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REVIEW

RAPE AND SEXUAL VIOLENCE: QUESTIONABLE INEVITABILITY AND MORAL RESPONSIBILITY IN ARMED CONFLICT

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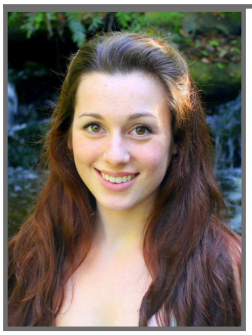

ABSTRACT

Wartime sexual violence is a critical human rights issue that usurps the autonomy of its victims as well as their physical and psychological safety. It occurs in both ethnic and non-ethnic wars, across geographic regions, against both men and women, and regardless of the "official" position of commanders, states, and armed groups on the use of rape as tactic of war. This problem is current, pervasive, and global in spite of the status of wartime sexual violence perpetration as a crime against humanity and the capacity of the international criminal court to indict offenders. Though some scholars have argued that wartime rape is inevitable given a global patriarchal culture and the violent context of war, this argument upholds a problematic view of opportunistic sexual violence as an inevitable, anticipated side-effect of violent conflict. In order to counteract such harmful claims, this research examines two cases in which armed militant groups engaged in civil wars have limited the use of rape as a tactic of war. The examination of the cases of Sri Lanka and El Salvador may challenge the narrative of wartime rape inevitability and reinforce a framework through which perpetrators may be held accountable for sexual and gender-based war crimes. Further, this examination engages with the current body of sexual violence literature exploring not only the use of rape in armed conflict, but also the unique cases in which wartime rape is rare.

INTRODUCTION & BACKGROUND

Wartime sexual violence is a critical human rights issue that usurps the autonomy of its victims as well as their physical and psychological safety. It occurs in both ethnic and non-ethnic wars, across geographic regions, against both men and women, and regardless of the "official" position of commanders, states, and armed groups on the use of rape as tactic of war. Sexual violence, especially rape, is a tactic most often used by armed groups engaging in other acts of violence towards citizens (i.e. torture, murder, imprisonment) and has been qualified as a war crime and crime against humanity under international human rights law. Distressingly, "UN agencies estimate that more than 60,000 women were raped during the civil war in Sierra Leone (1991-2002), more than 40,000 in Liberia (1989-2003), up to 60,000 in the former Yugoslavia (1992-1995), and at least 200,000 in the Democratic Republic of the Congo since 1998" (UN 2014). These statistics do not include the widespread use of rape during the Rwandan Genocide or the conflicts in Syria, Mexico, Sudan, and other nations. The above statistics demonstrate the prevalence of wartime rape as well as its tendency to disproportionately affect vulnerable populations (i.e. women, children, indigenous populations, and ethnic minorities) in spite of its status as a crime against humanity and the theoretical capacity of the International Criminal Court (ICC) to indict offenders. Regardless of illegality, this problem is current, pervasive, and global. Despite efforts by some theorists to present wartime rape as an inevitable result of conflict, recent literature has sought to undermine the argument of inevitability in order to counteract the culture of impunity that plagues victimized populations. It is the hope of current human rights and sexual violence scholars that deconstructing the theory of wartime rape inevitability will create a culture of legal accountability that allows perpetrators to be more easily prosecuted for this horrendous war crime.

The essential view of the 'critical function' of sexual violence has defined rape as a "conscious process of intimidation by which *all men* keep a*ll women* in a state of fear" (Brownmiller 1975). Widespread rape has hugely traumatic effects not only on direct victims, but on

entire populations and ethnic groups that have been targeted. Such shared trauma, in turn, can create adult psychopathological conditions, including severe depression, anxiety, post-traumatic stress disorder, self-harm, suicidal ideation and suicidality, homicidality, and lingering intergenerational traumatic effects. These effects may prohibit populations from reaching their full emotional and psychological potentials. Individuals and populations that have suffered such severe trauma as sexual violence may struggle to form healthy relationships, gain and maintain employment, cultivate healthy eating and sleeping habits, and create cohesion within families (van der Kolk 1987). As such, the widespread occurrence of wartime rape affects the mental, social, and behavioral health of entire populations. Addressing the issue of wartime rape may allow researchers, healthcare providers, international human rights organizations, legislators, and community leaders to assess risk factors for trauma including a history of sexual violence victimization, address the mental and emotional healthcare needs of victimized populations, and establish trauma-informed care practices that may help reduce the community-wide psychopathological effects of wartime rape (Yehuda et al., 2001).

Recent literature has argued that wartime rape is inevitable given a global patriarchal culture and the violent context of war, even emphasizing the seemingly "timeless ubiquity" of the phenomenon. Research has traced wartime rape back to accounts in the Torah, works of Homer, and mythological examples including the rape of the Sabine woman (Gottschall 2004; Barstow 2000; Sajor 1997). Researchers have used feminist theory, cultural pathology theory, and strategic rape theory to explain that male biological urges, problematic socialization of men and hypermasculinity norms, national trauma history, and the ability to use rape to achieve wartime goals have all led to the supposed inevitability of wartime rape. The logical conclusion of these theories is therefore that, "we can only stop men from raping when we change human nature," rewrite national histories, or remove any strategic advantage that rape may give to competing sides in a conflict (Gottschall 2004, 135).

However, the claim of wartime rape's "timeless ubiquity" is false, dangerous, and may be used to effectively excuse perpetrators of these crimes against humanity as simple players in a predetermined game of sexual warfare. It is the wartime equivalent of "boys will be boys" and is based on a masculinist understanding of conflict that places men solely in the role of perpetrator whilst assuming that men will rape women given the opportunity. This argument claims that the natural state of man is rapist, and upholds a problematic view of opportunistic sexual violence as an inevitable, anticipated side-effect of violent conflict[1]. In order to counteract this harmful claim, a number of human rights and international relations scholars have begun to examine the cases in which armed militant groups engaged in civil wars have not used rape as a tactic of war. The function of this research is to assert that, "if some groups do not engage in sexual violence, then rape is not inevitable in war as is sometimes claimed, and there are stronger grounds for holding responsible those groups that do engage in sexual violence" (Wood 2009, 132). This assertion challenges the "timeless ubiquity" argument, deconstructs preexisting theories on factors that contribute to wartime rape (feminist theory, cultural pathology theory, and strategic rape theory), and creates a framework through which perpetrators of rape as a weapon of war may be held accountable. Finally, such research sets a precedent for the exploration of not only the use of rape in armed conflict, but, as important, the unique cases in which wartime rape is rare[2].

DEFINITIONS

For the sake of reader clarity and to provide necessary vocabulary, below is a list of defined key-terms that will appear throughout

[1] Additionally, the argument wholly discounts sexual minorities (in this case, gay men), transgender or gender fluid individuals who identify as gay, and women who may perpetrate sexual violence.

[2] Note of Author Intent: Though this paper will discuss the rarity of wartime rape perpetrated by some armed militant groups, the author does not intend to minimize or erase the experiences of people who were victimized by these groups. There are surely victims of rape perpetrated by members of militant groups that, as a whole, did not engage in widespread, systematic, or strategic rape. Though instances of rape perpetration by these groups may have been isolated, it is critical that the severity of physical, psychological, and emotional impact on the victims not be underestimated.

this research paper.

Cadre – A group of officers qualified to form, train, and lead a military organization or a member of said organization. For the purpose of this paper, cadre will refer primarily to soldiers in resistance movements.

Farabundo Martí National Liberation Front (FMLN) – A Marxist-Leninist guerilla coalition that participated in the Salvadoran Civil War (1980-1992) against the government of El Savlador. Currently, the FMLN exists as a political party in El Salvador and even won the presidency in 2009 (Álvarez 2010).

Liberation Tigers of Tamil Eelam (LTTE) – A guerilla organization that sought to establish an independent Tamil state in northern and eastern Sri Lanka. The LTTE engaged militarily with the Sri Lankan government forces in a civil war lasting over 60 years.

Post-Positivism in International Relations – Post-positive theory includes analyses of international relations which move beyond examination of state/government structure and incorporates class, gender, postcolonial social structures, race, ethnicity, ethics, morals, and other socio-psychological influences into the examination of international relations and resulting political phenomena.

Rape – Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim (FBI Uniform Crime Reporting Definition, 2014).

Sexual Mutilation – Any type of cutting or removal of all or some of the genital organs. Though typically used to refer to female genital mutilation (FGM), sexual mutilation also includes forced male circumcision and purposeful injury to the genitalia.

Sexual Torture – Sexual contact with a victim designed to instill psychological terror. Some examples of sexual torture include forced nudity, rape, sodomy, verbal sexual threats (such as threats to impregnate a victim or transmit HIV to a victim), mocking of a victim during sexual contact, humiliation, or telling a victim that (s)he will never normally sexually function again. Sexual torture is primarily a combination of sexual and verbal abuse meant to psychologically damage the victim.

Sexual Violence – Sexual violence is any sexual act or attempt to obtain a sexual act by violence or coercion, unwanted sexual comments or advances, acts to traffic a person or acts directed against a person's sexuality, regardless of the relationship to the victim. (Center for Disease Control and Prevention Definition, 2015).

PURPOSE STATEMENT, RESEARCH QUESTION & PRELIMINARY FINDINGS

The purpose of this research paper is to explore the cases of the civil wars in Sri Lanka and El Salvador to determine what factors inhibit the use of rape as a war tactic, especially when wartime rape is asymmetrical – that is, when rape is perpetrated by one side of the conflict but not the other. It is critical that researchers examining the use of rape and sexual violence in the context of war understand that sexual and gender-based violence do not occur in a vacuum. Sociocultural factors have significant impact on the use of rape as a weapon of war, and may also be invoked to restrict this violation of human rights. The research questions to be examined here are: *Why is rape perpetrated by some actors but not others in the same conflict? Additionally, what factors may limit or eliminate the use of rape as a tactic of war within violent inter- and intrastate conflict?* This paper will argue that state actors are more likely to use rape as a weapon of war than non-state actors, especially when non-state actors rely on a positive ("good guy")[3] image to recruit new members. Further, rape is used by many groups as a bonding activity to create unity within an armed force that lacks social cohesion rather than solely to intimidate or punish the victim population. Finally, wartime rape is not inevitable, as proven by the

[3] The term "good guy" to refer to the need of guerilla groups to portray themselves in a positive light was coined by Nancy Huston. Though this term is inherently gendered, it has been used in political science and international relations scholarship to demonstrate that, "the plot [of a war story] includes the 'good guy' or 'just warrior' fighting against the 'bad guys' for valorous reasons…. and winning the good fight" and does not seek to determine the actual gender identity of the soldiers (Sjoberg 2006, 35).

asymmetry of use between certain state and non-state actors. Within the Sri Lankan case, the Liberation Tigers of Tamil Eelam (LTTE), a Tamil secessionist group, used sexual violence very rarely. Conversely, the Sri Lankan state, though it did not officially condone the use of rape as a war crime, allowed state security personnel to engage in, "numerous acts of sexual violence against women, men, and children in official and secret detention centers seeking to coerce confessions, degrade them, and discourage broader Tamil involvement with the LTTE" (Human Rights Watch 2013, 1). This demonstrates a critical divergence between tactics used to intimidate political and social opposition and to coerce the population. Such behavior reduces credibility of assertions that parties engaged in violent conflict will escalate their brutality to parallel or match the behaviors of their opponents and challenges the expectation that competing groups will share the same repertoire of violence.

Similarly, during El Salvador's Civil War "some armed groups, such as the Salvadoran insurgency, appear to have successfully prohibited their combatants from engaging in sexual violence against civilians," despite the Salvadoran state using rape as a method of torture and intimidation against both male and female detainees (Bergsmo et al. 2012, 389). It is necessary to examine the different coercive and violent tactics used by the Salvadoran insurgency (FMLN) and the Salvadoran state to influence civilian opinion. Again, the asymmetrical use of rape as a war tactic in this civil conflict negates the belief that armed groups will "add a particular form of violence to its repertoire in response to another group's engaging in that form, that is, it may 'mirror' the other's repertoire" (Wood 2009, 136). In order to understand why wartime rape occurs and how to effectively prevent such human rights abuses, it is crucial that these two cases be closely researched, especially due to the seeming imbalance between uses of sexual violence by enemy groups. Further, the findings of this research may contribute to the existing body of literature by investigating the implications that rape rarity and asymmetry may have on human rights law, especially the critical application of UN Security Council Resolution 1820 in nations suffering violent conflict. Moreover, this literature aims to contest the claim of wartime rape inevitability and to reinforce the constructive claim that even in times of violence and sociopolitical upheaval, rape can be limited, crimes can be prosecuted, and accountability can be upheld.

Actor	Use of Rape	Goals	Outcome
Sri Lankan State Security Forces	Widespread, systemic, and strategic – rape used as a punitive measure to deter LTTE involvement	Suppression of LTTE and oppositional forces	"Won" the conflict in 2009, have spent the past six years detaining, torturing, raping, and punishing those involved in insurgency and secessionist activism (i.e. anyone associated with the LTTE)
Liberation Tigers of Tamil Eelam (LTTE)	Very restricted use of rape, punitive culture within LTTE	Secession from Sri Lanka and the formation of an independent Tamil state	"Lost" the conflict in 2009 and have suffered extreme brutality as a form of state punishment for terrorist activities between 1976 and 2009. Radical members continue to struggle against the Sri Lankan state.

Foster (2006); Human Rights Watch (2013); Sooka (2014); Tambiah (2006); Wood (2010)

The examination of these two case studies will be based on post-positivist international relations theory and will therefore examine the effect of cultural aspects such as gender norms, security, religion, and class on the tendency of armed groups in these nations to engage in sexual violence during wartime. These identifiers may provide helpful qualifiers in examining why certain armed groups utilize rape as a war tactic while oppositional actors limit or eliminate the use of rape. In order to explore each case, this research will investigate two main variables: recruitment needs for each armed group and the "good guy" effect as well as cultural cohesion, bonding practices, and punitive measures. The paper hypothesizes that:

1. Armed groups with a higher need to recruit members are less likely to commit wartime rape in order to maintain moral legitimacy (aka the "good guy" image), which may account for the asymmetrical use of rape between state and non-state actors.

2. Armed groups that rely on forced recruitment or that lack group cohesion are more likely to engage in wartime rape in order to create social bonds, enhance camaraderie between soldiers, and take revenge on and intimidate oppositional actors.

For the purpose of this

paper, people who have suffered rape in a conflict setting will be referred to as "victims," despite the problematic, gendered, and potentially disempowering aspects of this vocabulary; it may reinforce the assumption that men embody the position of perpetrator while women remain vulnerable to these attacks and embody the position of victim. The gender-based victim/perpetrator dichotomy created by such limited vocabulary ignores the complexity of these issues (women may be perpetrators; men and boys may be victims) as well as the intricacies of gender and war, and places women in a systemically submissive position. Other researchers within this field have chosen to refer to ethnic victims of wartime rape as "survivors" in order to reassert agency for those individuals who have suffered such human rights abuses and lived to give accounts. However, for the purpose of this paper, the term "victim" will be used, as many victims of rape in these subsequent cases did not survive after being subjected to sexual violence (for more information on the appropriate use of victim/survivor vocabulary, please see Skjelsbaek, 2006).

CASE STUDY A — SRI LANKA

In order to discuss the Sri Lankan case, it is critical to examine the unique political atmosphere in Sri Lanka during the civil war and to outline the opposing sides to the conflict.

This conflict, which officially began in 1983 with an armed campaign against the Sri Lankan state, was between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (also known as the LTTE or Tamil Tigers). The goal of the LTTE was to secede from Sri Lanka and create an independent state for the Tamil minority in the northern and eastern provinces of Sri Lanka (South Asia Terrorism Portal, 2014). Though the conflict was declared by the Sri Lankan state to have ended in 2009, violence continues between the LTTE and state security forces. Despite both sides of the conflict having been accused of egregious human rights abuses, mass murder, and ethnic cleansing, the LTTE conspicuously limited the use of sexual violence and rape during the conflict while the Sri Lankan security forces engaged in rape and sexual violence "to instill terror in the Tamil community to discourage involvement with the LTTE" (Human Rights Watch 2013, 4). This absence of sexual violence[4] by the LTTE marks a critical divergence in the repertoire of violence used by both sides and begs the question of why these two armed groups' tactics differed.

In order to clarify the use of rape and the ideological differences between these two oppositional actors, this research includes a table (left) outlining the specific tactics use by both groups as well as their political goals.

The first hypothesis explored posits that the need to maintain a "good guy" image deters non-state actors from engaging in rape as a tactic of war. This was proven true in the case of Sri Lanka. Tamil culture reified the concept of self-sacrifice during the conflict, as demonstrated by its widespread use of suicide bombers in the campaign against the Sri Lankan state (Rajan 2011).

This idea of self-sacrifice extended to sexual pleasure and sexuality during the conflict against the Sri Lankan state and upheld the belief that cadres involved in armed resistance sacrificed their claim to sexual pleasure in favor of the political struggle. This rejection of sexual pleasure and gratification during the conflict thereby delegitimized the use of rape as a war tactic. The regulation of sexual relations between cadres in general created an asexual culture within the LTTE, with sexual relations outside of marriage strongly condemned. The internal religious life of Tamil society had a powerful diminutive effect on the willingness of the cadre to engage in sexual violence and rape, as it is "dominated by rhetoric of sacrifice, abnegation, commitment, discipline, and chastity under a rubric of kinship….The group originally required its cadre to abstain from sex, as well as liquor, smoking, and close contact with family or other civilians" (Wood 2009, 149). To rape civilians or opposition would delegitimize not only the Tamil cause, but tenets of Tamil faith. Moreover, as the LTTE strove to appear as the legitimate alternative to the Sri Lankan state; to mimic the repertoire of violence and torture used by state actors would have challenged the LTTE's attempt at representing themselves as morally superior.

Just as the use of rape as

[4] "By 'absence of sexual violence', I mean that sexual violence by a group is very rare, but not necessarily completely absent" (Bergsmo et al. 2012, 391).

a weapon of war may be used to break a social contract and instill fear, as was the case during the civil war in Sierra Leone when pro-government forces targeted young virgin girls to psychologically terrorize the population, refraining from using rape may actually help create social cohesion between military groups and the citizenry (Simpson 2013). The "good guy" goal of the LTTE was not only critical to maintain moral legitimacy, but also to establish a cooperative relationship between the civilian population and the LTTE. In the case of the LTTE,

> ***When an armed group is strongly dependent on civilians for logistical support, such as supplies, recruits, and, especially, intelligence…and when leaders anticipate relations continuing over some sustained time period, they are likely not to tolerate sexual violence against those civilians for fear of eroding their base of support.***
>
> (Wood 2009, 141)

In this way, the absence of rape was a strategic decision on the part of LTTE leadership, which valued information and recruitment more highly than intimidation and terror. This is not to say that the LTTE was not violent toward citizens. In fact, the LTTE frequently inflicted severe civilian casualties against non-Tamil villages, with a particular violent focus on Muslim populations (Cohen et al. 2013). However, the refusal on the part of the LTTE to use rape as one of these tactics upheld their religious ideology, lent legitimacy to their campaign for moral superiority over the Sri Lankan state, and allowed them to look comparatively modern when held against the brutal tactics used by the Sri Lankan security forces. Additionally, recruitment played a large role in the decision of the LTTE not to use rape during the conflict, and demonstrated that the LTTE was unwilling "to lose women's popular support, its capacity for coercion notwithstanding," indicating a superficial dedication on the part of the LTTE to gender equality and women's rights (Tambiah 2005, 252).

The LTTE's repudiation of wartime rape and its dedication to the creation of a "good guy" image was not only strategic in terms of moral legitimacy and citizen recruitment, but also international reputation. The critical decision of the LTTE to eschew rape as a war tactic indicated a baseline dedication to principles of human rights as upheld on an international scale. Leaders of the LTTE may "prohibit sexual violence out of deference to international law…perhaps because they aspire to some sort of international recognition" (Bergsmo et al. 2012, 412). In this way, the LTTE's status as a secessionist movement is absolutely critical in understanding their decision not to engage in the same repertoire of violence as the Sri Lankan state. As the LTTE sought to run an independent administration in the northeast of the island, a successful secessionist movement would require backing from international actors and bodies that could grant the LTTE and an independent Tamil state official recognition. The particularly inhuman nature of rape as a tactic of war therefore caused the Sri Lankan state to appear as the more brutal aggressors and Tamil or LTTE victims of rape to appear comparatively innocent, helpless, and in need of a safe and protected space. Therefore, the LTTE was able to present itself not only as morally superior, but indeed as martyrs for a nationalist cause in the hopes of rallying international support for the creation of a Tamil state.

It was precisely this nationalist cause that eliminated the need for the LTTE to use wartime rape in order to create social cohesion within their military ranks. The religious ideology of the LTTE and the shared goal of creating an independent Tamil state served to create strong emotional and ideological connections between members of the LTTE. Unlike the LTTE, the Sri Lankan state was not engaged in an existential battle, but rather a battle for control over an oppositional population. This cause, though necessary to the sovereign goals of the Sri Lankan state, likely did not inspire the same degree of devotion and cohesion as the LTTE's religious nationalism. Therefore, the Sri Lankan state relied on other methods to create critical group cohesion, inspire loyalty, and build a military force dedicated to a common outcome.

The widespread use of rape by the Sri Lankan security forces may be attributed to a number of reasons. Primarily, rape is often used as a tactic of intimidation and repression against secessionist movements or political opposition during civil and ethnic conflict. Moreover, rape is a convenient (albeit atrocious) method of dehumanization, in which the aggressors are able to view the victims as less-than-human in order to excuse the use of rape as a method of genocide,

ethnic cleansing, and brutal suppression (see Wood, Bergsmo, Kirk, Grey & Shepherd, and Zurbriggen). This dehumanization of victims allows to perpetrators to limit self-inflicted psychological damage and upholds the argument that rape is inevitable in war, especially ethnic conflicts in which both sides view the other as inhuman. However, this research posits that the Sri Lankan state also used rape as a means of social bonding in order to foster group cohesion through the punishment of oppositional actors – in this case, the LTTE. Literature compiled in the aftermath of the Sri Lankan civil war (2009-present) upholds this argument and discusses the critical use of gang rape as a bonding exercise for actors in civil conflict.

Much of the literature points to the use of socialization tactics in military training to the widespread use of gang rape by Sri Lankan security forces during the civil war. During the conflict, "state security personnel were responsible for numerous acts of sexual violence against women, men, and children in official and secret detention centers seeking to coerce confessions, degrade them, and discourage broader Tamil involvement with the LTTE" (Human Rights Watch 2013, 1). These practices continue today in detention centers throughout Sri Lanka, and often involve gang rape as a systematic method of coercion, intimidation, and punishment. Such tactics indicate a pattern within the Sri Lankan military forces such that "training and socialization…take place both formally through group institutions such as boot camp and informally through initiation rituals and hazing" (Bergsmo et al. 2012, 405). These hazing tactics often cause enhanced aggression within recruits, mentally preparing them for engagement in tactics such as gang rape.

The effects of hazing rituals are especially salient when recruitment is forced or committed via abduction of new recruits. The Sri Lankan security forces were accused of abducting children as young as twelve years old and requiring them to fight against the LTTE in separatist movements (Foster 2006). Existing research on pressganging and occurrences of gang rape "argues that gang rape reinforces cohesion in groups that rely on forced recruitment and thus have to create cohesion among hostile and bewildered recruits" and to enhance aggression among combatants (Bergsmo et al. 2012, 415). Engaging in behavior such as gang rape breaks social expectation, creates bonds of loyalty between frightened and aggressive recruits, and is often viewed as a necessary aspect of combatant socialization. This is one of the main reasons why gang rape occurs much more commonly in wartime settings (Cohen 2013).

The widespread use of gang rape by the Sri Lankan security forces indicates that such behavior was used not only as a punitive measure (which may be achieved by rape committed by a single aggressor), but also as a means of creating social unity among troops. In a submission to the UN Convention Against Torture, a UK Charity called Freedom from Torture examined 35 cases of post-war torture by the Sri Lankan security apparatus, and found that "Sixty per cent of their sample had suffered sexual violence (including rape, sexual assault and violence to sexual organs) but many survivors suffered 'intense shame' and gave accounts with 'immense difficulty'" (Sooka 2014, 80-81). Though this is a relatively small sample, the high percentage of respondents that admitted to being victims of sexual violence despite the pervasive culture of shame surrounding victimhood may indicate an even higher proportion of rape victims who were held as political detainees. Conversely, the ideological bonds of the LTTE and attempt to create a "good-guy" image reduced the effect of forced recruitment on occurrences of rape. Instead, the LTTE used violent tactics such as suicide bombing, displacement and razing of villages, sparrowing (hit and run), and ethnic cleansing. Rather than demonstrating mercy, experts on Tamil culture and the LTTE have asserted that, "They don't wait around to indulge in sexuality, they just shoot you down," indicating a divergence in violent tactics used throughout the war (Wood 2009, 148).

CASE STUDY B — EL SALVADOR

In order to effectively examine the use of rape within the Salvadoran civil war, it is necessary that one understand the political background in El Salvador and the positions of the oppositional parties involved in the state conflict from 1980-1992.

This war was a conflict between the military government of El Salvador and the Farabundo Martí National Liberation Front (FMLN). The FMLN was a coalition of leftist guerrilla organizations that aimed to overthrow the military government and create a communist government in its

place (Wood 2012). However, as in Sri Lanka, the case of El Salvador demonstrates a peculiar asymmetry in the use of rape as a tactic of war. While the FMLN cadres did not employ rape, "government soldiers and security forces engaged in sexual violence, including gang and multiple rapes, against many suspected insurgent supporters (including men) held in both official and secret detention sites. Government forces also carried out mass rape" illustrating another deep divide in tactics used by either side of the conflict (Wood 2009, 152). Again, this disjuncture raises the vital question of why wartime rape is asymmetrical and what sociopolitical variables may influence armed actors' willingness to engage in wartime sexual violence.

For the purpose of clarity, the below table provides an outline of each side of the conflict.

Actor	Use of Rape	Goals	Outcome
Government Soldier and Security Forces of E1 El Salvador	Widespread, systemic, and strategic – rape used as punitive measure to deter FMLN involvment	Continuation of the military authoritarian regime and repression of leftist insurgent groups (FMLN)	Signing of the Chapultepec Accords and transition to democracy. Violence in decade following accords.
Farabundo Marti National Liberation Front (FMLN)	Very restricted use of rape.	Overthrow of the military authoritarian regime and creation of a participatory communist government in El Salvador	FMLN transformed into center-left political party and now holds a plurality of seats in the National Assembly

Alvarez (2010); Bergsmo (2012); Viterna (2013); Wood (2010); Human Rights Watch (2013); The Bar Human Rights Committee of England and Wales (2013);

As in the Sri Lankan case, this research will explore the hypothesis that armed groups with a higher need to recruit members are less likely to commit wartime rape in order to maintain moral legitimacy (aka the "good guy" image), which may account for the asymmetrical use of rape between state and non-state actors. This hypothesis was proven true in the Salvadoran case, especially given the tendency of the FMLN to recruit female cadres and the FMLN rhetoric that conscription for women was actually a tactic of rape prevention. The Salvadoran military's use of rape against citizen populations was so widespread that, "Women were encouraged to join the FMLN to protect themselves from rape… in war-torn El Salvador, young girls came to understand the FMLN camps as the only location where men would respect women's bodies" (Viterna 2013, 112-113). This discourse ignited the FMLN's quest for a "good guy" image and lent legitimacy to their socialist cause.

As discussed above, recruitment strategy and the need to conscript citizens is a key rationale for the maintenance of a "good guy" image on the part of non-state actors and the tendency to avoid the use of rape during wartime. In the case of the FMLN, the group "did not rape because not raping was a critical aspect of their recruitment strategy. As such, it became a central part of the FMLN's collective identity as 'the good guys'," and established a sense of deep loyalty between the FMLN leadership and its female cadres, who felt that they owed the FMLN their bodily safety" (Viterna 2013, 116). Of course, the anti-regime rape narrative was not the only reason that the FMLN refused to use rape as a tactic of war. Their reliance on female cadre also created a more gender-equitable culture within the FMLN. Women became so involved that they, "comprised nearly one-third of the approximately 13,000 guerrillas and an estimated 80 percent of their civilian supporters….They accepted the socialist logic that class, not gender, was the central problem, and that women's equality would come naturally with a socialist revolution" (Viterna & Fallon 2008, 680). The employment of rape tactics by the FMLN would risk alienating a third of their armed force and delegitimizing their socialist objectives. The highly ideological identity of the FMLN, requiring civilian cooperation and gender equal status between cadres, eliminated the ability of FMLN soldiers to engage in rape as a tactic of war whilst simultaneously constructing a "good guy" narrative that was so effective it led to the transformation of the FMLN into a political party within the post-transition democracy.

Unlike in Sri Lanka, the use of rape by the Salvadoran military was widespread but poorly documented, as much of it took place primarily in clandestine detention facilities (Wood 2009). However, some highly publicized rapes by the Salvadoran state occurred in the

early 1980s and demonstrated a close parallel to the gang rape tendencies of the Sri Lankan security forces. In March of 1981, "soldiers and members of the Cacaopera civil defense unit attacked the population, consisting solely of women, young children, and old people. They killed the inhabitants and raped a number of women and little girls under the age of 12" (Bentacur 2001, 59). This attack demonstrates the brutality used by soldiers for the regime and the tendency to perpetrate rape in the company of their fellow soldiers. Also in 1981, an elite battalion trained and equipped by the United States took part in a violent operation that killed over a thousand citizens in an "orgy" of murder and rape that was well-publicized due to US complicity (Chomsky 2002). These events demonstrate the tendency of the Salvadoran armed forces during the regime to engage in rape on a mass scale in addition to rape in detention facilities as punishment for those engaging in FMLN efforts.

Like the Sri Lankan security forces, the Salvadoran military government relied on the forced recruitment of youth, especially young boys, to act as informants and soldiers against the insurgency (Manuel 1987). This forced conscription, as in Sri Lanka, created an armed force that lacked unity and required methods of bonding to ensure social cohesion within the ranks. Though there was limited publicity surrounding the use of rape by Salvadoran forces during the civil war, testimonies collected by Tutela Legal, a human rights office led by the Roman Catholic Church in El Salvador, reveal some critical findings surrounding the use of sexual violence. The types of sexual violence found in their report were as follows, "sexual humiliation (41 percent), rape and gang rape (24 percent), sexual torture (18 percent), attempted and threatened acts of sexual violence (12 percent) and sexual mutilation (4 percent)" (Leiby 2012, 13). Of the women targeted, 53% experienced rape and gang rape. The high proportion of gang rapes may indicate a parallel finding to that in Sri Lanka – forced conscription leads to higher rates of gang rape and sexual violence.

Dara Kay Cohen creates a theoretical framework in her research that differentiates the levels of sexual violence used by armed forces. Level 1 indicates low levels of rape, level 2 moderate use of rape tolerated by upper command, and level 3 widespread and state-sanctioned use of rape. According to Cohen, "State forces that rely on pressganging [forcible enlisting] are about 1.6 times, 2.5 times, and 4 times more likely to commit wartime rape at levels 1, 2, and 3 respectively, than those government actors that do not pressgang" (Cohen 2012, 473). This correlates closely to the behavior of both the Sri Lankan and Salvadoran state security forces, which widely used gang rape and pressganging as a form of social cohesion and soldier conscription. In order to embody the role of soldiers in patriarchal societies, "boys must become warriors. The result is that combatants represent domination of the enemy in highly gendered terms and use specifically sexual violence against enemy populations," as occurred in both Sri Lanka and El Salvador (Bergsmo et al. 2012, 402). The Salvadoran case is particularly relevant, as the authoritarian nature of the military regime created a reign of terror designed to instrumentalize rape and sexual violence as a method of citizen control. Therefore, the bonding methods utilized by soldiers in the Salvadoran armed forces also relied on this gendered violence to imbue soldiers with the confidence that they were the strong (read: masculine) party and their victims the weak (read: feminine). It is unclear whether these roles would have been so readily adopted by conscripted soldiers if not for a preexisting patriarchal and hierarchically gendered social order in both nations.

CHALLENGES AND DIRECTIONS

Unfortunately, the scope of this paper is greatly limited due to the small number of case studies examined (2) and limited reliable data on perpetration of wartime rape. However, a recent report by the Peace Research Institute Oslo (PRIO) states that,

> ***Of all 48 conflicts in Africa between 1989 and 2009 – including both civil conflicts and interstate state wars – and all 236 active, organized armed groups— including armed state organizations, rebel groups, and progovernment militias— 64 percent of armed groups were not reported to have engaged in any form of sexual violence.***
>
> (Cohen et al 2013)

This new report lends greater legitimacy to the argument against wartime rape inevitability and reinforces the current struggle to hold perpetrators of wartime rape accountable in international criminal courts.

Additionally, some reports on the Israeli-Palestinian conflict claim that both sides have limited the use of sexual violence, while others insist that the violence is primarily perpetrated by Israeli authorities while Palestinian prisoners are in detention (Sjoberg & Via 2010; International Middle East Media Center 2014). Though there is very limited data in this case, Israel/Palestine could provide a useful study as scholars continue to examine the repertoires of violence employed by both sides of the conflict and more data on the conflict becomes available. Israel/Palestine may prove a unique case, and scholars have already begun incorporating it into wartime rape literature, writing that "sexual violence…is disproportionately low in Israel/Palestine and sharply asymmetric in El Salvador and Sri Lanka" (Sjoberg & Via 2010, 131). In the case of Israel/Palestine and the ongoing struggle of each group for self-determination, it is possible that both sides of the conflict have much to gain from the "good guy" image and entirely too much to lose if it is discovered by international human rights agencies or the United Nations that they are perpetrating wartime rape. In order to strengthen the claims made in this paper, Israel/Palestine will provide a valuable area for further research.

CONCLUSION AND RECOMMENDATIONS

Through this research, both Hypothesis 1 and Hypothesis 2 have been proven in the cases of Sri Lanka and El Salvador. The assumption that non-state actors would need to eschew the use of wartime rape in order to construct a "good guy" image and therefore ensure citizen cooperation was indicated in both Sri Lanka and El Salvador by the moralistic narratives constructed by the LTTE and FMLN. The LTTE effort to, "establish a new homeland undergirded by a strict moral-sexual imperative" eliminated their capacity to use rape as a tactic of war, as to do so would delegitimize their political and social goals and invite international rejection of the creation of an independent Tamil state (Tambiah 2005, 259). Additionally, the FMLN narrative of rape-prevention as perpetrated by the Salvadoran military regime created a space for female guerillas and compelled women to become involved in the socialist movement in El Salvador (Viterna 2013). This tactic was so successful that the FMLN was able to transition into a political party after democratization and is now one of the most influential parties in El Salvador.

Moreover, Hypothesis 2 was upheld through an examination of the relationship between forced recruitment in state forces and the subsequent widespread use of gang rape as a practice to ensure group cohesion. Both the Sri Lankan security apparatus and the Salvadoran military regime utilized pressganging and conscripted soldiers as young as 12 and 13 years old respectively. This method of conscription created the necessity for the formation of social cohesion, a goal which was achieved through the dehumanization of the opposition and socialization via sexual violence. The brutality of these tactics allowed the state forces to break their social contract with citizens and engage in mass rape and sexual violence against citizens they deemed as inhuman or deserving of punishment, degradation, and humiliation (Cohen 2013).

Another critical aspect of these cases that was not fully explicated in this research but has a great effect on the use of rape as a war tactic in these two cases is judicial impunity (or lack of impunity) for rape as a war crime. In the case of the LTTE, "after four cadre gang-raped a 13- year-old girl, 'as punishment their hands were bound and they were dragged behind a tractor. At the end their bodies were torn up, and they were crying for water when they died" (Wood 2009, 147). Punishment for rape in the LTTE was swift, severe, and often resulted in death. As such, the LTTE was able to limit the use of rape by cadres, due to a culture of strict discipline and a lack of impunity. Conversely, the Sri Lankan military forces did not face any punishment for their use of rape as a weapon of war. Though there is a large quantity of evidence documenting the human rights abuses, particularly crimes against humanity such as rape and sexual torture, committed by the Sri Lankan security forces, they "are able to commit these violations with impunity in the full confidence that they are not likely to be held accountable…. This has created an environment of impunity which is clearly sanctioned at the highest levels of government" (Sooka 2014, 49). This impunity imbalance is a key reason for the absence of rape perpetration by the LTTE and high levels of perpetration by the Sri Lankan state forces.

Similarly, the FMLN

condemned the use of rape as a tactic of war and included in their policies that, "anyone found to have raped a woman faced the death penalty" (Vásquez 1997, 143). Although this policy was not enforced with the same harshness as that of the LTTE, the FMLN had other social and cultural incentives to refuse to engage in rape – namely, the critical involvement of women in the socialist movement. Not only were there a high proportion of women in the FMLN, but "most participants in their rebel army mobilized around ideologies of human rights and social justice," a fact which eliminated the use of rape as a tactic of war from the FMLN's repertoire of violence (Viterna & Fallon 2008, 679). It is therefore unclear whether the FMLN did or did not have an effective punitive culture against the use of rape as a war tactic, given that there were so many alternate incentives not to engage in rape.

Unlike the FMLN, the Salvadoran state military apparatus engaged in mass rape and sexual violence both publicly during the civil war and in clandestine detention facilities in the later years of the conflict. However, the widespread culture of silence surrounding sexual violence in El Salvador has constructed a culture of impunity. The continued high level of violence in El Salvador in the post-transition era demonstrates that "there is the issue of feeling impotent against the enormity of violence. This… points to a larger structure of impunity that still characterizes the Salvadoran state" as well as a perception that violence is inevitable (Hume 2008, 72). The inability of the Salvadoran state to indict perpetrators of these violent human rights abuses and crimes against humanity during the civil war is a major reason that rape and sexual violence were so widespread during the conflict. Unfortunately, the culture of impunity has not changed in the new democracy, indicating a failure on the part of international law to be effectively enforced in Sri Lanka.

The recent efforts of international communities to recognize and stop overall gender- based violence (for example, HeForShe, the US State Department Gender Based Violence Emergency Response and Protection Initiative, and the UN Campaign to End Violence Against Women) provide a valuable backdrop for movements to prosecute violence perpetrators, including perpetrators of wartime sexual violence. As these movements gain traction and success in the international community, the resultant strengthening of cultural norms that reject sexual and gender-based violence will help create legal accountability for perpetrators while reducing the likelihood that armed groups will choose to engage in strategic rape. Some policy recommendations are as follows: first, the UN and other international governing bodies such as the International Criminal Court must name and shame state actors that perpetuate rape as a weapon of war. This tactic would include holding specific commanders responsible for the behavior of their troops rather than trying to indict an entire armed force. Such legislative and social action could create an incentive for commanders to reduce their inferiors' engagement in rape and sexual violence. Moreover, these name and shame campaigns may cause other nations to withdraw funding for these forces and will help to foster the aforementioned culture of accountability. Second, NGOs and organizations helping previous victims of wartime rape must seek reparations for victims and dismantle structures of impunity by calling national and international judiciaries to action. Indictment and prosecution of commanders responsible for these atrocities, even decades overdue, will demonstrate to other potential perpetrators that such behavior will not be tolerated by the international community and that to engage in such human rights abuses will corrode that nations' moral legitimacy and can be effectively punished. Third, armed groups that engage in pressganging should be very closely monitored by the international community to ensure that their efforts to create social cohesion do not include gang rape and sexual violence, as these tactics are widespread and often sparked by social disunity within armed forces. In line with this examination, state forces must revise their socialization and training procedures to avoid hypermasculinist, aggressive training regimens that create misogynistic behavioral norms – for example, training measures that refer to new recruits as "fags" or "pussies" in order to get them to toughen up (Bergsmo et al. 2012).

Finally, education and intervention campaigns must demonstrate that women are not the sole victims of rape as a tactic of war. Men and boys are often also targeted, with estimates of up to 76% of male political prisoners in El Salvador during the 1980s reporting at least

one incidence of sexual torture during their detainment (Storr 2011). This contradicts the widely accepted international narrative of rape and sexual violence that places men solely in the position of perpetrator and women in the position of victim. To create a discourse on rape and sexual violence that includes narratives of male victimhood may help to affect social and political progress on these issues. Society at large has been inundated with images and stories of women in the position of victim and men in the position of perpetrator. Building on the current efforts of humanitarian aid organizations to address female victims of wartime sexual violence, such organizations should also reach out to male victims and establish a narrative that addresses wartime rape as motivated not by sex, but by a strategic effort to gain power.

The inclusion of male victims into the current wartime rape narrative may be especially effective due to our global masculinity culture, which erases male victimhood. Current assumptions surrounding rape and sexual violence in the context of war view rape as both opportunistic and strategic attempts by male soldiers to control oppositional populations through the punishment of "their" women, physical intimidation, or literal biological elimination. Literature that explores use of rape as a genocidal weapon (for example, impregnating women in order to eliminate an opposing religious group or indigenous population), though critical in exploring the goals and aims of wartime rape, essentially disregards narratives of male victimhood and silences a survivor population that should be designated equal rights to female victims. Future efforts to reduce instances of rape in the context of war must examine the realities of male victims and establish trauma-informed interventions that are wholly inclusive.

In summary, this paper has demonstrated that rape, though widespread, is not inevitable during war. The "timeless ubiquity" argument has been weakened, and the goal to hold perpetrators of this egregious war crime has been established. The LTTE and the FMLN were able to effectively prohibit combatants from raping civilians through creating a punitive culture and relying on a "good guy" image. This ability establishes a precedent that armed militant groups may refrain from the use of rape during violent conflict and demonstrates a need for further research. Scholars, legislators, human rights organizations, and international governing bodies should seek to understand the cases in which wartime sexual violence has been successfully deterred. Additionally, these stakeholders must seek to address the conditions that make widespread wartime rape a seeming inevitability, including high rates of gender-based violence perpetration during peacetime, legal impunity for sexual violence perpetrators during peacetime and war, forced conscription of soldiers, erasure of male victimhood from the current rape narrative, and widespread cultural stigma against victims of sexual violence. Doing so has the potential of greatly limiting or even eliminating the use of rape during wartime, reducing instances of intergenerational trauma and ensuing psychopathological effects, inspiring international collaboration, and creating a more gender-equal social order.

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