The Islamic State's Guidelines on Sexual Slavery: the Case of the Yazidis

In August 2014, the Sinjar district became the scene of mass executions carried out by the Islamic State of Iraq and Syria (ISIS) against the Yazidi community, an ethnoreligious minority group of whom the area in northern Iraq is widely known as their ancestral homeland.[1] During this massacre, recognised as a genocide by the UN, ISIS captured thousands of women and girls, some as young as nine.[2] The group engaged in widespread sexual violence against the Yazidis in the years following. Yazidi women, formerly held by the group as sex slaves, describe having endured rape, forced marriage, and forced abortion.[3] Yet the sexual slavery of ISIS has extended far beyond physical harm. A third of the enslaved Yazidis remain missing, and survivors continue to face obstacles to reconciliation.[4]

Aside from its legacy that demonstrates the importance of paying attention to the Islamic State's sexual slavery, the causes of the group's sexual violence remain poorly understood.[5] Many have merely sought to describe rather than understand the crimes committed against the female Yazidis.[6] Moreover, whereas the media widely reported that ISIS wielded sexual violence indiscriminately, others have pointed to the systematic way in which female Yazidis were targeted.[7] Adding to this puzzle is that sexual violence can undermine the credibility of terrorists and their demands.[8] This begs questions as to why and for what purposes ISIS nevertheless engaged in it. As such, this essay asks: To what extent can existing theories of conflict-related sexual violence explain the Islamic State's sexual enslavement of the Yazidis?

The remainder of this essay is organised as follows. First, three theories are outlined that have been proposed to explain variations in conflict-related sexual violence. Following an overview of the methods used for this essay, the patterns of ISIS' sexual slavery of the Yazidis will be analysed using these three theoretical lenses. The essay will next elaborate on the distinctive patterns of sexual violence present in the case of ISIS. Finally, the conclusion reflects on the main question and proposes a direction for further research.

Three Explanations for Conflict Related Sexual Violence

Whereas sexual violence was long assumed to be an inevitable by-effect of conflict, UNSCR 1820 marked a paradigm shift. In the resolution, adopted in 2008, the UN for the first time recognised sexual violence as a "tactic of war".[9] A consensus followed that sexual violence can and should be prohibited in times of conflict. Yet sexual violence remains difficult to prevent, as its occurrence varies between and even within conflicts.[10] Whereas some rebel organisations have conducted large and organised campaigns of sexual violence, others have refrained from it.[11] Indeed, there have been ample cases where wartime sexual violence has been completely absent.[12] By now, several theoretical explanations have been offered to account for these variations. There are those who purport sexual violence occurs, first, as a strategy; second, as an opportunity; and third, as a practice (Wood 2014: 462). It is worth noting that this distinction is primarily for analytical purposes. Conflict-related sexual violence is an inherently complex phenomenon, and so it is unlikely that any one theory can fully explain the observed patterns of violence.[13]

The first explanation states that terrorist groups employ sexual violence as a deliberate tactic to terrorise civilians and coerce citizens into compliance.[14] Other frequently cited tactical aspects of sexual violence are that it may be used

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to produce a new generation of fighters by impregnating women [15] or to generate economic revenue by engaging in slave trade.[16] Informed by UNSCR 1820, sexual violence may according to this explanation thus be employed as a strategy in an attempt to secure and expand social, ideological and territorial control.

Conversely, the second explanation assumes that sexual violence occurs as a spontaneous act, simply due to the opportunity conflict facilitates in fostering a climate of impunity.[17] According to this explanation, conflict-related sexual violence transpires in the absence of a deliberate strategy but rather occurs because of individual motivations;[18] male's biological sexual needs;[19] or state collapse and the dissolution of legal systems.[20] Echoing feminist scholar Susan Brownmiller's perception of conflict-related sexual violence who argued that "war provides men with a tacit license to rape",[21] this explanation assumes that masculinity generates the incentives for sexual violence to take place — while conflict facilitates the favourable conditions under which these may be carried out.

This understanding, however, cannot fully explain why some combatants engage in sexual violence whereas others do not.[22] The third explanation holds that conflict-related sexual violence can also occur as a practice. This theory sees conflict-related sexual violence as a product of social interactions and pressures rather than individual motivations or biological precursors.[23] It assumes peacetime gender relations and socio-cultural norms play a large role in the use of sexual violence by terrorists and conflict-related sexual violence is as such considered a social phenomenon.[24] This explanation asserts that conflict-related sexual violence is neither an adopted strategy nor limited to individual actions. Contrary to the former explanations, it attributes a significant role to socialisation in the occurrence of conflict-related sexual violence.[25]

Methods

In the following, the essay first outlines the Islamic State's patterns of sexual slavery of the Yazidis. Next, it will be evaluated to what extent these patterns can be understood through the theoretical lenses of conflict-related sexual violence outlined above, of (1) strategy, (2) opportunity and (3) practice. To make these theories operational, their observable implications were determined as follows.

First, if the group's sexual slavery is strategic, it is expected to be institutionalised and ordered, used in pursuit of the group's political objectives.[26] This means that ISIS employs sexual slavery to increase its ideological and territorial influence;[27] to impose sectarian hierarchies;[28] to generate economic revenue;[29] or to increase its overall number of fighters.[30] If, however, ISIS' sexual slavery would be opportunistic, it is expected to take place indiscriminately and to be carried out for individual reasons rather than group objectives. An additional implication expected in this case is that sexual violence occurs in conjunction with other types of violence against the targeted individual, such as looting and killing.[31] Finally, for ISIS' sexual slavery to be considered a practice, it is expected to occur due to social incentives, hence tolerated rather than purposefully implemented as policy.[32] Sexual slavery may in this case be the outcome of the group's social and patriarchal norms and culture. Additionally, it is expected to create social cohesion among the group's members and persists due to social pressure.

To assess these implications, a combination of secondary and primary sources will be analysed. The consulted secondary sources consist of academic literature and reports of NGO's and the UN. These are complemented by interviews and testimonies of former Yazidi captives, a Q&A on sexual slavery ISIS published in 2015 and, lastly, the fourth and ninth issues of ISIS' propaganda magazine Dabiq, as these contain articles that discuss its sexual enslavement of the Yazidis in detail. Combining these different sources will make it possible to triangulate between sources to increase the credibility of the findings.

Context: The Islamic State's sexual slavery

As a Salafi-jihadist organisation, ISIS adheres to a highly patriarchal ideology in which traditional gender relations and -norms take centre stage. Following its genocide against the Yazidis in August 2014, ISIS took control over the Sinjar region, seized and enslaved approximately 7,000 Yazidi women and forced them to convert to Islam.[33] Until 2017, ISIS treated Yazidi women and girls brutally. Former captives were subjected to daily rape, severe physical

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and emotional abuse, forced abortion, and forced marriage.[34] ISIS regulated its slavery through trading markets within and across the Syrian and Iraqi borders.[35] To sustain this trafficking system and to facilitate routine rape, Yazidi women were forced to take contraceptives.[36] Slaves that were classified economically most valuable, for example young girls, were gifted to the group's commanders.[37] Moreover, on a regular basis, ISIS also gifted Yazidi women to its members as rewards.[38]

ISIS has called its capture and enslavement of the Yazidis a "firmly established aspect of the Shari'a".[39] By publishing several documents on its enslavement of the Yazidis, ISIS subjected its slavery to various rules derived from Shari'a law and the Quran and Hadith. These rules determine when it is lawful to have sexual intercourse with slaves, provide guidelines for their treatment, and regulate the punishments that apply when slaves misbehave.[40] For example, ISIS prohibits its fighters to have sexual intercourse with pregnant women or to engage in sexual relations with slaves of whom it is not the exclusive owner.[41] Finally, it is worth noting that although ISIS refrained from enslaving other minorities on a similar scale to the Yazidis, the group targeted other social groups with other forms of sexual violence, such as rape and forced marriage.[42] Having outlined this context, this essay proceeds to analyse the extent to which the sexual enslavement of the Yazidis can be explained through the theoretical lenses of conflict-related sexual violence mentioned above. Discussed in the following are the lenses of (1) strategy, (2) opportunity and (3) practice respectively.

Targeting the Yazidis: A strategy

First, the extent to which ISIS' sexual slavery was regulated through markets, price lists and registration sites indicate that it was highly institutionalised.[43] Moreover, ISIS has described Yazidi women as "pagans", "infidels" and "apostates", while contending that they "willingly accepted Islam (…) after their exit from the darkness of shirk [disbelief]".[44] Along with testimonies from former captives who claim to have been forcibly converted to Islam, these designations show an attempt by ISIS to increase its ideological influence.[45] By targeting the Yazidis individually, ISIS has sought to impose sectarian hierarchies at the collective level.[46] As such, both the high degree of institutionalisation and the subjugation of Yazidi women because of their religious identity suggest a strategy.

However, the strategic component of ISIS' sexual slavery is weakened as the group forced Yazidis to use contraceptives to sustain routine rape and trafficking and to undergo abortions.[47] This contradicts the notion that sexual slavery may be employed to increase the overall number of followers.[48] Further weakening the strategic value of ISIS' sexual slavery is that 'valuable' Yazidi slaves were gifted to the group's commanders.[49] This suggests that ISIS regulated its slave trade primarily to satisfy the sexual needs of its militants in an attempt to create social cohesion rather than to generate economic revenue. Moreover, because ISIS already controlled the Sinjar area since its genocide in 2014, it is unlikely that the group engaged in sexual slavery the years after to expand its territorial influence. A final and perhaps most crucial point that questions the applicability of this theory is that whereas ISIS approves of its sexual slavery, it is not necessarily ordered. This would have been expected in the case of this explanation. Members of the group are not obligated to participate in sexual slavery, or are punished if they abstain from doing so.[50]

Targeting the Yazidis: An opportunity

Considering the highly institutionalised manner in which ISIS organised its sexual slavery described above, it is unlikely that the group's fighters engaged in sexual slavery as a spontaneous act. This is not to say individual motivations have played no role in specific cases of Yazidi enslavement. Yet, its high degree of control and regulation suggest that the enslavement of the Yazidis initiated and persisted due to group structures rather than individual incentives. Moreover, ISIS' (2015b) legal restrictions and rules on sexual slavery derived from Shari'a law suggest that the victimisation of Yazidi women was not indiscriminate. More generally, the selective targeting of the Yazidis in itself disputes the indiscriminate nature of the group's violence.

Although Yazidis were heavily abused when held as slaves, this should be seen as part of the group's institution of slavery rather than stemming from spontaneous acts of violence that were not explicitly addressed or justified on behalf of the group. For example, ISIS authorised "darb ta'deeb", disciplinary beatings, but prohibited "darb al-

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ta'dheeb", torture beating.[51] Moreover, the group constrained its slavery to clear guidelines and therefore did not rape or abuse Yazidi women outside this institution.[52] Such 'restrictions' on violence would not have been expected in the case of this explanation, while other crimes aside from sexual slavery against the targeted individual would.

Targeting the Yazidis: A practice

Finally, to examine whether the sexual slavery of ISIS can be understood as a practice, it is key to consider the role of social incentives and norms. In this respect, ISIS justified its sexual slavery by invoking its patriarchal gender beliefs, for example by stating that the enslavement of the Yazidis restored their "honour" and "purity".[53] Moreover, because ISIS targeted women belonging to other social groups with other forms of sexual violence, notably rape and forced marriage.[54] This suggests that ISIS' sexual slavery can be regarded as an outcome of societal discrimination against women more generally. It is, therefore, likely that Yazidi women were targeted as a product of the group's hypermasculine and patriarchal ideology.

In this way, the subjugation of the Yazidis instilled a sense of gender hierarchy in ISIS fighters.[55] This implies that ISIS' sexual slavery can be considered a form of social pressure, as engaging in sexual slavery may have proven the combatants' masculinity. An additional manner in which social pressures among the group's members may have played a role is for religious reasons. ISIS referred to those opposing sexual slavery as "apostatising from Islam".[56] Lastly, the exchange of sex slaves as gifts and rewards created social cohesion among the group's members.[57] Consistent with this explanation, these features combined reveal the importance of social norms, cohesion and pressure that has undergirded ISIS' patterns of sexual slavery.

Despite these similarities, this theoretical explanation cannot explain why ISIS refrained from enslaving other ethnoreligious minorities considered their ideological enemies on a scale similar to that of the Yazidis.[58] This would have been expected if its impetuses had been societal discrimination, pressure or cohesion. Similarly, the highly institutionalised and top-down patterns of ISIS' sexual slavery make the applicability of this theoretical explanation questionable.[59] Finally, contradicting the core premise of this explanation, ISIS explicitly addressed and exalted its sexual slavery. This indicates that the Yazidis were subjected to sexual violence not only because it was tolerated, but because the group considered it righteous.

Targeting the Yazidis: Distinctive patterns

Having connected ISIS' patterns of sexual slavery to these theoretical explanations, it becomes clear that the group's targeting of the Yazidis cannot be fully explained by one of these theories. Although the strategy and practice theories provide partial insight, these too cannot explain why ISIS explicitly proclaimed its sexual slavery without explicitly ordering it or, in this sense, merely tolerating it. To better understand these patterns, it is worthwhile to consider how ISIS itself perceived the utility of its sexual slavery.

As noted, ISIS put forth several limitations and permissions derived from the Shari'a and Quran as to how female captives should be treated. Based on these rules, it set out the circumstances under which sexual intercourse with slaves is and is not permitted. This indicates that the group sought to limit its sexual slavery to a specific set of religious guidelines to rationalise its acts. By contending that the Yazidis were captured on "Allah's command", ISIS attempts to justify its sexual slavery not by imposing it as a group — rather, it frames it as being religiously authorised.[60] Based on this reconfiguration of Islam, ISIS not only considers the enslavement of the Yazidis to be in "Allah's favour", but even refers to it as being prompted by a "permission of Allah".[61] This constitutes a transcendental motivation for its sexual slavery, pointing to a distinctive pattern of violence that cannot sufficiently be captured by the examined explanations.

The justifications ISIS offers for its sexual slavery are extremely valuable for improving our understanding of conflict-related sexual violence. They provide a rare insight into the rationale of a terrorist group that has resorted to sexual violence. This is especially important because assessments of the utility of conflict-related sexual violence are often based on assumptions.[62] The religious motivations which underpinned the subjugation of the Yazidis aligns with ideas of Revkin and Wood, who argue that ISIS' ideology dictated distinct policies of (sexual) violence against

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different social groups.[63] In light of the dominant paradigm of conflict-related sexual violence — in which it is understood either as a strategic, spontaneous or social phenomenon — the transcendental elements central to ISIS' sexual slavery suggest that the role of ideological factors in condoning conflict-related sexual violence merit further exploration.

Conclusion

In the years following the Sinjar attack on the Yazidi community in 2014, thousands of Yazidi women have been subjected to widespread sexual slavery by ISIS. In the wake of the group's influence, much remains unknown about the motivations behind the Islamic State's sexual slavery of the Yazidis. This contribution aspired to shed light on these patterns by examining the extent to which existing theoretical explanations of conflict-related sexual violence can explain ISIS' sexual enslavement of the Yazidis.

Three explanations of conflict-related sexual violence were adopted as a lens, namely those that purport sexual violence occurs as a strategy, as a practice and as an opportunity. The first two offered partial answers. Notably, the high degree of institutionalisation, social pressures and the importance of gender hierarchies that undergirded ISIS' patterns of sexual slavery are in line with these explanations. Conversely, the explanatory value of the opportunity theory was undermined primarily by the group's selective and methodical targeting of Yazidi women. Despite the partial answers that the first two theories could provide, ISIS rationalised its sexual slavery by promulgating it as "Allah's command" rather than a group's mandate. This points to a transcendent and distinctive pattern of violence insufficiently explained by any of the existing theories.[64]

The findings of this essay are exploratory in nature. Still, the transcendental guidance underpinning ISIS' patterns of slavery suggests that to understand variations in conflict-related sexual violence, the focus should not only lie on understanding certain tactical, opportunistic and social elements that incite such violence. It also requires an appreciation of the group's rationale that creates the context in which conflict-related sexual violence can be justified. Examining the ideological fundaments of terrorist groups that resort to sexual violence may provide a valuable starting point for further analysis.

Notes

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