‘Innocent Women and Children’:
Gender In Discourses of Justified Intervention

R. Charli Carpenter
University of Oregon
Department of Political Science
rocarpen@darkwing.uoregon.edu

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Introduction

Throughout history, armed conflict has been justified by reference to the protection of "women and children." More recently, the term "women and children," as a signifier for "innocent civilians" has come to assume a critical normative importance in justifying calls and guiding strategies for international humanitarian action. This much-used trope often ill-reflects political reality. "Women and children" as civilians, are presumably both "innocent" and "particularly vulnerable."[1] Yet both women and older children may also be combatants and perpetrators of war crimes; and a majority of men in most contemporary conflicts are also civilians.[2] The category "women and children" classifies infants, who are indeed both innocent and vulnerable, with adult women and adolescents who may be neither, while replicating the gendered notion that all battle-age males are likely combatants and therefore legitimate military targets.

This construction of "women and children" in international discourse and policy-making is a crucial site around which gendered notions underpinning international society are reproduced. Feminist scholars of IR have occasionally pointed out how this both denies women agency and defines them as mothers.[3] Interestingly however, this discourse is intersecting with, rather than being challenged by, recent attempts to incorporate a "gender perspective" in international aid agencies and humanitarian responses.[4] Moreover, the ethical and practical implications of such gendered thinking are not limited to issues relating to women's empowerment. Gender stereotypes can be equally harmful to civilian men;[5] and as this paper will suggest, they can adversely affect the humanitarian process itself.

Here, exploratory content analysis of statements drawn from international discourse on humanitarian intervention suggests the significance of gender in framing humanitarianism. While this analysis is preliminary and inconclusive, it suggests the need to question whether reliance on such simplistic tropes serves the interests of children, adult civilians of both sexes, or humanitarian enterprises in general. I argue that only does

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[1] For example, a search of the U.N. website on March 9, 2001 www.un.org/search/ yielded 1402 documents with the term "women and children"; 318 with the term "innocent women and children"; and 550 with the term "vulnerable women and children." By contrast there were 20 references to "innocent men" and 7 references to "vulnerable men."

[2] Joshua Goldstein, *War and Gender* (NY: Cambridge, forthcoming September 2000); Lisa Sharlach, "Gender and Genocide in Rwanda: Women as Agents and Objects of Genocide," *Journal of Genocide Research* Vol. 1, No. 3 (November 1999); Guy Goodwill and Ilene Cohn, *Child Soldiers: The Role of Children in Armed Conflict* (NY: Clarendon Press 1994); John Mueller, "The Banality of Ethnic War" in *International Security* 25:1 (Summer 2000).

[3] J. Ann Tickner, *Gender in International Relations: Feminist Perspectives on Achieving Global Security* (NY: Columbia University Press), p. 28; Cynthia Enloe, "Womenandchildren," *Village Voice* (September 25, 1990).

[4] Mertus' new book, which covers these efforts and puts forth further recommendations in great detail, begins with the statement, unsupported by any citation or evidence, that "today, more than ever, women and children are the casualties of deliberate and systematic violence against entire populations." See Julie Mertus, *War's Offensive on Women: The Humanitarian Challenge in Bosnia, Kosovo and Afghanistan* (Bloomfield, CT: Kumarian Press 2000) p. 1

[5] Adam Jones, "Gender and Ethnic Conflict in Ex-Yugoslavia," *Ethnic and Racial Studies* 17(1994), pp. 115-135.

the "innocent women and children" assumption provide a useful empirical example of a "gender norm" at work in framing and enacting security policy, but that such gendered thinking may produce, at best, mixed policy outcomes. Rather, an 'un-gendering' of international politics through rethinking simplistic stereotypes such as these would best serve both the interests of humanitarian initiatives and those of gender equality.

The paper is organized as follows. First I delineate a theoretical framework for understanding the role that gender plays in social life, in order to suggest testable propositions regarding its effect on international norms. I emphasize the distinctions between sex and gender, and among a typology of 'gender effects' on social organization and behavior.

Second, I explore the equation of women both with children and with innocence in the construction of humanitarian norms. I will demonstrate a) why this is a gender stereotype rather than an accurate depiction of reality on which to base policy and b) why this particular gender discourse is so prevalent in social discourse on humanitarian policymaking, although it is not codified in the legal documents on the laws of war.

Third, I recast several recent cases of humanitarian intervention to demonstrate the gendered elements in framing the campaigns. Of the varieties of humanitarian campaign, I emphasize military actions where the stated goal is to "stop the killing" (versus "feeding the hungry" or "sheltering refugees.) These cases are selected because although women and children *do* constitute a majority of refugees from ethnic conflict, the reverse is true for the victims of massacre: "battle-age men" are far more likely to be targeted for execution than women or small children in such ethnic warfare. Therefore, the framing of 'women and children' as the primary targets of mass killing both represents a hard case for the salience of this discourse, and more clearly shows the disjunction between gender discourse and empirical reality if it is borne out.

A preliminary content analysis of references to these interventions (taken from the media, U.N. documents, public statements by political leaders, and NGO portrayals) suggests, using the difference method, that references to "women and children" cannot be explained by the actual sex-distribution of civilian harm, and vary little with context: they are correlated with *claims* of humanitarianism themselves. This is true both in justifying interventions that in fact took place (Kosovo) and in counterfactually constructing those that "should have" (Rwanda). Although this analysis abstracts away from much complexity and contextual variation in the use of this trope, these preliminary results are suggestive of an important correlation between gender and humanitarian discourse that should be further explored and elaborated.

The remaining section will consider some potential impacts of such gender discourse on policy. If the goal of humanitarian missions is to assist the most vulnerable, tactics should be established on the basis of clear contextual analysis and not gendered myths. Moreover, if the goal of women's advocates in international society is "gender equality" then appropriating the gendered language that has gone hand and hand with women's subordination may not be a viable strategy in the long term.

Gender and Norms in IR

The role of gender in shaping norms of armed conflict and intervention has been understudied in international security literature. Scholarship has proliferated in the past decade on both gender in international relations[6] and on norms,[7] but these two schools of thought have seldom connected with one another. This reflects both the apparent lack of interest in gender on the part of mainstream IR scholars, and feminist resistance to those scholars who attempt to use gender as an analytical concept without incorporating the critical/normative approach of feminist theory itself.[8] I challenge both the notion that gender is an unimportant category of analysis for constructivists and the assumption that one must adhere to a feminist agenda in order to conduct work on gender.[9]

Both because my use of gender is explanatory rather than critical, and because the prescriptive aim is to improve humanitarian policy rather than eliminating women's subordination, this is not a strictly feminist piece of scholarship. However, I draw on insights from what has been chiefly a feminist endeavor in international relations theory: examining the role that ideas about gender play in the political landscape of world politics. The theoretical task here is to conduct a gender analysis of world affairs in the context of conventional scholarship on norms and identities in world politics, demonstrating the role gender norms play in generating collective action in international society. Gender is used here not as a critique of patriarchy but as an explanatory tool that can enable us to better understand the political outcomes we see.

My conception of gender and its range of effects on the policy processes I seek to explain are as follows. First, I follow Peterson and some standpoint feminists in distinguish gender (social beliefs) from sex (biological characteristics). Here, sex is understood as the roughly dichotomous coding of human individuals according to their differentiation in reproductive capacity. Gender refers to the distributions of culturally constructed beliefs that regulate relations between and among men and women, manifest at various levels of social organization. "Gender rests not on biological sex differences but on *interpretations* of behavior that are culturally associated with sex differences."[10]

Other scholars of gender sometimes conflate sex and gender, either through linguistic inconsistency (the 'gender' gap to describe sex-differentiated attitudes or

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[6] Cynthia Enloe, *Maneuvers* (Berkeley CA: University of California Press 2000); Jill Steans, *Gender and International Relations* (New Brunswick, NJ: Rutgers University Press 1998); J. Ann Tickner, *Gendering World Politics* (NY: Columbia 2001).

[7] Alexander Wendt, *Social Theory of International Politics* (NY: Cambridge University Press, 1999); Martha Finnemore, *National Interests in International Society* (NY: Cornell 1996); Peter Katzenstein, ed, *The Culture of National Security* (NY: Columbia 1996).

[8] See Terrell Carver et. al, "Gendering Jones: Feminisms, IRs, Masculinities," *Review of International Studies*, Vol. 24, No. 2 (April 1998), pp. 283-297; Birgit Locher and Elisabeth Prugl, "Feminism and Constructivism: Worlds Apart or Sharing the Middle Ground?" *International Studies Quarterly*, Vol. 45, No. 1 (March 2001): 111-130.

[9] On the synonymity of 'gender in IR' with the feminism as a prescriptive theory, see Marysia Zalewski, "Well, What is the Feminist Perspective on Bosnia?" *International Affairs* 71 (1995) p. 341; V. Spike Peterson, "Introduction," *Gendered States: Feminist (Re)Visions of International Relations Theory* , edited by V. Spike Peterson, (Bou1der: Lynne Reinner, 1992), p. 1; Sandra Whitworth, *Feminism and International Relations* (NY: St. Martin's Press 1994), p. 39. For a critical analysis, see Charli Carpener, "Gender Theory in World Politics: Contributions of a Non-Feminist Standpoint" presented to the International Studies Association Annual Meeting, Chicago IL, February 2001.

[10] See Peterson, 1992, p. 17.

'gendered' to describe 'sex-specific' distributions) or for methodological reasons. Some believe the distinction is untenable because gender helps to constitute sex-distinctions in the first place.[11] For others, biology and culture are mutually constitutive and must be treated as aspects of the same thing;[12] for postmodernists, who see all reality as constructed, there is no distinction between the material and the ideational.[13]

In my view, the sex/gender distinction clarifies more than it distorts, and maps usefully onto the conventional constructivist distinction between 'brute' facts (such as death, tanks, or people with uteruses, which exist whether or not people agree they do) and 'social' facts (such as marriage, money or manliness, which require intersubjective agreement for their existence).[14] It is particularly useful in the context of this study, which seeks to illuminate the inconsistency of ascriptive gender assumptions with the function of biological actors.

Within this general framework, we must further distinguish between several types of gender 'effects' in social life. Gender is, first, an aspect of individuals' social identity. Aside from one's understanding of one's maleness or femaleness, *gender identity* is an individual's particular self-construction of masculinity or femininity. An actor draws on his/her sense of "what kind of man/woman I am" in choosing how to act in a particular context. Such enactions of one's masculinity or femininity draw on social programming and feed back into a person's developing gender identity.[15]

Individuals also possess a wide range of *gender ideologies*: both ascriptive and principled beliefs about relations between women and men. Ascriptive gender ideologies define men and women in terms of social, rather than physical characteristics: boys are aggressive, girls are nurturing. These can vary across cultures, contexts, and time periods, but they can also vary widely between individuals within a particular culture. Principled gender ideologies are beliefs about relations that should obtain between men and women given ascriptive assumptions. For example, "men *shouldn't* hit women"; or, "women *should* obey their husbands."

The collective variant of individual gender ideology is *gender discourse*. Discourses are ideologies held at the societal level, manifest not in individual cognitive and moral processes, but in cultural representations and tropes within the landscape of the collective social fabric. While the gender aspects of a person's identity may affect how s/he views gender relations at the ideological level, gender discourses at the societal level also shape the gender identities of individuals. They provide a framework for the socialization of children; they help define the parameters of 'masculinity' and 'femininity' within which individuals select and cultivate their identities through occupational choice, social presentations of self, and interpersonal interactions. These factors can feed back into the normalization (or disruption) of predominant ideologies. When young women act out modes of culturally determined 'femininity' they reinforce

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[11] Candace West and Sarah Fenstermaker, "Power, Inequality and the Accomplishment of Gender: An Ethnomethodological View," in *Theory on Gender, Feminism on Theory*, Paula England ed., (NY: Aldine de Gruyter), pp. 151-174).

[12] See Goldstein, 2001.

[13] See Christine Sylvester, *Feminist Theory and International Relations in a Postmodern Era* (Cambridge: Cambridge University Press 1994).

[14] John Searle, *The Construction of Social Reality* (NY: Free Press 1995) p. 2; Wendt, 1999, p. 96.

[15] Sandra Harding has called this 'individual gender.' See Harding, *The Science Question in Feminism*, (Ithaca, NY: Cornell University Press 1986)

the cultural logic that women *are* feminine by nature; if men are taught that careers in the military are appropriately masculine, but that careers in childcare are not, more men than women will self-select into such 'masculine' professions, reinforcing the belief that "soldiers are men."

This selection process results in a *sex-gender structure* where men and women occupy different institutional locations in large numbers. Despite some overlap, social and political institutions, and frequently economic power, are differentiated both by levels of prestige and influence and by the sex of those individuals predominantly occupying those positions. This is a *gendered division of human capital* in the sense that the divisions are made possible by the cultural association of higher-prestige occupations with masculine characteristics, coupled with the selective inculturation of those characteristics predominantly in male individuals, and often reinforced by legal constraints or incentives. Moreover, they feed back into those very constructions by legitimizing them through example: militaries seem masculine in part because that is where the men are. But it is also a *sex-specific division of human capital* in that the units actually channeled into the institutions are individuals, which vary by sex rather than gender.

Socio-political institutions disseminate and reinforce gender discourses, regulate gender identities, and perpetuate the sex-gender structure through the promulgation and enforcement of *gender norms.* A gender norm is a collectively-held proscriptive or prescriptive belief regarding gender roles, or linking gender roles to a broader configuration of normative beliefs. Overt gender norms regulate actual behavior and can reflect or diverge from gender ideologies: *"don't* hit girls." Covert gender norms may be embedded in broader prescriptions for behavior: "dress appropriately" means completely different things for men and women, and what is appropriate for a man in a certain context (to be shirtless for example) may not be true for a woman.

While gender identities, ideologies and the sex-gender structure may be operationalized through ethnographic methods such as surveys, interviews, or by empirical reference to the disparate locations of men and women and laws regulating those differences, social norms are harder to operationalize. As Kratochwil and Ruggie remind us, norms are counterfactually valid: they may be more or less robust, but they are not uniformly followed.[16] Their existence is determined not by the extent to which actors comply, but to the extent that other actors possess, whether or not they exercise, the social right to sanction non-compliance.[17] Indicators of a norm include denunciations of a particular act, material or legal sanctions, and violators' attempts to justify their actions. What actors say is often as interesting as what they do.

In the context of this formula, humanitarian justifications for military intervention in intra-state armed conflict are not *overtly* gendered: they are based on a broad prescriptive norm: "civilians must not be targeted by belligerents." This prescriptive norm is based on the *ascriptive* discourse "civilians are innocent" and the *principled* discourse: "innocents deserve protection." Yet covertly embedded in this broad norm is

[16] Fredrich Kratochwil and John Ruggie, Friedrich Kratochwil and John Gerard Ruggie, "International Organization: A State of the Art on the Art of the State" *International Organization*, Vol. 40, No. 4 (Autumn 1986) p. 767-768.
[17] James Coleman, *Foundations of Social Theory* (Cambridge: Harvard University Press 1990) p. ?

an *ascriptive gender discourse* "women and children are innocent" in which "women and children" as a gender category becomes a proxy variable for "civilian."[18]

This gendered norm is to some degree validated by a sex-gender structure in which 'battle-age' males are more likely that women or young children to be distributed into combatant roles, and in which in many contexts women are more likely than men to be in charge of dependent children. Yet the sex-gender structure is not enough to account for the persistence of the gender norm: sex is *not* an adequate proxy variable for "civilian/combatant." Women and older children, including girls, are increasingly armed and active, particularly in ethnic/insurgency conflicts where massacres of civilians are most common.[19] Where mass conscription of adult males is no longer feasible in many contexts, many adult males are non-combatants as well. The segregation of men from 'women and children' for execution, as at Srebrenica, is based on ascriptive and/or principled gender discourses ("men are fighters/women are defenseless" and "men should be soldiers/women should be mothers") and reinforced by prescriptive gender norms ("kill the men/spare the innocent women and children") rather than a rational assessment of material threat.

When the international community responds to massacres of civilians by invoking references to "innocent women and children" it reproduces this gender norm in the context of condemning civilian slaughter more generally. The use of the "women and children" trope is not limited to humanitarian justifications. Content analysis of international discourse, taken from Security Council resolutions, NGO reports, the media, public statements and conference proceedings, reveals various additional means by which this trope is employed including:

1) *Condemnations of gender norm breaches*: "Rebel groups should demonstrate the quality of their leadership, by halting the slaughter of innocents such as women, children and the disabled."[20]
2) *Calls for humanitarian action*: "The U.S. will have to accept the moral responsibility to intervene where innocent women and children are being slaughtered in the name of ethnic cleansing."[21]
3) *Justifying limited action:* "We may denounce ethnic cleansing worldwide, but when you have thousands of women and children at risk who want desperately to be evacuated, it is my responsibility to save their lives."[22]
4) *Justifications for humanitarian action:* "The failure of the warring parties to cease hostilities has led to the massive destruction of property and the

[18] Certain males may be added into this category, in particular the elderly or disabled. It is notable that women are nearly always juxtaposed to children. This reflects both the assumption that women, like children, are innocent and vulnerable and the belief that the women are where the children are, as caretakers of the young.
[19] *Victims, Perpetrators or Actors? Gender, Armed Conflict and Political Violence,* edited by Caroline O. N. Moser and Fiona C. Clark (London: Zed Books, 2001).
[20] Nelson Mandela at a September 29, 2000 meeting of the Security Council, calling on rebel groups in Burundi to uphold humanitarian norms.
[21] Representative Ron Coleman, D-Texas, quoted April 23, 1993, Garnett News Service, "Coleman Joins Calls for Action in Bosnia."
[22] UNHCR Official Jose Mendiluce, explaining abandonment of Bosnian Muslim men at Srebrenica.

massacre by all the parties of thousands of innocent civilians, including foreign nationals, women and children…"[23]

5) *Constructing guilt after non-action:* "Do we, the members of the international community, really require that more innocent women and children be slaughtered by the thousands to cause a change in our priorities and level of concern?"[24]

Moreover, the "women and children" trope is routinely employed in a number of different ways within these statements:

1) *'Innocent Women and Children'*: "The White House said today it was considering allowing Iraq to sell oil to buy relief supplies for its people. President Bush pledged he will not allow the 'suffering of innocent women and children there.'[25] This usage suggests that the suffering of women and children, rather than civilian men, is what does and should motivate moral action; and can imply that it is only women and children who are in fact 'innocent.'
2) *'Including Women and Children*': "The bodies of 45 Kosovar civilians, including three women, one child, and several elderly men, were found…"[26] This usage cloaks the fact that the majority of massacre victims are usually adult men, drawing attention to the few children or female victims as if it is their deaths that make the act criminal.
3) *'Men, Women and Children':* "From the Balkans to Central Africa, innocent men, women and children are the victims of indiscriminate attacks…"[27] this framing adds "women and children" to the category of civilian men. While empirically true in many cases, this trope suggests a proportionate number of each category is victimized, which is seldom borne out in post-conflict demographic statistics. It also reproduces gender hierarchies between men and women by the ritual rank ordering of the gender categories. It is more often used as a rhetorical flourish than as an accurate descriptor.
4) *'Women, Children and Other Vulnerable Groups':* "expressing its regret that civilians account for the vast majority of casualties in armed conflict, especially women, children and other vulnerable groups…"[28] the 'other vulnerable' groups sometimes listed include the elderly and the disabled. Unarmed male civilians are not considered a vulnerable group, although they are typically the most likely to be targeted for execution. The assumption is that all males are armed combatants.

[23] Final Communique of the First Summit Meetng of the ECOWAS Standing Mediation Committee and the Committee of Five, para. 6-9.
[24] Scott R. Feil, *Preventing Genocide: How the Early Use of Force Might Have Succeeded in Rwanda* (Report to the Carnegie Commission On Preventing Deadly Conflict, April 1998), p. 1
[25] Associated Press, July 23, 1991
[26] Report of the Secretary General to the Security Council pursuant to Resolutions 1160, 1199 and 1203.
[27] Kofi Annan on International Peace Day, September 9, 1998.
[28] Security Council Resolution 1296 April 19, 2000.

While this array of usages deserves more careful analysis as a whole, this paper will focus in on the concept of the special innocence and vulnerability of "women and children" to attack; and will emphasize the context of 1) justifications for humanitarian action, particularly in Kosovo; and 2) constructing guilt after non-action, particularly in Rwanda. Both contexts are sites around which the evolution of humanitarian norms is most salient, and for this paper the "innocent women and children" trope provides a way in which to narrow in on intervention discourse. Because of the multiple interrelating factors at work in constructing claims of justified intervention, the evidence presented here should be understood as suggestive of a pattern, rather than a complete portrayal of humanitarian discourse. It is however, a pattern that has been understudied and therefore merits close inspection.

The remainder of this paper provides preliminary evidence for the proposition that this gender discourse plays a *constitutive* role in legitimizing military action as "humanitarian." If this is true, we should see the "women and children" trope invoked in justifications of humanitarianism regardless of the context or actual sex-distribution of civilians; and we should see public support for interventions (an indicator of legitimacy) increase with the perception that it is "women and children" who are beneficiaries of humanitarian action.

Gender and Innocence in Humanitarian Law and Discourse

Recently, it has become commonplace within humanitarian discourse and writing on civilians in war to assert that unlike the past, civilians now make up 90% of wartime casualties, and that most of these are "women and children." So ritualistically is this repeated in international discourse that many authors, and particularly online organizations, no longer bother to provide a citation for the statistic.[29] Citations that are available generally lead to secondary sources, but at the time of writing this draft copy I have been unable to substantiate the primary source and nature of this 'estimate.'[30]

Several assumptions are embedded within the dissemination of this statement. The first is that the suffering of civilians is a new trend, a product of changing patterns of warfare in the late 20th century: "Civilian fatalities in wartime climbed from 5 per cent at the turn of the century, to 15 per cent during World War I, to 65 per cent by the end of World War II, to more than 90 percent in the wars of the 1990s."[31] But without evidence of how this number is calculated in each of these time periods, it is not clear whether the 90% figure is simply a result of greater attention being paid to tracking and alleviating the suffering of civilians in contemporary conflicts. Smith and Henderson's contrast of

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[29] See J. Ann Tickner, *Gendering World Politics* (NY: Columbia 2001) p. 2.; http://www.warchild.org, http://www.worldvision.org, http://www.un.org/womenwatch/daw/followup/session/presskit/fs5.htm, The *Graca Machel Report on the Impact of Armed Conflict on Children,* in general a well-substantiated piece of research, does not cite a source for this statistic.

[30] This has included extensive web searches including the United Nations Statistical Databases and the SIPRI website, as well as *Global Trends*, a handbook of statistical information that also cites this statistic but without a source or any evidence of how it was calculated. See Hauchler and Kennedy, *Global Trends* (NY: Continuum Publishers, 1994). Personal correspondence from Robert Johnston of the U.N. Statistics Division reports that he is unaware of the source of this statistic, which is sometimes attributed to the U.N.

[31] Report on the Impact of Armed Conflict on Children, UN Online Publication http://www.unicef.org/infores/pubstheme.htm#smallarms The report does not cite a source for these statistics.

contemporary guerilla/ethnic war with battles between standing professional armies of the nineteenth century[32] is apparently excluding from the definition of nineteenth century warfare the genocidal massacres of minorities throughout Eastern Europe,[33] the guerilla warfare of national resistance movements in which civilians were targets and participants,[34] other forms of intra-state political violence and repression over the course of the modern period, and the indirect deaths of civilians necessitated by the movements of professional armies throughout history.[35] Genocide, intra-state warfare and indirect deaths from disease and famine are now factored in to the contemporary statistic, as if these are recent and unprecedented phenomena.

Secondly, the statement implies that it is civilian *fatalities* which have increased rather than *casualties* in the broad sense of dead, injured or displaced. When injuries, brutalization through non-lethal means (such as sexual violence), and indirect deaths and displacement are factored in, women and children indeed become majority 'casualties' *not* because they are targeted specifically for massacre as some commentators claim, but because they demographically represent the majority of any random population, and war affects everyone at least indirectly. Yet although male and female children as well as adult women are sometimes attacked and nearly always affected by armed violence, there is little convincing evidence that women and children are specifically targeted as victims of the *majority* of *deaths* in current armed conflicts.

This does not mean that *civilians* are not being targeted: the flaw in the statement is the assumption that civilians are primarily young and female (and sometimes elderly). Some authors simply assume this statement makes sense: "civilians – women, children and elderly men – are often the targets in these conflicts."[36] Cockburn self-consciously justifies it: "Since men as a sex are more generally mobilized, 'civilians' means predominantly women and children."[37] But this statement hides three facts.

First, both adult women and children of both sexes are increasingly mobilized as well. "Women are also combatants; women resist and fight back; they take sides, spy, and fight among themselves; and even when they don't see active service, they often support war efforts in multiple ways, willingly or unwillingly."[38] There are 300,000 child soldiers formally mobilized around the world, and in ethnic conflicts and guerilla insurgencies, children often take part in violence alongside their families.[39]

Second, it assumes that of the actual non-combatant population women and children are a majority *because* most of the men are combatants. But it is not clear that *most* of the men are mobilized most of the time in war zones. On the contrary, the nature of contemporary warfare no longer relies on mass armies and is often promulgated by

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[32] Smith, Chris and D. Henrickson, *The Transformation of Warfare and Conflict in the Late-Twentieth Century*, (London: Centre for Defence Studies, King's College, 1996)
[33] Dennis Hupchick, *Culture and History in Eastern Europe* (Palgrave 1994)
[34] Nabulsi, 2001.
[35] Best, 1980, p. 89.
[36] Mertus, p. 21;
[37] Cynthia Cockburn, "The Gendered Dynamics of Armed Conflict and Political Violence" in Moser and Clark eds., *Victims, Perpetrators or Actors* (London: Zed Books 2001) p. 21.
[38] Meredith Turshen, "Women's War Stories" in Turshen and Twagiramariya eds., *What Women Do In Wartime* (London: Zed Books 1998) p. 1.
[39] Brett, Rachel, Margaret McCallin and Rhonda O'Shea, "Children: The Invisible Soldiers", Geneva, Quaker United Nations Office and the International Catholic Child Bureau, April 1996,

small bands of highly militarized and well-armed thugs.[40] This leaves many men who would in a "traditional" war be conscripted into service, to remain in the civilian sector.

If civilians are targeted *indiscriminately*, and even if women and children participate equally in warfare, they would still constitute a majority of the civilian population simply because they demographically constitute two thirds of the population per se (all adult women plus both boys and girls) and would therefore suffer a majority of 'civilian' deaths. But this would be to overlook a third important fact: as indiscriminate as war can sometimes be, civilian massacres are frequently sex-selective: from Chechnya to East Timor to Kosovo to Rwanda, it is *adult civilian men* who are systematically targeted for slaughter.[41] The statistic from UNHCR that women and children constitute 80% of refugees bears out the fact that it is women and children who are primarily left alive, albeit disempowered and displaced, in the course of violent conflict.[42] In short, figures implying that women and children are overwhelmingly the direct, lethal "innocent" victims of contemporary carnage provide an distorted picture of current trends, one which can best be understood to serve a political, rather than a descriptive purpose.

This statement is not intended to delegitimize the indirect deaths and suffering displaced, diseased or exploited populations, nor the need for gender-sensitive approaches to populations in which sex/age-distributions are, for these reasons, highly disproportionate. Rather it is to call attention to some logical inconsistencies in current rhetoric on civilians and humanitarian policies, rhetoric which is increasingly unquestioned and can only be explained through reference to a history of gendered norms regarding sex roles in warfare; and which should be rethought in the course of pursuing conflict resolution, alleviation, and gender equity.

It is absolutely true that women and (male and female) children have suffered enormously in the course of armed conflict throughout history. Yet the norm against killing women and (female and small male) children, while abundantly evident in the breach, has always enjoyed comparatively robust levels of compliance compared to other norms restraining armed violence.[43] Massacres of the late 19th and early 20th-century, such as those against the Armenians in Turkey, were often highly sex-specific, sweeping up men and boys and leaving women and very small children untouched.[44] Cognizant of the revulsion against killing 'women and children,' Nazi policy-makers socialized their executioners progressively, first desensitizing them through killings of adult men before requiring them to target females and young children, and later inventing the gas chambers to offset executioners' cognitive dissonance.[45]

Yet the relative sex-specificity of mass-killing has not always been a result of norms of *civilian immunity* per se. Sex-specific killing in pre-modern warfare was based not on norms providing special protection to women or children as innocents, but on their property status: women, girls and young boys were seized as loot to be appropriated

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[40] John Mueller, "The Banality of Ethnic War"
[41] See Gendercide Watch, http://www.gendercide.org.
[42] UNHCR, *UNHCR By Numbers*, Table 2.
[43] For example, see Dave Grossman, *On Killing* (NY: Back Bay Books 1995) p. 14.
[44] See Adam Jones, "Gendercide and Genocide" in *Journal of Genocide Research* (July 2000).
[45] Daniel Jonah Goldhagen, *Hitler's Willing Executioners: Ordinary Germans and the Holocaust* (New York: Vintage, 1997), p290. The distinctive character of the atrocities women did suffer in the Holocaust. See Claudia Koontz, *Mothers in the Fatherland* (NY: St. Martin's Press, 1981).

rather than killed as 'enemies' alongside men.[46] Nor did this mean women were in fact always noncombatants as they have often been imagined to be.[47] Some authors have pointed out that women have often been able to take advantage of their relative immunity in their roles as political agents.[48]

The notion of the innocent female civilian vis-à-vis the male combatant/protector was not, however, an automatic or inevitable outcome of changes in warfare that led to the development of early humanitarian law. Initially, the scope of humanitarian law was limited to the rights of (certain) combatants themselves: the concept of the 'civilian' demarcated a category of persons, (generally de facto combatants not incorporated into formal state armies, or 'unlawful combatants') against whom no such restraint need apply.[49]

The problem for early norm-builders, in an era of national resistance movements, was not how to protect "the innocent" but how to discourage civilian armed mobilization by limiting terms of restraint to legitimate belligerents: "Irregular uprisings by the entire population to harass a legitimate army should always be condemned without bothering to distinguish between methods used."[50] 'Innocence' (civil passivity in the face of a conquering force), became the requirement for any claims for immunity from attack. This legitimized atrocities against whole populations (including women) precisely because they were mobilized rather than passive. "When the cycle of the two world wars began in 1914, the number of sentences in the Conventions devoted to civilians was small and relatively negligible compared with the number concerning soldiers, sailors and the medical personnel looking after them… which partly explains why civilians emerged fromt hese thirty bad years as the category of human beings most in need of protection in war."[51]

The idea that some portion of a national population resisting invasion was or ought to be considered "innocent" became coupled to ascriptive gender discourse for reasons quite unrelated to the sex-distribution of guerilla fighters and support communities at this time. Women figured prominently in wars of national resistance, and the total wars of the early 20th century required a civilian war sector that effectively placed whole populations beyond whatever immunity may have theoretically existed.[52] Moreover, international legal jurists and the framers of the eventual Fourth Geneva

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[46] Susan Brownmiller, *Against Our Will* (NY: Bantam 1975)

[47] Jean Bethke Elshtain, *Women and War* (Chicago: University of Chicago Press, 1995); Joshua Goldstein, *War and Gender* (Cambridge: Cambridge University Press 2001)

[48] Simona Sharoni, "Rethinking Women's Struggles in Israel-Palestine and the North of Ireland" in *Victims, Perpetrators or Actors: Gender, Armed Conflict and Political Violence* edited by Caroline Moser and Fiona Clark pp. 85-98; Turshen, 1998, p. 6.

[49] Karma Nabulsi, "Evolving Conceptions of Civilians and Belligerents: One Hundred Years After the Hague Peace Conferences" in *Civilians in War*, edited by Simon Chesterman (Boulder: Lynne Reinner 2001) p. 12.

[50] Rolin-Jacquemyns, "Second essai sur la Guerre Franco-Allemande dans ses rapports avec le droit international," in *Revue de droit international et legislation comparee* 3 (1874), pp. 26-27.

[51] Geoffrey Best, *Humanity in Warfare* (NY: Columbia 1980) pp. 220-221.

[52] A possible exception may have been in Nazi Germany, which relied on slave labor while promoting a highly segregated configuration of gender norms regarding women. This relative waste of war labor may have cost Germany the war, and at any rate did not make it any more difficult for Americans to justify bombing Dresden. Mark Mazower, *Dark Continent: Europe's Twentieth Century* (NY: Alfred Knopf 1999) p. 155.

Convention understood these nuances. It was in the realm of *political and social* discourse that the equation of women and children with the innocent nation and adult men with the cannon fodder of the battlefield was employed and reproduced.

The specific references to women under the Fourth Geneva Convention do not exhibit the particular gender assumptions so prevalent in international social discourse. The particular protections extended to women were limited to those who were mothers of small children (whose innocence and vulnerability is not in dispute) rather than extended to women per se on the basis of generic sex-based notions. The specification of special rights for "maternity cases, expectant mothers, mothers with children under five" generally appear in the same context as special rights of "children under seven" "under twelve" and "under fifteen".[53] The desire to address the specific nutritional, medical and social needs of such women were based on their role as caretakers of children, and children were distinguished according to age categories. Adult women without children were generally given equal treatment with adult men, and were assumed to exist, as is evident from passages specifying, for example, that male and female prisoners would be interned separately.

Thus, although the emerging law on the protection of civilians is predicated on the notion of civilian 'innocence' and takes into special account the interests of women and small children in certain contexts, humanitarian law per se does not appear to be the source of the notion that adult women and dependent children as entire categories are synonymous with 'civilian'. Not that the assumption that a child's caretaker must be female was not gendered (while mothers of small children could not be given the death penalty, fathers of small children presumably did not share this special protection.)[54] What is striking about the Geneva Conventions is that the nature of women's special interests, and the definition of children in different contexts, is very specific and follows from some basic biological facts. It does not seem to represent the regurgitation of standard gendered tropes.

This is very different from the *political* use of the term that links *all* adult women implicitly to "children" and defines all children as small dependents rather than agents, while equating both categories with noncombatant status. This discourse was unrelated to the actual laws of war, which appeared to take into careful consideration the actual sex-distributions of combatants and civilians. Rather, the "women and children" trope manifests in mythical portrayals of conflict designed to justify war policies, mobilize patriotism, or arouse protective sentiment through the appeal to gendered imagery. This discourse – the stuff of statesman's speeches, international condemnations, and honor codes among soldiers – was rooted not in international legal codes per se but in broader socio-political phenomena of the modern period.[55] This construction not only suited the

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[53] 1949 Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War, Articles 14, 16, 17, 18, 82, 89.

[54] 1977 Geneva Protocol I Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts, Section 1 Article 8A.

[55] Configurations of gender-discourse underpinning industrialization, political liberalism coincided with the changing relationship of state militaries to the nation. The massification of armies drew ever more adult males into the 'legitimate' military complex, thus solving to some degree the problem of civilian male belligerency, and the civilian sector during wartime was increasingly constructed as a female (and feminized) domain. The result was the development of a rhetoric equating both adult women and small children with ascriptive traits of vulnerability, helplessness, and innocence that should enjoin agents to

broader socio-legal arrangements whereby women were defined as dependent on male protection, but generated a strategically useful concept of nationhood whereby male soldiers were sent to fight and die for the protection of the innocent at home.[56]

Insofar as war remained an activity between men, the women and children of other nations were also figuratively innocent and uninvolved, and states-people gave lip service to the dishonor of intentionally killing them, even before prohibitions on killing civilians were codified – and even when total warfare enlisted entire populations, stretching the very notion of civilian 'innocence'. During the Second World War, when notoriously indiscriminate aerial campaigns were deployed even by states considering themselves 'civilized', the slaughter of civilians ("women and children") required justification and denials by political elites. These justifications demonstrate the norm in effect despite lack of any semblance of compliance with it. Explaining the bombings of Hiroshima and Nagasaki to the American public, President Truman insisted that Hiroshima had been selected because it was a military base, "so that soldiers and sailors are the target and not women and children…"[57]; and justifications for its use ultimately necessitated dehumanization of the Japanese to an extent that such distinctions – distinctions that civilized nations would presumably observe vis-à-vis one another - were irrelevant.[58]

In part reflecting the collapse of such norms in practice during World War II, the 1949 Geneva convention represented an important evolution in the concept of civilian protection. Whereas the mass participation of the industrialized civilian sectors had undermined notions of civilian passivity during the war, the Geneva conventions went hand in hand with the emerging norm of non-aggression, enshrined in the U.N. charter and increasingly invoked through the Cold War. While civilians, as a part of the sovereign nation, had a right to resist external aggression, the non-aggression norm meant that intervention by a third party to protect civilians from *intra*-state conflict was also, paradoxically, proscribed. Thus these developments within humanitarian law remained tools for legitimizing states' interests within international society, rather than for protecting individual human beings.

Still, over the course of the twentieth century, a fundamental shift in discourse occurred, spawned by the developing human rights regime and facilitated by changes in communications technology. To the extent that citizens within a particular country developed a sense of moral solidarity with the suffering of those in other parts of the world, norms of protection and justice expanded beyond the national sector. To the extent that protecting of "the innocent" through the military might of the powerful and righteous remained a gendered script, increasingly the "women and children" in need of assistance were those in other lands whose men were unable or unwilling to protect them, in addition to those on the home front whose protection remained the duty of the nation's male adults.

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protect and honor them rather than take advantage of their defenselessness. The sex-gender structure of society also constructed women's relative defenselessness through proscriptions on the female use of armed force.

[56] Anthias and Duval, "Introduction" in Anthias and Duval, eds., *Woman-Nation-State* (London: Macmillan 1989)

[57] Quoted in Paul Boyer, *Fallout* (Columbus: Ohio State University Press 1998) p. 21.

[58] Ibid., p. 20.

Emerging Norms. The inherent tension between the lip service given to human rights and civilian immunity during armed conflict, and the stronger (and enforceable) non-intervention norms was increasingly a part of social currents in the international community throughout the Cold War. Many of these rhetorical disputes, which have lately converged around a consensus that humanitarian concerns may override the non-intervention principle under some circumstances, contained an explicitly gendered component. Although non-aggression norms consistently trumped claims of humanitarianism at this time, so that most interventions were condemned and most states relied on more legitimate justifications for their actions, when claims of humanitarianism were put forth, they included appeals to the needs of "women and children." For example, India's initial humanitarian reasons for its 1979 military action to halt the genocide in Bangladesh exhibited this gendered character.[59] Although India later replaced this justification with reference to self-defense, even during the Cold War the synonymity of gendered discourse with claims of "saving civilians" was striking.

The end of Cold War rivalries presaged a shift in relative configurations of international norms and interests. The U.S. was free to project Western liberal norms onto all of international society: concern for human rights was touted as bedrock of the New World Order. Russia was no longer in a position to veto any and all U.N. actions and China was content to abstain from doing so. Moreover, an emerging permissive norm of *multilateral* humanitarian action was gradually replacing condemnations of unilateral military force.[60]

With the successful prosecution of the Gulf War in the name of international norms rather than national interests, the U.S. undertook its first military intervention *legitimately* viewed as 'humanitarian.'[61] The soothingly labeled "Operation Provide Comfort" was motivated by press coverage of helpless Kurd women and children. This struck a chord with a U.S. population who had so recently learned to think of the Iraqi 'regime' as the enemy against whom (Kuwaiti) civilians needed protection, and whose support for the Gulf war had peaked when Kuwaitis drummed up allegations of Iraqi atrocities against newborn infants. Turkey's persuasive letter addressed to the Security Council, while mostly concerned with its border stability, cited humanitarian concern and drew attention to the fact that the refugees were mostly "women and children."[62] Commentators characterized the intervention as a response to Iraq's repression of "women, children and rebels" (presumably all the males involved were rebels, but the

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[59] Sean Murphy, *Humanitarian Intervention: The U.N. in an Evolving World Order* (Philadephia: University of Pennsylvania Press 1996) India's later retraction of the humanitarian justification suggests that gender discourse, while perhaps necessary for humanitarian claims, is not in itself sufficient.

[60] Martha Finnemore, "Constructing Norms of Humanitarian Intervention" in *The Culture of National Security* edited by Peter Katzenstein (NY: Columbia 1996)

[61] The U.S. had claimed humanitarian motives for many other unilateral operations, but it required a multilateral effort backed by the authority of the Security Council to legitimate the doctrine in international society. It is ironic that Operation Provide Comfort, an aggressive intervention into a sovereign state, coincided with the Gulf War, which took place in large part to punish aggression. Perhaps the fact that Iraq's status as a 'civilized' nation had been disrupted through its actions in Kuwait facilitated Western sympathy for the Kurds.

[62] Sean Murphy, *Humanitarian Intervention: The U.N. in an Evolving World Order* (Philidelphia: University of Pennsylvania Press 1996) p. 169.

women and children were innocent bystanders).[63] Even years later, when the U.S. government drew fire for the continuing no-fly zones, it continued to invoke such threats as reasons for its presence in Iraq: "We are protecting civilians, who had suffered from Iraqi attacks, including the use of poison gas against women and children," Peter Burleigh told the General Assembly in September, 1999.

Less sympathy was aroused for the Southern Shia refugees spilling into Iran in 1991, or the Turkish repression of its Kurdish minority; and the intervention was clearly more about preventing a humanitarian failure from overshadowing a military victory in the Gulf than about long-term solutions to the strife of the Iraqi Kurds. But Operation Provide Comfort has been perceived by observers to be a turning point in international concern for humans imperiled by war and ethnic repression. Northern Iraq set a precedent. Not only could Western countries legitimately claim a right to intervene in certain cases, but a key to generating public and international support for such interventions was the appeal to this gendered script.[64] Subsequent intervention efforts, as well as calls for intervention, threats to intervene, and condemnations of acts that could warrant intervention, have made stock use of this formula throughout the 1990s – whether or not they made any sense based on the sex-distribution of the victims of conflict and the goals of the intervention.

If victims of atrocity are routinely constructed as female and infant in calls for action, perpetrators of atrocity are too often conceptualized as solely male. This overlooks both the direct and indirect roles that women play in armed conflict as well as the prevalence of child perpetrators. 19% of children in post-war Bosnia had assisted in a massacre during the war.[65] In Somalia as elsewhere in the Horn of Africa, images of starving women and children provoked a quick response from U.S. public opinion that something must be done.[66] But not all women and children were passive victims of Somali politics and receptors of aid. Some took up arms with their clansmen against the humanitarians.[67] Although the resulting casualities were technically 'combatants' rather than 'unarmed civilians' the female/child deaths resulted in an outpouring of moral condemnation by the U.S. Senate of American soldiers' lack of martial restraint.[68] The possibility that 'women or children' would pick up arms and might be legitimate military targets, rather than helpless victims, diverged from the international script of humanitarian policy-making.

This gendered conception of the civilian/combatant distinction in ethnic warfare appears in scholarship on military ethics and intervention as well as in such public statements and media framing. No less a source on military ethics than Michael Walzer wrote that in guerilla warfare "a soldier who, once he is engaged, simply fires at every male villager between the ages of fifteen and fifty (say) is probably justified in doing so,

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[63] Thomas Weiss, *Military-Civilian Interactions: Intervening in Humanitarian Crises* (NY: Rowman and Littlefield 1999) p. 50.

[64] The satirical film *Wag the Dog* portrays this very process in its depiction of media efforts to 'construct' a war through imagery of a young female victim.

[65] Nicole Janigro, *L'esplosione delle nazion: Il caso jugoslavo* (Milan: Feltrinelli, 1993), p. 51-52.

[66] "Famine Threatens Ethopia Again," *The Christian Century* (May 3, 2000)

[67] Alex Shoumaff, "The 'Warlord' Speaks," *The Nation* (April 4, 1994) p. 442.

[68] Art Pine, "U.N. Forces Fire on Somali Crowd, Fueling U.S. Debate" *Los Angeles Times* (Septmber 10, 1993, p. A1.

as he would not be in an ordinary firefight."[69] Recent scholars of contemporary genocide locate genocidal acts not in the killing of noncombatants per se, but specifically to the extent that "women and children" are targeted.[70] Naimark writes, "unlike war ... ethnic cleansing and genocide focus almost exclusively on unarmed civilians rather than armed military populations, on women and girls rather than on men and boys."[71] It is not surprising, given the reproduction of this gendered conception of the civilian in scholarship, the media, and international discourse, that explicit reference to saving "women and children" should be nearly constitutive of claims to act (or apologies for not acting) on behalf of 'civilians' in general.

Rwanda: The Intervention That Should Have Been. Reeling from the Somali disaster, the U.S. was no longer prepared to risk international leadership for humanitarian purposes by the time violence erupted in Rwanda. References to "women and children" being under attack, like the use of the term 'genocide,' are strikingly absent from U.S. statements on Rwanda in April 1994.[72] The "women and children" trope does appear in both Security Council resolution 912 and 918 in which the U.N. attempted to appear to be doing something while minimizing its involvement in the genocide through the reduction in UNAMIR troops. However, the depiction of the genocide in gendered terms was crucial in shaming efforts by *pro*-interventionist countries such as New Zealand,[73] and in media portrayals of the genocide, as well as in post-genocide efforts to deal with international guilt over non-action: "Do we, the members of the international community, really require that more innocent women and children be slaughtered by the thousands to cause a change in our priorities and level of concern?" asks a 1998 report to the Carnegie Commission on the failure of early intervention in Rwanda.[74] Most portrayals of the genocide emphasize its indiscriminate character. "innocent men, women and children [were] subjected to the abomination of genocide."[75] "Tutsi women were killed during the 1994 genocide in numbers equal to, if not exceeding, those of men";[76]

Importantly, women and female children were *not* the primary or the initial victims of the Rwandan slaughter. While many did perish (and many were targeted for non-lethal forms of violence, especially rape and forced pregnancy) the majority of

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[69] Michael Walzer, *Just and Unjust Wars* ((NY: Basic Books 1997) p. 192.

[70] Frank Chalk and Kurt Johnasson, *A History and Sociology of Genocide* p. 61 Radislav Krstic's defense attorneys at the ICTY echoed this argument in their claims that Srebrenica was not a genocide because the women and children had been released.

[71] Norman M. Naimark, *Fires of Hatred: Ethnic Cleansing in Twentieth-Century Europe* (Cambridge, MA: Harvard University Press, 2001).

[72] This is based on a content analysis of all presidential statement for April 1994 in which the keyword "rwanda" appeared at least once, taken from the Office of the Federal Register archives online at http://www.access.gpo.gov/nara/nara003.html.

[73] Sean Murphy, *Humanitarian Intervention*

[74] Scott R. Feil, *Preventing Genocide: How the Early Use of Force Might Have Succeeded in Rwanda* (Report to the Carnegie Commission On Preventing Deadly Conflict, April 1998), p. 1 See also Hrvoje Hranski, "We Could Have Done More, and We Could Have Done Better: Belgian PM Apologies for Failing in Rwanda" in *Ottowa Citizen* (April 8, 2000), p. A1; Dan Cornell and Frank Smyth, "New Leaders and New Hopes" in *Boston Globe* (March 22, 1998) p. E1.

[75] Stephen J. Pope, "The Politics of Apology and the Slaughter in Rwanda" in *America*, (March 06 1999)

[76] Christopher Taylor, *Sacrifice as Terror*

civilian deaths in the Rwandan genocide were Tutsi men and boys.[77] The genocide swept up Tutsi indiscriminately in its later stages, but initial targeting was intricately sex-specific, leading Tutsi men to attempt to disguise themselves as women in order to save their lives and Hutu genocidaires to take diapers off infants in order to determine which were boys to be massacred.[78] This is borne out by post-genocide Rwanda demographics: the country is now populated overwhelmingly by women.[79]

In fact, two separate crises claimed lives in Rwanda: the initial series of massacres and the resulting epidemics. Women and small children were the primary victims of the latter, because they were the primary demographic categories left alive after the earlier violence abated. The media coverage of Rwanda did not distinguish between these patterns of death, and humanitarian aid was primarily mobilized to combat the cholera epidemic among the refugees, where women and children were the victims, rather than to stop the massacres of men. The need to emphasize women and children as victims in depictions of the genocide extended to those who recognized that men primarily died: since women and children are the ones left behind, they are the 'real victims' as it is they who bear the toll of the aftermath.[80]

Gender assumptions also prevented an accurate assessment of the sex-distributions of the genocide's perpetrators. Africa Watch has documented the participation of Hutu women in the massacres and their aftermath, as policymakers, as individual genocidaires, and as cheerleaders,[81] and Romeo Daillaire has recently stated that the majority of children killed in the Rwandan genocide were killed by other children.[82] Yet Sadako Ogato, condemning the humanitarian side-effect of perpetrators in the midst of refugee camps, said, "My staff had to continue feeding criminals as the price for feeding hundreds of thousands of innocent women and children."[83] The U.N. in condemning RPF retaliation on the camps sheltering the perpetrators urged restraint: "We realize there are genocidal killers among these refugees. But a majority of these refugees in eastern Zaire are innocent women and children."[84] These statement assume that female and child refugees had not participated in the violence.

Kosovo: Saving Innocent Men. One might expect that in Kosovo, where the sex-selective character of the killing was more obvious to all involved, that the rhetoric justifying the air war might have relied less on this type of gendered language. The war to repatriate the Kosovar Albanians was a hard case for the ethic of legitimate humanitarianism because of the internal character of the conflict, and because of the lack of Security Council

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[77] Bianfer Nowrojee, *Shattered Lives: Sexual Violence During the Rwandan Genocide and its Aftermath* (NY: Human Rights Watch, 1996)
[78] *Death, Despair and Defiance* p. 815.
[79] Heather Hamilton, "Rwanda's Women: The Key to Reconstruction" in *Journal of Humanitarian Assistance* (January 2000) p. 1. Hamilton correctly notes that initial figures of 70% women are by now out of date as many male refugees have returned, and many men are alive, but in jail.
[80] Inyumba, "Women and Genocide in Rwanda" p. 49
[81] *Rwanda - Not So Innocent: When Women Become Killers* (Africa Watch 1995). It must be noted that many Hutu men and women did what they could to prevent the killings or to save their Tutsi neighbors.
[82] Quoted in Barbara Crossett, "Human Face of U.N. Effort to Take Guns From Children," *New York Times* July 13, 2001, p. ??
[83] From a speech at the Holocaust Museum in Washington D.C., 1997, quoted in Weiss, 1999, p. 147.
[84] Spokesperson for the Secretary General, Daily Press briefing, April 3, 1997.

consensus. More than ever it required careful justifications from the NATO countries involved.

Yet the Kosovo war was also a hard case for applying the 'saving women and children' standard to the justification of the intervention. This is because women and children were not *predominantly* at risk in Kosovo: Serb paramilitaries were very traditional in the selection of 'battle-age' Kosovar males for massacre.[85] Women and girls were predominantly raped or encouraged to flee;[86] some families were killed in indiscriminate attacks; but there is little evidence of women, girls, or younger boys being targeted systematically for execution as were adult males, nor was there a stage, as in Rwanda, where the massacres were wholly indiscriminate.[87]

Could NATO launch a war primarily to save "innocent men?" Plausibly, it could have. With the memory of Srebrenica haunting Europe, the widespread knowledge of the sex-specific patterns of atrocity, and the predictability that the scale of the killing would only increase, NATO leaders had, arguably, a legitimate interest in intervening based on this alone. Nor does the diplomatic record show that policymakers were primarily concerned with the sex of victims: it was *genocide* they claimed to be averting, not the killing of women or children per se. Yet the killing of one seven-months-pregnant woman "represented a breach in the 'atrocities threshold,'";[88] although the scale of killing of civilian men was much higher it also seemed a more digestible side effect of armed conflict than attacks on mothers and small children.

Commentators agreed: "Kosovo – Women, Children Massacred" read the London *Guardian* headline on September 30, 1999; in condemning and encouraging strong action after the pivotal Racak massacre, where 41 out of 45 people killed were men, the President of the Security Council stated that "civilians were killed, including women and at least one child…"[89] NATO officials had their own reasons for pursuing airstrikes; but in terms of justifying those reasons as *humanitarian*, an emphasis on endangered "women and children" was essential.

Although NATO has been criticized in the timing of its air assault for precipitating the Serb crackdown that initiated the worst refugee exodus, nothing could have been more strategically adept than generating such a refugee 'problem'. Now, rather than isolated stories of dead men filtering out of Kosovo, the media and states-persons could rely on actual footage of hungry and weary mothers and families.[90] The refugees' demographic character fit the requirements for mobilizing Western public opinion: the story behind the war went from 'saving civilian men' to 'sending families home.'

Whether or not the refugee explosion was factored into NATO's calculations, it is certain that attention to victimized "women and children" played a decisive role in

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[85] "A Week of Terror in Drenica" (NY: Human Rights Watch 1999)

[86] "Kosovo: Rape as a Weapon of Ethnic Cleansing" (NY: Human Rights Watch 2000)

[87] This is not to say that a broader "root and branch" genocide could not have taken place in the absence of NATO action, although the patterns of refugee flows after the onset of the bombing suggest that Milosevic was committed to sparing women, children and the elderly if they would flee the country.

[88] Ivo Daalder and Michael Ottenlon, *Winning Ugly* (Washington: Brookings Institute Press 2000) p. 43.

[89] S/PRST/1999/2, Statement by the President of the Security Council, January 19, 1999.

[90] For example, on April 1, the Daily News "ran a front page picture of refugees with a mother and child picked out in black and white." See Mick Hume, "Nazifying the Serbs, from Bosnia to Kosovo" in *Degraded Capability: The Media and the Kosovo Crisis* edited by Philip Hammond and Edward S. Herman (London: Pluto Press 2000).

legitimizing the Kosovo war among Western public, policy-makers, analysts, and governments. Letters to the editor of *Newsweek*, after a story detailing the indiscriminate shelling of one village, read: "it embarrasses me to think that not too long ago I was doubting the wisdom of NATO's involvement" and "thank you for helping me feel as though I, too, were there, wailing with the mothers of innocent babies who were murdered in the name of a political struggle."[91] It is unclear whether the war in Kosovo would be remembered the same way if its outcome had been viewed as 'simply' saving some Kosovar men's lives (particularly given the indiscriminate tactics employed by NATO itself). While a detailed content analysis of the relative frequency and context of the 'women and children' trope in Kosovo justifications versus other interventions would yield clearer insights, the evidence presented here suggests that even in the most unlikely cases, where intervention is clearly not about saving women, gender plays an important role in social discourse.

Puzzles. What emerges from this analysis is not that men are never perpetrators and women and children never vulnerable and victimized. There are broad sex/age-distributions of exactly this structure of behavioral and situational attributes in many contexts. As feminists and scholars of gender have long recognized, variation among women or among men on a continuum of stereotypical attributes may be much greater than between men and women. Hence, we must question the use of age and sex as proxy-variables for these context-contingent roles played by individuals in armed conflicts.

Secondly, we must ask: what purchase do governments gain by framing their military policies by reference to such gender stereotypes? It is *not* the case that governments care more about rescuing women and children than rescuing men. Had this been the case, a massive ground campaign to save women and small children from mutilation and death in Sierra Leone in 1999 would have taken precedent over saving civilian men from harm in Kosovo. In view of the evidence, it is naïve to think that governments care more about rescue *itself* than about geostrategy, the pursuit of markets, and the pacification of domestic forces.[92]

Intervention occurs not where it is needed most, and certainly not according to the sex/age distribution of harms. Intervention occurs where it is politically and tactically convenient. But prior to 1990, governments could not successfully justify intervention by reference to saving innocent civilians. They now do so with legitimacy in large part by reference to a particular form of gendered rhetoric. That one finds this rhetoric in references of justified intervention *regardless* of the actual sex/age distribution of the needy, *regardless* of the geopolitical context, and *regardless* of the actor involved strongly suggests that it is claims of humanitarianism themselves which generate the need for such references. Conversely, we see an avoidance of such rhetoric where the desire is to play down the need for such interventions, as in U.S. ambivalence during the Rwandan genocide.

By all appearances, governments rely on the 'women and children' norm to legitimize military actions that may not otherwise be viewed as legitimate. They may or may not do so purposely as a strategy of perpetuating women's oppression through gender stereotypes. On the contrary, in many cases it may be men whose lives are put at

[91] Jessica Fain, *Newsweek*, (July 12, 1999)
[92] For this argument, see Noam Chomsky, *The New Military Humanism.*

risk by such policies. It is more likely that policymakers are simply drawing on a corpus of customary language that resonates persuasively with those audiences to whom they must appeal for support. It is because citizens of Western democracies, international elites and aid donors hold these stereotypes to be self-evident – because the belief that it is worse to hurt women and children than to hurt men is a collectively-held *gender norm* - that it has coincided with the doctrine of justified rescue in this manner.

If this is the case, why are proponents of a "gender perspective" in humanitarian organizations, also echoing these gender stereotypes in their own approaches?[93] One reason why women's advocates may have capitalized upon, rather than challenged, this gender discourse is because it is politically expedient. In short, gender stereotyping may yield some positive benefits for women and for children, whom are the constituencies for whom these organizations are working. The reliance on the 'women and children' category makes women and young children visible and promotes an international ethic which places their needs front and center. It provides a rationale for channeling research funding and humanitarian aid to analyze and resolve the problems affecting them. One may plausibly argue that if gender stereotyping works to put the needs of the marginalized on the political agenda, then it is a normatively good thing even if it distorts. Similarly, one could argue that if the reliance on a gender stereotype is useful in mobilizing finicky Western publics in support of humanitarian initiatives, then the world – certainly the Kosovars – are better for it. To some degree, this is true. However, as will be considered momentarily, there are also pernicious side-effects of such stereotyping against which, at the very least, the benefits must be weighed in the consideration of policy alternatives.

Conclusion: Un-Gendering International Society?

If the most that can be said for the idea of "saving innocent women and children" is that states use it to manipulate publics into accepting interventions that suit their interests, does this mean that the gender norm has no causal value? It is likely that a sensibility to the needs of the "innocent" is more often lip service than definitive of states' interests; that the above *is a constitutive effect, not a causal one*. However, the belief that women and children are "especially vulnerable," "innocent" and "at particular risk" can also have a causal effect in the development and enactment of specific humanitarian policies. While more in-depth investigation is required to establish precisely how gender norms affect policy, a few possible side-effects should mitigate undue optimism.

The first is the detrimental effects of gender stereotyping on individual human rights. Obviously, we must ask whether policies that stem from assumptions about women and children's attributes and needs really meet the needs of individuals in these categories, or whether they are biased toward a particular social category of 'woman' and 'child.' The term "women and children" often seems to mean "women *with* children," which conjures images of mothers with small children in tow, and gender-sensitive aid

[93] See "Review and Appraisal of the Implementation of the Beijing Platform for Action: Report of the Secretary-General" (E/CN.6/2000/PC/2), available online at http://www.un.org/womenwatch/daw/followup/session/presskit/fs5.htm; "Rwanda's Women and Children: The Road to Reconciliation" (NY: Women's Commission on Refugee Women and Children 1997)

policies are gradually being sculpted to respond to their needs. But many children and many women do not fit into this simplistic formula.

Children, particularly girls, and women who have been perpetrators of political violence and not merely its victims have often had a difficult time garnering support in the aftermath of the conflict.[94] Where children must be a dependent of a female parent in order to qualify for services or refuge, it is unclear whether fathers with dependent children or children on their own may slip through the cracks.[95] Adolescents, who are often most at risk and least empowered, are frequently not viewed as "children" in the sense that is likely to garner sympathy or support, and much aid directed at "women and children" is actually intended for small children rather than fitted to the needs of youth.

Moreover, equating "women's and children's" rights, as UNICEF has recently begun to do, overlooks the facts that in some instances, women's and children's rights do not coincide.[96] While there is a connection between meeting women's needs and securing the rights of children, this connection is not automatic or absolute. One need only consider the stigma and neglect of children born of forced maternity in the aftermath of systematic war rapes around the globe to realize what an error it can be to assume that either women's or their children's interests are served by arbitrarily defining them as caretakers and mothers.[97]

While women's and children's agency has often been overlooked through focusing on their victim-hood, the opposite has sometimes been the case in portrayals of civilian men caught in war zones. While men are political agents, sometimes of violence and sometimes of peace, they are also often the most brutalized of all civilians, in many cases targeted for conscription, slaughter, imprisonment or torture simply because of their age and sex. Failing to recognize this may result in policies that select "the vulnerable" according to gender stereotypes rather than a serious evaluation of political risk in a specific context.

Evacuating "women and children" from towns in Bosnia when it was battle-age men who were most at risk of massacre is one such example. When UNHCR senior official Jose Mendiluce conceded to Bosnian Serb demands that Bosnian Muslim men and older boys be abandoned at Srebrenica, he justified his actions by emphasizing the U.N. role in at least saving the "women and children."[98] The U.N. could therefore appear noble, for having saved the "innocent and vulnerable," despite the fact that it was actually adult males who were "at risk" at Srebrenica.

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[94] Ana Cristina Ibanez, "El Salvador: War and Untold Stories" in *Victims, Perpetrators or Actors: Gender, Armed Conflict and Political Violence*, edited by Caroline Moser and Fiona Clark (London: Zed Books 2001); *Girls With Guns: An Agenda on Child Soldiers* for "Beijing Plus Five" (June 2000) available online at http://www.child-soldiers.org.

[95] For example, the Canadian government's "Women at Risk" program permitted women with children to circumvent the normal asylum process; male refugees, with or without children in tow, did not qualify until the government later amended the policy. See Godfrey, "Refugee Women Fast-Tracked to Canada" in *Toronto Sun*, (March 1, 1999).

[96] "Child Rights are Women's Rights, says UNICEF Afghanistan," UN Office for the Coordination of Humanitarian Affairs (OCHA Dec 2000); Savitri Goonesekere, "Women's Rights and Children's Rights: The U.N. Conventions as Compatible and Complementary International Treaties" (Florence: UNICEF ICDC 1992)

[97] Charli Carpenter, "Surfacing Children: Limitations of Genocidal Rape Discourse" in *Human Rights Quarterly* Vol 22, No. 2 (May 2000).

[98] Laura Silber and Allen Little, *Yugoslavia: Death of a Nation* (NY: Penguin 1996) p. 268.

This brings us to the second problem with using sex and age as a proxy variable for "innocence" in international parlance. To what extent does this corpus of international norms provide leverage to war criminals themselves? At least two possible side-effects of must be considered. First, does the tendency of the international community to emphasize atrocities against "women and children" provide an incentive for belligerents to simply limit their violence to male civilians, rather than to avoid targeting civilians of all ages and sexes? If so, there is a net positive result in female and child lives saved, to be sure. The carnage at Srebrenica would have been worse had Mladic not released women and children before executing adult males.

And yet there was something chilling in the fact that as he did so, he claimed that this proved the Bosnian Serbs were civilized; later, the sparing of "women, children and the elderly" was used by Krstic's defense lawyers at the Hague to argue that the massacre at Srebrenica was not a genocide.[99] Similarly, Russian Emergencies Minister Sergei Shoigu expressed his readiness to evacuate "civilians – old people, women and children" from Grozny before commencing shelling.[100] Where the international community acquiesces to such terms, sometimes even providing the helicopters and buses, does it not in effect sanction the slaughter of civilian men?[101]

Moreover, in cases where the objective of a belligerent leadership is precisely to provoke the intervention of the international community, as may have been the case in Sierra Leone, do not norms like these provide road maps for precisely which civilians to target? Claude Bruderlein has recently argued that aggressors may ultimately "tailor their attacks against civilians to the particular reservations of the Security Council" – an argument which may include other types of factors than merely the sex of the victims. Bruderlein's main point is that there is an inherent tension between the humanitarian goal of protecting all civilians and the specialized language that now characterizes particular groups in terms of degrees of 'innocence.'[102]

Ultimately, the role of gender-sensitivity in international policy-making should be to see through, rather than to perpetuate, these stereotypes. Gender-mainstreaming agencies can choose to play an important role in doing this or they can choose to make use of the highly resonant political rhetoric that sets "women" in a category with "children" and defines these against "men." The latter intersects with and feeds a much older discourse that both supports the gendered underpinnings of the war system and produces policies based on simplistic understandings. While it may have some positive effects, it is not necessarily the best way to promote human security, and it undermines rather than reinforces gender equality.

Adopting a gender perspective in humanitarian policy-making ought to be about resisting precisely these kinds of stereotypes. Women indeed suffer during war-time, both in violence and in its aftermath; women also fight in wars and commit atrocities. Men kill, torture, and trade in light arms; men also work for peace, care for children and often

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[99] Ibid., p. 272; Marlisse Simons, "Verdict is Due in Major Trial on War Crimes in Bosnia" *NY Times* (August 2, 2001)

[100] Peter Graff, "Russia Offers Talks on Evacuating Grozny," (*Reuters* Dec. 10 1999)

[101] Human Rights Watch has since spoken out in condemnation of such complacency and of Russian refugee policy in Chechnya. See "Russia Closes Chechnya Border to Male Civilians: Blanket Ban Traps Men in War Zone (New York, HRW Press Release January 12, 2000)

[102] Claude Bruderlein, "The End of Innocence: Humanitarian Protection in the Twenty-First Century" in *Civilians and War* edited by Simon Chesterman, (Boulder: Lynne Reinner 2001).

give their lives resisting orders to commit atrocity. A gender-sensitive understanding of armed conflict will look at individuals rather than reify gender categories. It will put as much emphasis on understanding and prosecuting war rapes of male prisoners as of women. It will define children as people rather than as appendages of their parents. It will not rely on gendered beliefs about women's vulnerability in order to argue that women deserve an equal share of aid and an equal voice at the peace table.

The traditional discourses of international politics have often exploited gender stereotypes while claiming that gender hierarchies are irrelevant in foreign policy-making. IR feminists and the gender-mainstreaming community have sometimes sought to "gender world politics" by making women and gender as a power structure visible. Perhaps the project for those seeking human equality is to "un-gender" world politics by working to make these hierarchies less relevant.