CHAPTER 13
SEXUAL VIOLENCE DURING WAR:
VARIATION AND ACCOUNTABILITY

Elisabeth Jean Wood

1. INTRODUCTION

While sexual violence occurs in all wars, its extent varies dramatically. During the conflict in Bosnia-Herzegovina, the sexual abuse of Bosnian Muslim women by Bosnian Serb forces was so systematic and widespread that it was a crime against humanity under international law. In Rwanda, the widespread rape of Tutsi women comprised a form of genocide, according to the International Criminal Tribunal for Rwanda. In such settings, sexual violence frequently takes place in public, in front of family and community. Other cases include the janjaweed militias in Darfur, the Soviet and Japanese armies in World War II, and the various armed groups in the eastern DRC. Yet sexual violence in some conflicts is remarkably limited despite other violence against civilians. Even in some cases of ethnic conflict, sexual violence is limited; the conflict in Israel/Palestine is an example. Some armed groups, such as the Salvadoran and Sri Lankan insurgencies, appear to effectively prohibit their combatants from engaging in sexual violence against civilians.

The form of sexual violence varies as well. In some conflicts, it takes the form of sexual slavery; in others, state agents engage in sexualized torture of persons suspected of collaborating with insurgents; in others, combatants target women of particular groups during ethnic or political cleansing; in still others, individuals engage in it opportunistically; and in some conflicts, all or nearly all forms occur. In some wars, only females are targeted; in others, males are as well. Some acts of wartime sexual violence are committed by individuals; many are

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1 This chapter draws on Wood 2006; 2008 and 2009. I am grateful for research support from the Harry Frank Guggenheim Foundation, the United States Institute of Peace, the MacMillan Center for International and Area Studies of Yale University, and the Santa Fe Institute and for research assistance from Tess Lerner-Byars, Molly O’Grady, and Kai Thaler.
2 Wood 2006 and 2008a.
committed by groups. Some acts occur in private settings; many are public, in front of family or community members.

In some settings, wartime sexual violence appears to magnify existing cultural practices; in others, patterns of sexual violence appear to be wartime innovations by armed groups. In some conflicts, the pattern of sexual violence is symmetric, with all parties to the war engaging in sexual violence to roughly the same extent. In other conflicts, it is very asymmetric as one armed group does not respond in kind to sexual violence by the other party. Sexual violence often increases over the course of the conflict; in some conflicts, it decreases. Sexual violence varies in extent and form among civil wars as well as interstate wars, among ethnic wars as well as non-ethnic, and among secessionist conflicts. Despite the challenges to gathering data on this sensitive topic, the variation does not appear to be a product of inadequately reported violence: there are well-documented cases at the low end of the spectrum of sexual violence as well as the high end.

The observed variation is not explained by the dominant approaches in the literature on wartime sexual violence. With some exceptions, the literature focuses on cases where the pattern of sexual violence represents one end of the observed spectrum, namely, the widespread rape of civilian girls and women as in Bosnia, Rwanda and Sierra Leone. Common explanations for wartime rape reflect that emphasis: Rape is an effective strategy of war, particularly of ethnic cleansing; rape is one form of atrocity and occurs alongside other atrocities; war provides the opportunity for widespread rape and many if not all male soldiers will take advantage of it.

Yet many armed groups, including some state militaries, leftist insurgent groups, and secessionist ethnic groups, do not engage in widespread rape despite frequent interaction with civilians on otherwise intimate terms. Indeed, some armed groups engage in ethnic cleansing – the classic setting for widespread rape – without engaging in sexual violence. And rape occurs in sharply varying proportions to other forms of violence in armed groups’ repertoires of violence against civilians; in some cases the ratio is relatively high, in others very low.

The neglected fact of variation, including the relative absence of wartime sexual violence by one or more armed groups, has important policy implications: rape is not inevitable in war as is sometimes claimed. The neglected fact begs the questions: under what conditions do armed groups not engage in sexual violence? Under what conditions do they engage in rape as a strategy of war?

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In the past decade, a wide range of governmental, international and non-governmental organizations have called for policies to effectively limit wartime sexual violence, a pattern of violence that affects the most vulnerable populations in many conflict zones. I argue that analysis of variation in the pattern of such violence – in its frequency, targeting, and form – should help leaders and policy makers in developing more effective policies. That some groups do not engage in sexual violence reinforces arguments that commanders of armed groups that do engage in it as well as perpetrators should be held accountable for rape. Analyzing the internal dynamics of armed groups that do not engage in wartime sexual violence may help policy-makers define effective points of intervention.

I first introduce key concepts and a typology of violence against civilians which distinguishes three dimensions of violence: targeting, whether individual, collective, or indiscriminate; strategic or opportunistic; and frequency. I then show that the dominant approaches in the literature do not account for the observed variation in wartime sexual violence against civilians. I argue that the way forward requires that researchers focus on the internal dynamics of armed groups. I then advance a way of analyzing those dynamics in order to explain variation, and show how it captures distinct logics behind both the practice of rape as a weapon of war and its absence. I conclude with suggestions about how these logics may have relevant policy implications for the curtailing of wartime sexual violence.

2. KEY CONCEPTS

By absence of sexual violence, I mean the (relative) absence of sexual violence: sexual violence by a group is very rare (but not completely absent). Throughout, armed group refers to both state and non-state groups.

An asymmetric conflict is one in which one armed group engages in significant sexual violence against the members or supporters of another, but the latter does not respond in kind. In El Salvador, during the first years of the civil war, state forces engaged in rape against civilians in the context of massacres; yet insurgents did not rape. In Vietnam, US soldiers engaged in rape and sexual torture of civilians (for example, Charlie Company raped approximately 20 girls and women during the My Lai massacre); while the frequency with which it occurred is not well documented, it appears to be significantly greater than that by the North Vietnamese military and its allies.

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5 Olson et al. 1998 and Weaver 2006.
By *repertoire of violence*: I mean the subset of battle deaths, assassination, forced displacement, torture, sexual violence (various forms), etcetera, regularly observed on the part of an armed group. Repertoires vary across armed groups: for example, rape comprises a significant fraction of violence by Bosnian Serb militias during the Balkans conflict while rape does not appear to be part of the LTTE’s repertoire. Repertoires often change significantly over time; for example, the Salvadoran military’s repertoire went from being very wide, incorporating nearly all types of violence, to one less wide (though still significantly wider than that of the insurgents). A group may add a particular form of violence to its repertoire in response to another group’s engaging in that form, that is, it may “mirror” the other’s repertoire, either as a strategic decision by the leadership or by individual units choosing to wield violence similar in form to that observed. Or should civilians resist a group’s rule, an armed group may turn more punitive on command or as a result of combatant frustration. The officially endorsed repertoire may be distinct from that observed in practice on the ground, as shown in the case of the Israeli Defense Forces during the first intifada.

In accordance with recent international law, by *rape* I mean the penetration of the anus or vagina with any object or body part or of any body part of the victim or perpetrator’s body with a sexual organ, by force or by threat of force or coercion, or by taking advantage of a coercive environment, or against a person incapable of giving genuine consent. Thus rape can occur against men as well as women. *Sexual violence* is a broader category that includes rape, non-penetrating sexual assault, mutilation, sexual slavery, enforced prostitution, enforced sterilization, and forced pregnancy.

I make three distinctions concerning violence: targeting, purpose, and frequency, as summarized in Figure 1. (Note that the typology applies to any form of violence, not just sexual violence, and also can be extended to violence against fellow members of the armed group or prisoners of war). The first set of concepts concern whom the group targets with violence. *Selective violence* is violence targeted by an armed group at an individual because of her behavior, often providing support for a rival group or some other refusal to comply. In contrast, *indiscriminate violence* is violence that is not targeted (indeed, in its proper form it is random). In between is *collective targeting*, the targeting by an armed group

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6 Hoover 2010.
7 Wood 2009.
8 Ron 2000.
9 See the document on Elements of Crimes. (UN Doc. PN ICC/2000/1/Add.2, 2000) and its reference to article 8(2) (e) (vi) 1 ICCSt.
10 Ibid.
of social groups because of their identity as members of that group; examples include ethnic groups, political parties, particular villages or regions thought to support the rival, and so on.

Figure 1. Typology of Violence Against Civilians

<table>
<thead>
<tr>
<th>Targeted</th>
<th>Strategic</th>
<th>Opportunistic (for private reasons)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individual/ Selective</td>
<td>Elimination of defectors</td>
<td>Revenge against individual</td>
</tr>
<tr>
<td>Group/ Collective</td>
<td>“cleansing”</td>
<td>Revenge against group</td>
</tr>
<tr>
<td>Indiscriminate</td>
<td>Generalized terror</td>
<td>“running berserk”</td>
</tr>
</tbody>
</table>

Third dimension: Frequency

The second distinction involves the purpose of the violence, whether it is strategic, i.e. carried out on behalf of the group, or opportunistic, carried out for private (not group) reasons. Within the strategic category, a further distinction is between that which is ordered by the command structure (and whether by high-level or mid-level commanders) and that which is not ordered but is diffused across units and tolerated by the command structure, that is, what Osiel terms “atrocity by connivance.”

Finally, the third distinction concerns the level of violence: does the particular type of violence (ethnic cleansing, for example) occur very frequently, moderately often, or merely occasionally? This of course begs the question: relevant to what? At a minimum, the comparison is to other units or armed groups in the same conflict, but may include explicit cross-conflict comparison. Two further distinctions are often crucial for conceptualizing this dimension. We may be interested in the frequency of this form of violence against combatants (members of the group itself or prisoners of war) as well as against civilians (the focus of this chapter). And the measure of frequency will vary depending on the focus: the absolute number of events, the number of events per victim population (incidence, but note “victim population” begs precision – is it the population of some geographical area, a targeted ethnic group, the national population?) or the

12 Osiel 1999.
fraction of the victim population that suffered one or more event of this type (prevalence). (There is a distinct notion of frequency, which is the frequency of events compared to the number of members of the armed group: 100 incidents of rape, for example, indicate a different level of sexual violence by armed group members if they number 1,000,000 than if they number only 100.)

Before proceeding, it is important to address a doubt often raised about the claim that sexual violence on the part of some groups is very rare. Given the inadequacy of data on sexual violence, the observed absence might reflect our ignorance of its actual occurrence rather than its rarity (a negative fact very difficult to prove). Indeed, there are many reasons that rape and other forms of sexual violence are under-reported in wartime. The frequency and type of incidents reported are shaped by oft-noted factors such as the willingness of victims to report the crime, whether forensic authorities record signs of sexual violence, and the resources available to organizations reporting human rights abuses. Further, the description of sexual violence as “widespread” and “systematic” may reflect an organization’s attempt to draw resources to document sexual violence (whatever its actual level) rather than the pattern of incidents per se. And in settings where political violence is ongoing, organizations may feel it prudent to state that all sides engage in sexual violence, whatever their beliefs and data about asymmetric patterns. Nor is it reasonable to assume that it is under-reported to the same degree across conflicts, parties and regions, as there are often regional, class and partisan bias in the reporting rate. Reporting rates may also vary across forms of sexual violence: Rape, particularly rape of males, is likely less reported than other forms in most settings. Even when reporting occurs, available data may not identify perpetrators by unit of the armed group, but only by the armed group’s name. The “gold standard” method for statistical analysis of human rights violations, multiple systems estimation, depends on the availability of at least three lists with identified victims of sufficiently dense data on violence events, a criterion which appears to be met in the case of El Salvador and perhaps one other case.

Nonetheless, the variation in the incidence and form of sexual violence is sufficiently large that it exceeds the measurement error in the reporting of the better-documented cases: the existence of very well-documented, low-incidence cases strongly suggests that not all cases of armed groups that engage in little sexual violence are artifacts of ignorance. For example, it is unlikely that the apparent absence of sexual violence in the Israeli/Palestinian conflict is due to under-reporting, given the scrutiny of violence there by domestic human rights

13 Wood 2010.
14 Wood 2006.
15 Hoover 2010.
groups and international actors. In short, it is unlikely, for example, that the level of rape of women and girls was so much less in Bosnia-Herzegovina or that it was so much more in Israel/Palestine as to confound the observation of significant variation.

3. INCOMPLETE EXPLANATIONS

What might account for the observed variation in wartime sexual violence? Various potential explanations occur in the literature, at times implicitly. I argue they are at best incomplete.

3.1. TYPE OF CONFLICT

The type of conflict does not well predict this variation: both high and low prevalence of sexual violence is observed across categories. For example, sexual violence was very prevalent during and after the sieges of Nanjing and Berlin in World War II, as well as in civil conflicts such as Bosnia and Rwanda. Nor does the conflict being an ethnic, religious, or secessionist one predict high levels of sexual violence, according to the preliminary analysis of cross-national patterns by Dara Cohen.16 As a percentage of conflicts, those with high levels of sexual violence are no more frequent in Africa than in Eastern Europe and Asia (Cohen 2009, preliminary findings) Nor is world region associated with high levels of wartime sexual violence (controlling for the number of conflicts): as a percentage of conflicts observed, those with high levels of sexual violence are no more frequent in Africa than in Eastern Europe and Asia.17 Such social structural arguments are too broad to be useful.

3.2. OPPORTUNITY

One hypothesis, often implicit, is that the oft-observed increase in sexual violence during war reflects increased opportunity. Institutions of social control are often weaker in war, particularly when young combatants fight far from their home, communities are scattered to distinct areas, norms of respect for elders are undermined by new sources of authority such as guns, and armed groups loot kitchens for supplies. This approach implies that the pattern of sexual violence should mirror those of other forms of violence (because opportunity to loot and rape is also opportunity to kill) and that combatants should not target civilians...
of a particular ethnicity (unless opportunity depends directly on ethnicity). It also suggests that sexual violence should be higher on the part of groups that loot provisions, and, more generally, that it should increase and decrease with other forms of violence. In short, if opportunity explains sexual violence, repertoires should not vary with the targeted group (because opportunity for sexual violence is also opportunity for other violence), and sexual violence should comprise a higher fraction of the repertoire of those groups with frequent access to civilians.

Some studies weakly confirm these implications. But in general, variation in opportunity does not account for the observed variation in sexual violence. Many armed actors target particular groups in patterns not explained by opportunity; in both Bosnia-Herzegovina and Rwanda, perpetrators had roughly equal access to civilians of various ethnicities yet targeted particular ones. The Salvadoran insurgency depended closely on residents of contested areas for supplies engaged in little sexual violence throughout the conflict.

And sexual violence does not always vary with other forms of violence. Some insurgent groups such as the LTTE in Sri Lanka and many Marxist-Leninist insurgent groups engage in significant levels of other forms of violence against civilians but rarely engage in sexual violence. Levels do not vary consistently across the repertoire of armed groups: some exert unusually high levels of sexual violence compared to other forms of violence (the Bosnian Serbs, for example), others unusually low levels (the LTTE). Although lethal violence by Salvadoran security forces decreased rapidly after 1983 as a result of pressure from the US Congress, sexual torture of political prisoners continued throughout the war. Thus we should not assume that sexual violence always varies with the general level of abuse.

An obvious explanation for the absence of sexual violence against civilians is the absence of civilians, perhaps because the armed group operates far from civilian areas. However, this circumstance is likely to be rare for several reasons. First, insurgent groups nearly always depend on civilians for supplies and intelligence, and sometimes for cover as well. While state militaries may defend boundaries far from civilian areas, they nearly always also occupy cities and major towns, giving ample access to civilians for at least part of the force. Second, it is often the case that the women and children are among the last residents to flee contested zones as men, targeted more frequently with lethal violence, leave the area or join an armed group. Thus the presence of girls and women, the usual targets of rape, tends to persist, particularly on the part of poor rural populations dependent on access to land, the frequent setting of contemporary civil wars.

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Finally, some armed groups capture and abduct girls and women to serve as forced labor and sex slaves, sometimes holding them for long periods of time. Thus a local absence of civilians does not per se account for an absence of sexual violence.

3.3. INCENTIVES

A distinct approach argues that wartime experience increases individual incentives to engage in sexual violence. There are several versions of this argument. Some scholars interpret wartime increases in sexual violence to the breakdown of patriarchal institutions during war. Arguments based on patriarchal social relations imply that sexual violence should be more prevalent in wars in which traditional gender norms are more disrupted. But in many civil wars, gender roles become less polarized because village hierarchies break down as the population disperses and women take on tasks normally carried out by men. It does not appear to be the case that sexual violence is higher when traditional norms are more disrupted. Contrary to the patriarchal thesis, in some conflicts patriarchal relations are so disrupted that there are significant numbers of female combatants in insurgent factions. Rather than the predicted high rates of sexual violence, rates appear to have been very low in many such groups: among them the insurgencies in Sri Lanka and El Salvador. And women sometimes participate in sexual violence as in Rwanda, where women sometimes incited men to rape, in Sierra Leone (as we will see below), and in the sexual humiliation of men detained by US forces in Iraq, Guantánamo, and Afghanistan.

A second argument that does account for such targeting is that of revenge: combatants target enemy civilians with violence in revenge for the violence suffered by their community. However, why revenge takes the form of sexual rather than other kinds of violence is usually not explained. Sexual violence is sometimes said to occur in retaliation for sexual violence previously suffered (or rumored to suffer) by co-ethnics, but in asymmetric conflicts, at least one armed group does not respond in kind to sexual violence.

The militarized masculinity approach does account for the targeting of enemy women and men, and with specifically sexual violence. In order to persuade men to fight and endure the hardships of war, societies develop members willing to stand fast under fire, usually via the development of sharp distinctions between genders: to become men, boys must become warriors. Leaders persuade

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19 Brownmiller 1975 and Enloe 1983.
soldiers that to be a real man is to assert a militaristic masculinity, with the result that soldiers represent domination of the enemy in highly gendered terms and use specifically sexual violence against enemy populations. Moreover, bonding among members of the small unit – the loyalty that enables warriors to fight under the terrifying conditions of war – also takes gendered forms, reinforcing the militaristic masculinity of training.

Wartime memoirs from some conflicts (for example, memoirs by US soldiers who served in Vietnam) offer anecdotal support for this approach. Particular types of small unit bonding such as joint visits to brothels may play a role in the frequent occurrence of gang rapes in wartime. However, if this approach is to explain variation in wartime sexual violence, armies should promote different notions of masculinity, with armies that emphasize more militaristic notions of manhood responsible for higher levels of sexual violence. However, many insurgent and state armies are very effective, all male, fighting forces yet do not engage in mass rape, an indication that not all militarized forms of masculinity lead to sexual violence. Moreover, the militaristic masculinity approach does not specify well what mechanism underlies its link to sexual violence, whether armies inculcate new norms, provide incentives to reward compliance without internalization, or recruit only those attracted to militaristic practices.

3.4. RAPE AS A SUBSTITUTION FOR CONSENSUAL SEX

According to the substitution argument, if combatants do not have regular access to prostitutes, camp followers, or willing civilians, they will turn to rape. As Cynthia Enloe points out, some military officials appear to assume that “recreational rape” occurs when soldiers are not adequately supplied with sexual partners. One reason for the rapid expansion of military brothels (the so-called “comfort women” system) by Japanese military authorities after the widespread rape of civilians in Nanjing was to avoid such incidents in the future. At a recent conference I attended, a military official argued that the reason for the prevalence of rape in the eastern DRC was that combatants were too poor to pay prostitutes.

However, the substitution argument does not explain the frequently observed targeting of particular groups of women, nor the often extreme violence that frequently accompanies wartime rape, nor the occurrence of sexual torture. And if this argument were complete, we would not see rape by forces with ample access to prostitutes. This is certainly not always the case, as evident in the rape of girls and women by members of the US military in Vietnam. Similarly, combatants of the Revolutionary United Front (RUF) of Sierra Leone engaged in frequent rape of civilians despite their access to girls and women held as sex slaves. The argument rests on a number of unexamined assumptions: that only
3.5. FEMALE COMBATANTS

Finally, an explanation sometimes made for the absence of sexual violence on the part of some armed groups is the presence of many female cadre. However, the causal mechanism is not well-specified; candidates include the following. One is the substitution argument: the presence of female combatants means that male combatants do not “need” to rape. But some armed groups with significant numbers of female combatants do engage in high levels of sexual violence; the RUF of Sierra Leone is an example. Moreover, female combatants themselves actively engage in it in some conflicts; according to Dara Cohen, female combatants participated in 25 percent of the RUF’s gang rapes (which comprise about 75 percent of the total). Or perhaps the presence of women disrupts male bonding through misogynist training practices that inculcate militaristic masculinity. However, the experience of female soldiers in US forces is that such practices continue in more muted and covert form, despite their official banning. An organization might prohibit sexual violence by its cadre for fear that the enemy would retaliate in kind, threatening its own female cadre. Or an organization may pursue a strategy or ideology (for example, recruitment based on sexual violence by enemy forces) that both appeals to female recruits and also promotes the prohibition of sexual violence.

3.6. SEXUAL VIOLENCE AS INSTRUMENTAL FOR THE GROUP

In the explanations based on increased opportunity and incentive, sexual violence occurred for reasons of individual gratification or as a byproduct of supposedly necessary training. In contrast, some armed groups promote (or tolerate) sexual violence as an effective means toward group goals. While strategic sexual violence may not be explicitly ordered, it is (at least) tolerated; if any punishment occurs it is symbolic and limited, clearly for external consumption rather than deterrence. Such violence appears to take two broad forms. The first is sexual torture, sexual slavery, or sexual humiliation of persons

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21 Cohen 2009b.
22 Hillman 2009.
detained by an armed group (custodial sexual violence). The second is widespread sexual violence as a form of terror or collective punishment targeted at a particular group, which frequently takes the form of gang (and often public) rape, usually over an extended period of time, most notoriously as part of some campaigns of “ethnic cleansing,” to force the movement of entire populations from particular regions claimed as the homeland, and as part of some genocides. In addition, commanders may see violence, including sexual violence, as a low-cost reward to troops, “Count Tilly’s reward.”

International criminal courts have ruled that sexual violence was systematic with evidence of command responsibility in two cases, ruling rape a crime against humanity in Bosnia and a form of genocide in Rwanda. Other cases include Guatemala, where rape by state forces was widespread in the context of sweeps through indigenous villages in the highlands, and Peru, where custodial rape occurred in military bases and prisons, sites under direct command control. The Truth Commission in Guatemala found direct evidence of commander promotion of rape of civilians in the form of ridicule of combatants who initially declined to participate.

However, this argument predicts more sexual violence than is observed: if sexual violence is so effective a strategy of war, why don’t all armed groups engage in it? The conditions for such instrumental promotion of sexual violence are not well identified in the literature. Some authors suggest that patriarchal culture provide the relevant condition: where armed groups understand sexual violence as a violation of the family’s and community’s honor, they are likely to engage in sexual violence as a weapon of war. However, this appears to predict significantly more sexual violence than is in fact observed as such beliefs are present in many societies where massive sexual violence on the scale implicitly predicted by this argument has not occurred, as in Sri Lanka, El Salvador, and Israel/Palestine. Moreover, such broad notions of cultural proclivity do not account for cases where one party to the war promotes sexual violence while the other does not. Nor does the literature adequately explore whether sexual violence is a strategic choice by group leadership (either at the apex or at some other point in the chain of command) that is effectively enforced by the group hierarchy? If so, sexual violence should vary with command-and-control cohesion, discipline within armed faction. Or is it a practice diffused across small units (perhaps from other armies) and tolerated by the military hierarchy? I return to this issue below.

24 Leiby 2009.
26 Enloe 2000.
In sum, the literature at best explains only part of the observed variation as it generally over-predicts wartime sexual violence and fails to explain the fact that many armed groups do not engage in high or even moderate levels of sexual violence. Moreover it usually assumes rather than explains why violence (sometimes) takes sexual form. The scope conditions for arguments are generally under-specified.

4. THEORETICAL FRAMEWORK

That these diverse arguments do not explain the observed variation suggests that research should focus on variation in the dynamics internal to armed groups. In what follows, I develop a theoretical framework to fully account for variation that emphasizes the norms of combatants, leaders’ strategic choices of repertoire and institutions for training and discipline, and the dynamics within small units once deployed in war. I assume that armed groups are complex organizations that attempt to control and direct violence by their members, if only to the minimal extent that combatants should not turn their arms on their commanders. I discuss each element of the framework drawing on and adapting the sociological literature on state militaries and extending it to insurgent groups.

4.1. INDIVIDUAL COMBATANTS

Armed groups draw their members from particular cultural settings, usually a particular patriarchy. Incoming recruits carry with them cultural norms and beliefs concerning the appropriateness of different kinds of violence, including sexual violence, against particular populations. Armed groups may draw from particular sub-groups, for example a specific ethnic group, precisely for these reasons. Some groups, for example some paramilitary groups, actively attempt to recruit from criminal populations. State militaries often attempt to draw or conscript recruits from a wide range of sub-cultures in order to build national unity. The relevant pool of recruits may also reflect the organization’s resource base: Those without economic resources are more likely to attract “activist” recruits willing to make long term commitments to ideological goals. Whether or not recruits enter an armed organization with relatively homogeneous norms and beliefs or not thus depends on the recruiting practices of the organization. Those norms and beliefs may be profoundly altered as recruits are inducted into the group through both formal and informal practices, as discussed below.

Weinstein 2006.
4.2. LEADERSHIP STRATEGY

Military leaders seek to control the repertoire, targeting, and frequency of violence wielded by their combatants, not least because of the fear that weapons wielded by soldiers may be turned against officers. Likely considerations include not only issues of military tactics and strategy but also implications for the ongoing supply of recruits, intelligence, other necessary “inputs” to the war effort, and for the legitimacy of the war effort in the eyes of desired supporters (domestic and international alike). Even when an armed group appears to embrace terrorizing of civilians, there are decisions to be made about targeting and timing. In particular, military leaders may make explicit decisions to prohibit or to promote sexual violence (of different forms, against particular groups). If it occurs at a significant level, leaders who have not yet made an explicit decision may be pressed to do so and may decide to tolerate its occurrence without an explicit decision to prohibit or promote. And of course commanders may promote high levels of violence toward civilians without a formal decision to do so using euphemisms understood as signaling to combatants that they will not be punished. Or leaders may delegate certain forms of violence to groups they claim not to command, for example, militias or death squads.

In order to control violence, group leaders (or their delegates) also develop institutions for the socialization and training of recruits and for the discipline of members. To highly varying degrees, those institutions may also attempt to distill group ideology.

4.3. INSTITUTIONS FOR COMBATANT SOCIALIZATION

To build an effective armed group, recruits have to be melded into effective combatants through training and socialization. Since Stouffer et al.’s analysis of tens of thousands of interviews with US soldiers during World War II, most military leaders have understood that men hold fast under fire not because of grand concepts such as patriotism or group ideology but because of their commitments to their “primary group” of fellow combatants. For example, the sustained fighting ability of the Wehrmacht until nearly the end of World War II was attributed to such “primary group” cohesion. One reason given for poor morale among US soldiers late in the war in Vietnam was low group cohesion

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28 Huntington 1957.
29 Hoover 2010.
30 Shils et al. 1948.
resulting from patterns of individual rather than group rotation into and out of the war theater.

For an effective army, not only do recruits have to stand fast under fire, they also need to fire their weapons. According to S.L.A. Marshall, in World War II, only about 15 percent of US troops in combat fired; in the Korean War about 50 percent did; in Vietnam about 95 percent did so. Dave Grossman (and others) attribute the dramatic increase in firing rates to increasingly realistic training that conditions recruits to battlefield conditions. However, recent work has thrown doubt on the claims about low World War II firing rates. In any case, strong identification with the primary group as well as military training contributes to firing rates, as it absolves the combatant of individual responsibility for the wielding of violence.

Training and socialization to the small group takes place both formally through group institutions such as boot camp and informally through initiation rituals and hazing. In state militaries, the powerful experiences of endless drilling, dehumanization through abuse at the hands of the drill sergeant, and degradation and then “rebirth” as group members through initiation rituals typically meld recruits into combatants whose loyalties are often felt to be stronger than those to family.

The result is a setting where conformity effects are likely to be extremely strong. Armed groups manage member emotions through highly standardized, repetitive, collective rituals, as in the expression of grief through a single volley fire at military funerals. Brutalization of recruits is intended to enhance aggression, which the discipline of drill is intended to control. In some state militaries, training and hazing rely on abusive gendered stereotypes to reshape individual identities and to build group cohesion, evident (until recently) in the rhetoric of U.S. drill sergeants – recruits are “ladies” and “fags”–and the misogyny of marching chants – “This is my rifle; this is my gun [hand on crotch], This is for fighting; this is for fun.”

Insurgent groups socialize recruits in a variety of ways. Jeremy Weinstein argues that, in contrast to groups with economic endowments that draw opportunistic recruits and tend to wield violence indiscriminately, groups with social endowments draw activist recruits willing to make commitments to group goals.

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35 Jelusic 2005.
Part IV. From facts to figures

over long time horizons.\textsuperscript{38} Such groups insist on extensive indoctrination and training. However, in his emphasis on contrasting pools of recruits, Weinstein underestimates the power of socialization practices and disciplinary institutions to mold recruits – typically male teenagers – into group members irrespective of their initial motives for joining. That is, the distinct patterns of violence may reflect group strategy concerning training, discipline, and incentives and group ideology rather than distinct pools of recruits.\textsuperscript{39} For example, Francisco Gutiérrez Sanín shows in his comparison of paramilitary and guerrilla combatants in Colombia that initial socialization, discipline, and incentives are sufficiently different as to account for differences in violence between the two groups.\textsuperscript{40} To the extent that the organization relies on child recruits, training and socialization are particularly more likely to play a more important role than time horizons.

Armed group institutions attempt to inculcate group ideology in high varying degrees. Some armed groups, often leftist groups that understand their armed struggle is likely to continue over many years and perhaps decades, go to impressive lengths to inculcate group ideology and identification long after the initial training period. In her research analyzing the contrasting repertoires of violence on the part of state and insurgent forces during El Salvador’s civil war (and contrasting repertoires on the part of subgroups within each side), Amelia Hoover finds that armed groups that employ both strong disciplinary systems and consistent political education regimes (in this case the insurgents, particularly the faction \textit{Fuerzas Populares de Liberación}) use narrower repertoires of violence and in particular do not engage in sexual violence.\textsuperscript{41}

4.4. WARTIME DYNAMICS

Combatant norms and practices – both general cultural ones and also those instilled during training – may evolve dramatically during active engagement. Both the suffering and wielding of violence may bring profound changes to combatants’ understanding of the appropriateness of repertoires, targeting, and frequency of violence. The increasing desensitization of combatants to violence and the dehumanizing of victims, the anxiety and uncertainty of combat and the threat of violence, the displacement of responsibility not only onto the group but onto the enemy who “deserves what they got” (blame attribution) are powerful wartime processes that may reshape group repertoires toward the wider use of

\textsuperscript{38} Weinstein 2006.
\textsuperscript{39} Wood 2009 and Hoover 2010.
\textsuperscript{40} Gutiérrez Sanín 2008.
\textsuperscript{41} Hoover 2010.
violence, wider both in the sense of wider targeted and broader repertoire.\textsuperscript{42} Collective responsibility for atrocities can itself become a source of group cohesion and a bulwark against betrayal.\textsuperscript{43} Indeed, small group dynamics can undermine military discipline when small group loyalties and conformity effects within the group lead to withholding of information from commanding officers, disobedience, or the extreme example of the “fragging” of U.S. officers in Vietnam.\textsuperscript{44}

4.5. MILITARY HIERARCHY

The strength of the military hierarchy determines whether the leadership’s choices about violence or those of combatants shape the observed repertoire, targeting, and frequency of violence by the armed group. Given the challenges of organizing and controlling violence toward group goals, armed groups tend to be hierarchical.\textsuperscript{45} Whether decisions of the leadership are effectively enforced down the chain of command within the armed group depends on the strength of the military hierarchy. Within an armed organization – particularly in the changing and often covert circumstances of irregular warfare – there are a series of principal-agent relationships down the chain of command in which the superior officer as the principal attempts to influence the behavior of those below (his or her agents, who have distinct interests from those of the principal) but without access to the same information.\textsuperscript{46} The ability of the hierarchy to enforce decisions concerning patterns of violence thus depends on the flow of information concerning those patterns up the chain of command and the willingness of superiors to hold those below them accountable, typically through both punishment and positive rewards.

High levels of “secondary group cohesion” on the part of combatants, that is, strong identification with military units above the most immediate and with the armed group as a whole, are one way to the resolution of principal agent tensions and thus for a strong military hierarchy.\textsuperscript{47} When military superiors are seen as legitimate authorities, the likelihood of obedience even in the wielding of extreme violence is greatly enhanced.\textsuperscript{48}

\textsuperscript{43} Osiel 1999 and Goldstein 2001.
\textsuperscript{44} MacCoun 1993 and Bourke 1999.
\textsuperscript{45} Huntington 1957 and Siebold 2001.
\textsuperscript{46} Gates 2002; Mitchell 2004 and Butler et al. 2007.
\textsuperscript{47} Siebold 2001.
\textsuperscript{48} Milgram 1974 and Grossman 1996.
This challenge of resolving principal agent problems applies to insurgent groups as well: leaders attempt to control the violence of their combatants; whether they succeed in doing so depends on the strength of the hierarchy linking combatants and leaders. For example, Humphreys and Weinstein found that unit cohesion and discipline,\textsuperscript{49} rather than the level of contestation, social structure such as community or ethnic ties, or the existence of a local economic surplus, best explained patterns of civilian abuse across armed groups in Sierra Leone.

However, the irregular warfare strategy adopted by many non-state armed groups enormously complicates the ability of the hierarchy to enforce decisions. Units may operate independently for significant periods of time with little direct contact with superiors in the hierarchy with the result that little information about unit practices flows up the hierarchy and superiors have little opportunity to punish infractions by subordinates. Insurgent groups manage the challenge of sustaining a command and control hierarchy in different ways and to different degrees. To minimize damage from interrogation of captured cadre, members may in fact know little about the group beyond the small unit. Unless the insurgent group controls a significant area, training of new recruits is covert and may be interrupted. For example, the North Vietnamese Army model of three-person small units headed by a party cadre combined strong primary group cohesion with ongoing surveillance of the primary group by the party, a combination argued to account for the army’s resilience in the face of US firepower.\textsuperscript{50}

5. WHEN IS WARTIME RAPE A STRATEGY OF WAR? WHEN IS IT RARE? TOP-DOWN AND BOTTOM-Across LOGICS

The theoretical framework is of course relevant for analysis of all forms of violence, not just sexual violence. In what follows, I focus on the implications that are particularly relevant for analysis of patterns of sexual violence, particularly that of rape as a strategy of war and the absence of sexual violence on the part of some armed groups. For both, I identify two logics, a top-down and a bottom-across logic.

Before doing so however, what happens when the orders of superiors and the intentions of combatants about sexual violence collide? If the military hierarchy is sufficiently strong, the choice of the leadership will prevail, whether it is

\textsuperscript{49} Humphreys et al. 2006.
\textsuperscript{50} Henderson 1979.
promotion, prohibition, or tolerance. For example, if leaders judge sexual violence to be counterproductive to their interests and if the hierarchy is sufficiently strong, little sexual violence will be observed. In the contrasting case, an organization with an effective hierarchy could judge sexual violence as in its interest and effectively enforce such violence by its combatants. If hierarchical strength is insufficient, individual and unit norms will dominate, with the organization unable to deter or promote behavior it would rather prevent. Thus under some, probably rare conditions, the prevalence of sexual violence may be low without relying on hierarchical discipline, namely when sufficiently many combatants have themselves internalized norms against sexual violence (see below). More frequent is the other case of an organization’s prohibiting sexual violence but without the hierarchy or will to effectively do so.

The strength of the hierarchy (the ability of the hierarchy to enforce decisions taken by the leadership) is thus central to the theoretical framework and its implications. For the framework to be useful in analyzing repertoires of violence, the degree of hierarchical strength must be observable apart from patterns of violence, in particular sexual violence, against civilians. Observable indicators of organizational strength include the ability to effectively tax the civilian population and to channel the resulting resources throughout the organization with low levels of corruption, the organization’s routine punishment of combatants who break rules and norms other than those concerning violence toward civilians (a sufficient but not a necessary condition for a strong hierarchy, as the hierarchy may be so strong that combatants never break the rules), and the organization’s capacity to carry out widespread and/or complex offensive or defensive maneuvers that require extensive coordination of multiple units.

5.1. EXPLAINING THE ABSENCE OF SEXUAL VIOLENCE: TWO LOGICS

5.1.1. The top-down logic

What considerations would lead commanders and leaders to attempt to effectively prohibit sexual violence by combatants? An armed group’s leadership may prohibit sexual violence for strategic, normative, or practical reasons. First, many armed groups fear the consequences of uncontrolled violence by their combatants: such forces may be unready to counter a surprise attack, they may prove difficult to bring back under control, and they may even turn their sights on their commanders. And unintended consequences may be severe, such as the entry of an ally of the enemy into the fray. If an organization aspires to

51 Wood 2009.
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govern the civilian population, leaders will probably attempt to restrain combatants’ engagement in sexual violence against those civilians (though perhaps endorsing it against other civilian groups) for fear of undermining support for their present armed struggle and their future rule. Similarly, if an armed group is dependent on civilians for supplies or for high quality intelligence – which is difficult to coerce52 – leaders will probably attempt to restrain sexual violence against those civilians. The Sri Lankan insurgency killed thousands of civilians in the course of assassinations by suicide bombing and collective reprisals yet did not engage in sexual violence toward civilians despite its practice of ethnic cleansing, a pattern best explain by the top-down logic of the absence of sexual violence given the group’s demonstrated ability to effectively collect taxes and punish combatants for infractions of its code of conduct.53

Reasons for prohibiting sexual violence may reflect normative concerns as well as practical constraints. Members of a revolutionary group seeking to carry out a social revolution may see themselves as the disciplined bearers of a new, more just social order for all citizens and therefore prohibit sexual violence because such violence violates the norms of the new society or as a means of legitimizing that ideology both to members and to its likely constituents. Nationalist and anti-colonial insurgencies may prohibit sexual violence and seek female cadre as part of its ideological commitment to becoming a modern state army. Leninist groups may suppress sexual violence as part of the general emphasis on discipline and self-sacrifice, and its commitment (in varying degrees) to gender equality. Relatedly, in conflicts where one party engages in massive violence against civilians, the other party may not do so as an explicit strategy to demonstrate moral superiority. A norm against sexual violence may take a distinct form; sexual violence across ethnic boundaries may be understood by leaders or combatants as polluting the instigator rather than harming and humiliating the targeted individual and community.

New social norms against the use of particular forms of violence and in favor of others may also be actively cultivated by an armed group as a matter of strategy or principle. The Salvadoran insurgency attempted to shape individual longings for revenge toward a more general aspiration for justice because revenge-seeking by individuals would undermine insurgent discipline and obedience.54 Despite systematic celebration of martyrdom in pursuit of victory, the insurgency did not endorse suicide missions and effectively prohibited sexual violence.

52 Wood 2003.
53 Wood 2009.
54 Wood 2003.
Finally, leaders may prohibit sexual violence out of deference to international law for various reasons, perhaps because they aspire to some sort of international recognition or because they fear financial backers may disapprove.

Armed groups that rely on female combatants may have additional reasons to restrain sexual violence on the part of their troops. If female combatants are valued, commanders may fear that sexual violence against civilians may evolve into sexual violence against fellow group members, undermining group cohesion and morale. Or commanders may fear that sexual violence by combatants may deter future female recruits, for fear of suffering or witnessing such violence, if female combatants do not in fact welcome sexual violence against enemies. (Of course an armed group may attract female recruits and effectively prohibit sexual violence for a third, unrelated reason such as those given in the previous paragraph.) Commanders may fear that their own civilians or combatants may be targeted with sexual violence in revenge should their own combatants engage in it.

5.1.2. The bottom-across logic

If commanders prohibit sexual violence or promote it but the hierarchy is too weak to enforce that policy, whether or not combatants engage in sexual violence depends on individual and small unit norms. If individual combatants and their units endorse and enforce norms against sexual violence, little sexual violence by those combatants will occur. Such norms may take the form of internalized cultural norms or group codes of conduct whereby non-combatants are viewed as beyond the circle of legitimate violence. In particular, sexual relations with civilians associated with the enemy may be understood as polluting to the perpetrator, or for other reasons be normatively prohibited. Or they may be norms comprising an internalized self-perception on the part of members as liberating rather than an occupying or punishing force. (Note that the norms themselves may originate with the leadership; the issue is whether they have been internalized as norms by individual combatants.) A practice of not engaging in rape could spread across units (just as the practice of rape could spread) as the correct interpretation of traditional norms in the setting of war.

The conditions for such shunning of sexual violence by combatants are demanding. The wartime processes of brutalization, desensitization, and dehumanization discussed above must not have eroded such normative constraints. And given the powerful influence of small group dynamics in armed units, all or nearly all combatants must endorse the norm, and enforce it against the few who attempt to transgress it. The chances of a practice of not engaging in

rape diffusing across units are likely higher if the armed group itself endorses and attempts to reinforce such norms.

5.2. EXPLAINING RAPE AS A STRATEGY (OR TACTIC) OF WAR: TWO LOGICS

5.2.1. Top down logic: rape as a strategy of war

As we saw above, sexual violence may be promoted by group leadership as a strategy of war as part of the group’s repertoire of violence against particular populations as in the case of sexual torture of political prisoners or against members of particular groups as they are “cleansed” from an area, as an appropriate form of collective punishment (as when Stalin responded to reports of rape in East Prussia with “We lecture our soldiers too much. Let them have some initiative.”56), or as a low cost reward to troops.

As also noted above, the perceived effectiveness of rape raises the question of why more armed groups do not embrace it as a strategy of war ordered by commanders (rather than tolerated, see below). The conditions are the inverse of those for the absence of sexual violence: commanders must see the costs in terms of governability of troops, civilian loyalty and active cooperation (as opposed to mere compliance), and violation of domestic and international norms as outweighed by the benefits of a terrorized population, “cleansed” territory, and sated troops. Of course the common response of military and political leaders to accusation of sexual violence by troops is the claim that the troops were “out of control,” an issue I return to in the conclusion.

5.2.2. Bottom across: rape as a tactic of war

Combatants and small units may practice sexual violence that was not ordered because they perceive it as an effective tactic of war (tactic not strategy given its innovation at low levels of the command structure in this case) for reasons similar to those of commanders: as a form of effective terror, punishment (collective or individual), or as a reward to service. If the practice spreads across units, the group’s military hierarchy demonstrably tolerates its occurrence either implicitly (no explicit policy but an effective practice of toleration as there is no attempt to abrogate or punish) or explicitly with a policy of no punishment or accountability for sexual violence.

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Dara Cohen argues that gang rape was such a practice on the part of the RUF in Sierra Leone.57 As a result of its practice of forced recruitment (87% of combatants reported being forced to join), the RUF faced a particular problem of building group cohesion. Gang rape effectively built cohesion, she argues, because it was an act understood by participants to be very costly (not only breaking social norms but perhaps resulting in syphilis, which might go untreated in the context), a transformative ritual practice that broke recruits’ ties to their communities and cemented new ones to the group. Indeed, as mentioned above, she finds that female combatants participated in approximately a quarter of gang rape events. In her analysis of cross-national data on wartime sexual violence, she shows that non-state armed groups that practice forced recruitment are more likely to engage in high levels of sexual violence.58

6. CONCLUSION

Seeing sexual violence as part of a repertoire of violence and analyzing patterns of violence by a particular armed group along the distinct dimensions developed in the typology may help policy-makers establish accountability for sexual violence on the part of that group. In the hope that the argument presented here may strengthen the efforts of those government, military, and insurgent leaders, U.N. officials, and members of non-governmental organizations who seek to end sexual violence and other violations of the laws of war, I offer some tentative policy implications.

Building on the typology’s distinction between two forms of strategic sexual violence, that between ordered violence vs. violence diffused across units and tolerated by the command structure, the chapter identified two logics underlying the absence of sexual violence, the top-down logic and bottom-across logic. The bottom-across logic suggests a possible avenue of policy development: to strengthen traditional cultural and/or religious norms against sexual violence. However, once a pattern of sexual violence emerges as a practice by group members, the challenge is to interrupt peer dynamics within the armed group that reinforce the practice of sexual violence as proving virility or masculinity or as entitlement of victory. Unfortunately in precisely such settings, armed groups tend to displace and sharply undermine the authority of traditional leaders.59 Lessons could perhaps be learned from campaigns against the practice of female genital cutting, the success of which often depends not on persuasion of individual family members but on widespread community pledges not to require

57 Cohen 2009c.
58 Cohen 2009a.
59 Wood 2008b.
cutting as a condition of marriage ability of daughters. Ideally, reinforcing traditional norms against sexual violence would be possible without also re-enforcing gender inegalitarian practices and beliefs.

The top-down logic for the absence of sexual violence suggests other avenues of policy innovation. Groups that sincerely seek to prohibit sexual violence but whose members engage in it nonetheless might seek to strengthen their institutions and hierarchy by copying the practices of ongoing political education and internal discipline of those groups that do effectively prohibit it. This may not be a practical suggestion as it implies a willingness to thoroughly revise how the group resolves principal agent problems throughout the chain of command, but should be noted nonetheless. And of course policies by international and domestic actors to promote the strengthening of military hierarchies may be controversial in many settings.

The top-down logic of strategic sexual violence might be interrupted by increasing the costs to commanders of the practice via the frequently-repeated mantra of ending impunity: prosecution of commanders as well as perpetrators would increase the costs to the armed group, strengthening incentives to effectively prohibit its occurrence. Prosecution of sexual violence as a war crime, crime against humanity (as part of widespread or systematic attack on civilian population – note that sexual violence itself need not be widespread or systematic) or as genocide would increase the costs more than its prosecution under other relevant law. The same argument applies to groups where the pattern of sexual violence follows the bottom-across logic of diffusion across units with the toleration of the command structure: increasing the costs of toleration would strengthen commander incentives to punish combatants for sexual violence. In short, the implication is to strengthen commander incentives to build strong disciplinary institutions to effectively prohibit sexual violence.

Direct indicators of sexual violence as a policy includes copies of orders, credible combatant reports of such orders, credible reports that combatants who refused to participate were punished, and abrogation from above of attempts to curtail the practice. Direct evidence of orders is unlikely, however; indeed, increasingly so as international prosecution of sexual violence occurs more frequently. Arguably, commands that use euphemisms for general terror such as “total war” or “all forms of vengeance” where they are unqualified by any phrase such as “against enemy troops” or where they explicitly include violence against civilians may support a claim of sexual violence as a strategy of war as such commands establish a climate of tolerance for human rights violations, in the same way that allowing a hostile workplace climate that is permissive of harassment supports charges of sexual harassment in some countries.
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This raises of course the question of how to prove command responsibility for sexual violence in the absence of direct proof. The Trial Chamber of the International Criminal Tribunal for Rwanda held that “…three essential elements of command responsibility are: (1) the existence of a superior–subordinate relationship of effective control between the accused and the perpetrator of the crime; and (2) the knowledge, or constructive knowledge, of the accused that the crime was about to be, was being, or had been committed; and (3) the failure of the accused to take the necessary and reasonable measures to prevent or stop the crime, or to punish the perpetrator.” 60 The third element is relatively straightforward so I do not discuss it here.

In the absence of direct evidence that sexual violence was ordered and in the face of leaders’ claims that they did not exercise effective control of troops, how might “effective control” be documented? The analysis above suggests some indicators of an effective chain of command. First, the ability of leaders to command combatants into harm’s way is itself evidence of effective command: a key indicator of loss of command is the refusal of troops to engage in combat (and to fire weapons at commanders). Evidence of effective control is still stronger in the case that the armed group carries out offensive or defensive maneuvers over an extended area or period as orders must be transmitted down the chain of command, and information about present position and capacity as well as intelligence about enemy position must travel up the chain of command. And it is stronger still if such movements require coordination across many different units. Second, an armed group that is able to gather and distribute financial resources across various branches of its organization without substantial “deviation” of those resources for private purposes demonstrates a cohesive command structure. Third, if an armed group routinely punishes its members for breaking rules other than those nominally prohibiting sexual violence, arguably it could also, if it chose to, punish combatants for sexual violence.

Other indirect indicators of effective control include the occurrence of sexual violence in military bases, prisons, or state-run facilities (that is, sites that are uncontroversially under commander control), against political opponents, when commanding officers are present, under order of commanding officers, or when commanding officers themselves participate in sexual violence. 61 In some contexts evidence of collective targeting of particular groups suggests purposeful engagement in sexual violence, as it suggests commanders effectively prohibit sexual violence against groups not so targeted.

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61 Leiby 2009: 438, Table 3.
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Rape is not an unavoidable collateral damage of war. Its victims – women and men of all ages – were not brought down by cross-fire or an errant missile. They were intentionally violated; the question then is: Is anyone beyond the immediate perpetrator responsible for the crime? Armed groups – non-state actors as well as state militaries – often choose effectively to limit sexual violence by their members, to exclude sexual violence from their repertoire. The fact that many armed groups do not engage in sexual violence should help to put the stigma of sexual violence on the perpetrators rather than the victims of sexual violence and to strengthen accountability for sexual violence.

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