> which is claimed to reify patriarchal notions of women's sexual purity.<sup>145</sup> Actually, it is the tendency to assume cultural notions of patriarchy that may rather contribute to reifying women's subjugation in society.

### **Culturalist reproduction of traditionalism**

Another way of approaching the dimensions of mass rape and conflict-related sexual and gender-based violence during the sinisterly notorious ethnic conflicts in former Yugoslavia has been to explain them against a specific cultural background. Public media

narratives and representations had another Balkan variant, bringing a distorted image of Southeast European peoples as barbaric ‘tribal haters’ outside the realm of reason and civilisation. The implication was that violence and genocide are part of the local culture and therefore inevitable in the Balkans. Many commentators followed suit in an attempt to explain mass rape in terms of a supposed Balkan culture that encouraged a cult of manly heroism and violence,<sup>146</sup> a central theme of which became the exploration of the exotic forms of masculinist violence used in former Yugoslavia. Hence, the derisive comment prejudiced by feminist commitments that ‘Balkan men have proved eager to fight and die for their particular subdivision of Slavic ethnicity, which they further define by religious differences ... But Balkan women, whatever their ethnic and religious background, and in whatever fighting zone they happen to find themselves, have been thrust against their will into another identity: They are victims of rape in war’.<sup>147</sup>

Coupled with nationalist perspectives, the construction of a somehow uniquely Balkan image of Southeast European peoples also implied the reification of homogenous national groups into entities with radically different identities.<sup>148</sup> In particular, Serbian identity was set apart from the civilised world, seen as advocating vengeance and derived from ‘the blood-cloudy mists of extremist nationalist legends’ of which the most important element is ‘the Chetnik cult of the knife’.<sup>149</sup> The representation of rape as something to be expected during wartime will rely on the construction of a so-called Balkan tradition coming close to a construction of eternal ethnic hatred and brutality, since the Balkans have always had a repetitive history of violence.<sup>150</sup> Historical continuity firmly in place, the discovery of mass rape in Bosnia or in Kosovo will not seriously shake the foundation of this discourse.

In this context, various explanations used and mobilised specific local concepts such as blood ideology and family honour. They are supposed to support the existence of a tribal society, complex joint family structures known as *zadruga* in South Slavic areas,<sup>151</sup> customary laws known as *Kanun* in North Albanian area, patriarchal practices,<sup>152</sup> and other savage customs. In particular, local customary laws and family structures based on blood relations are particularly exemplary, regarded by many scholars and commentators as the very essence of Balkan spirit or character (*Volksgeist*), even though very different genres are represented in multifarious works reviewed in more detail elsewhere.<sup>153</sup> As a result, many Western commentators are easily willing to believe that Southeast European peoples still live strictly by archaic tribal laws, which is not only obscure but also unscrupulous.

The problem is that honour is reified as a moral system instead of being considered as a political resource of cultural ideology. In fact, whichever reference to blood mentality in relation to sexual violence in former Yugoslavia, or to post-communist turbulence in Albania, becomes fundamentally a pure rhetoric. As argued elsewhere, similar interpretations contributed to construct the Balkan image of Southeastern Europe in international representations with decisive implications in the global politics of regional affairs, including the advocating of the policy of non-intervention in Bosnia and the further containment of Western Balkans.<sup>154</sup> As a result, the insistence on international security contributed to install a fundamental political and ethical distance between the West and the so-called Balkan wars including cultural specific mass rape and conflict related sexual and gender-based violence.

After the postmodernist declaration of war against reification and essentialism and the ‘writing culture’ debate,<sup>155</sup> we became even less able to address that dimension of human

life on which anthropologists used to claim some expertise. What is at stake is that higher level of ideational system of organised knowledge, morality and belief, which anthropologists still label ‘culture’, and which is manifested in particular institutions, expressive symbols, and motivated representations. Any social behaviour takes place in terms of such ordered and normative cultural system of acquired, cognitive and symbolic meanings, established by convention, reproduced by traditional transmission, and largely shared by a specific social group.<sup>156</sup>

The very notion of culture is defined very often in many different and contradictory ways and it is necessarily specific to a given social entity, thus becoming a marker of difference between groups and a symbolic resource to confer identity on the group. However, it refers primarily to something that is universally shared, in the sense that all social groups are equally cultured, however differently, and that culturedness is a shared quality of all humans in groups. Based on cultural learning of symbols and codes of behaviour, it provides a higher all-embracing language and complex grammar of rules for action and thought that allow people to meaningfully define their world, structure their experience, interpret their perceptions, express their feelings, make judgments, formulate acts, and choose between alternatives.<sup>157</sup>

The postmodernist eagerness to deconstruct whatever entities are considered to be ‘out there’ and to highlight process and agency over structure and culture, as already pointed by scholars concerned with honour killings,<sup>158</sup> has contributed to making it intellectually and politically contentious to talk intelligently about differences that very tangibly affect people’s lives. Acknowledging the cultural dimensions of human acts and motives need not imply a simplistic understanding of culture that reduces all members of a community to social beings who ‘have a culture’ and are ‘culturally determined’ in their individual experiences, their subjectivity of suffering and their personal aspirations. In other words, they are not pre-programmed to react in the same manner always and everywhere.

In the case of mass rape perpetrated by Serbian military forces during the Bosnian and Kosovo wars in the 1990s, most scholars focused almost exclusively on culturalist discussions that make essential the traditionalist and survivalist concepts of honour and shame ideology and their folkloric discursive impact on sexual violence. They may even claim ‘the use of rape as a weapon of war comes directly out of southern European concepts of sexuality and honor’.<sup>159</sup> To account for the structural, historical and political conditions in which social behaviour takes place is not to accept the validity of rapes testimony about male dominance over women subordination and the lack of freedom experienced by many women or about the folkloric popularity of sexual jokes and songs that portray women as objects of men’s aims. This is to offer a blanket condemnation of victims because of their culture as a given determinant of their social behaviour. Similarly, in discovering the origin of war rape and particular motifs of sexual violence in local concepts of folklore and other culturalist elaborations, despite claims to the contrary, all too often these explanations excuse or may tolerate the strategic behaviour of perpetrators.

### **Political economy of gender ideology**

Reading the exposure of mass rape through the prisms of essential Balkan brutality and essential women’s victimisation made also possible to claim the moral relativism of

generalised guilt and the cultural relativism of generalised justification. The feminist insistence that women of all ethnic groups in former Yugoslavia were victims of rape perpetuated the perception and finally a position of 'everyone is guilty'. Actually, this paralleled many efforts of Serbian propaganda, still used quite commonly in approaching the ethnic conflicts of the 1990s in former Yugoslavia, and turned to be a moral obfuscation and the final fallback position of Serbian nationalism.

Some feminist had reproached Albanian women in Kosovo for having denounced only ethnically motivated violence,<sup>160</sup> but a Kosovo activist said they could not have done otherwise as 'they were experiencing a double violence against their men and against themselves'.<sup>161</sup> Again, among interviewed women a general concern was that the feminist issue of violence against women should not be stressed at the expense of the Serbian campaign of slaughter and genocide against the civilian population of Bosnia and Kosovo, male and female alike. Very often, 'they didn't want in any way to let the rape overshadow the real problem, which is the extermination and execution of thousands and thousands of men and women'.<sup>162</sup> A participant in a New York conference on Bosnia said that as a Bosnian woman she felt 'the international emphasis on rape was inappropriate, because all Bosnian women were victims: they lost their homes, their sons, their husbands, their jobs, their lives, and whether they had been sexually assaulted or not was not really the most important problem'.<sup>163</sup>

By contrast, the social complexity and local understandings that shaped individual experiences is claimed to be glossed over in an approach to rape as an instrument of ethnic cleansing and genocide.<sup>164</sup> This feminist insistence became another instance of the same moral relativism, which was nothing but an immoral relief of the genocidal politics of Serbian nationalism. Some of the feminists tended to subvert the political use of rape as an instrument of ethnic cleansing and genocide, claiming that the widespread, frequent existence of mass rapes that automatically equated to a straightforward calculated and effective strategy merely reflected a self-explanatory, circular reasoning.<sup>165</sup> They simply assumed that this kind of argument would make women as individuals cease to exist and would 'destroy the transnational solidarity of women who are less inclined than men to identify with the Nation' of their ethnic group.<sup>166</sup>

They also argue about media and policy reports that tend to focus either on rape at the expense of other forms of conflict-related sexual violence or on conflict-related sexual violence at the expense of other forms of gender-based violence.<sup>167</sup> They consider in particular that the narrative of refugees fleeing armed conflict due to a fear of widespread rape must hold sensationalist power and should be rejected, simply because it obscures their own unexceptional discovery of the complexities underlying people's decision to flee armed conflict as well as the hierarchies underlying domestic and everyday gender-based violence faced every day.<sup>168</sup> Other scholars are critical of what they see as a tendency to treat sexual violence as an exceptional, if not aberrant phenomenon in war, opposing the proposition that wartime sexual violence can be studied separately from more common peacetime violations.<sup>169</sup>

They suggest that rape as genocide might erase less exceptional forms of violence against women, such as reproductive violations and socioeconomic deprivations,<sup>170</sup> or they claim the priority given to some forms of wartime sexual violence has the effect of constructing victim hierarchies.<sup>171</sup> The established findings in the rapid growth of literature about variation of conflict-related sexual violence has important implications not

only for the continuum argument that the prewar status of women in society is predictive of wartime sexual violence.<sup>172</sup> The important fact of variation must have also facilitated the moral relativism of both generalised guilt and victim hierarchies, which allowed a convenient avoidance of the stubborn fact that innocents suffered and their suffering was inflicted upon them deliberately. An important implication of the same moral relativism can be suggested even in more nuanced understandings of the agent dynamics of sexual violence as organisational practice.<sup>173</sup> Even though the different modalities of sexual violence as opportunistic, practical, and strategic are not mutually exclusive, many scholars tend to relativise the high frequency of sexual violence and atrocities as not necessarily indicative of a strategic logic, which is nevertheless well established in the Bosnian and Kosovo conflicts.<sup>174</sup>

Human rights and legal scholars also found problematic the language of ethnic cleansing and genocide in former Yugoslavia and tried to play down the instrumental politics of mass rape. They simply believed that this assumption would dictate in the first place a devastating effect on the human rights of children born of rape.<sup>175</sup> Again, the human rights and legalist insistence to distinguish the short-term politics of forced impregnation from the long-term politics of community destruction may become inadvertently another attempt at the same moral relativism. What is more, for queer feminists like Judith Butler and her followers, the selective focus on heterosexual female victims of wartime rape in media reports and academic accounts would mean they are afforded public concern and attention simply because they perform recognisable standards of femaleness.<sup>176</sup> To paraphrase Bina Shah, a well-known Pakistani feminist writer and author of a widely followed blog, this ought to mean that once they realise that Butler has redefined womanhood, women will be safe and perfectly fine!<sup>177</sup>

In the last analysis, political economy feminists refuse to consider that rape has a political concern both when it is a gender-based crime against women and when it is a conflict-related sexual violence linked to genocide as a crime against the group to which women are assumed to belong. They put conflict-related sexual and gender-based violence in the same basket with the political economy of gender inequalities, the sexual division of labour, the neoliberal model of the distribution and use of resources, benefits, privileges, and authority.<sup>178</sup> Queer feminists also place gender ideology in the same basket as women's rights, legal abortion, reproductive justice, LGBTQI advocacy, protections of trans and queer people, and condemnations of sexual and gender violence.<sup>179</sup> In either case, they suggest that anyone who asserts the importance of biological sex or who does not take issue with the importance of political economy must be against protecting victims of conflict-related sexual and gender-based violence and must support emerging authoritarian regimes, fascist formations, and wrong feminisms.

When rape is addressed as a crime against humanity and genocide in ethnic conflict, this does not mean that it is not seen as a crime in its own right, neither does this reinforce the belief that the violation of a woman's body is secondary to the humiliation of the group, as feminist commitments claim.<sup>180</sup> Rape in whatever situations, sexual harassment, domestic and intimate partner violence, underage marriage, honour shaming, honour killing, and LGBTQI offensive discrimination are issues of gender-based violence to be addressed, condemned, and eradicated in their own right, whether in conflict areas or in refugee host sites as in non-conflict contexts. The same must be said about forced

work, coping economies, coerced prostitution, survival sex, or any physical, sexual, and emotional threats, acts, coercion, and any other means of deprivation in the neoliberal conditions of poverty and extreme poverty.

However, by rigidly locking men and women into biologically, culturally, discursively, or intelligibly determined roles, some of these approaches fail to address the role that power and ideology play in perpetuating sexual aggression. Whatever the political economy of gender inequalities and their social and political factors, implications, and consequences, everything seems more likely to depend on the social conditions of political interests and on the deliberate construction of gender and sexuality prevailing within a particular social group at a particular time and particular location.

In this area, it is important to distinguish between behavioural norms and rules of what most people *actually* do and say in practice, and which may be explored ethnographically, and ideal norms and rules for what people *ought* to do and how they *ought* to behave. The latter can be inferred as a driving force external to a sociocultural situation in a kind of what is called elsewhere 'cultural activism' for group survival. It may be thought, aptly in the case of family structures and fertility rates,<sup>181</sup> but also in a discussion of sexual violence,<sup>182</sup> as a kind of cultural or 'social viagra',<sup>183</sup> aimed to enforce accordingly either perpetuation or obliteration of the social system. As far as it promotes the active support of particular cultural values and practices to uphold the existing state of social affairs by means of vigorous ideas of cultural coherence, such activism may correspond to the traditionalist and survivalist principles of the World Values Survey cultural map.<sup>184</sup> However, the work of cultural ideology is never complete, and there is an unstable relation between cultural activism and actual cultural norms and practices, which depends on particular social and political conditions.

This instability provides the point of departure to challenge the use of local cultural concepts and moral relativist ideas of family honour and blood purity as culturally given. I rather conceptualise them as instrumental rhetoric resources of a cultural activism and cultural ideology that turn them deliberately into social facts. The main assumption is that mass rape is fuelled by such a specific cultural activism that activates deliberately cultural ideology as a boundary condition of instrumental agency that may reasonably account in former Yugoslavia for the political effectiveness of mass rape as a military strategy of ethnic cleansing. This approach can be argued to provide a more analytical framework to think about silence emerging as an important strategy of avoiding the social consequences of cultural activism, not a symbol of women's passivity and powerlessness, but indirect indication of women's agency to resist the traditionalist-survivalist frameworks of patriarchal ideology.<sup>185</sup> A similar conclusion is supported by recent research on survivors of conflict-related sexual violence seeking to counteract the destructive effects of stigma by contributing in the form of increased levels of civic engagement to social cohesion and community life.<sup>186</sup>

The unnecessarily patronising claims of political economy feminism, just as the description of cultural norms and practices, however resourceful, may hark back and end up essentializing them anew. They overlook a number of existing studies that now criticise and go beyond the poor frameworks that essentialize local cultural practices and international public representations of Balkan backwardness for explaining ethnified mass rape in specific wartime contexts, such as the Bosnian war and the Kosovo war in former Yugoslavia or anywhere else. They tend to forget arguments that are

more inclusive, such as those considering that gender relations and human rights cross-cut other social and political relations and that gender identities are constitutive elements of other identities. More generally, these interpretations overlook a wealth of both current anthropological scholarship and feminist normative criticism that historicise shifting gender dynamics and their relationship to political violence.

Anthropological feminist analyses of conflict-related sexual and gender-based violence, whether in former Yugoslavia or elsewhere, are deeply sensitive to the ways in which both historical context and cultural background may influence the political and war-strategic meaning of rapes.<sup>187</sup> They do not simply explore how rape may be a weapon of genocide against women both as individuals and as members of specific ethnic groups. They also expose how conceptions about accountability and expected gender roles in a particular time and place may lead social actors to commit atrocities that transgress the moral codes of their own society, while condemning their victims to silence.<sup>188</sup> They also show that wartime sexual violence is not a cultural given but a strategically used weapon and they critically address the connection between ethnicity, kinship and gender through direct engagement with local discourses and the experiences of mass rape survivors.<sup>189</sup> If women on all sides suffered as rape victims, this does not need overlooking that rape was deployed and experienced differently as a weapon of war and instrument of genocide depending on local histories, ethnicities, interpersonal dynamics, and cultural norms.

### Concluding remarks

In attempting to analyse the empirical evidence of mass rape, the aim of this article was to frame the argument in such a way as to focus on the problematization of a major and sensitive issue closely associated with the intersectional and international political economy of institutional and structural forms of gender-based violence. I argued in particular about the essentialization of both the ideology of gender performance and intelligibility and the ideology of local cultural concepts and moral relativist ideas. The aim was not to provide a new account of mass rape in ethnic conflict, but rather to examine how various interpretations and the political implications of these accounts have succeeded in obscuring, rather than explaining, the instrumental politics of mass rape in ethnic conflict. To move further, a critical approach to feminist commitments can be argued by focusing on the political process of cultural activism and ideology that in former Yugoslavia, as elsewhere, defined the strategic effectiveness and the instrumental agency of mass rape as a military weapon of ethnic cleansing.

The understanding of cultural activism as a specific ideological and political instrumentality of mass rape may appear unusual, and difficult to grasp, if one schematically employs traditional categories, as developed in some feminist and other accounts dealing with this question. In turn, an articulate analysis of the empirical evidence and local structures, linked to a neo-structural modelling of canonical formalisation based on transformational morphodynamics examined elsewhere,<sup>190</sup> is likely to produce a more sophisticated and critical understanding of the purported role of cultural factors. To understand how the sinisterly effective politics of mass rape became possible, it is necessary to reveal how cultural activism and nationalist projects may mobilise a

traditionalist-survivalist discourse that activates the cultural ideology of family honour and blood purity. Relying on a reified moral order and an assumed group ideology of people caught up in conflict, this deliberate activation construct both gender and war, indeed *en-gendering* war and conflict. In this sense, there are not the actual cultural norms and social structures that involve a re-traditionalism of cultural and moral values. It is the deliberate discursive activation of cultural activism that fuels such a re-traditionalism, while the instrumental use of both identity politics and moral values promotes a new hidden agency that make it possible for mass rape to become an effective weapon of ethnic cleansing. Eventually, the side effect of this situation seems to be a potential underestimation of the pressing problems before the massive occurrence of the phenomenon and the ineffectiveness of international arrangements to provide justice to survivors.

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## Disclosure statement

No potential conflict of interest was reported by the author(s).

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