The Gendered Targeting of Women in Genocides: Using Intersectional Theory to Explore Genocidal Sexual Violence

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Introduction: The Context

This afternoon I aim to investigate the use of genocidal sexual violence from the perspective of trying to understand the reasons why women, in particular, are targeted in this specific way in genocide. I use the word 'understand' in substitution for the word 'explain' in my paper title, because to explain is almost to legitimise or to rationalise, whereas the aim of this paper and the work I'm undertaking around this area is to identify the scenarios or relations in society that give rise to this kind of violence and, by so doing, identify targets for societal reconstruction thereby, hopefully, reducing the potential for the use of genocidal sexual violence.

This investigation arose out of study of the genocides in Rwanda and the Former Yugoslavia and the almost unprecedented level of genocidal sexual violence in these genocides

What was notable about the genocides in Rwanda and the Former Yugoslavia, however, was two fold

1. Firstly, they both involved almost unprecedented levels of sexual violence against women;
2. Secondly, *ad hoc* tribunals were established to investigate the acts within the conflict in both countries (not limited to genocide) and, for the first time, the criminal law of genocide was administered on an international legal scale.

The first of these shared particularities, *i.e.* the high incidence of sexual violence, leads to a number of fundamental questions about the genocides: where did this sexual violence come from, and how does/did the legal system respond to it?

The theory of intersectionality

Throughout this paper I will refer extensively to Kimberle Crenshaw's theory of intersectionality. Essentially Crenshaw's theory states that the lives of women of colour are shaped by their identity-based characteristics (such as gender and colour), and that as such many (if not all) of their experiences occur on the intersection between these identities. The central point to her analysis, however, is that these experiences are not simply incidental to gender and race, but resultant from the distinct vulnerabilities created by the overlapping of

these identities.[1] While Crenshaw focuses mostly on gender and race, she also acknowledges that other identity-based characteristics such as religion, ethnicity and sexual orientation, are often important aspects in conceptualising intersectionality.

In her analysis Crenshaw discusses three elements of the subordination of women: "the structural dimensions of domination (structural intersectionality), the politics engendered by a particular system of domination (political intersectionality), and the representations of the dominated (representational intersectionality)",[2] all of which will be considered at various times throughout this paper.

Crenshaw highlights the importance of an intersectional analysis of women's experiences, and she stresses that the traditional analysis of these experiences in the context of gender *or* race marginalises women of colour within both categories. It is her contention that an analysis that neglects one of a woman victim's identity-based characteristics or fails to adequately consider the effect of the intersection between these characteristics does not fully appreciate women's experiences. In my paper tomorrow I will argue that the challenge now facing international law is to acknowledge that women experience genocide in a very particular way *because of* the intersection between their gender and their identity within one of the protected groups, and to tailor its response to sexual violence as genocide in order to fully appreciate and respond to these experiences. This is, unfortunately, beyond the scope of this particular presentation but does serve to highlight one of the great benefits of intersectional analysis of genocidal sexual violence.

Why Concentrate On Women As Victims Of Genocide?

Referring to the relative shortage of work concerning gender and conflict, Goldstein laments the fact that in the existing texts on this topic "[a]ll the gender references concern women: men still do not have gender".[3] In the context of this paper it is important to note that while I concentrate solely on women, I do not deny the gender aspects of genocide that affect men, and especially the predominance of the targeting of men for murder and extermination (otherwise known as gendercide[4]) as happened in Srebrenica. The reality is that women are predominantly the victims of sexual violence in armed conflict and genocide, and it is therefore

[1] Crenshaw, "Beyond Racism and Misogyny: Black Feminism and 2 Live Crew", in Matsuda (ed), *Words That Wound: Critical Race Theory, Assaultive Speech, and the First Amendment,* (1993), p. 114
[2] Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color", (1991) 43 Stan. L. Rev. 1241, 1241
[3] Goldstein, *War and Gender: How Gender Shapes the War System and Vice Versa*, (2001, Cambridge; Cambridge University Press), p. 35
[4] In fact this area of genocide as a sociological concept receives considerable attention in academic writing, and especially in dedicated publications such as the Journal of Genocide Research and from organisations such as Gendercide Watch.

important to analyse the motivations for and responses to sexual violence as genocide.[5] The purpose of this analysis is not, therefore, to deny or ignore the specificity of male experiences of genocide, but rather to concentrate on women's experiences while acknowledging implicitly that gender is also hugely influential in shaping men's experiences of genocide. It is also important to note that, particularly in Rwanda, many women were involved in the perpetration of violence.

There are two main reasons why it is important to look specifically at women's experiences of genocide; firstly because, at the time the Genocide Convention was drafted, women were invisible in international law, and secondly because in the last 25 years we have witnessed an increased concentration of sexual violence against women as a means of genocide. If the purpose of international law is to protect, prevent *and* punish, then it is essential that the law addresses and responds to this trend.

That women were absent from the birth of human rights law is generally accepted. Steiner and Alston note that "[o]f the several blind spots in the early development of the human rights movement, none is as striking as that movement's failure to give to violations of women's (human) rights the attention, and in some respects the priority, that they require",[6] and this was true not only in the lack of gender specific instruments, but also in the relative lack of reference to women's experiences and needs in general human rights instruments. Although women are, of course, entitled to the same rights as men in the general human rights instruments, international law's underlying liberal democratic philosophy has resulted in these rights usually only being assertable against the State meaning that the law predominantly addresses wrongs that occur in the public sphere.

Realistically, however, it is in the private sphere that women predominantly suffer wrongs, and international law has left this sphere almost completely unregulated. In other words "international human rights law…has retained the deeper, gendered, public/private distinction. In the major human rights treaties, rights are defined according to what men fear will happen to them, those harms against which they seek guarantees".[7]

As one of the earliest human rights and international criminal law instruments, the Genocide Convention was drafted at a time when women's perspectives were ignored by international law. While the Rome Statute has been drafted in an environment where there is recognition of

[5] The fact that victims of sexual violence are predominantly female was explicitly acknowledged by the U.N. in the aftermath of the Beijing Platform for Action. See, U.N. Division for the Advancement of Women, *Sexual Violence and Armed Conflict: United Nations Response*, (1998). Available at http://www.un.org/womenwatch/daw/public/w2apr98.htm (accessed: 10 December 2002).
[6] Steiner & Alston, *International Human Rights in Context: Law, Politics, Morals*, 2nd Edition, (2000, New York; Oxford University Press), p.158
[7] Charlesworth & Chinkin, "The Gender of *Jus Cogens*", (1993) 15 HRQ 63, 63.

the rights of women,[8] and where there was an organised female presence at the negotiation,[9] it still uses the definition of genocide taken from the pre-Convention on the Elimination of all forms of Discrimination Against Women[10] Genocide Convention. Therefore the developments in women's rights notwithstanding, we must assess the adequacy of the international definition to recognise and respond to genocidal sexual violence against women.

Madriz[11] has criticised the tendency to concentrate on sexual crimes committed against women because she claims that this concentration reinforces the andocentric idea that what is important about women is their sexuality. While there may be some abstract merit to this claim, where empirical evidence as well as shared experience of subordination show us that sexual violence is the primary weapon used against women, we must concentrate on it and work to develop a body of law that both protects women from such violence *and* punishes the perpetration of sexual violence. Where such violence is systematic, organised and controlled, as it is in genocide, then it is even more important that we concentrate on it, understand it, and respond to it.

Understanding Genocidal Sexual Violence

It is all too easy, within the context of discources on genocide and violence, to neglect to see the relationship between sexual violence against women *simpliciter* (if it could ever be said to be 'simple') and genocidal sexual violence. The value of an intersectional analysis of the emergence of narratives of genocidal sexual violence, however, is that it disallows from doing this as it requires us to see the motivations for violence against women in the context of each of a woman's character identities.

Too narrow a perspective on this kind of sexual violence as merely genocidal and not all misogynistic is dangerous, because it tempts (or even allows) us to concentrate on these experiences solely as crimes motivated by ethnicity, nationality, race and religion and to fall into the trap of what Buss calls "competing Western European and North American discourses on nationalism, militarism and international law" within which "wartime rape takes on different

[8] These developments are reflected in the emergence of woman-specific international rights instruments, such as the Convention For the Elimination of All Forms of Discrimination Against Women (CEDAW), GA Res. 34/180, 311 UN GAOR Supp. (No. 46) at 198, UN Doc. A/34/46, *entered into force* 3 September 1981.
[9] The Women's Caucus – an organisation of NGOs working to ensure that women's experiences of conflict situations would be taken into account in the drafting of the Statute.
[10] Convention on the Elimination of All Forms of Discrimination Against Women, GA Res. 34/180, 311 UN GAOR Supp. (No. 46) at 193, UN Doc. A/34/46, *entered into force* 3 September 1981.
[11] Madriz, *Nothing Bad Happens to Good Girls: Fear of Crime in Women's Lives*, (1997, California: University of California Press)

meanings. Missing from these various constructions of wartime rape is any sense of rape as an act of violence against women"[12].

I argue that there are two main reasons why women are targeted in times of conflict generally – firstly in order to humiliate and weaken male belligerents, and secondly to 'plunder' the possessions of the defeated. Both of these explanations only stand, however, if we accept that conditions exist within society that allow such ideas as the objectification of women as booty or possessions, and the concept of women as being inherently weak and in need of male protection. In other words we must accept that the reality of women's experiences of times of violence, conflict and genocide are a reflection of gender relations that exist at all times in a given society, although they may be less manifest in times of peace than in times of violence. The manifestation of these social trends and social relations can be explained in two ways, one which relates to violence against women in conflict situations in general and one which is more specifically related to women's experiences in genocide or group-identity motivated conflicts.

Firstly, Goldstein claims that armed conflicts "lift social taboos, disrupt relationships, and send large groups of young men far from home".[13] In other words, that which was generally regarded as unaccepted in peaceful society, such as rape or sexual abuse, is often seen as a mere vent for the pent up energy of fighters in times of violence and as a side effect of conflict situations. Armies and organised groups of fighters have long accepted this situation and have either actively encouraged their fighters to make use of women in this way,[14] or failed to punish their fighters for sexually exploiting women. This reality reveals underlying patriarchal attitudes towards women, which deem them only to be respected and protected when this respect and protection does not jeopardise the macho ego or hamper the 'war effort'. In other words these occurrences tell us that while there may be a façade of women's rights, respect for women and protection of women's autonomy during 'peacetime', this veil of pretence is quickly lifted in times of conflict, and the reality of male hegemonic attitudes towards women is revealed.

The second explanation is proposed by Brah and is especially relevant to genocide and to modern conflicts, which are frequently motivated by concerns relating to ethnicity and ethnic 'purity'. Brah claims "concerns about 'racial contamination' may stir patriarchal fears about women's sexuality[15]" leading the authorities to either delineate women's sexuality or to exploit

[12] Buss, "Women at the Borders: Rape and Nationalism in International Law", (1998) VI (2) Feminist Legal Studies 171, 171.
[13] Goldstein, *War and Gender: How Gender Shapes the War System and Vice Versa*, (2001, Cambridge; Cambridge University Press), p. 335
[14] An example of this was the 'Comfort Women' kept in sexual slavery by the Japanese forces during World War II.
[15] Brah, "Reframing Europe: En-gendered Racisms, Ethnicities and Nationalisms in Contemporary Western Europe", (1993) 45 Feminist Review. Cited in Wilson & Folke Fredeiksen, "Introduction: Ethnicity,

it – especially if the women are those of the 'enemy' nationality, race, ethnicity etc… Therefore where questions of identity are concerned, the centrality of women to group identity, which will be discussed shortly, makes them a powerful target in attempts to destroy a particular group.

However, the targeting of women in conflict, and especially the predominance of the use of sexual violence against women does not come from nowhere, it does not spontaneously arise. In fact, this method of treating women *could not* come to light were there not already a practise or perception of women as being subordinate, sexualised, weak and possessed. Writing in the midst of the Balkan conflict, MacKinnon expressed this hypothesis thus:

> [T]he rapes in this war are not grasped as either a strategy in genocide or a practice of misogyny, far less both at once. They are not understood as continuous both with this particular ethnic war of aggression and with the gendered war of aggression of everyday life. Genocide does not come from nowhere, nor does rape as a ready and convenient tool of it. Nor is a continuity an equation. These rapes are to everyday rape what the Holocaust was to everyday anti-Semitism. Without everyday anti-Semitism a Holocaust is impossible, but anyone who has lived through a pogrom knows the difference.[16]

The international community has equally accepted that women's experiences of contemporary armed conflict is linked to their status in society. The Beijing Platform for Action, for example, notes that "while entire communities suffer the consequences of armed conflict and terrorism, women and girls are particularly affected because of their status in society and their sex."[17] This is an explicit acknowledgement from the international community of the role of both sex and gender in the targeting of women during conflict situations.

It is therefore clear that without everyday misogyny, the extent of sexual violence experienced by women in times of conflict could not occur. Social perceptions of any group of people as suitable for or deserving of such dehumanising treatment are not spontaneous changes in social psyche; rather they are reflections of the prevailing social attitudes towards a portion of the population.

Gender and the Subversion of Nationalism", in Wilson & Folke Fredeiksen (ed.s), *Ethnicity, Gender and the Subversion of Nationalism*, (1995, London; Frank Cass), p. 3

[16] MacKinnon, "Rape, Genocide and Human Rights", (1994) 17 Harv. Women's L.J. 5, 8

[17] Beijing Declaration and Platform for Action, Fourth World Conference on Women, 15 September 1995, UN Doc. A/CONF.177/20 (1995) and A/CONF.177/20/Add.1 (1995), para. 135

∅ysten Gullvag Holter puts together a forceful argument relating to the relevance of peacetime gender relations to specified violence in relation to the selection of military aged men for mass killing during the conflict in the Former Yugoslavia[18]. He claims that as war or persecution turns into a situation of gendercide, "sex stratification, the race-gender link and the victimization aspect all become manifest. In this perspective, gendercide[19] is interpreted as an outcome of civil-life processes as well as conflict and war events. Gendercide is an extreme that also says something about normal conditions"[20]. While this argument is being made in the specific context of the targeting of men in genocide, it applies equally the targeting of women in genocide – the specificity of their treatment and the selection of the means of genocide to be employed against women are indicators and reflections of gender relations in peacetime.

In essence, this serves to highlight the fact that women could not and would not be targeted in the very specific and sexualised manner experienced in Rwanda and the Former Yugoslacia within genocides were it not for the patriarchal ideas of 'woman', of gender and of sex that exist in peacetime society. Therefore in order to prevent, or at least attempt to prevent, future atrocities targeting women in this way we must strive towards an increasingly equal, fair and non-patriarchal society. While some might dispute the validity of this argument as a legal one, if we construct human rights law, international humanitarian law and international criminal law as having, as one of their aims, the prevention of future violations and atrocities, then this aim of creating a fully free and non-gender-differentiated society is a valid aim within the remit of these bodies of law.

The Position Of Women In 'Traditional Societies'

The two main examples of contemporary genocide used in this thesis, namely Rwanda and the Former Yugoslavia, could both be said to have taken place in 'traditional' societies; societies where traditional gender roles are important, predominantly patriarchal and still adhered to.[21] The traditional nature of these societies and the position of women within them leave women vulnerable to such abuse because of the ramifications of sexual violence against women within these societies and its widespread effect on the entire community.

In traditional patriarchal communities men are generally deemed responsible for the protection of women in the family and society, while women are seen to be the bearers of

[18] Gullvag Holter, "A Theory of Gendercide", (2002) 4(1) Journal of Genocide Research 11 – 38.
[19] The gender based killing of military aged men.
[20] *Ibid*, p. 13
[21] Card, "Rape as a Weapon of War", (1996) 11(4) Hypatia, cited in Hardy, "Everything Old is New Again – The Use of Gender-Based Terrorism Against Women", (2001) 19(2) Genderwatch Minvera: Quarterly Report on Women and The Military 3, fn. 11

family honour. This honour, be it of her father, brother or husband, is carried by the women in the purity of her sexual virtue. As this 'purity' affects the purity of the bloodline handed down to future generations, it is inextricably linked to the honour of men and of society[22]. So if a woman's sexual virtue is rendered impure, then the man's honour is temporarily lost, while the woman's honour is irredeemable. As Ray notes, the circumstances in which the honour is lost are irrelevant:

> The loss of honour is no less real or significant because the sex outside marriage was the result of rape. The loss of honour brought upon a man by a woman's sexual activity outside marriage is the same and the consequences for the woman are the same.[23]

Defiling a woman in such a traditional society therefore has massive consequences for the morale and honour of the community as a whole, and where this community is engaged in a conflict of some kind or where there are attempts to destroy this community, raping is a powerful weapon for the enemy. In such a society raping women "shatters and defiles individual women while affecting the morale, pride, and identity of the community. Especially within traditional societies, rape is internalised by the community as an assault upon their identity".[24]

This position as the bearer of community honour is further exacerbated by the fact that in many traditional communities 'honour' is also a metaphor for 'soil' and blood', meaning that to Serbian aggressors, for example, the occupation of a woman's uterus was synonymous with the occupation of territory.[25]

It would be naïve to think that these, admittedly somewhat philosophical, factors are not known to forces who decide to employ a policy of rape and sexual violence in genocide. They are one of the main motivators in the decision to make sexual violence a weapon of war and of genocide, with aggressors being well aware that systematic rape and sexual violence are powerful weapons in attempts to dominate, humiliate, subjugate and destroy not only women but entire communities.

Women On The Intersection

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[22] Nebesar, "Gender-Based Violence as a Weapon of War", (1998) 147 U.C. Davis Journal of International Law and Policy 44

[23] Ray, "The Shame of It: Gender-Based Terrorism in the Former Yugoslavia and the Failure of International Human Rights Law to Comprehend the Injuries." (1997) 46 American University Law Review 793, 804

[24] Nesebar, *supra* No. 17, p. 43

[25] Olujie, "Coming Home: The Croatian War Experience", 29 (1993) (unpublished draft) (on file with The American University Law Review), p. 23. Cited in Ray, *supra* No. 18, fn. 14

In addition to the position of women as metaphors for honour and the psychological connection between honour and soil and territory, women are particularly vulnerable in genocide because of their position on the intersection between ethnicities, races, religions and nationalities, which position is a result of a woman's sex.

Because of her sex, a woman is capable of reproduction and therefore of perpetuating a group. As will be seen in the following paragraphs, concepts of 'purity' of bloodline are central to many, if not most, ethnicities, nationalities, religions and races, and are often exacerbated by those who seek the total or partial destruction of these groups. As discussed in Chapter 2, this is frequently accompanied by propaganda that objectifies and sexualises women and stresses women's position as the bearer of either the pure or the impure.

The position of women within and on the intersection between racial groups can be understood by an investigation of the origin of the word 'race' and the concept of racial identity. The word race has always been associated with ideas of descent or group perpetuation, for example the French word *race* implied descent of a family or 'house' in terms of noble lineage, while in Spanish *raza* means the succession of generations[26]. As well as the linguistic connections between race and the perpetuation of a group, the political etymology of race has always been one of superiority. This superiority race theory is clearly evident in the writings of Gobineau[27] and Nietzsche[28] and tends to come to a climax in conflicts waged between races or motivated by racial 'concerns'. Given both the linguistic and historical etymology of the word and concept of 'race', a woman's position as the bearer of the children within the race is easily identifiable. She stands on the boundaries between groups as "the guardian of the race"[29]. This understanding makes the gendered targeting of women in racial conflict readily understandable. As an unidentified doctor quoted by Poovey once said – "the

[26] Stolke, "Invaded Women: Sex, Race, and Class in the Formation of Colonial Society", in Wilson & Folke Frederiksen, *Ethnicity, Gender and the Subversion of Nationalism*, *supra* No. 11, p. 7
[27] Gobineau, *Essai sur L'inegalite des races humaines*, (1853-1855). See further 'Gobineau' in *Encyclopaedia Judacia*, (1972, Jerusalem; Keter Publishing House Jerusalem Ltd).
[28] See for example Nietzsche, *On the Genealogy of Morals: A Polemical Tract*, (1887, Leipzig), now available in Ansell-Pearson, *On the Genealogy of Morality. Frederick Nietzsche: Morality and Other Writings*, (1994, Cambridge; Cambridge University Press); and Nietzsche, *Beyond Good and Evil: Prelude to a Philosophy of the Future*, (1886), now available in Horstmann & Norman (ed.s), *Frederick Nietzsche - Beyond Good and Evil: Prelude to a Philosophy of the Future*, (2001, Cambridge; Cambridge University Press).
[29] Bland, "'Guardian of the Race' or 'Vampires upon the Nation's Health'? Female Sexuality and its Regulation in Early 20th Century Britain", in Whitelegg, Arust, Bartels, Reechy, Birke, Himmelwelt, Leonard, Rudil and Speakman (eds), *The Changing Experiences of Women*, (1982, Oxford; Blackwell). See also Anthias & Yuval-Davis, R*acialized Boundaries: Race, Nation, Gender, Colour and Class and the Anti-Racist Struggle*, (1992, London and New York; Routledge).

uterus is to the Race what the heart is to the person: it is the organ of circulation for the species".[30].

The sexually violent targeting of women in ethnic conflicts or conflicts motivated by ethnic 'concerns' is equally understandable. Ethnicity is a concept that "welds together individuals who share history, culture and community; who have an amalgam of language, religion, and regional belonging in common; and, perhaps most critical of all, feel they come from the same stock. Somewhere, far back, they have been a kin, group, clan or tribe"[31]. Within an ethnic identity women are identified as the bearers, not just of children in the abstract, but of the children who will perpetuate the ethnic group. Wilson and Folke Frederiksen therefore claim that "it is through controlling women that ethnic boundaries can be kept in place and over time demarcate the juncture between internal cohesion and external difference"[32]. Thus when an attempt is made to destroy an ethnic group in whole or in part the imagery of genealogy, kin, clan *and* gender collide to make women the 'perfect' targets as it is through women that pure ethnic identity is delineated, defined, perpetuated and destroyed.

In the context of religious groups, women and the position of women often form an intricate part of the fabric of the group. This is especially so when it comes to questions of women's bodies or sexualities. In many of the world's religions virginity, and especially pre-marital female virginity, is highly valued. A virgin was more esteemed than a woman who had "known" man, being supposed to have greater fertility and therefore more to be desired[33], and here again the connection between fertility and the perpetuation of the group is manifest in explaining women's position within traditional religious societies. While in most cases both men and women are encouraged to preserve their virginity until they are married, this moral obligation is far more onerous when it comes to women because it is comparatively easier to identify whether or not a woman is a virgin 'on her wedding night' than it is with men.[34] Where a woman loses her virginity before marriage or commits adultery she is no longer considered to be part of the social group,[35] and indeed her identity within that social group

[30] Poovey, "Scenes of an Indelicate Character: The Medical Treatment of Victorian Women", in Gallagher and Laquer (ed.s), *The Making of the Modern Body: Sexuality and Society in the Nineteenth Century*, (1987, Berkeley CA; University of California Press), p. 145
[31] Wilson & Folke Frederiksen, "Introduction: Ethnicity, Gender and the Subversion of Nationalism", in Wilson and Folke Frederiksen, *supra* No. 11, p. 2
[32] *Ibid*, p. 3
[33] See Geddes MacGregor, *Dictionary of Religion and* Philosophy, (1989, New York; Paragon House), pp. 646, 647.
[34] By this I mean that while a woman's hymen will almost always rupture on first penetration, there is no corresponding physical manifestation of loss of virginity in men, and it is therefore easier for a man to 'hide' his lack of virginity
[35] The Koran, for example, prescribes lifetime confinement to the home for an adulteress. Koran 4:15 – "As for those of your women who are guilty of lewdness, call to witness four of you against them. And if they testify (to the truth of the allegation) then confine them to the houses until death take them or Allah appoint for them a way".

can be changed as a result of violence. So violence, and especially sexual violence, against women within traditional religious societies can change their social identity from people within that group to someone outside the group, depriving the group of members *and* of the women who would perpetuate the group identity. In this way sexual violence against women in traditional religious societies can be extremely powerful for those who wish to destroy that society or group.

In genocides concerning national identity, the reasons for the violent targeting of women are strongly linked to the important role that women play "in nationalist and racialised narratives, carrying in their bodies the collective love and honour of the nation".[36]. In other words, women are culturally constructed as the symbols of the nation, while men are constructed as its agents. The effects of this construction are manifold – women's behaviour and appearance often come to be defined by and are frequently subject to the cultural objectives of political movements and organisations[37], and women are increasingly assigned the onerous task of the reproduction of the group (through various means, such family attachment, domesticity and maternal roles)[38]. The gender construction within the nationalist narrative is detrimental to women, because "it allows existing gender oppression to be legitimated to some extent, suppresses intragroup differences and thus has an essentialising effect".[39] This essentialising effect is intensified in conflict situations, and "women frequently become the marker of political goals and of cultural identity during processes of revolution and state building, and when power is being contested or reproduced".[40] In this context the violent targeting of women takes on significance beyond 'violence against women', it is *also* violence against the nation, plunder of the nation, rape of the nation, possession of the nation.

Conclusion

In many situations of genocide there is more than one motivating factor– there can be a combination of ethnic, national and religious motivations for the destruction of a group, and

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[36] Anthias & Yuval-Davis, "Introduction", in Anthias & Yuval-Davis, *Women – Nation – State,* (1989, London; MacMillian), p.2.
[37] See generally Papanek, "The Ideal Woman and the Ideal Society: Control and Autonomy in the Construction of Identity", in Moghadam (ed), *Identity Politics and Women*, (1994, Boulder, Colorado; Westview Press).
[38] Moghadam, "Introduction and general overview: Gender dynamics of nationalism, revolution and Islamization", in Moghadam (ed), *Gender and National Identity: Women and Politics in Muslim Societies,* (1994, London, New Jersey, Karachi; Zed Books Ltd and Oxford University Press), p. 3. See also Moghadam (ed), *Democratic reform and the Position of Women in Transitional Economies*, (1993, Oxford; Clarenden Press).
[39] Yuval-Davis, "Identity, Politics and Women's Ethnicity" in Moghadam (ed), *Identity, Politics and Women*, (1994, Boulder SF, Oxford; Westview Press).
[40] Moghadam, "Introduction and general overview: Gender dynamics of nationalism, revolution and Islamization", in Moghadam (ed), *Gender and National Identity: Women and Politics in Muslim Societies, supra* No. 35, p. 2

that group can be said to be identifiable under all of those headings. In situations such as these the position of women within the identity of each of these groups is important in the decision to target them, and the nature in which they are targeted.

Women's embodiment of group identity therefore contributes to the decision to target them in them genocide, gender relations within those groups determine the nature of targeting (usually through the use of sexual violence), and women's sex and gender contribute to decision as to the means in which they are to be targeted.

The decision to use gender based violence as a means of genocide comes from a complicated and complex web of reasons and rationales, and women's experiences of genocide are formed by a range of different influences, not least women's position on the boundaries between groups and their position within society generally. It is therefore the intersectionality of women's identities as women and members of a particular protected group that shapes women's real life experiences of genocide. As Kelly Askin notes "the nature of many of the crimes regularly committed against women in times of armed conflict has changed: gender-based crimes have evolved into sophisticated, multifaceted, and quite deliberate tactics aimed at destroying opposing factions mentally as well as or instead of, physically"[41], but the question is whether or not the law has evolved to recognise this change and the intersectionality that has contributed to it?

[41] Askin, "Women and International Humanitarian Law", in Askin & Koenig (eds), *Women and International Human Rights Law: Volume 1*, (1999, New York; Transnational Publishers Inc.), p. 48.