

The Case of Gender-Based Violence: Assessing the Impact of International Human Rights Rhetoric on African Lives

Situating Sexual Violence in Rwanda (1990–2001): Sexual Agency, Sexual Consent, and the Political Economy of War

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Abstract: This article situates the sexual violence associated with the Rwandan civil war and 1994 genocide within a local cultural history and political economy in which institutionalized gender violence shaped the choices of Rwandan women and girls. Based on ethnographic research, it argues that Western notions of sexual consent are not applicable to a culture in which colonialism, government policy, war, and scarcity of resources have limited women's access to land ownership, economic security, and other means of survival. It examines emic cultural models of sexual consent and female sexual agency and proposes that sexual slavery, forced marriage, prostitution, transactional sex, nonmarital sex, informal marriage or cohabitation, and customary (bridewealth) marriages exist on a continuum on which female sexual agency becomes more and more constrained by material circumstance. Even when women's choices are limited, women still exercise their agency to survive. Conflating all forms of sex in conflict zones under the rubric of harm undermines women's and children's rights because it reinforces gendered hierarchies and diverts attention from the structural conditions of poverty in postconflict societies.

Résumé: Cet article situe les problèmes de violence sexuelle associés avec la guerre civile au Ruanda et le génocide de 1994 dans le contexte d'une économie et d'une

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histoire culturelle locale qui contient une violence institutionnalisée contre les femmes et les jeunes filles ruandaises. En nous appuyant sur une recherche ethnographique, nous soutenons que les notions occidentales de consentement sexuel ne s'appliquent pas à une culture dans laquelle le colonialisme, la politique du gouvernement, et la pénurie de ressources ont limité l'accès pour les femmes à la propriété de terres, à la sécurité économique, et à d'autres moyens de subsistance. Nous examinons les modèles culturels éminents de consentement sexuel et du droit sexuel féminin, et offre la perspective que l'esclavage sexuel, le mariage forcé, la prostitution, le sexe de transaction, le sexe extra marital, le mariage ou la cohabitation informelle, et les mariages coutumiers coexistent sur un continuum de plus en plus lié à des contraintes matérielles. Même lorsque les choix des femmes sont limités, elles exercent toujours leur pouvoir de survie. Le fait de présenter toutes les formes de transactions sexuelles dans les zones de conflit comme des transactions de violence met en danger les droits des femmes et des enfants car cela renforce les hiérarchies entre les sexes, et détourne l'attention des vraies questions structurelles de pauvreté dans les sociétés post-conflit.

Introduction

Sexual violence ranging from forced marriage to rape to sexual torture and mutilation was used as a weapon of genocide against Tutsi women and girls during the 1994 genocide in Rwanda. Yet the genocide, which occurred between April 6 and July 4, took place during a decade characterized by violent conflict, beginning with the civil war (1990–94), continuing with the exile of more than one million Rwandans in refugee camps in eastern Zaire (now Democratic Republic of the Congo) and western Tanzania (1994–96), and ending with the insurgency in northwestern Rwanda (1997–2000). All of these conflicts were characterized by high rates of sexual violence as well as militarized sex, defined here as voluntary and coerced sexual relations between soldiers and civilians. An epidemiological survey of Rwandan women living in Rwanda in 1994 found that 49.4 percent of them had been raped (Fabri et al. 2007:5). Furthermore, sexual violence in 1994 ranged beyond ethnic/racial dyads of Tutsi-victim and Hutu-perpetrator. Many Hutu women and girls also endured sexual violence in 1994, and an unknown number of Rwandan women and girls of all ethnicities were pressured into sexual relationships with RPF soldiers after they reached the safety of internally displaced persons camps in RPF-held territory. Focusing solely on sexual violence committed by Hutu perpetrators against Tutsi victims obscures the full complexity of sexual violence, sexual agency, and militarized sex in the context of genocide and violent conflict.

The psychological, legal, and human rights research on sexual violence in Rwanda has emphasized rape and other forms of sexual violence as conscious strategies on the part of the perpetrators to terrorize and control women, girls, and other civilians.¹ Adding to these important contributions, I attempt to demonstrate how sexual violence in the genocide was

shaped by pregenocide social contexts and the political economy. I situate sexual violence associated with the civil war and genocide within a local cultural history and political economy in which institutionalized gender violence shaped the choices of Rwandan women and girls. I argue that Western notions of sexual consent are not applicable to a culture in which colonialism, government policies, war, and scarcity of resources have limited women's access to land ownership, economic security, and other means of survival. In this context, customary (bridewealth) marriages, informal marriage or cohabitation, nonmarital sex, transactional sex, prostitution, forced marriage, rape, sexual slavery, sexual mutilation, and sexual torture exist on a continuum on which female sexual agency becomes more and more constrained by material circumstance. Women's choices are limited—sometimes impossibly limited—but they still exercise their agency to survive and to pursue life goals, such as education or a career, marriage, or motherhood. I conclude by discussing the importance of acknowledging female sexual agency in conflict zones. As Dianne Otto (2007:38) asserts, conflating all forms of sex in conflict zones as harm undermines women's and children's rights because it reinforces “conservative hierarchies of gender and sexuality” and “diverts attention . . . from the searing poverty that characterizes transitional post-conflict societies.” Obscuring the complexity of sexual encounters in the context of violent conflict—whether these encounters are violent, coercive, transactional, voluntary, labor, or pleasurable—denies women's agency. It also ignores the reality that initiating sexual encounters can be a coping strategy in the aftermath of conflict and violence.

This article is based on ethnographic research conducted in urban and rural Rwanda between 1997 and 2011, including more than a hundred formal interviews with leaders and members of women's civil society organizations, several hundred ethnographic interviews with ordinary citizens in rural and urban Rwanda, and the monitoring of legal statutes and policy changes in Rwanda as well as ongoing literature reviews. This research focused broadly on changing gender roles in the aftermath of the 1994 genocide and did not focus exclusively on sexual violence or its legacies (Burnet 2005, 2012). Sexual violence and militarized sex emerged as significant themes in the data. Data were collected from indirect and direct observations of behavior, ethnographic interviews, unstructured and semi-structured individual interviews, and semistructured group interviews.² I conducted all interviews myself in Kinyarwanda, French, or English. Interviews in Kinyarwanda were usually conducted with a Rwandan interpreter.³ Most interviewees refused to be recorded with a recording device, so interview “transcripts” were recreated based on detailed handwritten notes taken by the author and interpreter.⁴ Ethnographic interviews were recorded in field notes written on a daily basis.

The body of this article consists of four main sections. In the first, I examine the political economy of everyday gender violence in Rwanda and

the ways in which the decisions of women and girls have been shaped by what Eric Wolf (1994:219) calls “a social field of action” that makes some behaviors impossible and some behaviors more possible than others. Then I discuss the changing meanings of bridewealth in Rwanda and its relationship to transactional sex, and the ways women exercise their agency in Rwanda’s sexual economy. In the third section I compare Western legal definitions of “rape,” which are predicated on a consensual model of sexual relations, with emic Rwandan models of sexual consent. I examine how women in conflict zones exercise sexual agency in ways that challenge distinctions between consensual and nonconsensual sex. In the last section I describe how women coped with sexual violence and militarized sex in Rwanda in the 1990s.

The Political Economy of Everyday Gender Violence

In her groundbreaking study of Korean “comfort women,” Soh highlighted the importance of situating sexual violence associated with war within the context of “everyday gender violence” and the “structural power” of the political economy (2008:3). With the exception of Turshen’s (2001) comparative analysis of sexual violence in Rwanda and Mozambique, few works have situated the sexual violence of the 1994 genocide in the context of everyday gender violence or the structural context of the political economy. Long before the 1994 genocide, Rwandan women and girls faced a great deal of gender violence, including physical violence (such as domestic abuse and sexual assault) and structural violence (such as gender discrimination).

Patrilineages were the fundamental structuring element of society in precolonial Rwanda. Patrilineages operated as corporations that managed the economic and social well-being of its members, whether male or female. Under Rwanda’s patrilineal kinship system, widows, married women, and unmarried girls derived their social identities and rights to land from the men to whom they were related (see Burnet & RISD 2003). A Rwandan proverb states that “Abagore ntibafite ubwoko”—wives have no identity: meaning that an unmarried girl has the same identity as her father or brothers, and a wife takes on the identity of her husband and his patrilineage.⁵ In short, a woman’s membership in a lineage defined who she was as a social person. During precolonial and colonial times a woman after her marriage would be called by a name derived from her husband’s name such as *Mukamanzi* (literally, “wife of Manzi”) or some other anonymous kinship term such as *umufasha* (literally, “helper,” meaning wife) or *mama/nyoko/nyina* (literally, “my mother”/ “your mother” / “his/her mother”). The name she was given at birth was rarely, if ever, used—a literal, as well as symbolic, erasure of her individuated personhood. These naming practices were not necessarily based in patriarchy. Rather, they reflected a Rwandan notion of personhood whereby a person was constituted by his or her kin relations, stage of life, and status in the community. During the period of

Belgian colonialism, the colonial state's policies and a monetized economy undermined the lineage as a fundamental social institution and gave greater importance to the *urugo* (literally “compound” referring to the conjugal household comprising husband, wife, and children). Despite social practices that effaced women's individuality, wives and women were (and still are) the economic, spiritual, and moral center of the *urugo*.

Female labor was at the center of Rwandan agricultural production in the precolonial and colonial periods. With the exception of a few regional ethnic groups, such as the Bagogwe in the northwest or the Bahima in the northeast, and of the ruling elite, most households, whether Hutu or Tutsi, subsisted primarily on agriculture, with livestock supplementing agricultural production. In the recent past, wives were responsible for cultivating all food for the household and the vast majority of Rwandan women worked in the agricultural sector as subsistence farmers cultivating land owned by their husbands or their husbands' family (see Burnet & RISD 2003). Husbands focused on the production of cash crops, managed livestock, or migrated in search of paid labor. In the precolonial system, women and girls drew power from their productive and reproductive capacities and from the protection of their own patrilineage. In this system, women could carve out substantial spheres of power. Women of the Bega clan were known to wield great influence over their male children (Des Forges 2011:73). Women also had land rights in their own lineages. A father could make gifts of land to a daughter; this land “remained the outright property of the woman and [was] inherited by her sons” (Burnet & RISD 2003:188). Should a woman never marry or should her marriage fail, she could return to her own patrilineage and be allocated a parcel of land known as *ingarigari* in southern and central Rwanda and *ingaragaza* in northwestern Rwanda (Andre 1998; de Lame 2005 [1994]; Pottier 1997). As discussed in detail below, bridewealth marriages were central to this social configuration and helped ensure patrilineal protection for married daughters. The colonial period wrought many changes in Rwandan gender roles as the economy became monetized and the colonial state pushed husbands and men into the cash economy. These changes weakened the customary powers and rights of daughters and wives and increased the patriarchal nature of Rwandan society (see Jefremovas 1991, 2002).

Although women gained some legal protections in the postcolonial period, they remained subordinated to men and largely excluded from nonagricultural work. The vast majority of Rwandan women worked in the agricultural sector as subsistence farmers working on land owned by their husbands or their husbands' family (see Burnet & RISD 2003). The 1991 Constitution guaranteed the equality of all people before the law regardless of race, color, origin, ethnicity, clan, sex, belief, religion, or social position, but numerous legal codes of the postcolonial period continued to subordinate women to men in the home and in the public sphere (Kamatali & Gafishi 2000:188). For example, Article 206 of Law no. 42/88 (1988) stated that

“the husband is the head of the conjugal community made up of man, wife, and their children.”⁶ In 1994 Rwandan women were legally emancipated, but in practice they were still widely perceived as legal “minors [under] the guardianship of fathers, brothers, husbands or sons” (Turshen 2001:60). Banking, commercial, and land ownership laws severely limited women’s ability to engage in the cash economy. Women told me in interviews that prior to 1994 they could not seek salaried work without the approval of their husbands. By law women needed the signature of their husbands in order to open a bank account (Kamatali & Gafishi 2000:188).⁷ While some women became successful entrepreneurs, their businesses were vulnerable, in practice and by law, to plunder by their husbands (see Jefremovas 1991, 2002:97–108). Patriarchal ideas about the roles of women also led to an education system that limited access to secondary education for girls. According to World Bank Development Indicators, for every hundred males attending school in 1990 there were 96 females in primary school, 71 females in secondary school, and only 22 females in tertiary school. When faced with limited household resources, families usually privileged the education of sons over daughters for two reasons. First, girl children provided significant labor in the household by fetching water, caring for young children, cooking, cleaning, and laundry. The labor provided by boys—tending livestock—could be accomplished outside school hours. Second, fathers often viewed educating daughters as “a waste” since these daughters would leave the family when they married out to other patrilineages.

Bridewealth, Transactional Sex, and Women’s Agency

The literature on customary marriage practices in sub-Saharan Africa considers bridewealth—the transfer of gifts from the groom’s lineage to the bride’s lineage—as a rights-protecting social transaction that transfers usufruct rights over the bride’s productive and reproductive labor to the groom’s lineage while protecting women’s rights.⁸ In Rwanda’s precolonial and early colonial past, bridewealth—ideally paid in cows—served this purpose for elite families, for whom the gift of cows (*inkwano*) to the bride’s patrilineage and subsequent counter-gifts of the cows’ offspring (*indongoranyo*) to the groom’s patrilineage served to reinforce the social alliance between the lineages created by the marriage. The gift of a cow had (and, to a lesser extent, still has) deep symbolic meaning in precolonial Rwanda and conferred a sacred bond to bridewealth marriages. More common among peasant farmers was the exchange of brideservice, or gifts of hoes, goats, or other small items that did not require a counter-gift (de Lame 2005 [1994]:394). Both the colonial and postcolonial state reinforced bridewealth by documenting it in administrative registries when recording marriages. Even today the bridewealth is inscribed in the government marriage registry and on the marriage certificate, thus placing customary marriage at the root of legal marriage (Turshen 2001:60).

The meanings of bridewealth began to change in the postcolonial period, however. Elites in the cities and towns continued to exchange gifts of cows even though their connections to land and rural production were symbolic, while ordinary Rwandan farmers rarely bothered to exchange marital gifts. With the increasing monetization of Rwanda's economy, and as elite status began to coincide almost entirely with salaried work, the signification of bridewealth evolved as well. By the early 1990s bridewealth was "increasingly viewed as a compensation" and shifted "the exchange from an intergenerational one to one between the man and his bride" (de Lame 2005[1994]:393). In ethnographic research in the early 2000s, I documented two cases of recently married women who had attempted to leave husbands who were physically abusive or had committed adultery. In both cases the women's marriages had been negotiated by patrilineal male kin other than their own fathers or brothers, who were dead, and in both cases the male relatives told them to return to their husbands. When I asked the women why, they explained that their male kin did not want to (or could not) return bridewealth that had been given as cash, televisions, motorcycles, or cars. The women were quite frustrated that their male kin refused to fulfill their kinship obligations and left the women without the customary protection of the patrilineage.

In this new configuration, Rwandan women, for the most part, still view bridewealth as a mechanism of social protection of their rights and their marital union. For them, bridewealth is a culturally sanctioned expression of a man's serious intentions and of his family's support for the marriage. Yet some men (at least some of the time) view bridewealth as a gift given in exchange for sexual access to the woman, as well as for her productive and reproductive labor—much more like a market exchange than a sacred bond between two lineages. While I never heard a Rwandan man state this conception of bridewealth as his own perspective, on a few occasions Rwandan men and women ascribed this attitude to other men, usually as an explanation for a husband's bad behavior. Thus, while it may not yet be a normative view, bridewealth can resemble the gifts some men give in exchange for nonmarital sex: a practice commonly referred to as "transactional sex" in the social science literature to distinguish it from prostitution. In Africa gifts historically played a vital role in "fueling everyday sexual relations between men and women" both within marriage and outside it (Hunter 2002:100). Today, the exchange of gifts for sex continues in new forms that simultaneously involve the material exchange of goods and produce meaningful relationships. The concept of transactional sex is intended to capture these relations that "fall outside of both local and Western definitions of 'prostitution'" (Hunter 2002:99).

This association between bridewealth and transactional sex is not novel. In Tanzania, Wight et al. (2006) found that transactional sex could be seen as a modern form of bridewealth because gifts and money validate women's sexual and personal worth. Similarly, Wamoyi et al. (2011:11) found that

transactional sex among rural Tanzanians protected young women's personal and sexual value. In these relationships, "women felt that men were the ones who were exploited by paying for goods (the vagina) they could not take away" like commercial goods sold in local stores. In Rwanda subsistence farmers and the urban poor rarely have the financial resources necessary to formalize their marriages through a customary gift exchange, through legal inscription of the marriage at a government office, or through a religious (Christian or Muslim) ceremony (Sommers 2012). Thus, what many Rwandans call "marriage" consists of a cohabitation arrangement in which a man and a woman live together and have children together without formalizing the marriage. For women living in these arrangements, a husband is a man who makes regular economic contributions to the household economy and who recognizes children from the union as his own. From this perspective, it is very difficult to distinguish conceptually between informal marriage or other cohabitation arrangements and transactional sex.

Although both transactional sex and prostitution involve the exchange of gifts or cash for nonmarital sexual relations, many factors distinguish transactional sex from prostitution. As a formal category of sex work, prostitution in Rwanda is in fact uncommon; the multitude of reports written by nongovernmental organizations about "prostitution" or "sex workers" assume respondents' professions based on their residence in neighborhoods known for prostitution rather than on respondents' characterization of their economic activities or of their sexual conduct.⁹ Much more common than prostitution is transactional sex—arrangements in which, according to Hunter (2002:100–101), the "participants are constructed as 'girlfriends' and 'boyfriends' and not 'prostitutes' and 'clients', and the exchange of gifts for sex is part of a broader set of obligations. . . ." Payment may or may not be predetermined, and it can take a variety of forms, either linked to subsistence (the procuring of basic necessities such as food, shelter, or clothing) or to more extravagant consumption (the procuring of luxury or status items such as fashionable clothing, makeup, jewelry, and cell phones).¹⁰ Most transactional sex in Rwanda consists of a "date" or a "hook-up" with money, food, clothing, or shelter provided the morning after the encounter rather than as part of a negotiated and prepaid exchange of money or goods for sex. The women and girls entering this sexual economy have a variety of motivations; they are not simply victims of circumstance. Scores of educated, young, attractive women in Kigali spend their time in restaurants and bars frequented by foreign tourists and aid workers in the hope of finding a wealthy foreign boyfriend who will shower them with gifts, and in the girls' wildest dreams, propose marriage and emigration to Europe, the United States, or Canada.¹¹

For the women engaged in transactional sex, the distinctions between transactional sex and prostitution are substantial, and not merely symbolic. As Hunter notes, "women approach transactional relations not as passive victims, but in order to access power and resources in ways that can

both challenge and reproduce patriarchal structures” (2002:101). Formal bridewealth marriages, informal marriages or cohabitation arrangements, nonmarital sex, transactional sex, and prostitution share several common practices and generate overlapping meanings. They become difficult to distinguish. It is also difficult to distinguish between voluntary and coerced sexual activity in resource-poor environments and conflict zones. In many local cultural contexts, virginity, or at least the appearance of virginity, and sexual access are important forms of social capital for women and girls (and sometimes their kin groups). In a resource-poor environment like Rwanda, a woman’s sexual resources and social capital can be parlayed into economic capital, or at least the resources to survive. Thus customary (bridewealth) marriages, informal marriage or cohabitation, and nonmarital sex can be placed on a continuum with transactional sex, prostitution, militarized sex, forced marriage, rape, sexual slavery, and sexual torture—the underlying variables being women’s sexual agency and the coercive contexts generated by poverty and violence. As discussed in detail in the next section, the women and girls engaged in sexual encounters in war zones often do not perceive themselves as victims. They make choices—albeit difficult choices conditioned by poverty and violence—and pursue strategies to survive and to achieve life goals. Yet whether their “choiceless decisions,” to borrow Begoña Aretxaga’s (1997) term, could be considered genuine (uncoerced) consent is a more difficult question to answer.

Women’s Agency, Sexual Consent, and Conflict

In the Rwandan context, the issue of consent in the adjudication of rape is a particularly thorny problem. In her work on sex workers in the United Kingdom, Day (1994:172) highlights the importance of clarifying indigenously categories of “rape” because they are not uniform across cultures. For similar reasons, Hayden (2000) documents the historical evolution of legal definitions of rape and the ways in which violence became inherent in its definition in Western legal frameworks. According to Day, rape is commonly defined as “nonconsensual sex” or “nonconsensual sexual intercourse” (1994:172). This definition raises some significant conceptual problems when used in Rwanda (and many other African countries) because women in these cultures do not give explicit, verbal consent to sexual intercourse. Among Rwandans as well as many other African groups, modesty is a feminine ideal and unmarried girls and women are expected to uphold a cultural model of the “modest virgin” devoid of any sexual knowledge or urges (see Jefremovas 1991, 2002). Because explicit expressions of sexual desire are considered immodest, female consent is usually signaled implicitly through nonverbal cues and “situational consent,” that is, a woman or girl’s willingness to be in a particular place, at a particular time, with a particular person. For instance, a woman agrees to spend the night with a man in his home or a hotel. In the past and even to a cer-

tain extent today, a married woman would also give subtle nonverbal cues to her husband to indicate her desire by cooking a special meal, wearing attractive clothing, attending to the husband's physical comfort, or lighting a pipe of tobacco for him at bedtime (Musabyimana 2006:79). Rwandan cultural values preclude the notion of rape in marriage because a wife's consent becomes an irrevocable fact upon wedding. Only illness or menstruation are justifications for refusing to have intercourse (Musabyimana 2006:79).¹² Thus the emic Rwandan cultural model of rape does not coincide with the European and American model of consent. Work by Go et al. (2003a, 2003b) on socially acceptable forms of domestic violence in India and by Harvey (1994) on socially acceptable forms of domestic violence in the highlands of Peru suggest that many other cultures also reject a model of rape based on consent or nonconsent.

Rwandan cultural models of sexuality and consent complicate investigations of sexual violence as a crime or human rights violation. Research on sexual violence during the genocide conducted in late 1994 and early 1995 was complicated by the fact that there was not any precise vocabulary in Kinyarwanda for "rape" or sexual violence (Human Rights Watch 1996). Article 360 of the 1977 Rwandan penal code defined rape as a crime punishable by five to ten years imprisonment, but it did not delineate what behaviors constituted rape (Human Rights Watch 1996:36). In research on child sexual assault conducted in 2002, I found that Rwandans usually expressed the concept of "rape" with the formulation "gufata ku ngufu" (to take by force), which suggests that "rape" was conceived of as involving violence. A former military policeman confirmed this when he explained to me in 2002 that he usually looked for signs of physical violence on an alleged victim's body in order to determine whether she had been raped. He said there was simply no other conclusive way to determine whether a woman alleging sexual assault was being truthful. Given the country's dense population, there is a cultural assumption that "rape," understood as sex by force, is a phenomenon specifically connected to war and conflict because during nonconflict times a potential victim would simply call out for assistance and interrupt the attack (interviews by author, 2002).

Historically, Rwandan cultural models of sexuality did not prescribe remedies for rape; rather, they addressed improper sexual relations such as adultery—a man having sexual intercourse with an "unauthorized" woman such as the wife of a different patrilineage or an unmarried girl. In these instances, the offending man's patrilineage would offer gifts such as beer and livestock to compensate the lineage to which the wife or unmarried girl belonged. A wife caught *en flagrant délit* with an "unauthorized man" was assumed to have consented to the sexual activity. Most likely she faced a severe beating at the hands of her husband, father-in-law, or brothers-in-law, and risked being sent back to her own patrilineage without her children. In instances of an unmarried man and an unmarried girl, a marriage might be arranged, although if this were not possible the girl would most

likely face a severe beating at the hands of her father or brothers for bringing shame to the family. Knowledge of her “mistake” would also lower the potential bridewealth that her lineage could seek during future marriage negotiations. All these examples assume the implicit consent of the women involved and preclude the possibility of rape as it is commonly defined. These data also suggest that Rwandan cultural models for coping with sexual transgressions, including situations that are potentially nonconsensual sex or rape, rob women of their agency.

At the same time, while a great deal of international attention has focused on the issue of sexual violence in conflict zones, few studies recognize that many different types of sexual encounters occur in war zones, including a great deal of consensual sex for pleasure as well as transactional sex that does not constitute sexual harm.¹³ Many of these encounters, to be sure, are conditioned by the circumstances of violent conflict and the political economy of war and are therefore hard to define as noncoercive. Many young women exercise their sexual agency in conflict zones and trade sexual access to their bodies for the means of survival: food, water, clothing, money. The degree to which these women are making a “choice” is highly contingent on the structural factors determined by the conflict, and often they must choose between several terrible options—Aretxaga’s (1997) “choiceless decisions.” In Rwanda this complexity was intensified by the cultural absence of notions of explicit “consent”: How do women and girls refuse sexual intercourse when the means of survival are bound up with implicit signs of consent, such as accepting food, clothing, shelter, and protection? Hayden (2000:36) critiques assumptions by human rights researchers that Rwandan women who married men in exchange for protection during the genocide were victims of rape or forced marriage. Indeed, it is plausible that some Rwandan women and girls exercised agency in the initiation of these relations, and it is highly likely that they have exercised agency in their continuation. Yet whether these relationships can be considered consensual or constitute sexual harm is a much more difficult question to answer.

Sexual Violence before, during, and after the 1994 Genocide

Sexual assaults on women and girls increased dramatically following the advent of the civil war in 1990.¹⁴ While it is almost certain that rape and sexual violence existed before then, they were not widely recognized as problems, and women’s organizations did not mobilize on the issue.¹⁵ The civil war, the 1994 genocide, and their aftermath transformed aspects of Rwandan culture. In the 1990s war became a “social condition” in Rwanda, the normal context of daily life rather than a disruption of normal social relations (see Lubkemann 2008 on Mozambique). Before, during, and after the genocide, rape and sexual violence became a common feature of a social landscape that already considered many forms of gender-based violence, such as wife-beating, normal.

As the general state of security in the country declined, members of the Interahamwe and Impuzamugambi militias, the FAR, and others took advantage of the chaotic conditions to commit acts of sexual violence with impunity. Local government officials advised women to wear both shorts (*amagongo*) and underwear beneath their skirts as an impediment to rape rather than wearing nothing per custom (interviews by author, 1998, 1999, 2002). While official reports of rapes were almost nonexistent, Human Rights Watch reported in 1993 that “Rwandan soldiers frequently rape women, but because they are never punished for the crime, victims rarely report the attacks. Women know that to accuse soldiers is futile and may well lead to further harassment or even death” (1993:11). Many Rwandans, both male and female, told me that the FAR and the militias raped women during attacks on civilians in the civil war.

During the 1994 genocide, Rwandan women faced brutal acts of sexual violence: individual rape, gang rape, rape with objects, sexual slavery, and sexual mutilation (Human Rights Watch 1996:39). Both Tutsi and Hutu women became victims, but Tutsi women and girls were targeted in a systematic fashion. Rape became a weapon of genocide used to destroy the Tutsi ethnic group as well as “to terrorize the community and warn all people of the futility of resistance—those targeted as victims as well as those who might wish to protect the intended targets” (Turshen 2001:59). Interahamwe militiamen often raped or sexually tortured Tutsi women before killing them (Human Rights Watch 1996). Perpetrators sometimes mutilated women during the rapes or before killing them by cutting off their breasts, puncturing the vagina with sharp objects, or disfiguring body parts that looked “Tutsi” such as long fingers or thin noses (Des Forges 1999:215). In other cases, Tutsi women were sexually enslaved or “married” by Interahamwe militiamen in exchange for having their lives saved (de Brouwer, Chu, & Muscati 2009; Human Rights Watch 1996).

Although perpetrators in the 1994 genocide targeted victims based on ascribed identities, so-called “age-old” ethnic hatred (or tribalism) was not the cause of the genocide (Straus 2006). Rather, the killings were the result of political strategizing and conscious choices of a political and economic elite who desired to maintain their hold on power. At the local level, community members usually knew the ethnicity of their neighbors. In killings organized at the regional or national level, such as the roadblocks on the national highway, policemen, soldiers, and militiamen used national identity cards to help select targets. Originally created under Belgian colonialism to help enforce the colonial policy of limiting administrative posts to Tutsis, the national identity cards bore the individual’s official ethnic designation. If a man presented an identity card marked “Tutsi,” he would be killed instantly along with any children accompanying him. Women would either be killed immediately or raped and then killed. Individuals presenting identity cards marked “Hutu” or “Twa” would often be physically examined or interrogated for other clues to determine if the card was accurate.

Many people had changed their official bureaucratic ethnicity from Tutsi to Hutu during the Habyarimana regime because of the “ethnic equilibrium” policy which reserved 90 percent of all posts in the government administration and in secondary schools or universities for Hutus. In many instances genocide perpetrators relied on stereotypical physical markers of “Tutsi-ness,” which included a tall, slender frame; aquiline nose with small nostrils; long, narrow fingers or feet; dark gums in the mouth; and a tan skin tone on the palms of the hands or soles of the feet. For women, the rule of thumb was often beauty. Since colonial times, Tutsi (or Watussi) women were heralded as great beauties by European colonizers. Beauty as a marker of Tutsi-ness was so strong in the popular imagination that Hutu women and girls who were considered beautiful risked being mistaken for Tutsi and raped, sexually tortured, or even killed (interviews by author, 1997, 2001, 2002).

Beyond the physical brutality, sexual violence during the genocide consisted of symbolic and psychosocial violence. In some instance, perpetrators targeted the normally privileged role of Rwandan women as mothers. Pregnant Tutsi women were disemboweled while still alive and their fetuses cut out of their wombs (Human Rights Watch 1996). Female Tutsi were raped and sexually mutilated and then told that bullets shouldn’t be “wasted” on them because they would “die of AIDS,” presumably contracted during the rapes (interviews by author, 1997, 2002; de Brouwer, Chu, and Muscati 2009). Extremist rhetoric also targeted Tutsi beauty and desirability—militiamen were promised the opportunity for sexual intercourse with Tutsi as a reward for their “work.” Survivors frequently reported that perpetrators said that they wanted “to see if Tutsi women were like Hutu women” (Human Rights Watch 1996:42). Many perpetrators raped Tutsi women as punishment for “their supposed arrogance” since Tutsi women were “said to scorn Hutu men” (Des Forges 1999:215).¹⁶

During the 1994 genocide, rape was not only a weapon of violence, but also a political and economic weapon. Turshen (2001) outlines the ways that rape during violent conflict functions within a political economy in which women are sometimes viewed as property and are always seen as productive labor. During the genocide, the Rwandan state sought to eliminate the Tutsi ethnic group through the systematic stripping of assets as well as through physical destruction. Tutsi homes and businesses were looted and burned; soldiers, militiamen, and civilian perpetrators were “rewarded” for their work with property taken from Tutsis. Within this context, Tutsi women and girls were often treated as war booty or property. In two documented incidents, Rwandan soldiers ordered the director of a nursing school to hand over women students as *umusanzu* (a contribution to the war effort) and raped female employees of a Roman Catholic seminary (Des Forges 1999:494). In some communities, local authorities worked to keep the Tutsi wives of Hutu men alive only because “depriving a man of the productive and reproductive capacities of his wife harmed his interests”

and could diminish his willingness to support the genocide (Des Forges 1999:296). Women's land rights were sometimes part of the "reward" for militiamen. One survivor recounted how the head of the local militia gave her and her sisters to militiamen as "wives" and their father's land was split among the "husbands" (Human Rights Watch 1996:59–60).

Following the end of the civil war and genocide, sexual violence remained a problem. The Rwandan Patriotic Army, the armed wing of the RPF that became the new national army following the RPF victory, was much more disciplined than the FAR had been. RPA soldiers did not engage in widespread rape, but two practices fell somewhere in the vicinity of coercive sex and definitely constitute militarized sex. In the internally displaced persons camps behind RPA lines, women and girls who had been saved by the RPA would often find themselves solicited by RPA soldiers for a "reward" (meaning sexual intercourse). This reward was often referred to as *kubohoza*, "to be liberated." While these women and girls may have consented to these sexual encounters, it is difficult to discern whether they felt as if they had a choice. In a second practice, RPA soldiers asked Tutsi women married to Hutu men to leave their husbands, "saying those marriages must have been the consequence of rape" (Turshen 2001:63). If the women refused, their husbands would be arrested on accusations of genocide and imprisoned—an almost certain death warrant between 1994 and 1997 given the abysmal prison conditions. The women would then be forced to marry an RPA soldier, who would acquire the woman's property (Twagiramariya & Turshen 1998:112). For Rwandan civilians in the refugee camps in eastern Zaire or western Tanzania and living among neighboring civilian populations, the former FAR soldiers and Interhamwe militiamen who controlled the camps remained a constant threat. Rape was a common occurrence, and perpetrators faced no consequences. Rwandan civilians near the border with Zaire were also threatened as the FAR and Interahamwe organized incursions into Rwanda and attacked local communities.

Little detailed information about sexual violence during the insurgency in northern and western Rwanda (1996–2001) is available because researchers had little access to these communities at this time. Survivors of attacks against civilians, particularly those perpetrated by the RPA, are reluctant to give testimony for fear of reprisals from the current government. For several years after the end of the insurgency, Rwandan women in northwestern Rwanda cited rape as a pressing social problem for women and girls (interviews by author, 2000, 2001, 2002). These data suggest that sexual violence was a significant problem during the insurgency and in its aftermath. By 2009 women in the same community stated that the problem of sexual violence had been solved by local authorities working closely with the population.

Despite evidence that women often engage in transactional sex as an assertion of their own identity, the long-term impact of sexual violence on female agency has been less well examined.¹⁷ In a groundbreaking ethno-

graphic study, Maggie Zraly and Laetitia Nyirazinyoye (2010) found that some genocide-rape survivors in southern Rwanda joined associations and deployed a variety of coping mechanisms to continue living despite their horrific experiences during the genocide. Nevertheless, social interventions in postgenocide Rwanda have focused mostly on Tutsi victims or Hutu widows, leaving other rape survivors to cope on their own. Data from my ethnographic research in Rwanda suggest that rape survivors who do not fit the Hutu-perpetrator/Tutsi-victim dyad remain mostly silent because their experiences do not fit the dominant paradigm of Rwandan history promoted by the RPF government (Burnet 2005, 2009, 2012). Hutu women raped by FAR soldiers or Interahamwe militiamen during the civil war or genocide are erased by the public discourse. These women do not dare speak out publically because they risk not only disbelief (because Hutu women are not perceived as genocide targets) but also rejection by their husbands and families because of the “shame” of being raped. Tutsi women who were coerced into sex or forced into marriage with RPF soldiers have little or no access to social services for sexual violence survivors unless they adjust their narratives and call the perpetrators “Interahamwe.” Finally, an unknown number of (Hutu and Tutsi) women have remained in marriages that began as “forced” marriages. These women dare not talk about how their relationships began for fear of being cast off by their husbands or husbands’ families. Like women in post-partition India and Pakistan (see Das 1995, 1996), these women exercise their agency to remain in these marriages because they perceive it as the best option for themselves or their children.

Notwithstanding the individual and social silence surrounding these issues, silence should not be mistaken for secrecy. Even though many rape survivors and women in “forced marriages” remain silent about their experiences, family and community members often know about the sexual assaults experienced by these women and girls. Given the public nature of genocide rapes and sexual enslavement during the genocide, community members are often fully aware that certain women were raped or held in sexual slavery or that some women’s marriages began in questionable circumstances. Social silence on these matters helps preserve the women’s dignity on the one hand and avoids reopening familial and community conflict on the other hand. Yet silence may also increase or prolong rape survivors’ suffering if they remain silent because of political hegemony that erases certain narratives from the collective memory.

Conclusion

Representations of genocide rape and sexual violence, as well as legal proceedings and human rights research, have tended to focus on sexual violence committed by Hutu perpetrators against Tutsi victims during the 1994 genocide. This focus has hidden an unknown number of sexual violence

survivors from view and obscured the complexity and contradictions of sexual violence during conflict. These representations have denied female agency because consensual sexual activity also exists in the midst of violent conflict. Some women and girls initiate sexual relationships out of sexual desire, as a means to secure their own or their families' survival, or because they face a "choiceless decision" whereby other options either do not exist or are less desirable. Finally, the focus on sexual violence in the genocide detaches the question of female sexual consent from the cultural-historical context and political economy of poverty that structures women's agency and limits their options.

This narrow focus produces an oversimplification of the problem whereby the larger question of sexual consent in nonviolent contexts remains unplumbed. The assumption that European or North American models of sexual consent are relevant to other contexts ignores significant differences in the social construction of sexuality and marginalizes emic cultural models. In addition, it can be argued that the question of sexual consent and rape in Europe and North America still remains unresolved (Decker & Baroni 2011).

Since the majority of postgenocide interventions for sexual violence survivors in Rwanda assisted mostly Tutsi victims or Hutu genocide widows, many (perhaps even most) sexual violence survivors remain hidden by the paradigmatic public discourse on sexual violence, by their own shame, and by the cultural requirement for silence in matters of sexual violence. This case study points to the need for more open frameworks for confronting instances of sexual violence during violent conflict, ones that make it possible for more victims to come forward for medical, psychological, and social support. Furthermore, it points to the need to address the structural violence of wartime political economies that leave poor women and girls vulnerable to sexual exploitation and trafficking because they face "choiceless decisions" involving their or their families' survival. As Soh pointed out in the case of Japan's comfort stations during WWII, "the comfort system encompassed both commercial *and* criminal sex" (Soh 2008:108, emphasis in original). United Nations Security Council Resolution 1325 on gender-based and sexual violence in conflict zones as well as the U.N. Secretary-General's 2003 Bulletin on the sexual conduct of peacekeepers are important steps in the right direction.¹⁸ Yet as Otto (2007:35) notes, the directives outlined in the secretary-general's bulletin rob women, as well as male peacekeepers, of their sexual agency. Otto (2007:34) further argues that there is a need to examine the real differences between women's "experiences of consensual and nonconsensual sexual conduct, no matter how fine those distinctions are." Thus human rights lawyers and academic researchers should investigate in a systematic fashion the degree to which all militarized sex encompasses this divide.

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Notes

1. See, for example, Bonnet (1995); Brunet and Helal (1998); Des Forges (1999); Human Rights Watch (1996, 2004); Mukamana (2008); Nduwimana (2004); Taylor (1999); Turshen (2001); Twagiramariya and Turshen (1998); Zraly (2008); and Zraly and Nyirazinyoye (2010).

2. Indirect observation of behavior involves looking for what Bernard and Ryan call “behavior traces” (2010:19–20), meaning the material traces of human behavior that appear in physical objects, public speech acts, photographs, newspaper or magazine articles, Internet discussion boards, and publications, among other things.
3. Over the course of my research in Rwanda, I have worked with many different interpreters and research assistants. Most of my in-depth ethnographic research was facilitated by three interpreters, all of whom were Rwandan women, born and educated in Rwanda and raised primarily in rural areas. They were all native speakers of Kinyarwanda and fluent in French. Two of them were university students or held university degrees, and the third had a high school diploma and many years of work experience. I trained all of them in translation techniques, note-taking, and human subjects protections.
4. Each person wrote a separate “transcript” of the interview based on her individual notes. Then we reconciled the two versions and integrated the texts. In cases in which we remembered things differently, we discussed our differences. If we could not come to consensus on the exact contents of a statement, both versions were noted in the interview “transcript” considered in data analysis.
5. Today in Rwanda, the standard translation for this proverb is “wives have no ethnicity.” However, the Kinyarwanda word translated here as “ethnicity,” *ubwoko*, literally means “sort” or “type” and can be applied to monkeys, trees, or bananas as easily as to people. Before the 1950s, ethnicity was not the primary way that Rwandans classified each other. At that time, the term *ubwoko*, when referring to human beings, meant the combination of a person’s social attributes and their relevance in a given context. Hence I translate *ubwoko* in this proverb as “identity.”
6. This provision was inspired, according to Kamatali and Gafishi (2000:124), “by custom[,] which defines the husband in reference to his physical strength and his duty to provide for the family’s needs including their lodging” (my translation from French).
7. This legal requirement was intended to protect the conjugal household as a single, economic unit. But, the provision made it easy for husbands to hide money from their wives or direct resources away from the conjugal household since husbands did not require a wife’s signature to open or close a bank account but a wife did.
8. See, for example, Bossen (1988), Hakansson (1989), Bell and Song (1994); Tambiah (1989); Goheen (1989); Ogbu (1978); Schlegel and Eloul (1988).
9. See, for example, FHI/IMPACT (2000) and Republic of Rwanda (1998).
10. Hunter (2002) examines this distinction between transactional sex linked to subsistence or to consumption in his comparative study of a township and an informal settlement in South Africa.
11. Jennifer Cole (2010) has uncovered the historical and contemporary rationales of a similar sexual economy in Madagascar.
12. The Rwandan parliament passed a gender-based violence law in 2008 that criminalized rape in marriage.
13. For example, see Hayden (2000), Borchelt (2005), Card (1996), Das (1995, 1996), Mason (2005), Sofos (1996), Soh (2008), Taylor (1999), Turshen (2001), and Turshen and Twagiramariya (1998).
14. This assessment is based on information gleaned during interviews with Rwan-

dans conducted between 1995 and 2011. Official statistics of sexual assaults in Rwanda before 1994 are not available.

15. In ongoing research, I am uncovering growing evidence to support the claim that sexual violence and coerced sex was a significant problem in Rwanda before 1990 and stretching back to at least the late colonial period.
16. The anthropologist Christopher Taylor (1999) has analyzed the symbolic discourse of sexual violence in extremist Hutu rhetoric leading up to the genocide and in certain practices of sexual violence during the genocide.
17. Research shows that even in the most difficult of circumstances—and even in cases of rape—survivors are not merely passive victims and that they exercise their agency to survive and care for their children. As Das (1995) demonstrated in the partition of Punjab in 1947, the social fiction of “practical kinship” allowed raped or forcibly married women to be incorporated into families and communities when the women’s natal families and communities would have rejected them. In a comparative study of the former Yugoslavia and South Asia, Hayden (2000) found that raped women in Bosnia exercised similar agency to find a socially acceptable place for themselves in the aftermath of the conflict.
18. See United Nations Secretary-General (2003).