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Body Wars: Nationalism, the State, and Wartime Sexual Violence in Guatemala and Sri Lanka

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BODY WARS:
NATIONALISM, THE STATE, AND WARTIME SEXUAL VIOLENCE
IN GUATEMALA AND SRI LANKA

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An Independent Study Thesis
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DEDICATION

And I cried…
for all the women
who have ever stretched their bodies out anticipating civilization
and finding ruins.[1]

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[1] Sanchez, Sonia. 1984. "Just Don't Never Give Up on Love," *Calloloo* 20: 83-85.

ABSTRACT

This thesis examines variation in patterns of state-perpetrated wartime sexual violence in Guatemala and Sri Lanka. Existing candidate theories of wartime sexual violence are insufficient to explain much variation between and within conflicts, largely because they are constructed using strict political science framework. This research seeks to reconceptualize political science notions of state repression, costs, benefits, and rational decision-making processes in times of war through a feminist lens to generate better theories of wartime sexual violence. By exploring patriarchal and colonial implications of embodiment and sexual standards on women and men in Guatemala and Sri Lanka, this study builds on existing causal explanations of sexual violence to provide a new theory of state perpetration.

Through this analysis, I argue that states will engage in sexual violence as a tool of political violence in ethnic civil war when the benefits to the state outweigh the costs. Further, I argue that these costs and benefits are largely based in social understandings of sexual integrity and women's bodies as vital to the continuance of the nation. Through fieldwork, interviews, and the utilization of primary and secondary sources I find that the state's desire to keep women of the counterinsurgency as part of the state's social fabric resulted in variation of state-perpetrated sexual violence in Guatemala and Sri Lanka. A breadth of evidence suggests that Guatemalan state forces employed sexual violence as a tool of genocide against the country's indigenous population, while the Sri Lankan state publically denounced its engagement. The result of these strategies resulted in epidemic levels of sexual violence in Guatemala, and very limited incidents in Sri Lanka.

TABLE OF CONTENTS

Wartime sexual violence may predate the modern state system (Green 2004) and has historically been considered an unfortunate byproduct of armed conflict in both inter- and intra-state conflicts.[1] Conventional wisdom constructs the wartime rapist as the rogue man: unable to control his biological urges, he is encouraged by the chaos and lawlessness that armed conflict creates and is indiscriminately threatening to all women in a given space or time. Despite this pervasive image, historical evidence and bourgeoning research on sexual violence emphasize perpetration by agents of the state in a myriad of conflict situations, including those weaponizing sex as a counterinsurgency strategy. Sexual violence scholar Dara Kay Cohen (2010) recently documented state-perpetrated sexual violence in 92 percent of civil wars with reported sexual violence between 1980-2009. While not a new phenomenon, state-perpetrated sexual violence has in the last decade become a growing field of study across academic disciplines.

Despite early research asserting the phenomenon to be ubiquitous (see: Littlewood 1997), significant variation in the occurrence, frequency, magnitude, and purpose of wartime sexual violence is documented both across conflicts and within them (Green 2004; Wood 2006; Wood 2009; Leiby 2009; Cohen 2010; Leiby 2011). Variation in state-perpetrated sexual violence is particularly severe: some state agents employ sexual violence as a genocidal mechanism, as observed in Rwanda and Guatemala, while some engage in limited or slightly patterned acts and

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[1] Sexual violence is identified in this study using the definition provided by the International Criminal Court's *Elements of Crime Annex* (2000): "The perpetrator committed an act of a sexual nature against one or more persons or caused such person or persons to engage in an act of a sexual nature by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or persons or another person, or by taking advantage of a coercive environment or such persons or persons incapacity to give genuine consent." Acts of a sexual nature are defined here as actual, attempted, or threat of forced, coerced, or otherwise nonconsensual sexual contact including but not limited to vaginal and anal rape, sexual assault, sexual torture, sexual slavery, sexual mutilation, forced impregnation, forced abortion, enforced prostitution, enforced sterilization, and forced nakedness.

others refrain from employing sexual violence entirely. Methods of sexual violence vary as well, as state groups engage in different forms of violation for various purposes and in a variety of circumstances. This study addresses this question of variation in state-perpetrated wartime sexual violence, and asks why state armed forces in Guatemala systematically employed sexual violence as a tool of political violence while the state in Sri Lanka did not.

Issues pertaining primarily to women have been largely excluded from international relations research, and as a result the study of sexual violence in this field is in its infancy. Scholars have made significant progress in attempting to explain variation in wartime sexual violence, but have done so almost entirely through a political science lens.[2] The literature has produced strong but often insufficient explanations by operating within a traditionally andocentric sphere and employing existing theoretical arguments constructed without consideration for women as a gender. Feminist scholarship, conversely, has for years produced viable theories concerning sexual violence and the implications of female embodiment, but has frequently neglected to seek practical application for these models.

This thesis contributes to the existing literature by renegotiating the boundaries between feminist and international relations theory and forcing them to speak to one another, even though they have done so grudgingly in the past. Sexual violence in all contexts must be explored through an interdisciplinary lens because the phenomenon in itself is both heavily political and entirely gendered.

Much of the international relations literature ignores sexual violence as political violence and as a tool of state repression, and as a result sexual violence is generally discussed as a distinct phenomenon separate from other forms of state violence. As will be discussed in Chapter

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[2] Notable exceptions include the work of Bulent Diken and Carsten Bagge Lausten (2005) in sociology, Hilmi M. Zawati (2007) in human rights law.

3, there is significant value in studying sexual violence separate from other forms of state violence, but it should be done without delegitimizing the violation as a form of political violence.

The hypotheses and explanations provided by the sexual violence literature are built almost entirely from assumptions founded in international relations. These theoretical arguments generally neglect the very real and extremely significant implications of gender construction and preservation, the influence of patriarchy, colonialism, power asymmetries, contextual sexual expectations (and the enforcement of those expectations), and the understanding of bodies as spaces renegotiated for violence or concord in times of war and peace. Both the feminist and international relations bodies of literature provide lenses with which to examine sexual violence, but the failure to interweave them has resulted in deficient and incomplete theories in both arenas. Neither lens alone provides the best explanations of state-perpetrated sexual violence, but together they offer a better, more complete understanding. In this research, these dual lenses are employed both theoretically and methodologically to ensure the best possible findings.

Case Selection

In order to evaluate these patterns of state-perpetrated sexual violence, I chose cases based on variation in both the type of conflict and presence of wartime sexual violence.[3] The Sri Lankan war (1983-2009) experienced limited sexual violence on the part of the state and a

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[3] State-perpetrated sexual violence is identified as (1) documented acts committed by agents of the state (2) with a clear pattern of perpetration. This includes but is not limited to military leaders, including unit or group leaders, political officials, and government decision makers. While sexual violence is often perpetrated by a variety of armed groups during conflict, this research focuses solely on cases of state perpetration. Recent research has shown that state forces are more likely to commit sexual violence than their armed counterparts (Leiby 2009, Cohen 2010).

general absence among the Liberation Tigers of Eelam (LTTE) opposition.[4] Sri Lanka and Guatemala share many characteristics that the existing literature identifies as relevant to sexual violence: the countries are similar in their social understandings of gender and sexual expectations of women, share similar history of ethnic divides established through colonization, and both experienced ethnic war. In both conflicts, the state responded to insurgency with extremely high levels of repression and violence perpetrated against both armed group members and civilians. The Sri Lankan state forces, however, engaged in very little sexual violence. Available documentation suggests that a pattern of abuses exists only in private detention centers. Conversely, the Guatemalan state committed massive and categorically genocidal acts of sexual violence against the Mayan population as part of a scorched earth campaign.

Given the insufficiency of existing theories of gender inequality, ethnic war, and secession to explain variation of sexual violence in Guatemala and Sri Lanka, this research seeks to generate more complete theories of wartime sexual violence and explain patterns of state-perpetrated sexual violence in both conflicts. I argue that by considering the feminist implications of policing women's sexuality as of vital importance to the state, variation can be better explained through reconceptualized theories of cost-benefit analysis, gender, and ethnicity.

Thesis Organization

Chapter 1 identifies existing theories of state violence and explores the framework through which state decisions regarding repression are traditionally analyzed. In this section I present the political science model of cost-benefit analysis as a motivator for variation in methods and severity of state repression, as well as discusses principal/agent relationships as

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[4] In her work on wartime sexual violence variation, Elisabeth Wood (2006, 2009) discusses the absence of sexual violence from the LTTE's repertoire of violence. Almost no academic literature has been published on state-perpetrated sexual violence in Sri Lanka, as many human rights organizations and foreign governments have hastily and negligently assumed sexual violence to be part of the state's counterinsurgency strategy.

related to state violence. This chapter highlights the existing theories of wartime sexual violence, focusing on state strategy and agent opportunism as two main theoretical schools of thought.

As these theories alone have been thus far insufficient in explaining many cases of wartime sexual violence, Chapter 2 explores the relevant discussions within feminist theory that allow for better navigation and understanding of sex, power, and violence. In this section, I address the implications of patriarchy on power structures including sex, gender, race, and class, and provide a theoretical framework for understanding the symbolic value of embodiment in wartime. The construction of certain bodies as simultaneously symbols of danger, violence, nationalism, and state integrity is explored in length.

Chapter 3 explains the methodological processes through which this research is conducted, including a discussion and justification of the comparative case study method. This chapter compares the Sri Lankan and Guatemalan civil wars and state perpetration of sexual violence, as well as discusses the limitations of existing data on wartime sexual violence. Finally, I explain my own fieldwork in Colombo and Mount Lavinia, Sri Lanka and data gathering processes through interviews, primary, and secondary sources.

Historical analysis of the civil wars, discussion of state sexual violence perpetration and an analysis of cultural standards of embodiment and sexual normalcy in Guatemala and Sri Lanka are presented in Chapters 4 and 5, respectively. Chapter 4 details the leftist movement led by the Guatemalan National Revolutionary Movement (URNG) in Guatemala and subsequent genocide of the Maya population beginning in 1981. Evidence suggests that agents of the state systematically raped and sexually tortured indigenous women during the height of conflict, known as *La Violencia*, between 1981-1983. This section examines notions of sexual integrity and the relationship between female sexuality and the state in Guatemala, evaluating existing

theories of wartime sexual violence in relation to these norms.

Chapter 5 provides an overview of the Sri Lankan Civil War and explores the available data on state-perpetrated sexual violence. Evidence produced by this analysis suggests that the state did not engage in a counterinsurgency pattern of systematic sexual violence against civilian women, but in some cases may have condoned or ignored patterns of sexual torture perpetrated against (mostly male) political detainees. This variation is explored through renegotiated theories of gender inequality and cost-benefit analysis framework that considers sexual integrity and the importance of sex to the survival of the state as a causal mechanism for decision-making in Sri Lanka.

In Chapter 6 I discuss my findings concerning state-perpetrated sexual violence in Guatemala and Sri Lanka. I introduce my candidate explanations for wartime sexual violence patterns in Sri Lanka and Guatemala, finding that a feminist reconceptualization of states' interests is beneficial in generating a more complete understanding of why the state in each case behaved in such distinctive ways.

Finally, in the concluding chapter I identify additional questions unearthed during my research process and emphasize future areas of research on wartime sexual violence variation. This chapter evaluates the validity and generalizability of my findings outside of Sri Lanka, and discusses broader policy implications of this research on predicting, preventing, and studying wartime sexual violence.

CHAPTER 1: THEORIES OF STATE AND SEXUAL VIOLENCE

A strong and growing body of literature on state repression suggests that the state has countered challengers by employing repressive behavior against its own citizens since the establishment of the nation-state system (Davenport 2007). State repression research has been largely focused on violations of personal integrity as calculated policy decisions on the part of the ruling elite, an assumption drawn from Realist principals of the rational actor model and theories of cost-benefit analysis (see: Gurr 1986; Poe and Tate 1994; Regan and Henderson 2002; Davenport 2007). Within this framework, scholars emphasize security as the primary objective of actors in the international system. States will prioritize their interests and act to ensure survival at the expense of others, and it is this pursuit of security that acts as primary motivation for state repression (Gurr 1986; Mitchell 2004).

Repressive techniques take a myriad of forms, and the literature has generally focused on extrajudicial killing, torture, unlawful arrest and detention, spying and harassment as tools of state violence (Gurr 1986; Davenport 2007). Tools of repressive political violence are deliberately chosen by the state in varying circumstances depending on the perceived effectiveness of those methods against a given threat. Not all forms of state repression are employed in every situation, as some strategies will work in the state's interest better than others with reduced potential for loss.

The decision of state and military leaders to repress their own people and the methods they employ to do so results from a process of conscious decision-making understood through the rational actor framework. In *International Relations Theory*, Paul Votti and Mark Kauppi (2012) contend that rational state decision-making processes include the identification of objectives, consideration of all feasible alternatives relative to the state's existing capabilities, the

cost and benefits of each alternative and the relative likelihood that the alternative will result in attainment of state goals. As rational actors, state decision makers make choices that both maximize personal security and minimize costs associated with their objective. The decision to repress generally arises when the benefits of that action outweigh the relative costs. Gurr (1986) contends that repression is typically beneficial when (1) the political threat to the state is high; (2) there is large population support for the challengers; (3) the challengers use methods of nonconventional warfare; (4) the regime is already weak in terms of influence and material resources; (5) elites have gained their positions through previous violence; and (6) when violent repression has already proven successful for the state.

In international relations, costs and benefits are generally constructed in terms of security and the survival of the decision-making group. Costs of state repression include, but are not limited to, loss of human capital and monetary funds, economic devastation, loss of territorial control or state power, negative public opinion, land destruction, and the implications of sovereignty and foreign intervention. Benefits to the state relate to the elimination of the threat posed by an opposition group, including the maintenance of power and security, economic stability, the rehomogenization of public opinion around state interests and increased legitimacy. States will select methods of repression that maximize their benefits and minimize possible costs.

Principals and Agents in State Violence Framework

Social scientists, sexual violence scholars, and economists have used the principal-agent relationship, a product of interdisciplinary rational actor literature, to explain the perpetration of state violence (Mitchell 2004; Butler et. al. 2007; Leiby 2011). Principal-agent relationships exist when a principal (authority figure) wills an agent (subordinate) to act in their interest. Leiby

(2011) maintains that principals and agents are assumed to be rational actors, each participating in the relationship in order to maximize benefits and profit from the exchange.

Within state violence framework, the principals are typically powerful political leaders or military officials who hire, will, or demand violent actions from agents (often rank and file cadre), creating an asymmetrical power relationship in which the agents fulfill the desire of the state. One of the constructions of the principal offered by Neil Mitchell (2004) is a Machiavellian actor motivated by the protection of power for whom self-preservation is rationalization for violence. These principals often employ cruelty as a method of retaining or regaining power, and subsequently violence is implemented as a means of political control.

Mitchell (2004) argues that in this sense, violence is the outcome of rational choice made "by a ruler in response to a threat presented by the opposition, increasing as the levels of threat increases" (33). The result of this rational decision-making should be a linear, positive relationship between the principals demanding repression and the agents carrying out the actions, and the levels of violence should ebb and flow correspondingly to the threat of the state. History, however, illustrates that this is often not the case, emphasizing the problems that principal-agent relationships encounter.

Variance in geography, time, political system, and regime type ensure that the degree of command and control principals can exert over agents differs cross-conflict. "Government intervention… presents some common problems of translating intention to implementation" (Mitchell 2004, 44), and consequentially the incentives for the agent carrying out a policy do not always align with that of the principal. The principal-agent relationship faces two primary issues: *goal variance* and *information asymmetry* (Leiby 2011). *Goal variance* refers to circumstances in which the interests of the principal and agent differ, and subsequently the action – or inaction

– carried out by the agent varies from the principal's aspiration in cases where the principal cannot effectively control the agent's decisions.

Information asymmetry occurs when the principal cannot acquire perfect or substantial knowledge about the agent's actions. Mitchell (2004) adopts a "moral hazard" model from the insurance industry to explain this problem, arguing that similar to an insurance company's inability to know the actions of the insured, the principal is unlikely to know exactly what an agent does with his task. When presented with desirable incentives, agents may also deliberately hide information from or deceive the principal. This problem becomes extremely more complex in situations like internal conflict, where multiple principals and multiple agents are operating simultaneously in an environment of chaos. Lines of control become disputed and disrupted if principals are responsible for more than one agent, or agents are working for the interests of multiple principals (Mitchell 2004).

The implications of the principal-agent problem in conflict circumstances on sexual violence are catastrophic. In some cases, principals may directly commission the sexually violent crimes of their agents. Available testimony and documentation suggests evidence of this in Guatemala (REHMI 1999) and in the actions of Serbian paramilitary actors during the Bosnian War (Aydelott 1993; Tompkins 1994; Diken and Lausten 2005). Alternatively, principals who lack command and control in times of war may be unable to prevent their agents from perpetrating sexual violence against their will (Butler et. al. 2007; Leiby 2011). The question of why state agents commit acts of sexual violence is divided between two main schools of thought based on these variations in principal-agent relationships: state strategy and opportunism (Cohen 2010; Leiby 2011). While this study does not directly test the principal-agent model, state-perpetrated sexual violence in Guatemala and Sri Lanka seemingly adheres to patterns of

strategy and opportunism, respectively.

State Strategy Model

In accordance with the international relations literature on state repression, the state strategy

model assumes that soldiers (agents) perpetrate sexual violence in accordance with strategic

employment on the part of state leaders or high-ranking military officials (principals) (Leiby

2011). This model recognizes sexual violence as a tool of state repression, chosen from a

repertoire of personal integrity violations to meet political needs.

High levels of predicted sexual violence	State interest in perpetrating sexual violence; homogenous interests between rank-and-file cadre and strategic goals of principals (military/governmental leaders)	High levels of principal oversight, strict scrutiny of agent behavior
Low levels of predicted sexual violence	No state interest in perpetrating sexual violence; heterogeneous interests between rank-and-file cadre and strategic goals of principals (military/governmental leaders)	Low levels of principal oversight, strict scrutiny of agent behavior

Table 1.1: Conditions in which sexual violence is predicted to be high or low, according to the state strategy model.

Sexual violence perpetrated in armed conflict is often referred to as a *weapon of war*. In

"Sexual Violence and War: Mapping Out a Complex Relationship," Inger Skjelsbaek (2001)

argues that this consensus emerged within the academic community and among policy-makers

and in the media during the rise in attention to wartime sexual violence in the 1990s. While there

is no exclusive definition of what can be considered a weapon, Skjelsbaek (2001) identifies

weaponry as "any instrument or device for use in attack or defence in combat, fighting or

war…anything used against an opponent, adversary, or victims… any part or organ serving for

attack or defence [sic]" (213). To this definition, she adds acts that "are part of a systematic political campaign which has strategic military purposes" (2001, 213). War weaponry is generally deployed for a political objective. In order for wartime sexual violence to be understood within the framework of state strategy, it must be justifiably political. The international relations and feminist literature respectively identify war and sex as inherently political phenomena, enabling them to be easily weaponized for political gain as part of state counterinsurgency strategy.

Carl Von Clausewitz famously argues, "War is only part of a political intercourse, therefore by no means an independent thing in itself" (1986 in Mingst and Snyder 2011, 322). For Clausewitz, war is the continuation of political discourse and therefore cannot be separated from the latter or hold any meaning in itself. Consequentially the individual actions of agents are political as well. If war is politics by another means, then principal-agent relationships within that context are implicitly political relationships through which policy is determined, created, and destroyed.

Following Clausewitz's argument, feminist scholar and activist Zillah Eisenstein (2007) reasons that like politics, war is normalized and therefore unexceptional. This naturalization legitimizes the use of war for political gain. Sexual violence discourse follows an identical pattern, as the phenomenon is historically viewed as a nondescript component of war. Noted legal theorist and feminist Catherine MacKinnon (2006) addresses sexual violence as unremarkable because of its commonplace occurrence within high levels of cultural and legal impunity. MacKinnon (2006) argues that the invisibility of wartime sexual violence exists

largely because of daily, political commodification and exploitation of bodies in peacetime.[5] Even when no war has been declared, women and men of every nationality are sexually violated, often with little recourse. This normalization of sexual violence mirrors the standardization of political war that Clausewitz emphasizes.

Finally, sex, like war, is an inherently political act. Acts of sexual desire or violence are foundationally rooted in the sexuality of the body, which is a highly politicized actor. Politics are processes by which people make collective decisions, and the collective (and often unconscious) social decisions made about bodies are fulfilled through what Judith Butler (1990) calls the compulsory order of sex, gender, and desire.[6] Male and female bodies are expected to execute the assumed causal relationship between sex, gender, and desire, and therefore voluntary or forced transgression against this order are acts of political opposition (Butler 1990). Sexual repression ruptures this order in a variety of ways: first, sexual violence stems primarily not from desire but from domination and control (Leiby 2010; MacKinnon 2006; Wood 2006); second, sexual violence is also perpetrated by and against men, as well as by and against women, compromising the heterosexuality of the compulsory political order. These acts, as weapons of political warfare, serve to destroy the standing political environment.

The state strategy model relies on the understanding that states deliberately employ sexual violence as a warfare strategy. Leiby (2011) reasons that conflict-based sexual violence is often "a deliberate act of violence perpetrated to advance the political and military goals of the state" (10). This suggests similarities between sexual violence and other tools of state repression identified earlier in this study. Despite historical and empirical evidence to suggest high

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[5] Peacetime is identified as times in which the state, nation, society, or community are not actively involved in war or conflict. The use of the term in relation to sexual violence is to signify "everyday" occurrences that are not components of a wartime scenario.

[6] Compulsory orders of sex, gender, and desire exist as follows: female/woman/heterosexual; male/man/heterosexual.

frequency of sexual violence perpetrated by the state in a seemingly targeted or patterned way, very few of the works referenced thus far in this study explicitly mention, let alone discuss, sexual violence as a tool of state repression (see: Gurr 1986; Gartner and Regan 1996; Regan and Henderson 2002; Mitchell 2004; Davenport 2007). State violence scholar Christian Davenport (2007) identifies state repression as "(1) the actual or threatened use *of physical sanctions* against an *individual or organization,* (2) *within the territorial jurisdiction of the state*, (3) for the purpose of *imposing a cost on the target* as well as *deterring specific activities* and/or beliefs perceived to be challenging to governmental personnel, practices, or institutions" (Emphasis mine, 2).

As a tool of state repression, sexual violence generally (though not always) takes the form of physical sanctions and is perpetrated against individuals and groups of individuals. State forces employ sexual violence to impose a cost on the target and deter future rebel or opposition activity, and scholars have even identified potential costs and benefits of sexual violence to the state in the existing literature. Michele Leiby (2011) assesses the "perverse benefits (34)" of sexual violence for the state, arguing that sexual violence is cheap and relatively easy to use. Wartime sexual violence can boost group cohesion and morale (see: Cohen 2010), and, in societies with patriarchal norms of women's sexuality as tied to national honor, is an effective method of deactivating an individual or group without killing them (Leiby 2011). Cohen (2007) outlines the argument that groups may strategically employ sexual violence instead of committing mass murder because rape is seen a lesser crime in international law and does not share the long history of tribunal prosecutions.

There is considerable case study evidence supporting a theory of strategic state employment. The concept of wartime sexual violence as part of a counterinsurgency strategy of the state

became increasingly recognized within the international community and the media after the

Bosnian War, during which sexual violence was employed as part of an ethnic cleansing

campaign. The majority of these crimes have been attributed to members of the Serbian military

and paramilitaries. Feminist scholar and lawyer Tamara Tompkins (1994) argues that

circumstances surrounding the Bosnian War "elevated tactical deployment of sexual assault to an

entirely new level" (865), as a myriad of human rights reports emphasize ethnic cleansing and

sexual violence campaigns perpetrated by Serb forces.

Available documentation and the decisions of the International Criminal Tribunal for the

Former Yugoslavia suggest that state-perpetrated sexual violence targeted explicitly against

Bosnian Muslims was part of systematic attack against Bosnia-Herzegovina. In "Turning Rape in

Pornography: Postmodern Genocide," MacKinnon (1993) recounts a gang rape as told by a

Bosnian Muslim survivor, likely illustrative of a larger, systematic campaign:

> [T]he men laugh and chide each other for 'not satisfying her,' for not being able to 'force a
> smile out of her, because she is not showing signs of love…" The superior who is ordering
> them says, 'She has to know that we are Chetnicks. She has to know that this is our land.
> She has to know that we're commanding, that this is our Greater Serbia, and it'll be like this
> for anyone who doesn't listen (in Stiglmayer 1994, 79).

The Black Book of Ethnic Cleansing, a collective report issued by local human rights

organizations at the end of the war, asserts that at least twenty "rape camps" existed in Bosnia-

Herzegovina where Serb officers repeatedly raped Muslim women and on occasion performed

genetic experiments on them (Aydelott 1993). Scholars argue that these camps implicitly prove

the existence of a systematic sexual violence policy, because even though they were established

and controlled by paramilitary forces, they were remarkably similar to one another (Diken and

Lausten 2005). Many of the camps were designed with nearly identical layouts, utilized the same

patterns of rape, and operated simultaneously in noncontiguous sections of Bosnia. Serb soldiers

also often testified of being forced to rape women, even women that they knew (Weitsman 2008).

In 2001, The International Court for the Former Yugoslavia convicted Dragoljub Kunarac, Radomir Kovač, and Zoran Vuković of rape as a crime against humanity. The trial judgment recognized sexual violence as a weapon employed against Bosnian Muslim women inflict terror, as well as drew attention to apparent strategic policy and patterns of detention centers used as "rape camps" throughout the country. According to the judgment summary,

> What the evidence shows, is that it was possible for the Serb forces to set up and maintain a detention centre for scores of Muslim women such as Partizan Sports Hall, next to the municipal police building in Foca, from which women and young girls were taken away on a regular basis to other locations to be raped… [The accused] also knew of the general pattern of crimes, especially of detaining women and girls in different locations where they would be raped. The actions of all three accused, as will be described below, show beyond any doubt their knowledge of the detention centres, and of the practice of systematically transferring the women and girls to locations where they would be abused by Serb men (Judgment in Trial Chamber II in the Kunarac, Kovač, and Vuković Case, 2001).

These findings indicate that the accused members of the Serbian armed forces knowingly transferred women among the so called "rape camps," which were maintained by Serbian soldiers. Kunarac himself served in a principal military position as the commander of special reconnaissance unit. The ICTY judgment emphasizes the complicity of local authorities and police forces in both direct sexual violence and indirect commands. Strategic state employment of sexual violence has also been documented in Peru (Leiby 2009), Bangladesh, Kuwait, and Guatemala.

Some scholars have criticized the state strategy model for its inability to demonstrate that state forces weaponize sexual violence for strategic gain (see: Cohen 2010). Despite the difficulties in proving state complicity in systematic employment of sexual violence as a weapon of war, I agree with Leiby (2011) that requiring definitive proof of a strategic policy (i.e. written

records) sets an impossible standard and "unnecessarily privileges state impunity" (33). Ample evidence exists in the forms of pattern identification and testimony to support a model of state strategy in many conflicts.

Opportunism

Unlike the theory of state strategy, the opportunity model of wartime sexual violence suggests that war simply affords those inclined to commit sexually violent acts the opportunity to do so (Cohen 2010; Leiby 2011). In her 1975 work, *Against Our Will: Men, Women, and Rape*, Susan Brownmiller asserts that rape is "man's basic weapon of force against women, the principal agent of his will and her fear" (14), and that "war provides men with the perfect psychological backdrop to give vent to their contempt for women" (32).

The opportunity model assumes a breakdown of principal-agent relationships in wartime that allow agents to perpetrate sexual violence amidst chaos and blanket impunity. Dara Cohen (2010) writes of this model that state breakdown in conflict contributes to lawlessness and chaos in which legal institutions and social norms are destroyed. Within this environment, men are able to unleash their "latent desire" to commit rape with impunity (Cohen 2010, 6). The opportunity model capitalizes on the goal variance and information asymmetry that exist within principal-agent relationships, and predicts that levels of sexual violence will increase in cases of government collapse or state instability (Cohen 2010; Leiby 2011). Leiby (2011) identifies existing evidence supportive of the opportunity model, including case studies of the Korean War (1950-1953) and instances of sexual violence during peacekeeping missions. Some opportunistic sexual violence has also been observed in the Democratic Republic of Congo, along with strategic perpetration from armed groups on multiple sides.

High levels of predicted sexual violence	Heterogeneous interests between rank-and-file cadre and strategic goals of principals (military/governmental leaders)	Low levels of principal oversight, strict scrutiny of agent behavior	Destruction of judicial systems, legal code during conflict
Low levels of predicted sexual violence	Homogenous interests between rank-and-file cadre and strategic goals of principals (military/governmental leaders)	High levels of principal oversight, strict scrutiny of agent behavior	Strong judicial systems, legal code during conflict

Table 1.2: Conditions in which sexual violence is predicted to be high and low, according to the Opportunity Model

In a cross-national study of existing explanations for wartime sexual violence, Cohen (2010)

evaluates the theory of opportunism by testing state collapse as a causal mechanism for rape in

war. She hypothesizes that, given the opportunity model, "state collapse should be correlated

with higher conflict-wide levels of wartime sexual violence (2010, 7)." Using GDP per capita as

a proxy for the strength of state institutions, Cohen (2010) finds some support for the opportunity

model of wartime sexual violence, establishing that conflict-wide sexual violence is more likely

"in conflicts with a lower level of GDP per capita, indicating that a weakening of state

institutions may be a cause of wartime rape" (36). However, Cohen (2010) recognizes the

limitations of using GDP as a measurement of state collapse, and acknowledges that future

research may instead use the change in GDP from pre- and post-war levels as a more relevant

variable.

Christopher Butler et. al. (2007) find additional support for theories of opportunism in their

cross-national analysis of principal-agent relationships. Their findings suggest that "where agents

[of government security forces] are more accountable and subject to tighter control, sexual

violence is less likely," (669). In another study, literary scholar Jonathan Gottschall (2004)

boldly claims that the "biosocial theory [of wartime sexual violence] is the only one capable of bringing all the phenomena associated with wartime rape into a single explanatory context (129)." The biosocial theory of wartime sexual violence supports of model of opportunism, as the theory assumes wartime rape to be in part the natural expression of male sexual frustration (Gottschall 2004). Gottschall's argument relies heavily on variation of sexual violence as well and typical age ranges of wartime sexual violence victims.[7] He contends that a primary motivation of wartime sexual violence is the sexual desire of individual agents, but argues that social and cultural influences account for the fact that not all men engaged in war perpetrated sexual crimes (Gottschall 2004). However, Gottschall does not expand on what these social and cultural influences are, only that they help explain variation in opportunistic sexual violence.

The opportunity model of wartime sexual violence has been subject to substantial criticism in both international relations and feminist literature. Biological theories of sexual violence – that men are wired to rape and conflict gives them opportunity to unleash the building urge to commit sexual violence – are inherently linked with the assumption that desire motivates perpetration, a claim rejected by almost all modern feminist and sexual violence scholars (see: Stiglmayer 1994; Scarce 1997; Eisenstein 2007). Military sociologist Ruth Seifert (in Stiglmayer 1994) succinctly argues that sexual violations "are acts of extreme violence implemented, of course, by sexual means. [R]ape is not an aggressive manifestation of sexuality, but rather a sexual manifestation of aggression," (54).

Theories of opportunism have also been critiqued on their ability to explain sexual violence targeted towards specific ethnic and political groups and social communities. The observable and

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[7] Victims and survivors are the terms used in this study to identify those against whom wartime sexual violence has been perpetrated. These choices are of linguistic necessity, but the connotations of these words have problematic and essentializing capacities. The terms are not intended to imply the mental state of someone who has been sexually violated in terms of victimization and survivorship. Similarly, these terms should not be taken as judgment or indication of forced labeling.

well-documented patterns of targeted sexual violence in over forty cases in the 20th century alone (Gottschall 2004; Green 2004) and the perpetration of sexual violence by non-male actors emphasize this problem, as opportunistic sexual violence should be perpetrated indiscriminately as sexual urges arise. Leiby (2011) also maintains that opportunism cannot explain high levels of sexual violence in situations where there is considerable principal oversight, as in detainment camps, prisons, or state-run facilities.

I further argue that opportunism cannot account for female perpetrators of sexual violence, as it focuses explicitly on male sexual desire as the fundamental mechanism for perpetration. Sexual crimes committed directly or commissioned by women in war have been documented in Bosnia-Herzegovina, Rwanda, Nazi Germany, Sierra Leone, and in American detention centers in Iraq and Afghanistan (Cohen 2007; Sjoberg in Bergoffen et. al. 2010).

Candidate Explanations for Wartime Sexual Violence

As identified in this chapter, strategic state employment and opportunism constitute the two largest camps of state sexual violence theorizing. Within and among these, however, scholars have generated causal explanations for the occurrence and variation of sexual violence in war. It should be noted that these explanations as they currently stand are insufficient in alone explaining sexual violence in a myriad of circumstances. The most substantial of these will be discussed in this section and applied during case selection in Chapter 3.

Conventional wisdom dictates that persistent gender inequality in peacetime serves as a catalyst for sexual violence in times of war. Scholars have argued that sexual violence is pervasive in war because of conservative sexual norms and state failure to prevent and prosecute crimes committed against women in peacetime. This contributes to an established social and

cultural impunity concerning sexual violence (Brownmiller 1975; Jefferson 2004). Many states, including Sri Lanka, still do not recognize marital rape as a prosecutable offense, and other states allow rapists to marry rape victims as a means of evading punishment (Jefferson 2004).[8] Additionally, in many countries, the sexual purity of women's bodies is also tied to family and national honor, and therefore is heavily policed. In these societies, women's bodies are valuable to the nation or community only when sexually pure. In many cases, proper sexuality is limited to intra-martial sex and motherhood. In armed conflict, this construction reifies women as vulnerable to sexual invasion. Violence inflicted on women in these circumstances serves to symbolically violate the larger community, nationality, or group to which they belong (Jefferson 2004).

This correlation between a relative deficiency in women's social, political, and economic rights and wartime sexual violence (as is currently identified in the literature) assumes sexual violence to be acts perpetrated by men against women (Brownmiller 1975; Cohen 2010; Leiby 2011). As Susan Brownmiller (1975) writes, rape "is nothing more or less than a conscious process of intimidation by which all men keep all women in a state of fear" (15). With the exception of some tribal communities, the majority of societies have embraced patriarchal constructions of women and acceptable gender roles. Ruth Seifert (in Stiglmayer 1994) argues that this explains high incidence rates of peacetime sexual violence in virtually all Western countries, and could help explain the prevalence of sexual violence in domestic wars. The legal and social norms of inequality keep women subjugated as rapeable in war because they are rapeable in peacetime. Following this argument, societies with higher levels of relative gender equality should engage in lower levels of sexual violence during conflict.

Empirical evidence to support (or reject) a theory of gender inequality as a causal

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[8] In Sri Lanka, marital rape is only considered a criminal act when the couple is legally separated.

mechanism for sexual violence is limited. This dearth may result from the fact that gender

inequality is a very difficult concept to measure for quantitative analysis. In their 2001 article,

"Gender, Violence, and International Crisis," Mary Caprioli and Mark Boyer use relative

political equality as a proxy to test whether gender inequality has a positive correlation with the

intensity of state violence. They eventually find support for their hypothesis, that there is a

negative relationship between the percentage of women in the legislature and the severity of

violence in crises, but the relative flexibility of political equality as a variable delegitimizes the

significance of their findings.

According to the Human Development Index, gender equality in the United States (0.400)[9]

is far more progressive than in Nicaragua (0.674), but Nicaragua outranks the United States

politically in that a female executive leader has never been elected in the latter country;

Nicaragua elected its first and only female president in 1990 (Human Development Index

2011).[10] The sole assessment of political leaders as representative of gender equality in these

states, as Caprioli and Boyer propose, would produce faulty estimates.

In her 2010 work on causal mechanisms of wartime sexual violence, Dara Cohen (2010)

finds no support for gender inequality as a determinant of sexual violence using fertility rates as

a proxy to measure gender inequality.[11] Cohen (2010) argues that this measurement "is reflective

of not only cultural factors, such as personal choice and the need for children, but also of

discrimination against women and structural inequality in the forms of lower levels of education,

employment, and political power (26)." Fertility rates, however, is a poor indicator of gender

inequality because it is so crude and is a very singular measure of a larger problem. While

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[9] *Gender equality* is coded by on a scale from 0, equality to 1, inequality.
[10] Executive position is defined here as head of state and immediately subordinate positions.
[11] The fertility rate of a population is the average number of expected births per woman of childbearing age. However, given the wording of her proxy explanation, I believe that Cohen (2010) is actually using crude birth rates. The crude birth rate is the number of births per 1,000 people per year in a given population.

fertility rates are likely correlated with access to healthcare, it is hyperbolic to suggest a relationship between fertility rates, employment, political power, and other "symptoms" of an unequal gender system.

There is some evidence to suggest that higher levels of gender equality may in fact result in higher levels of sexual violence, a phenomenon identified as the backlash model. Leiby (2011) finds that in Peru, higher levels of gender inequality (measured by economic activity) are correlated with lower levels of sexual violence. An intuitive theory of gender-based violence in general is that as women transgress social gender norms and fulfill more masculine roles (i.e. economic and political parity), men will translate this threat into increased levels of violence. This theory has not been subjected to stringent empirical testing, and is not tested in this study.

Finally, theories of gender inequality have been critiqued as essentializing of gender roles and thus assuming that men will always perpetrate sexual violence against women (Leiby 2011). As previously discussed, there is evidence of female perpetrators of sexual violence in at least five civil wars. Similarly, male victims of wartime sexual violence have been documented in conflicts including Bosnia-Herzegovina, Croatia, Sri Lanka, Iraq, Nazi Germany, the Democratic Republic of Congo, Uganda, Chile, Kuwait, El Salvador, Peru, China, and the former Soviet Union.

A second candidate theory for wartime sexual violence identified in the existing literature is secession and the dividing of populations. International relations theory holds that the level of threat to the state or status quo is a significant determinate of state repression. This idea, known as the *proportionality principle* by Ted Gurr (1986), has withstood stringent empirical testing and maintains that states will respond to opposition with levels of violence comparable to the strength of the opposition. In secessionist wars, state forces are challenged by groups seeking

partition from the state. This threat places the current state structure in severe danger of dismantlement. Secessionism then, as the quintessential threat to state security, should yield the highest levels of state repression compared with other forms of opposition.

The theory that secessionist conflicts will yield higher levels of sexual violence than their counterparts is partly generated from this theory, in that secessionist groups pose the greater threat to the state (Hayden 2000). Hayden (2000) argues that sexual violence in these cases is intended to force the victim to seek further separation from the perpetrator's homeland, and that "the lesson is to show that life together is finished" (32). Leiby (2011) writes that this theory was initially produced from the observation of sexual violence during the dissolution of the former Yugoslavia, which coincided with an overall rise in international interest concerning wartime sexual violence. Several other case studies support the correlation between secession and wartime sexual violence, including partition of Punjab between India and Pakistan in 1947 and the Bangladesh Liberation War (Hayden 2000).

However, recent testing suggests that this claim is empirically invalid. Dara Cohen (2010) recently found that secession might actually be *negatively* correlated with wartime sexual violence. Similarly, in my own preliminary research I found that of 26 ethnic civil conflicts commenced between 1960-1995, secession is likely negatively correlated with sexual violence.

	Number of conflicts	Number with documented sexual violence	Percent with documented sexual violence
Secessionist	10	4	40
Non-secessionist	16	11	68

Table 1.3: Ethnic Civil Conflicts 1960-1995. Full dataset can be found in Appendix A.

Elizabeth Jean Wood (2009) also hypothesizes that an armed group that desires to govern the civilians of its opposition is less likely to employ or tolerate sexual violence perpetrated against them. There is case study evidence to both support and reject this hypothesis: Serbian armed groups apparently had little desire to govern the Bosnian citizens that they sexually violated during the Bosnian War. Conversely, evidence suggests that the Pakistani military and paramilitaries perpetrated sexual violence against Bangladeshi civilians during their war for secession despite clear indication that Pakistan was trying to keep Bangladeshi citizens as part of the country.

Another explanation for sexual violence perpetration during conflict is the environment produced by ethnic war. Theories of ethnic war as a causal mechanism for sexual violence are rooted in the assumption that because ethnic solidarity often results in brutal and emotional combat, armed groups in ethnic conflict are likely to involve sexual violence (Cohen 2010). [12] The empirical evidence to support or reject this hypothesis is varied. In the past there has been substantial literary consensus that the ethnicization of conflict is positively correlated with targeted perpetrated of sexual violence (Stiglmayer 1994; Seifert 1994; Hayden 2000; Farr 2009).

These studies rely heavily on implications of sexual violence during the Bosnian War, including testimony of rape with a strict ethnic purpose and the use of forced impregnation as a tool of destroying the Bosnian ethnic group (Aydelott 1993; Stiglmayer 1994; Seifert 1994; Tompkins 1994). Christopher Butler et. al. (2007) argue that ethnic fractionalization is "plausibly

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[12] The ethniciziation of war is highly contested in the international relations literature. Ethnic civil war in this study is identified using combined definitions from Cordell and Wolff's (2011)'s work on ethnic conflict and Barbara Walter's (2002) dataset on civil war. Ethnic civil wars are defined here as civil wars in which the goals of at least one party are exclusively defined in ethnic terms (Cordell and Wolff's 2011); that "occur within a generally recognized state; produce at least one thousand deaths per year; involve the national government as an active participant; and experience effective resistance from both the rebels and the government," (Walter 2002, 1).

connected to high levels of sexual violence in some particular conflicts" (680). Ethnic motivation is also illustrated in the 1994 Rwandan genocide and mass rape of Tutsi women as well as the attacks on indigenous Mayan women in the Guatemalan Civil War.

Contrarily, Dara Cohen's (2010) recent analysis in "Causes of Sexual Violence During Civil War: Cross-National Evidence (1980-2009)" finds no support for the ethnicization of conflict as an explanation for sexual violence. Cohen (2010) found that ethnic hatred was not statistically significant, and argued that she could "confidently reject" the hypothesis that ethnic wars should be correlated with higher conflict-wide levels of sexual violence (7). Additionally, theories of ethnic war alone cannot account for sexual violence that occurs during non-ethnic conflicts.

In "Armed Groups and Sexual Violence: When is Wartime Rape Rare?" Elisabeth Wood (2009) offers several more complete theories for conflict sexual violence. Wood (2009) theorizes that sexual violence perpetration may be correlated with the social norms of an armed group. She argues, "The observed (as opposed to the commanded) repertoire of violence exercised by combatants may depend on their own norms concerning violence against civilians (136)." A group's repertoire of violence may change over time. Wood (2009) contends that armed groups may mirror the sexual violence strategies of their opposition, either through leadership decision or socialization within individual units.

An intuitive argument that has not been extensively empirically tested, Wood (2009) additionally contends that the perpetration of sexual violence may depend on whether group leaders judge sexual violence to be beneficial or counterproductive to their cause. In some cases, it is argued that both the prosecution of wartime sexual violence and continued anti-sexual violence rhetoric from an armed group may in fact deter group leaders and individual agents

from perpetrating sexual violence. In her dissertation on violence perpetrated against noncombatants, Amelia Hoover Green (2011) finds that when armed groups prohibit violence against civilians, continual top-down reminders are necessary in order to avoid agents committing abuses. Additionally, there is substantial philosophical literature to suggest the viability of this theory.

In his intricate theories of power relationships, Michel Foucault made several claims relevant to the deterrence theory of wartime sexual violence. Public denunciation of sexual violence by the ruling elite of an armed group would be ineffective unless those leaders held a certain amount of power. Foucault argues that those who exercise power decide what power is (Foucault 1978). Subsequently, the areas in which those with power designate that power become in themselves powerful. Foucault also maintains that power is communicated through language and discourse, which explains why proscription of sexual violence would lead to an absence or limited perpetration (Foucault 1978).

A concept or phenomenon cannot retain power unless those with power afford it discourse: the subject of wartime sexual violence would be powerless in a given situation unless the leaders of an armed group explicitly acknowledged it through language. This power works in both positive and negative ways: an armed group that views sexual violence as productive to their interests may employ pro-sexual violence language in order to empower the phenomenon. Similarly, armed groups who decide that sexual violence is counterproductive to their cause may use linguistic power to deter combatants from perpetration.

Theoretical insufficiencies

There is no mono-causal theory of sexual violence that explains perpetration across

conflicts, or even within them. Complex variation in geography, frequency, methodology, scale, and purpose of sexual violence ensures that such a theory does not exist, and attempts to generate one should be treated with the upmost skepticism. While the empirical validity of these candidate theories is still being debated in the literature, it is reasonable to assume that some explanations are well suited to explain variation in certain conflicts. They are, however, theoretically insufficient in that they do not offer the best possible explanations for these conflicts because they either neglect or only briefly consider the feminist implications of sexual violence in armed conflict. It is vital that sexual violence scholarship acknowledge that while sexual violence is primarily a sexual manifestation of domination, anger, and subordination, the use of sex as a vehicle for weaponized deployment is critical to wartime sexual violence theory. We cannot ignore the importance of sexual violence's sexual component for fear of delegitimizing it is a weapon of power and domination, and therefore must recognize feminist theoretical foundations of sex, the body, and what sexual violence means for both perpetrators and victims in times of war.

The politicization of sex as strategic weaponry of the state is foundational to the success of the state strategy model, but cannot be fully explained through traditional political theory. The intricate nature of war, sex, and sexuality demand in-depth feminist exploration of sex, gender, and the process by which victims are created, targeted, and sexually violated by state forces. Through feminist exploration, we can construct theories better suited to explain wartime sexual violence than established in the existing sexual violence literature.[13]

Existing theories of wartime sexual violence are fundamentally insufficient because they neglect real consideration of gender, oppression, and the power structures that maintain these social norms. Sexual violence is a fundamentally gendered concept, but it is also often sexed, racialized, perpetrated along class lines, and motivated by unequal power distribution. These power asymmetries, while remarkably varied in their relationship with sexual violence in given circumstances, are derivative of a larger power structure that has become the recurrent theme of feminist literature: patriarchy.

Patriarchy is generally understood in feminist scholarship as the universal characteristic of sexual inequality that keeps women, as naturalized for child bearing and sexual inferiority, subordinated and confined to the domestic sphere (Bowden and Mummery 2009). The narrowness of this definition, however, delegitimizes forms of oppression that may not primarily affect women, as well as disallows for oppression as targeted at multiple intersecting identities beyond *womanhood*. Therefore, patriarchy here symbolizes the social system that enshrines the superiority and domination of *ideal* bodies over othered bodies. It is through this lens of

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[13] The theoretical concepts discussed in this chapter are rooted in theories of intersectionality, first identified by law professor and race theorist Kimberlé Crenshaw in 1989. Intersectionality is a methodological approach that considers relationships among multiple dimensions as interconnected and holds that interlocking system of oppression affect these multiple both identities individually and collectively.

"appropriate" embodiment and hierarchy that sexual violence can be explored as a weapon of warfare.[14]

A critical patriarchal implication for sexual violence in wartime is the politics of embodiment. The existing sexual violence literature does well in its discussion of women as gendered and the consequences of that process for them as violable in times of war (see: Pettman 1998; Leiby 2011), but fails to explore how the embodiment of all people establishes bodies as spaces on which to inscribe violence. Terms of acceptable embodiment are determined, influenced, and controlled by society, the state, and other powerful, patriarchal structures.

Before we can theorize as to why states or other armed groups employ sexual violence, it is important to examine what sexual violence means in terms of the literal bodies of perpetrators and victims. Sexual violence scholars hypothesize about men and women as both perpetrators and victims, but what does it mean to be a *woman?* What does it mean to be a *man*? These questions are fundamental to the construction of both questions and explanations concerning sexual violence in all circumstances. While the naming and identifying of patriarchy, oppression, and other abstract concepts may be difficult and at times contentious, the impact of these structures on actual bodies in both peacetime and wartime are illustrative and strongly evident.

The implications of embodiment, for both women and men, are primarily consequences of the gendering process. Feminist and queer theorists have negotiated gender as the cultural understanding that the sexed body assumes, one that follows no logical sequence as an extension of sex (Butler 1990; McDowell 1999; Bowden and Mummery 2009). Zillah Eisenstein (2007) defines gendering as "the process of transforming females to women and males to men when

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[14] In *Gender Trouble*, Judith Butler (1990) claims, "universal patriarchy no longer enjoys the kind of credibility it once did (5)." I agree with this assertion, in that third wave, post-colonial, and black feminists have begun rightfully refuting the implications of essentialized patriarchy as a system universal in its effects on women. However, patriarchy is ultimately the determinate of embodiment politics and therefore can be employed as an analytical factor without the adoption of its universalizing claims.

neither of these starting points is completely autonomous from their transformed state," (3).

Therefore, in the study of sexual violence, it is important to note that the crime is being committed not against females and males, but against *women* and *men*, often for the purpose of attacking the roles and expectations of their respective bodies.

Despite much feminist rhetoric of global sisterhood and the shared struggles of all women, the embodied woman is not a universal monolith. What it means to be a woman varies contextually according to geographic location, ethnicity, race, religion, sexual orientation and class. What is expected of *women* in one culture depends heavily on what is expected of *females*, and gains meaning only in relationship with what is expected of *men*. In this sense, Butler (1990) writes that gender "mirrors sex or is otherwise restricted by it" (9).

In her revolutionary work *The Second Sex,* Simone de Beauvoir (1949) famously argues,

"One is not born but rather becomes a woman. No biological, physiological, or economic fate determines the figure that the human being presents in society: it is civilization as a whole that produces this creative indeterminate between male and eunuch which is described as feminine" (295).

This creative indeterminate of *femininity* is the expression through which *women* are expected to project their gender, and taken together these acts of femininity produce *gender roles*. Alternatively, *masculinity* is the possession of qualities deemed appropriate for *men*. Butler (1990) argues, "Gender is the repeated stylization of the body, a set of repeated acts within a highly regulatory frame that congeal over time to produce the appearance of substance, a natural sort of being" (45). Keeping the cultural relativism of gender construction in mind, it is possible to identify boundaries along which lines of *womanhood* are generally drawn.

In *Understanding Feminism*, Peta Bowden and Jane Mummery (2009) emphasize that possessing a women's body is highly correlated with a lack of control over that body. Women's bodies are often regulated by the state: this manifests in state control of reproductive freedom,

access to other forms of healthcare, as well political and legal understandings of women's bodies as unfit for subsistence in public arenas. Women are restricted to their bodies (McDowell 1999), and are "affected on all sides by various forms of explicit and implicit social, political, legal, symbolic and discursive control" (Bowden and Mummery 2009, 45). This control is best explained by the dualistic relationship created by asymmetrical power distribution between bodies gendered male and female: women are literally and metaphorically bodies that do not possess what men have.

In *Learning from the Outsider Within*, Patricia Hill Collins (1986) introduces the idea of dualistic identities to explain the interlocking systems of domination that keeps certain groups oppressed while others thrive. All systems of oppression, not limited to the subordination of women, operate within a dualistic relationship, otherwise imagined as either/or power systems. Human groups are categorized hierarchically and oppositionally. Simply, groups are identified from one another based on their differences (Collins 1986). Within these dichotomies, one group will always exert dominance over the other in order to maintain supremacy, resulting in deeply embedded systems of oppression.

Each group gains meaning only in relationship to the differences of the other, giving obvious incentive to powerful groups to maintain power through continued domination of oppositional bodies. Dichotomies operate in a relative power game where the success of one group is measured by the failure of another. Dehumanization is essential to this process of domination (Collins 1986), and "lesser" bodies are devalued and depersonified through the perpetuation of these oppositional norms. Examples of dualistic relationships relevant to wartime sexual violence include male/female, public/private, father/mother, culture/nature, and the embodied expectation of men/women.

One of the primary reasons that women's bodies have been constructed as inferior to men's bodies is the relationship between women and reproduction. That women literally are responsible for the continuance of a group's survival has paradoxically afforded their bodies power and simultaneously established them as subordinate and vulnerable. Feminist geographer Linda McDowell (1999) reasons that the biological distinction between women and men's bodies has been translated into a hierarchical scale of social value. Women are constructed as closer to nature and categorically inferior due to menstruation and their confinement to the private, domestic sphere. Bowden and Mummery (2009) argue that within this construction, "menstruation, pregnancy, and lactation all suggest a body out of control and incapable of being subdued by reason" (49).

McDowell (1999) writes that "[m]en, on the other hand, are seen as civilized, rational, and superior, mind to women's body, eve, indeed, unbodied and disembodied" (44). Some recent feminist work questions the legitimacy of this relationship between women and nature, but it is a social reality that often manifests in wartime as sexual violation. In times of both peace and war, women and nature are similarly raped, pillaged, and eroded. Rape has been allegedly employed in scorched earth and ethnic cleansing campaigns by perpetrators intent on destroying both social cohesion and nature so that they never re-grow.

While women's bodies are denigrated through their construction as disobedient and unmanageable, they are concurrently imagined as vessels of the nation. This notion has been addressed in some of the existing sexual violence literature (see: Pettman 1998; Tambiah 2005). The nation is historically and socially constructed as feminine, which has created gendered expectations placing it at risk of sexual danger and invasion (Pettman 1998; McDowell 1999; Tambiah 2005). Women are further imagined as vessels of social unity and history, and an attack

against them serves as an attack against nationalism and a nation's cohesion. Patriarchy claims women as protectors and reproducers of tradition, thereby making control of their sexuality increasingly vulnerable to both internal and external threats to the nation.

The nation is an amalgamation of real or imagined history, religion, culture, tradition, language and ethnicity. National "identity and continuity are maintained by the transmission of norms and customs across generations" (Gurr 1994, 348). Women transmit these norms and national identity, both figuratively through their construction and literally through their reproductive capabilities. Civil war challenges and often reifies these nationalist boundaries, and in doing so inevitably contests the constructions of *man* and *woman* that a group understands. In the context of wartime, threats to or invasion of the nation are construed as colonizing, aggressive male sexual attacks by an oppositional male group, comparable in concept to heterosexual rape (Pettman 1998).

Wartime sexual violence is often targeted against women as symbols of the nation in an attempt to destroy the very core of the community. In the simplest of terms, women are society, and during conflict the preservation of society is of paramount importance. As Manal al Sharif, a Saudian Arabian women's rights activists, recently asserted, "[Women are] half the society, but we give birth to and raise the other half. So we're actually all of society (as quoted in Bohn 2012, 1)." Evidence of sexual violence purposed for the destruction of national group ideals has been uncovered through testimony in many conflicts, including Guatemala, Bosnia-Herzegovina, and Rwanda.

As discussed, the feminine gendering of *nation* draws on the reproductive relationship between women and the population. Women "reproduce nations, biologically, culturally, and symbolically" (McDowell 1999, 187). With few exceptions, the biological relationship between

anatomical females and reproduction has enacted strict expectations of motherhood as a condition for women's embodiment. This interpretation of *women* as inextricable from the replenishment of society demands that all biological females become women, and that all women become mothers. This complex creates an intricate paradox that both reveres women as mothers and endangers them considerably in conflict situations. Feminist author and poet Adrienne Rich (1986) writes of this phenomenon: "Motherhood – unmentioned in the histories of conquest and serfdom, wars and treaties, exploration and imperialism – had a history, it has an ideology, it is more fundamental than tribalism or nationalism" (33).

The understanding of *motherhood* exists as an entirely patriarchal construction in which the mother "exemplifies in one person religion, social conscience, and nationalism" (Rich 1986, 45). Rigid gender regimes often deprive women's bodies of any real agency from the expectations imprinted upon them, causing an inseparable relationship between *woman, mother*, and *national* identities. The destruction of one leads to the devastation of another, and subsequently the violation of women has become an archetypical pattern in ethnic civil conflict as a means of national destruction.

Sexual violence perpetrated against women for the purpose of controlling motherhood is documented in multiple conflicts. Testimony from both rape survivors and perpetrators suggest that forced impregnation was a method of sexual violence used by Serbian soldiers against Bosnian women in an attempt to defile the Bosnian national bloodline (Tompkins 1994). In the Democratic Republic of Congo, soldiers reportedly forced a pregnant woman to lie on the ground while her children stomped on her stomach, inducing abortion. The soldiers then forced the women to drink the discharged fetal blood before repeatedly raping her (Jackson 2008). Additionally, testimony indicates that state forces in Guatemala cut fetuses from pregnant

indigenous women and left them hanging by the umbilical cords (REHMI 1999).

The dualistic relationship between the expectations of men and women's bodies is perhaps most evident through the sexual standards imposed on them. The patriarchal system that dominates most global societies disciplines sexuality and purports norms for both men and women. The effects of this policing, however, are far more inscribed on the bodies of women, whose sexuality is regulated culturally, religiously legally, politically, and paradoxically in ways that inherently infantilizes them and severs much potential for sexual agency.

In *Women's Bodies*, Jane Arthurs and Jean Grimshaw (1999) write that "the body is itself the subject of constant social inscription; it is discursively constructed and 'written' on by innumerable forms of social discipline" (7). The expectations of embodiment are therefore constructed and malleable, but have remained remarkably stagnant concerning women's bodies and sexuality. The "normative pressures to which women's bodies are subjected" (Arthurs and Grimshaw 1999, 9) are evident in the ways we understand sexual norms for women. In most societies, women's sexuality is inherently linked with their self-worth. Women are devalued through "incorrect" expressions of their sexuality, typically understood to be pre- and extra-marital sex. In some societies, women's sexuality is considered only as a vehicle of child rearing. This sexual discipline manifests in varying degrees relative to cultural context, but generally speaking, the suppression of women's sexuality is an international phenomenon that keeps women's bodies disconnected from sexual pleasure while being constructed as instrumental incubators.

The implications of this sexual policing for women's bodies in wartime are both strongly evident and fundamentally terrifying. Women in conflict are sexually violated *because* they are women, and often cultural proscriptions of sexuality are the vehicles through which women are

attacked as both individuals and symbols of national pride. Sociologist Joane Nagel (1998) contends that within these circumstances, women's purity must be "impeccable" (254). Embodiment of women in wartime means embodiment as a symbol of national honor, and therefore "women's shame is the family's shame, the nation's shame, the man's shame" (Nagel 1998, 254). If sexuality is the measure of a woman, and the woman is the measure of the nation, then, women's sexuality is of vital importance to the continuance of that nation.

Attacking the sexual norms of a society serves as a symbolic assault on society as a whole, and therefore women's bodies are transformed as vehicles for violent imperialism in wartime. Rape in many cultures is perceived as a same on the familial structure, and as a result the family often uproots or disintegrates. Women who are sexually violated during conflict are frequently viewed as defiled by their nation, and therefore are frequently rejected by their husbands, families, and communities. In many conflicts, including Bosnia-Herzegovina, forced familial rape is employed as another method of destroying community ties through women's sexuality (Diken and Lausten 2005).

While the dualistic relationship between bodies gendered as men and women renders women as inferior to men through a system of patriarchy and asymmetrical power relationships, most feminist scholarship has been remiss in acknowledging the effects of these structures on those embodied as men. Women's bodies are relegated to symbolic positions of nationhood, as either venerated and protected vessels of society or spoils of war, but men's bodies are too assigned as defenders of their women, nation, and pride (Nagel 1998). The role afforded to women as helpless possessors of dangerous sexuality innately designates men as their protectors, an expectation stemming from the same patriarchal structures that oppress women. This is not to say that the negative effects of the patriarchal system on men are comparable to that suffered by

women (generally speaking), but it is negligent to ignore the implications of patriarchy on men, masculinity, militarism, and wartime sexual violence.

Although cultural relativism rightfully delegitimizes any theories of pure universalism, the expectations of bodies gendered as men is most evident through the projection of masculinity. Ideals of masculinity vary cross-culturally, but the construction of state power, social standards, militarism, political violence, and citizenship have historically been masculinist undertakings (Nagel 1998). Control of women's bodies and their sexuality through social, political, economic and legal avenues are most often attributed to this patriarchal construction of masculinity. So do all men appreciate and desire the reification of this normative masculinity? This question, only recently debated by feminist scholars, produces uncomfortable implications for wartime sexual violence. To what degree can wartime sexual violation be the result of patriarchal inscription on men's bodies? Through what lens can we discuss and explain the wartime rapist in this context?

In *Masculinity in Crisis: Myths, Fantasies and Realities,* Robert Horrocks (1994) argues against the benefits of these standards of embodiment. He writes,

> Patriarchal masculinity cripples men. Manhood as we know it in our society requires such a self-destructive identity, a deeply masochistic self-denial, a shrinkage of self, a turning away from whole areas of life, the man who obeys the demands of masculinity has become only half-human… To become the man I was supposed to be, I had to destroy my vulnerable side, my sensitivity, my femininity, my creativity, and I had to pretend to be both more powerful and less powerful than I feel (25).

The gendering of men's bodies enforces upon them that in their ideal state they must strictly adhere to the dichotomy of embodiment. Within dualism, the ultimate failure of a man is to be a woman. This hegemonic masculinity is further solidified in times of conflict during which nationalism, militarism, and the demand for defense arise. Nagel (1998) asserts, "nationalism is

political and closely linked to the state and its institutions, [which have been] historically and remain dominated by men " (248). Subsequently, ideologies of hegemonic masculinity and hegemonic nationalism intertwine in inextricable ways. In peacetime and in war, the interests of the state are men's interests, and regulation of both men and women's bodies are prerogatives of the man's state. Men are entrusted to protect the state's interests, through a heightened combination of militaristic ideals of manhood and the patriarchal obligation to protect the nation.

Another relevant feminist consideration for the study of wartime sexual violence is the expectation of compulsory heterosexuality that exists in nearly all global societies. Heterosexuality is important to the rules of embodiment imposed on both women and men, as it fulfills the compulsory order of sex, gender, and desire. As she writes, "Desire is heterosexual and therefore differentiates itself through an oppositional relations to that other gender it desires. The internal coherence or unity of either gender, man or woman, thereby requires a stable and oppositional heterosexuality" (31).

The demand for heteronormativity, the culturally hegemonic heterosexuality that results from this order (Butler 1990; Jones 2006), is exacerbated in times of war. Militarization bolsters hegemonic masculinity through the expression of violence (Jones 2006). Conflict also increases the likelihood of the feminized man, which Adam Jones (2006) refers to as "one of the most lethal gender roles in modern times" (452). The feminized man is the dualistic counterpart of hegemonic masculinity, and encompasses those who have either adopted or had imposed on them cultural traits and behaviors identifiable as feminine. Proper performance of masculinity, as it has been discussed here, requires men to not only be defenders and protectors, but also to eventually become victors. Defeat in war is innately feminizing, and similarly surrender and capture during conflict are also viewed as "failures" of the embodied man (Jones 2006).

As mention in the preceding chapter, wartime sexual violence targeted against men has been documented in a myriad of conflicts. Unlike most patterns of sexual violence perpetrated against women, much of this abuse occurs in detention centers or prisons. Testimony from the former Yugoslavia suggests that Bosnian Men held in the Serb-run Omarska detention center were forced to sexually abuse one another, were assaulted with glass bottles by the soldiers, and in one case were forced to bite off another prisoner's testicles. Several people also testified that family members were coerced to perform sexual acts on each other (Karabegović 2010).

Men in capture during wartime are inherently feminized already, and therefore sexual assaults committed against them serve to further demasculinize them and, often, the group to which they belong. This forced feminization paradoxically reifies the heterosexual, hegemonic masculinity of the perpetrator (Scarce 1997). Adam Jones (2006) writes, "feminine status is assigned to the 'passive' (receptive) partner…but not to the 'active' (penetrating) one" (459). Sexual violence perpetrated against both men and women is primarily motivated to maintain or establish dominance through a sexual means (Ellis 1989). It is through this system of power that men in wartime that men are victimized. Hilmi M. Zawati (2007) contends that the rape of men in wartime, like the rape of women, is primarily an assertion of power and domination rather than sexual desire. Zawati (2007) writes that in the military context, there is a pervasive belief that "when a victorious soldier emasculated a vanquished enemy and sexually penetrated him, the victim would lose his manhood, and could not be a warrior or a ruler anymore" (27-34).

The cultural stigma surrounding men as sexual violence victims has led to both vast underreporting and a universal silence regarding the issue in both peacetime and wartime. The process of turning embodied men into feminized failures serves as a demobilizing agent that leaves many men too ashamed of their abuse to admit or discuss it. A secondary but equally

problematic issue is that the sexual abuse of men, in both peacetime and in war, is a largely silent issue. Rape and sexual violence legislation in many countries contain gendered language delegitimizes men as potential victims, and neither the international feminist nor gay movements have adopted the issue as a cause deserving of advocacy.

In "Male/Male Rape and the 'Taint' of Homosexuality," one of the few studies of sexual violence with male victims, Sandesh Sivakumaran (2005) contends that the insinuation of homosexuality keeps victims from reporting their assault, arguing that society views any sexual activity between two men to be "indicative of homosexuality, regardless of any element of coercion (1275)." High levels of social homophobia globally may dissuade men from reporting sexual assault for fear of being labeled as homosexual. In many societies, laws illegalizing homosexual contact further silence male victims. Almost 40 percent of countries have criminalized homosexuality, with penalties ranging from prison sentences to capital punishment.[15] Five states – Iran, Mauritania, Saudi Arabia, and Yemen – employ the death penalty against those accused of homosexual acts (Ottosson 2010). The "taint" of homosexuality that accompanies these legal and cultural prohibitions acts as a vehicle of compulsory silence for male victims of sexual violence.

Sivakumaran (2005) theorizes that male/male sexual violence receives little significant attention from both popular media and sexual violence researchers because it is a "cause without a voice" (1280). The hesitancy to discuss sexual violation among men has resulted in a dearth of organizations devoted to the issue on an international level. There is no evidence to support the theory that sexual violence perpetrated against men is more likely in countries with illegalized homosexuality, but researchers of sexual violence must be aware of data limitations and causes for underreporting in conflict societies.

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[15] According to Ottosson (2010), homosexual acts are illegal in 76 countries, or 38.7 percent of the world's states.
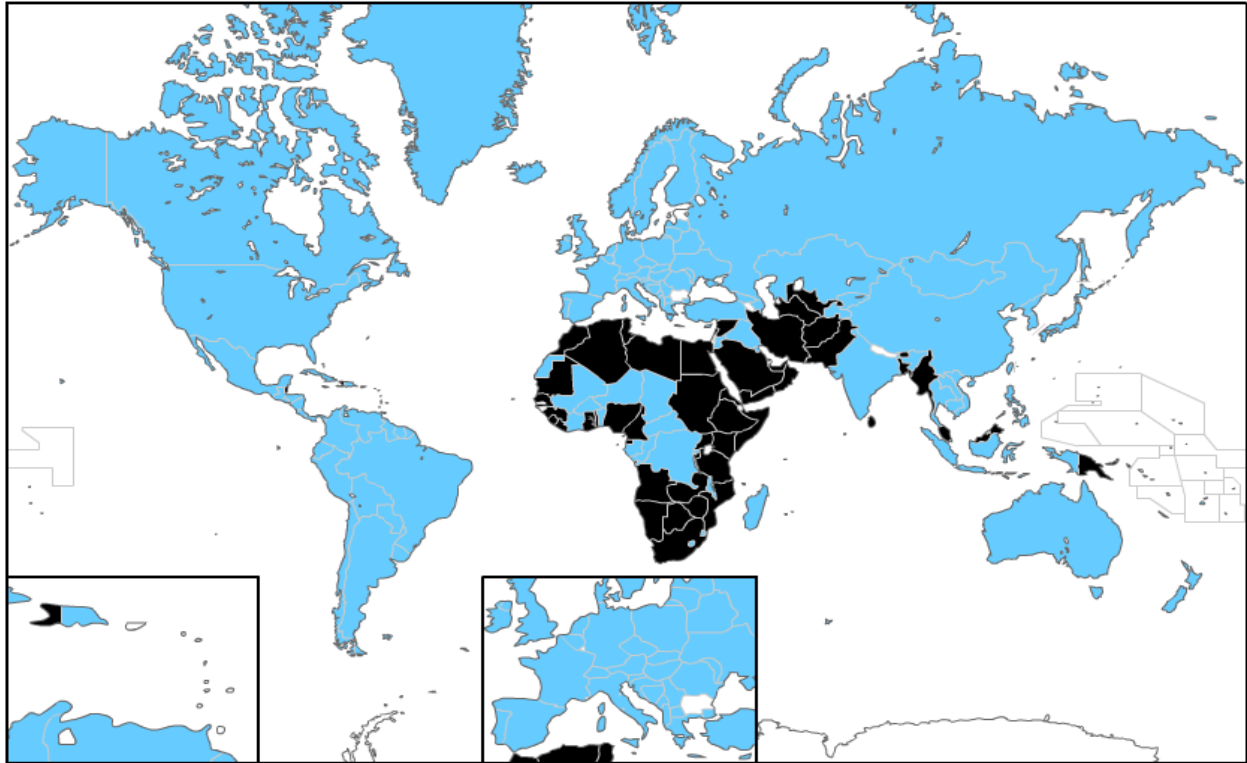
Figure 2.1: States with illegalized male/male sexual contact (black); data via Ottosson 2010[16]

Another feminist consideration for theories of embodiment is the imprint of colonial

legacy on bodies in previously colonized states.[17] Civil war often occurs in these regions, which

establishes the effects of colonization on embodiment as supremely important in the study of

wartime sexual violence. Many of these conflicts are fought along ethnic lines established by

Western colonizers in societies that have adapted colonial ideas of sexuality and body politics.

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[16] Data adopted from Daniel Ottoson's 2010 report, "State Sponsored Homophobia: A World Survey of Laws
Prohibiting Same Sex Activity Between Consenting Adults," published by the International Lesbian, Gay, Bisexual,
Trans and Intersex Association (ILGA). Blue states indicate either legalized male/male sexual contact or regions
where the legal status of homosexual acts is unclear. Given the scope of this research, this map only includes states
in which male/male homosexuality is illegal, as some have legalized female/female contact. Several states with laws
prohibiting male/male sexual contact are too small to color significantly: Comoros, Mauritius, São Tomé and
Príncipe, Seychelles, Brunei, the Gaza Strip, Maldives, Antigua and Barbuda, Barbados, Belize, Dominica, Grenada,
Guyana, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Trdinidad and Tobago,
Cook Islands, Kiribati, Mauru, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, and Tuvalu.
[17] I refrain from using the term "post-colonial" when discussing these areas, especially when emphasizing the ways
in which colonial legacy is still deeply ingrained in many societies.

Additionally, many of these conflicts are fought along ethnic lines established by Western colonizers. Most branches of feminism have done a poor job in addressing the needs of women in previously colonized areas, because, as Chandra Mohanty (2003) writes, "white liberal capitalist patriarchs have always been the focus of feminist resistance" (65). The ethnicization and racialization of conflict in these areas are inherently gendered and sexualized, as the ethnic "other" has historically been cast as sexually available for acts forced or otherwise.

Feminist and native studies scholar Andrea Smith (2005) argues, "Native peoples have become marked as inherently violable through a process of sexual colonization," (29). The sexual habits of native peoples were lost on Western colonizers, and their sexual openness was interpreted as lewd, heathen behavior. This is reflected in the accounts of Alexander Whitaker, a minister in colonial Virginia in 1613: "They live naked in bodie, as if their shame of their sinne deserved no covering… They are idolatrous, libidinous, and commit sodomy" (as quoted in Smith 2005, 10). Similarly, white colonizers in African countries interpreted black nakedness as perverse and sordid sexual behavior. Sexual openness of dark-skinned native people was subsequently understood as sexual violability, establishing non-white women (and men) to be rapeable.

The effects of colonialism are modernly evident in the reinterpretations of sexual norms in previously colonized countries. The sexual stringency applied to women's bodies and constructions of acceptable marriage rites in Latin American and South Asian countries are direct derivatives of the religious ideals of their colonizers (Personal Interview, December 28, 2011). Native American and South Asian pre-colonial tradition societies exhibited many matriarchal tendencies, including notions of female sexual power and lineage. Bared breasts and genitalia and public acts of sexuality were accepted parts of embodiment in much of the pre-

colonial world, a system that imperialistic patriarchy destroyed. The effects of colonial legacy on bodies in Guatemala and Sri Lanka will be further explored in Chapters 4 and 5, respectively.

Conclusion

In this and the preceding chapter, I have identified the existing theoretical foundations for state perpetrated sexual violence as a form of state repression, as well as discussed the relevant feminist considerations through which more complete theories of wartime sexual violence can be generated. In the next section, I discuss my case selection for a comparative case study and focus on the extreme variation of wartime sexual violence in ethnic civil war. I additionally address data limitations in the study of wartime sexual violence.

A sentiment that requires strong reiteration is that there is no singular explanation of wartime sexual violence. Causal mechanisms for rape and sexual abuse in war vary tremendously between conflicts, as well as within them. It is important to acknowledge and accept this variation in order to study sexual violence, and therefore I believe that the best way to generate the most complete theories is to examine cases individually and comparatively.

My research questions and subsequent case selection resulted from an inductive rather than deductive process. These case studies are employed for theory building, not hypothesis testing in the way generally expected of political science scholarship. As discussed in Chapter 1, I originally hypothesized that secessionist conflicts would yield higher levels of state-perpetrated sexual violence in ethnic conflict, and after compiling the data on those wars discovered that I could likely reject this theory. This finding spurred my fundamental research question: why do some states engage in sexual violence while others do not? Taking into consideration the importance of contextually specific analysis in this field, the goal of this explanatory comparative case study is to establish cause-and-effect relationships that determine which, if any, of the existing candidate theories of sexual violence perpetration help explain variation in state-perpetrated sexual violence in Sri Lanka and Guatemala. This method allows for additional theory generation within my findings and discussion, as I ultimately expand on existing theories through feminist framework.

Case Selection and Justification

Pattern matching

As emphasized in Chapter 1, the literature offers several possible causal mechanisms for sexual violence, including secession and the dividing of populations. From these I was able to identify several possible independent variables relevant to explaining variation in wartime sexual violence perpetration. The literature suggests that causal mechanisms for wartime sexual violence include pervasive gender inequality (identified through strict sexual norms for women, sphere segregation, and high levels of impunity for violence against women), secession, cognitive or unintentional mirroring of the opposition's sexual violence strategies, and ethnic

war. By identifying these theories, we can identify that an *expected pattern* for a country with these circumstances is high levels of state-perpetrated sexual violence. The first case investigated here, Guatemala, fulfills this expected pattern of wartime sexual violence.

If Guatemala is the rule, Sri Lanka is the exception. By matching the observed pattern of these variables in Sri Lanka with the expected pattern, it is evident that the cases seemingly differ on the variables of secession, symmetry in sexual violence across armed groups, and the dependent variable: state sexual violence perpetration. As evidenced through the high levels of epidemic sexual violence perpetrated against women and men in the Bosnian and Bangladeshi partition wars, secession alone likely cannot account for variation in the dependent variable of state sexual violence perpetration. Additionally, given the proportionality principle of international relations theory, the presence of secessionist opposition in Sri Lanka and absence of Guatemala would predict the exact opposite pattern of sexual violence observed in these two cases.

	Gender inequality	Ethnic civil war	Symmetry in sexual violence across armed groups	Secession	State repression (non-sexual violence)	Strength of insurgency compared to state	State-perpetrated sexual Violence
Sri Lanka	High	Yes	Mirrored; symmetric	Yes	High	Weak (see Table 3.2)	Low
Guatemala	High	Yes	Asymmetrical	No	High	Weak	High

Table 3.1: Pattern matching causal mechanisms for wartime sexual violence

The limited engagement of sexual violence from the Sri Lankan state and apparent absence from the opposing Liberation Tigers of Eelam's (LLTE) repertoire of violence is especially mystifying, because many of the explanatory causal mechanisms for sexual violence identified in other conflicts, including Guatemala, are present in the South Asian country. A

strongly religious region heavily influenced by colonial sexual norms, gender inequality and stringent sexual standards for women are embedded in Sri Lankan society. As will be further explored in Chapter 5, the country has a history of legal and social sexual repression and a culture of violence perpetrated against women. These norms transcend ethnic and many class boundaries.

The Sri Lankan conflict, commenced in 1983, represented the culmination of ethnic tensions between the majority Sinhalese and minority Tamils, the latter of which rebelled following decades of intense governmental repression. These conditions are similar to the origins of the war in Guatemala, which began after a leftist and progressive insurgency demanded, among other things, the redistribution of land among the country's indigenous population, from whom it had originally been taken by the government and members of the population's upper class.

The Guatemalan social and legal systems also operate with deeply entrenched gender inequality and strict rules of sexual embodiment. The implications of these norms are discussed in Chapter 4, but the similarities in expectations of women's embodiment in both countries are striking. Emphasis is placed on marriage and motherhood, as well as the sexual "integrity" of women's bodies as representative of national core. In Guatemala, these expectations were exploited through massive sexual violation of indigenous women and, symbolically, their communities. State destruction of Mayan communities included the forced embodiment of Maya women as the antithesis of Guatemalan womanhood, as sexually violable "guerilla whores" (Ciborski in Barstow 2000). Sexual violence in Guatemala also highly correlated with violence throughout the war, spiking between 1981-1983 (See Figure 4.1; Ball et. al. 1990).

Despite these cross-conflict similarities, available documentation suggests that the Sri

Lankan state did not employ sexual violence as a tool of political violence or ethnic hatred. The state engaged severe repressive techniques as part of its counterinsurgency strategy, including indiscriminate violence against civilians in heavily Tamil areas and the indefinite imprisonment of noncombatants. However, patterns of sexual violence suggest limited and opportunistic rape perpetrated by agents of the state. A notable exception, addressed in Chapter 5, is patterned sexual torture of male political detainees.

Given the long history of post-colonial ethnic tensions between the Sinhalese and Tamil populations, pervasive gender inequality including high levels of violence against women in peacetime, conservative sexual norms and the understanding of women's sexuality as tied to family and national pride, and the scale and magnitude of violence perpetrated by the state against civilians, the absence of sexual violence from the Sri Lankan state's counterinsurgency strategy is an enigma. The following section briefly discusses the comparative historical similarities that further emphasize the perplexity of the Sri Lankan case.

Comparative historical analysis

Both Guatemala and Sri Lanka fought counterinsurgency wars that are generally comparable in length (comparatively to other ethnic civil wars 1960-1996). Documentation suggests that state forces in both conflicts directly targeted civilians as part of a counterinsurgency strategy (REHMI 1999; CEH 1999; Human Rights Watch 2010). Common methods of repression in both conflicts included mass killing, forced displacement, detention and torture. Finally, in the wars in both countries were fought along ethnic lines established by colonizing parties: intersectionality is a critical theoretical component of this analysis, as there are racist and classist implications along these lines in both circumstances.

While similar in these respects, the variation in insurgent groups in Sri Lanka and Guatemala make the question of why the Sri Lankan state did not employ sexual violence in a systematic manner even more perplexing. The Guatemalan state faced a weak political insurgency, the Guatemalan National Revolutionary Unit (URNG), which they met with abnormally high levels of state violence. This tactical repression evolved into a scorched earth campaign aimed at massacring the indigenous Maya, veiled with anti-communist and anti-insurgent rhetoric. The previous literature and data from truth commissions conducted in Guatemala strongly suggest that sexual violence was employed as a tool of political violence against suspected URNG sympathizers and civilians (REHMI 1999; CEH 1999; Ciborski in Barstow 2000; Hastings 2002; Leiby 2009).

	The Guatemalan National Revolutionary Unity(URNG)	The Liberation Tigers of Eelam (LTTE)
Composition	Leftists and progressives	Tamils
Highest Estimated Size	1500	6000
Strength Relative to Government	Weaker	Weaker[18]
Objective	Instatement of leftist, progressive reforms against military-led government, resistance	The establishment of a separate, autonomous Tamil state
Strength of central command exercising control over insurgent groups	Low	High
Transnational NGO support (military and non-military capacity)	Some	Extensive

Table 3.2: Comparison of insurgencies in Guatemala and Sri Lanka; data via Cunningham, Gleditsch, and Salehyan 2012.

The Sri Lankan state was conversely threatened by a large, well-armed and relatively strong insurgency (although comparatively weaker than the state), the LTTE, a Tamil opposition

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[18] While the LTTE was classifiably weaker than the Sri Lankan Army (SLA), it is notable that the insurgency was much stronger and posed a much greater threat to the state than the URNG did in Guatemala.

group intent on carving out an ethnically homogenous, autonomous homeland. Labeled a terrorist organization by the United States, the United Nations, and several other state governments and international organizations, the LTTE gained and maintained control of the northern section of the country, Jaffna Peninsula, and served as a very real threat to the stability of the Sri Lankan state. Given the country's sexual expectations of women's bodies as symbols of national and ethnic pride, sexual violence would have seemingly been an effective means of demoralizing and destabilizing the LTTE insurgency. Additionally, the government and military have been accused of perpetrating other horrific human rights violations against civilians and suspected combatants, including indiscriminate shelling, indefinite detention, torture, abduction, and murder (Amnesty International 1996; BBC 1999; Pinto-Jayawardena and Kois 2008; Human Rights Watch 2010).

Through pattern matching, comparative historical analysis, and insurgency comparison, it is evident that the question of why sexual violence is seemingly so limited in Sri Lanka cannot be answered by existing theories of secession, ethnic war, or gender inequality alone. In alignment with true interdisciplinary and feminist principals, this research is generated not from an existing hypothesis, but from a question and from theories established through data collection and fieldwork in Sri Lanka. Instead of hypothesizing why the Sri Lankan state did not employ sexual violence as a strategic counterinsurgency measure, I instead let the available data speak to me and to the existing candidate theories of wartime sexual violence in order to develop a better understanding of an incredibly complex situation.

Data

The data utilized in this study is compiled from both primary and secondary sources. Given the relative availability of these types of data, I relied heavily on primary sources for data

concerning Sri Lanka and on secondary sources for exploring patterns of sexual violence in Guatemala. I recognize that this distribution is not ideal, but I collected data this way for two specific reasons: first, as will be discussed later in this section, the Sri Lankan civil war recently ended in 2009. Very little reliable documentation or secondary literature has been published on political violence since the end of the war, and only recently has this information started to be compiled and made public. Comparatively, there is extensive secondary research conducted on sexual violence and the civil war in Guatemala.

Secondly, I conducted fieldwork in Sri Lanka but was unable to do similar work in Guatemala due to the time restraints of this project. Therefore, my access to primary sources in Guatemala is much more limited than in Sri Lanka. A considerable amount of personal testimony has been accumulated in reports on wartime sexual violence in Guatemala, and therefore I employed these extensively in an attempt towards data parity.

Guatemala

While I compiled most historical data and identification of sexual violence patterns from the existing scholarly literature and reports from human rights organizations, a substantial portion of the information provided in Chapter 5 is derived from Guatemala's truth and reconciliation commissions. The first, The Recovery of Historical Memory Project (REHMI), is the official report of the Human Rights Office with the Archdiocese of Guatemala. For this research I consulted an abridged English version titled *Guatemala, Never Again!* (1999). According to the editorial staff, this version focuses on "the suffering of the population; how repression functioned; and the consequences of repression and demands for the future" (REHMI 1999, xix). The report is based on the analysis of testimonies compiled by the commission, and includes hundreds of excerpts from the original statements. The second commission I employed

for this project is the Report of the Historical Clarification Commission (*Comisión para el Esclarecimiento Histórico)* (CEH) (1999) Conclusions and Recommendations. The version of this document that I used is in English and is available through the Science and Human Rights Program of the American Association for the Advancement of Science.[19]

Sri Lanka

In December 2011, the Sri Lankan government released the report of its internal truth commission, the Commission of Inquiry for the Lessons Learnt and Reconciliation (LLRC). Although I read the report, I decided against using most of the data in this study because the validity of the information is highly contested. Several human rights organizations, including Amnesty International and Human Rights Watch, refused to participate in data collection for the LLRC due to perceived biases on the part of the state, and the international community has denounced the final report for shifting blame away from state forces. A press release from Human Rights Watch (2011) states that the LLRC report "disregards the worst abuses by government forces, rehashes longstanding recommendations, and fails to advance accountability for victims of Sri Lanka's civil armed conflict" (1). The report includes no mention of violence against women or sexual violence.

I conducted research in Colombo, the capital of Sri Lanka, and Mount Lavinia, a heavily populated, industrialized suburb, for a period of 15 days in December 2011 and January 2012. While I traveled extensively throughout the central region of the country, most of my research and all of my interviews were conducted in these two cities. I conducted 8 semi-structured interviews with human rights workers, sexual health activists, and researchers with women's organizations. A total of 7 interviewees signed a consent form, while one gave verbal consent. A

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[19] This version is available online at < http://shr.aaas.org/guatemala/ceh/report/english/toc.html/>

sample of interview questions and the consent form can be found in Appendices 2 and 3,

respectively. The interviews were recorded onto a hand-held voice recorder but catalogued

anonymously, and those recordings have since been deleted. All of the interviews were

conducted in English and varied in length. Respondents identified as "Sajith" and "Piyumi" were

interviewed together. All names and identifying information have been changed for the purposes

of this study, and respondents are referred to by their synonyms listed in Table 3.3.

	Relevant Affiliation	Date	Place	Length
"Nimasha"	Indian immigrant, upper-class housewife	December 28, 2011	Colombo, Sri Lanka	~ 62 minutes[20]
"Hansi"	Ethnic and women's studies NGO	January 2, 2012	Colombo, Sri Lanka	29 minutes 04 seconds
"Amaya"	Women's rights NGO	January 3, 2012	Colombo, Sri Lanka	56 minutes 56 seconds
"Jayani"	The United Nations Development Programme	January 4, 2012	Colombo, Sri Lanka	14 minutes 38 seconds
"Rasha"	Legal and human rights organization	January 5, 2012	Colombo, Sri Lanka	~10 minutes [21]
"Sajith"	Sexual health NGO	January 10, 2012	Mount Lavinia, Sri Lanka	41 minutes 23 seconds
"Piyumi"	Sexual health NGO	January 10, 2012	Mount Lavinia, Sri Lanka	41 minutes 23 seconds
"Kalani"	Women and domestic violence NGO	January 11, 2012	Colombo, Sri Lanka	41 minutes 32 seconds

Table 3.3: Interviews conducted in Sri Lanka, December 28, 2011-January 11, 2012

In addition to these interviews, I spoke with 2 additional human rights workers and a

professor actively engaged in women's and sexual rights advocacy. These individuals acted as

resources and enabled me to arrange many of my interviews. It is important to note that

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[20] Multiple recordings in one interview
[21] Declined recording

"Nimasha," the first respondent, was the woman with whom I lived during my stay in Sri Lanka. An upper-class mother and a non-Sri Lankan native, her responses to my questions regarding the roles of women and men in the country were inconsistent with my other respondents. Given the frequency of nearly identical responses from the other 7 people I interviewed regarding these issues, I chose only to include her responses about Buddhism in this study.

Given the short period of time that I was able to spend in Sri Lanka and the nature of this project, I believe that my selection of interview subjects provides an accurate representation of the circumstances surrounding sexual violence, gender roles, and sexual repression in the country. Respondents included the executive directors and head researchers at the United Nations Development Program and the oldest, largest, and most active women's, ethnic, and human rights organizations in Sri Lanka. I additionally conducted interviews with members of one of Sri Lanka's only sexual health and sex awareness organizations, which allowed me to gain insight into a topic that remains fundamentally taboo in the country.

Two limitations that I encountered with my interviews were my timing and location. My research trip, funded by the Henry J. Copeland Fund for the Independent Study, coincided with major religious winter holidays. Although a Buddhist country, Sri Lanka publically celebrates Buddhist, Hindu, and Christian holidays. The entire country celebrates Christmas in a secular fashion, as is evident by the Christmas tree and ornament decorations adorning the streets, and subsequently most people do not work the week following December 25. I was therefore unable to conduct interviews the first five days that I was in Sri Lanka. I was also unable to conduct interviews over the weekend, as most people wanted to meet at their places of work. All interviews with the exception of Nimasha and Kalani were conducted in work spaces.

While my interview pool represents an accurate sample of Sri Lanka given my area of

research, I believe that this could have been strengthened if I had conducted interviews in the Jaffna Peninsula. An almost exclusively Tamil area, the Jaffna Peninsula was under complete Tamil control during the Sri Lanka Civil War: the LTTE used the area as their home base and set up it's own government and system of taxation. The majority of NGOs of all fields are centered in Colombo, but there are some women's and human rights organization in Jaffna. I was unable to conduct research or interviews in that part of the country during my trip because it is still considered a highly dangerous and conflict-prone area with a heavy Sri Lankan Army presence. However, the majority of documented incidents of sexual violence during the war occurred in Jaffna, and therefore researching in those areas would undoubtedly contribute to a better image of the country at that time.

In addition to conducting interviews in Sri Lanka, I was able to access both primary and secondary documents that are (or were at that time) unavailable to me in the states. I was given access to the library of the International Centre for Ethnic Studies in Colombo (ICES) and was given several of their publications on violence against women and the war. Through ICES I was also able to read the recently published version of the LLRC (2011). I additionally registered with the American Center for Sri Lankan Studies in Colombo, a research space with its own library collections, and was able to extensively read literature from the early and modern Sri Lankan feminist movements.

Author Observations

I am fully confident that without the opportunity to travel to Sri Lanka, conduct interviews, and observe the lives of those working to mend a fragile country, my research would be extensively deficient. My observations in Sri Lanka reflect a highly unequal and militarized country in the beginnings of a re-stabilization process that is so consistently the focus of human

rights and media reports. These observations can be divided into two broad sections, gender inequality and militarization.

I witnessed the most overt indicator of Sri Lankan gender and sexual norms when I was walking through a heavily populated area of Colombo and witnessed a man carrying a long tube (likely a rolled up poster) hit an older woman on the behind with it as he passed her. The woman, who was walking with her young son and did not appear to know the assailant, offered no response and in fact made no indication that the event had transpired. The man turned around, grinning, and stuck out his tongue in a lewd fashion. This scenario is not entirely unheard of in other areas I have been, but I was most surprised by the lack of reaction from the rest of the people on the street. Despite there being at least 20 people in the small vicinity, no one but me stopped, turned, or even seemed to notice the incident. Additional author observations on gender inequality in the country are discussed in Chapter 5.

Another observation I found to be most interesting in Colombo is the juxtaposition between Sri Lanka as a militarized country and as a heavily religious state espousing peace and tranquility. Sri Lanka has an overwhelming number of beautiful religious buildings, including mosques, Hindu temples, Buddhist temples, and Catholic churches, in addition to intermittent nativity scenes and a myriad of Buddhist places of worship. Occasionally Buddhist prayers and speeches from the president will be broadcast over city loudspeakers, preaching peace and tolerance. Buddhist monks fill the streets in their bright orange cloaks: it is almost impossible to go anywhere without seeing them. However, despite these symbols of peace and harmony, Colombo (one of the least militarized areas in the northern and central part of the country) is publically armed.

Even though the war ended almost three years ago, checkpoints are still stationed at the

majority of main roads at on several smaller streets, manned by members of the Sri Lankan Army. There is a moderate military presence in Colombo, with dozens of guards equipped with rifles and other weaponry on the street corners. Armed guards stand inside banks and other important institutions, as well as collectively patrol ride in truck beds in very large numbers. For the most part, the guards are exceptionally friendly. I had two negative encounters with checkpoint guards during my time in Sri Lanka. The night I arrived from the airport, my car was stopped on the way into the neighborhood in which I was staying. The guards shone a flashlight into the car and questioned the driver as to our purpose in the area. The second incident occurred when I was walking along back streets and was stopped and told I was not allowed to continue down the road.

Figure 3.1: Checkpoint in St. Michael's Square, Colombo, Sri Lanka. 2012. Author's photograph.

Finally, it is evident in Colombo that the population is seemingly intent on reuniting

Sinhalese and Tamil citizens as Sri Lankans. At the same time, most Sinhalese refer to the LTTE as "terrorists" when asked. I am not sure if this negatively affects relations between the two ethnic groups, but in Colombo it does not seem to be a main issue. I am confident that this is likely much different in Jaffna and the eastern parts of the country, which experienced far more combat.

Limitations of the Data

Research on sexual violence faces a multitude of inimitable challenges, the most formidable of which is a lack of data availability and pervasive underreporting. Rape and sexual violence reporting is persistently low in peacetime: for example, in the United States it is estimated that only 30 percent of victims report sexual assault to the police or other authorities (RAINN 2012). This vast underreporting is often linked with victim-blaming culture and patriarchal social norms relating to women and sexuality. In countries where a woman's sexuality is tied to her worth and the honor her family, those affected by sexual violence may be even less likely to report their assault. As Leiby (2011) writes, "In societies where patriarchal norms are particularly strong, survivors may be disinclined to report sexual offenses because they feel ashamed or fear being blamed, stigmatized and isolated from their community" (46). Underreporting is also especially an issue for men victimized by rape or sexual abuse, as the social shame and presumptions of homosexuality associated with male victims can serve as an intensely deterring factor.

Reporting of wartime sexual violence is plagued with additional limitations, one of which is the unreliability of existing data. Societies with persistent patriarchal gender constructions may already be limited in their accessibility to women and victims of sexually violent crimes. Warfare likely increases this inaccessibility in three main ways: first, survivors of sexual assault

may be afraid to name or confront their attackers within a system that already disadvantages women. If the legal and judicial systems in an area already operate with impunity, conflict and threat to the system's security will likely exacerbate this process. Secondly, the devastation of infrastructure in war-torn societies hinders victims from reporting sexual violence, as the destruction of roads, hospital, non-governmental organizations and legal institutions prevents victims from receiving adequate care (Leiby 2011).

Sexual violence in war is also sometimes followed by murder, especially in ethnic cleansing or scorched earth campaigns (as in Guatemala). It is likely in these cases that sexual violence will remain unreported, either because no post-mortem exam is conducted or because the body has been mutilated too such a degree that sexual assault is not observable. This data limitation is one not easily overcome by individual researchers or human rights organizations, because without timely and thorough investigations into these cases, there is a limit on how much we can really know or estimate population sexual violence in a given conflict.

Another limitation of the data on wartime sexual violence is the inconsistency with which NGOs, IGOs, and sexual violence researchers adopt rape scripts. Cultural constructions of rape scripts serve as both a colossal structure of silence for victims and an obstruction to data collection by organizations, journalists, and scholars. Rape scripts are socially and legally enforced or standards of sexual violence constituting *real rape* in a society. The question of what constitutes has led to an array of terminologically dubious data and a discrepancy in legal codes internationally.

The stereotype of *real rape* serves to define for a victim their experiences, and inform them whether or not their sexual assault constitutes a criminal offense (Leiby 2011).[22] What is

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[22] The irony of this statement is not unnoticed. Using the term victim in a statement denouncing the external defining of someone's experience with sexual assault is uncomfortable, at best. However, as identified earlier in this

understood as sexual violence varies cross-culturally. Leiby (2011) references a 1980 study, conducted by Carol Skelton and Barry Burkhart, which found that the most significant factor affecting a victim's decision to report sexual violence was whether or not they realized that the violation constituted a criminal offense. Julie Hastings (2005) also supports this finding.

Legal interpretations of sexual violence have important and damaging policy and social implications as well. Despite the country's comparatively progressive sexual violence laws, the Federal Bureau of Investigation in the United States, until very recently, defined "rape" as "the carnal knowledge of a female forcibly and against her will" (Federal Bureau of Investigation, Uniform Crime Reports 2010). The problems with this definition, including the restrictions of *female* and *forcible rape* are numerous, but this definition, enshrined in 1929, is currently being adjusted at the urging of human rights advocates to offer a broader understanding of sexual violence. The new terminology states that rape is "penetration, no mater 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" (Terkel 2011).

The Sri Lankan penal code, while comparatively progressive in terminology, blatantly ignores non-heterosexual rape perpetrated by a male or female aggressor. According to Article 363:

> A *man* is said to commit 'rape' who enactment has *sexual intercourse with*, a *woman* under circumstances falling under any of the following descriptions: (a) without her consent even where such woman is his wife and she is judicially separated from the man; (b) with her consent, while she was in lawful or unlawful detention or when her consent has been obtained, by use of force or intimidation, or by threat of detention or by putting her in fear of death or hurt; (c) with her consent when her consent has been obtained at a time when she was of unsound mind or was in a state of intoxication induced by alcohol or drugs, administered to her by the man or by some other person; (d) with her consent when the man knows that he is not her husband, and that her consent is given because she

study, the terms victim and survivor are linguistically necessary and should be taken only to mean those directly affected by sexual violence.

believes that he is another man to whom she is, or believed herself to be, lawfully married;(e) with or without her consent when she is under sixteen years of age, unless the woman is his wife who is over twelve years of age and is not judicially separated from the man (Emphasis mine, 6,29 of 1998).

The implications of this law disqualify male victims of sexual violence entirely by legally defining rape victims as solely female. This is especially problematic for data collection on sexual violence in Sri Lanka because, as will be addressed in Chapter 6, there are identifiable patterns of sexual violence perpetrated against men during that civil war. The penal code of Guatemala contains similar language, with Article 173 defining rape as:

> Committing an offense or violation laying with a woman in any of the following cases: (1) using sufficient violence to achieve their purpose; (2) taking advantage of circumstances caused by the perpetrator or not, to find a woman deprived of reason or sense or unable to resist; (3) in any case, if the woman is aged under twelve (Codigo Penal de Guatemala, Decreto No. 17-73).[23]

The variation in how societies define rape also negatively affects research on sexual violence and data collection. Academically as well as colloquially, terms such as rape, collective rape, sexual violence, war rape, mass rape, and genocidal rape are used interchangeably to explain the phenomena of sexual misconduct (Green 2004). The lack of consistency in language as disadvantageous to research on wartime sexual violence, as the majority of work conducted on the topic has been limited in its scope to only accounting for rape (see: Hayden 2000; Green 2004; Gottschall 2004; Cohen 2010).

A limitation specific to this study and research on wartime sexual violence in Sri Lanka is that the country has only been in an officially post-conflict state for 3 years. While there is substantial data, including truth and reconciliation commission reports from both the United

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[23] Author's translation. Original text: "Articlulo 173: Comete delito o violación quien yaciere, con mujer, en cualquiera de los siguientes casos: 1o. Usando de violencia suficiente para conseguir su propósito. 2o. Aprovechando las circunstancias, provocadas o no por el agente, de encontrarse la mujer privada de razón o de sentido o incapacitada para resistir. 3o. En todo caso, si la mujer fuere menor de doce años."

Nations and the Archdiocese, concerning sexual violence perpetration in Guatemala, very little has been compiled on Sri Lanka. Recently, in December 2011, the Sri Lankan government published its findings of their internal investigation, but the report has been heavily disputed by international human rights organizations and the United Nations. On February 25, 2012, Sri Lanka released for the first time statistics on deaths occurring during the 26 year-long conflict.

There are no reliable published statistics on sexual violence perpetration during the war. Therefore, it should be noted that this research was conducted with the best available data at the time of publication, including that gathered from international organizations including Human Rights Watch and Amnesty International, by relying mostly on data collected by human rights organizations within Sri Lanka. The results of the analysis should therefore be seen as preliminary and should be revisited as new information becomes available.

Feminist Methodology

Recently, there has been a push among some sexual violence and gender scholars towards quantitative research. Amassing the data to conduct this research is complicated, because survivors of sexual violence cannot be easily counted in a manner similar to human casualties. It has been argued that the lack of substantive, cross-national, statistical data is a limitation that encumbers sexual violence researchers. In an article for *Foreign Affairs*, Amber Peterman et. al. (2011) argue,

> Social scientists and statisticians rarely collect systematic data on wartime rape; instead, they frequently rely on victim narratives recorded by human rights advocates, aid workers, and journalists; as well as law enforcement reports; and hospital records. Although often profoundly moving and rich with detail, victim narratives cannot replace rigorous large-scale analyses. And all three sources can misrepresent wartime rape in a number of important ways, primarily by undercounting it (1).

While I agree that statistical data is an important measure of the widespread and global scale of wartime sexual violence, I strongly disagree that "victim narratives" are insufficient relative to large-scale analysis. Women and men victimized by sexual violence (as well as in peacetime) during conflict are silenced by a power system that blames them, shames them, discourages and often vilifies them. Those who report their assault often risk retribution, dismissal, rejection from their families and heavy stigmatization. To encourage those affected by sexual violence to come forward amidst these consequences, only to turn their experiences into numbers to be computed and flaunted as "quantitative proof," is not only dehumanizing, but I believe reflects poorly on social scientific standards of research with integrity. The need to quantify sexual violence insinuates that the data must be comparable to other human rights violations (i.e. killings), consequentially creating a hierarchy of crime severity and setting a standard for the "ideal victim." Additionally, this objective quantification inherently assumes a fundamentally anti-feminist rape script: as Leiby (2009) points out, this method largely adopts a "one victim equals one violation equals one perpetrator" approach (451).

As reiterated several times throughout this study, sexual violence scholars should not be thriving for singular explanations of perpetration for the sake of generalizability. Relying on statistical data at the expense of women and men's voices makes a very dangerous assumption: it innately assumes that wartime sexual violence in a variety of circumstances is the same. Granted, most research takes into account types of sexual violence and level of intensity within and across conflicts, but offering all or most sexual violence as statistically comparable insinuates the reasons for perpetration are analogous. Just because sexual violence occurs in the same ways in similar places or in the same patterns does not signify that it *means* the same thing. The notion that quantitative analysis is somehow a more legitimate, scholarly estimator of wartime sexual

violence blatantly ignores the most fundamental feminist consideration for sexual violence: what it means to be a woman, what it means to be a man, and what it means to perpetrate or be victimized by sexual violence can only be truly understood in a culturally relative context.

This is not to say that quantitative research on sexual violence should not be compiled. However, it should not be conducted at the expense of women's (and men) voices and should not be considered "more legitimate" than qualitative work and the sharing of survivors' stories. This method resonates with feminist research principals, and is one of the ways I believe political science research can benefit from interdisciplinary research design. I feel that my own research would be substantially improved by the firsthand stories of wartime sexual violence survivors, but given the nature and scope of this research, I have instead made an extensive effort to incorporate the available testimony from Guatemala and knowledge of those that I interviewed in Sri Lanka.

A principal method of conducting feminist research is the acknowledgements of location, knowledge, and the discourse that this knowledge produces. Standpoint feminism, a concept introduced by Dorothy Smith in her 1974 article "Women's Perspective as a Radical Critique of Sociology," argues in part that different degrees of credibility should be awarded to different knowers, and that experience and social location are critical to this hierarchy of knowledge production (Jagger 2009). Weight is given to experience but also to location. In this sense, those directly affected by or closest in proximity to a phenomenon are likely best suited to explore and explain it. While feminist standpoint has historically focused on the legitimacy (and sometimes supremacy) of women's voices, the concept can be expanded to address those who are often spoken for and dismissed as unknowledgeable. The promise of standpoint theory is that it takes into consideration the notion that those best to award discourse to sexual violence are likely not

always the college scholar or sexual violence expert, but instead the women and men who are either directly victimized by sexual violence or on the ground in those situations.

In her edited collection of feminist methodologies, Alison Jagger (2008) writes of standpoint feminism,

> Standpoint theory gives us direction in selecting research projects, advising us to begin with questions that are problematic for those on society's underside…it recommends questioning the categories of ruling elites and managing bureaucracies…it requires that researchers approach their research reflexively, looking critically at their own social locations, interests, and commitments and critically assessing their own reliability as knowers (307).

In my pursuit of quality, interdisciplinary research I have mindfully attempted to recognize these implications and apply them to my work. Given that a large portion of the literature of wartime sexual violence is conducted by (white) Western scholars, I believe that we often forget to acknowledge the epistemic privilege our position affords. Standpoint feminism counters the claimed objectivity of neopositivist approaches and acknowledges that research is never value-free (Jagger 2008). It is with this understanding that I accept my own biases in this research stemming from both my personal experiences and my desire to see wartime sexual violence abandoned as a tool of political warfare.

By assessing my own location and my position as a knower in this research, I have purposefully included substantial testimony and information produced either by sexual violence survivors or those working closely with them. I willingly admit that given the time constraints of this research, this work does not fully encompass the voices of those standpoint knowers to the extent that I feel is sufficient. However, I believe that it is a solid foundation for research that will eventually value standpoint voices to a more appropriate degree.

Conclusion

In this chapter, I discussed my methodological approach to the study of wartime sexual violence variation in Guatemala and Sri Lanka. I identified my cases for investigation, discussed the patterns of state sexual violence perpetration in each, and discussed my foundational research question of why the Sri Lankan state refrained from engaging sexual violence as a tool of political violence despite high levels of repression against civilians in other forms. Many of the obstacles to researching wartime sexual violence were addresses in this chapter, along with my personal limitations in studying a conflict only recently resolved. I additionally discussed the implications of feminist pedagogy on social science research and identified the ways in which I am working to fulfill those principals in this work. The following chapters will further analyze patterns of sexual violence in the Guatemalan and Sri Lankan civil wars as well as explore the implications of embodiment and state interest in sexual norms in times of war and peace in both countries.

CHAPTER 4: LESSONS FROM SEXUAL GENOCIDE IN GUATEMALA

Patterns of state-perpetrated sexual violence in Guatemala reflect what the media, journalists, and many scholars have come to expect as the monolith of "wartime sexual violence:" massive, public displays of rape, sexual mutilation, and torture. Many of these patterns can be explained by candidate theories of the existing literature, and the case has received (relatively) considerable attention from sexual violence scholars. Given the available data, I argue that sexual violence was employed as a principal counterinsurgency strategy and a tactic of genocide by the Guatemalan state forces. I further argue that it is unlikely that the state can claim plausible deniability for its complicity or involvement, and that the decision to commit sexual violence was one made by principal military leaders through a rational process of cost-benefit analysis.

This chapter will first provide a brief overview of the Guatemalan Civil War and discuss the implications of ethnic war on sexual violence in this case, and secondly identify patterns of sexual violence perpetrated by agents of the state. This section discusses the position of principals and agents in this conflict and emphasizes patterns of sexual violence that are consistent with acts of genocide perpetrated by state forces. Additionally, I entertain theories of gender inequality and ethnic war, explore the implications of conservative and heavily gender segregated social norms on sexual violence perpetration, and identity the benefits of sexual violence in the Guatemalan state forces.

War in Guatemala

After decades of an increasingly volatile political climate, war officially began in 1962 after the first organized opposition forces rose to challenge the state's conservative and

tyrannical government. The insurgency, the Guatemalan National Revolutionary Unit (URNG), was composed of several smaller opposition groups and opposed the government as "a puppet of American imperialism" following the United States' intimate involvement in the 1954 coup against progressively liberal President Jacobo Arbenz (Ciborski in Barstow 2000, 125). The coup, facilitated by the United States' Central Intelligence Agency, was shrouded in American anti-communist rhetoric and led by conservative Guatemalan military leader Colonel Carlos Castillo Armas.

Arbenz's election to the Guatemalan presidency in 1951 had led to democratic reforms and attempts to redress unequal land distribution, initiatives that the Castillo Armas regime quickly dismantled. The guerillas in 1962 found support and solidarity from indigenous communities who have long been disenfranchised by the government and non-native populations (Ciborski in Barstow 2000). Castillo Armas' government militarized the country, banned left-wing political parties and demonstrations, and launched a violent counterinsurgency operation against the guerillas and their sympathizers.

Between the mid 1960s and late 1970s, over 30,000 civilians and suspected guerillas were allegedly abducted and killed by state forces. Violence escalated between 1978-1981 when General Fernando Romeo Lucas Garcia became Guatemala's president through rigged elections in which military personnel were the only candidates. Under Garcia, the armed forces began prematurely killing anyone they thought could potential rally around an opposition cause, including lawyers, teachers, human rights activists, clergy, and students (Ciborski in Barstow 2000).

The year 1982 was marked with fraudulent elections, the de facto election of General Efraín Ríos Montt as president of Guatemala, and the subsequent increase of state violence

perpetrated against the URNG. Commencing the most violent concentrated period of the

Guatemalan Civil War, known as *La Violencia* (1981-83), Ríos Montt launched a scorched earth

campaign targeting not only the insurgents, but also the entire indigenous population of

Guatemala.[24] Scorched earth violence attacks not only community members, but also the land on

which they live and infrastructure through which they operate, as to destroy the potential for both

cultural rebuilding and the reestablishment of infrastructure. Counterinsurgency violence evolved

into massive savagery and soared numerically under Ríos Montt. Killings and disappearances

under his regime increased 34 percent from the Garcia presidency (Ball et. al. 1999). Notable

here is that approximately 8,000 people were killed during the Garcia regime, which lasted

almost 4 years, while Ríos Montt's military murdered nearly 12,000 people in only 1 year.

Between 1981-1983, state violence shifted from a counterinsurgency strategy targeting

suspected guerillas - Leiby (2009) contends that the URNG was dramatically weakened in 1983 -

into the well-documented genocidal destruction of Mayan communities. The Guatemalan

Historical Clarification Commission (CEH) report (1999) found that a staggering 83 percent of

the conflict's identified victims were Mayan. Conflict destruction of infrastructure and the rural

location of most indigenous villages make census taking difficult, but the best available data

suggests that in 1973, the Maya constituted 44 percent of the general population (Caumartin

2005).

Agents of the Guatemalan state leveled 440 Mayan villages during *La Violencia,* and the

CEH registered 626 massacres of indigenous villages attributable to state forces. Indigenous

farms were burned to the ground, and Guatemalan soldiers often stole livestock necessarily for

ingenious economic survival. Survivors testified that soldiers would also leave several pounds of

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[24] This campaign originated with the end of the Lucas Garcia regime, but became a full-fledged genocide (as recognized by the CEH) under Ríos Montt.

poisoned salt behind when they left the villages in order to prevent crops from growing and kill any remaining livestock (REHMI 1999). Ethnic tension between the indigenous population and the Spanish state has an old tradition in Guatemala, as the Maya people have been historically discriminated against and robbed of their land by the government and wealthy members of the Spanish population.

Ethnic categorizations in Guatemala resulted primarily from the violent and exploitative European colonization of the Americas and the subsequent segregation of the Spanish from indigenous peoples. Marion Ciborski, a nonviolence activist who worked with Witnesses for Peace in Guatemala, argues, "The racist roots of the modern Guatemalan state can be traced from the Spanish conquest to the present, through a history of land seizures, physical enslavement, and cultural oppression against the Mayan people" (Ciborski in Barstow 2000, 134). In Guatemala, the Maya were constructed as unintelligent, barbaric, and incapable of self-government as a means of justification for colonial violence and domination. Mayan populations were prohibited from sharing residences with Spanish settlers or practicing religious ceremonies contradictory to the teachings of the Catholic Church. Individuals born with mixed Indigenous and Spanish parentage were considered to be illegitimate and fell into a social class of uncertain status for the majority of the colonial period (Caumartin 2005; CEH 1999).

Guatemalan independence from Spain in 1821 led to principals of equality for all ethnic groups and the eradication of segregated "indigenous" and "Spanish" spaces, but perpetual and conservative cultural norms ensured that these practices remained deeply embedded in Guatemalan society (Caumartin 2005). "The Indian problem," as the Spanish referred to the habitation of indigenous peoples, vexed the colonizers torn between assimilation and further oppression. While a number of policies were instituted to ensure equality of education, property,

and general welfare, these laws were very rarely enacted or enforced in Guatemalan communities. Education was free and compulsory for all Guatemalan children, but resources were not allocated to rural areas housing indigenous populations. The Maya were economically and politically disenfranchised by subsequent low literacy rates and limited voting rights, "which tended to produce the cycle of dominance and separateness" (Caumartin 2005, 18).

The CEH report (1999) concluded that the Guatemalan Civil War was as a systematic genocide of the Mayan people, rooted in decades of racism, violence and oppression. Mayan peoples were slaughtered and displaced as their land was destroyed, churches and sacred buildings were dismantled, and residences were burned to the ground. State forces abducted popular community leaders in an attempt to keep them from organizing and desecrated natural spaces sacred to the indigenous tribes (REHMI 1999). By 1996, the officially end of the war an estimated 170,000 Maya had been murdered (calculated as 83 percent of 200,000).

The CEH's (1999) classification of the Guatemalan state's scorched earth campaign as genocide was recognized through legal framework established by the Convention on the Prevention and Punishment of the Crime of Genocide to make this determination: the convention was adopted by the United Nations Generally Assembly in 1948 and ratified by Guatemala in 1948. Article II of the Genocide Convention defines genocide as "[A]ny of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; (e) forcibly transferring children of the group to another group" (CEH 1999).

The CEH (1999) found that agents of the state in Guatemala deliberately identified and targeted Maya communities with the intent to destroy the indigenous group. This was achieved through direct extrajudicial killings, massacres, torture, destruction of land, property, and sacred spaces, devastation of group cohesion, obliteration of social fabric, and massive perpetration of sexual violence.

Principals and Agents

The overwhelming majority of human rights violations committed during the war (92 percent) can be attributed to state forces and paramilitary groups. This includes 92 percent of arbitrary executions and 91 percent of abductions and forced disappearances (CEH 1999). However, the principals and agent framework of state violence in Guatemala is not as categorical as these statistics insinuate: as part of a strategy to destroy indigenous Mayan communities from both the outside and within, the Guatemalan military forcibly conscripted civilian patrollers from their villages and often forced them to commit atrocities against their own people.

The "recruiting" process, which began in 1981 at the start of the Ríos Montt regime, took civilian men from rural areas and organized them into Civil Defense Patrols (PAC)s, a network of community-based militias which functioned as a local extension of the army. Participation in local PACs was compulsory, and those who refused were often murdered along with their families (Ciborski in Barstow 2000). The PACs "were made to inform the army about any goings-on in their villages, detain and interrogate suspects, and serve as cover for the army during skirmishes with the guerillas" (Ciborski in Barstow 2000, 126).[25] As agents of the state,

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[25] In the early 1980s, an estimated 900,000 men were forced into PACs. Marion Ciborski (in Barstow 2000) argues that PACs were incredibly effective for the state's counterinsurgency strategy, as they have been accused of some of the most heinous massacres and human rights violations during the war. Men in PACs were made very aware that their disobedience led to not only their torture and death, but ultimately the elimination of their families and communities. In this sense, the state used fear as a powerful motivator to ensure that indigenous men committed human rights abuses against their neighbors.

PAC members were responsible for many of the violations committed against their community members. This strategy served state purposes of not only physical, but also psychological destruction of Maya communities and social cohesion. Testimony from former PAC members emphasizes the psychological torture of forced collaboration:

> We acted on the army's orders, if it weren't for them, we wouldn't have done it. We allied ourselves with the army to survive; and also because the guerrillas killed the father-in-law, who was a military commissioner. At that time you didn't know what to do, and we had to obey the army (REHMI 1999, Case 2463, patrol chief, Chutuj, Quiché, 1982).

> Maybe God will forgive me…that is why I have come to tell it. If I die one day, I can't take it all with me. It feels so good to tell it, it's like a confession. It is a great relief to get out what you have held in your heart for so long (REHMI 1999, Patroller case, Sacapulas, Quiché).

Similarly, testimony from former member of the military describes how the soldiers forced members of PACs to kill and mutilate people of their villages. According to one alleged perpetrator, "We don't do the killing now. Instead the patrollers from here in this community, they are the ones who will kill them" (REHMI 1999; Case 2811, Chinique, Quiché, 1982).

A consistent theme of sexual violence literature in many fields is the tendency to discuss wartime "rapists" as a monolith of bad intention and collective rage. An important consideration in the Guatemalan case, as well as other cases of wartime sexual violence, is that the principals and agents operating within them may be much more complex than an initial analysis detects.

Patterns of Sexual Violence

An intuitive theory of wartime sexual violence, as identified in Chapter 1, is that armed groups will likely engage in sexual violence when they feel that it is productive to their cause. Conversely, groups that find sexual violence to be counterproductive to their objectives are likely less likely to commit these crimes (Wood 2009). Patterns of sexual violence in Guatemala and the CEH's (1999) classification of crimes perpetrated against the Maya as genocide strongly

suggest that the Guatemalan state identified sexual violence to be productive to their objectives. Additionally, it is evident that the state forces in Guatemala did not mirror the sexual violence strategies of the opposition, as perpetration was almost entirely one sided (see Figure 4.2).

These patterns will be fully discussed in this and the following section concerning sex and sexual norms in Guatemala, but I argue that through a rational process of cost-benefit analysis, the state found that sexual violence fulfilled the need for tools of political violence to destroy Mayan communities. Wood (2009) theorizes that armed groups interested in eventually ruling over the opposition's population are less likely to employ sexual violence, the opposite of which is evident in Guatemala. As evidenced by the genocide, the Guatemalan state had no interest in retaining the Maya population and therefore there were few costs to perpetrating sexual violence against them. Benefits to the state, which will be discussed in this section, included deactivating the individual and community morale, the destruction of indigenous social fabric, and, consistent with genocide, aided in the complete and total devastation of the population.

The strategic employment of sexual violence as a tool of warfare in Guatemala is often likened to the atrocities seen in the former Yugoslavia and Rwanda in the early 1990s as "mass rape." Documentation and testimony from the CEH, The Catholic Church's Recovery of Historical Memory Project (REHMI), journalists, scholars and social scientists suggest that soldiers and agents of the state systematically raped and sexually violated Mayan women over the course of the war (CEH 1999; REHMI 1999; Ball et. al. 1999; Hastings 2002; Green 2004; Leiby 2009). The proportion of women sexually assaulted, murdered and abducted in Guatemala correlates dramatically with the evolution of state violence into an widespread assault against rural communities in the early 1980s (Ball et. al. 1999; Leiby 2009). Figure 4.1 illustrates the

sharp increase in both reported sexual violence and killings in 1981 and subsequent decrease following 1982, as well as the overall similarities in patterns of sexual violence and deaths in Guatemala over the course of the war.
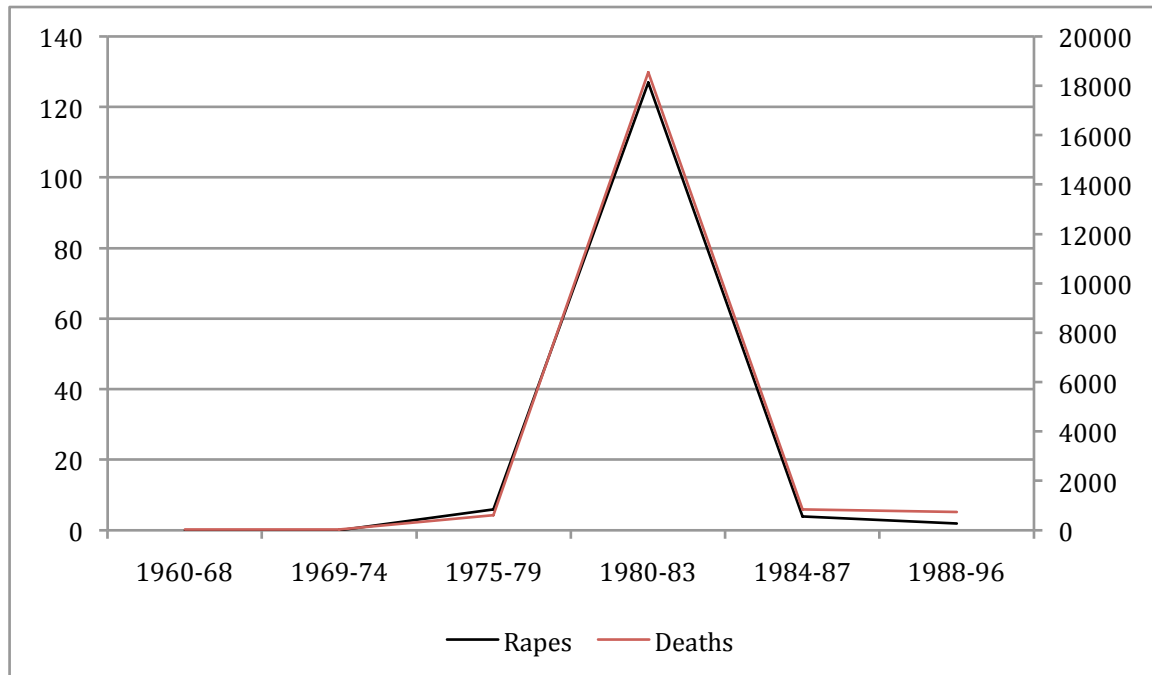
Figure 4.1: Rapes and Deaths in Guatemala, 1960-1996. Data provided by REHMI (1999, 302), "Table 1. Violations by Historical Period (Victims)." [26]

During *La Violencia,* the proportion of women among documented victims reached 21 percent, the highest annual percentage of the 36-year conflict (Ball et. al. 1999). This period was characterized by massacres of indigenous villages, many of which only targeted women and children. An estimated 89 percent of women who were raped or otherwise sexually violated were Mayan (GHRC 2009). Soldiers also often targeted women in massacred villages after killing widely, or separated the sexes before a massacre. REHMI (1999) documented sexual violence in 1 of every 6 massacres, arguing that "rape was part of war machinery," and that "rape of women

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[26] This study looks at sexual violence broadly, while REHMI's documentation is limited to rape. The data included in this figure is limited to documented rapes in Guatemala, as is the data in Figure 4.2.

was part of the soldiers' and civil patrollers' modus operandi" (76-77). This simultaneous destruction of land and womanhood is consistent with feminist theories of women as (problematically) constructed as closest to nature, and therefore violable in similar ways.

Michele Leiby (2009) found that 44 percent of sexual violence cases occurred during massacres or community sweeps targeted at the indigenous population. Testimony collected by REHMI (1999) illustrates these abuses:

> Six soldiers raped the wife of a friend of his, in front of her husband. It was very common for the army to rape women. The wife of another acquaintance, and daughter, were raped by thirty soldiers (Case 7906, Chajul, Quiché, 1981).

> The army would bring down to the zone big native girls with fat braids in their hair and earrings made of wool thread. They brought them because they said they were guerillas. They would rape them and disappear them (Case 769, San Juan Ixcan, Quiché, 1982).

Sexual violence in Guatemala was pervasive in all forms of violence against women, including as a cause of death, a form of torture, a precursor to killings, and as part of sexual slavery (REHMI 1999). These abuses were committed publically, often in front of family members or friends, and served to humiliate and destroy culture and community. Rape and the threat of rape were also used a bartering tools for agents of the state: some women were coerced into sexual acts by the idea that they or their families would survive if they participated. Members of the indigenous community testified that they were threatened by soldiers and told, "If you have a young daughter, we'll let you go" (REHMI 1999, 78).

Agents of state committed the majority of sexual violations during the war, with 70 percent being committed by regular military members and rape compromising an overwhelming 84 percent of those abuses (Leiby 2009). Also significant is that 99 percent of all sexual violations were committed against women. However, as mentioned in Chapter 2, there are reasons to suspect that men, if exposed to sexual violence, would be hesitant to report it. Data

from the CEH (1999) and the REHMI (1999) reports additionally emphasize sexual torture as a

frequent form of sexual violence, with extreme mutilation and cruelty used to assault women in

ways alternative – or concomitant to – rape.
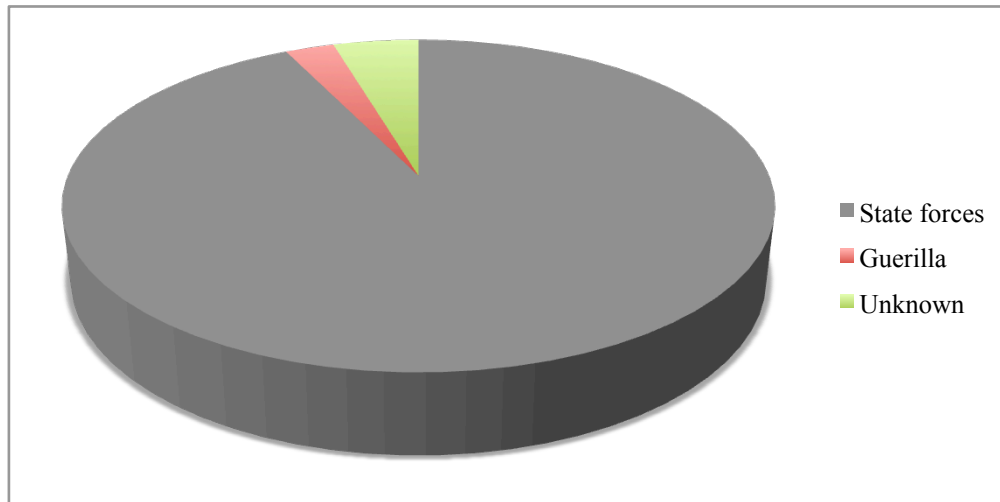
**Figure 4.2: Documented rape in Guatemala by responsible force; data provided by REHMI (1999, 304)
"Table 4: Responsible Force."**

Identified in Chapter 3, a persistent theory of wartime sexual violence is that pervasive

gender inequality increases the vulnerability of women's bodies as spaces inscribed with

violence during conflict. Gender-specific sexual attacks on women during wartime take many

forms within and among conflicts, and in Guatemala many women were targeted in ways that

exploited their capacity for motherhood. REHMI (1999) calls atrocities carried out against

pregnant women and babies a "recurrent pattern of behavior " that "clearly demonstrated the

army's brutality against the civilian population in its attempt to obliterate even the source of life"

(74). As symbols of nation and venerated as reproducers of the society, targeting pregnant

women and destroying their ability to conceive served as an effective mechanism of genocide for

state forces. The CEH (1999) notes acts of sexual torture targeted against motherhood, including

the opening of wombs of pregnant women, while testimony from REHMI (1999) emphasizes the

level of dehumanization with which state forces mutilated Mayan victims:

> The women who were pregnant. One of them was in her eighth month and they cut her belly, and they took out the little one, and they tossed it around like a ball. Then they cut off her breast and left it hanging in a tree (Case 6335, Barillas, Huehuetenango, 1981).

> And the fetuses were left hanging by their umbilical cords. There is no doubt that the killing of children in front of their mothers was especially aimed at indigenous women (Interview 0165).

> There are women hanging. Well, the stick goes into her private parts and then the stick comes out of her mouth. They had her hanging there like a snake (Collective testimony, Heuheutenanango, in REHMI 1999, 79).[27]

Candidate theories of ethnic war as a causal mechanism for wartime sexual violence

suggest that attacks on motherhood, in the forms of forced impregnation or forced abortion, are

often closely related with ethnic hatred. As seen in Bosnia-Herzegovinia and Rwanda, these

methods are often employed in conjunction with genocide as a means to ending reproductive

cycles, effectively ending the continuance of an ethnic population. Critiques of this theory

include the fact that assaults on motherhood do not occur in all ethnic conflict, but, as reiterated

throughout this study, the generalizability of sexual violence theories is limited by substantial

variation between conflicts. In Guatemala, it is clear that ethnic war served as a causal

mechanism for sexual violence and as one causal factor in sexual mutilation related to

motherhood.

The CEH (1999) and REHMI (1999) reports and academic scholarship generally address

sexual violence perpetrated by agents of the state in Guatemala as systematically condoned by

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[27] REHMI's (1999) stated objective is to "reassemble collective memory" (xxxi). The tradition of collective testimony allows for the rebuilding of a communal narrative among people with varied experiences.

senior leadership. While a premeditated counterinsurgency strategy of sexual violence is almost impossible to prove without admission from state or military leaders, existing documentation indicates widespread sexual violence explicitly targeted towards Maya women, condoned, ignored, or incited by army leaders. Given the evidence collected through testimony and case-specific statistical documentation, it is reasonable to assume that the state cannot claim plausible deniability for its involvement in the systematic perpetration of sexual violence during the war. Testimony from former combatants indicates that military leaders were actively involved in sexually violent crimes and offered women to one another as gifts:

> We found a woman, and I called a soldier and I told him: 'Take charge of the woman, she is a present from the second lieutenant.' 'Understood, Corporal,' he answered, and he called the boys and said: 'There's meat, guys.' So they came and grabbed the girl. They took her little boy from her and they all raped her. It was gang rape. Afterward, I told them to kill the woman first so she wouldn't feel so bad about the death of her son (REHMI 1999; Key source, perpetrator, 1982).

The REHMI (1999) report emphasizes that sexual counterinsurgency tactics were consistently part of the state's 'strategy of mass destruction' (79). There is a strong consensus in the literature that agents of the state perpetrated sexual violence was part of a counterinsurgency state strategy and that sexual crimes were therefore rarely opportunistic. Language from both scholarly work and reports from the CEH (1999) and REHMI (1999) to explain conflict-wide sexual violence in Guatemala includes "not isolated incidents" (REHMI 1999, 76), "often by several men at once" (REHMI 1999, 77), "a common practice" (CEH 1999, #91), "not only condoned, but encouraged by high-ranking officials," (Hastings 2002, 1158) and as playing an "integral role… in the state's overall counterinsurgency strategy," (Leiby 2009, 460). The following section details an explicit case of state-perpetrated sexual violence targeted against

Maya women as representative of the sexually violent component of some military massacres during *La Violencia*, as well as the use of PACs as a method of warfare.

Río Negro massacre

The 1982 massacre of 107 women and children in the Achí Maya village of Río Negro is an illustrative example of sexual violence as standard practice in massacres and community sweeps. The violent killings resulted after years of failed resettlement negotiations between indigenous community members and the National Institute of Electrification (INDE) (the state-owned electric company) attempting to build the Chixoy Hydroelectric Project on native land. Negotiations were launched in 1976 after INDE informed the people of Río Negro that the building of the Chixoy dam would flood their village (Ciborski in Barstow 2000). Talks stalled in early 1980 when the villagers rejected their resettlement village, and INDE began deceitfully and forcefully taking indigenous land by disappearing community members and destroying resettlement agreements.[28]

The INDE denounced Río Negro's inhabitations as communists and guerillas, and in February 1982 state forces tortured and killed 73 women and men from Río Negro in the neighboring town of Xococ. Local patrollers raped several adolescent girls, during which time one woman escaped and ran to Río Negro to warn the villagers. Believing that the state forces would not target villages filled with only women and children, the men fled into the mountains as state forces made their way into the town (Ciborski in Bartstow 2000).

On March 13, 1982, 10 army soldiers and 25 PAC members arrived in Río Negro, and demanded to know where all of the "guerillas" (men) had gone. When the women insisted that

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[28] The Chixoy Hydroelectric Project was largely financed by the World Bank and the Inter-American Development Bank.

there were no guerillas in Río Negro, the state forces raped, tortured and slaughtered them. The

women were forced up to the top of a nearby mountain, but stopped along the way and ordered

to dance for the soldiers. Women and young girls were dragged from their groups and raped

before being brutally murdered. According to testimony from one of the 18 children to survive

the massacre,

> …[T]he soldiers began to take young girls off from the group and rape them in the
> bushes. Later the patrollers began to rape as well... We saw the women and girls brought
> back, one by one, beaten, crying, with their clothe torn, the soldiers took the girls
> between the ages of fourteen and sixteen, and the patrollers took the rest of the women
> and girls… the patrollers would grab the woman one by one and drag them to the edge of
> the ravine. There they would slaughter them and throw them over the edge. The sandals
> of the patrollers were covered and full of blood ("Pablo," Ciborski in Barstow 2000,
> 129).

Many of those who survived the Río Negro massacre were victimized by starvation or later

killings: 84 Río Negro refugees were killed in the May 1982 massacre of Los Encuentros, and 35

Río Negro orphans were murdered in the massacre of Agua Fria. The proposed dam flooded Río

Negro shortly after the massacre, eliminating the possibility of resettlement for survivors. In

total, 369 residents of Río Negro were murdered between March and September 1982 (Ciborski

in Barstow 2000).

In 1998, 16 years after the massacre of Río Negro, 3 former PAC members were

convicted of three Río Negro murders, while another 3 were convicted in 1999. In 2008, five

former PAC members were sentenced to 780 years in prison for their part in the massacre, but

they are only expected to serve an estimated 30. Although these are truly legal accomplishments,

no members of the Guatemalan army have been investigated or prosecuted for these crimes

despite evidence suggesting that they organized and ordered the massacre. This pattern

highlights the deeply embedded impunity for military and government officials in Guatemalan

society that disenfranchises victims of wartime sexual violence in the country as well as the victim blaming associated with former PAC members.

Guatemala's Impunity Problem

A principal component of gender inequality theories of wartime sexual violence is impunity for perpetrators of violence against women and military or government officials in pre-conflict societies. Already rudimentary or non-existent in large areas before armed conflict, Guatemala's justice system fell inoperable under the dominant security model of counterinsurgency during the war (CEH 1999). The CEH (1999) contends that the judiciary "lost all credibility as a guarantor of an effective legal system…allow[ing] impunity to become one of the most important mechanisms for generating and maintaining a climate of terror" (#56). Intimidation, corruption, wielded political influence, incompetence, misuse of procedural mechanisms, and a lack of financial and physical resources have contributed to impunity in Guatemala's judicial system.

The state has failed to hold those accountable for war crimes and violations of human rights committed during the war: of 426 massacre cases documented by REHMI (1999), convictions have only been secured in 1, a dismal 0.2 percent (Heasley et. al. 2001).[29] No cases of sexual violence have been tried through the civilians court system (Leiby 2009). An illustrative example of impunity for state and military members in Guatemala is the delayed prosecution of Efraín Ríos Montt. The CEH (1999), REHMI (1999), and most scholarly work attribute the human rights violations of *La Violencia* to Ríos Montt's military regime, but Guatemalan law affords legal immunity to many ranks of state government. Despite numerous attempts to prosecute him for war crimes in Guatemala and Spain, Ríos Montt remained in

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[29] The CEH has documented 626 massacres attributed to state forces, but data is currently unattainable regarding the total number of cases prosecuted.

political and congressional office until January 2012, when his immunity finally ran out. He was

arrested and appeared in court 12 days after his immunity expired, and was formally indicted for

genocide and crimes against humanity, nearly 30 years after his presidency ended.

Sexual violence cases are also historically blanketed in immunity in Guatemala.

Peacetime sexual violence is conflated with class violence in the country, and perpetrators of a

higher class are rarely prosecuted or convicted (Forster 1999). Rape charges brought against

authorities and perpetrators of a higher class increased after the fall of the Ubico dictatorship in

1944, but indictments are rarely introduced. Historian Cindy Forster (1999) asserts, "Sexual

violence in conjunction with class violence usually guaranteed the rapist's impunity because the

accused was able to coerce alibis from those who worked under his orders or depended upon his

influence" (60).

Scholars identify Guatemala as a country with almost no rule of law that built its

judiciary on systematic impunity (Mejía 1999). Impunity for human rights violations, especially

those committed against native groups, are an integral part of Guatemalan power structures and

the judicial system. Spanish colonization in 1524 ended with the destruction and enslavement of

indigenous communities. Liberal reforms led by Justo Rufino Barrios in 1871 again violently

appropriated indigenous lands with no repercussions. Finally, the Guatemalan government's

scorched earth campaign in 1982 annihilated 440 remaining indigenous villages and massacred

community members (Mejía 1999). In "The Struggle Against Impunity in Guatemala," Latin

American scholar Raúl Molina Mejía (1999) argues that historic and recent massacres, which he

calls "true acts of genocide," have been shielded by blanket impunity in Guatemala (56).

Mejía (1999) identifies three categories of Guatemalan impunity: structural,

political/psychological and strategic. Structural impunity, the institutionalized structures that

protect those abusing state power, is evidenced through the currently active 1985 Constitution. Drafted in accordance with national security and emergency doctrine, its provisions award the military "overextended functions as guarantor of internal security and widespread privileges" that continue to guarantee immunity for violations perpetrated by state forces (Mejía 1999, 59).

Justice in Guatemala is principally hindered by political/psychological impunity, or the degree to which the population believes that perpetrators will be brought to justice. The CEH (1999) found that deeply embedded skepticism has developed in Guatemala regarding the value of the judicial system and possibility for improvement. Low confidence levels among the population result not in protest but in the eventual resignation and adaptation to the system of impunity. The social acceptance of impunity, generated by fear, distrust, and historical context, serves as the greatest impediment to bringing justice in Guatemala. Finally, Mejía (1999) defines strategic impunity, profuse in Guatemala, as legal or de facto actions taken by those in powerful positions to prevent or damage investigations and prosecutions. These actions include hiding or destroying documents, invoking amnesty laws, pardons, or deliberately investigating crimes improperly.

This section has illustrated patterns of massive, targeted sexual violence perpetrated by agents of the state during the war and the culture of social and legal impunity that prevents justice from being achieved in Guatemala. Impunity for human rights crimes and violence against women has been identified in the sexual violence literature as a part of gender inequality as a causal mechanism for sexual violence in wartime. The following section will address issues of gender equality and the embodiment of women in Guatemalan society, and demonstrate how these circumstances place women in the country at risk of sexual violation in wartime.

Cultural Embodiment: Sexual Expectations and Transgressions

Although difficult to test empirically, especially statistically, there is substantial theoretical support for the argument that persistent gender inequality increases the likelihood of sexual violence in armed conflict. Gender inequality is defined in several ways, but the literature has identified conservative sexual standards for women, social understandings of women's sexuality as tied to national integrity, the gendered separation of masculine and feminine spheres as public and private, respectively, and impunity for crimes committed against women as estimators of gender parity (Jefferson 2004; Farr 2009; Leiby 2009; Wood 2009). A country with an approximately 90 percent Christian population, Guatemala has adopted similar conservative, colonial sexual norms to those that dominate Latin America.

Colonial ideas of sex and sexuality have permeated the social norms of most previously colonized societies, and increasingly established women's bodies as surfaces for domination and sexual violence. In her work on sexual violence and Native American genocides, Andrea Smith (2005) contends, "In the colonial imagination, Native bodies are…immanently polluted with sexual sin" (10). Indian bodies have been historically understood in Guatemalan society as dirty, not entitled to integrity and therefore violable. Epidemic sexual violence during the Guatemalan civil war embodies this construction of the native woman as perpetually sexually available, as well as dehumanized and inferior.

Societies are characterized by different hegemonic gender regimes, and in Guatemala manifests through the subordination of women. Guatemalan women are recognized as vestiges of culture and the center of their moral communities, and therefore their presentation and performance reflect upon Guatemalan society as a whole. The categorical understanding of *womanhood* varies through space, time, and geography, and in Guatemalan society,

respectability is imagined in relationship to virginity, marriage, and motherhood (Forster 1999; Hastings 2002). The most illustrative way to understand a proper Guatemalan woman is to consider her opposite - the *mala mujer,* the bad woman.

The cultural image of the *mala mujer* is the antithesis of respectable Guatemalan women and the fate awaiting those who permeate gendered boundaries. The *mala mujer* possesses traits considered dangerous or unnatural in a woman, including aggression and sexual appetite. In her article "Violent and Violated Women," Cindy Forster (1999) describes the *mala mujer* as "a pariah beyond the pale comparison" (61). As a social disgrace, the *mala mujer* is faulted with sexual transgressions even if the acts are involuntary. Discussing the *mala mujer* of the 1950s in San Marcos, Guatemala, Forster (1999) contends that supposed promiscuity of a rape victim invalidated rape charges in criminal court. She writes, "according to Catholic moralism and patriarchal thinking, 'loose' or 'fallen' women chose humiliation" (1999, 61). Conservative cultural values in Guatemala made it impossible to rape a woman with more than one sexual partner because "her sexual behavior canceled out her honor, and her right to defend that honor (Forster 1999, 62).

The *mala mujer* serves as a powerful motivator of shame and fear to Guatemala women, and emphasizes the cultural importance of virginity to self worth and national pride. Many rape cases revolve around questions of virginity, even in cases involving child plaintiffs. According to Forster (1999), many judges consider the start menstruation to be the age of consent, despite the legal mandate being 18 years old. Compulsory sexual purity is also not limited to cultural construction, as the Penal Code stipulates that women must be established as "honest" in order to be considered sexual violence victims (OECD Development Center 2012).

These patriarchal norms are enshrined in Guatemalan culture and manifested through

expectations for both women and men's embodiment. Strong social acceptance and perpetration of *machismo* and misogynistic attitudes motivates violence against women in Guatemala, as well as confines them to traditional, private roles (GHRC 2009). Women are considered domestic beings: until 1999, Guatemalan law gave husbands the authority to prevent their wives from participating in activities outside the home. This construction of the "woman's place" as domestic endangers women in public space, and women attacked outside the home are largely blamed for ignoring their cultural arena (GHRC 2009).

Machismo is generally associated with traits of independence, hyper-masculinity, bravado, excessive dominance, and sexual supremacy. This is realized in Guatemalan society through both strict sexual standards and legal inferiority enforced upon women. Despite the fact that Guatemalan women are expected to perform all domestic tasks, they receive less parental rights than their husbands when married. Article 225 of the country's Civil Code specifies that in cases where a husband and wife share parental authority over minors, the husband must represent the minor and be solely responsible for administering their property (OECD Development Center 2012). There is no legislation in Guatemala addressing sexual harassment, but anti-discrimination laws were passed in 2002.

Another consequence of patriarchal influence is the stigma attached to women who are believed to be misusing their sexuality. In Guatemala, female sexuality and respectability are imagined in relation to marriage, and consequentially unmarried women are stigmatized as dishonorable or defective. In Mayan communities, marriage is encouraged not only socially, but linguistically: in Q'anjob'al – a traditional Mayan language primarily spoken in Guatemala – the word *xek'ix* "refers to both widows and prostitutes," illustrating the perceived nominal worth of all single women (Hastings 2002, 1161).

As in many developing countries, women in Guatemala tend to marry much younger than their Western counterparts. In a 1996 study, the Guttmacher Institute, a sexual and reproductive health organization, found that 41 percent of Guatemalan women aged 20-24 had marriage at age 18, with 60 percent having been married by 20. The median age at first marriage in 1987 was 18.6, the lowest in Latin America, and 12 percent had married at age 15, the highest in the region (Singh and Samara 1996). Similarly, in 1996 Guatemala experienced a 0 percent overall decrease in early marriage between the youngest and oldest tested age group, compared with a 14 percent decrease in Peru and a 16 percent decrease in the Dominican Republic (Singh and Samara 1996). This suggests that strict norms regarding proper sexuality as intricately related to marriage have been maintained despite a global shift in early marriage rates, and this may create these institutions as violable in times of war and vulnerable to sexual violence.
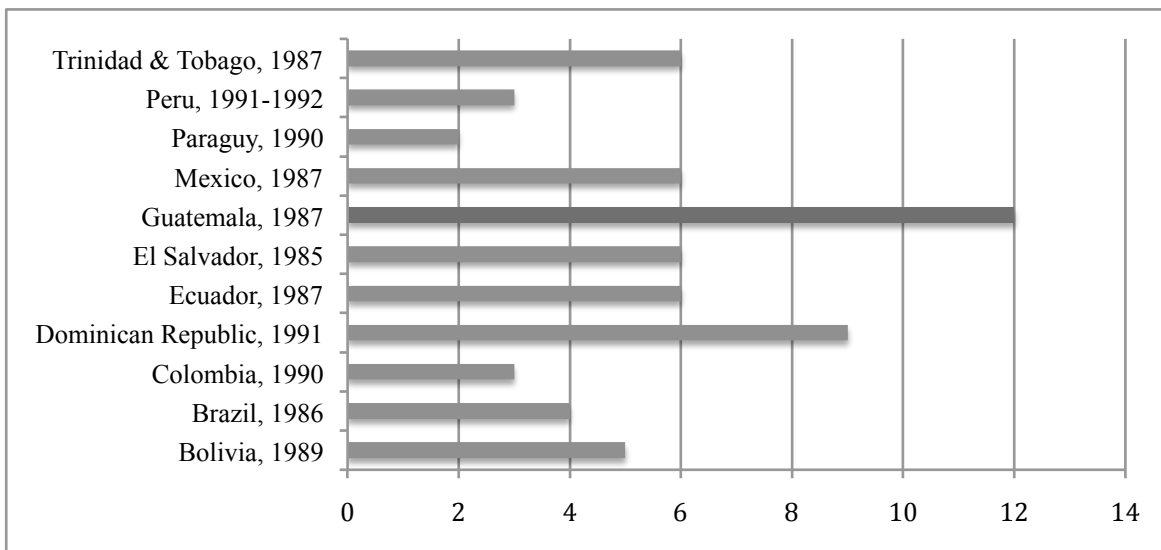

Figure 4.3: Percentage of Latin American women aged 20-24 who married at age 15, 1985-1992. Data from Singh and Samara (1996), "Early Marriage Among Women in Developing Counties"

Another area in which Guatemala faces gender inequality and sexual repression is the healthcare system, which criminalizes all forms of abortion with prison sentences. The colonial

religious influence on Guatemala is evidenced through the definition of *abortion* in the country's

Penal Code, as the "*death* of the product of conception at any time during pregnancy" (Article

133, Codigo Penal de Guatemala, Decreto No. 17-73).[30] The deliberate use of the word *muerte,*

literally translated in English to mean *death*, insinuates that Guatemalan law believes life begins

at conception, a product of Christian colonial doctrine. Article 134 of the Penal Code stipulates

that a woman who receives an abortion or self-aborts is subject to imprisonment of 1 to 3 years.

Similarly, Article 136 declares that if a consensual abortion results in the death of the mother, the

person performing the procedure will be imprisoned for up to 8 years (Codigo Penal de

Guatemala, Decreto No. 17-73). Unsafe abortion still occurs regularly in Guatemala, and is the

leading cause of death among Latin American women aged 15-39.

The most recent, reliable data on sexual rights and norms in Guatemala is from the late

2000s, which is less generalizable than data closer to the conflict period. However, I believe that

the patterns established in this data are representative of sexual repression in Guatemala over

time. These data do not vary greatly over time, and are very likely to be worse during and closer

to the conflict period. The evidence of patriarchal sexual norms during the war, coupled with the

consideration that most countries are becoming more socially sexually liberated, suggest that

recent data reporting patterns of sexual inequality would be similar (if not improved) to a sample

from the early 1990s.

According to a 2008 study published by the Guttmacher Institute, 83 percent of young

Guatemalan men have sexual intercourse before the age of 20, compared with only 58 percent of

women. Women living in rural communities tend to have sex at a younger age than women from

metropolitan areas, likely because indigenous women tend to marry earlier and have consistently

less access to education. One extraordinary finding of this study is the 95 percent of all sexually

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[30] Aborto es la muerte del producto de la concepción en cualquier momento de la preñez.

active women aged 15-24 are living in either legal or consensual unions (i.e. marriage or domestic partnership), compared with only 46 percent of men (Guttmacher Institute 2008). Additionally, 44 percent of young adults give birth before age 20, a figure rising to 54 percent of indigenous women and 62 percent of women with low socioeconomic status.

With the *mala mujer* in mind, it is easy to understand the correlation between marriage and sexual intercourse, as well as the high rates of young marriage. The Guttmacher Institute also finds that in 2008, only 2 percent of women aged 15-24 participated in sexual acts outside of a union, compared with 22 percent of men in the same age group. Given the conservative sexual environment in which this sample was taken, the former statistic is likely to be underreported. An additional 6 percent of women reported being "sexually experienced" without being in a union, compared with 17 percent of men (Guttmacher Institute 2008).

Conclusion

Several existing candidate theories for wartime sexual violence can help explain patterns of sexual violence perpetration in Guatemala, including theories of state strategy, ethnic war and gender inequality. Sexual violence was an instrumental component of the Guatemalan state forces' counterinsurgency strategy as well as the genocide of the indigenous population. As the REHMI (1999) report concludes, "the army's counterinsurgency tactics against women were consistent at different places and times and forced part of its strategy of mass destruction" (79). Indigenous women, seen as inherently violable through their native status, were explicitly targeted for their embodiment as women and as ethnically othered. This manifested in attacks against women as reproducers of the nation and sexually linked with communal dignity as a whole. Extreme sexual torture was a method of killing pregnant women, and sexually violence often correlated with village massacres and other forms of mass murder.

Patterns of sexual violence in Guatemala that cannot be explained by existing theories of state repression and wartime sexual violence include the high levels of sexual violence (and other forms of political violence) perpetrated against a weak insurgency. The proportionality principle, as identified in the international relations literature, maintains that levels of state repression will correlate with the level of threat from an opposition group. As demonstrated by their relative weakness to the state, the URNG did not offer a significant threat to state security. Instead, I hypothesize that, given the tumultuous history of ethnic tension within the country and the frequency with which indigenous populations were labeled as "guerillas," the state used the URNG insurgency as an excuse to commence genocide of the Maya. Many of the policy reforms sought by the URNG benefited the Maya directly, especially land reforms, and it is plausible that the state chose to eliminate what it saw as the source of the problem.

A leading theory of wartime sexual violence is that in many cases, the instrumental use of sexual violence by an armed group occurs when the group believes this method is beneficial to their cause. Sexual violence was an effective tool of political violence for Guatemala because of the multiple benefits and relatively few costs of perpetration: as the state had seemingly no interest in preserving the population, sexual violence served only to damage a group that was to eventually become extinct. This method also allowed state forces to destroy group cohesion from within with the use of PACs, and by forcing members of communities to assault one another. Similarly, state forces had no need to mirror the sexual violence strategies of their opposition for any strategic reason, because their ultimate objective was complete annihilation.

This chapter has identified patterns of sexual violence in Guatemala and evaluated many of the existing candidate theories of wartime sexual violence in this case. It should be noted that even though some of these theories help explain variation in Guatemala, it is likely that no one

theory alone can explain all occurrences or patterns of sexual violence in an individual conflict. Variation will be explored further in the following chapter in a discussion of war, sexual violence, and sexual norms in Sri Lanka, a case with many of the same indicators of wartime sexual violence as Guatemala but with very limited perpetration.

CHAPTER 5: STATE, NATION, AND SEXUAL INTEGRITY IN SRI LANKA

In September 2009, four months following the conclusion of the Sri Lankan Civil War, United States' Secretary of State Hilary Clinton made headlines when she referenced the country in a passing remark about rape while overseeing a session of the United Nations' Security Council. While speaking on a resolution calling for an end to sexual violence in armed conflict, Clinton asserted, "We've seen rape used as a tactic of war before in Bosnia, Burma, and Sri Lanka and elsewhere," (Aroon 2009). This claim prompted a "note of protest" from the Sri Lankan government, calling on Clinton to retract her comparison of wartime sexual violence in that conflict with the mass rape observed in other countries. Clinton ultimately issued a clarifying statement, claiming she intended to raise awareness concerning documented cases of sexual violence, not to implicate specific perpetrators.

Despite claims from international human rights organizations and state governments, there is little available documentation to support the notion that sexual violence was used as a tactic of war during the Sri Lankan conflict, by either the LTTE or the state. The LTTE, a notoriously violent insurgency, has been the subject of a growing body of literature (see: Wood 2006; Wood 2009) on the absence of sexual violence from their repertoire of violence. Little research, however, has been conducted on the limited perpetration of sexual violence from the Sri Lankan state. The pattern of active disengagement of the state from sexual violence in Sri Lanka is especially perplexing, because many of the conditions that candidate theories of wartime sexual violence suggest to be relevant are present in this case.

This chapter details the history of Sri Lanka's 26-year secessionist conflict and discusses patterns of sexual violence attributable to agents of the state. I argue that contrary to the claims of several international organizations, the data does not currently or publically exist to

substantiate claims of sexual violence strategically employed by the state in this case. I also address the failure of existing theories of gender inequality, ethnic war and secession to explain sexual violence variation in Sri Lanka, despite evidence suggesting that they should effectively apply. Finally, I introduce the foundations of a new theory that renegotiates international relations framework through feminist analysis and the understandings of sexual integrity as of paramount importance to the state.

War in Sri Lanka

Conflict broke out in Sri Lanka in 1983 when tensions between the country's majority population, the Sinhalese, and largest minority group, the Tamils, reached an apex of hostility. The war commenced shortly after northern Tamil insurgents ambushed and murdered 13 of a 15-member Sri Lankan Army unit, the zenith of failed peace negotiations and rising violence between the government and the Tamil population. The conflict, fought between Sri Lankan state forces and the large, armed, well-organized and notoriously destructive Liberation Tamil Tigers of Eelam (LTTE), claimed over 100,000 lives before its conclusion in 2009 and left ethnic relations in the country in disarray.

The adversarial relationship between the minority Tamil population the Sinhalese in Sri Lanka spans both the colonial and post-independence periods, but originates in pre-colonial narrative. Buddhist Sinhalese draw beliefs of supremacy from the *Mahavasma*, considered the most important poetic chronicle detailing the early history of Buddhist Sri Lanka, in which the Sinhalese Prince Dutthagamani defeated the Tamil King Elara, thereby solidifying the Sinhalese as the chosen people of the nation (Phadnis 1989).

The British conquest of Sri Lanka in 1796 brought mass immigration of ethnic Tamils into Sinhalese culture and the Sri Lankan economy. The British recruited Tamils into Sri Lanka

for cheap labor and subsequently favored the population, ensuring English education opportunities as well as employment in civil service, skilled labor positions, and other administrative or highly paid professions. The repressed Sinhalese population eventually mobilized in pursuit of an independent Sri Lankan state in the early 20th century, a peaceful movement that was ultimately successful in 1948 (Wood 2009). Until the early 1920s, elite Tamils and Sinhalese existed somewhat amicably, sharing political power and educational ambition. In 1922, however, tension within the Ceylon National Congress[31] (CNC) rose along ethnic lines and resulted in the establishment of the separate Tamil governing body. Phadnis (1989) writes, "the break up of the Congress marked the beginning of the Sinhalese-Tamil elite rivalry, cutting across class considerations and ascribing a preeminence to ethnicity" (193).

Threatened by the Tamil presence and the influx of several smaller minority groups, Sinhalese nationalists rallied across classes against Tamil elites prospering both politically and economically (Wood 2009). In 1936 they established an all-Sinhalese ministry, which resulted in Tamil demands for political parity and a successive decade of struggle for political equity. Following Sri Lanka's independence in 1948, the Sinhalese began a vehement campaign of national supremacy by insisting Buddhism be legally recognized as the official state religion and Sinhalese as the national language (Phadnis 1989). Faced with further subordination and exclusion, a group of Tamils formed the Federal Party (FP) and demanded "regional autonomy on the plea that 'the Tamil-speaking people of Ceylon constituted a nation distinct from that of the Sinhalese by every fundamental test of nationhood'" (Phadnis 1985, 194). The Tamils originally proposed a federal system granting them autonomy within the unified state of Sri Lanka, which was refused by the government.

The Sinhala Only Act, called the "defining catastrophe of post-colonial Sri Lankan

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[31] Originally called Ceylon, the country was renamed Sri Lanka in 1972.

history" by journalism Philip Gourevitch (2005), was enacted in 1956 following the political

success of Sinhalese-backed parties in elections earlier that year. Formally the "Official

Language Act," the provision mandated Sinhala as Sri Lanka's only official language. English-

speaking Tamils were consequentially met with parliamentary, educational and hiring policies

that discriminated against them linguistically and geographically. British favoritism had

established a disproportionate number of English schools in primarily Tamil regions, and

consequentially "Tamil leadership maintained the change would restrict the accessibility of the

Tamil educated youth to job opportunities, particularly in the public sector and in certain other

professions like law, medicine, and engineering" where they had historically excelled (Phadnis

1985, 196).

Gourevitch writes that the law "effectively transformed parliamentary democracy into an

instrument of Sinhalese nationalism" (2005). Prime Minister S.W.R.D. Bandaranaike, an

ironically Anglican Buddhist convert who had to study Sinhalese before campaigning as a

populist opposition leader, enacted the legislation. A "political Buddhist," Bandaranaike's

Sinhalese-only policy coincided with the 250th anniversary of Buddha's enlightenment, and

scholars generally view his alienation of Tamils as both political and inadvertent (Gourevitch

2005). Tamil employment by the state fell from 60 to 10 percent following The Official

Language act, from 40 to 1 percent in the armed forces and from 30 to 5 percent in

administrative service (Kois et. al. 1998).

The national language act served as a catalyst for Tamil protest and outrage – hundreds of

Tamils rioted in the streets of Sri Lanka, but they were met with disproportionate police brutality

and arson from an unprepared Bandaranaike. He negotiated a federal autonomy pact with Tamil

leaders in 1957 that granted the heavily Tamil Northern and Eastern provinces their own

recognized language and autonomous fiscal powers, but reneged on the deal the following year after a strong backlash from Sinhalese political and religious communities. Riots among the Sinhalese led to the displacement of 10,000 Tamils living in the Southern and Western areas of the country. Bandaranaike quickly withdrew his offer and officially declared Sri Lanka to be in a "state of emergency" (Kois et. al. 1998). He was assassinated in 1959 and succeeded by his widow, Sirimavo Bandaranaike.

In start contrast to many empirically invalid yet strangely pervasive international relations theories that women are more prone to compromise and pacifism than men, Sirimavo Bandaranaike increasingly alienated the Tamil population. She campaigned on concessions and reconciliation and then subsequently retracted her promises after her election win. When Tamils began to protest in the northern areas of Jaffna, Bandaranaike sent the Sri Lankan army to quell the unrest. Philip Gourevitch (2005) argues that in the 1970s, she "elevat[ed] Buddhism to the equivalent of a state religion and impos[ed] harsh quotas on the number of Tamil students admitted to state universities" (5).

This educational and political disenfranchisement fueled tensions between the growingly oppressed minority community and the rising Sinhalese. Small, ethnically based riots that appeared in the late 1950s and 1960s progressed into complete ethnic upheaval, and the 1970s was marked by the rise of militant Tamil youth eager to end the repressive political regime. While a number of combatant Tamil groups arose in northern Sri Lanka, the most organized and violent was the LTTE. Called the "Tamil New Tigers" until 1976, they were reorganized in 1976 as LLTE under the leadership of founder Velupillai Prabhakaran. Prabhakan staged the first successful political assassination of the war when he murdered the mayor of Jaffna in 1975, and his methodology inspired cross-class Tamil mobilization.

The rise of Tamil nationalism led to another wave of violent suppression by state forces in 1977. The Sri Lankan Army (SLA) systematically executed Tamil sympathizers, destroyed Hindu temples, and in 1981 burned the Jaffna library – a cache of Tamil cultural works – to the ground (Phadnis 1985). Civil war between the LTTE insurgency and Sri Lankan state forces broke out in *Black July* of 1983, when the LTTE's massacre of 13 army officers was met with egregious violence from the state forces. Gourevitch (2005) contends that the violence was so extreme, observers could only compare it to the atrocities seen during the partition of India in 1947.[32]

Over 2000 Tamils were slaughtered by Sinhalese mobs in northern Sri Lanka during Black July, while prisoners in the high-security Welikade prison in Colombo were permitted to murder Tamil inmates (Gourevitch 2005). Over 80,000 Tamils fled the country, and the sympathetic Indian state trained and armed them before sending them back to Sri Lanka as militants. The influx of enthusiastic rebels and the increasingly high growth rate of the LTTE resulted in the eruption of a full-scale civil conflict from which the country is still recovering.

Principals, Agents, and Counterinsurgency

Militant, ambitious, and generally well-armed, the LTTE posed both a serious threat and military complication to the SLA: the insurgency changed the existing rules of guerilla warfare beginning in 1983 by operating as a cohesive paramilitary unit while also employing terrorist

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[32] The Sri Lankan civil war was further complicated by the 1971 uprising of the Janatha Vimukthi Peramuna (J.V.P), a communist political party that staged two armed revolts against the Sri Lankan government. An unsuccessful Sinhalese youth movement, the 1971 insurrection killed 15,000 Sri Lankans. The J.V.P resurfaced shortly after the war commenced in 1989 in an attempted government coup, distracting the Sri Lankan army from their war against the LTTE and eventually resulting in more than 50,000 casualties (Kois et.al. 1998). Former Sri Lankan President Chandrika Bandaranaike Kumaratunga eventually allied with the J.V.P in 2001, citing their immense opposition towards Tamil-based concessions and the necessity to retain political power. This alliance further angered LTTE leader Velupillai Prabhakaran, who accused Kumaratunga of "rejecting the process of peace through her 'unholy alliance' with the J.V.P," (Gourevitch 2005) and led to a breakdown of peace negotiations and a rise in political assassinations.

tactics. The group orchestrated a myriad of suicide bombings and allegedly assassinated political leaders, including former Prime Minister of India Rajiv Gandhi and former President of Sri Lanka Ranasnghe Premadasa. The organization also paradoxically mirrored a traditional army, and forcibly recruited members to arrest, torture, and kill both ethnic opposition and alternatively minded Tamil groups.

Despite a concrete focus on Tamil self-determination, the LTTE's ultimate loyalty fell not along ethnic lines but instead allied around the goal of partition. The group attacked other Tamil organizations that they felt distracted the SLA and Tamil civilians from the objective of secession. Violence from the North spilled into Sri Lanka's Eastern Province with full force after the 2004 departure of Tamil leader Vinayagamoorthy Muraliantaran and 3,000 members from the LTTE due to goal variance. The annexed organization, called the Karuna Group, eventually defected to the SLA and actively engaged in combat against LTTE rebel forces. Natively Eastern Tamils, the Karuna Group held geographic advantages over infiltrating LTTE members and subsequently managed to keep hostilities in the region relatively contained (Future Directions International 2010).

The conflict between the LTTE and Karuna Group ultimately forced the SLA to change counterinsurgency methods. Although always organized, the LTTE began its real transformation from insurgent group to conventional military operation by arresting and detaining suspected Karuna Group loyalists (Future Directions International 2010). Their systematic torture and murder of Tamil civilians struck a negative chord with Eastern Tamils, Sinhalense, and Muslims alike, and the LTTE failed to garner support similar to its Northern loyalties. The SLA capitalized on this and the geographic weaknesses, forcing the organization into the foreign Toppigala jungles and consequentially destroying the LTTE's capability to operate in a

traditional military manner. In a sense, state forces creatively used the LTTE's abandonment of insurgency strategies to ultimately cut off their options and resources by forcing them into guerilla terrain (Future Directions International 2010).

Evidence supporting a brutal state counterinsurgency operation rife with human rights violations is overwhelmingly available, supported by a myriad of international NGOs and the United Nations. The SLA is alleged to have employed a systematic operation of kidnappings and forced disappearances, extrajudicial killings, censorship of war reporting and murdering journalists, arbitrary detention, torture, forced conscription and extortion (Pinto-Jayawardena and Kois 2008; Pinto-Jayawardena 2010; Human Rights Watch 2008, 2009, 2010; Future Directions International 2010). Additionally, patterns of human rights violations indicate a highly structured and organized military with substantial principal oversight, meaning that the possibilities for opportunistic sexual violence in the Sri Lankan war were extremely limited.

A large number of human rights abuses perpetrated by Sri Lankan state forces occurred in state detention facilities during the war. Sri Lanka's Emergency Regulations, instituted forty years ago and strengthened in 2005, allow the indefinite detention of suspects without charge. Emergency laws allow for the army to dispose of deceased bodies without inquest of post mortem examination (Pinto-Jayawardena 2010). The vaguely named Miscellaneous Provisions and Powers of August 2005 and the Prevention and Prohibition of Terrorism and Specified Terrorist Activities of December 2006 grant blanket security powers to the state government, including arbitrary arrest and detention. The Sri Lankan army operated several detention camps during the 26-year conflict, which are continually referred to by the government as *rehabilitation centers*.

Enforced disappearances and arbitrary arrests led to the incarceration of over 300,000

Tamils and LTTE members. Detention centers, often reserved for political dissidents globally, were used to house displaced Tamil civilians indefinitely as potential threats to the state's counterinsurgency. Human Rights Watch estimates that four months following the war's end in 2009, 260,000 displaced persons were still confined to state-run camps with little promise of being released (Human Rights Watch 2009). International human rights organizations have repeatedly denounced the SLA's use of internment camps citing poor and deteriorating conditions, torture, and extrajudicial killing as grave human rights abuse occurring within the centers. Detention camps, the most well known of which is Boosa Prison, are rife with a lack of protectionism for detainees, dismal physical conditions, water shortages, overcrowding, and inadequate medical care (Human Rights Watch 2009). There is also ample evidence to suggest that state forces repeatedly failed to notify kin when a family member was detained and prevented visitation (LLRC 2011).

There is substantial documentation to support a counterinsurgency policy of torture in state-run camps and detention centers. An analysis conducted by Sri Lankan human rights lawyer Kishali Pinto-Jayawardena and Lisa Kois (2008) found repeated patterns of torture, cruel, inhuman and degrading treatment of political detainees in violation of both the Constitution of Democratic Socialist Republic of Sri Lanka and the Convention Against Torture and Other Human and Degrading Punishment, to which Sri Lanka is a party. According to Article 11 of the Sri Lankan constitution,

> No person shall be subjected to torture or to cruel, inhumane or degrading treatment or punishment (Constitution of Democratic Socialist Republic of Sri Lanka, 1978, Chapter III, Article 11).

Pinto-Jayawardena and Kois (2008) argue that despite clear interdiction, "torture is routinely practiced in Sri Lanka as part of normal criminal investigation and as a part of operations linked

to the armed conflict" (3). The UN Special Rapporteur on Torture concluded in 2007 that the National Human Rights Commission received daily complaints of widely practiced torture in Sri Lanka (Pinto-Jayawardena and Kois 2008).

Patterns of torture identified in Supreme Court cases were so horrific that they have been referred to on several occasions as *sadistic* in nature. Findings of the UN Special Rapporteur on Torture indicate that methods employed included:

> …Beating with various weapons, beating on the soles of the feet, blows to the ears, positional abuse when handcuffed or bound, suspension in various positions…burning with metal objects and cigarettes, asphyxiation with plastic bags with chili, pepper, or gasoline, and various forms of genital torture (2007).

Available documentation suggests that the Sri Lankan Army's model of counterinsurgency also included the indiscriminate, unlawful killing of thousands of civilians (Human Rights Watch 2010, 2011; United Nations 2011). The 2011 United Nations' "Report on the Secretary-General's Panel of Experts on Accountability in Sri Lanka," determined credible allegations of human rights abuse perpetrated by state forces to include widespread shelling of civilians, including in No Fire Zones, at United Nations centers, and food aid areas; the intimidation and abduction of media personnel, critics of the war and civilians; and shelling and destruction of hospitals using heavy artillery and mortars. Civilian casualties are estimated in the tens of thousands, but the Sri Lankan government is currently conducting its own investigation to counter this assessment.

Throughout 26 years of violent combat, the Sri Lankan state forces demonstrated flagrant disregard for human life and high levels of impunity for perpetrators. Dozens of massacres and attacks on explicitly civilian spaces have been documented. Two specific instances –the Kumarapuram case and the Mirusuvali massacre– are discussed in detail below.

In a reprisal massacre lasting over two hours, Sri Lankan security forces murdered 24

Tamil civilians in 1996 in the small Eastern village of Kumarapuram. Victims included six women and thirteen children, and the acts were allegedly perpetrated by soldiers stationed at nearby camps and para-military home guards drafted by the SLA (Amnesty International 1996). The massacre, in which senior SLA officers did not intervene despite lengthy perpetration, was an apparent reprisal for killings by the LTTE of two SLA officers half an hour earlier. Among those murdered was 17-year-old Arumaithurari Tharmaletchumi, a Tamil girl who was reportedly also raped before being shot (Amnesty International 1996).

Sixteen army personnel were arrested in 1999 in conjunction with the Kumarapuram massacre, but the case remains pending. An identification line-up performed immediately following arrest was riddled with errors: many witnesses who recorded original statements were not called to participate, and some of the accessed were not included in the line-up (Pinto-Jayawardena 2010). Indictments were served in 2002 on 120 chargers including murder and attempted murder, but the trial has not been concluded as of 2012.

In December 2000, eight displaced Tamil civilians who had returned to their property to gather firewood in the Mirusuvil village were arrested and subsequently massacred by Sri Lankan Army soldiers. The dead, who included three teenagers and a five year old, were found buried in a mass grave 16 miles from their homes (BBC 2005). Five Sinhalese soldiers, including a lieutenant, were initially indicted for a trial in 2003, which was postponed following the assassination of one of the judges in 2004 (Pinto-Jayawardena 2010). The trial was further delayed by reluctant witnesses and the removal of a judge on disciplinary grounds, and is still pending.

Another method of counterinsurgency employed by the SLA during the war was enforced disappearances and kidnappings. In 1999, the United Nations published a report claiming that

almost 12,000 Sri Lankans had disappeared after being detained by state forces. At the time, Sri Lanka had the second highest number of disappeared people in the world, secondly only to Iraq (BBC 1999). A 2008 report from Human Rights Watch (2008) titled, "Recurring Nightmare: State Responsibility for 'Disappearances' and Abductions in Sri Lanka," contents that the majority of "disappeared" people are young Tamil men picked up by security forces, and that most are feared dead. Sri Lankan forces are alleged to have abducted or disappeared members or supporters of the LTTE but also indiscriminately targeted Tamil civilians. The report also emphasizes high levels of impunity and an "utter lack of resolve" on the part of the government to investigate or prosecute perpetrators.

Frequent targets of enforced disappearance in Sri Lanka included high school and university students, clearly, humanitarian aid workers, journalists and other media personnel, and educators (Human Rights Watch 2008). Civilian arrests often occurred after LTTE attacks and resulted in the disappearances of those detained, but disappearances were also reported during civilian exoduses from combat areas. Additionally, there is evidence to suggest that other groups capitalized on the custom of enforced disappearances and used the process to extort money (Human Rights Watch 2008). The culture of systematic impunity in which state forces and government officials operate in Sri Lanka is a "critical factor" (Human Rights Watch 2008) in the pervasiveness of enforced disappearances during the Sri Lankan civil war. As evident through low prosecution rates and an overall dearth of government investigations into war crimes, soldiers and state security forces are held to no universal standard of appropriate conduct. Police rarely investigate cases of disappearance in Sri Lanka, and often refuse to inform families when their relatives are imprisoned in detention centers.

As illustrated through many well-documented cases, the Sri Lankan government

regularly responds to state-perpetrated abuses by widely publicizing investigations and subsequently failing to prosecute the accused. The 2007 arrest of Air Force Squadron Leader Nishantha Gajanayake, an air force sergeant and two policemen for abduction and murder was the result of a very public government investigation and followed government promises of swift justice. The suspects were released on bail in February 2008 and it is unclear whether the case is still pending or if charges have been dropped (Human Rights Watch 2008).

It is important to note that data on human rights violations and wartime casualties in Sri Lanka is still emerging, and that other patterns are likely to materialize as this information is collected. However, available documentation suggests high principal-agent oversight among both SLA and LTTE cadre, creating spaces where opportunistic violence would be less probable and likely less tolerated. Additionally, the SLA perpetrated high levels of violence against Tamil civilians in the northern and eastern parts of the country as part of an ethnic war, which the literature suggests may be a precursor to sexual violence. As the next section will address, this theory cannot explain variation in sexual violence perpetration in Sri Lanka. The following section will also continue to emphasize a culture of impunity for military and government officials as well as for perpetrators of crimes against women, and detail the pervasive gender inequality and sexual repression that make Sri Lanka an especially perplexing case of sexual violence variation.

Patterns of Sexual Violence

As one of many potential biases in sexual violence data, the over-exaggeration of scale by NGOs and local organizations is problematic for wartime reporting. Elizabeth Wood (2009) contends that using inaccurate or exaggerated language to describe situations of sexual violence "may reflect an organization's attempt to draw resources to document sexual violence" (113).

Unfortunately, this is the case of many reports of sexual violence in Sri Lanka, as some groups have attempted to use isolated instances of rape to justify a patterned state strategy.

In a 2000 report entitled "Sri Lanka: Systematic Detention, Torture, Rape, and Murder as a Weapon of War," the Asian Human Rights Commission (AHRC) alleges, "the Sri Lankan security forces are using systematic rape and murder of Tamil women to subjugate the Tamil problem." According to a later 2011 AHRC report, "What happened to Bosnian women is happening to Sri Lankan Tamil women… the world has ignored this gross injustice committed on Sri Lankan women." Similarly, in 1998 the World Organization Against Torture claimed, "Sri Lankan soldiers have raped women and girls on a massive scale," (Refugee Documentation Center of Ireland 2012). While public incidents of sexual violence have been documented in Sri Lanka, the evidence simply does not exist to justify these claims of state strategy and mass rape.

There are currently no reliable statistics regarding sexual violence during Sri Lanka's civil war, but anecdotal evidence suggests that rape and other forms of sexual abuse against women were limited to many individualized, isolated cases occurring at SLA checkpoints or in private homes. The efforts of the international community and women's rights groups to construct sexual violence in the Sri Lankan civil war as similar to Guatemala, Bosnia, or Rwanda is largely misguided, as illustrated by Amaya, the executive director of one of Sri Lanka's largest and most successful organizations for women's rights:

> What is significant in Sri Lanka is not the violence by armed groups or state armed forces against women. Many people have come and sometimes they challenge us, and sometimes I find it really quite problematic that I am expected to parrot out a lot of cases by the SLA against women, minority community women. And when we say there isn't a record, because sometimes people have come and asked us, 'It has to be like it was in Rwanda' and we have to say 'Well, it wasn't.' And I find it very problematic then to look at the person who is responding as someone who is trying to cover up (Personal Interview, January 3, 2012).

Despite little reliable evidence of a systematic pattern of sexual violence targeted towards Tamil women, there is substantial documentation to support the occasional occurrence of gang rape. While the number of women violated by agents of the state is in all probability higher than reported, documented rape cases in Sri Lanka tend to be of generally high profile and international attention. This is an anomaly of wartime sexual violence documentation, as sexual violence generally targets a large population and does not result in multiple publically identifiable cases. Recurring reports from organizations including the AHRC (2000), Amnesty International (2002), and the International Commission of Jurists (2010) emphasize some of these notable cases, totaling at least ten separate "celebrity causes" from the conflict period.[33] Although they gained international notoriety, the majority of these cases remain legally unsolved. These cases and their implications for theories of sexual violence variation in Sri Lanka will be discussed later in this chapter.

Notable is that while sexual violence does not seem to correlate with other forms of political violence as it did in Guatemala, reports of state perpetrated sexual violence did increase during the violent final stages of armed conflict in 2009. Anecdotal evidence and indirect accounts suggest that female civilians and detainees were subjected to sexual violence more frequently during the last few days of the war, coinciding with an overall increase in violence against detainees and the execution of several prisoners (United Nations; Human Right Watch 2010) Photos and video footage broadcast by British Cannel 4 on November 30, 2010 depict dead female cadre, including two unclothed women with exposed breasts and genitalia, one of who was identified as a reporter for the LTTE (United Nations 2010; Human Rights Watch 2010). The United Nations' 2011 report on accountability in Sri Lanka contends that these

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[33] The actual number of women subjected to sexual violence during this time period is undoubtedly higher, as this figure only includes "high-profile" cases that received international attention in multiple human rights reports.

images "raise a strong inference that sexual violence may have occurred, either prior to or after execution" (44). International human rights agencies have also recorded instances of rape in internally displaced persons camps during this period, but there is no available documentation from which conclusions can be drawn.

A recently published report from the Refugee Documentation Center of Ireland (2012) claims the existence of all-female prisons in Sri Lanka where women were raped and sexually tortured by members of the SLA. The report provides a collection of news article detailing reports of sexual assaults and torture against Tamil women, most of which are consistent with a theory of opportunistic sexual violence in Sri Lanka and the torture of detained persons. The singular article insinuating the presence of a "rape camp" was published in York University's *YU Free Press*, but a copy is also available through the Canadian Tamil Youth Alliance. The article, written by Women's Studies Ph.D candidate and media team coordinator for Canadian Humanitarian Appeal for the Relief of Tamils Jessica Devi Chandrashekar (2010) argues,

> In order to manage the anxieties precipitated by the resistance of Tamil people, the Sri Lankan state asserts and enforces its national sovereignty most violently on the bodies of Tamil women through sexual violence and torture... Sexual violence is one of the ways through which the Sri Lankan state makes the occupation of Eelam an embodied experience… The systemic rape and threat of sexual violence against Tamil women in Sri Lanka is a technique of genocide employed by the state without having to immediately kill each Tamil body. The aim is to kill the Tamil people's will to resist, desire for a recognized homeland and self-determination. Therefore, the violation of Tamil women's bodies is a direct violation of the Tamil people's land (1).

It is unclear whether this article was published with an intention of informality, but it contains no citations or reference to evidentiary data for Chandrashekar's claims. My findings, which will be discussed later in this chapter and the next, starkly contradict the notion that the state perpetrated a genocide of the Tamil people, or that sexual violence would be been beneficial to the state as a method of deactivating Tamil communities.

Although sensationalized claims of both scholars and media personnel insist otherwise, both the available material evidence and the work of many human rights and women's rights activists on the ground in Sri Lanka suggest that sexual violence was not perpetrated systematically against Tamil women during the war. As renowned sexual violence Elisabeth Wood states in her work "Variation in Sexual Violence During War," sexual violence perpetrated by state forces was "relatively limited" during the conflict, and was "occasionally…wielded against women associated with the insurgency" (2006, 313).

A Question of Impunity

Theories of gender inequality as a causal mechanism for wartime sexual violence rely heavily on both the cultural understandings of embodiment and impunity for gendered crimes in the social and legal spheres. As demonstrated in the preceding section, Sri Lanka has deeply engrained impunity for state perpetrators of human rights violations broadly, but perplexingly sometimes overcame this pattern to prosecute sexually violent crimes during the war. State-perpetrated sexual violence in Sri Lanka resulted in multiple high profile cases at the public bequest of high-ranking government leaders, an unprecedented state approach to wartime sexual violence, especially in the midst conflict. However, it is important to acknowledge that not all cases received government attention, and impunity for crimes committed against women is still a large problem in Sri Lanka.

This section will discuss three cases of sexual violence in which impunity for perpetrators remains strong, as well as then explore the ways in which the government overcame this impunity to prosecute members of the military for sexually violent crimes.[34] The fact that

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[34] Of principal importance to feminist research is the humanization of women, even if they are being discussed within "victim status" framework. I think it is especially important to include these cases of sexual violence victims,

several individual high profile instances of sexual violence can be identified in Sri Lanka, prosecuted or not, is indicative of the limited nature of state perpetration during the war. In most conflicts with rampant state-perpetrated sexual violence, victims are rarely publically identified or made the subject of several human rights reports and scholarly works, simply because there are far too many and the crimes are often committed en masse.

In July 1999, 21 year-old Ida Carmelita was gang raped and murdered by five members of the Sri Lankan armed forces who broke into her mother's home in 1999. A former child LTTE combatant and minority Tamil, Carmelita had surrendered to the army one-month prior to her attack. According to the medical examiner, Carmelita was shot through the vagina and her body showed significant evidence of sexual violence, including bites on her breasts and lips (Amnesty International 2002).

Three of the soldiers were identified through neighboring eyewitnesses while the two others were later found through and identification line up. Forensic inquiries additionally "matched the bullets found in the killing with that of the weapon used by one of the accused," but a pattern of intimidation and cultural impunity has kept the trial from proceeding (Pinto-Jayawardena 2010). Two key witnesses fled to India after being threatened by security forces, after which the accused requests the case be moved to Colombo courts. All five perpetrators were released on bail in 1999, and the lawyer prosecuting the Carmelita case was murdered the following year.

The gang rape and murder of 29-year old Sarathambal Saravanbavananthakurukal was emphasized by the UN Special Rapporteur in 2000 as a case of the blatant impunity insidious in

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in part because all of these women discussed have been murdered and therefore cannot speak for themselves. Their stories, regardless of context, blame, or contextually intent, are important and should be materialized in sexual violence research. The implications of sexual violence as related to murder in Sri Lanka will be addressed in my discussion chapter.

Sri Lankan society (Amnesty International 2002). Saravanbavananthakurukal, a Tamil woman, was reportedly abducted from her home, raped and killed by navy soldiers in December 1999. Post-mortem inquiry concluded that she died from asphyxiation after her underwear was shoved into her mouth, and that evidence of "forcible sexual intercourse" was present (Amnesty International 2002). Human rights reports suggest that Saravanbavananthakurukal's family members were threatened against revealing the identities of the navy soldiers who came to their home, and subsequently the case remains unsolved. Interestingly, high levels of intimidation and impunity subsist despite direct orders from the executive branch of Sri Lanka to investigate and prosecute the crime.

Finally, local and international outrage exploded in 1997 with the alleged gang rape and murder of Murugesapillai Koneswary, a Tamil mother of four who had previous reported sexual harassment and intimidation from SLA soldiers at a Central Camp checkpoint. According to Sri Lanka's *Sunday Times* (1997), several soldiers with guns entered Koneswary's home, took her four year-old daughter outside, gang-raped her and subsequently exploded a grenade on her stomach. The medical examiner later reported that the rape could not be confirmed due to the damage to Koneswary's body.

No arrests have been made in the Koneswary case despite an inquiry ordered by former President Chandrika Kumaratunga and a persistent campaign from local women's rights organizations. Some government sources have argued that Koneswary was murdered by members of the LTTE, an allegation discredited by the LTTE's bombing of a Sri Lankan police station in protest of the killing. CNN (2001) reports confirm 23 casualties, and claim that the attack was public retaliation for Koneswary's rape and murder. According to pro-rebel site

Tamilnet.com, "The attack on the Sri Lanka police detachment was carried out to mark the death of [Murugesapillai Koneswary]" (CNN 2001).

Overcoming impunity for cases of sexual violence

Although these cases remain unsolved, government investigation was publically prompted in all three– two by former Sri Lanka presidents. Radhika Coomaraswamy, the first United Nations Special Rapporteur on Violence Against Women and a native Sri Lankan, criticized the Sri Lankan government in a 2000 report for the lack of investigative response to the Sarathambal Saravanbavananthakurukal case "despite a presidential directive" (Human Rights Watch 2001). This type of government involvement is archetypical of the justice system in Sri Lanka, as the majority of war crimes cases that have been investigated and brought to trial have later been then dismissed, abandoned, or are still pending with no progress. However, the public denunciation of multiple crimes by high-ranking government officials is rare for cases of conflict sexual violence. Even more impressively, the first case of human rights violations perpetrated by agents of the state during the war to be successfully prosecuted in Sri Lanka was a sexual violence case. I am unaware of another conflict in which this was ever the case.

On August 6, 1997, Tamil schoolgirl Krisanthi Kumaraswayme was cycling home from qualifying exams at her high school when SLA personnel stopped her at security checkpoint in Jaffna. She was detained, repeatedly gang raped, murdered and dismembered by army soldiers and police officers. Kumaraswayme's mother, brother, and neighbor who went in search of her were also murdered, buried in the same shallow grave near the Chemmani military compound (Pinto-Jayawardena 2010).

The discovery of the Chemmani grave approximately one month later led to an enormous

outcry from both local and international organizations and immense public pressure from Sri Lankan citizens across ethnic lines to hold those responsible accountable. A prompt investigation and the swift incarceration of eight army soldiers and three police officers reflected directives given by the highest levels of Sri Lankan government, a rare occurrence in sexual violence cases worldwide (Pinto-Jayawardena 2010). As mentioned, the Kumaraswayme case represents the first successful trial and prosecution of state agents by the Sri Lankan government for crimes committed during the Sri Lankan civil war, unprecedented for both wartime sexual violence incidents and a country operating within deeply entrenched impunity.

Charges filed against the accused included abduction with the intent to force sexual intercourse, rape, and murder (Pinto-Jayawardena 2010). In July 1998, five Sri Lankan Army soldiers and one policeman were sentenced to death for their role in Kumaraswayme's sexual torture and death. This decision marked an unparalleled shift in the Sri Lanka's commitment to impunity for agents of the state and those committing violent acts against women. As Kishali Pinto-Jayawardena (2010) writes, "this rare instance of a high-profile successful prosecution appears to have been the exception that proved the rule of impunity" (47). Also notable is that much of the critical witness testimony in the Kumaraswayme case came from Sinhala witnesses (Pinto-Jayawardena 2010).

The state's response to the Kumaraswayme case and the investigations prompted in the three cases mentioned above provides powerful evidence regarding the state's decision against employing sexual violence as a counterinsurgency strategy, despite perpetrating other forms of political violence against the ethnic other. Some international organizations have criticized the state response as a "show trial," intended to falsely signify that the government actively denounced state-perpetrated sexual violence (Refugee Documentation Center of Ireland 2012).

This theory, however, rests on the assumption of state complicity in sexual violence: while it is likely impossible to prove active complicity or condemnation, the limited evidence of sexual violence and the public prompts for case investigations suggest that the state actively attempted to deter sexual violence cases. Given the persistent cultural and legal impunity in the country pre- and post-conflict, I believe that it is reasonable to base this theory on these and other cases of public state criticisms, even though prosecutions are not always secured.

Alternative Patterns of Sexual Violence

Candidate theories of gender inequality as a circumstance increasing the likelihood of wartime sexual violence are based primarily out of the notion that the subordination of women in peacetime is exacerbated and extended in time of war. Later in this section I will discuss the severe gender and sexual inequality of Sri Lankan society that further perplexes the state's use of limited sexual violence, but this interpretation of gender inequality theories cannot explain patterns of sexual violence perpetrated by state agents against male prisoners in detention centers and private spaces.

While there appears to be no systematic pattern of sexual violence perpetrated by state forces in the way we usually expect (against women in a widespread and public fashion), recent documentation suggests that members of the SLA sexually tortured many male detainees. Studies published by both the Medical Foundation for the Care of Victims of Torture (2000 and the Law and Society Trust (2008) contends that sexual violence a common method of torture against political detainees and displaced persons housed in *rehabilitation* centers, and that the majority of that violence was targeted against men (Peel et. al. 2008; Pinto-Jayawardena and Kois 2008). Men are often victims of wartime sexual violence, but rarely are men sexually

targeted during wars where women are not. Additionally, it is unusual that state forces perpetrate sexual violence in private centers without a public component.[35]

Rehabilitation centers in Sri Lanka are well known for grave human rights violations and the frequent use of torture against detainees. Sri Lankan state forces house political prisoners, arbitrarily arrested civilians and internally displaced persons in many of the same facilities, although arrest laws tend to be invoked on a strictly ethnic basis. Sinhala prisoners are overwhelming arrested and detained under the Penal Code, while Tamils are arrested and detained under the Emergency Regulations (ER) and Prevention of Terrorism Act (PTA).

Interestingly, available documentation suggests that sexual torture was perpetrated against men across ethnic lines. A study conducted by Kishali Pinto-Jayawardena and Lisa Kois (2008) found that in a sample of Article 11 (the anti-torture provision of the Sri Lanka constitution) cases, 83 percent of petitioners were Sinhala, while only 16 percent were Tamil and 4 percent Muslim. Pinto-Jayawardena and Kois (2008) argue that levels of torture are likely higher among minority Tamil detainee than these numbers suggest. They find that Sinhala petitioners, on average, received reparations totaling Rs. 208,057 (~$1,826) while Tamil petitioners were compensated an average of Rs. 63,250 (~$555). This massive disparity emphasizes the exclusion of minority populations from Sri Lanka's judicial system and undoubtedly serves as a deterrent for Tamils seeking justice. It is therefore unclear whether sexual violence was targeted at Tamil men more frequently than Sinhalese prisoners and is underreported or if the crimes occurred indiscriminately.

In a 2000 study published by Medical Foundation for the Care of Victims of Torture, researchers emphasize the frequent sexual abuse of Tamil men in detention in Sri Lanka,

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[35] A notable exception to this is the sexual torture perpetrated against detainees in Abu Ghraib and the rape of Jewish women in Nazi concentration camps.

referring to the phenomenon as "common" (Peel et. al. 2000, 2070). Of the 187 Tamil men referred to the foundation between January 1997-December 1998, 21 percent reported sexual abuse in custody, a number that the organization estimates to be lower than the true number of unreported incidents. Of these cases, 7 percent reported being giving electric shocks to their genitals, while 68 percent had been assaulted on their genitals. Four percent reported having sticks inserted through the anus, usually "with chilies rubbed on the stick first" (2069). One soldier had been forced to manually masturbate a soldier while three reported being forced to perform oral sex on Sri Lankan soldiers. Finally, one man reported being forced with his friends to rape another detainee for the soldiers' "entertainment" (2069).

A common finding in this study is that most of the men who were raped were unable to describe the attack, because they "did not have the language to explain what happened" (Peel et. al. 2000, 2096). Only 5 percent of men in the study reported being raped by or at the will of Sri Lankan soldiers, but most of them admitted that they had not gone to local authorities or told anyone outside of the study. Rape of men is rarely discussed in the media or in academic literature, and Sri Lanka's culture of compulsory heterosexuality and strict sexual norms assists in stripping men of the language to understand and ability to process a sexual attack.

Kishali Pinto-Jayawardena and Lisa Kois' *Sri Lanka: The Right Not to Be Tortured* is a critical analysis of judicial response to torture cases perpetrated by the Sri Lankan army that details claims made by petitioners to Sri Lankan courts. Their analysis also highlights sexual violence perpetrated against female detainees, as 21 percent of petitioners in their study were adult females. Of the 14 female petitioners in the study, 2 reported cases of sexual violence. Excerpts of the reports from the Judicial Medical Officers in these and other sexual torture cases include:

S-Lon pipe inserted into rectum. A piece of barbed wire was inserted through the pipe hole. The wire was moved around after the pipe was removed partially. Chili powder was also introduced through the pipe…

Vaginal penetration with banana flower…

His genitals were found to be swollen and reddened…

There were two burn injuries on his penis…

His penis and scrotum were drawn and squeezed forcibly…

Raped by one or more persons (Pinto-Jayawardena and Kois 2008, 26).

Models of state strategy suggest patterns of sexual violence in controlled areas of high risk, such as detention centers, would not result from the opportunistic exploits of rogue soldiers. The implications of state complicity in these patterns will be further discussed in Chapter 6.

Embodiment and Sexual Expectations

The pervasiveness of wartime sexual violence in states with post-colonial, patriarchal, and conservative norms has elevated theories of gender inequality to a place of conventional wisdom. The implications of gender inequality on wartime sexual violence are evident in Chapter 4's discussion of Guatemala, and Sri Lankan society operates within exceptionally similar gender norms. Social conceptualization of men and women's bodies and their expected values and actions in Sri Lanka reflect the colonial imperialism of conservative sexual standards functioning in Guatemala. This comparison serves to emphasize the perplexing variation of sexual violence between countries, notably the relative absence of strategic state employment in Sri Lanka.

Across ethnic lines, women's bodies in Sri Lanka are established as spaces for honor and national integrity. These bodies are heavily policed by social, medical, and legal institutions. A good woman, in Sri Lankan society, is constructed in relationship to her virginity, and,

consequentially, her self-worth and the value of her family. The stigma associated with female

sexuality originates in what is known throughout Sri Lanka as *lajja bhaya,* literally translated as

shame and *fear*. Hansi, a researcher with a Sri Lankan NGO focusing on ethnic studies, argues

that this concept remains the dominant paradigm for cultural thought. As she says,

> I think actually there is still this idea of the good woman… *lajja bhaya*, it's basically
> shame and fear, and women's lives are still defined by these two things really… and this
> is culture. This is the way culture constrains (Personal Interviews, January 2, 2012).

Women in Sri Lankan society are both valued for their sexuality and punished for exercising it, a

paradoxical relationship that exists in a myriad of cultures, especially those with high levels of

wartime sexual violence. Sri Lankan feminist Radhika Coomaraswamy (2000) writes that in

South Asia, "the female body is then the site for the concept of honor and the feelings of shame...

the female body and sexuality are seen as dangerous, powerful forces that require control and

direction" (9-16). Coomaraswamy (2000) further argues that in this cultural context, shame is a

vital component of honor, and honor is a measure of human dignity.

The manifestation of patriarchy in Sri Lanka, described as *insidious* by several local

activists, is manifested through the strict social roles expected of men and women despite the

appearance of gendered progress. Hansi reasons,

> While women seemingly have certain choices, or more choices, than in South Asia or
> other countries with the same income level, I think it is still a very oppressive society…
> Women are in universities, they have the right to go and learn, but their roles inside the
> home, they haven't really changed... they are still expected to cook and clean and look
> after their husbands (Personal Interview, January 2, 2012).

The good woman in Sri Lankan society – virginal, responsible, devoted to children and

family, passive, and obedient – stands in stark contrast to the construction of the Sri Lankan man.

Men are always considered to be the head of a Sri Lankan household, even if he is not the

primary income earner. This standard has been recently problematized by the civil war and

massive increase in female-headed households in the northern and eastern areas of the country. The 2009 Department of Census and Statistics' "Household Income and Expenditure Survey" estimates that women head 23 percent[36] of Sri Lankan households, 53 percent of which are headed by widows. Of these women, 47 percent are only educated up to grade 10 and 27 percent are educated up to grade 5. 10 percent of women heading households have no education, which is higher than the 7 percent who passed qualifying examinations after secondary school (2009).

Female-headed households in former conflict zones are struggling to consolidate traditional expectations of housewifery and motherhood with the position of sole wage earner. They are further disenfranchised by their education levels: the Department of Census and Statistics estimates that people who reached grade 10 make approximately 48 percent less than those who passed the highest level of post-secondary examinations (2009).

The stringent standard of sexuality is evident in everyday life in Colombo and Mount Lavinia.[37] In my temporary home in Colombo there are two domestics, referred to as "servants," one of whom was unmarried. She was poor and chronically ill, which had deemed her unmarriageable and left few options other than becoming a domestic for a wealthy family. In Sri Lanka, marriage is truly the gateway to a "proper" adulthood, but the restrictions placed on women's bodies to achieve this are crippling.

It cannot be overstated that Sri Lanka is an extremely patriarchal society. Buddhism has historically reigned as a virtually national religion, but the Sinhalese branch has been substantially altered by colonial ideals regarding sexuality, marriage rituals, and the position of women. While Buddhist teaching holds few marriage rituals of its own, pre-colonial Sri Lankan society had some matriarchal tendencies in a manner similar to pre-colonial tribal societies in

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[36] 1.1 million of 5 million households
[37] These are comparatively cosmopolitan areas, so other parts of the country likely uphold even stricter conservative norms of sexual policing.

North and South America. Women took multiple husbands, often men from the same family, and moved them into her home to raise children (Personal Interviews, January 10-11, 2012).

Religious and sacred spaces, traditionally frequented by women with exposed breasts or in a similarly unclothed fashion, became strictly conservative (see Figure 5.1). Many temples in modern Sri Lanka will not allow female visitors with exposed knees or elbows, including one of the country's most important relics, The Temple of the Tooth. Built in Kandy, Sri Lanka, the temple houses the last remaining piece of the Buddha, his left canine tooth. Despite it's deep roots as a relic of Sri Lankan history, the temple operates within strictly colonial ideas of modesty and appropriateness. Patriarchal ideas of gender and sexuality are evident in all levels of Sri Lankan society, from the family unit to the political system. An anecdote very popular among human rights and women's rights activists in Sri Lanka is that of the average family dinner table, in which the son is favored with a larger piece of chicken or a better meal than his sister or parents simply because of his gender (Personal Interviews, January 10-11).

An illustrative example of colonization's effects on Sri Lankan sexual norms is the metaphorical "clothing" of the Sigiriya frescos after their rediscovery in 1975. The painting are part of the Sigiriya archeological site, one of UNESCO's eight wonders of the world, which is a massive rock complex situated in Sri Lanka's Central Province. The site has a dramatic history that begins in the 5th century chronicle the *Mahavamsa*. The structure originated as a castle for King Dhatusena (459-77 A.D.) and later became a monastery.

In "Sexuality in the Field of Vision: The Discursive Clothing of the Sigiriya Frescos," Malathi de Alwis (in Jayawardena and de Alwis 1996) contends that the rediscovery of the Sigiriya fortress led to its reinscription in the Sinhalese nationalist narrative. Archeological exploration began in 1895 when the Governor of Ceylon commissioned archeologist H.C. Bell to

survey the site. The Sigiriya frescos, first spotted in 1875 but inaccessible until 1889, were discovered in a small rock pocket along the western façade of the structure. Although only 21 complete figures remain visible, it is estimated that there were once at least 500 depictions of women dating back to the 5th century.

Local Sri Lankan natives disapproved of the archeological efforts, as they believed Sigiriya to be protected by "Yakkos" (demons) and that disturbing the rock chamber would anger them. Despite this condemnation, European archeologist Alick Murray made chalk tracing of 13 frescos in 1889. In 1986, another team member produced oil paint replicas of 22 frescos. As part of the historical, national Sinhalese narrative, the publication of the Sigiriya frescos generated controversy over their sensual presentation and nude depiction.

Malathi de Alwis (in Jayawardena and de Alwis 1996) writes, "what makes the Sigiri [sic] frescos interesting is that they are not merely markers of a culture at its zenith, but also the only examples of an open celebration of sensuality of the female body in Sri Lankan painting" (96). Details of the seemingly nude female form are clearly visible in the majority of these frescos (see Figure 5.2). Following Sri Lankan independence, native scholars were desperate to shed their image as uncultured, indigenous traditionalists and stove to be considered as intellectuals and scientists. Nationalist pride swelled, and within this field of vision overt displays of native sexuality terrified Sri Lankan scholars (de Alwis in Jayawardena and de Alwis 1996).

Several theories emerged in the late 1940s and 50s to explain the Sigiriya frescos, most of which sought to reject a depiction of overt sexuality. H.C. Bell contended that the women were depictions of real queens and princesses of King Kassapa's court and their maids on the way to a Buddhist shrine (de Alwis in Jayawardena and de Alwis 1996). However, he maintained that the

women were actually not intended to be naked above the waist, but instead were clothed with a material so thin that it was hardly visible to the artist or the viewer. Another theory that emerged from Senearat Paranavitana, the first Sri Lankan commissioner of Archeology, in 1947 challenged the notion that the paintings even depicted women. Paranavitana naturalized the women as personifications of cloud beings, subsequently incapable of being sexualized. This theory delighted the public and was eventually made into a wildly popular Sri Lankan film (de Alwis in Jayawardena and de Alwis 1996). A third theory, generated by the assistant director of Sri Lanka's National Museum, M.D. Raghaven, in 1948 vehemently denied any depiction of sensuality in the Sigiriya frescos. Raghaven stressed that many of the women in the frescos wore were married Tamils, "conclusively to inform the viewer that they are respectable wives" (de Alwis in Jayawardena and de Alwis 1996). Like Bell, he also concluded that the women wore clothing of very fine material, due to the heat of the rock and the sun.

The desexualization of the Sigiriya frescos by Sinhalese nationalists illustrates the standards of female sexuality that colonial Sri Lanka espoused. These paintings, as remnants of pre-colonial Sinhalese narrative, reflect the ways in which proper embodiment as woman and nationalist integrity have been woven together, as well as the threat improper sexuality poses to the social core. The emphasis on women's sexuality as tied to marriage and reproduction has been reiterated by the Sri Lankan government as part of nationalist rhetoric. When 16 of the frescos were vandalized in 1967, the Minister of Cultural Affairs stressed that the acts amounted to "stabbing one's own mother in the heart," (de Alwis in Jayawardena and de Alwis 1996, 103). The frescos remain a national treasure of Sri Lanka, often depicted on post cards and tourist gifts, as a symbol of motherhood and national integrity void of sexual agency.

Figure 5.1: Kandian women at the turn of the 18th century; image via Grassrooted, Mount Lavinia, Sri Lanka

Figure 5.2: Sigiriya frescos, est. 400 BC – 1100 AD; image via Sigiriya.org

Sexual repression in Sri Lanka is not limited to social control of female sexuality, and has had devastating affects on the country's young men and women. Men are required by their families to marry virgin women, and Sri Lankan culture accepts a "white sheet check" in which the groom's parents will check bed sheets for blood after a married couple consummates their marriage. Despite the medical evidence dating back to the 1800s to suggest that blood is not an indicator of sexual purity (Paris and Fonblanque in Roderick and Bacot, 1849), marriages can be dissolved if a woman is "discovered" as a non-virgin. Unmarried women carry a heavy stigma in Sri Lankan communities, and are thought of as defective and shameful to the Sri Lankan family. However, men, especially in urban areas, are permitted to, as one sexual health activist put it, "fuck around," as long as they eventually marry virginal women (Personal Interview January 10, 2012).

This is not to say that sexual repression only negatively influences women in Sri Lanka. The country has outlawed pornography and regularly shuts down pornographic websites, leading to the heavy stigmatization of those caught with sexually explicit imagery. In an interview, the founders of one of Sri Lanka's only major sexual health and awareness organizations, recalled cases of both children caught with pornography and their parents committing suicide (Personal Interviews, January 10, 2012). Sri Lanka historically has one of the highest suicide rates in the world, much of which the organization attributes to relationship and sexuality-related issues.

Education in Sri Lanka is both compulsory and free, but sexual health education is limited to biology and reproduction. Researchers with the aforementioned organization emphasize the lack of knowledge and basic awareness regarding sexuality and sexual issues, as illustrated through their workshops on sexual health. Piyumi, a Sri Lankan sexual health advocate, reasons,

Imagine the shame, imagine what kind of sexual repression is going on for [pornography related suicides], that kind of reaction to these incidents. Young boys and girls have lots of questions about it… you don't masturbate if you are a good kid. So they have so many problems, [they ask us] is it healthy, is it not healthy… you cannot express what you want. Masturbating is such a primary thing but kids have so many problems, they are so scared. One person had asked me, 'Is it illegal in Sri Lanka to masturbate?' (Personal Interviews, January 10, 2012).

Restricted access to sexual health and awareness transcends the education sector and acts in the vested interest of the state to maintain sexual repression. The public sphere in Sri Lanka is not gender friendly, and many people victimized by sexual violence choose not to try and access an already broken system (Personal Interview, January 4, 2012). Medical examination of sexual violence victims generally is carried out long after the initial attack, if it is carried out at all (Pinto-Jayawardena 2010). Medical confidentiality is mediocre at best, and sexual health education virtually nonexistent.

In accordance with the high values placed on female virginity and deficiency in sex education, birth control is only readily accessible to married couples. Sexual health advocates in Sri Lanka contend that young women repeatedly use emergency contraceptives as birth control instead of a monthly regiment because they are (1) uninformed about the high risks associated with repeated ECPs and (2) have less risk of being discovered as "sexually active" with a single pill and not a month supply (Personal Interviews, January 11, 2012). Abortion is restricted except in cases where the mother's life is endangered, but the Family Planning Association of Sri Lanka estimates that 1000 unsafe abortions occur daily (Personal Interviews, January 10, 2012).

A high percentage of unmarried mothers also reflects the cultural importance of virginity as a precursor to marriage and stigma associated with pre-martial sex.[38] The shame associated

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[38] Several of the friends that I made in Sri Lanka are men, and they repeatedly discussed with me their sexual exploits. Sexual standards for men in Sri Lanka are in no way comparable to those for women: as these men told me, they were able to "fuck around," because they were young and male. Similarly, men in Sri Lanka engage in public, homosocial behavior in a manner unparalleled by the United States. I suspect that this stems from the absence of discourse surrounding homosexuality in the country: unlike in America, men are likely not concerned of being

with extra-martial sexual contact applies not only to women who engage in consensual sexual practices, but also those who are victims of sexual violence. While discussing an LTTE handbill promoting conservative female sexuality, South Asian sexuality scholar Yasmin Tambiah writes that in Sri Lanka, "culture is made coterminous with female sexual chastity" (2005, 248), and that rebellion against this construction of respectability is considered "anticolonial" (2005, 249). The positive value attributed to female sexuality endangers Sri Lankan women as bodies negotiated for violent imperialism.

Sexually violating a woman in Sri Lankan society not only leaves the physical and psychological scars of sexual violence, but also effectively destroys her prospects of marriage and, subsequently, a *respectable* life as wife and mother. The cultural understanding of female sexuality as strictly a vessel for reproduction is evidenced through the expectation that widows with children will not remarry: widows with children are desexualized through the notion that their need for a sexual partner disappears after childbirth. Male widowers, however, are fully expected to remarry following the death of their spouse, insinuating that not only are men incapable of child-rearing and tending to traditional female obligations, they need sex and are entitled to sexual pleasure in ways that women are not (Personal Interviews, January 3, 2012).

In conjunction with extreme sexual repression, high levels of violence against women in Sri Lanka is one of the primary reasons that the limited perpetration of violence by state forces seems anomalous. Gender based violence (GBV) in Sri Lanka has been historically shrouded in cultural impunity and deference to male parties, and cuts across racial and class lines in all parts of the country. While Sri Lanka acceded to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1981, a law explicitly offering recourse to victims

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labeled as homosexual. I was told multiple times by interview respondents and by that "there are no gay people in Sri Lanka."

of domestic violence was not introduced until 2005.[39]

Domestic violence is one of the most common forms of GBV in Sri Lanka, as an estimated 60 percent of the country's women had experienced violence of this form in 2004 (Government of Sri Lanka). The founder of Sri Lanka's first crisis center for victims of domestic violence, Kalani, did so in 1987 because there was no legal recourse, medical or psychological access, or protection for women in abusive homes. Despite advancements in these areas and the rise of Sri Lankan feminism in the 1980s, domestic violence rates have risen markedly over the past two decades.

In a move reflective of Sri Lankan cultural ideals, The Prevention of Domestic Violence Act of 2005 was deliberately established in the state's civil code instead of the penal code. Other laws involving bodily harm and the protection of vulnerable groups are included in the penal code, including laws addressing kidnapping, sexual harassment and assault. Amaya, whose organization was principal in the drafting of the legislation, reasons that the law was rejected from the penal code because the state "didn't want to break up families" (Personal Interview, January 3, 2012).

The social emphasis on marriage and motherhood as the only respectable avenues for Sri Lankan women results in many battered women remaining in their homes despite increased opportunities for protection. Women who leave abusive situations are often constructed in South Asian culture as abandoning their families: a persistent view within Sri Lankan culture is that men are incapable of caring for children or performing domestic tasks. While not an overt admission among Sri Lankans, this mentality is evident in the expectations of widows and widowers. Widows or divorced women with children are heavily stigmatized against remarriage,

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[39] Domestic violence in Sri Lanka, as in all areas of the world, does not solely affect women. The Prevention of Domestic Violence Act extends to all victims of domestic violence regardless of gender or sexual orientation, but the majority of reported cases involve male perpetrators and female victims.

as they are considered to be sexual only for means of reproduction and therefore do not need another male partner. Widowers, however, are culturally encouraged to remarry, especially if children are present, insinuating that Sri Lankan men (1) need sex (2) are entitled to it and (3) cannot care for children without a female partner (Personal Interviews January 3, 2012).

Significant consequences of this gendered divide include high levels of incest consequential of women leaving the home, whether it be for work migration, abuse, other reasons. The overwhelming lack of communal faith in male parenting, coupled with sexual entitlement, head of household status, and growing levels of alcoholism among Sri Lankan men has often endangered children of motherless homes.[40] A majority of documented incest cases involve a male parent and female child, exemplifying the deeply embedded need to control budding female sexuality. As Sajith emphasizes, the argument is that "If I don't get to eat from the tree, then why should someone else?" (Personal Interviews January 10, 2012).

Conclusion

This chapter discussed patterns of sexual violence in the Sri Lankan war, specifically emphasizing the inability of ethnic war and theories of gender inequality (as presently interpreted) to explain sexual violence variation in Sri Lanka. Intense gender segregation, strict gender roles that subordinate women across ethnic lines, and high levels of intimate violence against women in peacetime establish Sri Lanka as a puzzling case for sexual violence scholars. The circumstantial similarities between this country and Guatemala in terms of colonial influence, ethnic divide and conflict, gender norms and sexual expectations pose a question of sexual violence variation that cannot be answered through existing theories of perpetration. The

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[40] The term *motherless* here refers to Sri Lankan homes in which the adult female member has died, left, or been otherwise removed from the home. While ill fitting in a Western sense, the terminology motherless as applied here takes the account the expected role of Sri Lankan women as wife and mother.

following and final chapter of this study will reintroduce theories drawn from both international relations and feminist schools of thought to establish a theory of renegotiated cost-benefit analysis that builds from Elizabeth Wood's (2009) argument that states may choose or condemn sexual violence when they feel it is productive or harmful to their cause to explain patterns of sexual violence in the Sri Lankan Civil War.

CHAPTER 6: FINDINGS AND DISCUSSION

As evidenced in the preceding chapters, state perpetration of sexual violence manifests in drastically different ways in the Sri Lankan and Guatemalan civil wars. Secession alone cannot explain this variation, as recent research contends that secessionist conflicts may be more likely to experience sexual violence (see: Cohen 2010). Theories of gender inequality and ethnic war are also ill suited to explain why some states perpetrate sexual violence systematically while others do not. In this chapter, I offer a reconceptualized understanding of state strategy by questioning what benefits and costs mean to the state and how state standards of sexuality affected political violence in Sri Lanka.

Renegotiating cost-benefit analysis: a feminist approach

What does the state want? This question drives research on state-perpetrated sexual violence, often implicitly assuming that if a connection exists between agents of the state and sexual violence, the state desires this relationship. Feminist theorists examine this concept as institutionalized patriarchy or militarized masculinity, while sexual violence scholars discuss it through principal-agent relationships and state strategy framework. Bridging the gaps between international relations and feminist analysis is not only possible but also imperative to the study of sexual violence, because both schools identify the same catalyst for state-perpetrated sexual violence: cost-benefit analysis on the part of the state.

By renegotiating the boundaries of cost-benefit decision-making, we can understand interests of the state beyond traditional notions of *cost* and *benefit*. Generally, in war, cost-benefit analysis weighs the strength of the opposition, potential loss of life, threats to military security, and monetary risk against the benefits to the state. This understanding, however, ignores state interests beyond those immediately tied to combat. The evidence suggests that

during the Sri Lankan Civil War, state and military leaders deliberately proscribed sexual violence as a counterinsurgency strategy, which resulted in the institutionalization of sexual violence as bad for the state among rank and file cadre. I argue that there is ample substantiation to support this theory of determent. This chapter will explore this evidence through a reconceptualized understanding of cost-benefit analysis that incorporates both traditional international relations assumptions with feminist theories.

Sexual integrity and Sri Lanka: a cost-benefit model

State forces engaged in limited sexual violence during the 26-year civil war because the state has a vested interest in maintaining the sexual integrity of Sri Lanka. As there are no singular explanations for sexual violence perpetration, this theory alone cannot account for the state's reluctant to engage in sexually repressive warfare, but established patterns of counterinsurgency and standards of sexuality in Sri Lanka suggest that sexual integrity is of paramount importance to state survival.

Elizabeth Wood (2009) theorizes that armed groups may mirror the sexual violence strategies of their opposition during conflict, and that a group intent on governing the opposition's civilians is less likely to tolerate sexual violence. Despite an apparent policy of unrestrained violence against civilians, the LTTE insurgency strictly prohibited the use of sexual violence against enemy women. They further proscribed any sexual relationships between male and female cadre: this norm was so deeply embedded within the LTTE that a relationship between leader Vellupillai Prabhakaran and a female soldier caused many members to break from the group (Personal Interviews, January 11, 2012).

Unlike the Guatemalan government's genocide of the Maya, the state in Sri Lanka's conflict does not appear to have been interested in the obliteration of the Tamil population. There is substantial documentation that state counterinsurgency tactics often targeted civilians, but there is no evident pattern of purposeful elimination of the entire community. Many of the well known historical instances of sexual violence occurred during conflicts in which one group sought the extermination of the other. Examples of this include the wars in Guatemala, Bosnia-Herzegovina, Rwanda, and Bangladesh. Given the post-2009 reintegration of Tamil civilians into Sri Lankan society and the concentration of violence in certain areas of the state, it can be reasonably assumed that the Sri Lankan state intended to retain the Tamil population as Sri Lankan citizens.

In "Sexual Violence and Sri Lankan State Sovereignty," Jessica Devi Chandrashekar (2010), argues that state forces in Sri Lanka targeted Tamil women's bodies as a method of destroying Tamil communities. She writes,

> That this violence is possible is indicative of the fabric of the Sri Lankan state and the narrative that has been institutionalized as its national history and identity. In this script, the Tamil people are non-humans and their non-humanity is maintained by the construction of the Tamil woman's body as inherently rapeable… Furthermore, when a nation is imagined through gendered concepts such as mother tongue and mother land, the torture of Tamil women through sexual violence works to not only destroy the imagined nation by reducing Tamil women into 'incapacitated' bodies, it also functions to destroy the particular cultural memory and history that is passed on from generation to generation by women (1).

I disagree with Chandrashekar's interpretation of Tamil women's bodies as representative of isolated Tamil nationalism, and instead argue that the state deliberately did not engage in sexual violence because Tamil women's bodies are tied to the integrity of Sri Lankan society as a whole. Chandrashekar's argument above is well suited to explain the Guatemalan state's imperialism of indigenous women's bodies, but is undermined in the Sri Lankan context by the lack of evidence to support a sexual violence campaign. As discussed in Chapter 5, the sexual

expectations of Sri Lankan women's bodies are perpetuated across class lines. This is also true of Guatemala, but the key distinction lies in the intent of the state to govern the opposition's civilians. As the state aspired to eventually regain control over the Tamil population, sexual offenses against Tamil women would serve to publically degrade the tenets of all Sri Lankan women (the core of Sri Lanka's social fabric), further traumatizing a community in conflict and duress. In Guatemala, sexual violence against women acted to destroy a community that eventually would no longer be part of the state.

Women who permeate gender and sexual boundaries in Sri Lanka are heavily stigmatized and often constructed as "unmarriageable." Systematic perpetration of sexual violence to the state in this context offered many costs and few benefits. The deactivation of Tamil women's bodies would not have vanished with the conclusion of violence, as those violated bodies (and their implications for Sri Lankan sexual integrity) would have been reincorporated into a recovering, unified Sri Lanka. Any temporary benefit in terms of counterinsurgency, therefore, was greatly outweighed by cost in the long run.

Another cost associated with sexual violence for the state was the LTTE's public denouncement of rape as a tool of political violence. Perpetrating sexual violence in the face of the LTTE's strong anti-rape sentiment could have easily rallied more civilians around the Tamil cause, as it could be construed an incredibly intimate attack on the Tamil national core. While the LTTE secured monetary resources through robbery, drug trafficking, and smuggling, a significant portion of their funding came from Tamil diaspora communities in the UK, Canada, and other Western states (Human Rights Watch 2006). Facing an already strong insurgency with access to international revenue, it would not have benefited the state to engage in acts explicitly forbidden by the LTTE and supportive population.

Across ethnic lines, women's bodies are the value of Sri Lankan society. In this sense, violated bodies serve to violate cultural cohesion. I believe that this notion helps explain the high correlation between rape and murder in cases attributed to the SLA during conflict: it is plausible that opportunistic sexual violence often resulted in murder because women's bodies were no longer viewed as valuable to the state. The cross-ethnic understandings of sexual integrity as principal to bodily worth are evidence through the outcry from both Tamils and Sinhalese in the case of Krisanthi Kumaraswayme. Comparable public interest is rarely achieved for murdered women, but this case of sexual violence garnered attention due to its defilement of Sri Lankan sexual norms. Similarly, anti-sexual violence rhetoric from the state in the form of case investigations and trials would have been highly unlikely if the state was not interested in sexual purity. That the state overcame traditionally high levels of impunity to publically denounce, investigate, and prosecute the Kumaraswyme case and other cases, suggests that sexual integrity is of primary importance to the reestablishment of an honorable Sri Lankan population.

Implicit in the state strategy model is the notion that demonstrating that the state strategically employed or prohibited sexual violence is difficult without explicit proof of a sexual violence policy (Leiby 2011). However, the theory that the state believed employing sexual violence against Tamil women would be counterproductive to their objective of re-amassing the Tamil population is supported by the patterns of sexual violence that occurred in detention centers. Documentation suggests that sexual torture and other forms of sexual violence was systematically perpetrated literally "out of sight and out of mind," in rehabilitation centers, and was heavily targeted towards men (Peet et. al. 2000; Pinto-Jayawardena and Kois 2008).

Reimagining theories of gender inequality for sexual violence perpetration through a feminist lens helps explain why men were victimized in a seemingly patterned way during the

war. As discussed in Chapter 2, men's bodies in capture are inherently feminized by their failure to exhibit traits of hegemonic masculinity. Sexual violence perpetrated against Tamil men, as feminized beings, served to attack the Tamil national core without defiling symbols of national integrity – women. Sri Lankan society does not hold men to the same strict and repressive sexual expectations as women, as they are not viewed as reproducers of the nation and as vessels of cultural pride. Similarly, sexual torture of men (even within ethnic boundaries) reifies the hegemonic masculinity of the perpetrator, and may be used to reach or maintain expectations of violence embodiment in wartime. Additionally, while Sri Lankan law criminalizes male/male sexual interactions, homosexual eroticism – and even male/male torture – are integral parts of the social structure.[41]

While men are generally permitted to engage in extra-marital sexual activity in ways unfathomable for their female counterparts, the flexibility of this norm varies geographically. Cosmopolitan areas like Colombo and Kandy are far more sexually progressive than other parts of the country, including the heavily Tamil areas in which the war occurred. In her research on sexual repression, Kalani, the founder of a women's and human rights organization in Colombo, has documented patterns of erotic, homosexual experiences between young boys in the country's rural villages, a phenomenon she calls "circumstantial homosexuality," (Personal Interviews, January 11, 2012). Kalani views these interactions are often consequential, resulting from a culture of intense sexual repression: young boys have no access to sexuality or to sexual involvement with women, and these erotic experiences between men are seen as "less wrong" than engaging in sexual activity with women. Female purity is of the upmost importance in Sri

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[41] The use of the term male/male here is a linguistic choice, but one that does not entirely convey the intended message. It is used in place of "homosexual" in many circumstances because homosexuality implies that all parties involved are constructed in that way. Men who sexually violate other men are often imagined as heterosexual. However, male/male does not fully take into consideration the gendered aspects of these relationships, which should be kept in mind.

Lankan culture, and subsequently sexual behavior between men, while considered abnormal, is

less detrimental to the perpetuation of a moral society (Personal Interviews, January 11, 2012).[42]

Additionally, the sexual torture of men in Sri Lanka occurs frequently among the

adolescent and college-aged population during peacetime. Sri Lanka is considered to be the

country most highly affected by *ragging*, a process in South Asia similar to American *hazing*,

which involves bullying – often physically -– new students in educational settings (Personal

Interviews, January 11, 2012). Sexual torture is among the most popular forms of ragging in Sri

Lanka and occurs mostly between men in the universities. Piyumi, a university student in Sri

Lanka and researcher for a sexual health organization in Mount Lavinia, Sri Lanka, notes that

common types of ragging include "slamming penises in drawers [and] inserting objects into the

anus" (Personal Interviews, January 11, 2012).

Attitudes about homosexuality in the Sri Lankan context, weighed against entrenched

cultural positions on female sexual purity, may help explain why the state frequently perpetrated

sexual violence against male detainees in more a manner more severe than against civilian

women. I argue it is likely that the state concluded, through reconceptualized cost-benefit

analysis, that sexual violence perpetrated against women was more disadvantageous to the

country than sexual violence perpetrated against men.[43] However, it is important to note that

sexual violence targeted towards men was still conducted in private, state-run spaces with little

possibility for external discovery. While the preservation of sexual integrity was of paramount

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[42] This is not to say that all of those engaging in homosexual behaviors are doing so because they have no access to the real objects of their sexual desire. The implications of this information are intended to illustrate male/male sexual eroticism in every day life, and the relationship of this eroticism to female sexuality. This theory in no way seeks to delegitimize desired homosexual contact among boys or men in Sri Lanka.

[43] Existing documentation suggests that women were also targeted in detention centers and prisons, but to a far lesser extent than men (Jaywaradena and Pinto 2008). This pattern can still be partially explained by the privacy factor: if the public was unaware, the state may have assumed that low levels of systematic sexual violence in detention would be benign in its effect on society. This is a question that needs to be further addressed in future work.

importance to the Sri Lanka, the state also likely had a vested interesting in delaying international intervention. The LTTE has been religiously labeled a terrorist organization by foreign governments, but a myriad of states, NGOs and media outlets repeatedly called on the Sri Lankan government to halt their offensive and demand a ceasefire, for fear of humanitarian losses (Bandarage 2009).

Renegotiating cost-benefit analysis framework allows us to analyze sexual and material state interests simultaneously, and I argue that the threat of intervention was another very really consideration in the perpetration of sexual violence by the Sri Lankan state. In a 2009 article for the Foreign Policy Research Institute, Dr. Asoka Bandarage argues that at the Western governments and international aid organizations were already calling on the Sri Lankan state to halt its offensive during the war. The US, UK, and EU "issued statements calling for an immediate ceasefire," (Bandarage 2009, 1), and the US and EU, along with Japan and Norway, additionally asked the government to offer LTTE leaders amnesty. Bandarage (2009) also writes that "the US has asked the Sri Lankan government to allow the LTTE to surrender to a third party, which has serious implications for Sri Lanka's sovereignty" (1).

In my research, I found only two reliable reports on the sexual torture of male detainees in Sri Lankan prisons and rehabilitation centers. The first, a study conducted by the Medical Foundation for the Care of Victims of Torture, was published in *The Lancet*, a UK based medical journal in 2000. The second, an analytic analysis of torture cases conducted by human rights lawyer Kishali Pinto-Jayawardena, was published in 2008. That validated accounts of sexual torture against male war prisoners was not made publically accessible until 17 years after the commencement of conflict suggests that the acts were well hidden, and that this concealment was part of a deliberate state strategy. The latter argument is further supported by the state's

public denouncement of sexual violence committed against women early in the war, as

evidenced by the case of 18 year-old Krisanthi Kumaraswayme in 1996.

CHAPTER 7: CONCLUSION AND RECOMMENDATIONS

The significant variation in patterns of sexual violence perpetration, armed group involvement, and political intent across and within conflicts make theories of sexually violence difficult to generalize in a manner consistent with social science expectations. A renegotiated theory of cost-benefit analysis and the expansion of gender inequality and state strategy theories in this context are useful in explaining variation between expected patterns of sexual violence in Guatemala and observed patterns in Sri Lanka, however the generalizability of these findings is unknown.

I disagree with much political science epistemology that holds non-generalizable theories to be poorly researched or faulty in their explanatory ability. Sexual violence, while a tool of political violence, has very different implications than other forms of warfare. The gendered implications the embodiment and contextually understandings of gender performance are vital considerations for explaining wartime sexual violence, and these factors cannot be ignored for the sake of generalizability or cross-national testing. On that note, I caution sexual violence scholars against being over-zealous in the pursuit of large-N, cross-national studies of wartime sexual violence. While I accept the social science desire for statistical, empirical analysis, I am confident that we have not yet established methods to employ these techniques that do not dehumanize sexual violence victims or account for variation.

The purpose of this study has been largely rooted in theory building. Sexual violence is a relatively new subject for the academic sphere, and analysis remains difficult as a multitude of theories have yet to be developed. As demonstrated in this chapter, gender-informed conceptualizations of existing international relations theories are beneficial in explaining sexual

crimes as political violence in times of war. That being said, not all theories of political violence will be applicable in explaining sexual violence variation.

This research has generated questions that require future empirical testing and recommendations for future research. Based on statistical and anecdotal evidence in both Sri Lanka and Guatemala, I hypothesize that militarization causes an increase in violence perpetrated against women in post-conflict societies. In Guatemala and Sri Lanka, the rise in domestic and gender-based violence seemingly correlate with rising levels of alcoholism among ex-combatants as well as legal impunity for perpetrators. Future cross-national testing should be conducted on this hypothesis, as the policy implications for this finding would be significant for decreasing levels of violence against women in post-conflict societies.

As previously mentioned, this research employs relatively new data and should be regarded as preliminary. Comprehensive data on human rights violations committed during the Sri Lankan war, including sexual violence, continue to be released as more information becomes available. As of March 13, 2012, the United Nations Human Rights Council is considering a resolution seeking to emphasize and condemn Sri Lanka's absence of accountability for war crimes committed by agents of the state. My findings and the discussion of state-perpetrated sexual violence should be revisited in the future, with attention given to new and burgeoning data.

While my findings in this study are thus far only applicable in the Sri Lankan and Guatemalan contexts, practical policy implications can be derived. As theorized by Elisabeth Wood (2009), sexual violence can likely be preemptively predicted as frequent in conflicts in which an armed group intends to govern its opposition's civilians. The identification of at-risk conflicts for wartime sexual violence should prompt the international community to respond with

programs and strategies to prevent sexual violence in these areas. It is notable that these platforms must be contextually relevant and applied to individual circumstances in order to fully account for variation and cultural relativism. Examples of possible strategies include education for and strict monitoring of state militaries by the international community in order to prevent sexual violence from being employed as a tool of political violence.

States must also take the initiative to combat legal impunity and try human rights violations in local courts. As evidenced in Sri Lanka, powerful rhetoric of deterrence can be effective if applied regionally and contextually. The symbolic value of international courts and Western vehicles for justice cannot replace the positive implications for state governments to rectify their local systems and hold perpetrators accountable for their crimes.

A global effort to end the demarcation of women's bodies as symbols of cultural, national, and familial integrity is fundamental to the deactivation of sexual violence as a tool of political warfare. In both Sri Lanka and Guatemala, state decisions concerning sexual violence were written on women's bodies, and the current implications of women's embodiment ensure that they will be tied to the value of masculine institutions in nearly all circumstances. The complete lack of control that most societies engrave into women's bodies deprives them of all sexual agency and enshrines them as symbols of their community to be violated or protected. Until these dualistic expectations of masculinity and femininity are severely altered contextually and from the ground-up, women and feminized men will likely remain at risk for wartime sexual violence despite institutional changes in local or international judicial policy.

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Appendix A: Ethnic Civil Conflicts 1960-1996. Data compiled from Walter's data set of civil wars 1940-1992, Farr (2009); Cohen (2010).

Country	Duration	Alleged Actors	Secession	DSV[44]	State[45]
Burma	1948- P	State forces, ethnic factions	1	1	1
FRC	1960-1966	Belgain forces, ABAKO	1	0	0
Guatemala	1960-1996	State forces, URNG, Maya	0	1	1
Sudan	1963-1972	State forces, SANU	1	0	0
Rwanda	1963-1964	Hutu and Tutsi	0	0	0
Zimbabwe	1964-1979	State forces, ZANLA, ZIPRA	0	0	0
Nigeria	1967-1970	State forces, Republic of Biafra	1	0	0
Pakistan	1971	West Pakistan, Bangladesh	1	0	0
Pakistan	1973-1977	State forces, Baloch nationalists	1	0	0
Afghanistan	1978- P	States forces, Mujahadeen, Taliban, Al Qaeda	0	1	1
Chad	1979-1987	State forces, Muslims	0	0	0
Uganda	1980-1988	State forces, NRA	0	1	1
Peru	1980 – P	State forces,	0	1	1
Sri Lanka	1983-2009	State forces, LTTE	1	1	1
Sudan	1983-2005	North and South Sudan	0	1	1
Burundi	1988	Hutu and Tutsi	0	0	0

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[44] Documented Sexual Violence
[45] State-perpetrated sexual violence

Liberia	1989-1996	State forces, Gio, Mano tribes rebel paramilitaries	0	1	1
Rwanda	1990-2002	State forces, RPF	0	1	1
Rwanda	1994	Hutu and Tutsi	0	1	1
Iraq	1991	State forces, Shi'a rebels, Kurds	1	0	0
Georgia	1991-1994	State forces, Abkhazian rebels	1	1	0
Burundi	1991-2005	Hutu and Tutsi	0	1	0
Bosnia-Herzegovina	1991-1995	Bosniaks, Croats, Serbs[46]	1	1	1
Somalia	1991-P	State forces, multiple ethnic groups	0	1	1
Azerbaijan	1992-1994	State forces, Nagorno-Karabakh Armenians	1	0	0
Tajikistan	1992-2000	State forces, Garman and Gorno-Badakshan groups	0	1	1

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[46] The disintegration of the former Yugoslavia included wars in Croatia and Serbia that have been excluded from this data set for their similarity to the Bosnian War

Appendix B: Sample Semi-Structured Interview Questions

1. What can you tell me about gender roles in Sri Lanka?

2. What are the expectations of women in Sri Lanka?

3. What are the expectations of men in Sri Lanka?

4. What are considered the most important attributes for women in Sri Lanka?

5. What are considered the most important attributes for men in Sri Lanka?

6. How do you think that these gender roles changed during the war?

7. How does Sri Lanka society see proper execution of sexuality?

8. What can you tell me about violence against women in Sri Lanka?

9. What can you tell me about violence against women during the war?

10. What is your knowledge of the treatment of political prisoners during the war?

Appendix C: Informed Consent Form

CONSENT TO PARTICIPATE IN A RESEARCH STUDY
COLLEGE OF WOOSTER

Principal Investigator: Meredith Loken, Political Science Department, mmloken@gmail.com

Purpose

You are being asked to participate in a research study. I am interested in the roles of men and women in Sri Lankan society, culture, politics, and the armed forces and how these roles have changed during the war. This data will used for a senior independent study at The College of Wooster. It is possible that the findings of this research will be published in a peer-reviewed academic journal. Copies of these articles are available upon request.

Procedures

If you choose to volunteer, you will be asked to participate in in-person interviews conducted over a period no greater than two weeks. You will be asked questions about yourself, women and men in Sri Lanka, your perceptions of gender in Sri Lanka, and potentially your knowledge of women in the Sri Lankan military. With your permission, these interviews will be recorded but erased following the end of this study in April. The tapes of the interviews being recorded will be destroyed following the completion of the analysis and conclusion of the study. Interviews can still be conducted if you oppose recording. You may be asked to participate in follow-up electronic interviews until April 2012.

Risks

There are no significant risks to you for your participation in this study. Please be advised that at no time will you be asked questions regarding classified information or personal behavior, nor will you be asked to divulge any information that may place you at risk. You may choose to end interviews at any time. You may also choose not to answer any question.

Benefits

There are no direct benefits to you for your participation in this study.

Confidentiality

Any information you give will remain confidential. Your name or any identifying characteristics will not be used in any way.

Costs/Compensation

There is no cost to you beyond the time and effort required to complete the procedure described above.   There will be no compensation for your participation.

Right to Refuse or Withdraw

You may refuse to participate in the study, as well as withdraw if you feel you no longer want to continue with the interview.

Questions

If you have any questions, please ask me now. You can email me additional questions at mmloken@gmail.com. Please also feel free to contact myself or my project adviser, Dr. Michele Leiby (mleiby@wooster.edu) if at anytime you are concerned about your participation in this study or any part of the interview.

<u>Consent</u>

Your signature below will indicate that you are at least 18 years of age and have read and understand the information provided above and agree to be interviewed for this study, with the understanding that you may withdraw at any time.

Signature of participant _____ Date _____

You will be provided a copy of this form upon request.