



WHEN WAR DISRUPTS GENDER  
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# Sexual violence in times of war

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## ABSTRACT

Sexual violence was forbidden by military codes of conduct and laws in all European states beginning in the seventeenth century. However, in spite of this ban, the scale on which it occurred in many conflicts cannot be explained solely by disobedience on the part of a few sexual criminals in uniform. Sexual violence emerged during the French Revolutionary and Napoleonic Wars as a way of terrorizing hostile populations. It was used widely during the nineteenth century in colonial conquests, despite being limited by the modernization of national armies. Its denunciation was repeatedly used to demonstrate the savagery of the enemy up through the First World War, in which the growing involvement of civilians heightened the use of sexual violence as well as its denunciation, including as an instrument of genocide. After 1945, it disappeared from wars on the continent but not at all from conflicts overseas, before reappearing in planned fashion during the Yugoslav Wars.

## Reducing sexual violence to a soldier's crime

Sexual violence (rape, mutilation) was regularly mentioned by contemporaries of the conflicts that tore early modern Europe (wars of religion, the Dutch Revolt, the Thirty Years' War). Jacques Callot bears witness in his series of engravings *Les Grandes Misères de la guerre* (The Great Miseries of War): "And all, of the same agreement, spitefully committed theft, abduction, murder, and rape" (1633).

Beginning in the seventeenth century, armies underwent a "military revolution" that resulted in an increase in troops as well as tactical and technical changes. This required greater control over soldiers through discipline and training. In keeping with the code of King Gustavus Adolphus of Sweden (1621), the punishment for sexual crimes was death. In Russia, 44% of cases adjudicated by the tsar's military courts between 1721 and 1800 involved rape, and 30% were sins of the flesh or adultery. However, it was more a matter of imposing sexual morals—a condition of military obedience—rather than preventing rape. During the eighteenth century, while combatant deaths increased inordinately (up to 40% loss during a battle), mentions of massive rapes were more rare.

## Terrorizing through sexual violence

The nature of conflicts changed with the French Revolution, with the line between civilians and the military becoming blurred. During the War in the Vendée (1793-1794), massacres, destruction, and sexual violence were used to subdue counter-revolutionary populations through terror. It was not so much offering soldiers booty but rather imposing one's domination over a hostile territory. The same was true in Spain, where Napoleonic armies faced an uprising supported by the British. The rapes of "all women" were reported during the taking of each city: by the French in Cordoba (1808) and Salamanca (1812), by their Swiss allies in Jaén (1808), Polish allies in Malaga (1810), and Italian allies in Castro Urdiales (1813); and by their English and Portuguese enemies after the taking of Badajoz (1812) and San Sebastián (1813).

During the nineteenth century, the modernization of armies took place via male conscription, a test of virility whose corollary was the exclusion of women. Few studies have closely retraced the history of sexual violence during the conflicts that took place during that century on European soil. However, within an increasingly present colonial imagination, territories to be conquered were thought of as being feminine. Rape became a tool to seize control. In order to make Algeria into a settler colony, native populations had to be driven out of coveted land. During this "total conquest" (1839-1847), massacres and rape broke resistance by destroying the local economy and traditional social frameworks. It was also used to suppress major revolts against new white masters (Taiping in China, 1851-1864; sepoys in British India, 1857; and the Mokrani in Algeria, 1871). However, the "savagery" of conquered populations was used by some European armies, which used the fear sparked by these supposedly battle-hardened and cruel men, especially with respect to the rape of white women.

During the Crimean War (1853-1856), the French expeditionary corps included Spahi cavalry formations recruited in North Africa, whose ferocity lived on in collective remembrance in the phrase "*bachi-bouzouks*," which in Turkish means "his head does not work." This term was still used twenty years later to refer to mercenaries from the Ottoman army renowned for their sexual cruelty, especially toward Bulgarian women during the Russo-Turkish War (1876-1878).

While the First World War is understood as a confrontation between regular armies, sexual violence was also present in this "European" war. In August 1914, the term "German atrocities" was used to denounce the execution of civilians, rape of women, pillaging, and fires committed during the invasion of Belgium and Northern France. Allied propaganda amplified it to discredit the enemy, with its *Kultur* becoming "barbarism."

On the Eastern European front, Russia and the central empires mutually accused one other of rape. In the fall of 1917, the Austro-Hungarian offensive in Northeast Italy reproduced the acts that had occurred in France and Belgium three years earlier. Invasions were equated throughout the continent with the rape of women, but with no visible planned violence.

## **From war crime to genocidal weapon**

This was not the case for the Ottoman Empire, when the Young Turk government decided to eliminate Armenians, beginning with soldiers in the Ottoman army. The deportation of civilians was organized in the spring of 1915. With pillaging, the destruction of property, and the rape of women, forced marches quickly transformed into massacres of over a million victims. Even genocidal racism did not forbid the rape of enemy women in the eyes of those who committed it.

In 1941, during the invasion of the USSR by the German army, rape was massively committed against both Jewish and Slav women even though any relation with "non-Aryans" was considered a "crime against the race." They were also attested to in the rest of conquered Europe. While the military codes of engaged armies provided for the death penalty in cases of rape, its application depended on the context. The French were accused of committing thousands of rapes in Campania (Italy) in June 1944, and one year later in the Stuttgart area (Germany). Officers therefore either allowed or forbade it, but did not hesitate to summarily execute those found guilty, all the more easily if it involved colonial soldiers. The American army also reacted depending on the culprits and their victims, being more indulgent when the latter were enemy German women rather than Allied English women, with black soldiers always receiving severe punishment in this segregated army. In the East, the massive rape of German women by the Red Army rose into the hundreds of thousands. The presence of female Soviet soldiers did not prevent revenge from also taking place through rape.

The rapes admitted and listed as war crimes were dismissed during the Nuremberg trials (Nov. 1945–Oct. 1946), probably because they were also practiced by Allied armies.

After 1945, they occurred in colonial empires undergoing dislocation: the British army's suppression of the Mau Mau Uprising (1952-1960), the French war in Indochina (1945-1954) and later Algeria (1954-1962), and the Portuguese war in Angola or Mozambique (1960-1974). Recurring sexual violence reaffirmed the superiority of the white man established during the nineteenth century. Conversely, the rape and sexual mutilation of colonists and soldiers sent from metropolises expressed absolute transgression of colonial domination, up to and including white bodies.

Since the 1970s, rape was seen chiefly as an overseas phenomenon (Biafra, Vietnam, Guatemala, Bangladesh) until the wars that tore apart the Former Yugoslavia (1992-1995). The European Union investigative mission counted 20,000 rapes, committed chiefly by Serbian armies and militias against Bosnian women. These mass rapes were organized for purposes of ethnic cleansing, in order to drive away populations and to have Serbian sperm destroy the Bosnian Muslim nation through forced pregnancies brought to term. This revelation of massive sexual violence in Europe, which took place simultaneously with events in Rwanda, changed how it was perceived. Previously seen as a more or less inevitable "side-issue" of war, it was legally qualified as "war rape" at the turn of the 2000s, and later as "constitutive of genocide" (TPIR, Akayesu case, 1998), and finally as a "crime against humanity" (TPIY, Kunarac case, 2001).

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