

RELEVANCE OF SEXUAL VIOLENCE AGAINST FEMALE NONCOMBATANT VICTIMS OF DESTRUCTIVE CONFLICT IN THE STUDY OF HUMILIATION

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ABSTRACT

This Paper considers the relevance of sexual violence committed against female noncombatant victims of war in response to the question "is humiliation relevant in a destructive conflict?" The paper considers the question from both the psychological and the legal perspective, arguing that not only is sexual violence against female noncombatants relevant, it is a condoned and entrenched factor of destructive conflict that must be addressed in order to ensure the dignity of half of the human race. Addressing these issues consists of (1) prevention via raising the global consciousness by work not only with victims and potential victims but also perpetrators and potential perpetrators; (2) treatment of victims, including financial reparations; and (3) prosecution of perpetrators and the institutions that espouse such conduct. The paper is written from a feminist perspective and argues that no discussion of the issue is complete without consideration of the cultural, religious, and socio-political context in which such acts occur.

INTRODUCTION

The question for discussion is the relationship of the sexual violence committed against female noncombatants in a destructive conflict with humiliation. It is only as I begin to write that I realize what a fantastically large topic I have chosen, or that has chosen me. The lawyer in me wants to continue researching ad nauseum, and to cite source after source to you, legitimizing my argument that in the end, ensuring justice is the only route. The social worker in me wants to show you the humiliation of a rape, the utter power that the perpetrator gains over his victim, the gaping wound in her soul, in order to mobilize you. The Jungian in me wants to attempt to explain to you the symbolism inherent in the rapes and the misogynistic cultures and institutions that condone such conduct so that shadow becomes consciousness.

All three aspects are necessary for consideration, and each speaks in its own language to the paper's premise that sexual humiliation of female noncombatants is indeed relevant because of the tool it grants the "victor" to gain "power over" indigenous or oppressed humans and cultures. Given the enormity of the topic, however, only a fraction of the issues may be dealt with in this particular paper, and then only their surface. The three key parts identified for discussion today are awareness and prevention, treatment and reparations, and prosecution.

AWARENESS AND PREVENTION

In a feminist analysis of the issue, no discussion of rape is complete outside of the cultural context, which must include naming the misogyny and apathy at the root of both the rapes and the lack of accountability. While these are painful topics that often evoke worries about "male-bashing", no progress can be made until we understand the psyche that views women's bodies as the spoils to the victor and the legitimized object of the soldiers' hatred. To educate, we must be willing to bring to the forefront issues like men's need to silence woman, to cover her up, to hide her, to rape her, to beat her, to humiliate her, to hate her, to fear her, and, finally, to murder her. And we must be willing to look at the forms of fundamentalism that demand such conduct, be they religious, social, familial, or political, Eastern, Western, or Middle Eastern. Further, we must admit that the use of sexual violence against female noncombatants is entrenched in the invader's psyche to (1) reward its soldiers; and (2) gain "power over" the conquered or oppressed group.

In short, we must be willing to recognize that “women [are] often treated as the spoils of war, and leaders condone[] rape as a method of rewarding the soldiers.” Sudha Ramachandran, *Behind the Veil of Oppression*, in *AFTER SHOCK*, SEPTEMBER 11, 2001, GLOBAL FEMINIST PERSPECTIVES 168 (Susan Hawthorne and Bronwyn Winter, eds., (2003)

Consider the following three images.

Three civil rights workers have disappeared in Mississippi . . . the FBI, local police, and the National Guard have been dredging lakes and rivers in search of the bodies. During the search, the mutilated parts of an estimated seventeen different human bodies are found. All of us in the New York office [of the Congress of Racial Equality] are in a state of shock. As word filters in about the difficulty of identifying mutilated bodies long decomposed, we also learn that all but one of the unidentified bodies are female. A male CORE leader mutters, in a state of fury, ‘There’s been a whole goddamned lynching we never even *knew* about. There’s been some brother disappeared who never even got *reported*.’

My brain goes spinning. Have I heard correctly? Did he mean what I think he meant? If so, is it my racism showing itself in that I am appalled? Finally, I hazard a tentative question. Why *one* lynching? What about the sixteen unidentified female bodies? What about –

Absolute silence. The men in the room, black and white, stare at me. The women in the room, black and white, stare at the floor. Then the answer comes, in a tone of impatience, as if I were politically retarded. ‘Those were obviously *sex* murders. Those weren’t *political*.’

I fall silent.

ROBIN MORGAN, THE DEMON LOVER 224 (1989)

The reaction of the activists described above is the quintessential apathetic reaction to sexual violence against women that allows the culture to remain unconscious about the grave injustice and humiliation inflicted on half the population. A contemporary example is also found in Afghanistan. Although the continuous mass rapes of the Afghan women under the Northern Alliance was known for years, it was only when President George W. Bush ("Bush") could use it as a battle cry that he expressed "outrage" at the women's plight at the hands of the Taliban. Evidence of Bush's real apathy towards the mass rape and violence against women is his arming of the Northern Alliance in order to defeat the "evil" Taliban. Hence, the women of Afghanistan must choose between two oppressive and violent regimes.

While the apathy allows the culture to remain unconscious, it is misogyny that allows military institutions to condone the sexual violence committed against noncombatant victims and in fact leaves such violence entrenched in these institutions subcultures.

It is already over. She is lying on her back, her eyes shut. Her head is turned away. She does not want to look at his face. That is her only defence. She feels a dull pain but does not open here eyes. She does not move. She makes no sound. The soldier leans his boot down on her chest. Turn around, he orders her. S. Turns her head to him but does not open her eyes. Not yet. Open your mouth, the soldier orders her again. S. opens her mouth. She feels the warm spurt of his urine on her face. Swallow it, he shouts. She has no choice. She swallows the briny liquid. It seems to last forever and all she wants to do is die.

SLAVENKA DRAKULIC, *S. A NOVEL ABOUT THE BALKANS* 9 (1999)

Here, woman is "other" who must be humiliated and scorned. Arguably, the apathy is still present, contained within the violence, apathy as to the woman's very being. Yet the soldier's blatant hatred for the woman he has just raped must be confronted if we are to understand the role that humiliation plays in war. Does it provide the soldier with release/relief from his own plight? Is he victim turned oppressor or oppressor gone mad? In either case, why is his infliction of such humiliation on a noncombatant culturally accepted, condoned, and apparently entrenched in destructive conflict?

Just as disturbing are the "songs" used by American soldiers as they get ready for battle:

I fucked a dead whore by the road side,
I knew right away she was dead.
The skin was all gone from her tummy,
The hair was all gone from her head.

As I lay down there beside her,
I knew right away that I had sinned.
O I pressed my lips to her sweet pussy,
And sucked out the wad I'd shot in.

Sucked out, sucked out,
I sucked out the wad I'd shot in, shot in,
Sucked out, sucked out,
I sucked out the wad I'd shot in.

Joan Smith, *From Misogynies: Crawling from the Wreckage in WOMAN ON WAR 74*

(Daniela Gioseffi, ed, 2d ed. 2003)

As Ms. Smith discovers, violent sexual imagery in soldiers' battle songs is rampant. Enemies take the form of women's bodies and graphic and violent sexual acts

describe defeat of the enemy. This connection made between female and sex and violence is indicative of the culture's inherent misogyny. In a complete program aimed at awareness on sexual violence committed against female noncombatants, the questions must be asked (1) why; and (2) what course of action will bring about change?

Part of the answer lies in the awareness that the misogyny serves the powers that be: it provides motivated young men to sacrifice. Consider not only the “battle song” above used to excite young American men, but also the promise of the multiple virgins made to the young Muslim men willing to die for a “cause”.

In order for both the “song” and the virgin promise to succeed, there must be a disconnect between one’s self and woman. Between one’s self as having been born of woman and one’s self as the rapist/murderer/possessor of woman. From a Jungian perspective, such a separation of self from "other" creates shadow. Refusing to bring shadow into consciousness leads to further abusive conduct. Accordingly, all prevention and awareness programs must be addressed towards the perpetrators and the institutions that condone the acts.

In contrast, for years, violence prevention programs have been directed at potential victims, teaching safety "tips", raising awareness about conduct that constitutes violence, encouraging revelations, etc. While necessary to the dismantling of the shame that accompanies victimization, no cessation to the massive sexual violence against

noncombative females is in sight, however, without addressing the institutionalized misogyny and holding leaders and perpetrators accountable for their action.¹

Thus, awareness and prevention mean education and confrontation of power. Further, exposure of the political and potentially imperialistic motivation of institutionalized sexual violence against female noncombatants can potentially be used in combination with education of potential perpetrators to remove the individual soldier's willing participation in the conflict. Hence, addressing humiliation in the context of destructive conflict can be used in the promotion of peaceful and diplomatic resolution to differences.

Finally, it is unacceptable to have the issues continuously addressed by male diplomats or female puppets of male powers. It is women who have suffered the humiliation of sexual violence in each destructive conflict. It is women who must become the spokespeople for its cessation.

Until such time that the goals in this section become a reality, however, we have a moral and ethical responsibility to address the wounds of the victimized, psychologically and legally.

¹ In its Special Election issue, Ms. Magazine did a disturbing expose on the number of rapes of women in the military committed by their "colleagues." Clearly, this is further evidence of the inherent misogyny in the military system. Ms. Magazine, Fall, 2004, Laura Friedrich and Anne Decléene, Scandal Patrol. Until this is dealt with, it is highly unlikely that we will see a cessation of sexual violence of noncombative victims. This is especially true with respect to women viewed as the property of the enemy – there it is not only the "other" complex in play, but the elation in destroying or possessing the enemy's property.

TREATMENT AND REPARATIONS

At the height of what was called the "inner child movement", John Bradshaw confirmed that child sexual abuse is the abuse that causes the most severe humiliation. JOHN BRADSHAW, *HOMECOMING* (1992). Bradshaw's conclusions are equally applicable to the female noncombatant victims of war, who, assuming they can find their voice, speak of how the humiliation of the rape is compounded by the social, familial, and religious views on rape and the rape survivor that look at the woman as "damaged goods", unmarriageable, spoiled property who brings great shame on her family.²

Such socio-religious taboos directed against the victim cause the internalization of the gaping wound left by the rapist. The humiliation of the rape, compounded by the victim blaming humiliation inflicted by such attitudes, can cause a lifetime psycho-socio-emotional wound.³ "Ask Afghan women to describe their lives and the overwhelming majority will tell you that they are 'the living dead'." Sudha Ramachandran, *Behind the Veil of Oppression*, in *AFTER SHOCK, SEPTEMBER 11, 2001, GLOBAL FEMINIST PERSPECTIVES* 168 (Susan Hawthorne and Bronwyn Winter, eds., 2003). Treatment that addresses institutionalized humiliation, then, is key.

Furthermore, financial reparations are imperative. First, they are the best that can be done in an imperfect world, in an imperfect attempt to right a great wrong. More importantly, financial reparations force the *perpetrator* and not the victim to pay for

² Lest the westerners in the group get sidetracked by the erroneous myth that these beliefs are contained only within certain nonwestern religious groups, the source of western religions, ancient Judaism, required a raped woman to marry her rapist. For the same reasons, that she was now damaged goods.

³ For many survivors of sexual assault, the wounds also become physical. It is very common to find rape survivors who self-mutilate, a desperate attempt to "bleed out" the internalized pain and humiliation.

treatment and education. Over and over again in my therapeutic practice, women voiced outrage at the fact that not only were they forced to suffer the psycho-social consequences of the rape, they were forced to pay for their treatment to heal. Forcing victims to bear this burden re-rapes the victim. Forcing perpetrators to bear the consequence of their actions, on the other hand, assists the victim to recover her dignity.

These reparations can be used to bear the cost of treatment as well as education and awareness in communities hard hit by rapes in armed conflict. They can be used to contest the victim-blaming messages and ignorance disbursed by fundamentalist groups. Imagine the message sent if the billions of dollars spend by the US government alone on weapons of mass destruction were instead diverted to reparations for female noncombative sexual victims of conflict.

In a perfect world, treatment would also be directed at the men who harbor the misogyny and apathy, wherein the shadow could be brought to consciousness. While this remains a pipe dream, prosecution must be utilized to hold these men and the institutions which encourage, condone, or ignore their conduct accountable for their actions.

PROSECUTION

Preamble

The States Parties to this Statute,

...

Mindful that during this century millions of children, women and men have been victims of unimaginable atrocities that deeply shock the conscience of humanity,

...

Affirming that the most serious crimes of concern to the international community as a whole must not go unpunished and that their effective prosecution must be ensured by taking measures at the national level and by enhancing international cooperation,

Determined to put an end to impunity for the perpetrators of these crimes and thus to contribute to the prevention of such crimes

...

Resolved to guarantee lasting respect for and the enforcement of international justice,

Have agreed as follows:

...

Article 7

Crimes against humanity

1. For the purpose of this Statute, ‘crime against humanity’ means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

...

(g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;

(h) Persecution against any identifiable group or collectively on political, racial, national, ethnic, cultural, religious, *gender* . . .

Rome Statute of the International Criminal Court, Preamble and Art. 7 (emphasis added).

The concretization of feminists work is no where more obvious than in the inclusion of “gender crimes” in the Rome Statute.⁴ In fact, this inclusion is seen by one expert as “[t]he most dramatic example of enlarging the scope of [crimes against

⁴ The “Rome Statute” refers to the statute that established the International Criminal Court.

humanity].” WILLIAM A. SCHABAS, AN INTRODUCTION TO THE INTERNATIONAL CRIMINAL COURT 46 (2004). As Schabas points out, rape was formerly not statutorily recognized as a crime against humanity. *Id.* In contrast, the Rome Statute references “[r]ape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity.” *Id.* Further, the prosecutions of perpetrators of sexual crimes against humanity in Rwanda and Yugoslavia set the precedence for further such actions. Bringing perpetrators to justice is an effective counter to the humiliation suffered by the victims. With prosecutors specifically

Whenever there is progress on a feminist issue, there is a backlash. Here, the backlash has manifested in the United State's government's refusal to be subject to the ICC's jurisdiction. In his first debate against contender John Kerry, George W. Bush bragged about his refusal to join the International Criminal Court.⁵ Such joinder would, according to Bush, allow “foreign” judges and prosecutors to prosecute “our” soldiers and diplomats in an unfettered forum. The “us” and “them” that the current American administration propagates in its imperialistic actions throughout the world is eerily similar to the “us” and “them” inherent in the sexual violence committed by male soldiers against female noncombatants. Moreover, there is a sense in the international forum that the United States blackmailed dependent countries into agreeing to the grant of immunity to American personnel. *See* Schabas, pp. 20-23.

⁵ It is not just the Bush administration that fights for American immunity. Executing the Statute was done by the Clinton administration at the “eleventh hour.” Schabas, p. 21. The fact that the Clinton administration was split on the issue leaves some hope that not all American politicians believe Americans should be sheltered from accountability.

In addition to the ethnocentric “us” and “them”, it is clear from the sexual abuse of Iraqi prisoners by American soldiers, the sexual abuse of female noncombatants by the UN peacekeeping forces, and the soldiers’ sexually violent songbook quoted above that American forces are among the perpetrators of sexually violent crimes against noncombative victims. Like any perpetrator of any crime, such perpetrators must be able to be brought to justice in an appropriate forum. Granting blanket immunity based on political power immensely compromises the integrity of the ICC. The US response is no different, however, from the response following the passage of most new rape laws. Fear of the enormity of the crime, as well as apathy and misogyny, lead the public to a mass denial of the events. Most rape victims who pursue remedies through the courts recount their legal experience as another rape. The public naturally engages in victim blaming.

Given the enormous power the US carries world wide, and the ever increasing presence of US soldiers around the world, it is imperative that the US soldiers be subject to the jurisdiction of the ICC. Accordingly, more pressure must be put on the UN and the United States to lift American immunity.

CONCLUSION

Much material has been written on the issue of sexual attacks on female noncombatants, especially since the mass rapes that occurred in the former Yugoslavia. Nonetheless, much of this research is contained within feminists writings or anthologies that the mainstream reader does not seek out. Accordingly, efforts must be expended to

bring these issues into the mainstream consciousness. Articles for submission to mainstream publications should be written. Access to political events as speakers must be obtained.

Further, reparations from violators and their supporting institutions or governments should be sought to bear the financial burden of treatment for the victims and their families and education. Fiscal responsibility and accountability sends a strong message to those individuals and institutions engrained in patriarchal mindsets.

Finally, payoff of the hard work of feminists and women's group is clear in the prosecution of sexual violators in Rwanda and the former Yugoslavia. More work politically needs to be done to assure that no individual or institution is granted immunity for prosecution of sexual violence based on nationality. Such immunity severely compromises the integrity of the ICC.

In sum, given the occurrence of sexual violence committed against female noncombatants in destructive conflicts, and the institutional, political, and religious use of such violence to inspire soldiers to war and conquer, addressing the cessation of such violence must become an integral part of each peace process. Further, it must be done from the women's perspective. Those who have been victimized must be given a voice in the education, healing, and legal processes. It is insufficient to have all male diplomats discussing the plight of female lives. Fifty percent of the population, the largest percentage of noncombative victims deserve a voice of their own.

