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Legitimizing Military Action through "Rape-as-a-Weapon" Discourse in Libya: Critical Feminist Analysis

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Contemporary discourse on sexual(ized) violence in armed conflicts represents a powerful source for legitimization of highly controversial military interventions. Recent gender-responsive security studies have called for enhanced protection of women and girls from widespread and systematic sexual(ized) violence. Yet military operations reproduce the Western masculine hegemony rather than providing inclusive and apolitical assistance to victims of sexual assault. The article aims to critically assess discourse on sexual violence in a case of military intervention in Libya initiated under the rubric of the Responsibility to Protect (R2P). The case study indicates a set of discursive strategies exercised by Western political representatives and nongovernmental organizations and even more expressively by the media to legitimize the military campaign. Typically, sexual(ized) violence is presented as a weapon of war, used by one of the conflicting parties without an adequate response of the state. This is followed by urgent calls for international action, willingly carried out by Western powers. The simplified narrative of civilized

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protectors versus savage aggressors must be challenged as it exploits the problem of sexual(ized) violence in order to legitimize politically motivated actions.

Keywords: Sexual(ized) violence, Libya, critical discourse analysis, military interventions, feminism

Humanitarian military interventions in other countries have traditionally been highly controversial projects requiring a convincing justification. In the past two decades, a powerful framework has evolved, called the Responsibility to Protect (R2P), constituting an effective source of legitimacy through the protection of vulnerable civilians in crisis situations. In particular, the protection of "women and children" in war zones forms one of the basic building blocks of the discourse legitimizing contemporary international interventionism (Carpenter 2013; Enloe 2000).[1] Based on this assumption, this work critically analyzes how the legitimacy of the military operation was constructed during the 2011 crisis in Libya, using the discourse of sexual(ized)[2] violence as a weapon of war. The empirical part focuses on

1 Carpenter (2006) argues in her work that gender-essentialist ideas affect and ultimately undermine the principle of civilian immunity. Women and children are most commonly identified as "innocent" civilians, an idea that is based largely on the argument that these groups are most vulnerable during a conflict. Carpenter critiques such essentialism, arguing that the exclusion of battle-aged men from civilian status undermines the moral logic of the civilian immunity principle. Carpenter builds her argument on the work of Cynthia Enloe, who explains female innocence in the context of Gulf War reporting: "womenandchildren rolls easily off network tongues because in network minds women are family members rather than independent actors, presumed to be almost childlike in their innocence about international *realpolitik*... states exist, this media story implies, to protect womenandchildren" (Enloe 1993, 166). For this work, the notion of innocence is crucial, together with the call for protection. Since sexual(ized) violence is often considered a tactic/strategy aimed against women (and children), it targets female innocence and vulnerability, the very notions of civilian womanhood that are to be protected by the male soldier. Thus, reporting on wide-scale and systematic rape in a conflict against the nameless civilian "womenandchildren" becomes the most acute call for action to protect this very group. Like Carpenter and Enloe, we wish to challenge the notion of "womenandchildren" and the exclusions that it brings, but for the purposes of this article, we use the concept to challenge the international protectionist discourse.

2. We use the term "sexual(ized) violence" based on our academic hesitation to define such violence as purely sexual — based on sexual desire or urge. Here, the term "sexual" violence is most commonly used to describe acts of rape, genital mutilation, forced marriage, sexual slavery, etc. The debate on whether violence is an inherently sexual phenomenon, no matter its manifestation, is still ongoing in academia, and many researchers dispute the claim that wartime rape and other acts considered to be sexual violence lack the element of sexual desire. For the purpose of this work, the term "sexual(ized) violence" refers to gendered violence with sexual manifestation. Using the term "sexual(ized) violence" rather than "sexual violence" opens up the possibility of removing sexual desire and primary targeting of the sexuality of the victim. In other words, although the violence described by this work may in some cases have been the result of sexual desire/a directed tactical plan or policy, there is a possibility that such violence was a result of other factors and motivations, such as revenge, psychological deprivation, peer pressure, etc. Thus, without addressing the roots of such violence on perpetrator's side, we believe that using the term "sexual(ized) violence" opens a

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various discursive strategies used prior to the intervention and demonstrates their legitimization effect on an otherwise disputable NATO military campaign while strengthening the identity of the alliance as a security provider.

In international politics, there appears a clear tendency to use the rape-as-a-weapon-of-war narrative to emphasize the *strategic* nature of violence. The legitimacy of contemporary interventionism is based exclusively on the principle of protection of civilians from clearly defined and internationally recognized criminal acts (Evans 2009).[3] Sexual(ized) violence in armed conflicts perfectly serves the strategic efforts of actors aiming to legitimize a military intervention. Rape, often used as a synonym for the wider problem of sexual(ized) violence, attracts enormous attention among the public and civil society, as well as in the media and among policy makers.[4] As a result, politically motivated, systematic rape becomes a powerful source of legitimacy when applying use of force under the auspices of R2P.

Privileging the rape-as-a-weapon discourse inevitably leads to the marginalization of other victims and of violent sexual acts that do not fit the narrative, which contradicts the very basic R2P premise of apolitical humanitarian protection. The case reflects the exclusive emphasis put on particular groups indicated as the "barbaric rapists" depending on the political motivations to defeat the ruling government. Although various nongovernmental organizations (NGOs) usually report more complex patterns of sexual(ized) violence, political representatives, as well as the media, tend to portray the situation with a clear attempt to legitimize the protectionist intervention.

In effect, hegemonic discourse on sexual(ized) violence as a weapon of war reproduces the Western power-based international order, which rests on the principle of the deployment of civilizing missions to third countries. The intervening states construct the legitimacy of their actions through delegitimization of non-Western cultures, stereotyping them as uncivilized, essentially violent, and thus *failing to protect* "their" women and children. Therefore, the implementation of an

space for this research to include acts that normally may not fall under the strict category of "sexual" violence in its traditional understanding.

3. These acts are genocide, ethnic cleansing, war crimes, and crimes against humanity. Despite efforts to operationalize the R2P concept, its implementation rests on the interpretation of violence in line with the four types, which includes systematic rape.

4. Autesserre (2012, 14) notes that the emotional impact of sexual(ized) violence is particularly strong because it involves "intentionally inflicted body harm to individuals who are socially constructed as the most vulnerable" and is viewed as the "ultimate violation of the self."

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R2P conception based on protection from widespread and systematic sexual(ized) violence must be challenged through a deeper analysis of the relevance of legitimization arguments within both local and international contexts.

The contribution of our critical analysis is twofold. First, it provides an empirical analysis of a particular case study to show the specific discursive frames referring to sexual(ized) violence while calling for external intervention to provide protection of civilians. Although we are grounding the conclusions in a single case, the legitimization strategies can be traced in other cases and thus could be used in further research. Second, the critical reading of Western masculine superiority indicated by contemporary liberal interventionism has wider implications for contemporary debate on prevention of sexual(ized) violence and protection of civilians in more general.

METHODOLOGY

The analytical part of the article is based on the method of critical discourse analysis (CDA), disseminated through the works of Wodak (1996; Wodak and Meyer 2001), Fairclough (2003), van Dijk (1998), and van Leeuwen (2008).[5]

Our methodological framework follows Fairclough's three-level model of analysis (1989, 26). At the lowest (micro) level, the formal aspects of the text (depicted in the official documents or formal statements of relevant organizations, states, and their individual representatives) are explored to identify the attempt to legitimize a policy — in this case, the deployment of military operation. Fairclough (1992, 160–61) uses the term "categorical modality" and argues that it is an effective means to justify a political ideology because the speaker is presenting subjective

5. Despite CDA's interdisciplinary and pluralistic complexion (Fairclough 1995), its proponents agree on its fundamental assumptions. First, CDA links social and linguistic categories while aiming to integrate the macro perspective of social structure and the micro view of discourse. In contrast to the traditional linguistic paradigm, discourse is not a mere verbal or nonverbal expression; rather, it is perceived as a form of social practice that constitutes changes or consolidates social practices. Second, from an ontological perspective, CDA avoids structural or individualist determinism while following the social constructivist conception of mutually constitutive relations among agents and structures (Berger and Luckman 1984). Social reality is understood as an intersubjective construct, which is formed by discursive practices of actors maneuvering within established power structures. Finally, CDA rests on multiple levels of analysis including both discursive practices and their social context, which enable the identification of the strategic intentions maintained through the discourse. Here, understating particular sociopolitical conditions of discourse is essential for critical interpretation of arguments and their meaning.

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opinions as an *objective* and given fact.[6] The verbal voice (passive or active) is also essential as it reflects the *responsibility* of the speaker for the justified action (Rativoi 2008). If the speaker wishes to present an intervention as unproblematic, acceptable, and needed, the concrete actor is concealed either through the uncertain "we" or use of the passive voice (e.g., "civilians must be protected").

The identification of the legitimization efforts is followed by an analysis of the strategic *discursive practices* internalized by the international community. Here, Fairclough (1992, 180) embraces Michel Foucault's term "orders of discourse," implying that the systems of communication interlinking various formulations, genres, and meanings are shared within a particular social structure. These include argumentation strategies aimed at justifying an action through reference to a widely acknowledged source of legitimacy.[7] Discourse analysis of the legitimization strategies of political actors is based on foregrounding gender and ideal-typical gender-related attributes — in this case, female innocence, vulnerability, suffering, and helplessness.

The third level of analysis critically reflects on the effects of the discursive strategies. These first construct a strong legitimacy of post–Cold War liberal "messianism," enhanced by the relatively recent turn to gender-based protectionism. As a secondary effect, the hegemonic position of the intervening states is reproduced and further strengthened through the reaffirmed noble identity of selfless savior. The clearest example of such identity (re)construction is NATO's image as a most prominent global security provider. These effects are typically indicated by the supportive assessment of R2P interventions and their architects in the mainstream academic debates, as well as their relatively uncritical acceptance by the global civil society.

From the boom in research and rape "tourism" (Autesserre 2012) to the fetishization of conflict-related sexual(ized) violence (Meger 2016), studying this controversial topic has become an increasingly ethically problematic academic endeavor (Wibben 2016). Like many others who are engaged in critical feminist scholarship studying gendered harms (Baaz and Stern 2013), we feel the unease when discussing rape in war.

6. For instance, strong modality combined with plural number reflects the speaker's effort to convince the listener of the necessity of an action through formulations such as "must," "need," and "should" (in contrast to "may" or "could").

7. According to van Leeuwen (2008), it can be attributed to (1) political, legal, or symbolic *authority* — such as the United Nations Charter or the Red Cross; (2) *rational purpose* — such as providing security; (3) *moral principle* — such as assistance to those in need; or (4) *historical practice* — such as refugee protection during World War II.

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This research does not aim to dispute the tremendous suffering of the survivors but rather to critically read and interpret the dominant gendered legitimizing discourse of military mission deployment. We argue that these missions in effect only serve to (re)legitimize the hegemonic Western powers instead of delivering actual protection to the affected civilians. Thus, continuous critical rereading and challenging of the protectionist arguments, however uncomfortable that may be, is key to the emancipatory objective of the critical feminist research (Shepherd 2013; Sjoberg 2015).

SEXUAL VIOLENCE IN ARMED CONFLICTS AND R2P: CRITICAL FEMINIST DISCUSSION

The current hegemonic discourse that rape constitutes a weapon of war not only has been replicated by a large number of scholars but also has remained an unchallenged assumption of the majority of policy makers (Baaz and Stern 2009, 2013). The argumentation that rape indeed constitutes a weapon suffers from several limitations and may in reality damage those it seeks to protect. The following section critically discusses the problems of the rape-as-a-weapon discourse in relation to R2P.

In many academic and popular accounts, the biological possession of the male sexual organ makes that individual a potential rapist. From Brownmiller's (1976) assertion that men rape simply because they can, there has been a fundamental shift to modern accounts of the weaponization of the penis and its use as a strategic/tactical tool in armed conflicts (Buss 2009). Sexual violation of women's bodies, carrying the nation's essence and culture, as well as biologically reproducing the group, becomes a terror tactic, forcing major population displacement and leading to genocide (Card 1996). Drawing a clear distinction from peacetime (or so-called everyday) rape, which is classed as being a *sexual* act, rape in war becomes an *asexual* weapon used to inflict physical and psychological trauma on a target group. This understanding of the "strategicness" (Baaz and Stern 2013) of sexual(ized) violence clearly leads to the logical conclusion that rape can be eliminated or at least managed.

The feminist debate on the securitization of rape and sexual(ized) violence is rather complex (Kirby 2013). Although most authors acknowledge that putting sexual(ized) violence on the global security agenda represents a positive development, there is an acute unease about

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the way rape, as a weapon, is articulated and acted on (Baaz and Stern 2013).[8] Criticizing the fact that it is men as a collective category that are considered to bear moral responsibility for rape in war, Kirby (2013) challenges the notion of such moral judgment of men as collective beneficiaries of war rape. This kind of collective blame is specifically what we were able to trace in the discourses analyzed here, in which local men are portrayed as bestial/brutal not as individual rapists but rather as a backward, uncivilized patriarchal "collectivity." Baaz and Stern (2013, 19) support Kirby's arguments, seeing the rape-as-a-weapon storyline as "essentializing and deterministic as well as overtly negative towards men as such." We agree with all these critiques, and we add that the primacy of rape in war narratives serves the purpose of legitimizing military interventions while strengthening calls for immediate action.

The R2P framework is invoked in cases of large-scale and systematic violence against civilians.[9] According to the International Commission on Intervention and State Sovereignty (2001), the nature of violence that might constitute international action and especially military intervention (the just-cause threshold) would be indicated by (1) *large-scale loss of life* and/or (2) *ethnic cleansing*. Particularly the second condition accounts for gender-based violence but limits the applicability of R2P to "the systematic rape for political purposes of women of a particular group (either as another form of terrorism, or as a means of changing the ethnic composition of that group)" (ICISS 2001, 33). In short, the *strategic* and *political* incentive for such violence becomes a necessary precondition for any action.

The 2005 World Summit Outcome introduced four specific situations that constitute a universal responsibility to act: genocide, ethnic cleansing, war crimes, and crimes against humanity.[10] These atrocity *crimes* were adjusted by the Rome Statute of the International Criminal Court (ICC) (Article 7), which included sexual violence in the crimes against humanity, committed as part of a "widespread or systematic

8. From the "sexed story," in which rape has been understood as a rather unfortunate but somewhat natural part of war, to the "gendered story" of how rape rests on gendered stereotypes and becomes a weapon.

9. The report of the International Commission on Intervention and State Sovereignty formulated the conception rather vaguely, proposing that "sovereign states have a responsibility to protect their own citizens from avoidable catastrophe — from mass murder and rape, from starvation" (2001, 32). However, when states are unwilling or unable to do so, that responsibility must be borne by the broader community of states.

10. United Nations, "2005 World Summit Outcome," A/RES/60/1, September 16, 2015, http://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_60_1.pdf (accessed June 13, 2018).

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attack directed against any civilian population."[11] Thus, sexual(ized) violence was only implicitly integrated through the reference to the Rome Statute, at the same time preserving the exclusive relevance of strategic and politically motivated rape.

The most fundamental problem with R2P is the lack of conceptual as well as operational clarity regarding the systematic nature of sexual(ized) violence committed in armed conflicts. While explaining the rationale behind military intervention, the actors refer to the emotional narratives within humanitarian emergencies rather than to formal procedures of international law. The R2P framework has become a very powerful normative concept since the very general idea of protection could hardly be contested — in contrast to the use of military force — especially when advocating the safeguarding of the "fairer" sex. The argument is that regardless of insufficient confidence of whether sexual(ized) violence in armed conflicts can be effectively prevented or stopped,[12] there is an automatic expectation regarding the positive effects of external involvement.

In many instances, "women and children" becomes a synonym for "civilian." Carpenter (2006, 31) demonstrates how the civilian protection regime is gender essentialist, and women and children are automatically presumed to be civilians on the basis of sex, age, and possible disability. Through this universal conceptualization of innocence and vulnerability, associated with the female association with nurturing and protection of children, women have been automatically awarded claim to protection (Carpenter 2006).

Kinsella (2011, 9), critically analyzing the gendered construction of innocence, argues that "the massacre of women and children signals a worse crime than the massacre of civilians." She then shows how the category of women, based on their biological sex, is always accepted as civilian — this status being based on their sex difference to noncivilian others (16). On top of that, the laws of humanitarian protection are built on a Eurocentric discourse on civilization, in which global South nations are portrayed as unable to recognize and implement the protection of civilians (17). In our analysis, there is a highly visible

11. Rome Statute of the International Criminal Court, https://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf (accessed June 13, 2018).

12. The United Nations secretary-general admitted in his report that "more research and analysis are needed on why it has been so difficult to stem widespread and systematic sexual violence in some places." United Nations General Assembly, "Implementing the Responsibility to Protect: Report of the Secretary-General," A/63/677, 12 January 2009, http://responsibilitytoprotect.org/implementing%20the%20rtop.pdf (accessed June 13, 2018).

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rhetorical pairing of the narrative on the imminent need for gendered protection being considered a measure of civilization, which stands in stark contrast to sexual(ized) violence being used as a weapon of war by barbaric/savage "Other" masculinities (Abu-Lughod 2013; Kirby 2012; Moghadam 2014). Often, rape is said to be worse than death, classifying as the worst breach of the civilian protection regime.

Within academic circles, there has been a very limited debate on the gender aspects of R2P. In 2012, the journal *Global Responsibility to Protect* published a special issue on R2P and sexual/gender-based violence. Most of the contributors concluded that more attention should be paid to the protection of women from systematic and large-scale violence while uncritically accepting the R2P conception as such (Bond and Sherret 2012; Davies and Teitt 2012; Skjelsbæk 2012). In contrast to these normatively oriented studies, this article provides a feminist critique of the discursive practices within the R2P framework, demonstrating its use of the enhancement of Western masculine hegemony.

"LIBYA'S BUTCHER": THE FRAMING OF SEXUAL VIOLENCE AND OPERATION UNIFIED PROTECTOR

The analytical part of this article focuses on the NATO armed intervention in Libya to illustrate the process of legitimization under the auspices of R2P, specifically critically analyzing the protectionist discourse around gendered violence. Our critical feminist view reveals fundamental limitations of the sexual(ized) violence narrative, namely: (1) presentation and interpretation of rape as a weapon of war; (2) selective condemnation of forces loyal to Moammar Gadhafi that were collectively responsible for sexual(ized) violence; and (3) protectionist argumentation stressing the urgency of intervention as envisioned by the morally superior NATO. After carefully examining the discursive strategies, we critically reflect on the effects regarding the mainstream positive perception of the intervention and the unproblematic credibility of the interveners.

The 2011 crisis in Libya was unprecedented both in terms of the conclusive interpretation of the ongoing violence and the firm international response.[13] The official discourse of rape as a weapon of

13. See United Nations, "Peace and Security in Africa," S/RES/1970, February 26, 2011, http://unscr.com/en/resolutions/1970; and "The Situation in Libya," S/RES/1973, March 17, 2011, http://unscr.com/en/resolutions/1973 (all accessed June 19, 2018).

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war fit with the notion of a state manifestly failing to protect its most vulnerable — women. This was supported by the metonym "Gadhafi responsible for mass rapes," invoking the widespread and systematic nature of violence and further preventing more complex and specific analysis of the individual responsibility for all reported crimes. This was demonstrated through reference to two prominent stories: the gang rape of a Libyan woman, Eman al-Obeidi, by Gadhafi loyalists and the alleged distribution and use of Viagra in the state army.[14]

In March 2011, the global media started to report on widespread violence in Libya while calling for an urgent international response. Rape gained prominent media attention with the two cases triggering a one-sided interpretation of violence. As soon as April 2011, the stories had permeated the official United Nations (UN) structures and were further adopted by key political representatives.

The first major story was presented by Al Jazeera,[15] following reports by a Libyan doctor, about Viagra — branded a weapon of war — found in the pockets of dead soldiers. The doctor said it surely had been used to facilitate rape, although he did not provide any further evidence that it had been distributed in the army, used on a mass scale, or used specifically to sexually abuse opposition supporters. The Viagra "proof" was then used often as an argument supporting the charges against Gadhafi, especially after the ICC prosecutor, Luis Moreno Ocampo, announced an ongoing investigation into this suspicion.[16]

Moreno Ocampo made a firm public statement during a press conference at the UN that rapes were being orchestrated by Gadhafi as part of his repression politics. He indicated that the ICC probably would

14. "Libya: Gaddafi Investigated over Use of Rape as Weapon," BBC News, June 8, 2011, http://www.bbc.com/news/world-africa-13705854; "Libya Mass Rape Claims: Using Viagra Would Be a Horrific First," *The Guardian*, June 9, 2011, http://www.theguardian.com/world/2011/jun/09/libya-mass-rape-viagra-claim?cat=world&type=article; "Rape in Libya: The Crime That Dare Not Speak Its Name," *Time*, 9 June 2011, http://content.time.com/time/world/article/0,8599,2076775,00.html; "Libya: War and Rape?," Al Jazeera, June 19, 2011, http://www.aljazeera.com/programmes/peopleandpower/2011/06/201162964345738600.html; and "Iman Al-Obeidi: Rape as a Weapon of War," *Washington Post*, March 29, 2011, https://www.washingtonpost.com/blogs/blogpost/post/iman-al-obeidi-rape-as-a-weapon-of-war/2011/03/29/AFVX4IwB_blog.html (all accessed June 13, 2018).

15. "Rape Used 'as a Weapon' in Libya," Al Jazeera, March 27, 2011, https://www.youtube.com/watch?v=ISLz8Fv0eik (accessed June 13, 2018).

16. See, e.g., "Libya Mass Rape Claims," *The Guardian*, June 9, 2011; and "Libya: Gaddafi Investigated over Use of Rape as a Weapon," BBC News, June 8, 2011. Compare with these reports: "ICC to Investigate Reports of Viagra-Fueled Gang-Rapes in Libya," CNN, May 18, 2011, http://edition.cnn.com/2011/WORLD/africa/05/17/libya.rapes.icc/index.html; and "Rape as a Weapon of War in Libya," CNN, May 17, 2011, https://www.youtube.com/watch?v=mX_bUuWxpNc&feature=youtube_gdata_player. See also "Rape Is Used as a Weapon of War," BBC News, June 9, 2011, http://www.bbc.com/news/world-africa-13707445 (all accessed June 13, 2018).

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add new charges to those issued against Gadhafi and his son Saif al-Islam.[17] Moreno Ocampo was one of the first official representatives to confirm the use of Viagra as a tool of mass rape, comparing with to a machete.[18] In an interview for CNN, he talked mostly about investigating alleged reports gained on the ground, yet these were presented as verified facts. He argued that the most effective way to stop rapes would be to arrest Gadhafi.

This came at the same time that international criticism of the intervention was mounting, mainly based on reports of collateral damage and unintended targeting of civilians, casting a shadow on the protectionist argumentation. The Viagra story and the ICC's definitive statement revitalized the legitimacy of the mission. NATO secretary general Anders Fogh Rasmussen announced at the end of May that NATO would continue its campaign until the defeat of Gadhafi's forces.[19]

The second key incident was the emotional testimony of Eman al-Obeidi in front of international reporters followed by a series of interviews, articles, and calls for action. In particular, CNN eagerly covered the event, presenting it as a "story of a woman in need" who urgently needed protection: "a *desperate* Libyan woman burst into the building frantic to let the world know she had been raped and beaten by Moammar Gadhafi's militia."[20] In the following months, al-Obeidi's name was used by the media, NGOs, and political representatives as a symbol of oppression against an innocent woman, a hero not afraid to speak out and resist the regime, hunted prey seeking protection and security.[21]

The turning point in the official UN position was a speech given by the Special Representative of the Secretary-General on Sexual Violence in Conflict, Margot Wallström, at the UN Security Council meeting in April 2011, in which she referred to the case of al-Obeidi. She criticized the Security Council for the absence of explicit condemnation of sexual

17. Hague Justice Portal, "Rape as a Weapon of War Likely to Be Added to Charges in Libya Case," June 9, 2011, http://www.haguejusticeportal.net/index.php?id=12778 (accessed June 13, 2018).

18. "ICC to Investigate Reports of Viagra-Fueled Gang-Rapes in Libya," CNN, May 18, 2011.

19. Ivan Traynor, "NATO Denies Targeting Muammar Gaddafi," *The Guardian*, May 1, 2011.

20. "Libyan Woman Bursts into Hotel to Tell Her Story of Rape," CNN, March 27, 2011, http://edition.cnn.com/2011/WORLD/meast/04/01/arab.unrest.faces/index.html (emphasis added) (accessed June 13, 2018). It was not only her: the experience of al-Obeidi was presented as an exemplary case indicating the living conditions of all Libyans: "journalists had witnessed Gadhafi's firm and pervasive grip on Libyan society. A woman who dared to speak against him was quickly silenced. Journalists who dared to tell her story paid a price. It was one tale that perhaps went a long way in illuminating the need to protect Libya's people."

21. "Rape Used 'as a Weapon' in Libya," Al Jazeera, March 27, 2011; see also "How One Voice Can Tell the Story of an Entire Movement,' CNN, April 1, 2011, http://edition.cnn.com/2011/WORLD/meast/04/01/arab.unrest.faces/index.html (accessed June 13, 2018)."

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violence in Libya and did not hesitate to assess the crimes as political and security matters:

> [G]iven the way sexual violence spans the history of war, it should be automatically and systematically included in protection measures. The Council has recognized that sexual violence is used by political and military leaders to advance political, military and economic ends . . . If we allow the lack of hard data to justify inaction, it will always be too late. . . . I urge the Council to use its influence to ensure that any ceasefire agreement reached in relation to Libya or Côte d'Ivoire also entails the cessation of sexual violence as a tactic of war.[22]

Instead of providing solid evidence, she referred to a single case, which became a media blockbuster: "Although most of these reports of rape remain unconfirmed — and are even brutally silenced — they have arrested the attention of the world. The name of Eman al-Obeidi is known to all."[23] It is precisely the UN Security Council that serves as the most powerful platform for legitimization, with its audience being the most influential political actors. On top of that, the international media cited Wallström's statement, significantly widening the audience reached.[24]

While NATO officially justified Operation Unified Protector as an attempt to stop state-organized violence in general,[25] some member-state representatives explicitly referred to sexual(ized) violence incidents. The U.S. ambassador to the UN, Susan Rice, condemned widespread human rights abuses during an April UN Security Council meeting, at which she also argued that Gadhafi was supplying his troops with Viagra to encourage mass rape.[26] During the debate, several countries and particularly China and the Russian Federation opposed the way NATO implemented Resolution 1973. There was also a debate on the moral

22. United Nations Security Council, "Women and Peace and Security," S.PV.6515, April 14, 2011, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/WPS%20SPV%206515.pdf (accessed June 13, 2018).

23. "Statement by the Special Representative of the Secretary General on Sexual Violence in Conflict Margot Wallström," April 20, 2011, https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2012/07/Statement-by-SRSG-on-Libya-20-April-2011.pdf (accessed June 13, 2018).

24. See, e.g., Patrick Worsnip, "U.N. Sex Violence Envoy Chides Council on Libya Texts," Reuters, April 14, 2011, http://uk.reuters.com/article/health-us-un-envoy-idUKTRE73D84A20110414 (accessed June 13, 2018).

25. NATO, "Press Statement by the Secretary General following the Commencement of Air Operations," Press Release 041, March 24, 2011.

26. Ewen MacAskill, "'Gaddafi Supplies Troops with Viagra to Encourage Mass Rape,' Claims Diplomat," *The Guardian*, April 29, 2011, https://www.theguardian.com/world/2011/apr/29/diplomat-gaddafi-troops-viagra-mass-rape (accessed June 13, 2018).

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equivalence of human rights abuses perpetrated by Gadhafi and the rebels. Obviously, the U.S. ambassador used the argument to counterbalance any doubts about the legitimacy of the NATO response. Also, U.S. Secretary of State Hilary Clinton made a public statement on the United States' deep concerns about the wide-scale rape, referring to the al-Obeidi case:

> Since Eman al Obeidi bravely burst into a hotel in Tripoli on March 26 to reveal that Qadhafi's security forces raped her, other brave women have come forward to tell of the horrible brutality they have experienced. . . . Qadhafi's security forces and other groups in the region are trying to divide the people by using violence against women and rape as tools of war.[27]

This statement shows an attempt by Clinton to generalize the story despite a lack of concrete evidence. When talking about the perpetrators, Gadhafi's forces are specified as opposed to vague "other groups," implying a general responsibility of the regime rather than individual soldiers and their commanders.

Al-Obeidi received more media attention in May 2011, when she managed to escape Libya. CNN stressed the role of the French embassy and the personal involvement of President Nicolas Sarkozy, once again using her as a representative of all Libyan women: "The lady who came to symbolize the Libyan struggle is now getting for the first time the help she so long craved."[28] In other words, she had to leave the country to find shelter, which was provided by the civilized West — this time by French diplomats and later by the United States, guaranteed personally by Clinton.[29]

With the exception of Human Rights Watch, which used similar language while calling for international intervention,[30] other human rights NGOs adopted a sober, more cautious approach. Amnesty International publicly admitted that its investigation did not confirm any

27. "Sexual Violence in Libya, the Middle East and North Africa," Press Statement of the Secretary of State, June 16, 2009, http://www.state.gov/secretary/20092013clinton/rm/2011/06/166369.htm (accessed June 13, 2018).

28. "CNN Exclusive: Alleged Rape Victim Flees Libya." May 9, 2011, http://edition.cnn.com/2011/WORLD/africa/05/08/libya.rape.case/index.html (accessed June 13, 2018).

29. "Help Obeidi Out of Libya," CNN, June 5, 2011, http://edition.cnn.com/2011/OPINION/06/04/frelick.liba.obeidy/index.html?iref=allsearch; and 'Alleged Libyan Rape Victim Comes to the U.S. to Stay,' CNN, 29 July 2011, http://edition.cnn.com/2011/US/07/29/us.libya.al.obeidy.relocates/ (all accessed June 13, 2018).

30. After the al-Obeidi incident, Human Rights Watch published a report titled "Libya: Immediately Release Woman Who Alleged Rape" (2011). In addition, the women's rights director of HRW, Liesl Gerntholtz gave an interview in which she referred to the al-Obeidi case as emblematic of the war and agreed that there was a problem of rape being used as a military weapon (Gerntholtz 2011; see also Abrahams 2011).

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indicators of rape as a weapon of war.[31] This was supported by the critical assessment of the International Crisis Group in response to uncorroborated rape allegations:

> [M]uch Western media coverage has from the outset presented a very one-sided view of the logic of events, portraying the protest movement as entirely peaceful and repeatedly suggesting that the regime's security forces were unaccountably massacring unarmed demonstrators who presented no real security challenge. (ICG 2011, 9)

In February, the UN Human Rights Council adopted a resolution condemning the violence in the country and demanding an immediate inquiry; later, in June 2011, the International Commission of Inquiry published its report on Libya. The independent inquiry presented a balanced picture regarding the responsibility for sexual(ized) violence and did not advance any verified evidence for systematic and widespread rape. The report indicated that suggestions in the international media about the spread of Viagra pills among the Kata'eb[32] troops were "speculative."[33]

In contrast to the report of the International Commission of Inquiry presented to the Human Rights Council, the international media never focused on the rape incidents reported by Gadhafi loyalists or migrants, which did not fit the frame of the oppressive state responsible for violence. Although there were longer-term patterns of sexual violence based on racial discrimination against non-Arab populations as well as opportunistic rapes committed as a result of a lack of police control, those cases would have distracted from the simple, clear, and attractive image of the "Libyan butcher."[34]

The analysis of both official and unofficial discourse on rape in Libya shows a clear tendency to discredit the Gadhafi regime and present the opposition as innocent, suffering victims. Despite the repeated disavowal of a regime change policy, the protectionist discourse in favor of Western military intervention reflected a clear attempt to overthrow the ruling

31. Patrick Cockburn, "Amnesty Questions Claim That Gaddafi Ordered Rape as Weapon of War," *The Independent*, October 22, 2011, http://www.independent.co.uk/news/world/africa/amnesty-questions-claim-that-gaddafi-ordered-rape-as-weapon-of-war-2302037.html (accessed June 13, 2018).

32. These were military units under the direct command of Gadhafi and his family members operating separately from the state army.

33. UN Human Rights Council, "Report of the International Commission of Inquiry to Investigate all Alleged Violations of International Human Rights Law in the Libyan Arab Jamahiriya. Advance Unedited Version, A/HRC/17/44, June 1, 2011, https://reliefweb.int/report/libya/report-international-commission-inquiry-investigate-all-alleged-violations (accessed June 13, 2018)"

34. This phrase was used in the title of a *New York Times* editorial from February 22, 2011, https://www.nytimes.com/2011/02/23/opinion/23wed2.html (accessed June 13, 2018).

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elite and support the rebels.[35] This was effectively implemented by NATO as well as UN representatives but even more visibly by the Western media. At the same time, the discourse on rape as a weapon used strategically by the Gadhafi forces and supporters served as a powerful source of legitimacy for the military intervention. However, the conclusions regarding sexual(ized) violence were based on selective emotional testimonies rather than complex and objective fact-finding missions. Finally, there was a consistent emphasis on the sensitiveness of rapes in the Libyan — Islamic — society because of the uncivilized and unjust treatment of victims, which required an intervention of the Western "unified protectors." Overall, the argument on widespread and systematic violence against the most vulnerable provided a convincing justification for the NATO military operation. Despite the emphasis put on preventive and nonmilitary measures within the R2P framework, the Libyan case shows the capability of Western states to interpret crisis situations in line with their political preferences.

The impact of strong legitimization was visible throughout March 2011, just before the NATO operation was launched. According to a *Washington Post*-ABC News Poll, by mid-March, 45% of American respondents approved how the Barack Obama administration was handling the situation in Libya (34% disapproved and 21% had no opinion on the matter).[36] The support of the public increased by the end of the month according to another national CNN survey, which concluded that "seven in ten Americans are confident that the U.S. will be successful in protecting civilians from Gadhafi's forces and three-quarters think that Gadhafi will be removed from power."[37] In contrast to the period prior to the operation, the performance of the allied forces was perceived more critically, with figures dropping significantly in surveys undertaken in May and June 2011.

35. Some NATO countries, including Italy and Greece, challenged the decision to intervene, Germany, which held the position of nonpermanent member of the UN Security Council, even abstained during the voting. However, neither within the NATO nor within the UN did any member use a veto to block the strong coalition of the United States, United Kingdom, and France in favor of military action. For further reading on the R2P coalition in Libya, see Chesterman (2011) and Hehir and Murray (2013).

36. Jon Cohen, "Poll: Conditional Support for Libya No-fly Zone," *Washington Post*, March 14, 2011, https://www.washingtonpost.com/politics/poll-conditional-support-for-libya-no-fly-zone/2011/03/14/ABc7XGV_story.html?utm_term=.bdb8d56604eb (accessed June 13, 2018).

37. "CNN Poll: Most support No Fly Zone in Libya But Not Ground Troops," CNN, March 21, 2011, http://politicalticker.blogs.cnn.com/2011/03/21/cnn-poll-most-support-no-fly-zone-in-libya-but-not-ground-troops/ (accessed June 13, 2018). The survey was conducted with the aim to assess support for the establishment of a no-fly zone in Libya, while including broader questions regarding U.S. involvement in Libya.

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In the United Kingdom, the situation was quite similar, with a 56% majority support for the intervention in its initial stage. Respondents were specifically asked whether it was possible to protect Libyan civilians only by removing Colonel Gadhafi, and again, 54% agreed (16% thought Gadhafi could remain in power and 30% were not sure).[38] The public support was even stronger in France — 66% backed military action by March 22, 2011.[39]

After a careful examination of the public opinion surveys in the three leading states initiating military operation, there was a pervasive support for the urgent need to protect civilians in Libya, including otherwise controversial regime change policy. Although the surveys did not focus on the more specific issue of sexual(ized) violence, since it was a significant part of the official and media argumentation, we assume that the legitimization strategies discussed earlier significantly contributed to the effective protectionist discourse.

In the academic reflections on the legitimacy of the R2P-based intervention in Libya, there was a strong consensus on the accomplishment of the just-cause threshold (Goldstein 2011; Patrick 2011; Pattison 2011; Thakur 2011; Weiss 2011). Although there were fundamental issues raised with regard to the implementation of the NATO operation, such as the disproportionality of air strikes to humanitarian objectives (Bachman 2016; Zambakari 2016), mission creep involving a regime change policy (Zenko 2016), the absence of ground troops providing direct assistance to civilians (Nygren 2014; Sörenson and Damides 2014), and generally very disputable humanitarian outcome (Kuperman 2015; Lamont 2016; Vilmer 2016), scholars mostly approved of the decision to protect oppressed Libyans. The liberal community of R2P proponents went so far as to portray Libya as a role model for the future (Hehir and Murray 2013; Thakur 2011; Weiss 2011).

Again, although the reviews were more concerned with the protection of civilians in general, some made explicit references to the issue of sexual(ized) violence while concluding that the intervention was justified (Adams 2011; Fermor 2012–13; Norooz 2015). The platform of prominent NGOs unified within the International Coalition for the R2P presented a synopsis of the international response to the crisis in Libya

38. "YouGov/The Sun Survey Results," March 21, 2011, http://cdn.yougov.com/today_uk_import/yg-archives-pol-sun-libyagaddafi-220311.pdf (accessed June 13, 2018).

39. Reuters, "Most French Back Libya Military Action — Poll," March 22, 2011, http://www.reuters.com/article/libya-france-poll-idAFLDE72L2H820110322 (accessed June 13, 2018).

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and the ICC prosecutor's statement: "On 8 June 2011 Prosecutor Moreno Ocampo confirmed that the Libyan government had used rape and sexual violence as tools of war and repression to target people against the government" (ICR2P 2011). It further concluded that the normative aspirations of R2P had been accomplished in Libya, though there were operational problems of the NATO military campaign. The director of the Global Center for R2P, Simon Adams, also believed intervention was legitimate, arguing,

> [T]here were also widespread allegations that loyalist forces were guilty of the "murder, rape and sexual torture" of Misrata's residents. Doctors testified to "military sanctioned rape" of women and girls as young as fourteen. Given the extensive nature of war crimes perpetrated in Misrata, it was clearly within the UN's "all necessary measures" mandate for NATO to attack Gadhafi's forces encircling the city. (2012, 10)

Understanding R2P-based military intervention as an appropriate response to sexual(ized) violence is a very troubling effect of the wider problematic perception of the "just" cause in Libya.

In June 2016, NATO published a framework report on "Relations with the United Nations."[40] It maintained that the UN authorized operations deployed by NATO, such as Operation Unified Protector in Libya, as clear indicators of shared priorities, including "*the protection of civilians, including children, in armed conflict, and combating sexual and gender-based violence*" (emphasis added). Accepting the protectionist rationale for intervention in Libya inevitably strengthens the role of NATO on the global stage. In their article for *Foreign Affairs* titled "NATO's Victory in Libya — The Right Way to Run an Intervention," Ivo H. Daalder and James G. Stavridis (2012) argue the alliance succeeded in protecting civilians and demonstrated that it remained an essential source of stability. Taking into account the highly disputed outcomes of the NATO involvement in Libya, all legitimacy rested on the highly effective framing of the widespread and systematic violence, including rape. This is a problematic development since the protectionist discourse disseminated by the Western officials, academics, and the media is powerful enough to put aside fundamental problems of military campaigns and their generally limited humanitarian potential.

40. NATO, "Relations with the United Nations," June 21, 2016, https://www.nato.int/cps/su/natohq/topics_50321.htm (accessed June 13, 2018).

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CONCLUSION

The topic of sexual(ized) violence not only attracts enormous international attention but also has become a powerful discursive frame to mobilize controversial political actions in response. Whereas large-scale rape in armed conflict is not a new phenomenon, modern (post–Cold War) conflicts are treated as largely based on the employment of sexual(ized) violence as a weapon of war or a tactic of terror. The existing meta-narrative of rape being an actual weapon of war has become deeply embedded in the political legitimization strategies for military intervention. Using rhetoric to fit political agendas and legitimizing military interventions, which in many cases fail to protect civilians, represents a highly problematic development. Here, the suffering of victims of sexual violence is sensationalized and highlighted at the expense of other, often extremely brutal forms of violence and human rights abuses. This article has argued that sensationalizing the suffering of the victims of sexual violence to legitimize highly controversial military interventions does primarily serve the purpose of making international interventions appear more acceptable. Critical rereading of the discourse is thus very important to prevent the reproduction of narratives strategically used to legitimize political projects.

The analysis was based on CDA, using Fairclough's dialectics combined with critical feminist assumptions on sexual violence in armed conflicts. A set of specific legitimization strategies were identified that, in practice, justify sensitive political actions. These are (1) constructing sexual(ized) violence as a weapon of war, (2) condemning concrete architects of the machinery (typically one of the conflicting parties), and (3) proclaiming the urgent need to protect the victims through all necessary means. The discursive strategies in effect reproduce Western domination in the international order, advocated through the trendy rubric of humanitarianism. The selected case study has been celebrated by academics a the successful translation of the R2P concept into practical response actions. Yet a closer look at the sources of legitimacy indicates patterns of manipulation and predominance displayed especially by Western media but also official representatives.

From a critical feminist perspective, labeling rape as a weapon represents a significant step from past popular understanding of sexual violence as a side effect and as collateral damage (leading to inaction and disinterest). Particularly in the context of the widely accepted R2P conception, the strategic nature of sexual(ized) violence became a powerful push factor for external intervention. Therefore, there is a clear tendency to interpret

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rape as a weapon of war while neglecting the incidents that do not fit the popular image of one-sided, politically motivated attacks. The simplification and often even misperception of the real nature of sexual violence leads to marginalization of other victims, which, paradoxically, contradicts the very principles of impartial humanitarian assistance. Finally, it privileges short-term assertive responses at the expense of more complex, bottom-up, and, most importantly, nonmilitary empowerment of women in violent conflicts.

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