

Projections of Complicity: Narratives of Rape Survivors in Wartime Bosnia, 1992-1995

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Melisa was a married woman living in the town of Gorazde, Bosnia when Serbian troops invaded in late April 1992.<sup>1</sup> She and ten other women and some children were hiding out in the hopes of evading the troops. Their attempts at hiding were unsuccessful and the following is Melisa's description of her experiences:

The Chetniks came into our house; there were about ten of them. We didn't have any electricity, no lights, only a candle. All of them were wearing masks over their faces; all you could see was their eyes, and they had on camouflage uniforms and caps with the Serbian cockade (Chetnik Insignia). As soon as they came in they began to yell and scream; they cursed our 'Muslim mothers' and said, 'You sent your husbands off to the front, but now we'll show you what's what, and then you'll go to a concentration camp.' First they dragged Sema U. (who's thirty years old) into the bedroom. I recognized two of the Chetniks in there; they were my neighbors, Dragan K. and Bora J. I recognized them from their voices. They tore all of my clothes off of me until I was naked, and two of them held me down and two of them raped me. They forced me to do it with my mouth. I was awfully scared, and they kicked me around and beat me. They raped Sema at the same time, in the same room. I don't remember exactly how many there were, 'cause I fainted.

After her ordeal Melisa managed to escape. Her goal was to reach her sister in Zagreb, but travelling through a war-torn country proved difficult and Melisa soon realized that she was pregnant. She tried unsuccessfully to give herself an abortion and by the time she got to the hospital in Zagreb in December it was too late. Eventually Melisa gave birth to a stillborn child. She reported to the psychiatrist in the hospital that she would never tell her husband about her rape. She said, "He'd never take me back again if he knew what happened."<sup>2</sup> Even in a violent situation in which Melisa was no way at fault for her attack she still believed that she would be rejected by her husband. In essence, Melisa feared that she would be blamed for her own attack. Or that her husband would view her as tainted. In either case, the inference is that Melisa would be deemed unworthy because of her rape.

To many readers Melisa's expectation of rejection may be appalling. However, if one examines the underlying views about rape that pervade Muslim society, it might become clear why Melisa was afraid. In Bosnian Muslim (Bosniak) society women are to remain virgins until marriage and their husbands are the only males who are permitted to see them disrobed. Jusuf Pasalic, a physician in the

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<sup>1</sup> Alexandra Stiglmayer, "The Rapes in Bosnia-Herzegovina," in *Mass Rape: The War Against Women in Bosnia-Herzegovina*, ed. Alexandra Stiglmayer, (Lincoln: University of Nebraska Press, 1994), 136-137.

<sup>2</sup> *Ibid*, 137.

Trnopolje internment camp in Bosnia between May and August 1992, had this to say about the future prospects of Bosniak rape victims, "There's a psychological problem here. Muslim society is patriarchal. A woman's honor is important, and the men are jealous. If a man has even the slightest suspicion that his wife may have cooperated voluntarily, the marriage is over."<sup>3</sup> He claimed that out of the sixty-five women he treated, only fifteen admitted that they had been raped.<sup>4</sup> In addition, prior to its breakdown, Yugoslavian law did not make it illegal to rape one's own wife.<sup>5</sup> An excerpt from the statute includes the line "...forces that female to a sexual intercourse, under the further condition that he is not married with her."<sup>6</sup> This left a wife with no recourse for being raped by her husband, which contributed to the culture of silence on the subject of rape. In Bosniak society, fear of being found complicit in a rape, fear of the damage of lost chastity before marriage, and the legality of spousal rape all contributed to a society that not only blamed women for their abuse, but often left them in silence. These societal perceptions and treatment of rape create what is known as rape culture.<sup>7</sup>

Rape culture is the underlying attitude toward rape that pervades society. The rape culture in the United States dictates that women take care when walking at night, not to allow strangers into their homes, or to take care not to drink too much at a party. If a woman does not, then she is at risk for being raped and moreover, if she has gone against any of these maxims she is seen to be partially responsible for her own attack. A study conducted in 2010 by Amnesty International of a general cross-section of the population of Great Britain showed that women are seen to be at least partially responsible for their rapes under certain circumstances.<sup>8</sup> If a woman was dressed provocatively, twenty percent of the interviewees

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<sup>3</sup> Alexandra Stiglmayer, "The Rapes in Bosnia-Herzegovina," in *Mass Rape: The War Against Women in Bosnia-Herzegovina*, ed. Alexandra Stiglmayer, (Lincoln: University of Nebraska Press, 1994), 91.

<sup>4</sup> Ibid, 91.

<sup>5</sup> ICTY Website, "The criminal act rape in Yugoslav legislature and legal practice," Internet Accessed 1 May 2012 <[icr.icty.org/LegalRef/CMSDocStore/Public/English/Exhibit/NotIndexable/IT-96-23%2323%231/ACE7198R0000059387.TIF](http://icr.icty.org/LegalRef/CMSDocStore/Public/English/Exhibit/NotIndexable/IT-96-23%2323%231/ACE7198R0000059387.TIF)>

<sup>6</sup> Ibid

<sup>7</sup> Ruth Seifert, "War and Rape: A Preliminary Analysis," in *Mass Rape: The War Against Women in Bosnia-Herzegovina*, ed. Alexandra Stiglmayer, (Lincoln: University of Nebraska Press, 1994), 57.

<sup>8</sup> Amnesty International Website, "New poll finds a third of people believe women who flirt partially responsible for being raped," Internet Accessed 14 May 2012 <[http://www.amnesty.org.uk/news\\_details.asp?NewsID=16618](http://www.amnesty.org.uk/news_details.asp?NewsID=16618)>

believe that she was partially responsible. If a woman was being flirtatious, twenty-nine percent of the interviewees believe she was partially responsible. And 14 percent felt that if a woman had had many sexual partners that she was partially responsible for her rape. It is interesting to note that for a crime many believe to be only about power and domination, perceptions of sexuality are highly important guidelines for responsibility.

The ever-present specter of rape influences at least women's mentality, and often their behavior. In this way rape is both condoned and condemned; rape is illegal and known by many to be wrong, but the victim's behavior is just as relevant as the rapists'. This duality of condemnation of violence against women combined with a subtle condoning of it creates an environment of ambiguity, which necessitates the use of legal measures to curb rape. Statistics bear out the prevalence of rape in U.S. society. In the United States, 1 out of every 6 women is sexually assaulted in her lifetime, there are over 17.7 million women in the U.S. who have been victims of sexual assault, 9 out of every 10 rapes are against women or girls, and every two minutes a person is sexually assaulted.<sup>9</sup> In the context of war legal protections against rape are diminished, which helps to explain the prevalence of rape during war. The subtle underpinning of a rape culture that both condones and condemns rape becomes even more problematic when control mechanisms are removed.

There are currently four main theories that seek to explain wartime rape: Feminist theory, cultural pathology, strategic rape, and the bio-social theory.<sup>10</sup> One strain of feminist theory states that all rape is about power and dominance and that sexual gratification is not part of the equation. Susan Brownmiller proposed this idea in her book *Against Our Will* (1975). This is the ideology that Gottschall is using in his analysis. However, it is important to note that not all feminists agree with the interpretation that rape is only about power. It would perhaps be more accurate to say that most feminists agree that power and dominance are part of rape, but that that doesn't preclude other theories about rape. Despite this variation,

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<sup>9</sup> RAINN, Internet Accessed on 28 April 2012 <<http://www.rainn.org/get-information/statistics/sexual-assault-victims>>

<sup>10</sup> Jonathan Gottschall, "Explaining Wartime Rape," *The Journal of Sex Research*, Vol. 41, No. 2 (May, 2004), 129-136.

the dominant view regarding rape is that it is only about power and not sex; that rape is aggression expressed sexually but not related to gratification.

Cultural pathology is the idea that sociocultural factors lead to wartime rape, meaning that the environment that a person lives in, both before and during a war, shapes the way that they will behave in wartime. There are many different cultural pathology theories. One is that sexualized violence leads to rape. Another is that the misogynistic military environment leads to wartime rape. Like the dominant strain of feminist theory, cultural pathology dismisses the idea of rape being linked with sex.

Strategic rape theory is similar to feminist theory in that it states that rapes are about the assertion of power, and are an effective means to an end in battle. According to this theory rape is another form of warfare; one in which the women are abused and the men demoralized by their inability to protect *their* women. In this theory too, rape is not linked to sexual gratification, but to the assertion of power.

The bio-social theory combines cultural theory with the fact that it is biological males that are the ones committing the rapes. In addition, this theory, unlike the other three, includes sexual gratification as part of the motivation for the rapes; power, culture, and sex are all intertwined. It is my contention that all of the theories present valid points that can be seen when looking at individual scenarios, but the bio-social theory comes the closest to being correct. The context of this essay through which these theories will be examined are the mass rapes that occurred during the Bosnian War (1992-1995), which for the first time brought a large amount of international public attention to wartime rape. What I will show is that the rape culture of complicity is clearly seen, which supports the cultural aspect of the bio-social theory. I will also show that many of the rapes did involve sexual gratification, which also supports the bio-social theory.

The Bosnian War resulted from the breakdown of the former Yugoslavia, which began in June of 1991 when Slovenia and Croatia seceded in order to become independent states. This put them at war with Serbia, who also controlled the Yugoslav National Army. Montenegro, whose peoples are consider

themselves simply Serbs who live in the mountains, was allied with Serbia.<sup>11</sup> Bosnia seceded in March of 1992. While originally allied with Croatia, Bosnia ended up attempting to fight off both Serbian and Croatian troops when it was literally caught between the two warring states fighting over territory with ethnically mixed populations. Croatia wanted to gain lands along its eastern border, where many ethnic Croats lived. Serbia hoped to create a "Greater Serbia" by removing all non-Serbs from its territories. A cease-fire with Croatia was reached in 1994, and an end to the war with Serbia was reached in 1995 with the Dayton Accords. Bosnia was divided into two entities, the Republika Srpska and the Muslim-Croat Federation. As a result of these wars, 200,000 Bosnians, mostly Muslims, were killed out of a population of roughly 4.4 million. In addition to the deaths, approximately 20,000-50,000<sup>12</sup> women and girls were raped, primarily by Serbian military and paramilitary troops. Some of the military were from Serbia itself, while others were Bosnian Serbs who allied with Serbia. Others were Serbian or Bosnian Serb paramilitary forces. In addition, some were local Bosnian Serb police officers who worked with the various Serb forces to control cities, towns, and villages.

Bosnian Muslim (Bosniak) women were specifically targeted as part of Serbia's "ethnic cleansing" strategy. Ethnic cleansing is the complete removal of a select population, in this case all non-Serbs, from an area through the use of force and/or terror. The mass rape of Bosniak women served to instill fear into the population and caused many people to flee, especially when women survived to tell their gruesome experiences. While some women made it to safety, many were also killed. Thus the mass rapes served the function of "ethnic cleansing" in Bosnia by removing the Muslim population, through death and terror. It is important to note that rapes were committed by all sides of the conflict, and that a small number of male prisoners were sexually assaulted (though not by soldiers, prisoners were forced at

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<sup>11</sup> Alexandra Stiglmayer, "The War in the Former Yugoslavia," in *Mass Rape: The War against Women in Bosnia-Herzegovina* ed. Alexandra Stiglmayer, (Lincoln: University of Nebraska Press, 1994), 4.

<sup>12</sup> These numbers are still a contested area. The EC reports that an estimated 20,000 Bosniak women were raped, while Bosnian Ministry of the Interior claimed 50,000. Many researchers claim that the numbers are actually much higher, but many women do not wish to come forward publicly and admit to having been raped. Others claim that the reports with numbers of women raped are politically motivated and thus inaccurate. In addition, most women were raped numerous times and this is not reflected in the estimates. In any event, it has been proven that thousands of women have indeed been raped and that the rapes were systematically employed by the Serbian military and paramilitary forces.

gun-point to sexually assault each other). However, unlike the other rapes, Serbia's attack on Bosniak (and Croat) women was proven by the International Tribunal for the Former Yugoslavia (ICTY) to have been a large-scale, systematic military strategy undertaken with the intent to destroy the non-Serb population of Bosnia in order to clear the way for an ethnically "pure" Greater Serbia.

Compiling a historiography of rape is still a difficult matter, as historical works about rape are almost non-existent until the 1970s.<sup>13</sup> While rape was written about by various activists, prior to that time rape was seldom written about historically, and was often only a footnote or a peripheral mention. The following six historical articles span from 1906 until 1952 and illustrate the ways in which rape was discussed by historians prior to the Women's Liberation Movement (WLM) in the 1960s-1970s.

Clarence Bagley's "Our First Indian War" is an indictment of both the United States government and the Indians that participated in the Indian Wars in 1850's Oregon and Washington Territories.<sup>14</sup> Bagley blames the United States government for failing to protect the white settlers that it encouraged to move West from Indian attacks. He also claims that said Indians were of the vilest sort and committed numerous outrages against the white settlers, completely unprovoked. Bagley provides demographic data regarding settler and Indian populations. He also provides death rates for settlers each year, starting in 1830. He often quotes historian Frances Fuller Victor. In order to attain his end of proving that the Indians were the devil he repeatedly points out the atrocities committed by Indians against women and children. The following is a list of some of his statements: "women and children suffered every outrage which fiendish imagination could devise," "women ravished," "little children horribly tortured," "the women, and even young girls, became the victims of the lust of their captors."<sup>15</sup> It should be noted that none of his descriptions had citations, and only the description of the captured women and young girls provided any context. Moreover, Bagley provided no information from the perspective of the Indians, nor did he offer much critical analysis. He simply used a laundry list of Indian atrocities to prove the

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<sup>13</sup> For the purposes of this paper I am primarily focusing on the rape of women by men as it relates to my thesis, even though other forms of rape do occur and are beginning to be discussed more frequently than before.

<sup>14</sup> Clarence Bagley, "Our First Indian War," *The Washington Historical Quarterly*, Vol. 1, No. 1 (Oct, 1906): 34-49.

<sup>15</sup> *Ibid*, 41.

inhumanity of the Indians as well as the consequences of the government's failure to protect settlers. The government's failure to protect settlers raised more of Bagley's ire than the rapes he claimed happened did.

Melvin M. Knight's "Liquidating Our War Illusions" is a discussion of World War I written in 1922.<sup>16</sup> Knight uses numerous sources written during and after the war as well as his own experiences of the war. His theory is that because WWI was a "total war" involving everyone in the nation, public opinion was extremely important. Therefore, each nation used propaganda that created an epic that painted one's own nation as the heroic force with the enemy combatant as the villain. Moreover, to due to fear instilled by war even without being exacerbated by propaganda, the attacks on the enemy nation's actions are very rarely questioned by the civilian population during wartime. One of the tools used by all sides, among others, were stories of the rape of civilian women by invading troops. Interestingly, Knight notes "The bad men, stimulated and given opportunity by the circumstances of war, commit some crimes, such as pillage, rape, and incendiarism...but the statement will probably pass without question that some of these crimes occurred in every army mobilized between 1914 and 1918."<sup>17</sup> While Knight quietly acknowledges that crimes such as rape actually did occur, his main point is that the national epics were exaggerated and one-sided, that all sides used them, and that they had the effect of abstracting the enemy into a faceless "other". While Knight certainly has a good point he turns the crime of rape itself into an abstract concept; it was merely a tool used to whip up national wartime frenzy.

In "The Civil War and the Crime Wave of 1865-1870" Edith Abbott chronicles the increase in male prisoners in post-Civil War Michigan, New York, Ohio, and Massachusetts.<sup>18</sup> Her analysis includes numerous tables and charts from prison reports that illustrate both pre and post Civil War prison rates in the aforementioned states. She also includes charts that illustrate rates of incarceration for women and children. During the Civil War, rates for male inmates went down, as they were promised immunity if

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<sup>16</sup> Melvin Knight, "Liquidating Our War Illusions," *The Journal of International Relations*, Vol. 12, No. 4 (April 1922): 485-504.

<sup>17</sup> *Ibid*, 491.

<sup>18</sup> Edith Abbott, "The Civil War and the Crime Wave of 1865-1870," *Social Service Review*, Vol. 1, No. 2 (June 1927): 212-234.



they joined the army and many did just that. However, female and juvenile rates of incarceration went up during the war. In the case of juveniles, the increase was ascribed to the loss of parents or relatives in the war. Since this was the case on a large scale, prison reforms were enacted in order to help the juveniles rather than punish them. In the case of women the increase was ascribed to two factors, both relating to an absence of male protection. First, women who previously had been under male supervision succumbed to "idleness and temptation" in the absence of their male protectorates. Second, numerous women were receiving illegal abortions (a "female crime")<sup>19</sup> due to unwanted pregnancies conceived in the absence of their husbands. Abbott quotes a New York prison report that stated "Wives, whose husbands had gone to the army, were left unprotected and exposed to the arts of the designing and the vicious of the other sex. Some of them-we are glad to believe they are the exception-have lapsed from virtue, and naturally desire to obliterate the evidence of their guilt."<sup>20</sup> Since most of the women had not lapsed from virtue, what did that mean for the rest of them? How did they become pregnant? The inference is that they were raped. And further, they were jailed for abortions that they need from the rapes. Later in the article Abbott discusses soldiers suffering from what we now would call post-traumatic stress disorder. This is part of what led to a post-war increase in male incarceration. However, Abbott also credits the increase to the return of criminals who had enlisted to escape jail. In any event, there was a marked increase in violent crime, including rape. Abbott, unlike Bagley, had the data to discuss rape as a central focus. Even though she ignored it Abbott had the seeds of a really interesting article regarding women, rape, prison, and abortion during wartime, yet she did not take that step.

Accusations of the rape of female slaves by their masters were used as abolitionist propaganda in Clement Eaton's "Mob Violence in the Old South," which is set in the ante bellum American South.<sup>21</sup> According to Eaton, mob violence in the South was at its peak during the last ten years before the Civil War, and was primarily directed at white abolitionists. He states that slaves were usually only subject to

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<sup>19</sup> Ibid, 220.

<sup>20</sup> Edith Abbott, "The Civil War and the Crime Wave of 1865-1870," 220.

<sup>21</sup> Clement Eaton, "Mob Violence in the Old South," *The Mississippi Valley Historical Review*, Vol. 29, No. 3 (December 1942): 351-370.

mob violence if they were instigating an escape, or at least accused of one for publicity purposes. Eaton also calls abolitionists Theodore Weld, Samuel May, and William Lloyd Garrison zealots and points out that until the 1830's the Northern states were host to the most severe mob violence.<sup>22</sup> While Eaton was condemning the mob violence, he was also implying that the abolitionists were off-course and might have deserved it, especially when their written works condemned Southern Society as a whole, which I think rubbed him the wrong way. He notes that abolitionists presented the South as "a land of the most unbridled lust, a modern Sodom, where the female slaves were the victims of their licentious masters."<sup>23</sup> He also discusses an illustration in one of the abolitionists' pamphlets that depicted a "slave-driver...dangling a little Negro baby in one hand and brandishing a whip in the other. The mother was crouching, imploring mercy."<sup>24</sup> Eaton in no way addresses these issues or gives them any merit by admitting that masters did rape and abuse slaves, and they did sell children away from their mothers. He just notes how these accusations infuriated the South and served to incite more violence; they were mere tools of the abolitionist agenda. It is also important to note that Eaton did not include any accounts of mob violence against women, which did happen. Just as Abbot, Eaton had plenty of documentation for the doings of the antebellum South, he also had the window in which to discuss them. He instead chose to ignore the violence that masters committed against their slaves and focus on the violence the abolitionists caused by being so inflammatory.

In "General William T. Sherman and Total War" John Bennett Walters uses General Sherman's tactics in his famous March to the Sea during the United States Civil War as a way to examine the concept of total war.<sup>25</sup> Walters uses numerous of Sherman's own documents from the war as well as other government documents, newspapers, and the accounts of soldiers and civilians themselves. What emerges is a picture of the complete destruction through cut through a large swath of the South, primarily Georgia. Towns and cities as well as homes, farms, crops, and animals were destroyed. In addition, looting was

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<sup>22</sup>       ibid, 351.

<sup>23</sup>       ibid, 356.

<sup>24</sup>       ibid, 357.

<sup>25</sup> John Bennett Walton, "General William T. Sherman and Total War," *The Journal of Southern History*, Vol. 12, No. 4 (November 1948): 447-480.

rampant, although supposedly condemned by Sherman even though the officers took over the nicest homes in towns as headquarters. It is interesting that there are only subtle inferences to the subject of rape, even though there is much discussion of the fact that tens of thousands of soldiers were cut loose to destroy everything around them. For example, correspondence published in both Southern and Northern newspapers discussed the "wanton waste, arson, looting, and other indignities visited upon the defenseless citizens by a ruthless citizenry."<sup>26</sup> In a letter to his wife Sherman himself talked about "the deep and bitter enmity of the women of the South" toward Union troops, but goes on to state that "they have sowed the wind and must reap the whirlwind."<sup>27</sup> While he was referring to the destruction of their homes and their helplessness to stop it, Sherman shows no compunction regarding violence toward women. He also goes on to excuse some of his soldiers who "did some things they ought not to have done" due to their service to the Union.<sup>28</sup> With plentiful documentary evidence with which to make a critical analysis regarding the mistreatment of Southern women, Walters takes no such leap. What is odd is that a discussion of violence against women would have strengthened his discussion of total war. Yet he left it out.

F. Hilary Conroy's "Japan's War in China: An Ideological Somersault" is a discussion of the moral quagmire that Japan placed itself in during its invasion of China, specifically the years 1937-1940.<sup>29</sup> Conroy uses documents from the Japanese government, Asian newspapers, and testimony from the Tokyo War Crimes Tribunal and his main contention was that Japan's ostensible motive for invading China was to foster a "Greater Asia" through the cleansing of China of materialistic Western influence, including both Communism and Democracy. However, taking over China was not as easy as Japan had hoped and the huge death toll made the unifying "Greater Asia" concept look empty. This combined with Japan's inability to get China to cooperate led them to sign a treaty in 1940 when Wang Ching-wei succeeded Chang Kai-Shek as president. This treaty, signed with a supposedly "Western," whose government was not much different than Chang Kai-Shek's went against everything Japan had entered

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<sup>26</sup>        ibid, 471.

<sup>27</sup>        ibid, 473.

<sup>28</sup>        ibid, 476.

<sup>29</sup>        F. Hilary Conroy, "Japan's War in China: An Ideological Somersault," *Pacific Historical Review*, Vol. 21, No. 4 (November 1952): 367-379.

China for in the first place. Conroy's article was replete with the hypocrisy and ideological somersault that Japan had to take in order to sign the treaty. It is also apparent that Conroy does not believe Japan's claim that they invaded China in order to create a Greater Asia, he believes that they simply wanted to take over. Despite the hypocrisy of Japan that Conroy is content to point out, he does not discuss at length the wide scale destruction they reaped in China, particularly the Rape of Nanking. When describing Japan's intentions Conroy states "It was time to return to the morality, the non-materialist morality of the East, and with it would come the revival of Asia."<sup>30</sup> Part of Asian morality is Buddhism, which promotes non-violence, and would be another point of "ideological somersault" to point out. When Conroy does mention the Rape of Nanking, he uses it to make a joke about why the Japanese were too busy to give a memorial service for fallen Chinese soldiers, he says "too busy with the rape and pillage of Nanking."<sup>31</sup> Conroy also points out the irony in Chinese soldiers being blamed for Chinese cultural establishments being "damaged, stained, and broken."<sup>32</sup> Conroy was not unaware of the Rape of Nanking, and clearly disapproved of it. He had the documentation for it and was discussing moral hypocrisy on the part of the Japanese government. It seems that he had a perfect window in which to insert more than sarcastic and ironic comments about wide-scale rape and murder. Moreover, the discussion of the Rape of Nanking would have strengthened his argument.

In contrast to the scant attention being paid to rape by the aforementioned historians, the following three books were written by non-historians within the same chronological confines as the previous articles. Yet none of them shrink from a discussion of rape. While it is true that they were not attempting to provide a historical discussion of rape, their inclusion is important here. If one were to simply follow the articles provided, it would seem that rape was something that was not discussed, perhaps that it was not proper conversation. The importance of the following readings is that they disabuse that assumption; people were talking about it, and very publicly.

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<sup>30</sup>        *Ibid*, 368.

<sup>31</sup>        *Ibid*, 367.

<sup>32</sup>        *Ibid*, 370.

In 1892 journalist Ida B. Wells published *Southern Horrors: Lynch Law in All Its Phases*.<sup>33</sup> Wells' theory was that the myth of the "black rapist" was being used as a rationale for the lynching of black men. Wells' intent was not only to dispel the myth of the "black rapist" but to also bring attention to sexual violence toward black women and children by white men, and to put a stop to the lynching of black men, women, and children. In order to achieve this end Wells used newspaper articles from throughout the United States and compiled statistics on the numbers of lynchings perpetrated by whites as well as the number of times the charge of rape was used to justify them. Moreover, in the majority of the cases where black men were accused of rape, no rape actually took place. Wells contrasts this with cases where white men were actually convicted of raping black women and children in which no lynchings nor severe punishments were meted out. Conversely, if a black man so much as looked at a white woman, he could potentially be tortured and killed. Wells was not only radical for attacking the dominant white power structure, she also challenged sexual and gender norms by insinuating that perhaps white women were not so "pure" as was believed. She states, "Nobody in this section of the country believes that old thread-bare lie that negro men rape white women. If Southern white men are not careful they will over-reach themselves, and public sentiment will have a reaction; and a conclusion will be reached which will be very damaging to the moral reputation of their women."<sup>34</sup> Wells brings attention to the sexual double-standard that existed between white and black men as well as the disparity between the "honor" of white women and the lack of "honor" of black women. In essence, Wells was combating gendered and racist propaganda that sought to maintain the status quo that kept blacks and whites segregated. In so doing she put her own life in danger and actually had to leave her home at one point. Yet she was undeterred.

In 1915, in the midst of World War I, Jane Addams headed up The International Congress of Women at The Hague and subsequently published a book based upon the consensus of the Congress.<sup>35</sup> Women from the United States, Sweden, Norway, Netherlands, Italy, Hungary, Germany, Denmark,

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<sup>33</sup> Ida Wells, *Southern Horrors: Lynch Law in All Its Phases*, (New York: The New York Age Print, 1892).

<sup>34</sup> *Ibid*, 4.

<sup>35</sup> Jane Addams, *Women At The Hague: The International Congress of Women and Its Results*, (New York: The Macmillan Company, 1915).

Canada, Belgium, Austria, and Great Britain were represented, with another 180 delegates unable to attend due to the closure of the North Sea.<sup>36</sup> Many of these countries were at war with each other, but the whole reason for the Congress in the first place was to secure a worldwide peace. They discussed the formation of an international tribunal to create international laws that would not only help secure peace but limit the probability of war in the future.<sup>37</sup> Broad concerns about world peace were expressed, but also those sufferings in war particular to women, "This International Congress of Women opposes the assumption that women can be protected under conditions of modern warfare. It protests vehemently against the odious wrongs of which women are the victims in time of war, and especially the horrible violation of women which attends all war."<sup>38</sup> The Congress not only provided suggestions for maintaining peace, it also reminded the public exactly what was at stake in war and the sufferings that it entailed. The fact that the Congress is discussing the prevalence of wartime rape lends credence to the fact that rape not only commonly occurred in wartime, but that people knew about it. This makes the silence of historians all the more profound.

Esther Pohl Lovejoy published a book regarding World War I in 1919 called *The House of the Good Neighbor*.<sup>39</sup> Lovejoy was a doctor who travelled to France in 1917-1918 in order to gain public health information on women and children.<sup>40</sup> In her book, Lovejoy devotes a whole chapter, entitled "The War Blight," to a description of the sufferings imposed on women during the war. She discusses the outright rape of women, the sexual coercion used by men in which they traded food or goods for sexual favors, the dilemma that women who became pregnant faced, and the damage done to families by the mistreatment of women during war, as well as the creation of orphans from such large-scale population destruction.<sup>41</sup> Lovejoy's view was not bound by nationality; although she was in France, she notes that

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<sup>36</sup> Ibid, 147-148.

<sup>37</sup> Ibid, 130-131.

<sup>38</sup> Ibid, 150.

<sup>39</sup> Esther Pohl Lovejoy, *The House of the Good Neighbor*, (New York: The Macmillan Company, 1919).

<sup>40</sup> Kimberly Jensen, "Esther Pohl Lovejoy, M.D., the First World War, and a Feminist Critique of Wartime Violence." in *The Women's Movement in Wartime: International Perspectives 1914-19*. Edited by Alison Fell and Ingrid Sharp. (London: Palgrave Macmillan, 2007): 175.

<sup>41</sup> Esther Lovejoy, *House of the Good Neighbor*, 176-190.

German women faced the same traumas.<sup>42</sup> In her estimation, wartime violence against women was a travesty born by women on all sides and spoke eloquently against it. Just as with Addams, Lovejoy's work was international in scope and attempted to bring awareness to the suffering that wartime rape inflicted on women.

When any of the three readings presented here is contrasted with the historical articles previously discussed in this essay, a clear variance in the view of rape is visible between them. For the most part historians were deliberately leaving the subject of rape alone, while these three non-historians were lobbying to end it. As both Wells and Addams were internationally famous, it is unlikely that historians were unaware of the pervasiveness of rape in both society and wartime.

While rape did receive some small mention by historians, rape itself was not necessarily dissected as an subject academically until Simone De Beauvoir's *The Second Sex* (1949), in which she discussed, among other things, the idea that gender was constructed.<sup>43</sup> Another book by De Beauvoir that discussed rape was entitled *Djamila Boupacha* (1962), about the real-life rape of Djamila Boupacha in 1961, who was raped by members of the French Army during the Algerian War.<sup>44</sup> Both books garnered a lot of attention internationally. Michel Foucault (1926-1984) was another author who moved the discussion of rape and gender forward. He wrote numerous works regarding the dynamics of power relations, including the ways in which women had been subordinated by those power relations, which are not just institutionalized systems, but are also dispersed throughout culture in various forms such as language and knowledge. This had the effect of opening a whole flood gate of discussions regarding concepts of gender and power, which very easily turned into discussions of rape and the ways in which it could be defined. When the Women's Liberation Movement (WLM) really took off in the 1970s, rape became an important focus as an avenue for the improvement of women's rights. Thus rape became political and highly visible

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<sup>42</sup> Ibid, 179.

<sup>43</sup> Jones, Adam, "Gender and Genocide," in *The Historiography of Genocide*, ed. Dan Stone, (New York: Palgrave Macmillan, 2008), 229.

<sup>44</sup> Alleg, Henri, *The Question*, translated by John Calder, (Lincoln: University of Nebraska Press, 2006), xviii.

as women fought to put an end to rape by raising awareness and changing rape laws, such as making marital rape illegal.

While the historical writings about rape prior to the WLM are fairly sparse, they did begin to increase afterwards. However, the change was not immediate, nor is it now complete. While it took longer for historical discussions of rape to begin, changes regarding women's inclusion into history were fairly immediate, and in fact changed and history altogether. Rather than regarding women as an invisible force relegated to the background of historical writings, with the feminist movement they began to take center stage. When the simple inclusion of women into history became problematic, what followed was gender history, which was more about the relations between genders rather than setting them apart from each other. This interconnectedness of gender relations called for history to be re-written, as simply adding women into historical discussions would not be sufficient; part of what creates history is the interactions of peoples of all genders. Therefore a history presented that included only male subjects or simply added females in was incomplete and the methods used faulty. Despite the advance in discussing gender relations, rape was still not a commonly discussed topic by historians.

Feminists and feminist scholars have been at the forefront of rape awareness. The seminal work that almost all articles that focus on rape cite is feminist journalist Susan Brownmiller's *Against Our Will: Men, Women, and Rape*, published in 1975. And although many have taken issue with Brownmiller's theory that rape is only about power, her work is still the only one of its kind; she attempted to provide a broad historical and political overview of rape. It is important to note that the first historical works about rape after the WLM in this essay are from the 1990s (although 1990s discussions of rape were still dominated by non-historian authors), which is more than likely due not only to the work of feminists and scholars in raising awareness, but also to the internationally publicized mass rapes that occurred in Rwanda and Bosnia. The first article in the group next presented is one of the first that attempted to give a base from which rape could be studied (it was published one year before Brownmiller did just that).

In 1974 an article entitled "Forcible Rape: Bibliography" was compiled by Duncan Chappell, Gilbert Geis, and Faith Fogarty in attempt to provide a broad base from which to explore the concept of



rape.<sup>45</sup> The article credits the Women's Liberation Movement with bringing rape to the forefront of social consciousness. This raised public consciousness led to rape being researched and examined in its own right, not simply as an unfortunate byproduct of war or something that happened to "bad" girls. This article provides an international compendium of articles and studies written about rape. They are listed under the headings Sociology, The Victim, The Offender, Law, Medical and Medico-Legal, Police Investigation, Rape in Non-Common Law Jurisdictions, and Psychology. It is important to note that history was not included, which is because history had not really focused on rape as a subject in and of itself, nor had it sought to put together any solid information about the history of rape, rape in war, legal changes in the status of rape, changes in public perception regarding rape, differences in the way rape was treated based on ethnicity or economic status, etc. Historians had primarily left the issue of rape alone or treated it as peripheral to their main topic.

Vicki McNickle Rose's article "Rape As A Social Problem: A Byproduct of the Feminist Movement," was published in 1977 and still referred to rape as "forcible rape", as in many cases a prerequisite of force was necessary in order to prove rape.<sup>46</sup> While that has now been modified, (although there is still some debate about forcible versus coerced rape even today), in the 1970s the legal rights of rape victims were less protected than today. Rose's article is attempting to lay the groundwork for the anti-rape movement of feminists by providing a background to the feminist movement as well as their struggle to change rape laws; her method for this is to use "social problems theory" as a way to understand how rape came to be classified as a social problem. In order to do this Rose used legal cases, information from rape crisis centers, community level anti-rape organizations, law journals, and newspaper articles in order to systematically determine how the issue of rape had evolved. Rose mentions cases in which women lost rape cases or were found guilty of committing murder for trying to defend

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<sup>45</sup> Duncan Chappell and Gilbert Geis, Faith Fogarty, "Forcible Rape: Bibliography," *The Journal of Criminal Law and Criminology* (1973-), Vol. 65, No. 2 (June 1974): 248-263.

<sup>46</sup> Vicki McNickle Rose, "Rape As A Social Problem: A Byproduct of the Feminist Movement," *Social Problems*, Vol. 25, No. 1 (Oct, 1977): 75-89.

themselves, such as Inez Garcia and Joan Little, both in 1974.<sup>47</sup> She also points to the efforts of anti-rape lobbying in the legislative arena, such as the attempt to declare marital rape a crime.<sup>48</sup> Rose concludes that while anti-rape lobbyists have had some measure of success, the fact that "ideas concerning the appropriate roles for men and women are deeply ingrained, and there is considerable difference of opinion as to whether they will be altered significantly in the immediate future."<sup>49</sup> This article shows that while rape was being discussed by a larger audience and had made some headway legally compared to the time before the feminist movement, the concept of gender roles was still a factor. This would seem to give credence to Foucault's notion that power does not solely rest in institutions. Progress was being made institutionally at the legal level, but convincing society to change was proving more difficult.

In *Mass Rape: The War Against Women in Bosnia-Herzegovina* (1994), Alexandra Stiglmayer compiled a collection of articles written by various authors during the Bosnian War (1992-1995), each representing different aspects of the mass rapes that took place there.<sup>50</sup> As the title suggests, mass rape was deliberately used as a method of warfare against women, in this case as part of an overall strategy of "ethnic cleansing" to remove Bosnian Muslims so that they could be replaced by Serbians. The scale of the atrocities committed against women (and men) during this war may call into question whether any progress regarding rape has been made at all. However, due in large part to feminists worldwide, attention on a grand scale was paid to the suffering of women in Bosnia. A war crimes tribunal was set up in The Hague and numerous women came forward en masse to present testimony of their experiences of rape in order to see justice done. And for the first time, men were tried and convicted solely of wartime rape. Women were organizing internationally to put a stop to wartime violence against women, only this time mass wartime rape was now being very publicly and legally condemned as a crime against humanity. Each of the articles presented in this book uses different methods depending on what aspect of the rapes

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<sup>47</sup> Ibid, 84.

<sup>48</sup> Ibid, 80.

<sup>49</sup> Ibid, 85.

<sup>50</sup> Alexandra Stiglmayer, *Mass Rape: The War Against Women in Bosnia-Herzegovina*, (Lincoln: University of Nebraska Press, 1994).

in Bosnia they were focusing on. For example, Alexandra Stiglmayer herself uses testimony that she received from the rape survivors that she interviewed.

In "Gender and War in the Twentieth Century," published in 1997, Penny Summerfield is attempting to illustrate both the challenges and successes that British, American, French, and Polish women faced during the two World Wars.<sup>51</sup> Using numerous wartime documents, newspapers, advertisements, and historical works from other authors, Summerfield focused on four areas where gender and war were at odds with each other; women's involvement in war and work, wartime performance of "traditional" non-combat roles, such as motherhood, the implications of pacifism and gender, and the relationship between participation in nationalist struggles versus demands for equality. In her discussion of the sexual danger that female military personnel were in, Summerfield does not overtly discuss rape, but rather the danger that lie in women moving into "male" roles; they were perceived as sexually threatening to masculinity, which put them in danger of assault. Despite her discussion of gender roles and the implications of bending them during wartime, Summerfield explicitly ignores the issue of rape. While her article is certainly more inclusive of women than those prior to the 1970s, like them she does not take that next step in delving into the issue of rape, even though it would have been pertinent to her discussion.

In his book *Japan's Comfort Women: Sexual Slavery and Prostitution During World War II and the US Occupation* (2002)<sup>52</sup> Yuki Tanaka dedicates a whole book to the issue of wartime rape and prostitution. Japan's "comfort women" were, for the most part, sex slaves provided by the Japanese military in order to service their troops sexually. The purpose of this was to prevent rape and the spread of venereal disease. The comfort women system was not effective in either case, as disease still spread and civilians were still raped, not to mention the fact that most of the comfort women themselves were unwilling. Tanaka also notes that the comfort women were primarily taken from Korea and the

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<sup>51</sup> Penny Summerfield, "Gender and War in the Twentieth Century," *The International History Review*, Vol. 19, No. 1 (February 1997): 2-15.

<sup>52</sup> Yuki Tanaka, *Japan's Comfort Women: Sexual Slavery and Prostitution During World War II and US Occupation*, (London: Routledge, 2002).

Philippines as Japanese women were seen as superior. Tanaka also notes the numerous rapes of Japanese women by US troops stationed there, even though they too were provided comfort women. Tanaka's main thesis revolves around how sex was used and abused in an attempt to maintain military control, and how it ultimately failed. Even when sex was available, rape still occurred on a grand scale.

While historians were slower to focus on rape as a topic of inquiry than other social scientists, a clear progression can be seen in their treatments of it. Developing in the 1990s and fully taking off by the 2000s, historians are attempting to become part of rape discourse and to place rape in an historical context. If, as historian Joan Scott argues, history has been part of the structure that has maintained the subordination of women,<sup>53</sup> perhaps a re-examination of sources and historical methods is in order. Non-historians have been writing about rape for quite some time. Therefore, the problem historically was not the lack of awareness of the issue, but rather the dismissal of it. It is common knowledge that rape has occurred during war for centuries, and is in fact taken as a given by anyone who writes about it, it is therefore highly unlikely that historians did not write about rape because they were unaware that it occurred. The Rape of Nanking was internationally known when it occurred, yet it wasn't until journalist Iris Chang's book *The Rape of Nanking*, written in the 1990s that it was fully discussed. The exclusion of rape from history can be linked to the exclusion of women from history. The exclusion of women from history directly led to the absence of a substantial discourse about rape, which in turn stymied legal protections against rape and progress toward substantially changing the way society thinks about rape. As rape discourse has grown, more historical cases have emerged, and within the last ten years numerous historical works about rape have been published. The silence on the subject of rape has contributed to the rape culture discussed in the introduction. In order to understand and prevent wartime rape, we have to understand that attitudes about rape are bred during peacetime through cultural, societal and legal norms. Placing rape into an historical context will also give clues as to its origins and function, and perhaps its

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<sup>53</sup> Joan Scott, "Chapter 36," in *Historians on History*, ed. John Tosh, (Harlow: Pearson Longman, 2009), 298-303.

change over time.<sup>54</sup> With a broader base from which to study rape we will be able to have a better understanding of it, which is an important step on the way to reducing it substantially.

I am primarily using personal narratives provided by rape survivors for the construction of this paper. The purpose of this is to move from the abstract perception of rape into a more personal realm; from theoretical to tangible. The voices of the rape survivors need to be heard. However, I do acknowledge the ways in which narratives can be problematic. The amount of time elapsed between the event and the interview, difficulties in translation, as well as the ways in which interviewers phrased questions are all relevant. However, many of the narratives are repeated throughout different sources and many accounts are similar to those of others, which lends them credence. In addition, many have been verified by the International Criminal Tribunal for the former Yugoslavia (ICTY) in the Hague and garnered court convictions of the accused.

The ICTY is an international court of law that was formed by the UN 1993 in The Hague as a response to the crimes against humanity taking place during the Bosnian War.<sup>55</sup> The prosecutors at the ICTY sought out witnesses, compiled reports, and cooperated with local governments in their efforts to compile information for their court cases. The efforts by the court to compile information and try war criminals have led to numerous convictions. However the importance of the ICTY goes beyond that. They helped to provide information on what exactly occurred during the war and were instrumental in proving that the mass rapes of Muslim (and Croat) women were a strategic policy instituted by Serbia. In addition, the ICTY was the first to convict soldiers for sex crimes committed during wartime. Moreover, the way that rape victims were treated by the court was groundbreaking. According to Rule 96 of the Rules of Procedure of Evidence:

In cases of sexual assault:

- (i) no corroboration of the victim's testimony shall be required;
- (ii) consent shall not be allowed as a defence if the victim
  - (a) has been subjected to or threatened with or has had reason to fear violence, duress, detention or psychological oppression, or

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<sup>54</sup> Merrill Smith, *Sex Without Consent: Rape and Sexual Coercion in America*, ed. Merrill Smith, (New York: New York University Press, 2001), 2.

<sup>55</sup> ICTY Website Internet Accessed 12 May 2012 <<http://www.icty.org/sections/AbouttheICTY>>

- (b) reasonably believed that if the victim did not submit, another might be so subjected, threatened or put in fear;
- (iii) before evidence of the victim's consent is admitted, the accused shall satisfy the Trial Chamber in camera that the evidence is relevant and credible;
- (iv) prior sexual conduct of the victim shall not be admitted in evidence<sup>56</sup>

The protection of the witnesses in this manner was almost unheard of at the time of the court's inception and was extremely important in gaining the trust of the victims. In essence, the court gave as much protection as it could to the rape victims in order to spare them the trauma of being attacked by defense attorneys on the witness stand; facing the rapists in court would be difficult enough.

The personal narratives used in this essay are being taken from the ICTY transcripts, the book *Mass Rape: The War Against Women in Bosnia-Herzegovina* edited by Alexandra Stiglmayer, and an article entitled "Victim and Survivor: Narrated Social Identities of Women Who Experienced Rape During the War in Bosnia-Herzegovina," which is a collection of interviews conducted by the author, Inger Skjelsbaek, who is a psychologist. The ICTY trials took place several years after the events took place, as did the narratives provided by Skjelsbaek. However, the interviews provided by Stiglmayer were taken while the war was still going on.

A pattern emerged in the aforementioned rape narratives. The projected complicity of rape victims during non-war society can be seen played out in the context of the war. Serbian military and paramilitary forces attempted to create the impression that the Bosniak (and Croatian) women they attacked were complicit in their own attacks, which of course they were not. However, by attempting to paint the raped women as responsible or participants in their own attacks, the soldiers were thus "justified" and "absolved" of any wrong-doing. Intricately linked with the personal and/or political benefit of the rapes themselves, is the rape culture of Bosniak society, in which perceived complicity is potentially devastating to the victim and her family. Thus the attempts by Serbian soldiers to project blame onto their victims, who after the war had to live in communities where their wartime experiences were known, is doubly damaging. This sentiment can also be seen in a Muslim woman named "Azra's"

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<sup>56</sup> Kelly Dawn Askin, *War Crimes Against Women: Prosecution in International War Crimes Tribunals*, (Cambridge: Kluwer Law International, 1997), 303.

account of why she told her husband of her attacks by Serbian soldiers. She did not want him to find out from someone else and have "misunderstandings."<sup>57</sup> The inference is that if she did not tell him and someone else did, he might think that she was hiding something, which would make her appear guilty. Even under such harsh conditions the threat of the perception of complicity loomed large.

The attempts at projecting complicity fell into five categories, often with the same woman being subject to more than one aspect. First, Bosniak women were treated as a foreign "other". If the women were seen to be part of a sub-human race of people, Serbian forces would not be at fault for attacking them; they would simply be doing their job. Almost all of the narratives that I read reported instances of their Muslim identity being called out in a derogatory way. Second, women were treated as enemy soldiers rather than as civilians. Many women were subject to "interrogations" which involved both rapes and beatings, with the ostensible intent to discover crucial information. Soldiers are acceptable targets in wartime. However, the soldiers knew that the women were civilians and likely had little or no information, the interrogations were just a ruse used to instill further fear into the non-Serb population.

Third, women were often forced into responding or participating in their own attacks. Numerous accounts discuss the ways in which Bosniak women were chastised, and often beaten, for failing to participate "enthusiastically" enough in their rapes; remaining motionless and attempting to detach from the rape was not an option. Not only did this allow for denial on the part of the rapists, but it also made the raped women more at risk of ostracism from family members or husbands, not to mention the havoc it wreaked psychologically on the women themselves. In addition, many women were forced to bear the children of their Serbian rapists. Forcing a woman to become pregnant and bear a child links her inextricably with her attacker and complicity is a huge issue. Whether the woman aborts the baby or ends up giving birth, she is caught in a web in which she has a painful decision to make; she has to actively engage in her attack.

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<sup>57</sup> Inger Skjelsbaek, "Victim and Survivor: Narrated Social Identities of Women Who Experienced Rape During the War in Bosnia-Herzegovina," *Feminism and Psychology*, Vol. 16, (Oct., 2006), 384.

Fourth, women and girls were unwillingly set up in brothels, also referred to as "rape camps," which were houses, hotels, apartments or other buildings where women were imprisoned by Serbian military and paramilitary forces and forced to work as prostitutes. The women were being abused, but if the women and girls were perceived as prostitutes, then the situation was a familiar one; and the women (as prostitutes) were active participants, and thus complicit.

Fifth, many women were forced to act as faux girlfriends with socially constructed gender roles. In addition to being raped, women were forced to cook and clean for the soldiers. Some were also forced to dress up and pretend to be the soldiers' Serbian girlfriends and go out in public. In these ways, the Serbian forces projected the idea that the Bosniak women were participants rather than victims, thus absolving them of any guilt. This attempt to project complicity served the purpose of denying responsibility on the part of the rapists as well as causing even more harm to the women's psyches and increasing their risk of ostracism.

Five survivor narratives will be used to illustrate the ways in which the various methods for projecting complicity were carried out by the soldiers. The narratives will also be used as a way to see how the four leading wartime rape theories play out in the context of the rapes that took place during the Bosnian War. The narratives from Witness 50 and Witness 87 were taken from court testimony given at trials at the ICTY. Witness 50 and Witness 87 both testified at the same trial in 2001, approximately nine years after their experiences. Their trial represented the first ever indictment and conviction of soldiers for sexual crimes committed during wartime. The three men convicted in this specific trial were Radomir Kovac, Dragoljub Kunarac, and Zoran Vukovic. The narratives of Hasiba, Muniba, and Sadeta were accounts given to reporters while the war was still going on.

Hasiba was a mother of two from Zepa and was twenty years old when she was attacked by Bosnian Serb military and paramilitary forces under the command of Milan Lukic, in May 1992.<sup>58</sup> After being searched for money and jewelry, Hasiba was taken to the police station in Višegrad where she was asked to identify a man from her home town who'd been badly beaten. She refused to help them and was

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<sup>58</sup> Alexandra Stiglmayer, 126.



beaten unconscious.<sup>59</sup> The next morning, after being held overnight in the Višegrad fire station, Hasiba was sought out by Milan Lukic's brother Zoran. He stated his intention of marrying her. He then proceeded to take her at gun point to a house where she was subsequently gang-raped by twenty men, after which time Lukic told her that he didn't want to marry her anymore, now that so many men had "fucked her down the line."<sup>60</sup> Later that evening Hasiba was again taken and "interrogated" about the whereabouts of men from her village. She was then ordered to get undressed, which she refused to do until ordered at rifle-point. While naked, Hasiba was forced by a soldier to kiss a Serbian cross and then cross herself; she was then told that she was no longer Muslim, but Serbian.<sup>61</sup> Next, the soldier offered her jewelry, which she refused to take. She was then forced to perform fellatio on said soldier, raped by him, and then raped by three other soldiers. The next day Hasiba was taken to the famous Bridge over the Drina, where ten Muslim men from her village were being held. Hasiba was publicly raped on the bridge and then interrogated about the identity of the prisoners. She did not cooperate and was forced to watch all of the prisoners killed. Following this, Hasiba was taken to the Vilina Vlas Hotel, which was being used as a "brothel," and raped by nine more men. That evening she was interrogated again and in desperation cried, "Go ahead if you want to, kill me and get it over with; I don't know anything."<sup>62</sup> Her plea was not answered and Hasiba was raped by three more men. The next day she managed to escape, without ever having told her attackers anything.

Throughout Hasiba's story numerous projections of complicity can be seen. She was chosen for her attacks because of her Muslim identity, which was later explicitly called into focus when the soldier forced her to kiss a Serbian cross and to cross herself. She was thus, an "other," despite the mockery of a "conversion" she was forced to commit.

Interrogations also played a key role in Hasiba's story. She was repeatedly beaten and asked to identify men from her village, which was completely unnecessary because her town was already

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<sup>59</sup> Ibid, 126.

<sup>60</sup> Ibid, 127.

<sup>61</sup> Ibid, 128.

<sup>62</sup> Ibid, 131.

overtaken and most of the men already captured. In one instance as part of her interrogation Hasiba was publicly raped on an historic and cultural landmark (the bridge). The interrogations were merely an empty excuse used to instill pain and fear into both victim and witness alike. Particularly in Hasiba's case, the interrogations instilled a sense of complicity, the Serbian troops on the bridge tortured the men on the bridge, which they would likely have done anyways, but part of the blame was projected onto Hasiba as her refusal to answer ostensibly garnered a harsh response for the prisoners.

Sexual standards were also projected on to Hasiba. She was deliberately sought out by Zoran Lukic, who "fancied" her and then abused at his behest by twenty men in a row, after which time he renounced her for having had so many men. The inference is that she was somehow responsible for her own attack and tainted because of it and thus, completely unworthy of him. Hasiba was also taken to one of the more infamous rape camp/brothels of the Bosnian War, the Vilina Vlas Hotel. Here men pretended that they were merely conducting the everyday business of prostitution, and in fact many women and girls from the hotel were literally sold.<sup>63</sup> Along this same line of thought, one of Hasiba's rapists also offered her jewelry as a reward for sexual favors. This was his way of making the whole situation one of mutual participation, and thus absolving himself of any wrong-doing.

Clearly rape was being used strategically in Hasiba's case. She was interrogated uselessly and repeatedly attacked, often publicly. In conjunction, the Serbian troops were using rape to assert dominance over Hasiba. Here we can see the strategic rape theory and feminist rape theory converge. Cultural mores can also be seen, particularly in Zoran Lukic's mockery of Hasiba's marriage prospects. In addition, the Serbs used the symbolically important Drina Bridge, which had previously stood as a symbol of the continuity and coexistence that had existed in the Balkan region for centuries, as a stage for their torture and execution of Muslims. This was no accident, the bridge was originally built by the Ottoman Empire. The culture of violence against the Muslims that Serbian propaganda proposed clearly influenced the attacks; Muslims were seen as the evil "other" bent on the destruction of the Serbian population.

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<sup>63</sup> ICTY-TPIY Witness 87, Internet Accessed on 16 April 2012 <[www.icty.org/sid/10117](http://www.icty.org/sid/10117)>

Muniba was a young Bosniak woman from Višegrad who, like Hasiba, was subject to interrogations by Milan Lukic's troops.<sup>64</sup> Seventeen-year-old Muniba, her eighteen-year-old friend, and her fifteen-year-old sister were taken prisoner one evening in June of 1992 by Lukic himself, who had chatted innocuously with them over coffee earlier in the day. One of his comments to the family is particularly interesting. He told them that he liked how Muslim women were faithful to their husbands and didn't go out much.<sup>65</sup> In essence, Lukic was setting the Muslim women apart.

The young women were taken to the aforementioned Vilina Vlas Hotel. Muniba claims that the soldiers there each chose a girl and joked with the others to "go interrogate her thoroughly, but don't overdo it."<sup>66</sup> The men were all laughing. When Muniba was taken, she was asked if she knew where any weapons were being stored and who her father was. She did not know and was subsequently raped, after being beaten for resisting. At one point in her night at the hotel Muniba heard the intermittent screaming of a girl whom she thinks was her sister. After the screams stopped Muniba thought she heard a soldier taking her sister off down the hall. Muniba was brought home the next day but never saw her sister again. When the young women's mother went to the police station to enquire as to her other daughter's whereabouts she was told that there was nothing that they could do and that the soldiers were just "having a little fun with her" and that they wouldn't "hurt a hair on her head."<sup>67</sup> However, the young woman's mother was persistent and one day Milan Lukic appeared at the police station and confronted her. He told her that who he took was not her business and that at least he gave her one daughter back. Even the high-ranking officials that knew their family from before the war would not help them.

Muniba claims that almost every Muslim family living in the area had had someone taken away or killed by Lukic and his forces. The local Bosnian Serb forces knew the region and the people and Muniba claims that they especially sought out the prettiest girls. A friend of Muniba's named Jasmina, was particularly sought after. When she went into hiding local soldiers went after her family until they

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<sup>64</sup> Alexandra Stiglmayer, 122.

<sup>65</sup> *Ibid*, 123.

<sup>66</sup> *Ibid*, 123.

<sup>67</sup> *Ibid*, 124.

finally found her in the house of her cousin, whom they killed.<sup>68</sup> In a similar story another pretty local girl, Dzenana, was hunted down by local forces. She "disappeared" and her family's throats had been slit.<sup>69</sup>

In Muniba's case, as with Hasiba, interrogations were used to instill fear and inflict pain, and had no other purpose but that. The soldiers in the hotel were laughingly calling the rapes "interrogations," and the term was clearly laced with sexual undertones; sex and violence. The soldiers had no interest in information, the city was already taken and most of the men already either killed or captured. The desultory interview to which Muniba was subjected was just a cover, and a barely concealed one at that.

When Muniba's mother went to complain of her other daughter's absence she was brushed off and told that the soldiers were just having a little fun with her. This implies a harmless romp in which all parties are willing and enjoying themselves. Blame is being completely displaced here. Not only are the police refusing to help, they are saying that no harm is being done.

Milan Lukic and his troops treated their area like a playground of violence and hatred. They took any woman that took their fancy and specifically sought out the prettiest girls around. This belies most rape theories, which rest on the assumption that sexual pleasure and/or attraction is not a part of the equation. While there can be no doubt that power and domination are important elements of rape, especially in the case of Serbian troops' systematic use of rape as part of their military strategy. However, if this was the sole motivator, the fact that the majority of the women and girls raped in Bosnia were within the age range of 13-35,<sup>70</sup> and that numerous narratives discuss the fact that the prettiest girls and women were singled out, would not be accounted for. In addition, if the intent is to destroy identity and dominate women and sexual pleasure/preference is not relevant, why then were men not raped *en masse* also? Would their identity not be just as shattered by being gang-raped by twenty men in a row? Would their bodies be any less damaged? Yet the only reports of sexual assault of males are those of instances

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<sup>68</sup> Ibid, 125.

<sup>69</sup> Ibid, 126.

<sup>70</sup> Catherine Niarchos, "Women, War, and Rape: Challenges Facing the International Tribunal for the Former Yugoslavia," *Human Rights Quarterly*, Vol. 17, No. 7 (November 1995), 658.

where male prisoners were forced to assault each other.<sup>71</sup> While reticence may account for some of the lack of reports of soldiers raping men, however had a number of men been raped it is likely that someone would have heard about it and told at some point. Yet there has been not a whisper of it. Within the power, dominance, and wartime strategy dynamic of rape rests the fact that women are specifically targeted at a significantly higher rate than men because the majority of men are attracted to women. Sexuality does play a part in wartime rape, as the bio-social theory states.

Sadeta was a Muslim woman from the village of Rizvanovici and was twenty-years-old when her village was attacked by Serbian forces on July 22, 1992. Sadeta and her family attempted to flee but were caught, the men taken off to the Keraterm concentration camp, and the women marched to Prijedor. On the way there, Sadeta and her friend were taken off by Bosnian Serb troops and raped. The following is an excerpt from Sadeta's account:

They gave us (her and her friend Esma) orders about what we had to do, how we had to act, get them excited one way or the other, and then satisfy them. They made us fondle them and kiss them...They just behaved like they could do anything they wanted. They made jokes, they said we didn't know what real pleasure was, and thought the other ones- they probably meant the other girls they raped-were much better than we were...They swore, they cursed our *balija* mother, and they made fun of us (both girls were virgins). They said we were pretty girls, and we'd been saving ourselves just for them. Then they asked us to marry them, laughing hysterically. Since the first guy wasn't satisfied with me, he suggested they switch partners. He took my friend, and I had to go to his friend. Then we had to lie down and, the way they said it, relax and enjoy it...<sup>72</sup>

After this encounter Esma and her mother were taken away but Sadeta was taken to the commanding officer, as he had asked for her. She was taken into a bedroom and forced to strip naked and lie on the bed. When she did not respond to his touches, the commander stopped and looked at Sadeta. She questioned whether or not he had any female family members and what he would do if someone did this to one of them. He then let Sadeta go and she was not assaulted by any more of the men there. However, she was taken to a concentration camp in Trnopolje, where she heard stories from other women

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<sup>71</sup> Maria Olujić, "Embodiment of Terror: Gendered Violence in Peacetime and Wartime in Croatia and Bosnia-Herzegovina," *Medical Anthropology Quarterly*, New Series, Vol. 12, No. 1, (Mar., 1998), 41.

<sup>72</sup> Alexandra Stiglmayer, 95.

who had been sexually abused. Her experiences and those of the other women caused Sadeta to conclude that (regarding the Serbian troops' actions),

Maybe that's their way of hurting Muslim women and Croatian women, and the whole female race. Killing them isn't interesting enough for them anymore. It's a lot more fun to torture us, especially if they get a woman pregnant. They want to humiliate us...all the women and girls will feel humiliated, defiled, dirty in some way for the rest of their lives...I feel dirty myself somehow. And I feel as though everybody can see it when they pass me in the street.<sup>73</sup>

Thus the effects of the rapes continue on even after the act itself has passed; this makes rape an extremely powerful weapon.

Aside from mocking and degrading the Bosniak culture and customs in their attacks on Sadeta and Esma, by calling them the pejorative *balija* and mocking their chastity, the soldiers behaved as if they were enacting some sort of charade. By forcing the women to participate, and berating their lack of appreciation and experience, the soldiers were attempting to shift blame and shame onto Sadeta and Esma. Not only were they not virgins anymore, they were inept and unsatisfactory as well. They were also encouraged to enjoy themselves as if they had a choice in the matter.

Though Sadeta managed to prevent herself from being raped further, she was no less traumatized by her ordeal, which was compounded by stories she was told by other rape survivors. In her own words Sadeta expresses her belief that they were attacked by Serb forces not simply because they were Muslim or Croat, but because they were females. She also notes the pleasure the soldiers took in tormenting their victims. This impression should not be ignored. Sadeta experienced first-hand what rape theories are trying to decipher, and her interpretation favors a feminist theory with its focus on male dominance over women, but also the bio-social theory which includes the sexual element. Sadeta stated that the soldiers enjoyed themselves not only by hurting women, but also had preferences for girls who could please them sexually.

The following accounts of Witness 50 and Witness 87 were taken from the ICTY records, as previously mentioned. Both girls, along with twelve other women and girls, were involved in the same

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<sup>73</sup> Ibid, 96.

trial in 2001.<sup>74</sup> Although the trials were several years later, both girls were able to recount their experiences accurately and both clearly identified their attackers.

Witness 50 was a Muslim girl from a village in the Foca region of Bosnia, and was a sixteen at the time of her attacks, which occurred between April and August 1992 when her village was overtaken. Her attackers were members of the Bosnian Serb Army and Serbian paramilitary forces in the city of Foca, where Witness 50 was held.<sup>75</sup> As tales began to spread of Serb forces burning Muslims in their homes, Witness 50's family began sleeping in the forest. However, when her village was attacked, soldiers found the villagers who were hiding in the forest and either captured or killed them. Witness 50 was first taken to a rape camp in Buk Bijela. Her first sexual assault was committed by Zoran Vukovic, who was a sub-commander in the Bosnian Serb Army. While forcing her to perform fellatio he asked Witness 50 "What are you afraid of? Don't you know what sex is? Haven't you done it before? Let's enjoy it."<sup>76</sup> After this encounter, Witness 50 was taken, along with other women and girls, to Foca High School, where she had been a student earlier in the year. After her capture and sexual enslavement, Witness 50 was repeatedly raped. She reports that every time she was raped, the soldiers would say "You Muslim women, you Bule, we'll show you."<sup>77</sup> Bule is a pejorative term for a Muslim. Each day, soldiers would come and choose the women or girls they wanted and rape them.

Witness 50 was eventually transferred from the high school to the Partizan Sports Hall, a larger rape camp set up in Foca. Here again soldiers would come and choose the women or girls that they preferred and take them off to be raped. Witness 50 was specifically sought out by Zoran Vukovic, who had first raped her. After raping her one time he told her that "he could perhaps do more, much more, but that I was about the same age as his daughter, so he wouldn't do anything more for the moment."<sup>78</sup>

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<sup>74</sup> ICTY Website, "Gang rape, torture, and enslavement of Muslim women charged in ICTY's first indictment dealing specifically with sexual offenses," Internet Accessed 5 April 2012, <<http://www.icty.org/sid/188>>

<sup>75</sup> ICTY Website, Witness 50, Internet Accessed 16 April 2012 <[www.icty.org/sid/188](http://www.icty.org/sid/188)>

<sup>76</sup> ICTY Witness 50, 1.

<sup>77</sup> Ibid, 1.

<sup>78</sup> Ibid, 2.

One day, Witness 50 and three other girls were taken by soldiers to a house, which they were forced to clean, and then subsequently raped when they were done with their chores. In another excursion out of the Partizan Hall, Witness 50 was taken to a soldier's house where she was raped by an acquaintance of hers who was at least thirty years older than her. Witness 50 said that he laughed while he raped her and she felt he was raping her "precisely because he knew me, to inflict more evil on me."<sup>79</sup> In another bizarre instance, Witness 50 was forced to act as the Serb girlfriend of a soldier and was taken to his mother's house, where he introduced Witness 50 to his mother, and then brutally raped his "girlfriend" for four hours in the bedroom of his mother's house.

In one of her final encounters, Witness 50 was taken to a house in which a Montenegrin soldier terrorized her with a knife and threatened, "You will see you Muslim. I am going to draw a cross on your back. I am going to baptise all of you. You're now going to be Serbs."<sup>80</sup> He then raped her so roughly that she was in pain all over and bleeding.<sup>81</sup> About ten days later Witness 50 was released because it was rumored that the International Red Cross Committee was coming to Foca; the Serbs did not want to get caught, so they sent the women and girls away in buses.

The fact that Witness 50 was an "other," a Muslim, a "Bule," was reiterated every time that she was attacked. Thus the distance between her and her attackers was maintained. In addition Witness 50's experience with the Montenegrin soldier and his threat of violent baptism reiterates this concept. The creation of a Muslim "other" in this case not only served to create a difference between attacker and victim, it also served to facilitate extreme cruelty. The fact that Witness 50 was a Muslim was itself the excuse that made her abuse not only excusable, but necessary.

In Witness 50's first sexual assault, she was invited to enjoy, and thus participate in, her abuse. Her attacker, Zoran Vukovic, was almost forty-years-old to her sixteen when he raped her. He also intimated that he was doing her a favor by only raping her to a certain degree, and his reason for this was that he had a daughter the same age as Witness 50. Vukovic not only sought Witness 50 out, but acted

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<sup>79</sup> ICTY Witness 50, 2.

<sup>80</sup> *Ibid*, 2.

<sup>81</sup> *Ibid*, 2.



like he thought they were in some sort of relationship. He tried to coax her into enjoying herself and clearly felt he was doing her a kindness. This warped sense of what was going on allowed Vukovic to absolve himself for what he was doing. There was a clear disconnect between what was going on and what he thought was going on. He thought that they were in a relationship but he was actually raping a child and trying to get her to like it; in fact part of his defense in his war crimes trial was that the two were in a "love" relationship.<sup>82</sup>

Witness 50 was forced into sexual slavery in various rape camps throughout the town of Foca, which were run like brothels. The women and girls were overseen by the commanding officers and given out to whichever soldiers the officers wanted them to be given to. Witness 50 was used as a sexual reward to soldiers like it was just everyday business. Moreover, the men had "favorites" and chose the women and girls that they liked most. This makes the rapes far from arbitrary and solely about power and domination. Clearly something more than the orders to rape and dominate was in effect; the soldiers chose women and girls that they were sexually and/or aesthetically pleased with.

In addition to the degradation of being raped and tortured, Witness 50 was also forced to clean a house before she was raped in it. Forcing women to care for them was another way in which the soldiers made women and girls participants in their abuse. As if it were not enough to be raped, the further degradation of being made to care for their rapists would be a bitter pill to swallow. Not only was Witness 50 forced to submit sexually, she was also forced into a socially constructed gender role; women were supposed to clean. This illustrates that non-war societal norms shape wartime behavior, which is crucial in understanding wartime rape. Here the cultural pathology theory about rape can be seen; the underlying culture present in the former Yugoslavia was patriarchal, and this was forcefully maintained during wartime. This leads to the idea that gender roles transcend ethnic distinctions in this case. The fact that the Bosniak women were considered ethnically inferior to the Serbian population did not mean that they could not fulfill socially proscribed gender roles (which in some cases included bearing Serbian babies).

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<sup>82</sup> ICTY Website, "Facts About Foca," 4, Internet Accessed 23 April 2012  
<[http://www.icty.org/x/file/Outreach/view\\_from\\_hague/jit\\_foca\\_en.pdf](http://www.icty.org/x/file/Outreach/view_from_hague/jit_foca_en.pdf)>

Therefore, despite all of the other rationales behind the rapes, they were first and foremost about socially constructed male and female "roles". This lends credence to both the biosocial theory about rape, which takes into account the biological functions of both sexes as well as the culture and society that they function in, but also the feminist theory about power and the attempt by males to dominate females. Whereas the feminist theory is correct that wartime rapes are about power and men dominating women by sexually abusive methods, sexuality cannot be divorced from the constructed gender roles; they are meant to uphold the value that society has placed on male/female relationships, which are arguably seen to be the cornerstone of society.

Witness 87, from the town of Trosanj in the Foca region, was fifteen-years-old at the time of her attacks.<sup>83</sup> She was taken captive in April of 1992 and held for eight months by Serbian forces in various military-controlled "brothels" throughout the city of Foca. Like many of the rape victims, Witness 87 and her family also attempted to hide in the forest when Serbian troops entered the area, but they too were caught. The men and women were separated. The women and girls, including Witness 87 were subject to rapes as part of the initial interrogation process. Witness 87 and her 19-year-old sister were taken to a building where they were separated. Witness 87 was questioned about the whereabouts of both the men in her village and of gold. She was then gang-raped by four men.<sup>84</sup> She was then housed in the Nikola Tesla secondary school which she had been attending. Here the inhabitants were repeatedly raped and often taken to other houses in the district and raped there. At one point Witness 87 was taken to the Partizan Sports Hall and forced, along with other women and girls, to clean it. Upon cleaning the Hall, it became her new residence.<sup>85</sup>

Witness 87 continued to be taken out to other rape houses in the city and raped by soldiers there, including Dragoljub Kunarac, Gojko Jankovic, Dragan Zelenovic, Radomir Kovac, and Zoran Vukovic.<sup>86</sup> These were many of the same men who had also raped Witness 50. Eventually Witness 87 was transferred

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<sup>83</sup> ICTY Website, Witness 87, Internet Accessed 16 April 2012 <[www.icty.org/sid/10117](http://www.icty.org/sid/10117)>

<sup>84</sup> Ibid, 1.

<sup>85</sup> Witness 87, 2.

<sup>86</sup> Ibid, 2.

to the infamous Karaman's House, which was run like a brothel by a man named Pero.<sup>87</sup> The door was guarded and only certain men were allowed in, but all of the women and girls there were raped almost daily. In addition, they were forced to cook, clean, and do household chores for the men there. Witness 87 stated that she was raped so many times in that house that she could not count the number. She was imprisoned in Karaman's House for two months and then transferred to another house in Foca.<sup>88</sup>

In the new apartment where she was housed, Witness 87 was still raped almost daily. She was also forced to strip and stand naked in front of the soldiers. A soldier named Radomir Kovac forced her to dance naked on a table while he aimed a pistol at her. He also used to threaten her with a knife and told her that he was going to drown her in the river. Kovac, along with other soldiers, took Witness 87 and some other girls out on the town on numerous occasions. The women and girls were forced to wear clothing with Serbian insignias on them. In February of 1993 Witness 87 was sold for 500 German Marks to a Montenegrin soldier and was then taken across the border into Montenegro, where she was enslaved and continued to be raped. In April of 1993 she managed to escape with a friend and made it to relative safety.<sup>89</sup>

Witness 87 was subject to empty interrogations and repeatedly raped. She was also forced into sexual slavery when she was placed into various brothels (rape camps). The master of her brothel, Pero decided which men were worthy of entrance, thus creating the impression that he was providing a service. Along these same lines, Radomir Kovac treated Witness 87 like both a stripper and an escort, both of which are occupations in which the woman is an active participant and responsible for her actions. In an even more bizarre twist, in Kovac's trial defense he claimed that he and Witness 87 were in a "love relationship."<sup>90</sup> Even when he was caught Kovac still attempted to throw doubt on Witness 87's account of being raped and tried to make her appear complicit.

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<sup>87</sup> Ibid, 3.

<sup>88</sup> Ibid, 3.

<sup>89</sup> Witness 87, 4.

<sup>90</sup> Ibid, 4.

Witness 87's story is remarkably similar to Witness 50's. Each had a man who "favored" them, Witness 87 had Kovac and Witness 50 had Vukovic. The fact that at least two girls shared such similar treatment is important. It lends credence to the idea that both culture and sexuality are important factors in wartime rape. In some kind of distorted reality, Kovac and Vukovic thought they were in special relationships with the girls. Either they were both crazy or they were both attempting to rationalize what they were doing, which would make it seem that part of them knew that they were doing something wrong, while another part enjoyed themselves. This mental ambiguity on the part of Kovac and Vukovic can also be seen mirrored in the narrative of an admitted Serbian rapist from Sarajevo named Borislav Herak.<sup>91</sup> While his testimony ought to be taken with a grain of salt, he does admit that part of him felt bad about raping and killing women, yet clearly another part of him enjoyed it, particularly the camaraderie he felt with the other men in his troop afterwards.<sup>92</sup> With the ambiguity on the issue of rape that spans different countries and cultures, it should not be surprising to see this ambiguity echoed on a personal level during wartime.

It is important to note that there were also reports of men who did not participate in the rapes. "Azra" relates how two men refused to participate in raping her.<sup>93</sup> Self-confessed Serbian rapists Slobodan Pasic and Cvijetin Maksimovic both recount how they were unwilling to rape and kill but were physically forced into it by other soldiers acting upon orders to induct them into it. Both had difficulties in completing the act. In addition, both men were caught while fleeing the camps that they were assigned to because they did not like the things that they were forced to do.<sup>94</sup> Numerous women also report being told by the soldiers that they were ordered to rape them.<sup>95</sup> There are also tales of Serbian neighbors who tried to help women to escape or avoid being raped. Just as in everyday society not every man commits rape, the same holds for wartime. However, the fact that the rapes in Bosnia were done on such a large scale

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<sup>91</sup> Alexandra Stiglmayer, 147.

<sup>92</sup> Ibid, 154.

<sup>93</sup> Inger Skjelsbaek, 383.

<sup>94</sup> Alexandra Stiglmayer, 154.

<sup>95</sup> Ibid, 160.

makes looking for patterns of everyday behaviors in the narrative accounts of survivors important in order to understand the roots of wartime rape as well as the role that society and sexuality play.

The projection of complicity onto women in their own rapes spans across cultures. The fact that so many women were afraid to tell husbands and family members after being raped in wartime Bosnia attests to the fact that even atrocious acts committed during war cannot fully erase the idea that the victim might have somehow been at least partly responsible. "Danira," a Muslim woman who was repeatedly raped by Serb forces stated that she was afraid to tell her husband what had happened to her, even though she had scars cigarettes and bite marks, because she knew of women whose husbands had left them.<sup>96</sup> Recall also Jusuf, the physician who stated that if there was even a hint that the women cooperated at all their marriage would be over.

However, the international attention given to the rapes occurring in Bosnia helped give woman a voice. Whereas before women might have held silent, the reporters and the ICTY gave them an opportunity to speak out and many bravely did so. This speaking out has led to the conviction of twenty-eight individuals for sexual crimes committed during the Bosnian War.<sup>97</sup> More trials are still ongoing at the ICTY and the Court of Bosnia-Herzegovina is also still prosecuting war criminals. Never before have men been convicted of sexual crimes committed during war, and three of the men Zoran Vukovic, Radomir Kovac, and Dragoljub Kunarac (the men whom Witness 50 and Witness 87 testified against) were convicted solely for their sexual crimes in 2002.<sup>98</sup> Kunarac received twenty-eight years in prison, Kovac received 20 years in prison, and Vukovic received 12 years in prison.<sup>99</sup> The breaking of silence on rape has led to the ICTY declaring that rape was sexual torture and that sexual enslavement and mass rape were crimes against humanity.<sup>100</sup>

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<sup>96</sup> Inger Skjelsbaek, 386.

<sup>97</sup> ICTY Website, "In numbers," Internet Accessed 1 May 2012 <<http://www.icty.org/sid/10586>>

<sup>98</sup> ICTY Website, "Case Information Sheet 'Foca' (IT-96-23 and 23/1) Kunarac, Kovac, and Vukovic," Internet Accessed 15 April 2012 <[http://www.icty.org/x/cases/kunarac/cis/en/cis\\_kunarac\\_al\\_en.pdf](http://www.icty.org/x/cases/kunarac/cis/en/cis_kunarac_al_en.pdf)>

<sup>99</sup> Ibid.

<sup>100</sup> ICTY Website, "Crimes of sexual violence," Internet Accessed 14 May 2012 <<http://www.icty.org/sid/10312>>

Journalist Roy Gutman first broke the story about the mass rapes occurring during the Bosnian War in 1992. That same year the UN wrote a report documenting them. The world was aware of the atrocities being committed in Bosnia, due in large part to human rights agencies and feminist journalists and lawyers calling for intervention. World governments did not respond in any useful way until 1995 when the United States intervened militarily. Within two weeks the war was over. However, in the interim before any effective action was taken, thousands of people were raped, killed, and tortured. Thus, the mass rapes and tortures of women and girls was not deemed important enough to stop (nor were the mass murders of all civilians that were taking place). Ostensibly our societies legally and often morally may condemn rape, yet it was allowed to occur on a large and gruesome scale without help. Moreover, several of the UN peacekeeping troops were reprimanded for going to one of the rape camps. Does society really condemn rape? Or is society still perpetuating ambiguity in its rape culture?

The problematic issue of complicity inherent in worldwide rape cultures is clearly seen when looking at the case of Bosnia. What is also clearly seen is the way that feminist theory, the cultural pathology theory, and the strategic rape theory are not fully adequate individually to account for the variations in the way the rapes were committed. While all three elements of the theories were present; there was definitely the issue of men dominating women, there was definitely an assertion of violent power, there was definitely a rape culture underlying society as well as a military one that promoted rape, there was definitely rape being used strategically. However, none of these theories can account for the fact that sexuality and sexual gratification also had a part to play in the rapes as well. Women and girls were chosen based upon their attractiveness, soldiers had "favorites," and stereotypical gender roles were acted out. In addition, there were no accounts of men being raped by soldiers; male prisoners were forced to sexually assault each other. The sexual element here cannot be denied. In this way the bio-social theory about rape comes the closest to being accurate because it can account for the multiplicity of motives for the rapes being committed. While there is no context in which rape is acceptable, rape is a complex issue that can have numerous motives, methods, and consequences, even in a case where military orders to rape were handed down.

Recognizing this complexity is important both historically and legally. Placing rape in an historical context will illustrate the multiplicity of experiences and motives for rape that have occurred throughout different cultures and time periods.<sup>101</sup> This will provide information that can be studied and used to understand the way rape shaped culture and the ways in which culture shaped rape. Rape is an aspect of gender relations, of power relations, and of society. It needs to be included in history.

In the legal field, an understanding of the complexities of rape is also important. A more inclusive legal definition of rape that accounted for all of the variations in the act of rape would provide more protection for victims. In addition, an awareness of the way complicity is unfairly projected onto rape victims combined with a greater awareness of the horror of the act of rape would go far in changing societies' perceptions and unthinking acceptance of the culture of complicity. A change in societal attitudes is necessary for change.

The culture of complicity that pervades our societies is just another piece of the puzzle that can be fit into the bio-social theory. There has been mention of the link between sex and violence in our cultures and between pornography and sexualized violence. The exclusion of women from history can be linked to silence on the subject of rape. All of these are pieces of the same puzzle. As this essay clearly illustrates, in the context of the Bosnian War, rape had a multiplicity of meanings, effects, and uses. If rape theories continue to be viewed individually, and continue to ignore the sexual aspects of rape then an understanding of it will be difficult to achieve. In addition, if rape cultures are not questioned and women continue to be blamed for their attacks, a clear message of the horror of rape will not be sent. Moreover, if the silence on the subject of rape in history continues, an understanding of how it has shaped society, as well as how it has changed over time will not come to pass. This lack of understanding and silence contribute to the current rape culture. However, if there continue to be discussions and writings about rape, if rape culture is redefined, and if rape can be placed in an historical context then the chance for

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<sup>101</sup> Merrill Smith, *Sex Without Consent: Rape and Sexual Coercion in America*, ed. Merrill Smith, (New York: New York University Press, 2001), 7.

understanding the causes of rape grows. With this understanding will come greater legal protections, and a shift in societal attitudes, with the ultimate achievement of reducing the occurrence of rape.



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