



The Imperative of Brutality over Morality: A Feminist Perspective on the Gendered Violence Legitimised in Peace and Exacted in War

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Introduction

The Roman Philosopher Marcus Tullius Cicero is attributed with the maxim *inter arma silent leges* which translates as, during war law is silent.¹ However, in recognising the paradoxical relationship between the *brutality* of war and the principle of *morality*, Cicero did believe that it was possible to set a moral framework within war. In Cicero's philosophical telling moral goodness is the *telos* of human existence, such moral obligation inspired by an overarching duty to our fellow human beings. Subsequently, moral limitations on the conduct of war have been incorporated into international law most notably in the comprehensive laws set out in the United Nations Charter enunciated in 1945, and in the four Geneva Conventions issued in 1949.² The historical process which developed out of society's attempt to

¹*The Ethics of War: Classic and Contemporary Readings*, ed. Gregory M. Reichberg, Henrik Syse, & Endre Begby (London: Blackwell, 2006), 50-51.

² For example, the just-war traditions association with positive law is manifest in the United Nations Charter which sets out the restrictions on a state waging war and also on war conduct, further information available at <http://www.un.org/en/documents/charter/> (Accessed 3rd May 2018); "The

understand the ethics and legitimacy of war exemplified in Cicero's appeal to moral goodness in war praxis came to be known as the just war tradition. The two standard moral categories within the just war tradition are *jus ad bellum*, the justice of going to war and *jus in bello*, justice in war. According to Alex Bellamy, "The Just War tradition is a two-thousand-year-old conversation about the legitimacy of war".³

However, many feminist scholars have criticised the just war tradition for submitting to a "realist" perspective that is, war is inevitable due to human nature.⁴ Carl von Clausewitz is regarded as a proponent of realism, his view of war is that the predominance of political ends dictates the limitlessness of wars means.⁵ Inherent in the realist paradigm is the notion that brutal force against an enemy is justified. The attempt to develop a theory of war which does not rely on a realist paradigm is exemplified in Michael Walzer's re-emphasis on moral discourse in the conduct of war.⁶ It will become clear that "realist" frames which dictate the use of force as a domain of power over common morality are visible here also. It is the domain of power relations that will become the focus of this paper. In considering asymmetric power relations, Jean Bethke Elshtain argues that war is framed in terms of the essentialist concept of women as "beautiful souls" in need of protection, against the discourse of men as "just warriors", violent and ready to make war.⁷ Therefore, I signal my intention to explore the political processes which codify certain power dynamics in war and in peace. The normative basis for my critique is an analysis of male bias implicit in social dominance which I argue extends to war practice. Animating my exploration will be a consideration of a key debate in feminist political theory that is to what extent it is desirable to incorporate a feminist perspective into the production of knowledge on just war theory.

Laura Sjoberg argues the just war tradition has been a conversation which has excluded women and, as she states, "The just war tradition's silence about gender perpetuates discursive and material gender subordination".⁸ Gender here is understood as a categorical framing synonymous with women.⁹ To this end, Sjoberg attempts to rework just war thinking from a feminist perspective. In my understanding of feminism, I draw upon Sjoberg's analysis thus, "Feminists generally agree that feminism is both a political theory and political movement interested in ending gender subordination".¹⁰ The overall aim of this paper is to offer an assessment of the effectiveness of Sjoberg's feminist just war theory as it relates to the conduct of war that is, *jus in bello*, experienced by women. In considering the gendered impact of war it becomes necessary to interrogate the framework through which such violence is made intelligible. Consequently, it is important to examine the gendered politics which construct the typology of women's lives in peacetime. A generally held definition of peace is the absence of conflict however; in addressing the social ontology of violence against women in war it is obvious that peace defies such definition. In this

Geneva Conventions of 1949 and their Additional Protocols", <http://www.icrc.org/eng/war-and-law/treaties-customary-law/geneva-conventions/index.jsp> (Accessed 3rd May 2018).

³ Alex J. Bellamy, *Just Wars: From Cicero to Iraq* (Cambridge: Polity Press, 2006), 2.

⁴ See, for example, Sara Ruddick, *Maternal Thinking: Towards a Politics of Peace* (Boston: Beacon Press, 1989); Jean Bethke Elshtain, *Women and War* (Chicago: University of Chicago Press, 1995).

⁵ Carl von Clausewitz, *On War*, ed. Anatol Rapoport (London: Penguin, 1982).

⁶ Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 4th ed. (New York: Basic Books, 2006).

⁷ Jean Bethke Elshtain, *Women and War*, 4.

⁸ Laura Sjoberg, *Gender, Justice, and the Wars in Iraq: A Feminist Reformulation of Just War Theory* (Oxford: Lexington Books, 2006), 18.

⁹ For a comprehensive discussion on Gender see, for example, Judith Squires, *Gender In Political Theory* (Cambridge: Polity Press, 1999); Chapter Two in particular "Framing Gender".

¹⁰ Laura Sjoberg, *Gender, Justice, and the Wars in Iraq: A Feminist Reformulation of Just War Theory*, 32.

tentative inquiry I do not wish to say that all women experience violence in war and peace in the way I will describe however, it is also apparent that many women are subject to such violence. Although the scope of this work is limited to a consideration of women's experiences in war, I recognise that men are also victims of war.¹¹ The paper will go beyond the normative explanations of gendered violence as a product of conflict to develop the notion that socially constructed gender norms are foundational to such violence. The rationale for this focus is two-fold. First, if feminism is serious about taking account of the lived reality of women it is necessary to understand the gender politics that frame this reality. Second, a feminist just war theory should be equipped to confront the gendered impact of war exacted on women.

I begin my account with an examination of war thinking from Clausewitz's realist perspective. Having considered the implications of the concept of war as limitless, I will go on to examine Walzer's alternative approach to realist thinking. Finally, I will introduce Sjoberg's feminist reworking of just war theory which she argues, in contrast to traditional just war thinking, seeks to take account of the gendered impact of war. I then assess the gendered impact of women in war focussing on the prevalence of rape in conflict situations. The exposition of rape is implemented in order to highlight the ways in which gender is used as a strategic weapon in war, and to assess how asymmetric power relations underpin gender-based violence. With respect to the substantive aspect of gender violence I will introduce the idea of *gendered terrorism* as being constitutive of normative social practice. The function of this concept is to illustrate how prerogative power facilitates the group targeting of women. I then return to Sjoberg's feminist just war theory proper and consider the implications of attempting to apply her theory to war-fighting. In thinking about Elshstain's symbiosis between warrior and victim it is asserted that a feminist just war is untenable so long as the warrior is unjust.

I will argue that it is not the obscurity of gender in traditional just war theory which perpetuates gender subordination, as Sjoberg suggests, rather it is gender subordination that shapes war practice. Consequently, I argue that the normative gender conventions which permeate women's experience of both war and peace dictate the inadequacy of Sjoberg's reformulated just war theory to address the gendered impact of war. I will conclude that the purpose of feminist ethics is to address endemic asymmetric power relations which define women in subordinate terms and exact an imperative of *brutality over morality*. Ultimately, it is my contention that the improvement in women's situation in war can only be generated through explicit prevention of *gendered terrorism* within social and political conventions. Looking to the future, the promotion and implementation of gender equality will have a positive impact on women's lived reality in both war and peace and therefore it is apparent that emancipatory politics remains feminism's *telos*.

I. The Just War Tradition and *Brutality over Morality*. Introducing a Feminist Just War Theory

The just war tradition attempts to negotiate the competing demands of two distinct and apparently irreconcilable modes of human existence defined here as, *morality* and *brutality*. Thus, in contemplating *jus in bello* we have an immediate dilemma in intuiting what we regard as right and wrong set against the brutal reality of war. Immanuel Kant tells us that

¹¹ See, for example, Kimberley A. Lee, George E. Vaillant, William C. Torrey and Glen H. Elder, Jr. "A 50-Year Prospective Study of the Psychological Sequelae of World War II Combat," *American Journal of Psychiatry* 152 (1996): 1-30. Available at: <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA319601> (Accessed 20th April 2017).

our ability to reason directs us to the good; his categorical imperative is therefore an ethic of self-legislation toward right intention or, in his words, "... the imperative of morality".¹² Contrasted with this consider the limitlessness of war as narrated by a proponent of realism, Carl von Clausewitz, "War is an act of violence pushed to its utmost bounds; as one side dictates the law to the other, there arises a sort of reciprocal action, which logically must lead to an extreme".¹³ Consequently the practice of war is conceived in, as Clausewitz argues, "hostile intention", a concept far removed from Kant's "right intention".¹⁴ Therefore, one can easily see how the contemplative imperative of *morality* could be forcibly constrained by the infinitely more immediate imperative of *brutality*. To be sure, given such paradoxical imperatives one might pause at this moment and consider that any attempt by the just war tradition to maintain the imperative of *morality* in the face of the "hostile intention" inherent in war practice is sure to fail.

In reflecting on this dilemma Laura Sjoberg, political theorist and just-war thinker, points out, "To argue that there is no just war is to argue either that war is always permissible or that war is never permissible."¹⁵ In other words, Sjoberg is offering us a pragmatic argument which states that war is neither fundamentally right nor wrong but crucially, war may be a necessary tool when a society is threatened or oppressed. However, unlike Clausewitz, Sjoberg's concerns focus on the moral discourse of war practice, and for her this reformulation of just war thinking requires taking account of the impact on individual lives, as we shall discuss later. For now, Clausewitz was insistent that war should be concerned with military strategy for political ends only, therefore any moral restrictions on the violent conduct of war likely imposed by, for example, international law were, for him, "hardly worth mentioning".¹⁶ Inveighing against the prioritisation of strategic consideration Sjoberg is not alone in insisting that morality be central to just war thinking, other scholars have criticised the realist position espoused by theorists such as Clausewitz.

One such theorist is Michael Walzer who is driven by concerns to separate the political ends of war from the human cost of war and, thus, insists on challenging the realist argument.¹⁷ Walzer is at pains to assert the "moral equality" of combatants on both sides of a war noting, however, that combatants do act wrongfully if they violate the war convention that is, our normative judgments on war. The principle that combatants on both sides have the same moral rights derives from the just-war tradition's recognition that being subject to threat is reason enough to retaliate in self-defence.¹⁸ Such an analysis plays into Walzer's rights-based theory where he states, "... no one can be threatened with war or warred against, unless through some act of his own he has surrendered or lost his rights."¹⁹ It is notable that Walzer's words neatly summarise the central criteria within *ius in bello* that is, non-combatant immunity. However, Walzer does permit an exception to this discrimination

¹² Immanuel Kant, *Groundwork for the Metaphysics of Morals* (Oxford: Oxford University Press, 2002), 217. Kant (2002) outlines the categorical imperatives as 1) "I ought never to act in such a way that I could not also will that my maxim should become a universal law" (203), and 2) All human beings are ends in themselves (229).

¹³ Carl von Clausewitz, *On War*, 103. For a brief summary of realist thinking, see Alex J. Bellamy, *Just Wars: From Cicero to Iraq*, 89-94.

¹⁴ Carl von Clausewitz, *On War*, 102.

¹⁵ Laura Sjoberg, *Gender, Justice, and the Wars in Iraq: A Feminist Reformulation of Just War Theory*, 21.

¹⁶ Carl von Clausewitz, *On War*, 101.

¹⁷ Michael Walzer, *Just and Unjust Wars*, 4-13.

¹⁸ See, for example, Alex J. Bellamy, *Just Wars: From Cicero to Iraq*. In Chapter 8, Bellamy argues that the US led invasion of Iraq in 2003, for example, was justified by the US and their allies on the grounds of self-defence.

¹⁹ Michael Walzer, *Just and Unjust Wars*, 135.

principle in instances of “supreme emergency” such crises defined by him as consisting of “... an ultimate threat to everything decent in our lives...” and he exemplifies the “evil” of Nazism as a case in point.²⁰ In deriving this position, Walzer defends the doctrine of double-effect that is: in order to achieve a good outcome, we may inadvertently cause negative consequences. Consequently, Walzer argues, the need to defeat Nazi Germany was so great that the British led decision, sanctioned by Winston Churchill, to bomb German cities resulting in the death and injury of over a million largely civilian German people, whilst morally reprehensible was within the “realm of necessity.”²¹

Setting aside the problem inherent in endorsing the violation of non-combatant rights for the time being, Walzer’s arguments appear to be sound; establishing the moral equality and moral responsibility of both sides in a war responds to the realist argument that morality is irrelevant to the logic of war. Walzer’s argument also provides a tenable position between two opposing opinions; Clausewitz’s realism, and thinkers such as Kant who implied that it was possible, “...to put an end to war for ever.”²² However, the prevalence of war both historically and in our contemporary world would certainly appear to obscure Kant’s ethical stance.²³ Nevertheless, despite my argument that Walzer sequesters a position somewhere between Clausewitz’s realism and Kant’s idealism, it is also apparent that Walzer’s disavowal of realism is somewhat inconsistent with his stance on “supreme emergency.” To illustrate the problem, consider the words of the sixteenth century proponent of realism Machiavelli in *The Prince*, “In order to maintain the state, a prince will often be compelled to work against what is merciful, loyal, human, upright, and scrupulous.”²⁴ There is a powerful thought here which must be confronted, and it is simply this, Machiavelli’s statement comes perilously close to Walzer’s consequentialist criteria of “supreme emergency,” above.

In discussing Walzer’s theory, Jean Bethke Elshtain argues that such “modified realism” undermines the moral framework that shapes just war thinking.²⁵ Elshtain points out that rather than moralism being the primordial principle in Walzer’s ethics, the justification of violence against “evil” states has a central role in Walzer’s theory, evidenced in his defence of saturation bombing. Elshtain argues that this “national interest” rhetoric is a male defined discourse in that it presumes “unitary notions of power.”²⁶ Sjoberg too, interprets such masculine values of “power over” as destructive, as she states, “... it creates a situation where dominance is the parlance of political activity.”²⁷ The argument that the dominance of national interest may be a key factor in war-fighting is crucial, and notably, Sjoberg recognises an ambiguity in just war theories which she believes leads to “political manipulation.”²⁸

For Sjoberg, just war thinking is full of such ambiguities and it is this ambiguity that she is seeking to overcome in her feminist reformation. For example, Sjoberg argues that war is

²⁰ Ibid., 253.

²¹ Ibid., 253.

²² Immanuel Kant, *Perpetual Peace: A Philosophical Essay*, trans. M. Campbell Smith. (London: George Allen & Unwin Ltd), 134, http://files.libertyfund.org/files/357/0075_Bk.pdf (Accessed 5th August 2017).

²³ On war’s omnipresence see, for example, Homer, *The Iliad*, trans. Robert Fitzgerald (Oxford: Oxford University Press, 1998). See also Jonathan Steele, *Ghosts of Afghanistan: The Haunted Battleground* (London: Portobello Books, 2011).

²⁴ Niccolò Machiavelli, *The Prince*, trans. Peter Constantine (London: Vintage, 2009), 65.

²⁵ Jean Bethke Elshtain, *Women and War*, 154-155.

²⁶ Ibid., 89.

²⁷ Laura Sjoberg, *Gender, Justice, and the Wars in Iraq: A Feminist Reformulation of Just War Theory*, 68.

²⁸ Ibid., 8.

not a discrete event, as traditional just war thinking assumes rather it is a continuum of violence and she is clear that the impact of this violence on everyday life is unaccounted for in traditional just war theory. Sjoberg insists that this continuum, or “war system,” is underpinned by the masculine oriented politics of control, and she argues that male dominated just war thinking is complicit in the masking of war effects.²⁹ A variety of feminist theorists have argued that war is made for and by men and is dependent on the socially constructed gender differences construed between men and women.³⁰ For example, Elshtain argues that, “Men are the first cause ... of war.”³¹ As I mentioned earlier, Elshtain insists that war stories are narrated using the platitudinous notion of women as “beautiful souls”, nonviolent and in need of male protection, against the concept of men as “just warriors,” violent and profoundly heroic. This understanding certainly speaks to the “power over” paradigm discussed above, the gendered dynamics of power between men and women dictating men’s domination. Sjoberg explains that such dichotomous narratives, “... simultaneously enable war and subordinate women.”³² Consequently, Sjoberg’s concerns focus on the gendered impact of war-fighting and the damage its effects have on women.

In focussing on women’s gendered experience in war, Sjoberg adopts the heuristic device of “gendered lenses” through which she hopes to observe the specific impact that war exacts on women.³³ Additionally, Sjoberg uses the concept of “empathetic cooperation” as a security ethic, defined as “... a supportive approach to relational autonomy with the ‘other,’” which she applies to questions of justice in war-fighting.³⁴ Sjoberg perceives the preceding concept as a form of dialogue to enable an emotional connection to be made between those seeking enfranchisement. Therefore, Sjoberg introduces a joint ethic which she envisions as an “ethic of justice” and an “ethic of care.”³⁵ Sjoberg’s joint ethic encourages “empathetic war fighting” which, in turn, strengthens the immunity principle by drawing attention to who is affected by war fighting or, the “impact on” approach.³⁶ For example, Sjoberg rightly points out that women are particularly vulnerable to rape during war fighting, and she argues that her reformulated just war theory would dictate a prohibition of rape.³⁷ A second element, the “responsibility-for” approach dictates that belligerents should be held accountable for, so-called, collateral damage.³⁸

²⁹ Ibid., 52.

³⁰ See, for example, Nancy Hartssock, “Masculinity, Heroism, and the Making of War”, in *Rocking the Ship of State: Towards a Feminist Peace Politics*, ed. A. Harris & Y. King (Boulder: Westview, 1989). Cynthia Cockburn, *From Where We Stand: Women’s Activism and Feminist Analysis* (London: Zed Books, 2007).

³¹ Jean Bethke Elshtain, *Women and War*, 166. Note: Elshtain deploys G.W.F. Hegel’s phraseology here.

³² Laura Sjoberg, *Gender, Justice, and the Wars in Iraq: A Feminist Reformulation of Just War Theory*, 98.

³³ Ibid., 12-13.

³⁴ Ibid., 48.

³⁵ Ibid., 45.

³⁶ Ibid., 103.

³⁷ Ibid., 106. Although not specifically mandated in traditional just war thinking, rape is recognized as a crime of war by the United Nations, see United Nations 2007 *Women, Peace and Security* report S/2007/567, <https://www.un.org/ruleoflaw/files/womenpeaceandsecurity.pdf> (Accessed 4th September 2017).

³⁸ Laura Sjoberg, *Gender, Justice, and the Wars in Iraq: A Feminist Reformulation of Just War Theory*, 103-104. For a discussion of the concept of collateral damage, see Holly Sklar, “Brave New World Order,” in *Collateral Damage: The New World Order at Home and Abroad*, ed. Cynthia Peters (Boston: South End Press, 1992), 3-46.

Like Walzer, Sjöberg is concerned with the moral responsibility of belligerents however, unlike Walzer, Sjöberg does not insist that *brutality* must trump *morality* when the political will to exert state power is presumed absolute. Both Sjöberg's "impact on" and "responsibility for" approaches temper the abstractness of Walzer's "supreme emergency" measures, the knowledge of who you are attacking and your responsibility in so doing must introduce a sobering element. It is significant that Sjöberg has returned us to the Kantian imperative of *morality over brutality*. In calling for a more particularised focus on who is affected during war fighting, Sjöberg presents a rather more nuanced discourse which would require warring factions to take account of human suffering and, notably for us here, reduce the gendered impact of war. In this regard Sjöberg insists that the just war's silence on gender "perpetuates ... gender subordination".³⁹ Therefore, implicit in Sjöberg's reformulation of just war theory is a politics of action, her intent being to disrupt the dominant discourse of abstract war theory, which can resort to an "anything goes" contingency, and replace it with a political theory to "deal with the real".⁴⁰ Of course, dealing with the real means confronting the gendered impact of war fighting, and it is to this aspect of war that we must now turn.

II. Women in War: The Gendered Impact

Women in war suffer in many ways including, loss of loved ones, displacement, hunger, injury, and death. Some women are involved in combat however the majority of women experience war as non-combatants.⁴¹ The theoretical principle that non-combatants should be protected in war is codified in law however as we observed in Walzer's "supreme emergency," in practice this moral code can be eschewed. Hugo Slim argues that most military and political leaders do not prioritise the protection of civilians in war rather they often consider that violence toward a civilian population is a useful strategy for achieving their ends.⁴² Notably, Slim insists that identity is a causal factor therefore, enemy civilians are categorised into a group and extreme violence is then used against this specific civilian population, who are conceptualised as "evil", in order to annihilate them or to control them. Therefore, as Slim argues, "Collective punishment sets out deliberately to hurt people in the enemy group as a whole so as to discourage, deter and disempower them".⁴³ According to Slim there was surely an element of this "punitive" thinking in the saturation bombing of German cities sanctioned by Winston Churchill.⁴⁴ Slim's argument is a timely reminder that civilian status does not necessarily provide sanctuary from the *brutality* of war-fighting, and is evidenced in two ways. First, the realist nature of traditional just war thinking can legitimise attacks on civilians within the auspices of national interest and therefore, such thinking demonstrates an imperative of *brutality over morality*. Second, we are at the mercy of political or military reasoning that dictates the targeting of specific groups, showing unambiguously a manipulation of state or military power, the dominant imperative here too being *brutality over morality*. It is interesting for us to note here that women, as a group, are subject to gender-specific violence during war, and it is this discrete targeting that Sjöberg's reformulation of just war theory is intended to address. In discussing the gendered impact

³⁹ Laura Sjöberg, *Gender, Justice, and the Wars in Iraq: A Feminist Reformulation of Just War Theory*, 18.

⁴⁰ *Ibid.*, 206.

⁴¹ According to Cynthia Enloe, women who do fight in wars may have to adopt masculinised values and traits and learn to control their femininity, *Maneuvers: The International Politics of Militarizing Women's Lives* (Berkeley: University Of California Press, 2000), Chapter seven.

⁴² Hugo Slim, *Killing Civilians: Method, Madness and Morality in War* (London: Hurst Publishers, 2007).

⁴³ *Ibid.*, 144.

⁴⁴ *Ibid.*, 155.

of war on women, I will be focussing on the prevalence of rape and, in so doing, I will relate a very painful story. It is hoped the reader may affirm the reasoning behind the inclusion of such a brutal narrative.

Meredeth Turshen argues that rape constitutes a weapon of war and is the most widespread act of violence against women in war.⁴⁵ In analysing the *brutality* of wartime rape, Turshen cites the words of a twenty-eight-year-old woman in Uganda:

I couldn't run because I have two children. I stayed in the house with them. After a while someone pushed the door open and flashed a torch at me. I realized he was a soldier. He threatened me with death if I made an alarm or noise. He then dragged me aside from the sleeping children and raped me inside my own house. I was gang-raped by four soldiers who took their turn, one after another. In all I was raped eight times that same night, so I almost became unconscious without ability or energy to walk.⁴⁶

The frequency of such gendered violence in war is well-documented.⁴⁷ What makes this form of violence possible and justifiable is, as Slim argues, political and military rationale however the discourse of wartime rape is also predicated on gendered relations of power. Therefore, Turshen argues that rape, in the context of the war in Uganda, is centred on the notion that women are the property of men. Consequently, it is apparent that the gender oppression that existed prior to this particular war was instrumental in the gendered violence meted out to women during the conflict. Similarly, Debra DeLaet argues that gendered relations of power are foundational in the strategic use of sexual violence during war, as she states, "In both peacetime and wartime, rape is a crime of power and not of sex".⁴⁸ Like Turshen, DeLaet recognises the connection between women as property and the use of rape as a weapon of war therefore they both argue that in despoiling the property of enemy men, by raping their women, the enemy is humiliated and disempowered. Consequently, DeLaet argues that the rape of women depends upon a hegemonic masculinity which contrasts dominance with submission; the victim is therefore representative of the enemy group, of which the conqueror has control and power over. And here we can adjure that the concept of female subordination is critical to understanding why rape is used as a weapon during war.

On the idea of dominance hierarchies Joshua Goldstein states, "... war borrows gender as a code of domination-submission relationships... Enemies and subordinates are gendered feminine. As a result, recurrently, victorious soldiers express domination by raping conquered women".⁴⁹ In this feminisation context, Goldstein notes that rape is often used as a method of ethnic cleansing thus, terrorising a particular ethnic population in order to force them to leave their communities is a distinct act of domination. The brutal events in the former Yugoslavia and Rwanda bear this sad reality out, with systematic mass rape

⁴⁵ Meredith Turshen, "The Political Economy of Violence against Women During Armed Conflict in Uganda", *Social Research* 67 (2000): 803-824.

⁴⁶ Cited in *ibid.*: 803.

⁴⁷ See, for example, Maria Eriksson Baaz and Maria Stern, "Why Do Soldiers Rape? Masculinity, Violence, and Sexuality in the Armed Forces in the Congo (DRC)", *International Studies Quarterly* 53 (2009): 495-518. See also Elisabeth Jean Wood, "Variation in Sexual Violence during War," *Politics & Society* 34 (2006): 307-341.

⁴⁸ Debra DeLaet, "Gender and the Causes, Tactics and Consequences of War", in *The Ashgate Research Companion to War: Origins and Prevention*, ed. Hall Gardner & Oleg Kobtzeff (Farnham: Ashgate, 2012), 93.

⁴⁹ Joshua S. Goldstein, *War and Gender: How Gender Shapes the War System and Vice Versa* (Cambridge: Cambridge University Press, 2003), 333.

constituting a significant weapon in the brutal arsenal of civil war.⁵⁰ A common aspect of these types of rapes is that they are carried out by groups of male soldiers acting together, as in Turshen's example, above. Goldstein argues that gang rape during war functions in two ways, first, it promotes bonding between combatants and, second, it serves to absolve an individual soldier's responsibility for the violence meted out. Psychologist Ervin Staub has studied the social processes which lead to group violence arguing that perpetrators often become more and more violent, their increased aggression attributed to a negation of the humanity of their victims dictated by the perpetrators claiming superiority.⁵¹ In this context, male soldiers who rape establish a continuum of group supported violence based on brutalising (enemy) women; the soldier's denial of the humanity of the women they violate being symptomatic of asymmetric power relations. From our analysis so far, we can argue that the prevalence of rape in wartime presents us with an epistemology rooted in "power-over."

However, I want to argue that the assertion that asymmetric power relations are central to rape during war does not justify the notion of rape being framed as a weapon of war. The problem of viewing rape as a discrete weapon of war is manifest in three ways. First, in defining rape as a weapon it reinforces the phallic symbolism of weaponry. Colonel Dave Grossman notes that, thrusting a bayonet into the body of a victim is, in his view, explicitly linked to thrusting the penis into the body of a victim.⁵² Therefore, the weaponry analogy of rape buttresses this destructive form of hegemonic masculinity as it conflates aggression and "power-over" with the abuse of the female body. Second, a weapon of war is a means that is not generally used during peaceful times so, for example, when we walk through our local park we do not expect to encounter tanks or be subject to cluster bomb attack. Conversely, rape is a form of violence that is utilised outwith war practice, and this time on our walk we may be subject to such violence. Third, the assertion that rape is a weapon of war suggests that rape is mobilised as a response to conflict, rather like a battle tank, and therefore rape can be perceived as an inevitable and justifiable consequence of war. However, as Doris Buss argues, the categorisation of rape as a weapon of war limits the questions which should be asked about the existing structures which shape the violence in the first instance.⁵³ And here it is asserted that the gendered violence of war serves as a reflection of the gender norms that contribute to the subordination of women. The notion that power relations in rape depend upon a reliance on maintaining the dominance of masculinity is discussed by Claudia Card.⁵⁴ I should say first of all that I am concerned that Card refers to rape as a battlefield weapon; I have made it clear that I think such analogy is counter-productive in analysing the epistemology of wartime rape. That said I am interested in Card's claim that rape is a form of terrorism.

Card uses the term terrorism to illustrate why violence against women is considered a necessary method of control by male soldiers, or civilians. Card draws on the discourse of mnemonics summarised by Friedrich Nietzsche as, "... only that which never stops *hurting* remains in his memory."⁵⁵ Card insists that the gendered violence exacted on women is a

⁵⁰ Cynthia Enloe, *Maneuvers: The International Politics of Militarizing Women's Lives*. See Chapter Four "When Soldiers Rape".

⁵¹ Ervin Staub, *The Roots of Evil: The Origins of Genocide and Other Group Violence* (Cambridge: Cambridge University Press, 1989).

⁵² Dave Grossman, cited in *War and Gender*, ed. Joshua S. Goldstein (Cambridge: Cambridge University Press, 2001), 350.

⁵³ Doris E. Buss, "Rethinking 'Rape as a Weapon of War'", *Feminist Legal Studies* 17 (2009): 145-163.

⁵⁴ Claudia Card, "Rape as a Weapon of War," *Hypatia* 11 (1996): 5-18.

⁵⁵ Friedrich Nietzsche, *The Genealogy of Morals* (New York: Dover Publications Inc, 2003), 37.

form of terrorism that seeks to keep them *hurting* and in a state of perpetual fear. As I shall argue later, fear is a powerful method of control. For now, Card makes the correlation between terrorism and gendered violence based on the notion that terrorists brutalise certain people with the intent of instilling fear into other targets. This argument is summarised by Card when she states, “Women and girls raped are often primary instruments of the exploitation of other women and girls.”⁵⁶ Susan Brownmiller has written extensively on the impact of fear in the use of rape, as she stated, “... rape became not only a male prerogative, but man’s basic weapon of force against woman, the principal agent of his will and her fear.”⁵⁷ Card defines rape as terrorism because she believes this form of fear inducement or “taming” quite simply creates terror in its victims in order that they acquiesce to the terrorists demands. It is interesting to note here that David Rodin insists the definition of terrorism should not be extended to include other forms of violence such as rape because, as he states, terrorism “is directed toward a broader agenda”.⁵⁸ Although we can quite clearly intuit a broader agenda inherent in rape as terrorism in Card’s argument that is, fear and control, it may be useful to us to explore the concept of terrorism a little further.

III. Women in Peace: The Idea of *Gendered Terrorism*

As I noted above, terrorism is a contested concept. However, a generally-accepted definition specifies terrorism as the use of violence and intimidation towards civilians for political purposes.⁵⁹ The notion that terrorism is profoundly linked to political violence developed during the French Revolution when the Reign of Terror instigated by the Jacobins claimed the lives of thousands of royalists in a frenzy of *brutality*, the government sanctioning and legitimating such violence. Therefore, state sanctioned terrorism is a violent act of control formulated in *legitimate* authority. An obvious codicil to the present discussion is that terrorism can be carried out by both state and non-state actors.⁶⁰ The question needs to be asked: can non-state actors performing terrorist acts claim legitimate authority? This is a point I will return to below in discussing just revolution. For now, the tentative answer to the question asked, above, is “yes” however, in expressing such a view, I should clarify my position. It is not my intention to sanction terrorism rather, in confronting the idea of *gendered terrorism* I want to argue that the social structures in place encourage asymmetric power relations enabling such terrorist acts to be committed “legitimately”. To the degree that social practices enable the perpetration of violence, the maxim that terrorism is confined to the political context cannot be so readily accepted. Therefore, I redefine terrorism as, following the protocol above: State and non-state terrorism is a violent act of control directed against members of a group formulated in *legitimised* authority. I will argue it is only through this more comprehensive understanding of terrorism that it may be possible to engage in a more productive account of what terrorism actually is.

⁵⁶ Claudia Card, “Rape as a Weapon of War”: 6.

⁵⁷ Susan Brownmiller, *Against our Will: Men, Women and Rape* (Harmondsworth: Penguin, 1977), 5.

⁵⁸ David Rodin, “Terrorism without Intention,” *Ethics* 114 (2004): 756.

⁵⁹ C. A. J. Coady, *Morality and Political Violence* (Cambridge: Cambridge University Press, 2008), 159. See also Alex J. Bellamy, *Just Wars: From Cicero to Iraq*, Chapter Seven. Note: the term civilian is understood here as a noncombatant that is, not engaged in the military praxis of war. In war practice, attacks on combatants are not generally understood as terrorism but can be assigned war crime status, see “The Geneva Conventions of 1949 and their Additional Protocols”.

⁶⁰ C.A.J. Coady, *Morality and Political Violence*, 163. See also Alex J. Bellamy, *Just Wars: From Cicero to Iraq*, 135.

In Elshtain's analysis of terrorism the shift in emphasis away from political motivation is apparent, as she argues, "A Terrorist is one who sows terror. Terror subjects its victims or would-be victims to paralyzing fear."⁶¹ In focusing on the perpetrator's intimidating intent, no longer are political ends the primordial reason for terrorist activity rather it has a baser epistemology, that of exerting power over the life of another human being. As Abdullahi Ahmed An-Nai'im argues the overriding objective of terrorists is to obliterate the humanity of their victims.⁶² Such malicious intent need not be politically motivated, it can be conceived of in many different ways. For example, Charles Tilly argues that terrorism can be sustained as a method of intimidating civilians for resources and/or power without intention of seizing state leadership.⁶³ Tilly is convinced that attempting to speak of terrorism as if it were a precise phenomenon is pure folly, as he states, "Properly understood, terror is a strategy, not a creed."⁶⁴ Therefore, in this view, terrorism is a strategic methodology which seeks to control specific targets. It is the specific targets of terrorism to which we now turn.

We have already mentioned that the intentional targets of terrorists are non-combatants, however, a brief examination of why terrorist's attack this apparently homogenised category may help us to further define terrorism. Bat-Ami Bar On argues that terrorists target people whom they identify as having a certain group identity and she states this group-directed violence intersects with other forms of group specific violence, notably, "Women, the primary victims of rape, are raped because they are women".⁶⁵ Inherent in Bar On's conception of group membership is its involuntary nature for example, one's gender. Such analysis presents us with the invidious knowledge that terrorists attack certain people on the basis that they are culpable, in the terrorists' view, of possessing an objectionable identity. Similarly, C.J.M. Drake perceives that target selection in terrorism is very specific, it is very rarely indiscriminate, and is made within an ideological framework which justifies targeting certain groups or individuals.⁶⁶ The account of an Italian Red Brigadist stands for Drake as an example of this "legitimised" target selection, as stated by a member, "when you've already decided that he is guilty...and what makes you different is the penalty, the penalty that you allot to that person who is guilty of those things."⁶⁷ Resultantly, the terrorist is both the judge and the executioner; the crime being involuntary group membership.

An obvious point of connection between the various definitions of terrorism, above, is the exertion of power by the perpetrator over a specific group. The arena of power relations is inscribed with the politics of gender, whether we examine the gendered dynamics of the public/private dichotomy, the gendered politics of war, or indeed the conception of gender as a signifier of female subordination in male-dominated societies.⁶⁸ In recognising the

⁶¹ Jean Bethke Elshtain, *Just War Against Terror: The Burden of American Power in a Violent World* (New York: Basic Books, 2004), p. 18.

⁶² Abdullahi Ahmed An-Nai'im, 'Upholding International Legality Against Islamic and American Jihad', in *Worlds in Collision: Terror and the Future of Global Order*, ed. Ken Booth & Tim Dunne (Basingstoke: Palgrave Mac Millan, 2002), 168.

⁶³ Charles Tilly, "Terror, Terrorism, Terrorists," *Sociological Theory* 22(2004): 10.

⁶⁴ *Ibid.*:11.

⁶⁵ Bat-Ami Bar On, "Terrorism, Evil and Everyday Depravity", *Hypatia* 18 (2003): 159.

⁶⁶ C.J.M. Drake, "The role of ideology in terrorists' target selection," *Terrorism and Political Violence* 10 (1998): 53-85.

⁶⁷ *Ibid.*, 58.

⁶⁸ See, for example, Susan Moller Okin, "Gender, the Public and the Private," in *Feminism and Politics*, ed. Anne Phillips (Oxford: Oxford University Press). See also Zillah Eisenstein, *Sexual Deceits: Gender, Race and War in Imperial Democracy* (London: Zed Books, 2007). Eventually, see Catherine A. MacKinnon, *Toward a Feminist Theory of the State* (Cambridge: Harvard University Press, 1989).

existence of asymmetrical power relations between men and women Simone de Beauvoir was to argue, "... superiority has been accorded in humanity not to the sex that brings forth but to that which kills".⁶⁹ Emphasis on the gender dimension of asymmetrical power relations is critical to the claim that violence against women exists as a sanctioned form of terrorism, identified here as *gendered terrorism*.⁷⁰ In trying to understand gendered violence as terrorism, it is important to recognise that women are targeted as a specific group, as characterised by Bar On and Drake. Iris Marion Young, similarly, is concerned with the victimisation of certain groups noting that women, as a group, suffer social injustice. In recognising the notion of group distinction Young developed the "five faces of oppression," and she insists that as a social group, "... women are subject to gender-based exploitation, powerlessness, cultural imperialism, and violence".⁷¹ Young argues that systematic violence against women is the means specific to accepted social practice or, in other words, gendered violence is systemic; it is encouraged, and it is tolerated.

An objection may be raised here that utilising the term "terrorism" to describe the negative consequences of socially constructed paradigms is pure folly. For example, Virginia Held argues that the terms in which we discuss terrorism should be limited if we are to avoid delegitimizing struggles by certain individuals or populations who seek to fight injustice.⁷² Rightly, in my opinion, Held is asserting the claim that certain individuals or populations sometimes have to make a stand against unjust regimes and therefore their actions, which may come under the auspices of terrorism, can be legitimate. Whilst I agree with Held on this point, I am a little wary of defining terrorism in terms of justified freedom fighting just as I resisted defining terrorism in political terms; the reason is related to the notion that both state and non-state terrorism targets specific groups. A valuable note of caution is provided here by Bellamy when he reminds us of the axiom that, "... one man's terrorist is another man's freedom fighter".⁷³ The problem inherent in legitimating violence against one group whilst condemning violence against another group is summed up by Judith Butler when she argues, "... the shared condition of precariousness leads not to reciprocal recognition, but to a specific exploitation of targeted populations, or lives that are not quite lives, cast as 'destructible' and 'ungrievable'."⁷⁴ I believe that these considerations adequately tally with the notion of *gendered terrorism*, the implication being women's lives are "destructible" and "ungrievable."

Following such analysis, I would like to suggest that *gendered terrorism* is prevalent in both peace and war. An important aspect of this practice is that, as Lisa Price argues, men direct violence against women as a matter of course.⁷⁵ As Price notes, men use violence against

⁶⁹ Simone de Beauvoir, *The Second Sex* (London: Vintage, 1997), 95-96.

⁷⁰ Some feminist authors have equated violence against women as terrorism. See, for example, Claudia Card, "Rape as a Weapon of War": 5-18. See also Claudia Card, "Making War on Terrorism in Response to 9/11," in *Terrorism and International Justice*, ed. James P. Sterba (Oxford: Oxford University Press, 2003). Eventually, see Alison M. Jaggar, "What Is Terrorism, Why Is It Wrong, And Could It Ever Be Morally Permissible," *Journal of Social Philosophy* 36 (2005): 202-217. I understand such gendered violence as *gendered terrorism*.

⁷¹ Iris Marion Young, *Justice and the Politics of Difference* (Princeton: Princeton University Press, 1990), 64. The remaining "face" is "marginalisation".

⁷² Virginia Held, "Legitimate Authority in Non-state Groups Using Violence," *Journal of Social Philosophy* 36 (2005): 175-193.

⁷³ Alex J. Bellamy, *Just Wars: From Cicero to Iraq*, 136.

⁷⁴ Judith Butler, *Frames of War: When is Life Grievable?* (London: Verso Books, 2009), 31.

⁷⁵ Lisa S. Price, *Feminist Frameworks: Building Theory on Violence against Women* (Halifax, Canada: Fernwood Publishing, 2005), 110. The assumption that men are systematically violent toward women

women to retain control over them; as such it constitutes an asymmetrical relationship of power in which men retain dominance and women are viewed as legitimate targets. In accordance with Price, anthropology scholar Maria Olujic states, “Violence against women is not restricted to war; its roots are well established in peaceful times.”⁷⁶ Critical in Olujic’s analysis of gendered violence in Croatia and Bosnia-Herzegovina is her focus on existing social structures and received traditions in peace, which are then transposed into a war situation. Consequently, Olujic insists that in order to understand the gendered violence in war we must first understand gendered violence in peacetime. For example, Olujic notes the songs and stories which carry messages of men’s sexual control over women, rape being implicit in these narratives, arguing such constructions of sexual violence were fundamental to the systematic rape and murder of women in so-called “rape-camps” during the war in the former Yugoslavia.⁷⁷ Olujic’s study focused on south-eastern Europe however, we find many other examples of “normalised” rape and violence across the world both in peace and war.⁷⁸ Inherent in this discussion of *gendered terrorism* is the exigent possibility that the imperative of *brutality* is dominating the discourse of women’s lives in peace, as it does with war. Consequently, it is evident to me it is not the just war tradition’s silence on gender that reinforces gender subordination, as Sjoberg argues, it is gender subordination that shapes war practice. This raises important questions about the legitimacy of Sjoberg’s feminist reformulation of just war theory, and her claim of mitigating the gendered impact of war.

IV. Feminist Just War and the Unjust Warrior

The central preoccupation of Sjoberg’s reformulation of just war theory, as it relates to standards of *jus in bello* is summarised by her in the following narrative, “Women experience war differently than men; the *impacts* of war-fighting are gendered because war is gendered.”⁷⁹ Feminist charges against the gendered nature of war are illustrated in the dualistic symbolism of terms associated with just war thinking that is, the female “beautiful soul”, and the male “just warrior.” Indeed, as Sjoberg argues, these antinomies serve the just war tradition in classifying who should be protected under the non-combatant immunity principle.⁸⁰ In elaborating the argument of dualistic thinking, Wendy Brown notes that the power of the dominant term is achieved by disavowing the subordinate term and, as she states, “... these dualisms are operations not merely of division or distinction but dominance—male dominance...”⁸¹ This reflection on dualism as constituting a masculine “power-over” dynamic is certainly in evidence, as our preceding discussions of the violent experiences of women in war, and peace, have shown. Sjoberg argues that these essentialist

should not be overgeneralised however as my argument is focussed on gendered violence I have discussed the violence perpetrated by some men.

⁷⁶ Maria B. Olujic, “Embodiment of Terror: Gendered Violence in Peacetime and Wartime in Croatia and Bosnia-Herzegovina,” *Medical Anthropology Quarterly* 12 (1998): 31.

⁷⁷ *Ibid.*: 40.

⁷⁸ See, for example, Tina Sideris, “Rape in War and Peace: Some Thoughts on Social Context and Gender Roles,” *Agenda: Empowering Women for Gender Equity* 43 (2000): 41-45. See also Zillah Eisenstein, *Sexual Decoys: Gender, Race and War in Imperial Democracy* (London: Zed Books, 2007), 27-30. Eventually, see Catherine A. MacKinnon, *Are Women Human? And other International Dialogues* (Cambridge: Harvard University Press, 2006).

⁷⁹ Laura Sjoberg, *Gender, Justice, and the Wars in Iraq: A Feminist Reformulation of Just War Theory*, 87.

⁸⁰ *Ibid.*, 96-99.

⁸¹ Wendy Brown, *States of Injury: Power and Freedom in Late Modernity* (Princeton: Princeton University Press, 1995), 152. Although Brown’s remarks represent a critique of liberalism, I consider her dualism argument is pertinent to our discussion here.

dualisms operate to keep women in a position of vulnerability in need of protection by the “just warrior” however as she discerns, and as has become clear throughout this study, it is often these “warriors” who are putting women in danger. Sjoberg’s preceding argument produces an anomaly in her reformulation of just war theory and it is simply this, how can war-fighting ever be just when the warrior is unjust? This question is a vexed one and remains central to the inquiry into the relationship between just war and war-fighting.

Sjoberg contends that her “impact on” approach would entail belligerents taking account of who will be affected in war-fighting. If we think about the woman who endured militarised rape in Turshen’s narrative, then we could auger that Sjoberg’s theory would highlight the specific gendered violence against this woman as a crime of war and in addition her theory would insist that perpetrators be made accountable for such *brutality*. In considering the legality and accountability for wartime sexual violence enacted on women, Sahla Aroussi notes that the adoption of United Nations Resolution 1325 and 1820, these resolutions deal specifically with rape as a weapon of war, has not altered the prevalence of wartime rape or post conflict rape.⁸² Aroussi provides a compelling reason for this invidious anomaly which gives significant weight to the argument put forward here that is, gender asymmetry provides the ontological framework necessary for gendered violence to prevail. Consequently, Aroussi states, “Resolutions 1325 and 1820 fail to acknowledge the link between violence and inequality that increases the vulnerability of certain groups to being victims of violence.”⁸³ Here, as elsewhere in our discussion we are confronted with the gendered power structures which institutionalise and normalise *gendered terrorism*.

And the preceding assertion brings me to my first difficulty with Sjoberg’s theory of “empathetic war-fighting” put simply, a belligerent who views women as either his or other men’s “property” would not consider the “impact on” the women he rapes because, for him, they are either sexual possessions or, disposable conquests, to do with as he pleases. Sjoberg’s *jus in bello* principle intends to focus on the gendered impact of war however such an approach is ineffective as long as gender inequality and its associated violence is the natural marker of women lives. The second difficulty with Sjoberg’s theory is her concept of accountability. Whilst it is imperative that belligerents are held accountable for the effects of war-fighting, I remain sceptical that the threat of retrospective justice would necessarily make a difference to those belligerents’ intent on gendered violence. In this vein, Donna Pankhurst argues, it is virtually impossible to retrospectively prosecute those belligerents responsible for rape committed during war.⁸⁴ Furthermore, there is a wealth of evidence which suggests a lack of justice for victims of rape in a non-conflict context.⁸⁵ It is self-

⁸² Note: Security Council Resolution 1325 and 1820 were created to increase gender visibility within the arena of war focussing on women, peace and security. Sahla Aroussi, “Women, Peace and Security: Addressing Accountability for Wartime Sexual Violence”, *International Feminist Journal of Politics* 13 (2011): 57-6-593. United Nations Security Council, “Security Council Resolution 1325 on Women, Peace and Security”, S/RES/1325 (2000),

<http://www.un.org/womenwatch/osagi/wps/#resolution> (accessed 17th August 2017). United Nations Security Council (2008) “Security Council Resolution 1820 on Women, Peace and Security” (2008), S/RES/ 1820, <http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/CAC%20S%20RES%201820.pdf> (accessed 17th August 2017).

⁸³ Sahla Aroussi, “Women, Peace and Security: Addressing Accountability for Wartime Sexual Violence”: 589.

⁸⁴ Donna Pankhurst, “Sexual Violence in War,” in *Gender Matters in Global Politics: A Feminist Introduction to International Relations*, ed. Laura J. Shepherd (London: Routledge, 2010), 150; 156.

⁸⁵ See, for example, Linda Regan and Liz Kelly (2003), “Rape: Still a Forgotten Issue”, *Rape Crisis Network Europe Briefing Document, Child and Woman Abuse Studies Unit* (London Metropolitan University, 2003), <https://nokjoga.hu/sites/default/files/filefield/rape-still-a-forgotten-issue-2003.pdf> (accessed

evident that if the social order is configured by gender inequality, then we should expect to find this pervasive inequality writ large within the auspices of conflictual disorder. Sjöberg perceives traditional just war theory as gender-blind, arguing such blindness obscures the gendered effects of war on women. Sjöberg's assertion may be right however, so long as gendered politics *legitimises gendered terrorism* in peacetime, the gendered impact of war will remain beyond the auspices of just war theory. The consequences for Sjöberg's reformulated just war theory are significant because although Sjöberg's "gendered lenses" may help her to see the gendered impact of war, her just war theory is profoundly ineffectual due to the proliferating gendered politics that shape the war system.

In addition to the preceding assertion it is a puzzle to me that, although Sjöberg cites the gendered impact of war as her main focus, implicit in wartime rape, her response is strikingly remiss on this form of gendered violence. Specifically, two pages in the book are related to the problem of wartime rape, and a further six pages are devoted to the "metaphor" of rape in relation to the war in Iraq. Sjöberg's misuse of the word rape here, which let us not forget defines an act of unequivocal *brutality*, to symbolise the sanctions imposed upon Iraq is remarkably ill judged.⁸⁶ Quite simply, in implementing the metaphor of rape, Sjöberg diminishes the very real impact of the act of rape, a reality I have had cause to contemplate in my research. Therefore, Sjöberg's approach fails to develop its implications because she does not "deal with the real", the real here defined as gendered violence against women rather, her theory remains as abstract and as removed from the gendered impact of war as the overtly realist position of Clausewitz.

But an inquiry into the relationship between Sjöberg's feminist security ethic and the impact of war-fighting requires a little more consideration. Therefore, in pursuing the apparently paradoxical account of Sjöberg's delimited response to gendered violence we must invoke the words of Clausewitz when he states, "... War is not merely a political act, but also a real political instrument ... a carrying out of the same by other means."⁸⁷ In other words, war ratifies and sanctions the normative practices of existing social, economic, and political power bases. And here we can assert that the dualistic thinking observed in the "just warrior" versus the "beautiful soul" narrative is a continuation of the male dominance and female subordination antinomies which Brown delineated, above. Consequently, insofar as the realm of civil society reinforces discursive gendered politics such dualisms are, in turn, reified in the violence of war-fighting. The negative consequences for gender justice are apparent in reflecting on the compelling accounts provided by Turshen, and others, the unjust warrior ever present in these narratives. Therefore, I want to argue that, more persuasive than Sjöberg's assertion that just war's silence on gender reinforces gender subordination, is her recognition that gendered dichotomies "enable war and subordinate women." Specifically, the notion that warriors are constructed as both protector and fighter is, I believe, a significant factor in Sjöberg's inability to successfully reformulate just war theory.

In articulating the legitimate authority of the state in *Economy and Society*, Max Weber defends the notion of domination or, as he states "... the organized armed protection

10th August 2017); Jacqueline Wheatcroft, Graham F. Wagstaff and Annmarie Moran, "Revictimizing the Victim: How Rape Victims Experience the UK Legal System," *Victims and Offenders* 4 (2009) : 265-284.

⁸⁶ In making this assertion I do not underestimate the human suffering caused by the sanctions imposed on Iraq. A number of theorists have highlighted the negative effects of sanctions on the people of Iraq see, as an example, Nadjie Al-Ali, "Reconstructing Gender: Iraqi women between dictatorship, war, sanctions and occupation," *Third World Quarterly* 26 (2005): 739-758.

⁸⁷ Carl von Clausewitz, *On War*, 119.

against outside attack...” as the means to fulfil a protective role.⁸⁸ Weber links his notion of domination conjoined with protection to the household, and argues that male authority is rooted in the authority of “superior strength.”⁸⁹ Claudia Card refers to the binary of domination juxtaposed with protection as “the protection racket” noting that this legitimised social convention is often accepted by women as a normatively appealing position.⁹⁰ Indeed, in reflecting on Weber’s words we can recognise the political force which sanctioned, for example, the public/private dichotomy, and the gendered division of labour, themes which are central to the feminist critique of male authority and female subordination.⁹¹ This social division is one that Sjoberg recognises when she states, “Women are a liability to be protected, which decreases the respect they merit during wartime and after.”⁹² Within the context of war, the rhetoric of domination in the name of protection was brought into force in the Bush Administration’s so-called “war on terror”; the war story was immersed in narrative of rescuing women from the clutches of barbarians.⁹³ As Zillah Eisenstein notes, for example, US Secretary of State Madeleine Albright claim of protecting women’s right to justify the 1991 Iraq war whilst simultaneously imposing sanctions upon Iraq, effectively condemned thousands of women and children to death.⁹⁴ It becomes clear that this particular mode of binary thinking is entrenched in social and political contexts and, critically for us here, the narrative of protection in order to justify violence is foundational to just war thinking.

The point is these conflicting representations of the just warrior as both protector and violator serve to reify the discursively normalised “power-over” discourse and to camouflage the gendered violence exacted upon women. Evidently, then, any feminist reconfiguration of just war-fighting must challenge the prerogative power wielded by the (un)just warrior, the difficulty in challenging gender norms within a conflictual context is perceived in Sjoberg’s theory. To be more specific, Sjoberg does not challenge the unjust warrior. Sjoberg’s delimited narrative on the gendered impact of rape inflicted by combatants is evidence of such difficulty. To be clear on this matter, I mean Sjoberg does not give due consideration to the paradoxical discourse which dictates if the warrior is unjust how can the war-fighting be just. On the one hand, Sjoberg seeks to take account of the gendered impact of war on women and on the other, she appeals to belligerents to have empathy for their enemies. In accepting the analysis on women in war and peace which has been elucidated here, it is unrealistic to suggest that those belligerents who perceive dominance over, and violence against, women as normative practice would ever consider empathy as an alternative mode of action.

⁸⁸ Max Weber, *Economy and Society: An Outline of Interpretive Sociology*, ed. Guenther Roth & Claus Wittich: Volume One and Two (Berkeley: University of California Press, 1978), 905.

⁸⁹ *Ibid.*, 359.

⁹⁰ Claudia Card, “Rape as a Terrorist Institution,” in *Violence, Terrorism and Justice*, R. G. Frey and Christopher Morris (Cambridge: Cambridge University Press, 1991), 303-304.

⁹¹ Examples of such feminist critique can be found in Susan Moller Okin, “Gender, the Public, and the Private,” in *Feminism and Politics*, ed. Anne Phillips (Oxford: Oxford University Press, 1998), 116-141.

See also Iris Marion Young, *Justice and the Politics of Difference* (Princeton: Princeton University Press, 1990). Eventually see Wendy Brown, *States of Injury: Power and Freedom in Late Modernity* (Princeton: Princeton University Press, 1995).

⁹² Laura Sjoberg, *Gender, Justice, and the Wars in Iraq: A Feminist Reformulation of Just War Theory*, 99.

⁹³ See, for example, Laura Bush, “Radio Address by Laura Bush to the Nation” (Crawford, Texas, November 17th 2001), http://avalon.law.yale.edu/sept11/fl_001.asp (Accessed 21st July 2017).

⁹⁴ Zillah Eisenstein, *Sexual Decoys: Gender, Race and War in Imperial Democracy*, 107.

Therefore, it occurs to me the inherent flaw in Sjoberg's reformulation of just war theory is in the very epistemology of her project. The only way that feminism can challenge the problematic discourse of prerogative power is to promote gender equality and this cannot be done within the politics of violence. The problem, as it has been revealed here, lies not in just war's silence on gender but in the gendered dichotomies which shape social, economic, and political contexts, these gendered conventions are then transposed into war contexts. It is counter-intuitive, if I may invoke a colloquialism, to put the cart before the horse and similarly, it is counter-intuitive to attempt to take account of the violence against women in war without understanding the rationale behind the violence wrought upon women in peace. The consequences for gender justice in challenging the prerogative power which exists in the polity of a male-defined social ontology are surely greater than could be achieved within the discourse of war-fighting. Sjoberg insists in another work that just war needs feminism however it occurs to me that women need feminism.⁹⁵

Conclusion

The discussion of traditional war theory at the beginning of this paper saw the power dynamic inherent in realist paradigms of war fighting which contribute to a *brutality over morality* discourse. The framework of such violent discourse was recognised in the *brutality* experienced by women during war, revealing the gender hierarchies which contribute to the prevalence of rape in context of war. It is also the case that the concept of *gendered terrorism* discussed in this paper is predicated on the power dynamic of domination and it too exacts an imperative of *brutality* on the lives of women. In Sjoberg's analysis, a feminist reformulation of war theory takes account of the suffering that war causes and in particular, the effects of war on women. Yet, despite Sjoberg's claim to the contrary, it is evident that her feminist approach is inadequate to the task of ameliorating the gendered violence experienced by women in war. The reason for this, as I have argued here, is that the persistence of asymmetric power relations perpetuates gender subordination which traverses the social order onto the battleground.

I began this study by asking to what extent it is desirable to incorporate a feminist perspective into the production of knowledge on just war theory. This question presents me with a dilemma. The exploration of the gendered power dynamics of violence in war articulates the desperate need for a feminist response to take account of the effects of *brutality* on the lives of women caught within the ambit of legitimised warfare. However, this study has concluded that such a stratagem is a counterintuitive campaign in the battle to end the *gendered terrorism* enacted upon women in their everyday lives. Paradoxically, given my stance on Sjoberg's theory, I would argue that feminist work should be incorporated into the production of literature in war studies. As Sjoberg herself articulated, the fact of war cannot be ignored, and it is self-evident that war principles and rules which seek to prohibit the worst effects of war-fighting should be in place and these should include specific mention of the gendered impact of war on women. However, my argument here is that the gendered violence experienced by women in so-called peacetime is irretrievably foundational to the gendered violence women are subjected to in a war situation. It is evident that traditional just war theory is complicit in resorting to an imperative of *brutality over morality* and so too it is apparent that Sjoberg's feminist just war theory is inadequate as a result of the dominant imperative of *brutality* which exist as a result of underlying gender inequalities. Therefore, it is apparent that the destructive gendered politics which shape

⁹⁵ Laura Sjoberg, "Why Just War Needs Feminism Now More Than Ever," *International Politics* 45 (2008): 1-18.

women's lives must be challenged and ultimately, the feminist engagement with political theory and politics should be articulated toward the discrete purpose of ending women's subordination. The difficulty in such a task is obvious nevertheless it is necessary because, as I said before, the rights of women are not to be found in the politics of violence.

References

- Al-Ali, Nadje. "Reconstructing Gender: Iraqi women between dictatorship, war, sanctions and occupation." *Third World Quarterly* 26 (2005): 739–758.
- An-Na'im, Abdullahi Ahmed. "Upholding International Legality Against Islamic and American Jihad." In *Worlds in Collision: Terror and the Future of Global Order*, ed. Ken Booth & Tim Dunne, 162–171. Basingstoke: Palgrave MacMillan, 2002.
- Aroussi, Sahla. "Women, Peace and Security: Addressing Accountability for Wartime Sexual Violence." *International Feminist Journal of Politics* 13 (2011): 576–593.
- Baaz, Maria Eriksson & Stern, Maria. "Why Do Soldiers Rape? Masculinity, Violence, and Sexuality in the Armed Forces in the Congo (DRC)." *International Studies Quarterly* 53 (2009): 495–518.
- Bar On, Bat-Ami. "Terrorism, Evil and Everyday Depravity." *Hypatia* 18 (2003): 157–163.
- Bellamy, Alex J. *Just Wars: From Cicero to Iraq*. Cambridge: Polity Press, 2006.
- Beauvoir, Simone de. *The Second Sex*. London: Vintage, 1997.
- Brownmiller, Susan. *Against our Will: Men, Women and Rape*. Harmondsworth: Penguin, 1977.
- Brown, Wendy. *States of Injury: Power and Freedom in Late Modernity*. Princeton: Princeton University Press, 1995.
- Bush, Laura. "Radio Address by Laura Bush to the Nation", November 17th, 2001. Available at http://avalon.law.yale.edu/sept11/fl_001.asp (Accessed 21st July 2017).
- Buss, Doris E. "Rethinking 'Rape as a Weapon of War.'" *Feminist Legal Studies* 17 (2009): 145–163.
- Butler, Judith. *Frames of War: When is Life Grievable?* London: Verso Books, 2009.
- Card, Claudia. "Rape as a Terrorist Institution." In *Violence, Terrorism and Justice*, ed. R. G. Frey & Christopher Morris, 296–319. Cambridge: Cambridge University Press, 1991.
- _____. "Rape as a Weapon of War." *Hypatia* 11 (1996): 5–18.
- _____. "Making War on Terrorism in Response to 9/11." In *Terrorism and International Justice*, ed. James P. Sterba, 171–185. Oxford: Oxford University Press, 2003.
- Clausewitz, Carl von. *On War*, edited by Anatol Rapoport. London: Penguin, 1982.
- Coady, C. A. J. *Morality and Political Violence*. Cambridge: Cambridge University Press, 2008.
- Cockburn, Cynthia. *From Where We Stand: Women's Activism and Feminist Analysis*. London: Zed Books, 2007.
- DeLaet, Debra. "Gender and the Causes, Tactics and Consequences of War." In *The Ashgate Research Companion to War: Origins and Prevention*, ed. Hall Gardner & Oleg Kobtzeff, 83–98. Farnham: Ashgate, 2012.
- Drake, C.J.M. "The role of ideology in terrorist's target selection." *Terrorism and Political Violence* 10 (1998): 53–85.
- Eisenstein, Zillah. *Sexual Deceits: Gender, Race and War in Imperial Democracy*. London: Zed Books, 2007.
- Elshtain, Jean Bethke. *Women and War*. Chicago: University of Chicago Press, 1995.
- _____. *Just War Against Terror: The Burden of American Power in a Violent World*. New York: Basic Books, 2004.
- Enloe, Cynthia. *Maneuvers: The International Politics of Militarizing Women's Lives*. Berkeley: University of California Press, 2000.

- Goldstein, Joshua S. *War and Gender: How Gender Shapes the War System and Vice Versa*. Cambridge: Cambridge University Press, 2003.
- Hartsock, Nancy. "Masculinity, Heroism, and the Making of War." In *Rocking the Ship of State: Towards a Feminist Peace Politics*, ed. A. Harris & Y. King. Boulder: Westview, 1989.
- Held, Virginia. "Legitimate Authority in Non-state Groups Using Violence." *Journal of Social Philosophy* 36 (2005): 175–193.
- Homer. *The Iliad*, translated by Robert Fitzgerald with an Introduction by G. S. Kirk. Oxford: Oxford University Press, 1998.
- Jaggard, Alison M. "What Is Terrorism, Why Is It Wrong, And Could It Ever Be Morally Permissible." *Journal of Social Philosophy* 36 (2005): 202–217.
- Kant, Immanuel. *Perpetual Peace: A Philosophical Essay*, translated with introduction and notes by M. Campbell Smith. London: George Allen & Unwin Ltd, 1917. Available at http://files.libertyfund.org/files/357/0075_Bk.pdf (Accessed 5th August 2017).
- _____. *Groundwork for the Metaphysics of Morals* (Oxford: Oxford University Press, 2002).
- Lee, Kimberley A; Vaillant, George E.; Torrey, William C. and Elder Jr., Glen H. "A 50-Year Prospective Study of the Psychological Sequelae of World War II Combat." *American Journal of Psychiatry* 152 (1996): 1–30. available at: <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA319601> (Accessed 20th April 2017).
- Machiavelli, Niccolò. *The Prince*, translated and annotated by Peter Constantine. London: Vintage, 2009.
- MacKinnon, Catherine A. *Toward a Feminist Theory of the State*. Cambridge: Harvard University Press, 1989.
- MacKinnon, Catherine A. *Are Women Human? And other International Dialogues*. Cambridge: Harvard University Press, 2006.
- Nietzsche, Friedrich. *The Genealogy of Morals*. New York: Dover Publications Inc, 2003.
- Okin, Susan Moller. *Justice, Gender, and the Family*. New York: Basic Books, 1989.
- _____. "Gender, the Public, and the Private." In *Feminism and Politics*, ed. Anne Phillips, 116–141. Oxford: Oxford University Press, 1998.
- Olujić, Maria B. "Embodiment of Terror: Gendered Violence in Peacetime and Wartime in Croatia and Bosnia-Herzegovina." *Medical Anthropology Quarterly* 12 (1998): 31–50.
- Pankhurst, Donna (2010) "Sexual Violence in War." In *Gender Matters in Global Politics: A Feminist Introduction to International Relations*, ed. Laura J. Shepherd, 148–160. London: Routledge, 2010.
- Price, Lisa S. *Feminist Frameworks: Building Theory on Violence against Women*. Halifax; Canada: Fernwood Publishing, 2005.
- Regan, Linda & Kelly, Liz. "Rape: Still a Forgotten Issue." In *Rape Crisis Network Europe Briefing Document, Child and Woman Abuse Studies Unit*, 1–24. London Metropolitan University, 2003. Available at: <https://nokjoga.hu/sites/default/files/filefield/rape-still-a-forgotten-issue-2003.pdf> (Accessed 10th August 2017).
- Reichberg, Gregory M., Syse, Henrik and Begby, Endre, eds. *The Ethics of War: Classic and Contemporary Readings*. London: Blackwell, 2006.
- Rodin, David. "Terrorism without Intention." *Ethics* 114 (2004): 752–771.
- Ruddick, Sara. *Maternal Thinking: Towards a Politics of Peace*. Boston: Beacon Press, 1989.
- Sideris, Tina. "Rape in War and Peace: Some Thoughts on Social Context and Gender Roles." *Agenda: Empowering Women for Gender Equity* 43 (2000): 41–45.
- Sjoberg, Laura. *Gender, Justice, and the Wars in Iraq: A Feminist Reformulation of Just War Theory*. Oxford: Lexington Books, 2006.
- _____. "Why Just War Needs Feminism Now More Than Ever." *International Politics* 45 (2008): 1–18.

- Sklar, Holly. "Brave New World Order." In *Collateral Damage: The New World Order at Home and Abroad*, ed. Cynthia Peters, 3–46. Boston: South End Press, 1992.
- Slim, Hugo. *Killing Civilians: Method, Madness and Morality in War*. London: Hurst Publishers, 2007.
- Squires, Judith. *Gender in Political Theory*. Cambridge: Polity Press, 1999.
- Staub, Ervin. *The Roots of Evil: The Origins of Genocide and Other Group Violence*. Cambridge: Cambridge University Press, 1989.
- Steele, Jonathan. *Ghosts of Afghanistan: The Haunted Battleground*. London: Portobello Books, 2011.
- Tilly, Charles. "Terror, Terrorist, Terrorism." *Sociological Theory* 22 (2004): 5–13.
- Turshen, Meredith. "The Political Economy of Violence against Women During Armed Conflict in Uganda." *Social Research* 67 (2000): 803–824.
- United Nations Charter. New York: United Nations, 1945. Available at: <http://www.un.org/en/documents/charter/> (Accessed 3rd May 2018).
- United Nations Security Council, "Security Council Resolution 1325 on Women, Peace and Security, S/RES/1325.", 2000. Available at: <http://www.un.org/womenwatch/osagi/wps/#resolution> (Accessed 17th August 2017).
- United Nations Security Council. "Women, Peace and Security S/2007/567.", 2007. Available at: <https://www.un.org/ruleoflaw/files/womenpeaceandsecurity.pdf> (Accessed 4th September 2017).
- United Nations Security Council. "Security Council Resolution 1820 on Women, Peace and Security, S/RES/1820.", 2008. Available at: <http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/CAC%20S%20RES%201820.pdf> (Accessed 17th August 2017).
- Walzer, Michael. *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 4th edition. New York: Basic Books, 2006.
- Weber, Max. *Economy and Society: An Outline of Interpretive Sociology* (vol. 1 & 2), edited by Guenther Roth and Claus Wittich. Berkeley: University of California Press, 1978.
- Wheatcroft, Jacqueline; Wagstaff, Graham F. & Moran, Annmarie. "Revictimizing the Victim: How Rape Victims Experience the UK Legal System." *Victims and Offenders* 4 (2009): 265–284.
- Wood, Elisabeth Jean. "Variation in Sexual Violence during War." *Politics & Society* 34 (2006): 307–341.
- Young, Iris Marion. *Justice and the Politics of Difference*. Princeton: Princeton University Press, 1990.

Additional Electronic Sources:

- "The Geneva Conventions of 1949 and their Additional Protocols." Available at <http://www.icrc.org/eng/war-and-law/treaties-customary-law/geneva-conventions/index.jsp> (Accessed 3rd May 2018).