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POLITICAL SCIENCE ■

**Towards a Feminist Ethics of War: Rethinking Moral  
Justifications for Contemporary Warfare**

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## **Declaration**

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## **Abstract**

This thesis begins by arguing that dominant ethical approaches to the study of war in International Relations have failed to illuminate the moral and ethical complexities present in contemporary war practices such as drone warfare, private military contracting, and counterinsurgency. Such approaches are unable to account for the changing nature of war and resultant shifts in the ethical landscape of modern conflict. In particular, there has been a tendency amongst mainstream perspectives on the ethics of war (including here just war theory as well as traditions based in conceptions of rights and justice) to continue to view contemporary political violence in an abstract and individuated sense, whereby subjectivity and agency are constituted in isolation from other actors. This viewpoint obscures a central realm of ethical activity in war: the relational and experiential aspects of modern warfare where moral knowledge and understanding are constituted in relation to the needs of others, through a sense of responsibility, awareness, and connectedness with those around us.

As an alternative to these existing approaches, this thesis engages in a re-description of feminist ethics premised on the notion of care. The theoretical framework constructed therein articulates a feminist care ethical vision based in four key areas: relationality, experience, empathy, and responsibility. These points assert the need for a relational ontology; recognize the importance of lived reality and experience; demonstrate a commitment to responsiveness and connectedness to others; and acknowledge a responsibility to the needs of particular others as central to morality. Using this framework, the remainder of the thesis explores the ethical nature of drone warfare, private military contracting, and counterinsurgency to demonstrate the usefulness of such a feminist ethical lens to our understandings of morality in post-9/11 conflict. In so doing, the framework exposes the complex web of relationships and experiences that are at work in the ethical decision-making processes of those who participate in and are impacted by war. It uncovers a new articulation of how ethics plays out in international conflict – one that acknowledges our constant interactions as social beings in the world, which continuously shape and reshape moral action.

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## **Chapter One**

### **Finding a Feminist Framework: Rethinking the Ethics of Contemporary War**

Questions surrounding the ethics and morality of war and peace have arguably been asked since the advent of violent conflict itself. What constitutes ‘right’ and ‘wrong’ in war? Does a ‘just war’ exist? How, if at all, can we wage war more ethically? Scholars have interrogated such queries using theories and evidence from a range of academic disciplines including international law, politics, philosophy, and religion, among others. While the lenses of analysis have shifted, the complexity at the heart of these inquiries remains intact – it is enduringly difficult to provide meaningful and substantive responses to questions about the ethics of political violence, especially given the inherent messiness of war. As this thesis will demonstrate, this messy and contextual nature of war has become even more prominent in the contemporary era. Wars are waged increasingly from a distance, often mediated by a screen or fought by contracted private forces, and imbued with strategies of asymmetrical fighting and counterinsurgency tactics. The battlefields of Afghanistan and Iraq, as the epicenters of the recent ‘War on Terror’, bore little resemblance to those of preceding conflicts, and significant changes to the landscape of war continue apace.

Given these recent transformations in warfare, this thesis situates itself in the post-9/11 era and asks how feminist ethics might help us to better understand the moral dilemmas characteristic of contemporary war. Using an ethical framework premised on the notion of care, concepts of relationality, experience, empathy, and responsibility are interrogated with respect to drone warfare, private military contracting, and counterinsurgency. The resultant analysis provides evidence for the assertion that existing ethical analyses of violent conflict – including most prominently theories of just war – have failed to explain the moral and ethical quandaries found within modern practices of warfare, due in large part to their inability to take into account issues of complexity, responsibility, and the technologization of war. Meanwhile, a feminist ethical framework offers an understanding of morality in war that foregrounds the contextual realities and lived experiences of those who are impacted by war, emphasizes the embeddedness and interconnectedness of relationships, and suggests a reorienting of ethical decision-making towards an understanding of responsibility and empathetic interaction. In so

doing, this thesis points towards a potential alternative to the abstraction found in just war theorising and offers a point of departure for fruitful dialogue between feminist International Relations scholarship and the rich field of feminist ethics. By rethinking the ethics of war using a feminist lens of care, we may begin to look beyond the disciplinary boundaries of just war thinking in International Relations and towards a perspective that creates space for ethical decision-making based in a relational, experiential understanding of political violence – one that is attuned to the highly contextual and complex ways in which people interact with each other in war.

### **1.1 War and Feminist Ethics: A Theoretical Approach**

In thinking about the morality of contemporary warfare, this thesis is particularly interested in the intersection between existing scholarship in feminist ethics and feminist International Relations theorising. In order to interrogate this intersection, the thesis takes a theoretical approach whereby a critical feminist ethical framework is constructed (in Chapter Four) and then applied to three illustrative examples of practices of post-9/11 war – drone warfare, private military contracting, and counterinsurgency. This theoretical framework is based in a feminist ethics of care, and draws out conceptual understandings of relationality, experience, empathy, and responsibility in order to identify key areas of focus whereby feminist ethics may be able to contribute to our understandings of modern political violence. As Robinson (2006) suggests, using a feminist moral framework as a starting point allows us to engage in “discursive analysis – of policy documents, for example – as well as a critical tool for the philosophical critique of actual human social arrangements, and ultimately, the creation of transformative policy” (222). The theoretical framework used in this thesis allows for critical reflection on the moral complexities surrounding practices of modern war, and provides a frame within which this reflection is organized.

Such a framework also represents a shift away from non-feminist iterations of ethics in International Relations generally, and in analyses of war specifically. While much of the non-feminist work on moral theory in International Relations has focused on meta-theoretical research questions and the aim of “new or better grand moral *theories*”, feminist ethical theorising rejects such a claim where ethics is seen as ‘moral theory’ and instead views morality and ethics as highly contextual and socially situated (Robinson 2006: 231, emphasis in original). This transformation of

the relationship between morality, ethics, and theory is a response to the abstracted, individualistic nature of most Western moral philosophy, and as the contributions of just war theorists have demonstrated, these abstractions have been used to think about problems of international politics – including violent conflict – for centuries. However, thinking about context and social situation when making judgments about war is integral to an understanding that prioritizes the lived experiences and realities of those impacted by political violence. Thus, the theoretical approach used throughout this thesis represents not only a point of departure from mainstream thinking on the ethics of war but a way forward that is imbued with a feminist research ethic foregrounding the perspectives of “concrete and located experiences” (Ackerly and True 2010: 94).

An important element of the theoretical framework developed in this thesis is its contribution to the development of a critical feminist theoretical methodology. As Ackerly and True (2006) suggest, such a methodology is closely associated with critical theories of International Relations whereby the purpose of theory is not merely to describe or explain phenomena of global politics but to transform it using its own theoretical engagement (243). The ethical framework used here asks us to rethink how we conceive of morality in international politics, suggesting the need for a reorientation away from the abstract and the individual towards a relational and experiential view of what can be seen as ethical or moral in IR. The foregrounding of care and acknowledgement of how gender, masculinities, and femininities shape our understandings of ethics is asserting the need for a rethinking of what ‘just war’ really means in the contemporary era.

While, as Ackerly and True (2006) rightly point out, we have seen many feminist IR contributions that have been empirical, ontological, and epistemological (243), it is also the case that theoretical frameworks such as the one developed within this thesis have an important methodological contribution to make – namely, the interrogation of core concepts within the discipline and the aforementioned possibility for transformative practice. By examining the ethics of contemporary warfare using a theoretical approach, this thesis aims to add to existing dialogue on ethics not only within feminist scholarship but also within critical theory in IR more broadly, and engages in a theoretical intervention regarding the ethics of war that may have significant implications outside the confines of the practices studied here.

Importantly, Wibben (2011) highlights the ethical contribution of examining narrative and experience. Given the focus throughout this thesis on the relational, the experiential, and the everyday lived realities of individuals, it is important to acknowledge that a significant part of the scholarly contribution made by this research is focused on ethics. In combining feminist research methods with the chosen empirical examples, the thesis also contributes to the formation of ethical judgments. These judgments allow for a development and demonstration of the theoretical framework articulated in Chapter Four through the application of real-world experiences and phenomena in contemporary warfare. Rather than discussing the epistemological and methodological commitments in a separate chapter, the remainder of this chapter examines both the empirical rationale for the examples used throughout Chapters Five, Six, and Seven, as well as addresses the research commitments of the thesis.

## **1.2 Empirical Understandings of Morality in Post-9/11 Warfare**

While this thesis is interested predominantly in taking a theoretical perspective in its analysis of ethics in contemporary war, there is undoubtedly a substantive role played by empirical material and evidence throughout the illustrative case chapters on drone warfare, private military contracting, and counterinsurgency. It is therefore important to briefly sketch out some of the ways in which this material is utilized throughout the thesis as well as the rationale underpinning the selection of these three particular practices as exemplars of what modern warfare consists of in the post-9/11 era. As will be demonstrated in subsequent chapters, these illustrations provide a rich backdrop on which to apply the theoretical framework in order to draw some contextual understandings about the ethics of these new war practices. Using relationality, experience, empathy, and responsibility as lenses through which we can assess the moral and ethical complexities of these practices as they have been enacted in Afghanistan and Iraq, the intersection between theory and practice becomes a useful point of analysis whereby theoretical claims can be made and exemplified using thick, experiential moments of warfighting by the United States and its allies from the decade of conflict following the terrorist attacks of September 11<sup>th</sup>, 2001.

The empirical material used in Chapters Five, Six, and Seven of this thesis is meant to illustrate the usefulness of the theoretical framework constructed in Chapter

Four. A variety of material is used, ranging from primary documents such as the FM 3-24 Counterinsurgency Field Manual (Headquarters, Department of the Army 2014) and drone specification documents (BAI Aerosystems 1999) to media and news reports and published interviews with drone operators and private military contractors. This diversity of materials, used in conjunction with academic scholarship studying the practices being examined, provides a productive and specific descriptive context in which to engage in discussions about the ethical complexities and realities of ‘doing’ war using drones, private force, and counterinsurgency strategy. Examples from these materials are highlighted in order to provide an empirical base on which it is possible to construct arguments about ethics premised on feminist notions of care in war. Importantly, the materials deployed in this analysis are meant to showcase the humanity and lived experience in modern war – in each of these three practices, relationships and interactions are of primary significance, whether it be those between combatant and civilian, insurgent and counterinsurgent, or drone operator and target. These relationships are central to the claims being made throughout this thesis – specifically that existing analyses of ethics in war have failed to take the interactions between individuals and collectives in war as significant areas of inquiry, and that a feminist ethical framework foregrounding care is better able to make judgments about these interactions, especially as they are mediated through contemporary practices of war. In particular, the material examined in the second half of this thesis aims to uncover new understandings about the ways in which soldiers and fighters make ethical decisions while in the midst of violent conflict. By unpacking the perspective of the combatant in contemporary war and interrogating the complex webs of judgment underpinning the day-to-day experiences of these individuals, the usefulness of concepts such as relationality and empathy in thinking about morality becomes clear, particularly as the mechanisms of modern warfare have provided conditions for exploitative, coercive, and violent relationships in arenas of conflict.

The rationale for selecting the cases of drone warfare, private military contracting and counterinsurgency as exemplars of contemporary warfare practices in the post-9/11 era is three-fold. Firstly, these practices represent a large swath of how the United States and its allies wage war today. As is discussed in more detail in the relevant chapters, each of these practices has seen dramatically increased usage during the so-called ‘War on Terror’, becoming prominent pillars of war-making and

war-fighting in Afghanistan and Iraq. The American military is increasingly reliant on drone strikes as a counterterrorism mechanism and continues to employ large numbers of private forces, both for its ground missions and remote operations, and particularly in specialist positions requiring high levels of skills training and knowledge. Meanwhile, counterinsurgency has become the dominant strategy for fighting terrorist groups, in recognition of the asymmetrical structure of war and the myriad ways in which the battlespace of Al Qaeda and other insurgent groups does not resemble a traditional realm of war. The prevalence of these practices is a key rationale for their examination in this thesis, along with the fact that many other phenomena of contemporary war can be categorized within these areas – targeted killings and extrajudicial assassinations are regularly accomplished by drone strike, while the controversial usage of the Human Terrain System and tactics including forced confinement are often found under umbrellas of counterinsurgency strategy. Focusing on these three broad areas allows for more nuanced discussions of particular phenomena within each category as they relate to questions of ethics and morality.

The second rationale for examining these three practices of war relates to the contributions of feminist theorising to International Relations scholarship. While mainstream IR scholarship, war and security studies have all been engaged in analyses of drone warfare, private military and security companies, and counterinsurgency strategy in post-9/11 scholarship on war, feminist interventions have only recently begun to appear.<sup>1</sup> Examining these ubiquitous practices using a feminist lens not only serves to expand the ways in which feminist IR scholarship can connect and engage in dialogue with other fields of the discipline, and demonstrates the value in applying feminist theoretical conceptualizations to such contemporary phenomena of political violence. Importantly, the burgeoning field of feminist security studies has prioritised analyses of how the lived realities of war are understood by the powerful in International Relations, focusing heavily on the gendered underpinnings of these assumptions and understandings. Considering these

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<sup>1</sup> See Bayard de Volo (2015) and Daggett (2015) for recent feminist work on drones; Eichler's (2015) edited volume on gender and private force; and Khalili (2010) and Dyvik (2014) for feminist analyses of counterinsurgency.

<sup>2</sup> These special issues include 2009's *Security Studies* 18(2), 2011's *Politics and Gender* 7(4), and 2013's *International Studies Perspective* 14(4).

<sup>3</sup> This understanding of relationality follows from the work of feminist care ethicists including Carol Gilligan (1986) and Nel Noddings (1986), and was later articulated by Jean

three examples of warfare practices acts as a contribution to this ongoing development, deepening and expanding it by integrating an ethical lens into the investigations of technologized, private, and asymmetrical warfare.

Finally, considering these three empirical examples is significant due to the ethical judgments therein. By investigating three realms of contemporary war often described by the public as ‘more ethical’ and ‘more moral’ than conventional styles of warfighting, this thesis uses a feminist theoretical framework to make ethical judgments complicating these assertions and providing a more nuanced approach. Unlike other mechanisms of war widely agreed to be unethical, these practices occupy an interesting and murky middle ground between what type of war is deemed just and what is not. For this reason, a scholarly investigation that interrogates this problematic type of warfare is an important contribution to discussions about post-9/11 ethics of war more generally.

### **1.3 A Lens of Feminist Ethics: Research Commitments and Structure**

As the preceding introduction has demonstrated, the aims of this thesis are situated both in the theoretical and practical realms. In constructing a critical feminist ethical framework rooted in notions of care, the analysis takes a theoretical approach to uncovering and exposing new understandings about the ethics of modern war. By interrogating the intersection between feminist ethics and feminist IR theorising, there is an opening up of space for dialogue and contribution from the rich existing feminist ethical scholarship to how we understand feminist International Relations broadly, and ethical considerations specifically. The realm of practice is investigated in the second half of the thesis, as each case is interrogated using the framework with observations and assertions made about the ethical quandaries and dilemmas found inherent within each lived reality. In tandem, these two realms allow for an analysis looking towards a feminist ethics of war – what might that look like, and how might it solve the problematic analyses currently dominating discussions of ethics of war in IR such as the just war tradition.

In order to construct this analysis in a systematic manner, the thesis proceeds with seven substantive chapters. Chapter Two provides some important context regarding the changing nature of war from conventional and critical International Relations before briefly examining how feminist analyses of war to date have contributed to these engagements, and discussing why the ethical dimension is of

particular importance for understanding twenty-first century warfare. Chapter Three provides an overview of the contemporary just war tradition, examining the principles underpinning the theoretical approach and problematizing the ways in which the tradition fails to understand the post-9/11 era of political violence. Chapter Four proposes an alternative to the shortcomings of the just war tradition by unpacking feminist understandings of the ethics of war, assessing the successes and limitations of existing feminist responses to just war, and constructing the critical feminist ethical framework on which the theoretical approach of the thesis is built.

The second half of the thesis begins with the first of three illustrative cases and examines the relationship between feminist ethics and drone warfare. Foregrounding relationality and experience, Chapter Five assesses the competing narratives of the drone debate before offering an analysis of drone warfare using a feminist ethical lens and thinking about the possible implications of such an analysis for questions of war, technology, and feminist ethics more broadly. Chapter Six acts as an appraisal of private military contracting using the feminist ethical framework, thinking particularly about the concepts of empathy and responsibility as they relate to the use of private force and the complexity of ethical judgments within the practice. In the final illustrative case, Chapter Seven, counterinsurgency and the morality of ‘winning hearts and minds’ is examined in reference to the concepts of care and relationality. The chapter asks whether there is a crisis of asymmetry with respect to the use of counterinsurgency in modern war-fighting, identifies the complex realities within which counterinsurgents often find themselves, and suggests some possible ways forward for thinking about ethics in counterinsurgency through an understanding of care and relationality. Finally, Chapter Eight offers some concluding remarks about the possibilities for feminist ethics to take examinations of the ethics of war beyond the just war framework, and looks ahead to the contributions made by this research to future developments in feminist theorising and potential empirical implications for the practical realm of contemporary war. As will be explained and demonstrated throughout this thesis, the move towards a feminist ethics of war brings with it much potential for thinking about war *differently* – for acknowledging the contextual messiness of political violence, for foregrounding the relationships and lived experiences felt by those impacted by war either as combatant or civilian, and for learning to think empathetically about the ways in which war is waged in the twenty-first century.

## **Chapter Two**

### **The Changing Nature of War: Perspectives on Twenty-First Century Political Violence**

Prior to beginning an exploration of the just war and feminist ethical traditions, it is important to provide some guidelines as to what is meant by contemporary warfare and what context these practices of post-9/11 war are situated in throughout this thesis. The first section of this chapter aims to survey understandings of the changing nature of war in International Relations scholarship, and outlines the contours of the debates ongoing within the discipline asking if and how war is changing, and why. The chapter then goes on to highlight some of the significant contributions made by feminists thinking about war and conflict in the post-Cold War era, and finally provides a brief comment on why ethical interventions are important with respect to the changing nature of war and feminist analyses.

#### **2.1 Transformations in Warfare after the Cold War**

In order to situate subsequent discussions in this thesis surrounding drone warfare, private military contracting, and counterinsurgency, it is useful to briefly sketch out some of the most important trends and contributions in thinking about recent transformations in warfare. While it would be possible to look to the distant past and think about each of the transformations that has occurred in how we fight since the dawn of violent conflict, for the purposes of this research I am interested primarily in changes that have taken place since the end of the Cold War. In order to trace these transformations, this section examines the theoretical contributions made by the Revolution in Military Affairs (RMA) doctrine, Mary Kaldor's *New and Old Wars* (2012), and Christopher Coker (2013) and Peter Singer's (2009) analyses of technological advancements in warfare. While by no means an exhaustive review of the surfeit of scholarship that has been undertaken in recent years on the question of how war has changed, these particular strands are representative of much of the wider discussion in International Relations and war studies and provide a concise overview of the myriad ways in which war and violent conflict have transformed in recent years. In particular, the focus by much of this scholarship on how individuals are impacted by these transformations is especially relevant given the ethical

framework to be developed in Chapter Four and subsequent application of the framework to contemporary warfare practices.

The notion of a Revolution in Military Affairs (RMA) was first formalized by Andrew Marshall, a director within the Department of Defense of the United States, in the early 1990s. Marshall defined a RMA as “a major change in the nature of warfare brought about by the innovative application of new technologies which, combined with dramatic changes in military doctrine and operational and organisational concepts, fundamentally alters the character and conduct of military operations” (quoted in Ibrügger 1998). While such a revolution has occurred many times throughout history and can be spurred by a variety of different reasons, most commonly a major technological advancement acts as the impetus for such a revolution. As Ibrügger (1998) suggests, there is a significant amount of debate surrounding the nature of a RMA, particularly regarding how many have taken place throughout history – some analysts suggest there have been only three, linked directly to the shifting of societies from agrarian to industrial and then information, while others identify over a dozen moments throughout history that could be deemed a true Revolution in Military Affairs (para. 5). Perhaps most significantly, there seems to be consensus amongst military analysts on one point – that “technology alone is insufficient to bring about a true revolution in military affairs” (Ibrügger 1998: para. 5). Rather, a RMA comes about as a result of technological innovation coupled with a concept or idea that is operationally appropriate and timely for the needs of the military.

The most recent significant iteration of a Revolution in Military Affairs is due in large part to the advent of the microchip, a technological advancement allowing for immense improvements in information speeds and storage in a physically small computer device. The RMA was identified as such after the end of the Gulf War in the early 1990s, when analysts had greatly overestimated the number of casualties they had expected from the conflict. The numbers were skewed due largely to the use of precision-guided missiles and a decrease in large-scale bombing along with more sophisticated intelligence-gathering and surveillance technologies with which more precisely targeted missions were planned.

While innovation in technology and appropriate concepts are often seen as the most reliable indicators of a RMA, there are a variety of perspectives on the

Revolution in Military Affairs as a theory of military development. One such approach primarily considers changes at the level of the nation-state alongside an organised and knowledgeable military as having the most influence as to whether or not a RMA will occur. These changes are also influenced by external factors such as the political and economic climate worldwide, and are therefore dependent on other states. Ralph Peters (2006) subscribes to this perspective, suggesting that it is not enough to simply innovate new technologies without thinking carefully about how they will be used and in what context.

A second perspective accepts much of what standard RMA doctrine has told us, but advances it by incorporating more sophisticated and innovative technologies beyond the advent of the microchip. Scholarship examining the role of drones, robotics, and network-centric warfare has all been linked to RMA theorising in recent years, with scholars such as Halpin (2006) (on cyber warfare) and Bolton (2015) (on autonomous killing and IEDs) suggesting that there are many revolutions taking place as we innovate newer and more technologically advanced weaponries at a rapid pace in the late twentieth and twenty-first centuries. A final perspective insists that we have not yet seen any revolutions in military affairs at all – from this viewpoint, scholars suggest that the systems that helped to minimize casualties at the end of the Gulf War had been in the preparation stages for many years, before the advent of the information technology boom and the Internet (Kagan and Kagan 2000). Despite these sceptical views, it remains the case that Revolution in Military Affairs doctrine continues to influence scholarship and policymaking on the changing nature of warfare today. With a relatively simplistic view of how technological advancement affects military development, it offers a first glimpse into discussions of transformations in war. However, as will be seen from an examination of Kaldor, Coker, and Singer, the realities of these changes are likely much more complex and nuanced.

Mary Kaldor's *New and Old Wars* offers an argument in support of the changing nature of warfare, as Kaldor (2012) suggests that globalisation is at the heart of the dramatic changes we have seen to the landscape of war in recent years. This new type of political violence can be distinguished from its predecessor in four main ways: through actors, goals, methods, and financing. Unlike traditional warfare wherein states were the predominant actors in the waging of war, the new wars thesis

suggests that non-state actors have become the primary agents in instances of political violence. These non-state actors can include but are not limited to paramilitary units, local gangs, and mercenaries – in essence, the state-based violence of the old wars is no more as states can no longer claim to have a monopoly on violence (Munkler 2002: 16). There is a blurring of the distinction between combatant and non-combatant in the new wars thesis, due to the prevalence of non-state actors as well as the intra-state nature of many conflicts, leading to increased civilian casualties (Munkler 2002: 15). Kaldor also suggests that the goals of these new wars are significantly different from their old war counterpart – rather than waging wars for interests stemming from ideology, geography, or politics, new wars are fought for religious and ethnic goals, where actors are seeking access to the state for their own group rather than for a public interest. In terms of method, the new wars thesis suggests that actors are using tactics of terror and destabilisation that are often theoretically outlawed by existing laws of modern warfare. These practices are funded by the illegal sale of weapons, drugs, and valuable resources including diamonds and oil, the organization of which is undertaken by the non-state actors engaging in violence. This financial mechanism differs significantly from that of old wars whereby the state would pay for the conflict using taxation and/or the assistance of outside patrons (Kaldor 2013: 3).

As Williams (2014) rightly suggests, Kaldor's new wars thesis has served to open a space within existing scholarship for debates surrounding the changing nature of warfare (85). There have been many critiques and engagements with Kaldor's assertions in the sixteen years since it was first published, with a significant portion of those criticisms directed at Kaldor's lack of empirical evidence that any of the changes she observes within the realm of war have actually happened (Ritter 2010). The key question centres on notions of novelty – are the methods, actors, and goals of new war that Kaldor elucidates actually new, or have they been present in past conflicts? To this end, Kaldor herself clarified her position in a 2013 journal article, suggesting that “the contrast between new and old wars...is thus a contrast between ideal types of war rather than a contrast between actual historical experiences” (Kaldor 2013: 13). This assertion as well as Kaldor's insistence that the new wars thesis is meant to serve as both “a research strategy and a guide for policy” (1) demonstrates that the significance of the new wars framework lies not in its ability to accurately describe the historical facts of war, but in its claims about the shifting and

reshaping of contemporary warfare. With more specificity than the *Revolution in Military Affairs*, Kaldor's new wars thesis offers a nuanced set of observations about the ways in which the landscape of war has changed since the end of the Cold War. Her acknowledgement of the interplay between a variety of factors affecting these changes is useful here, despite the concerns about the accuracy of her descriptions and examples used throughout the book.

As Kaldor (2013) herself notes, the term 'new' in her new wars thesis is meant as a policy provocation in order to encourage political leaders and policy decision-makers to view these types of conflicts – and the substantive problems therein - as new and therefore engage in a process of changing them (3). Shifting the perception of policymakers, Kaldor argues, is precisely her aim with the new wars project, and marking a distinction between the old (pre-1990s) and new (1990s and beyond) ways of fighting wars is a straightforward way to describe that shift. In her additional goal of creating a research strategy, the new wars project has certainly been successful – Kaldor's frame of analysis continues to be used and interrogated among those who are thinking about changes to the way wars are fought in the twenty-first century. This analysis moves far beyond the confines of International Relations theorising, as scholars such as V. Spike Peterson (2008) draw on the literature of new wars in order to make claims about the gendered political economies of illicit activity as part of the transnational financing of wars. The wide breadth and depth with which the new wars thesis has made an impact on our understandings of contemporary warfare are significant – whether or not we question Kaldor's empirical accuracy or the extent to which new wars are, in fact, new, the framework she has sketched with respect to the changing nature of actors, methods, and goals of war in the twenty-first century is a valuable resource for those looking to understand why we fight wars in the manner we do today.

While Kaldor's new wars thesis attempts to link together our understandings of changing actors, methods of fear and insecurity, and war funded by criminal activity, another significant pillar of discussion surrounding the changing nature of war has to do more directly with the practices of technology themselves. The works of Christopher Coker (2013) and Peter Singer (2009) are relevant here, as they serve as two of the most significant examples in recent years of scholarship devoted entirely to an analysis of the impacts of an increasingly technologized battlespace.

Rather than starting from a discussion of how the actors or aims of war have shifted, Coker and Singer are both interested in a central question – what will happen as war becomes increasingly waged through the mediation of technology? While the answers to this question vary in some sense, there is a shared understanding that technology itself, whether for good or for bad, will become a major player in the landscape of war.

Coker's 2013 book, *Warrior Geeks*, analyses three major arenas where technology is driving the process of change in war: cybernetics, where militaries are increasingly including soldiers in a cybernetic system whereby the soldiers' emotions and opinions can be read and moulded; robotics, where humans and robots will exist together in the battlespace; and pharmacology, where soldiers and warriors can be re-engineered and optimized for battle using chemicals. For Coker, these technologies are undoubtedly shaping and reshaping the way war will look and feel for the foreseeable future – but to what end? Coker's insistence on the importance of ethics throughout the analysis points to a worry for the potential loss of humanity if technologies of war are taken too far, particularly as he calls for a return to Aristotelian virtue ethics in war. However, that worry does not give way to denial of the processes of technological development in war that he describes throughout the book. Coker is arguing for an awareness of the danger in technology, and uses the realms of technologized battlespace to remind us of the value inherent in humanity, and in human ethics. While he traces the journey from Greek to Geek, Coker suggests that rather than identifying a dichotomy whereby *either* technological advancement *or* culture is the key factor in the development of modern warfare, we must instead view technology *as* our culture. This analysis moves beyond the Revolution in Military Affairs by seeing technology as being embedded into our cultural and social lives rather than acting independently as a force on the nature of warfare. This understanding of technology adds nuance to our conceptions of what it means to observe technological advancements in the battlespace, allowing us to think about where they come from and the potential ethical dilemmas inherent within processes of replacing humanity with machinery, or 'teaching' soldiers the right emotions and thoughts of war through cybernetics. As Coker calls for a foregrounding of ethics into discussions of technology in war, it is clear that such an ethics (grounded in Aristotelian virtue) reinforces dominant understandings of the Western military and warrior ethos. As will be discussed in Chapter Five, thinking

differently about ethics and technology – for example, by using conceptions of care, empathy, and experience – allow for better understandings of the technologized practice in general, as well as the ethical judgments and decision-making of those involved in the practice particularly.

Like Coker, Peter Singer (2009) is concerned about the advent of sophisticated technologies in the battlespace. He suggests that as technology continues to make its way into all facets of military life, the experiences of war and experiences of being a warrior will be dramatically changed. This, he argues, will lead to an era where wars are easier to start, soldiers are more willing to kill without the traditional moral and ethical constraints they were faced with previously, and the ‘warrior ethos’ will deteriorate without the networks of loyalty and honour inherent in the traditional waging of battle. Moreover, the violence of war will be increasingly available at our fingertips through the use of unmanned drone video to be downloaded for entertainment. This blurring of lines between the battlespace and private life through video technology asks us to think carefully about how the delineated spaces of war may grow larger and increasingly all-encompassing in an era of technologized war. In bringing the conflict out of the realm of combatants and into the screens of our homes, technology can be seen as a significant factor affecting the militarization of human life in twenty-first century war. Singer’s concerns regarding the proliferation and use of unmanned weapons technologies do not stop at the doorstep of the home; rather, he also interrogates in *Wired for War* the ways in which foreign governments are attempting to gain knockoffs or develop their own technologies to simulate those held by the United States. For Singer, this is a central concern – his analysis demonstrates a new kind of technology arms race whereby both states and non-state actors such as Hezbollah are attempting to emulate the technological advancements seen in the American military. Unlike Coker, Singer is not engaging in historical comparison to make his claims about the nature of technology in war; rather, he is looking ahead to an era in which wars will be fought more frequently, with less psychological barriers amongst soldiers, who must sit in cubicles or behind screens without a traditional support system of loyalty and honour to rely on.

From Coker and Singer’s interventions into the ongoing debate on technology and war, it is evident that substantive concerns exist on both sides. Paradoxically, these concerns are largely an attempt to protect or safeguard the

human in war, despite the initial aim of technology to take the human out of the war experience, making it allegedly ‘safer’ for all involved. As these transformations in the nature of war have demonstrated, the twenty-first century battlespace is one whereby the old rules bear little significance, raising significant questions for what the new rules might look like, and how – if at all – ethics might play a role in the waging of new war. Let us turn now to an investigation of feminist understandings of war – as this thesis locates itself within feminist security studies, it is important to compare the preceding literatures of war with those articulated by feminist scholars – in recognizing the particular contributions of feminist security studies work to date, it is possible to unpack how and why this thesis acts to join in a dialogue with feminist security studies scholarship on the complexities of 21<sup>st</sup> century warfare and what feminist theories may tell us about security and political violence.

## **2.2 Feminist Understandings of War**

Having articulated several significant strands of thought in discussions of how warfare has changed in recent decades, let us now turn briefly to an overview of how feminist scholarship in International Relations has theorised war and conflict. Given its relatively new status in the context of IR as an academic discipline, feminist scholarship has focused mainly on post-Cold War era conflict in its theorising to date. While many of the interventions made by feminists in the realm of war and political violence are relevant to our understandings of war in general rather than new or contemporary war in particular, it is helpful to keep in mind the young age of feminist scholarship in IR when thinking about how feminist contributions may aid in our understandings of twenty-first century conflict. The first part of this section deals with the development of feminist International Relations theory more generally, before discussing the burgeoning feminist security studies literature specifically and demonstrating its connections to the feminist ethical research foregrounded throughout this thesis.

In his work on the development of feminist security theory in the late 1990s and early 2000s, Eric Blanchard (2003) makes particular reference to the fact that feminist scholars studying war have reconceptualised core concepts in their field, citing security, the state, violence, and peace/war as major areas of redefinition. He contends that feminists tend to reject the ‘levels-of-analysis’ approach typically used by realists and other conventional IR scholars in studying explanations of war,

preferring instead an interrelated approach between the international, domestic, and individual and family levels (Blanchard 2003: 1296-7). Such an approach suggests that these divisions have been reified by conventional IR scholars, and feminist analysis shows how and why intra-state relations matter in the discipline. This contention is confirmed by Ann Tickner's early work (1992), which argues that the realist approach stresses factors of independence, autonomy, strength, power, and rationality when dealing with military and foreign policy issues, and that these are "all typically associated with men and masculinity" (3). While she admits that there is no consensus among feminists about what one new singular definition of security should be, Tickner (1992) clearly states that all feminist definitions of security, focusing largely on the "absence of war, violence and hostilities at the national and international levels [and] also the enjoyment of economic and social justice" (55), are in opposition with the zero-sum view of security by realists, where a state's security hinges on the insecurity of another.

The reconceptualization of security by feminist scholars is one of the most evident and commonly cited areas of divergence between their perspectives and those of more conventional approaches to examining international security in the discipline. However, issues relating to the understanding of war and violence are also significant evidence that there exist fundamental differences between the two theoretical strands of security analysis. Steans (1998) argues that "the study of violence in international relations has been largely confined to the study of war as an instance of state-sanctioned violence" (99). This explanation of war is rooted in realist notions of 'the other', whereby boundaries are drawn so that the state can attempt to protect itself from the violence of the excluded. Both Steans (1998) and Enloe (2004; 2007) represent the feminist view that this perspective is problematic as it relies too heavily on the distinction between 'protector' and 'protected', a distinction which is gendered in the sense that it blurs notions of women's involvement in war as well as ignores the unique suffering – such as being displaced by war and burdened with carework duties for the injured, elderly, and very young – that women often face in times of violent conflict (Steans 1998: 100).

Therefore, it logically follows that a feminist analysis of war challenges notions of the protector/protected relationship as making women more vulnerable to violence, as the protectors usually exert some sort of control over the protected (Steans 1998: 100-1). Enloe (2007) adds to this argument, highlighting the fact that

realist accounts of security have emphasized that those who are “most capable of thinking in a certain way: more ‘strategically’, more ‘rationally’” (61) are the ‘natural’ protectors in the international system. In reconceptualising notions of war and violence, feminist scholarship demonstrates its distinctiveness from other strands of International Relations and affirms a commitment to rethinking the core concepts of the discipline rather than simply engaging with the status quo.

Given the multiple directions present in the divergences and convergences of the voices of feminist scholarship on war, the trajectory of feminist security scholarship to date has been both varied and broad. Feminist scholars have produced insightful analyses of security issues from realms other than those traditionally occupied by IR theorists, and have been particularly successful in examining such issues with the use of case studies and ethnographies. Moreover, as the early work of Enloe (1989) has emphasized, feminist efforts in security move far beyond the rigid borders of academia, as feminist activism around the world seeks to make populations more secure while recognizing the importance of considering gender when examining international security concerns. The diversity of voices contributing to the burgeoning field of feminist scholarship on war have served to create a rich landscape of research dealing with questions of war and conflict, asking us to rethink our existing understandings of political violence and move into a broader, deeper conception of how and why war operate in the twenty-first century.

Feminist analyses of terrorism in the post-9/11 era have been an important focus of feminists engaged in security studies research. As Sylvester (2009) points out, “we desperately need new ways of looking at the world and of overturning the fear in security” (26). She argues that feminist perspectives on security offer a new lens through which we can understand terrorism and the responses it provokes as not simply the actions of states or ‘other’ actors, but as actions requiring an acknowledgement of sense and experience (Sylvester 2009: 35). In this understanding of ‘sense’ comes a knowledge of the gendered nature of contemporary discourse surrounding terrorism and the combat against it that continues to marginalize women. While the importance of gender is certainly at the heart of feminist security theory, its unique viewpoints as outlined by Sylvester (2009) and others offers a new perspective for a novel kind of security in the contemporary era.

In their response to the terrorist attacks of 9/11 and the subsequent ‘War on Terror’, feminist security scholars have identified multiple sites of gendered

knowledge constructions resulting from terrorism and its responses, from Ferguson's (2007) analysis of Bush-era security rhetoric and feminism to Tickner's (2004) assertion that hegemonic masculinities tied to globalization and capitalist restructuring may have been compromised since September of 2001, instead suggesting a return to the hegemonic masculinity of the warrior hero and militarization. Cristina Masters (2008) is among a growing number of academics in the field who argue that the increasingly technological nature of war due to terrorist warfare, as can be seen in the recent conflicts in Afghanistan and Iraq, has left war itself "almost entirely devoid of human presence" (102). Masters uses feminist analysis to engage with questions of technologizing war, offering an account that prioritises understandings of the body and the corporeal in her investigation of war.

Moving beyond instances of terrorism as a site of feminist scholarship on war, it is also possible to identify conceptual contributions that feminist research has brought to bear on questions of political violence. The notions of masculinity, hypermasculinity, militarization and militarism as identified by feminist security scholars are central to both the development of a distinctly feminist security studies and its usefulness in explaining terrorism and other practices of political violence. As Enloe (2007) and others have pointed out, patriarchy and militarism are intrinsically linked, particularly with respect to how the international community in an age of globalization has engaged in and responded to violent conflict. Similarly, Enloe (2007) has interrogated the ways in which military recruiters use notions of masculinity to enlist men into armed forces, suggesting that there exists a fundamental relationship between the militarization of security and conceptions of the masculine/feminine.

Sjoberg's study (2007) of militarized femininity in Iraq through the examination of the Abu Ghraib prison scandal suggests a similar relationship between what is accepted as conventional wartime behaviour – that is, the distinctly masculine – and more feminist interpretations of how military should act. In the case of Abu Ghraib, Sjoberg (2007) argues that "the current type of militarized femininity allows women to participate in war-making and war-fighting, but denies them agency in unwomanly decisions" (98). This investigation sheds new light both on the role of women in modern warfare and on the way in which gender plays a decisive part in understanding the actions of those in military decision-making positions. Both of these analyses also point to larger questions surrounding the nature of

militarization in the post-9/11 period and how that militarization is translated into practice. As Sjoberg's (2007) study of Abu Ghraib demonstrates, the existence of terrorism transforms not only who is seen as threat or threatened, but also what (gendered) responses or actions are deemed permissible in the context of war. Similarly, as Kirk (2008) suggests, recognizing the importance of militarization allows us to acknowledge the impoverished state of security in the current era, resulting in destruction, cultures of violence, and the diversion of resources away from the needs of everyday security (42-3).

Notions of masculinity and hypermasculinity have been further included into discussions of war and conflict by feminist scholars with respect to the gendered nature of states themselves. Charlotte Hooper (2001), and more recently Jennifer Maruska (2009), have investigated the construction of hegemonic masculinity (in Western elites) by states and its impact on security practices, including behaviours and attitudes that can be seen as aggressive and adhering to the masculine attributes of rationality, autonomy, and power. As Maruska (2009) outlines, "American hegemonic masculinity – or a significant subsection of it – became hypermasculine in the days, months, and years following September 11, 2001" that consequently led to "popular support for the March 2003 invasion of Iraq" (235). In this context, hypermasculinity can be understood as an extreme presentation of traditionally masculine behaviours, usually as the result of a threat (Maruska 2009: 239). While hypermasculinity typically appears temporarily, such as exhibiting increased aggressiveness when angry, "recent feminist IR theorizing suggests that in states, as in individuals, hypermasculinity is a transient condition; one possible component of a larger identity" (Maruska 2009: 239). Such a discussion of hypermasculinity highlights the particular gender constructions that are informing our current understandings of security – from masculine to hypermasculine, the prevalence of terrorism as a technique of modern warfare and the ways in which states attempt to combat it have shifted what it means to be 'masculine' versus 'feminine'. Understanding the effects of these masculinities and femininities is essential not only to understanding how and why security decisions are made by states, but also how women in the realm of international security often adopt such masculine attitudes in an attempt to become active in the security decision-making process.

In addition, some recent scholarship has focused on the role of women as active participants in contemporary warfare, and these constructions of

hypermasculinity and femininity are intimately related to the gendered performances and actions of those participants. Analyses by Megan MacKenzie (2009) as well as Laura Sjoberg and Caron Gentry (2007) examine the role of women as violent aggressors in both military and terrorist organizations and work to dispel the popular construction in security discussions of women as inherently vulnerable, innocent, peace-loving victims of war and terrorism. Such constructions fail to recognize the multiple identities felt by women in conflict or post-conflict situations, and ignore the often-violent action taken by women around the world in recent years both to aid and to combat terrorist organizations during the 'War on Terror' as it was waged in Afghanistan and Iraq. Whether as a suicide bomber or at the helm of a fighter jet, women are increasingly becoming participants in the violent aggression of contemporary warfare, a role that reconfigures how notions of (hyper)masculinity and femininity are understood. Thinking through how such new understandings impact war and conflict has been a central aim of some feminist scholarship in the field.

A second key theme that can be identified and acknowledged as pivotal to understanding feminist approaches to contemporary war revolves around notions of empathy. As previously mentioned, it is through an emphasis on individual and human security, responsibility, and care that feminist perspectives differ most dramatically from conventional and most critical approaches to security. As Laura Sjoberg (2009) points out, "feminists reject the dominance of the strong over the weak as a mechanism of control in favour of empathy and connectedness" (92). Christine Sylvester's conception of 'empathetic cooperation' (2002) is perhaps the most explicit example of empathy in feminist theorising, although she is not particularly concerned with war, but rather with constructing a methodological blueprint for feminist scholarship more broadly. For Sylvester (2002), the notion of empathy is key to allowing feminists to avoid essentialism, as "it is to take on board the struggles of others by listening to what they have to say" (256). Laura Sjoberg (2006) takes up the notion of empathetic cooperation in her reformulation of just war theory, tying it more directly to questions of ethics as they relate to security and conflict. For Sjoberg (2006), "empathetic cooperation eschews gendered competition for a collaborative, needs-based approach to the practice of international politics...empathetic war-fighting establishes an emotional connection between international adversaries in order to moderate behaviour and encourage compromise"

(146). As Robinson (2009) suggests, Sjoberg's approach attempts to synthesize justice with the values of care in the context of war, using empathy as a foundational principle for a theory of just war that is based in feminist values (88). As will be discussed in a specific critique in Chapter Four, Sjoberg's reformulation of just war theory fails to escape from the boundaries and difficulties presented by the *jus in bello/jus ad bellum* traditions; however, it is the case that Sjoberg and Sylvester's commitment to empathy represents a significant contribution to the development of thinking about war in feminist International Relations scholarship.

A third area in which feminist scholarship has made inroads in theorising about war is through an understanding of experience. Christine Sylvester, first through the edited volume *Experiencing War* (2011) and subsequently with the monograph *War as Experience* (2013), explores the question of war and suggests that we do not just experience war, but war in itself is experience. This experience begins from the body, thus allowing us to start from the body and work outwards in our understandings of what war is, who it impacts and how. The experience of war, according to Sylvester (2013), is both physical and emotional. This rooting of war in body politics is an important contribution to feminist understandings of war as it marks a significant challenge to mainstream conceptions of how humans interact with war as a phenomenon. As will be discussed in more detail in Chapter Four, thinking about experience in relation to war is also significant in an ethical context, as it offers a way out of the abstracted and individual realm of conventional moral philosophy on the ethics of war, instead foregrounding lived reality and the day-to-day interactions with others that shape our ethical and moral judgments.

Beyond conceptual contributions, feminist understandings of war, conflict, and political violence have made significant inroads into the development of a distinctive research programme in the form of feminist security studies. Breaking down conventional notions of key concepts in security studies, feminist scholarship thus far has allowed for challenges to the "overly parsimonious levels-of-analysis approaches" that have dominated the study of security in international politics for an overwhelming majority of its history (Blanchard 2003: 1305). Feminist security theorizing highlights aspects of the international system that have been largely ignored by dominant security scholars, including the existence of women in international security politics and the details of state protection received by women during times of war. Annick Wibben's *Feminist Security Studies* (2011) challenges

dominant meanings of security and opens up space for feminist conceptions of security to be taken seriously as radical interventions in the critical security studies arena. Wibben does this by articulating an explicitly narrative approach to security, prioritizing the voices and experiences of women after 9/11 in order to make substantive theoretical claims about the nature of contemporary international security. While Wibben's (2011) work is the first book-length articulation of this research programme, several journals have dedicated special issues to investigating the development of the sub-discipline.<sup>2</sup> These special issues have allowed scholars to first consider central empirical questions of feminist security studies, including the role of women in the military, analyses of peacekeeping, border security, environmental security, and beyond. But perhaps more importantly, these forums have opened space for feminist security scholars to consider disciplinary questions around the development of the field, including how to incorporate a plurality of voices, thinking about the emancipatory potential of feminist security studies, and interrogating how best (or whether) to engage with mainstream and critical theorists of IR. As Sjoberg (2011) rightly points out, "the purpose of doing research in Feminist Security Studies is to raise problems, not to solve them" (602). This exploratory potential and experimental research agenda allows for the development of new ideas and the synthesis of existing relevant literatures. It is for these reasons that this thesis is located in feminist security studies, and it aims to integrate scholarship from the recent feminist security studies tradition into an understanding of ethics, as it has been theorised by feminist philosophers and ethicists since the middle of the last century.

As Enloe (2000) points out, studying security and international politics from a feminist perspective allows us to "discover that international politics is more complicated than non-feminist analysts would have us believe" (197). The aforementioned necessity for the abandonment of a levels-of-analysis approach to studying security means that there are a multitude of actors and factors that come into play in issues of war, violence, and international conflict – concepts that cannot be simplistically boiled down to traditional realist analysis based on rationality and strategy. For some feminist scholars, in order for feminist security studies to reach its full explanatory and normative potential, it must more fully permeate security

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<sup>2</sup> These special issues include 2009's *Security Studies* 18(2), 2011's *Politics and Gender* 7(4), and 2013's *International Studies Perspective* 14(4).

studies in International Relations as its own approach to examining issues of war, violence, and interstate conflict “rather than a supplement to dominant security theory” (Sjoberg and Martin 2008: 33). Perhaps, as Lois West (1999) suggests, more conferences and meetings between feminist IR scholars would foster meaningful thought and develop an “international consensus” between the often-competing viewpoints of feminists studying security (193).

Feminist security scholars now have an opportunity to further their research and advance feminist theories of war and conflict as viable and comprehensive alternative visions of war in IR that are capable of explaining what other approaches have continued to question. As Blanchard (2003) has suggested, the multifaceted approach brought to security studies by feminists offers a useful way to study newly formed issue areas within discussions of international conflict. The ‘War on Terror’, technological military development, and issues of peace and conflict resolution would all benefit from the interconnected approach used by feminist scholars when discussing security (Blanchard 2003: 1307).

Viewing gender as exerting an influence over the international system, and thus over each security decision being made therein, is a common element that bridges the various methodologies and variants of feminist viewpoints on security that exist in the current scholarship. Feminist scholars of war have begun to take this common element and use it to explain modern phenomena of political violence such as new iterations of terrorism that have remained at least partially misunderstood by conventional scholars of security in IR. In the future, it may well be that dominant social science will recognize gender and feminist analysis as a key element of international security and acknowledge the value attached to its uniqueness and ability to bring new understandings to foundational elements in the study of war. As it continues to develop, feminist security studies could allow for an opening up of the field and a fuller awareness of what security represents in the twenty-first century.

From this discussion of feminist security scholarship and its contributions to date, it is now necessary to briefly sketch out the importance of ethics to both feminist and non-feminist analysis of contemporary war – why and how does the changing landscape of political violence necessitate an examination of the ethical dimension? As war-fighting continues to transform, what elements of its new configuration raise moral and ethical dilemmas or quandaries, and how might we think through these problems when investigating modern warfare practices?

### **2.3 The Importance of Ethics: Morality and New Wars**

Throughout this chapter, there have been some meaningful ethical interventions both within literatures exploring the changing nature of war and within feminist scholarship on war more broadly. Coker's engagement with a virtue ethics and a desire to reclaim such an ethical perspective within an increasingly technologized battlespace provides evidence for the strong linkages between political violence and an ethics imbued with individual virtue and abstract principles. Meanwhile, the discussion of empathetic cooperation from Sylvester and Sjoberg highlights the relevance of empathy in thinking about war and conflict – while Sylvester's initial deployment of the concept was in relation to a feminist methodology, its usefulness and value for thinking about care and relationships in contexts of war is significant as it helps us to move away from an ethics of war that obscures the real, lived experiences of those in and surrounding the battlespace.

It is important to bring an ethical dimension to bear on questions of transformations in warfare and feminist theorising as it allows us to move beyond mere description and into a normative analysis of what twenty-first century war looks like. The ethical and moral complexities of RMA, new wars, and technology in war are distinct from their conventional war counterparts, requiring a new ethical lens through which to uncover these issues. As the following two chapters will demonstrate, there have historically been significant contributions made to our understandings of ethics and war using the contemporary just war tradition; however, the particularities of modern warfare practices such as the use of drones, private military contracting, and counterinsurgency demand a re-envisioning of what it means to think about ethics in war, and how we might expose the problematic, exploitative, and coercive elements of these practices by considering questions of care. As Kaldor (2013) suggests, the shifting phenomena of war in the twenty-first century provide us with a potential research strategy and policy guide – this research necessitates an ethical dimension in order to meaningfully make moral and ethical judgments about new war in practice, both from the perspective of academic inquiry and from the perspective of those whose lived realities are filled daily with the experience of contemporary war.

## **Chapter Three**

### **Ethics of War: The Evolution of the Contemporary Just War Tradition**

The moral dimensions of war have long been at the heart of debates in International Relations concerning the development of theoretical war research. Central to these debates has been the trajectory of the contemporary just war tradition and its continued relevance in war theorising. While the scope and conditions of just war principles continue to be subjects of a great deal of disagreement and controversy among theorists and philosophers, there exist trends and commonalities in the recent just war literature, providing us with a useful roadmap for understanding the multiplicity of views within the discipline on how society ought to act or react in contemporary situations of war. This section attempts to sketch out these trends in order to identify the key current debates within the field, setting the scene for subsequent sections of this chapter, which problematizes the contemporary just war tradition before engaging in a two-fold discussion of how feminists have engaged with just war: firstly, how they have theorized the concept within feminist IR theory; and secondly, how feminist scholarship has attempted to respond to some of the problems with just war, evaluating its successes and failures.

In keeping with the twenty-first century focus of this thesis, this section concentrates almost exclusively on contemporary debates in just war theory, focusing on developments in the field mainly from the last decade. However, it is important to acknowledge the age of the tradition itself – as Paul Christopher suggests in *The Ethics of War and Peace* (2004), the historical development of just war theory is complex and significant, and a path to a fuller understanding of the tradition's origins and trajectory from the past to the present day are rooted in the work of key thinkers such as Augustine, Vitoria, and Grotius. Similarly, the contributions of Michael Walzer and his book *Just and Unjust Wars* (1977) to the development of just war theorising are among the most influential in the field. While this thesis does not include an in-depth analysis of Walzer's view of just war theory, it does engage with several aspects of his arguments in light of the contemporary debates surrounding them. The remainder of this section outlines these debates in three key areas: the *jus ad bellum*, *jus in bello*, and *jus post bellum* stages of just war principles; the moral and ethical judgments of combatants; and the complicated moral nature of contemporary warfare, including discussions of terrorism, the use of

drones, and the deployment of private military contractors. Through an examination of these theoretical dialogues among IR scholars and philosophers engaging with just war theory, we may begin to identify and understand the important gaps that continue to pervade intellectual conversations about the ethics of war that are rooted in the just war tradition. From there, it is possible to construct a critical feminist ethical framework for analysing the complex moral and ethical questions of contemporary warfare that attempts to address these gaps in an effort to provide a more cohesive, reflective, and reflexive blueprint for making ethical judgments about practices of post-9/11 war.

### **3.1 Just War Principles: Of War, In War, and Beyond**

The following discussion considers the *jus ad bellum*, *jus in bello*, and *jus post bellum* categories of just war theory with an aim of identifying issues and challenges inherent in the just war tradition. As sections 3.4-3.6 of this chapter will suggest in more detail, dominant narratives of just war theory suffer from a variety of problems, especially when applied to a contemporary war context. In order to adequately interrogate these issues and propose possible alternatives in the form of a feminist ethical framework of war, it is important to survey the just war field as it stands, including both mainstream narratives and more recent work that acknowledges the changing nature of warfare and potential responses to these phenomena.

#### *Jus ad bellum*

While the conditions of just war as expressed through the rules of *jus ad bellum* – whether sufficient evidence exists to claim that a state may morally declare war – are rooted in centuries of historical tradition, the substantive characteristics of the conditions remain contested within existing just war literature. As Frowe (2011) rightly suggests, “there are seven conditions that are widely agreed to make up the requirements of *jus ad bellum*: just cause; proportionality; a reasonable chance of success; legitimate authority; right intention; last resort; [and a] public declaration of war” (50). If these conditions are met, according to conventional just war theory, it is morally permissible for one state to declare war against another. Unsurprisingly, however, there exists significant amounts of ambiguity surrounding each of these conditions, and as contemporary just war theorists have pointed out, the transforming nature of contemporary warfare has made it increasingly difficult to tell whether or

not a condition has been fulfilled. For example: in the case of just cause, a state can often be said to have a morally just cause to engage in war if their sovereignty has been – or is soon to be – violated. However, the growth of increasingly technological warfare practices brings into question the notion of imminent danger – the capability for states to deploy lethal long-range weapons at a moment’s notice makes the judgment regarding whether there is a clear and present short-term threat against a state’s sovereignty much more complicated and morally ambiguous.

Similarly, there have been numerous questions among just war theorists regarding the second condition of *jus ad bellum*, proportionality. As Frowe (2011) highlights, the two main problems for identifying whether proportionality is present between states in conflict center around 1) the epistemic difficulties of calculating if a war would be proportionate, given the reliability of predictions prior to the start of a conflict, and 2) how to identify which aspects of warfare should be counted and balanced in a calculation of proportionality (54-5). David Rodin (2002) brings the entire notion of proportionality into question when he points out that comparing the harms caused by a state during war with the importance of a state’s right to sovereignty “seems to require the comparison of incommensurables” (115), while Thomas Hurka (2005) suggests that the multiplicity of various harms and goods requires the use of intuition, giving us guidelines which tell us whether a war is proportionate in extreme cases, but not providing definitive answers for those cases in the middle of the proportionality spectrum that may at once be deemed proportional and nonproportional, depending on which harms are being used and which goods are being protected.

The lack of consensus among theorists regarding proportionality and its relationship with just cause can also be seen by examining Walzer’s seminal work in the field against more contemporary responses by Jeff McMahan and Larry May. Walzer suggests in *Just and Unjust Wars* that all aggression violating a state’s sovereignty justifies a military response, arguing that “all aggressive acts have one thing in common: they justify forceful resistance” (1977: 53). Conversely, McMahan (2005) points out that since war invokes serious harms including the killing of humans and the destruction of infrastructure, only aggressions that warrant such a violent response are valid just causes. May (2008) echoes this view, claiming that:

“just causes for war...involve only certain wrongs committed by the state that is to be attacked, namely wrongs that threaten the lives of

human rights of a sufficiently large number of people to offset the threat to lives and human rights that is involved in the waging of the war in question” (61).

For McMahan and May, the relationship between just cause and proportionality is therefore an important one in terms of establishing whether or not a military response is justified; however, a just cause does not always warrant an all-out war – as McMahan (2005) suggests, once we have identified a threshold whereby an aggression is seen to be adequately serious to warrant a response, “considerations of scale are irrelevant to just cause” (11).

A final discussion on the role of proportionality in *jus ad bellum* comes in the form of a recent scholarly conversation between Jeff McMahan and Thomas Hurka. The two differ in their views regarding whether or not it is acceptable to invoke something that is not in and of itself a just cause in order to deem a war proportionate. McMahan (2005) suggests that only benefits which *themselves* warrant the status of just cause may be included in calculations identifying whether a war is proportionate – that is, “the only ends that can weigh against the bad effects of war in the proportionality calculation are those specified by the just causes or causes for war” (19). As Frowe (2011) highlights, this understanding results in a view whereby extraneous benefits – for example, the cessation of heroin entering the British drug trade from Afghanistan – are not legitimate ends that can be balanced against the harmful effects of war – in this case, Britain’s war against Afghanistan in the ‘War on Terror’ (68). Conversely, Hurka evokes an argument suggesting that other benefits, such as disarmament and deterrence, are important and relevant goods to the global community and should be considered when making decisions about the proportionality of a war. He claims that once a just cause has been identified, the calculations of proportionality should not only include the benefit of righting the particular wrong that has warranted a military response, but also related benefits that may come from waging the war (Hurka 2007). The various results that can be imagined as stemming from such a view – that is, wars being ostensibly fought for a just cause when in reality the desired goals of the aggressor are related to other extraneous benefits – help to explain why questions of just cause and proportionality remain so highly debated in the just war literature.

The third condition of *jus ad bellum*, a reasonable chance of success, has also been questioned in the contemporary just war literature. While it is logical to claim

that waging war may only be just if the aggressor knows they have at least some opportunity to succeed - preventing a war that will exert various kinds of harm for knowingly little benefit – it remains far from a universally accepted claim about the moral permissibility of war. For some just war thinkers, the reasonable chance of success condition unfairly disadvantages smaller states with less sophisticated militaries, which are required by the condition to always surrender to more wealthy countries against whom they have little chance of winning (Hurka 2005: 57). But as Jeff McMahan suggests, it is also important to consider the civilians' role in war when determining whether there is a reasonable chance of success. While militaries and soldiers of smaller countries may volunteer to fight against an enemy to protect their territory even though the chances of success are highly unlikely, the civilians of both the aggressor and defender states have not necessarily consented to the war, which is why the reasonable chance of success condition may more often serve civilian interests rather than those of militaries and their leaders (McMahan 2009: 57).

The question of legitimate authority has been debated extensively among political philosophers over centuries. Although in contemporary understandings we think mainly of legitimate authorities as heads of state and bodies of elected representatives, notions of legitimate authority have historically also been rooted in the Church and individuals seen to have a direct connection to God, including the Pope, though the writings of historical just war thinkers such as Grotius rejected these claims (Johnson 1981: 150-171). As has been pointed out by contemporary just war theorists, the prevalence of non-state actors and organizations such as al-Qaeda in the international political sphere have brought a new focus on traditional definitions of legitimate authority. To this end, much of the existing contemporary scholarship calls for a re-assessment and re-definition of what is meant by legitimate authority in the twenty-first century, though no consensus has been reached to suggest what such a definition might look like (Frowe 2011: 59).

One such re-assessment of the legitimate authority condition comes in the form of a cosmopolitan argument by Cécile Fabre. As Fabre (2008) rightly suggests, existing scholarship on ethics in international relations outside the boundaries of the realist-informed and state-centric just war tradition has been heavily influenced in recent decades by cosmopolitan thinking that seeks to privilege individuals as the central units of moral concern and suggests that states serve the interests of

individuals equally, whether those individuals are members of that state or foreigners (964). Using this cosmopolitan framework, Fabre claims that the requirement of legitimate authority in just war theorising should be removed as “the right to wage war can be vested in groups of individuals and in individuals acting alone, and not only in political organizations with the authority to make and enforce laws on a given territory” (2008: 975). Fabre’s call for the dispensation of the legitimate authority clause is an important illustration of appeals to cosmopolitan justice within the just war tradition, whereby the need for standards of war defined strictly by states, international institutions, or political groups is removed and we are left with an understanding of legitimacy which focuses on the moral actions and fundamental human rights of individuals. As Fabre herself points out, this type of understanding is in itself a controversial position within the contemporary just war tradition for several reasons, including the necessarily increased reliance on other *jus ad bellum* requirements – particularly the just cause principle – for determining whether or not it is morally permissible to kill in war, as well as the potential for the right to wage war to be conferred upon other types of actors – for example, multinational or private military corporations (Fabre 2008: 976). Despite these complex potential implications, Fabre sees the value of cosmopolitan thinking and viewing individuals as moral equals beyond the confines of state borders as integral to the development of the contemporary just war tradition. Heinze and Steele (2009) have further interrogated the question of legitimate authority through the lens of non-state actors, suggesting that their increasingly prominent role in global political violence necessitates a deeper understanding of when and how non-state actors are considered legitimate authorities in a modern war context. Like Fabre, Heinze and Steele recognize the extent to which non-state actors complicate the just war picture, but nonetheless argue that by applying just war principles it remains possible to make sound judgments about the ethics of war. Such arguments demonstrate the dynamic nature of just war principles such as legitimate authority in existing scholarship on the ethics of war, and suggest the possibility for further renegotiation of our understandings of legitimate authority as the just war tradition and contemporary warfare continue to develop.

The condition of right intention is closely linked to what we understand as just cause in the just war tradition. Alex Bellamy (2006) makes use of Augustine’s work in understanding right intention, suggesting that a war may only be morally

permissible if intended to prevent or correct an injustice (28). Frowe (2011) highlights Brian Orend's definition of war in the *Stanford Encyclopedia of Philosophy*, which suggests that "having the right reason for launching war is not enough: the actual motivation behind the resort to war must also be morally appropriate" (quoted in Frowe 2011). Clearly, it is difficult to discern exactly what the intention behind a war is, given that reasons often vary widely between public and private views as well as shift during the course of a conflict. For these reasons, debate continues among contemporary just war scholars over how much weight should be placed on the right intention condition, and as Orend points out, the fact that right intention has not been codified as international law is evidence of this continued debate (Orend 2008).

The final two conditions of mainstream just war theorising, last resort and a public declaration of war, are held as more common understandings among thinkers in the field. Last resort is generally understood to mean that all other means of conflict resolution – which can include negotiations, economic and trade sanctions, and the use of resolutions from international bodies such as the United Nations Security Council, among others – have been tried by any state wanting to initiate a war with another. While it is possible to argue that war is never a last resort and that there are always alternatives to solving conflict with violence, the last resort condition generally accepts that the alternatives have been tried in a substantive and meaningful way, not that they be attempted interminably (Frowe 2011: 62). The final condition, a public declaration of war, is significant in that it keeps both the public of the aggressor state and the defending state informed, giving the opportunity for debate within a state initiating war and allowing the defending state to propose a last-minute peaceful resolution as an alternative to the impending war. Codified in the Hague Convention of 1907, this condition was widely accepted by states during the first half of the twentieth century and signalled that the laws of war were henceforth applicable between states in conflict. However, as the burgeoning field of scholarship on the transformations of contemporary warfare suggests, the public declaration of war principle is called into question by evidence of the changing ways in which states engage in political violence. For example, technological innovations such as long-range missiles and sophisticated aircraft carriers allow for states to engage in acts of aggression without any sort of announcement or warning, suggesting that the public declaration of war is outmoded and increasingly irrelevant

to the practice of war in international politics. As some IR scholars suggest, the fact that it has been over sixty years since the United States issued a formal declaration of war demonstrates a shift away from the public declaration of war towards other mechanisms for announcing entry into international conflicts (Hallett 1998: 34-6). This suggestion highlights one area in which the principles of mainstream just war theorising have become more difficult to apply to situations of international conflict in the contemporary setting.

### *Jus in bello*

Having examined the seven widely accepted conditions of *jus ad bellum* as elucidated by mainstream theorists and philosophers in International Relations, it is clear that much of the substantive content of the conditions remains heavily debated within the field, raising questions regarding the state of just war theory and its applications in the post-9/11 realm of international conflict. This contentiousness also applies to the rules of *jus in bello*, the rules for fighting wars themselves. It is important to note here, as Frowe (2011) does, that for orthodox just war theorists, notions of *jus ad bellum* and *jus in bello* exist independently of each other – that is to say, *jus in bello* rules apply even if the war being fought has been judged as unjust according to the *jus ad bellum* conditions identified previously (99). According to Walzer (1977), “the crucial point is that there are *rules* of war, though there are no rules of robbery (or of rape or murder). The moral equality of the battlefield distinguishes combat from domestic crime” (128). Conversely, some contemporary just war theorists have claimed that it is impossible for an unjust war to be fought justly. For example, McMahan (2006) argues that combatants fighting a just war are not the moral equals of those fighting an unjust war, critiquing Walzer’s notion of a morally equal battlefield.

These distinctions between orthodox and contemporary just war theorising continue when we examine the specific rules of *jus in bello*. Frowe (2011) helpfully divides these rules into four general categories: the conditions for qualifying as a combatant, the targets that may be attacked, the tactics that can be employed, and the treatment of prisoners of war (101). As will be discussed subsequently, the moral judgments surrounding the identification of combatants and non-combatants have been widely discussed by just war theorists who have questioned the first two categories of *jus in bello* rules, particularly in the contemporary era with increasing amounts of inter-state terrorism. In general, however, the Geneva Convention has

enshrined orthodox views on the identification of combatants in just war theory, and remains relevant to negotiations between states in conflict today.

The question of legitimate tactics is an important category of *jus in bello* theorising and is the focus of much debate, particularly in war and strategic studies scholarship. As Walzer's work highlights, an emphasis on notions of military necessity as a key to determining whether or not tactics are legitimate serves to further separate understandings of *jus ad bellum* from *jus in bello* considerations, suggesting that combatants need only be concerned with the military, rather than the political, implications of the war (Walzer 1977: 39). Meanwhile, Thomas Hurka (2005) represents a view that emphasizes proportionality as a vital part of identifying legitimate tactics, claiming that "the targeted/collateral distinction is central to just war theory...in fact the distinction is implicit in the very idea of *in bello* proportionality" (44). Here, Hurka is suggesting that when deciding which tactics to employ in war, militaries should follow a clear distinction between killings that are directly contributing to the achievement of a military goal and those that are likely to occur but are not advancing the military goals of the war in any way (i.e. collateral damage). For Hurka, this distinction should give a clear directive regarding the proportionality of tactics used in order to minimize the more general killings whenever possible. Another distinction between Walzer and Hurka's views on proportionality is evident when examining the question of commitments to saving the lives of combatants versus non-combatants. For Walzer, civilians as non-combatants are entitled to a greater level of consideration than combatants. He suggests, "civilians have a right to something more. And if saving civilian lives means risking soldiers' lives, the risk must be accepted" (Walzer 1977: 156). Conversely, Hurka (2005) takes the view that the lives of combatants and non-combatants should be given equal weight, specifically because states should privilege the lives of their own citizens (even if they are combatants) and because soldiering is typically a voluntary activity.

Finally, the treatment of prisoners of war as a category of *jus in bello* criteria is detailed in the Third Geneva Convention, and states typically act in accordance with the specific rules laid out in international law. However, in the contemporary era we have seen how the practicing of these rules has been called into question, particularly given the nebulous nature of terrorists or those supporting terrorist groups as prisoners of war, and the legitimacy of their treatment and alleged torture

by countries like the United States in Guantanamo Bay and other detention facilities that have been used in the recent ‘War on Terror’. Such examples give pause as to the relevance and usefulness of current iterations of rules about prisoners of war, and suggest that contemporary just war theorising may benefit from a re-assessment of these principles to more accurately reflect the post-9/11 international political arena. While the treatment of prisoners of war has been questioned and analysed as a facet of international political violence for centuries, the shift in contemporary warfare to a sphere in which the identities of combatants are ambiguous and often situated far outside the strict boundaries of actors authorised by the state necessitates a revisiting of the normative principles that govern how and why prisoners of war may be detained, interrogated, and used for strategic purposes.

### *Jus post bellum*

In recent years, given the context of the current wars in Afghanistan and Iraq, much debate has taken place amongst contemporary just war theorists regarding *jus post bellum* principles. As Frowe (2011) suggests, “several just war theorists argue that one cannot claim to be waging a just war unless one has a clear ‘exit strategy’ – a plan for ending the war” (208). One such theorist is Alex Bellamy, who has distinguished between maximalist and minimalist approaches to *jus post bellum*. A minimalist approach, associated with early just war thinkers such as Grotius, typically outlines rules to be followed by the victorious state to ensure they do not take advantage of their victory – they are permitted to “protect themselves, recover that which was illicitly taken...punish the perpetrators” (Bellamy 2008: 605). While the minimalist approach represents a more classical orthodox view of just war, the maximalist approach has now come to dominate the views of victorious countries in the contemporary era. Such an approach is concerned not with a victorious state taking advantage of those they defeated; rather, those advocating for a maximalist approach to the end of war are concerned for the damage that has been left behind by the atrocities of military conflict. For Bellamy, the maximalist view sees it as necessary that victors assist others in need and help to restore war-torn society to a level where its citizens may live decent lives (Frowe 2011: 209).

To this end, Brian Orend (2007) has identified six key principles of a maximalist approach to *jus post bellum*: proportionality and publicity; rights vindication; discrimination; punishment; compensation; and rehabilitation. As these

principles suggest, Orend believes that the victorious state of a just war has a serious responsibility to bring about a just peace, requiring a meaningful engagement with the defeated state and its citizenry after the end of a conflict. This is at odds with Walzer's view that states that remain involved with state-building after a victory leave themselves vulnerable to charges of imperialism and are not truly assisting with humanitarian concerns (1977: 105).

David Rodin (2011) suggests a move even further outside the confines of traditional just war theory into the realm of what he calls *jus terminatio*. For Rodin, *jus terminatio* serves as a moral guideline for the transition from all-out war and the *jus in bello* norms that govern it to a *jus post bellum* understanding of post-conflict justice, reconstruction, and reparation. This transition, Rodin suggests, is governed by a morality that "differs substantially from the morality of initiating war" and includes assessments about the costliness of war, judgments about whether ending a war would do more harm than good, and the avoidance of the many harms of defeat (2011: 363). In particular, Rodin argues that it is necessary to move beyond realist, ambiguous assessments of geopolitics and the nature of the 'balance of power' in the international system and instead think seriously about the basic moral principles, rights and responsibilities that affect the decision to end or continue war. This represents an addition to the work that Bellamy, Orend and others have been engaged with in *jus post bellum* theorising in order to present a more comprehensive picture of the move from war towards peace, and suggests that thinking about *jus terminatio* in the way Rodin outlines may serve to fill some of the theoretical gaps that the contemporary just war tradition has struggled with in the realm of the end of war.

Evidently, just war theorists' understandings of *jus post bellum* principles are far from universal – as the aftermath of over a decade of conflict in Afghanistan and Iraq endures, it is inevitable that these understandings will continue to evolve and be reshaped by contemporary scholarship in the field. And as the burgeoning literature on post-conflict reconstruction in IR suggests, there is a continued interest among scholars to think about how states should behave in post-conflict settings, leaving significant space for further development of *jus post bellum* principles.

### 3.2 Moral Judgments of Combatants and Non-Combatants

Moving beyond the specifics of *jus ad bellum*, *jus in bello*, and *jus post bellum* principles of just war theory, it is useful to also briefly consider how the contemporary just war tradition has examined the nature of combatants and non-combatants more generally. As with the specific principles, the moral and ethical understandings of combatants and non-combatants in war has been the subject of debate and disagreement among just war thinkers, with contemporary scholars critiquing the more orthodox views espoused by Walzer and others. Unpacking these critiques allows for a more nuanced understanding of what is meant by the terms ‘combatant’ and ‘non-combatant’ in the current era, and leads to questions regarding whether or not the just war tradition is the most effective framework for thinking through aspects of war involving these distinctions.

As Frowe (2011) outlines in her overview of the just war tradition, “the orthodox view of just war theory is that combatants need concern themselves only with how they fight, and not with why they fight” (118). To this end, Walzer outlines the instrumental nature of combatants, suggesting that war is simply a relationship between political entities and their respective human instruments rather than between people themselves (1977: 36). Walzer also highlights the most often voluntary nature of modern-day military forces as important to the way in which we conceive of the moral status of combatants. Hurka (2007) agrees with this claim, but offers a refined model for thinking about the moral equality of combatants by suggesting that it is the act of enlisting in the military that affirms combatants’ moral equality, as soldiers are agreeing that killing just combatants is morally permissible (Frowe 2011: 121). These consent-based accounts offered by Walzer and Hurka are challenged by Jeff McMahan’s arguments in *Killing in War*. McMahan suggests that the question of moral equality among combatants is not as simple as looking to consent, and he supports this claim with three counter-arguments: firstly, that not all combatants are necessarily consenting to be *killed*; rather, they are consenting to knowing there is a *risk* of being killed, which McMahan sees as an important distinction. Secondly, McMahan makes a claim to logic and suggests that just because someone *consents* to being killed does not mean it is necessarily morally permissible to kill him or her. Finally, the consent-based account is challenged when McMahan reminds us that many other people are killed in war besides combatants, and therefore Walzer’s account of moral equality of combatants does not provide us with adequate

information to make judgments about whether or not combatants are morally permitted to kill in war (McMahan 2009: 51-7).

Related to McMahan's problems with the consent-based accounts of moral equality among combatants are his more specific observations concerning the morality of those fighting just and unjust wars. Essentially, McMahan refutes the orthodox view that all combatants are moral equivalents by suggesting that it is not enough to say that just because two parties threaten each other they are moral equals, especially when some combatants engage in killing innocent people to achieve unjust goals while others are attempting to protect the innocent in order to achieve a just goal (McMahan 2006: 379). This view lies at the heart of McMahan's understandings of combatants in the just war tradition, and suggests a much more nuanced view of morality in war than do orthodox approaches. To this end, McMahan's more general claim is that *unjust combatants have no legitimate targets in war* – an assertion that has been questioned by McMahan's contemporaries, most directly Uwe Steinhoff. In a direct response to McMahan's assertion, Steinhoff (2008) suggests that unjust combatants can indeed be morally permitted to kill just combatants if it means protecting non-combatants on the unjust side. This claim to protection extends to include the moral permissibility of third parties intervening to protect civilians, something McMahan rejects in "On the Moral Equality of Combatants", and leads to Steinhoff's (2008) relabeling of just combatants to 'justified' combatants in order to signify that while their war itself may be just, they are still inflicting harms that hurt people.

David Rodin's work on asymmetric war (2006b) also raises important questions about the combatant/non-combatant boundary, one that he rightfully identifies as a fundamental distinction of *jus in bello* theorising. As Rodin (2006b) suggests, the changing nature of warfare and increasing prominence of asymmetric war – where the weaker side engages in morally ambiguous practices of guerrilla warfare that target or endanger civilians – have complicated our understandings of what it means to be a combatant versus a non-combatant in contemporary conflict (243). While the practices of asymmetric war engender debate over multiple elements of such conflicts, including the treatment of detainees and the definition of terrorism, Rodin (2006a) argues that it is necessary to address the question of the fuzzy combatant/non-combatant boundary by strengthening the requirements of *jus in bello* for the strong side rather than relaxing those same requirements for the weak

side of asymmetric war. In other words, Rodin (2006a) asserts a need for “the strong party to take exceptionally rigorous steps to ensure that they do not harm non-combatants or expose them to risks of incidental harm in the course of military operations” (161). This argument for strengthening *jus in bello* norms and increasing the accountability of the stronger/more dominant parties in war showcases a strand of contemporary just war thinking that is premised on the protection of human life and an understanding of fairness, and Rodin’s theorising demonstrates the inherent tensions existing between *in bello* rights and *ad bellum* principles in asymmetric conflict – that is, the constant trading-off between a war that is fought justly and non-combatants whose rights are protected. The standard resolutions of these tensions, Rodin suggests, exist but are inadequate: the first being an explicit privileging of *jus in bello* criteria in order to determine whether a war is fought justly, and the second being a claim for weakened *jus in bello* norms for the weaker side in order to ‘level the playing field’ against their enemy (Rodin 2006a: 160). Rather, Rodin’s conception of strengthened *jus in bello* norms for the stronger side presents an alternative vision for how just war theorising can adapt to the increasingly asymmetric nature of warfare and its resultant complications. However, such an understanding is not without its dangers. While Rodin suggests that strong military forces *can* abide by strengthened *jus in bello* norms (because they possess more technologically advanced weaponry such as laser-guided missiles and increased intelligence-gathering capabilities) and therefore *should*, it is possible and useful to question, as subsequent sections of this chapter do, whether or not the use of such military munitions is automatically ethically and morally permissible in the context of contemporary conflict.

These debates between contemporary just war theorists demonstrate the conceptual overlap between our understandings of the moral status of combatants and that of non-combatants – the two are often mutually constitutive, highlighting the complexities involved in unpacking questions of morality and ethics in war. Thinking more specifically about the involvement of non-combatants in war, Frowe (2011) rightfully suggests that “many just war theorists have used the doctrine of double effect (DDE) to provide an explanation...arguing for a morally significant distinction between the collateral harming of non-combatants and the intentional harming of non-combatants” (141). The DDE, which provides a clear distinction between *intended* and *foreseen* harm, has nevertheless been the subject of much

debate itself within the field, and there is a general concern amongst many contemporary just war scholars that its heavy reliance on intention makes the DDE too vague (given how difficult it is to discern true intention in war) (Frowe 2011: 142). Walzer's suggestion for a revised DDE that takes into account a meaningful "positive commitment" to saving non-combatant lives attempts to solve this problem, and has been echoed by other just war theorists (1977: 156).

However, contemporary writers have tended to move towards alternatives to DDE altogether, preferring instead understandings of collateral damage that prioritize human life above all else. As Colin McKeogh (2002) asserts in his elucidation of what he calls the foreseeable harm principle, "it is wrong to kill an innocent person so that another innocent life may be saved. It is wrong to kill an innocent person even so that an entire nation may be saved" (166). According to the principle, it is only morally permissible to excuse the killing of non-combatants when the killing has been completely accidental; that is, "unforeseen and reasonably unforeseeable" (McKeogh 2002: 170). Nathanson (2010) also supports this claim, and argues it is still possible to wage a just war under such a principle, as the principle shows that "the types of weapons or tactics that especially endanger civilians are immoral" while plausibly still allowing militaries to use other offensives in war (260). These alternative approaches are representative of the shift in the contemporary just war tradition towards an understanding of the protection of non-combatant lives as *the* top priority when considering collateral damage. However, there exists little agreement among theorists as to the particular moral and ethical frameworks necessary for making judgments about warfare practices themselves – for example, as Frowe (2011) suggests, it becomes difficult not to draw a pacifist conclusion from Nathanson's arguments given that the benefits obtained by victorious states from participating in risky war activities will likely not actually help the lives of non-combatants from the defeated state (147). The continued development and refinement of such frameworks therefore remains important for contemporary just war theorists in order to draw wider conclusions about the moral status of non-combatants and the rules surrounding their protection in war.

The principle of non-combatant immunity is a final area where the distinctions between orthodox just war thinkers and contemporary theorising can be seen. While orthodox theorists typically claim that the non-combatant immunity principle renders all non-combatants immune from intentional attack (because they

have done nothing to lose that default right) universally during all conflicts, other thinkers have called into question the sustainability of such a claim (Frowe 2011: 151). Larry May's (2005) view is that there must be a morally relevant feature that distinguishes combatants from non-combatants – rather than simply factual evidence – if we are to use non-combatant immunity as a moral principle in just war theory. However, the difficulty in identifying such a morally relevant feature that simultaneously includes all non-combatants and excludes all combatants is difficult, if not impossible, leading many contemporary just war theorists to abandon the idea that non-combatant immunity is an inherently moral principle at all (Frowe 2011: 152). The work of George Mavrodes (1975) is representative of this strand of thought, as he suggests that the non-combatant immunity principle fails because just war thinkers have incorrectly identified it as a moral principle when in fact it is a “convention-dependent obligation” (126). This notion of an obligation brings with it risks, including the question of what happens if the obligation were to break down over time – that is, would it suddenly become acceptable to attack non-combatants since there is no moral reasoning to appeal to for their protection – but nevertheless represents an alternative to the more orthodox just war understandings of the principle of non-combatant immunity. Similarly, McMahan provides us with an alternative that emphasizes individual moral responsibility for the lives of non-combatants rather than a universal moral principle of non-combatant immunity. McMahan (2009) relies on understandings of proportionality to argue that non-combatants are rarely, if ever, in possession of significant amounts of responsibility for their country's war, making it disproportionate and morally unacceptable to kill them (235). McMahan's claim provides more resources for non-combatants to rely on in the case of intentional attack than does Mavrodes's convention-dependent obligation approach, and suggests another way forward for thinking about non-combatants in just war theorising.

While contemporary approaches to combatants and non-combatants in the just war tradition are diverse and stem from a multiplicity of primary moral assumptions, there remain questions surrounding the particularities of the treatment of combatants and non-combatants in the post-9/11 era, particularly as participants and victims of terrorism or counterterrorism attacks. These questions suggest the possibility for alternative ethical frameworks to intercede into these debates, offering potential suggestions and new routes for determining the moral status of these

groups. As subsequent sections of this chapter elucidate, it is possible to identify particular aspects of *jus ad bellum*, *jus in bello*, and *jus post bellum* theorising that are problematic when we begin to think about understanding the ethics of contemporary warfare in the twenty-first century. While cosmopolitan and other critical voices have attempted to adapt the fundamental principles of the just war tradition as a tool for the present-day challenges facing scholars of international political violence by bringing increased attention to the role of individuals and human rights in our understandings of the ethics of war, the usefulness of such an approach remains limited and provides only partial clarification to the complex connections between morality and conflict. As this thesis argues – and as detailed in the conclusions of this chapter – it is therefore necessary to formulate an alternative framework that takes into account some of the helpful aspects of contemporary just war theorising while bringing new ethical considerations to bear on the question of how we should understand the ethics of war today.

### **3.3 The Ethical Complexities of Contemporary Warfare**

A final set of considerations in the discussion of the trajectory of contemporary just war theorising revolves around the ethical complexities of particular facets of contemporary warfare. For the purposes of this thesis, the remainder of this chapter will briefly examine the moral nature of and ethical questions surrounding terrorism, the use of drones, and private military contracting in order to present some of the theoretical contributions of the contemporary just war tradition in practice. Making complex moral and ethical judgments about each of these elements of twenty-first century war requires a particular toolkit of principles and guidelines – as later chapters of this thesis will argue, mainstream just war theory fails to provide a useful and comprehensive set of principles that accurately reflects the nature of contemporary war. Rather, we must look to alternative frameworks in order to unpack the ethical particularities presented to us by present-day international conflict. This section highlights some of the ways in which contemporary scholars of ethics in IR have attempted to understand these particularities, both within and outside the confines of just war theory.

### *Understanding Terrorism Through a Just War Lens*

A fundamental challenge of contemporary just war thinking lies in determining how best to understand the complex issue of terrorism. To this end, this section attempts to provide an overview of how today's just war thinkers have begun to think through and analyse the moral and ethical issues surrounding terrorist activity in the twenty-first century. Definitions of terrorism by just war thinkers are highly diverse, and point to the many readings of terror that come out of even one theoretical tradition in IR. Michael Walzer's (1977) definition of terrorism as being related not to what the enemy is doing, rather to who they are, is indicative of one orthodox just war theory understanding (200). Importantly, the genealogy of the term 'terrorism' can be traced back to the late eighteenth century in reference to the French Revolution, first marking the concept of political terrorism as being fundamentally tied to illegitimate revolution (Blain 2005). More recent attempts to define terrorism have included broad claims that even states are often terrorists by virtue of the fact that mainstream political rhetoric, argument, and threat-making counts as terrorism (Goodin 2006), as well as more specific suggestions that the 'terror' element of terrorism is its most vital; that is, fear is at the heart of all terrorist action (Sheffler 2006).

More specific arguments amongst contemporary just war theorists regarding terrorism have focused on questions of terrorists killing non-combatants, legitimate and representative authority, intentions of fear and violence, terrorists as legitimate combatants, and the use of torture against terrorists, among others. Each of these questions takes into account complex moral and ethical dilemmas, and the diversity of resultant research continues to suggest that the contemporary just war tradition remains divided on the issue of terrorism.

In the case of terrorists, Lionel McPherson (2007) suggests that the mere occurrence of intentional killing of non-combatants by terrorists does not give us enough information to say that terrorists killing non-combatants is morally wrong in a way that combatants accidentally killing non-combatants is not, despite popular allusions to that effect. He instead suggests that the way to determine that terrorism is wrong in a way that standard combatant violence is not is to look at the question of *representative authority*. For McPherson (2007), "non-state terrorism's distinctive wrongness does not lie in the terrorism but rather in the resort to political violence without adequate licence from a people on whose behalf the violence is purportedly

undertaken” (542). The intention of fear and violence is also at the heart of many just war theorists’ analyses of terrorism. As Scheffler (2006) suggests, terrorists’ inhumane treatment of the group they are targeting and the purposeful spreading of fear and intimidation among that group is the primary reason why terrorism is morally distinctive (10). Similarly, Goodin (2006) sees the distinctiveness of terrorism as rooted in the use of fear and terrorists’ ability to engage with fear in order to achieve their political goals (158). These various understandings of how terrorism is morally set apart from more mainstream forms of political violence between states suggest that just war theorists have arrived at a broad set of characteristics that affect the morality and ethical nature of terrorism, but disagreement persists about which characteristics are most relevant today. This diversity of characteristics has led to a variety of approaches to answering the difficult moral questions of terrorism through a lens of just war, many of which have called for a reworking of the principles by which judgments about the ethics of war can be made and applied.

Just war theorists have also grappled with the question of whether terrorists can be seen as criminals or legitimate combatants. While there has been some recent scholarship which suggests that non-state actors can participate in armed conflict according to international law, Frowe (2011) represents an opposing view claiming that terrorists are *illegitimate combatants* due to their failure to meet conditions of legitimate combatants as laid out in the Geneva Convention (192). For Frowe, the specific failure of terrorists to obey the rules of *jus in bello* criteria during conflict – because they routinely attack non-combatants and civilian targets – disqualify them as legitimate combatants (193). However, Frowe herself points out the ambiguity surrounding the criteria for legitimate combatants (in that it does not rely solely on adhering to *jus in bello* rules) and suggests that there remain strands of argument through which terrorists can be described as legitimate combatants. As she rightfully points out, such a description would represent a significant shift in just war theorising, as it would change the idea that war is a conflict between states – and as has been widely suggested in the literature, this shift is already occurring, with growing references to ‘asymmetric wars’ as a way for scholars to differentiate between traditional inter-state wars and wars that include non-state actors as participants (Frowe 2011: 196).

Finally, the question of whether the torture of terrorists is morally permissible is a continued focus for contemporary just war thinkers. While some theorists have identified a variety of reasons why torture is always wrong: for example, that it wrongly subverts the victim's autonomy (Sussman 2005), or that it is morally worse than killing because of its inherent destruction of dignity (Shue 1978), other more orthodox approaches to just war thinking have employed utilitarian arguments for torture and supported torture in the name of self-defence (Ginbar 2008). While the notion of torture has been examined by just war thinkers since the inception of the tradition, it remains the case that many more questions can be asked of just war theorists regarding the moral permissibility of torture as it pertains to contemporary terrorism. Particularly, the events at Guantanamo Bay and Abu Ghraib in the past decade call into question some of the ways in which just war theorising has attempted to solve the many complex moral dilemmas surrounding torture and terrorism. The ethical implications of these practices and the way in which they have been approached by just war theorists to date lend themselves well to the potential contributions of a feminist ethical perspective on the ethics of post-9/11 war that moves beyond just war thinking.

### *The Ethics of Drone Warfare*

Moving beyond our general understandings of terrorism in the twenty-first century, it is also useful to examine particular practices and the way in which they have been morally and ethically analysed by IR scholars to date. The increasing prevalence of drone warfare, in particular by the United States and the United Kingdom against targets in Afghanistan, Pakistan, and Yemen, serves as one significant example of a contemporary practice of war that is imbued with complex moral and ethical questions. Yet, it remains under-theorised by scholars of ethics and war in international relations, suggesting that many questions remain about the ethics of drone warfare that may not be easily answered by the principles and norms of just war theory.

Suzy Killmister's early work on the ethical implications of remote weaponry points to the existing tension between the advancements in military technology that allow wars to be waged from afar and the confines of traditional just war theory. She suggests that "a state under attack from remote weaponry is unable to respond in the traditional, just war sanctioned, manner of targeting combatants on the battlefield –

there simply are none” (Killmister 2008: 122). This lack of options puts just war theory in a position of duress, according to Killmister, as the theory either becomes a tool of the powerful (who argue that they possess technological superiority leaving the targeted state no other moral option except surrender) or becomes obsolete (as the principle of civilian immunity cannot hold in situations where remote weaponry is used). Interestingly, Killmister offers the concept of civilian combatants as a potential ‘way out’ of this position for just war theorising, as it theoretically creates a category of potential targets (as clear contributors to the conflict and are therefore liable to retaliation) without requiring surrender or a breach of civilian immunity (2008: 130). However, the practical difficulties of targeting such a group are numerous, particularly when considering the risk of increased civilian casualties. However, Killmister (2008) ultimately sees the notion of civilian combatants as one of only two options available to just war theorising about remote weaponry; the other being a complete abandonment of just war theory “as a relic of another age, ill-suited to the 21<sup>st</sup> century” (131). The lack of moral and pragmatic satisfaction offered by either of Killmister’s proposed solutions suggests a need for closer ethical analysis of drone warfare in the context of contemporary, technological, asymmetric conflict, as well as a rethinking of whether or not the just war tradition possesses the suitable theoretical tools for unpacking such a complex moral issue.

In his analysis of autonomous targeting, Sharkey asserts a similar need for further research into the ethics of drone and robotic warfare. Rather than applying a just war theoretical framework, Sharkey instead engages with the work of Peter Singer and others who have attempted to understand the relationship between morality, responsibility, and agency in the deployment of drone warfare and ordering of targeted killings in the post-9/11 era. Sharkey’s (2010) discussion of moral disengagement is particularly useful here, and suggests that by operating drones from a video game-like console thousands of miles away from the battlefield, soldiers are relieved of two fundamental obstacles of war: fear of being killed, and resistance to killing. In so doing, soldiers become morally and emotionally disengaged from the war they are waging and therefore experience war in a wholly different way than their counterparts who are engaged in direct offensives from a close proximity. As Sharkey (2010) rightfully points out, empirical evidence in this area remains minimal and much of the existing research on the moral behaviour of remote operators is based on anecdotal findings. Nevertheless, the question of moral

and emotional disengagement points toward the many ethical concerns that are raised when we consider the future of drone warfare and its proliferation as a preferred type of weaponry. When humans are able to act – through technological advancements - without adequate consideration of the consequences, there exists a danger that the ethics of a particular conflict will be left unconsidered as well. It is difficult for the just war tradition to adequately mitigate this danger using the principles of *jus ad bellum* and *jus in bello*, which suggests that contemporary warfare may require an alternative framework for examining the ethics of international conflict. More generally, this critique points to the need for a wholesale rethinking of the way IR scholarship has dealt with questions of ethics and technological warfare – put simply, the increasingly technological nature of war-fighting is not just problematic for *just war theory*, but has broader implications for the ways in which the discipline attempts to answer moral questions of war.

In a 2011 special issue of *Ethics & International Affairs* focusing on the ethics of war, Daniel Brunstetter and Megan Braun argue that it is not necessary to fully dispense of the just war framework in order to understand drones; rather, we must think differently about the categories of *jus ad bellum* and *jus in bello* in ways that more accurately reflect the moral implications of drone warfare. The authors suggest that “drones arguably raise the threshold of last resort of large-scale military deployment by providing a way to avoid deploying troops or conducting an intensive bombing campaign while still counteracting perceived threats” (Brunstetter and Braun 2011: 339). However, the danger in such an alteration is that states may feel permitted to deploy drones more quickly, that is without full consideration, or without considering the principle of last resort at all. On the *jus in bello* side, the authors argue that in theory, drones should be “better able to satisfy the principles of proportionality and discrimination” (339). However, in reality, the belief that the technological advantages of drones decreases risk to soldiers and of collateral damage, as well as the physical distance between drone operator and the battlefield, can result in a blurring of the boundary between combatant and non-combatant. The authors also rightfully point out the resulting confusion from placing drone warfare under the control of the CIA, a non-military body, as well as from the U.S. use of drones for extrajudicial targeted killings of suspected terrorists outside official combat zones. These two phenomena serve to call into question traditional *jus in bello* definitions of who has the right to kill as well as who can be killed (and

where), as well as definitions of war more generally. While Brunstetter and Braun's work helpfully leads us to question the ethical challenges posed by drones and follow avenues for further research, it is possible to call into question their claims by considering *how far* one can renegotiate and adapt traditional just war principles before it is implausible to call it just war theory anymore. In other words, have the technological advancements and changes in the nature of contemporary warfare reached a stage whereby the fundamentals of a just war framework do not adequately explain the ethics of war? As subsequent chapters of this thesis will suggest, much of the empirical evidence from examining these contemporary practices of war point towards this indeed being the case, highlighting the need for an alternative ethical framework to understand the moral dimension of twenty-first century conflict.

### *Moral Legitimacy and Private Military Contracting*

The question of private military contracting (PMC) and its use in contemporary war serves as another practice through which we may analyse the effectiveness and appropriateness of using a just war theoretical framework. Like drone warfare, the deployment of private military contractors has increased significantly in the post-9/11 era, and offers a conceptually rich example of a contemporary war practice that presents unique moral and ethical challenges to IR scholars. While scholarship to date examining the fraught relationship between ethics and private military contracting remains quite limited, this section examines two contrasting views of PMCs in order to identify some initial considerations regarding whether or not the just war tradition provides useful theoretical tools for thinking about ethics and private military contractors.

Cécile Fabre's recent work on the moral legitimacy of private military contracting serves as an example of how the just war framework may be employed in attempts to explain contemporary ethical dilemmas. Building on work in the cosmopolitan tradition, Fabre (2010) argues that individuals have the right to contract themselves out for killing, and therefore exist on 'moral parity' with the uniformed soldiers who enlist willingly in the army. That is, they do not exist in a grey category of 'unlawful combatant'; rather, their liability to attack as well as their impunity for killing exists equally to that of uniformed soldiers, and their status as a lawful combatant relies not on the nature of the organization employing them (i.e. the military or a private corporation) but on their adherence to the principles of just

war. Interestingly, however, Fabre (2010) tempers her own appeals to the just war principles in the article's conclusion, where she admits to worrying that the constraint of just war requirements may trivialize the case for mercenarism and make its moral justification irrelevant (559). To this end, while Fabre thinks about the ethics of private military contracting within the just war framework, it is possible to see the potential usefulness of a less rigid understanding of requirements for ethical war in that it would continue to allow for moral exploration of the issue at hand, rather than closing off debate.

In *Private Military Contractors and New Wars*, Kateri Carmola presents a more cynical view of the relationship between PMCs and the just war framework than given by Fabre. She argues that PMCs are a unique type of organization in contemporary warfare and occupy a nebulous ethical space whereby they can be simultaneously justifiable and objectionable. In particular, Carmola (2010) asserts that PMCs “seriously undermine much of the foundations of [the just war] doctrine, and thus they are hard to talk about using the traditional ethical guidelines” (148). She highlights this difficulty by comparing PMCs to multinational corporations, suggesting that according to just war categories, they are equally moral and ethical and should be judged by the rules of the market. Thinking this way obfuscates the unique ethical challenges posed by PMCs, for example, the many questions that arise when private military contractors are presented as elite, machine-like groups of combatants that are abstracted from the real atrocities of war. As Carmola (2010) points out, these challenges complicate the ways in which we understand the ethics of PMCs, and do not lend themselves particularly well to the rigid principles of just war theorising. While few concrete conclusions can be drawn from this analysis, it nevertheless points to an important deficiency in the existing literature on the ethics of war that draws on just war thinking, and suggests the need for a more nuanced analysis that integrates a variety of notions of ethics into a framework for thinking about contemporary practices of war.

### **3.4 New Bottles, Old Wine: Problematizing the Contemporary Just War Tradition**

This chapter has attempted to bring together the diverse contemporary just war tradition and elucidate some of the key areas where theorists continue to debate moral and ethical questions of war in the twenty-first century. While there are

certainly meaningful contributions that suggest the continued relevance of the just war tradition and its contemporary responses when thinking about the ethics of post-9/11 warfare, there nevertheless remain many unanswered questions regarding the usefulness of strict *jus ad bellum*, *jus in bello*, and *jus post bellum* principles to the current era, the moral judgments of combatants and non-combatants in an age of non-traditional engagements in war, and the ability of IR scholars to think morally and ethically about the complexities of contemporary war such as the nature of terrorism, the use of drones, and the deployment of private military contractors. This final section of the chapter briefly attempts to draw out several particularly problematic elements of contemporary approaches to theorising the ethics of war in order to highlight areas in which it may be useful to intercede using an alternative framework that offers new ethical considerations outside those closely examined by just war and related scholarship.

One important area in which the just war tradition falls short of delivering a fully accurate picture of contemporary war-making is in the application of its *jus ad bellum* principles. As has been suggested in earlier sections of this chapter, it is increasingly difficult to imagine an instance of contemporary political violence where it is possible to identify what is meant by a clear just cause, legitimate authority, or reasonable chance of success, largely because of the conceptual confusion presented by these principles. Attempts to measure ‘success’, for example, are problematic when war is being waged not on a traditional battlefield where casualties and weapons damage are easy to tally, but in back alleys and side streets of villages using tactics of counterinsurgency. While it may certainly be the case that these problems of principle application have been prevalent in just war theorising since its inception, the rapid transformations in the way international conflicts are fought exacerbates these problems and suggests the need for a new way forward when thinking about the ethics of war.

In contrast, more cosmopolitan understandings of *jus ad bellum* principles such as Cecile Fabre’s work take into account the possibility for individuals and groups outside the formal state structure to act as legitimate authorities for war, thus broadening the focus of the principle of legitimate authority. While this acknowledgement is an important strength of the cosmopolitan framework, much of Fabre’s theorising remains rooted in more traditional conceptions of war – that is, there is an implicit assumption that even though the principles themselves are

revised, they are still applied to orthodox types of political conflict tied to traditional mechanisms of warfare. This is problematic since even with a clearer and more accurate definition, the principles themselves continue to be unreflective of the real-life events they are meant to tell us about. For this reason, it is useful to think more seriously about reflexivity when attempting to formulate a framework for unpacking the ethics of war, rather than continuing to use antiquated categories and principles that are no longer timely representations of how morality and war connect.

Further, the work of contemporary scholarship in IR that makes use of just war theory continues to suffer from unnecessarily high levels of abstraction. While some responses to mainstream just war theorising, such as David Rodin's work on *jus post bellum* and asymmetric war, provide useful insights by attempting to mitigate the problem of abstraction through addressing particular practices and impacts of warfare, much of the field continues to think too abstractly about the nature of war, particularly when relating ethics to individuals. Rather than providing an over-simplified picture of a homogenous group of soldiers or civilians, it is necessary for an alternative ethical framework to think critically about the ways in which ethics and morality affect the direct relationships between combatants and non-combatants in war. Particularly through the *jus in bello* principles, just war theory presents an impoverished understanding of how contemporary wars are waged – for example, in order to understand and take seriously the concept of non-combatant immunity, it is necessary to view it as a concrete obligation that is context-dependent rather than an abstract principle that exists without recognition of the context in which it operates. To this end, an ethics of war framework that moves beyond the principles of just war and creates space for awareness of context and relationality would address many of these problematic elements of the contemporary just war tradition and its responses. More specifically, given the ways in which modern practices of war challenge our traditional understandings about the relationship between combatant and target (or innocent victim), there is a need to step outside the delineated principles of the just war tradition and make use of a wider, more inclusive set of ethical concepts in order to make judgments about the moral and ethical questions surrounding these relationships. Relationality – through an understanding of contextuality and embeddedness, as well as an

acknowledgement of the self as relationship-oriented<sup>3</sup> - suggests an increased attention paid to the particular situations, individuals, and relationships involved in the complex moral questions of war and is therefore one such ethical concept deserving of further consideration, as will be demonstrated in the following chapter.

In addition to relationality, more significant gaps left by the contemporary just war tradition can be identified when we take into account other concepts that have been of central concern to the field of feminist ethics such as empathy and experience. A feminist ethical understanding of empathy, as imagined by Diana Meyers (1989) and subsequently refined by Daryl Koehn (1998), is “the manifestation of concern for the other where concern means roughly ‘being willing in principle to act in such a way that this other agent will thrive’” (57). Differing from sympathy or from mere appreciation of another’s situation, empathy is closely linked to the experiencing of other’s thoughts and feelings and suggests a more enriched moral understanding of our interactions with individuals. In applying the concept of empathy to a context of contemporary war, new insights are uncovered about the complex moral and ethical judgments to be made that fall far outside the boundaries of the just war tradition. Let us take the example of torture. As recent work in IR has suggested, the deliberately inflicted violence of torture that has become prevalent in contemporary warfare takes us beyond the boundaries set out by the principles that just war theory provides as rules of conduct in war (Lee 2006). However, if understood through a context of empathy, it is possible to make judgments about the ethical nature of torture – as Meyers (1994) suggests, a torturer may observe their victim in detail and discover what pleases or pains them the most, but if they then use that information to inflict the most painful treatment upon the victim, it is impossible to say that they have acted in an ethical fashion (31). This distinction between a mere appreciation for a situation and a ‘thicker’ conception of the experiences and feelings of another human being is essential to a feminist ethical approach to empathy, and goes far beyond the abilities of just war principles to give us ethical insights about the use of torture in war. As seen in the discussion of Sjoberg’s (2006) empathetic cooperation in Chapter Two, some feminist IR scholarship has attempted to bring the concept of empathy into analyses of ethics and

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<sup>3</sup> This understanding of relationality follows from the work of feminist care ethicists including Carol Gilligan (1986) and Nel Noddings (1986), and was later articulated by Jean Keller (1997).

war – however, as I develop in more detail in my forthcoming critique of Sjoberg’s reformulation of just war theory in this chapter’s final section, the inclusion of empathy within the confines of just war principles does not go far enough to rectify the shortcomings of the just war tradition. As the following chapter will demonstrate, a critical feminist ethical framework that includes an acknowledgement of empathy as *central* to our theorising about the ethics of war is a more fruitful way to examine contemporary practices of war in general.

Like empathy, an examination of the feminist ethical concept of experience also highlights a dearth of understanding within the just war tradition of how particular contexts and situations serve to shape the ethical and moral judgments we make about contemporary warfare. Feminist ethics highlights the importance of thinking about ethics from the perspective of personal lived experiences, and in particular suggest a need to reformulate ethics in ways that understand the moral experiences of women as valuable and worthy of respect (Clement 2013). As was suggested in Chapter Two’s discussion of Christine Sylvester’s war-as-experience, feminist IR has taken the notion of experience as a significant element of their approach to studying war. This sits in stark contrast to the principles of the contemporary just war tradition that exist with little reference to history or context, leaving limited space for an analysis of ethics that takes experiences seriously.<sup>4</sup> As will be highlighted in Chapter Five, an ethical appraisal of drone warfare demonstrates the usefulness of thinking about experiences – in particular the impacts of physical distance and technology on the ability to take seriously the personal lived experiences of targets when making ethical judgments about the morality of drones – and its ability to shed light on ethical aspects of drone warfare that otherwise remain hidden in just war analyses.

### **3.5 Feminists Theorizing Just War**

As perhaps the most cohesive set of ethical principles guiding the development of feminist thought on the ethics of war, feminist critiques of just war theory have become central to the way in which feminist IR scholars have theorised

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<sup>4</sup> It is important to acknowledge here that the ahistorical and highly abstracted nature of just war principles are largely a product of contemporary iterations – in contrast, the classical just war tradition as theorised by Saint Augustine, Aquinas, and Vitoria understood the historical trajectories of war as significant and relevant to the development of just war principles.

the moral acceptability of war in recent years. The early work of Jean Elshtain critiques the dominant symbols of men and women as fighters and non-combatants in war respectively, identifying them as the 'Just Warrior' and 'Beautiful Soul'. In her view, we must challenge these formulations of men and women in times of political violence, and question the implications of the just war tradition that lead us to extol the fair and righteous virtue of just war fighters ('Just Warriors') and wish to protect the values and virtues of home and family represented by the 'Beautiful Soul' (Elshtain 1987). Elshtain sees the just war tradition as it has been employed by mainstream IR theorists like Walzer (1977) as unnecessarily rigid and prioritizing a particular set of civic virtues through a set of standards by which we are meant to judge the ethical nature of particular acts of political violence. This set of criteria lead, in Elshtain's (1987) view, to an exclusive language whereby threats are abstracted with strategic discourse, particularly as technological advancements in warfare have occurred (341). She argues that this exclusionary masculinist language can be replaced by a more inclusive and flexible discourse of war that takes into account the multiplicity of perspectives and contextual nature of warfare practices. While Elshtain (1987) does not define in *Women and War* exactly what a feminist theory of just war should look like, her critiques of the dominant just war tradition can be seen as a watershed in the development of feminist ethical perspectives of war.

Lucinda Peach (1994) provides a more systematic critique of just war from a feminist perspective, identifying several areas around which feminists have found problems with the dominant just war discourse: "its relation to realism; its failure to insist that all criteria have been satisfied in accordance with rigorous standards...its tendency to abstraction and to dichotomize reality...and the priority it accords to the state and to state authority" (156). However, she suggests that much of the feminist critique has not been specific enough and has not advocated for a tenable alternative to just war theory. She highlights Elshtain's proposed "revitalized civic discourse" and Ruddick's "maternal peace politics" as two notable non-pacifist feminist responses to just war theory, but argues that Elshtain's proposal to break down gender dichotomies and Ruddick's politics of peace based on maternal thinking do little to adequately challenge the deficiencies feminists have identified with the tradition (Peach 1994: 163-4). Peach (1994) suggests a feminist revitalization of just war theory with several elements: an inclusion of women in understandings of

human nature; more serious attention paid to pacifist arguments and nonviolent alternatives; the use of collaboration in assessing whether violence is necessary; more attention paid to context and particularity; a more comprehensive examination of all consequences of political violence; a concern for relationships between combatants and enemies, and a radical reconfiguration or breakdown of dichotomous understandings of gender, combatant status, and state-individual relationships (164-7).

While Peach's fundamental rethinking of just war theory from a feminist perspective certainly lends significant insights to the many ways in which traditional just war theorising is problematic, her list of feminist transformations of just war criteria fails to fully address the more substantive problem of whether or not it is possible to identify a finite number of criteria through which the ethical acceptability of political violence can be judged. While her criteria are undoubtedly more broadly specified than those typically iterated by mainstream scholarship in the just war tradition, I suggest the maintenance of *any* criteria in the form of categories and principles may be too restrictive an approach to thinking about a feminist ethics of war, limiting the full potential for alternative formulations and imaginative perspectives that can result from integrating feminist ethical theorising into our understandings about war. Peach's suggestions also raise questions as to the practical possibility of attaining positive results from such a theory of just war – with such specific and exhaustively detailed standards to meet, is such a typology even useful in attempting to uncover the moral and ethical dilemmas of using violence to achieve peace? For many mainstream just war scholars, the usefulness of the theory came from its simplicity and the standards ascribed to decide whether or not a war could be seen as just. While the oversimplification of such a decision is also highly problematic, the complex nature of the prescriptions given by Peach leads us to question the applicability of feminist thought to the theoretical framework presented by the just war tradition.

The work of Virginia Held and Kim Hutchings has also provided important contributions to the development of feminist scholarship discussing the just war tradition. Following from the early work of Elshtain and Peach, Held (2008) considers the legitimacy of authority in an era of non-state violence, and considers how and when to deploy just war theorizing in relation to common sorts of violence most often preferred by terrorist organizations. Held suggests that it may not be

necessary to fully relegate the just war tradition, but think carefully about the subject of its use in a post-9/11 era. Conversely, Hutchings (2011) has recently interrogated the question of gendered humanitarianism, and discusses the analytical potential of *ad bellum* and *in bello* judgments if infused with an awareness of war as both practice and experience. As will be articulated in more detail in Chapter Four, the development of feminist scholarship on just war theory informs the ways in which I understand feminist ethics of war more broadly, and I construct a framework built on the foundations of these existing literatures. While there are substantive differences between the various feminist approaches discussed in this chapter, threads of experience, relationality, responsibility, and empathy can be found throughout, demonstrating an embeddedness and awareness of these analytical tools amongst much of the existing feminist ethical scholarship on war.

In some ways, Sjoberg's work on feminist just war theory and the wars in Iraq serves to clarify the tangled web of considerations articulated by other feminist revitalizations of just war. Sjoberg (2006) centres her conceptions of feminist just war on the notion of *empathetic cooperation*, a single feminist security ethic that combines notions of care and justice through gendered lenses and allows feminisms to participate in relational autonomy (45). Influenced by the work of Christine Sylvester (2002), Sjoberg (2006) sees empathetic cooperation as a supportive approach to relational autonomy with the 'other', whereby individuals become relationally autonomous with those outside their own community or value system (48). This understanding of empathy and relationality informs the ways in which Sjoberg rethinks the *jus ad bellum* and *jus in bello* concerns of the just war tradition to more accurately reflect feminist understandings of war and violence in international relations. For example, according to Sjoberg (2006), feminist right authority therefore makes use of dialogue between divergent perspectives and collective decision-making, while feminist just cause would consist of a feminist framework for determining the justice of given reasons for war that is premised on participatory and holistic approaches to planning based on social justice, a material concern for individual suffering, and an acknowledgement of proportional and distributive justice (72-9).

This reformulation of *ad bellum* just war principles certainly helps to clarify the often vague assertions made by feminists about rethinking just war, and in this way provides a useful contribution to the field of feminist IR. As Sjoberg (2006)

rightfully suggests, “in a feminist ethic of war, war is not punishment or show, but an attempt to fix a problem” (81), and it is essential that both the problem and all possible solutions are clearly defined before making an ethical judgment on their acceptability from a feminist perspective. Similarly, Sjoberg’s (2006) *in bello* considerations – in particular her assertion that “feminist ethics of war reformulates standards of *jus in bello* to account for the realities of women’s lives in wartime” (89) – highlight the usefulness of her argument in shedding light on the particular experiences felt by women in war, an outcome desired by feminists working in all areas of theorising in war and international security.

However, the arguments set out by Sjoberg in her construction of a feminist just war theory do not serve to fully answer the question of whether or not the just war tradition is even a useful starting point for feminist analyses of the ethics of war. As will be discussed in a subsequent chapter, I believe the many problems of just war as a theoretical framework severely limit its potential for employment by feminists in unpacking the complex relationship between gender, ethics, and political violence. While Elshtain, Peach, Sjoberg and others have attempted to overcome the aforementioned difficulties of just war theory by rethinking its principles and applying strands of feminist thought to its various components, I argue that such a task is ultimately unfruitful, partly due to the restrictive nature of the tradition itself. In particular, these restrictions exist within three broad categories: firstly, the *jus ad bellum* principles of just war theory are highly ambiguous, making them virtually impossible for feminists to reformulate without falling into the same trap of obfuscating the realities of warfare as traditional just war scholarship. Second, even feminist rethinking of just war problematically relies to some degree on the false Just Warrior/Beautiful Soul dichotomy outlined by Elshtain, given the highly gendered nature of contemporary war-making and war-fighting. That is, depictions of women as pacifist non-combatants – and conversely, of men as aggressive war-fighters – continue to pervade our understandings of war, given the real exclusions faced by women in occupying combat roles in militaries around the world as well as the sustained marginalization of feminist theories of political violence in larger intellectual debates surrounding war. Therefore, feminist interpretations of just war risk slippages into a reliance on these pervasive images when attempting to redefine criteria for evaluating the ethical acceptability of war, as political violence itself remains firmly rooted in a gendered context whereby the male/female war/peace

dichotomy is presented in multiple arenas. Third, it is extremely difficult to fully erase the connections between the just war tradition and realist theories of International Relations, given its appeals to a set of universal, objective ideals from which we can make ethical judgments about the acceptability of war. It is nevertheless important to note, as a subsequent chapter in this thesis explores more fully, that just war is itself a quite complex tradition with a long and varied history and a multiplicity of approaches. However, much of the tradition has been associated with the development of what can broadly be identified as realist thought, and as early work by Ann Tickner (1988) suggests, realist theories of international politics “are rooted in assumptions about human nature and morality that, in modern Western culture, are associated with masculinity” (433). Therefore, the inherent linkages between just war theory and realism – those centered around concepts of autonomy and universal norms - result in gendered understandings of the nature of war that are difficult, if not impossible, for feminists using the same framework to overcome. For these reasons, I caution against the use of just war theory by feminists, and instead advocate for a synthesis of various elements of feminist ethics taken from traditions of justice, care, and feminist just war in the construction of a new feminist ethical conceptual framework, rather than an appropriation and reformulation of an existing framework – such as that of the just war tradition – in order to develop a cohesive feminist ethic of war.

Further, Sjoberg’s work signals another potential limitation to the existing body of literature examining the feminist ethics of war. Much of the evidence and justification for her feminist just war principles stem from a single set of empirical situations, the two American wars in Iraq. While her reformulation of just war theory certainly marks the most substantive contribution to date by the group of feminist IR scholars attempting to identify what a feminist ethic of war looks like, her reliance on the two Gulf Wars as empirical evidence leads us to question whether or not a feminist just war theory might only be useful in particular contextual circumstances, rather than being able to tell us something about war broadly conceived. What are the limits of using a single empirical situation to tell the story of feminist just war, and would a unique and newly constructed feminist ethical framework be more conducive to its application across a wide range of contemporary warfare practices? These are important questions that Sjoberg does not fully address in her own scholarship, but necessitate answers if we are to move forward in feminist IR

towards a singular feminist ethic of war. Before continuing to the construction of my own feminist ethical framework for considering the ethics of war, let us briefly examine some of the successes and limitations of existing feminist responses to just war theory.

### **3.6 Feminist Responses to the Problems of Just War: Successes and Limitations**

Given the pre-eminence of just war theory in International Relations as the dominant way through which scholars theorise about the ethics of war, it is appropriate to precede my own theoretical framework with a brief discussion of how feminist ethics has responded to the problems of the just war tradition in their own examinations of morality and political violence. Feminist understandings of the ethics of war have ranged from approaches directly critiquing just war theory to those focused on alternative approaches of care or justice, as will be expanded in Chapter Four. However, it is important to make clear the connections between the four key problems of the contemporary just war tradition that I identified earlier in this chapter – that is, issues of complexity, responsibility, technology, and definitions of war – and the ways in which feminist ethics has provided (or failed to provide) solutions to these problems, in both explicit and implicit ways. From these successes and limitations, it is then possible to construct a critical feminist ethical framework that rethinks the contributions of feminist ethics to studies of war and identifies which concepts are central to how we assess the moral and ethical questions of contemporary conflict.

The notion of complexity is one area I have suggested (in Section 3.4 of this chapter) is particularly problematic for the contemporary just war tradition. Given its high level of abstraction through the application of a set of rules or principles by which we can judge the ethical nature of (any) conflict, just war theory does not adequately address the complexities of contemporary war or acknowledge the need for contextuality and particularity in its analyses. Feminist work on the ethics of war has attempted to mitigate the issue of complexity by advocating for an increased engagement with notions of connections and relationships between individuals (relational approaches) as well as bring more attention to the particular aspects of suffering and atrocities of war that vary widely across a spectrum of political violence (contextual approaches). These understandings of relationality, contextuality, embeddedness, and an emphasis on the particular are centrally

important to the construction of a feminist ethical approach to war that overcomes one of the most significant shortfalls of the just war tradition. However, the tendency for some feminist approaches to remain within a just war framework while attempting to provide a solution to the abstraction issue is fundamentally problematic. An adherence to the general *jus ad bellum* and *jus in bello* principles of just war, even if modified to acknowledge the need for context and complexity, is not sufficient as it inherently maintains the level of abstraction that is necessary in order to construct a set of rules or principles by which to judge the ethics of war. Therefore, the work of Sjoberg and others who have advocated for a revisiting or reformulation of just war, rather than a wholesale rethinking of the ways in which feminist IR scholarship can engage in analyses of ethics and war, serves as a limitation to the development of a feminist ethic of war – a limitation that the framework constructed in the subsequent section of this chapter attempts to overcome.

Linked to how just war theory understands abstraction and complexity are the problematic assumptions that underpin its conception of responsibility, another area of the contemporary just war tradition that feminist ethics scholarship has engaged with. For Walzer (1977) and other mainstream just war theorists, soldiers and most civilians of an attacking country are exempt from moral responsibility, whether the war being fought is just or unjust. This exemption, based on principles of the moral equality of soldiers and non-combatant immunity, is oversimplified and lacks the nuance needed to accurately depict the ethical nature of war. Critiques have been levelled against mainstream just war's assumptions of responsibility from various approaches to ethics and morality (Primoratz 2002), and feminist ethics scholarship is also troubled by the tendency of traditional just war analyses to automatically award immunity to wide swaths of the involved populations regardless of particular circumstances of the conflict. However, more work is needed to adequately address how feminist ethics can include a more nuanced and flexible conception of responsibility into its analyses of war – as I suggest in the following section, a framework that includes responsibility as one of its central elements highlights its importance in understanding ethical complexities of contemporary war. Given the changing nature of warfare, shifting from battlefield combat to highly technologized efforts that are often combined with local counterinsurgency missions,

questions of responsibility are especially salient and deserve increased attention in our attempts to make ethical judgments about contemporary warfare practices.

A third area of just war theory that I identified as problematic earlier in this chapter is its failure to deal with the nebulous boundaries distinguishing what exactly qualifies as war. Feminist ethics have called into question the defining of war by just war theorists, some suggesting, like Danielle Poe (2008), that the tradition provides an overly narrow picture of war that does not accurately depict the true costs of conflict, regardless of whether or not they can be justified on moral grounds (35). While Poe and Robin May Schott's (2008) recent work, among others, argue for a rejection of the just war framework in order to achieve a clearer picture of the reality of war (for Poe this results in an 'ethics of sexual difference', while for Schott it means the impossibility of defining any war as morally legitimate), some feminist scholarship<sup>5</sup> suggest that the just war framework itself can be maintained if reformulated to widen the understanding of what counts as war – largely through a focus on *jus post bellum* principles. To this end, feminist ethical analyses of definitions of war certainly have the possibility of providing useful insights into what is to be considered a war, but have been limited to a certain extent by continued reliance on a just war framework. Other, more radical conceptions of war that have been articulated by feminist ethicists therefore deserve to be taken seriously if a new framework for articulating a feminist ethics of war can be constructed. As will be evidenced in the final section of this chapter, a framework that takes the realities of contemporary war as significant in a flexible and reflexive way rather than using an overly narrow picture of war in order to fit within the confines of a certain set of rules or principles is a more effective means to shed new light on the ethical implications of modern conflicts and tools of war-fighting than the antiquated just war tradition.

Finally, I have suggested that questions surrounding the nature and use of technology in war are a fourth realm that is problematic for mainstream just war theorising. Although some contemporary scholarship in just war has attempted to address the issue of technology by revisiting how to implement *jus in bello* principles of war in the face of technological advancements – most commonly examining issues of distinction and proportionality (O'Hara 2010) – there remain

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<sup>5</sup> See, for example, Sjoberg (2006); Eide (2008); Ben-Porath (2008).

gaps in just war understandings of combatant/non-combatant criteria as well as the effects and impacts of distance on our understandings of proportionality and imminent danger. While feminist ethicists' direct engagement on the nexus between war and technology has been limited, the ethical concepts of relationality, experience and empathy that feminist ethics scholarship has advanced in recent years are certainly relevant to these issues – questions surrounding the ways in which relationships between combatants and their targets (as well as innocent civilians) are mediated by technology are clearly informed by these relational and empathetic understandings of the 'other'. By engaging with these concepts in a critical feminist ethical framework in order to make moral and ethical judgments about practices of war, it is possible to more accurately depict the importance of technology to the study of ethics in contemporary conflicts.

Following from the work of Sjoberg (2006), Fabre (2008; 2012) and others, International Relations scholars continue to engage with questions of just war. Some recent work attempts to reclaim the just war principles in order to adapt and apply them to questions of contemporary warfare practices such as drones and private military companies, arguing that the legalistic turn in the just war tradition has limited its ability to adapt to the twenty-first century (see Gentry and Eckert 2014). Other investigations have also pointed to the need for a re-invigoration or evolution of the just war tradition in order to maintain a substantive usefulness in International Relations, whether due to the prevalence of humanitarian crises (O'Driscoll 2008), the use of private military security companies (Eckert 2015), or a changing and disordered international political realm (Rengger 2013). This renewed interest in the just war framework points towards a continued relevance of ethics in war, particularly as the landscape of war continues to shift towards autonomous, privatized, and asymmetrical conflict. While I agree that discussions of ethics and war are of central importance to our understanding of modern warfare, I do not believe a reclaiming or re-invigoration of just war principles is the only – or the best - way forward. The following chapter attempts to construct a critical feminist ethical framework that addresses some of the lingering questions left by just war thinking that have been elucidated in the preceding discussion, and suggests that the way forward for theorising the ethics of war in International Relations may lie in notions of feminist ethics rather than in a continued reliance on just war theoretical

frameworks. While recognizing the institutional histories of the just war tradition, as well as engaging with its contemporary responders including the cosmopolitan and human rights-based approaches to the ethics of political violence, a feminist ethical framework of war serves as a critical voice attempting to revolutionize our current thinking about the relationship between morality and war in international politics.

As this chapter has demonstrated, while the contemporary just war tradition has spawned a wide variety of scholarly responses from a number of approaches in the field, much recent work remains restricted and impoverished by problems of abstraction and application associated with the reliance on just war principles and a failure to fully adapt to the many rapid transformations to warfare that have occurred in recent decades. These problematic elements of just war theorising are rooted in questions of complexity (which includes the aforementioned issue of abstraction), responsibility, the nature of warfare itself, and technological developments, leaving gaps in our understanding of how moral and ethical judgments about contemporary war can be made. As will be shown in the following chapter, a critical feminist ethical framework of war that engages with the useful insights brought to bear on just war thinking by cosmopolitan and human rights approaches while simultaneously contributing new ethical considerations surrounding questions of relationality, empathy, and experience from existing feminist ethics scholarship. These considerations, I argue, are important elements of a feminist ethics of war that can serve as an alternative to the existing just war frameworks, and can greatly improve upon our understandings of the ethics of war in the twenty-first century and what that means for contemporary warfare practices.

Finally, having demonstrated several significant ways that feminist scholarship has responded to the previously identified problems of the contemporary just war tradition, it is now possible to construct this framework that synthesizes the areas in which feminist ethics has seen the most success in rethinking the ethics of war in order to move beyond the difficulties presented by the just war framework and its declining relevance in twenty-first century ethical theorising. Taking four key tenets of feminist ethics – relationality, experience, empathy, and responsibility – the framework described in the subsequent chapter advocates for a more flexible and reflexive way of looking at the ethics of war and a rethinking of moral justifications for contemporary warfare through a feminist lens. Such a lens, it is argued, sheds new light on previously obscured aspects of ethical and moral considerations of the

practices of modern war-fighting, and provides insights about the complexity of ethical questions that arise from contemporary practices of war that would otherwise go uncovered by more traditional forms of ethical inquiry – particularly the just war tradition.

## **Chapter Four**

### **Feminist Ethics of War and Peace: Proposing a Critical Feminist Ethical Framework**

Debates about the ethics of war are among the oldest in the field of International Relations (IR). Despite interventions from a wide variety of theoretical perspectives, however, feminist contributions to what should inform our ethical judgments of the acceptability of political violence remain largely marginalized from mainstream accounts in the discipline. One potential reason for the resistance among existing ethics of war scholars in IR to engage with feminist analyses is the cacophony of voices and diverse perspectives within feminist scholarship on this issue. Tensions existing between pacifist and non-pacifist feminists as well as multiple approaches to conceiving of the ethics of war among non-pacifists has resulted in a multiplicity of sometimes contradictory ethical principles for determining when violence is morally acceptable as a means to achieving peace. This chapter provides an overview of these approaches and principles in an attempt to uncover what feminisms have said about the ethics of political violence to date and suggest ways forward for feminist ethicists in IR. In so doing, the first part of the chapter lays much of the necessary groundwork for a theoretical framework which attempts to demonstrate the usefulness of feminist ethics in analysing contemporary warfare practices such as drone technology and the use of private military contractors, as well as identifies arguments in support of a cohesive feminist ethic of war.

In unpacking feminist understandings of the ethics of peace and war, this chapter makes use of multiple feminisms. While I acknowledge the distinctions among various approaches to feminist thought, for the purposes of this chapter I propose an inclusive and emancipatory set of feminisms that takes into account a multiplicity of feminist interpretations. Further, I take notions of gendered power, gender inequalities, and the maintenance of patriarchy to suggest not only oppression through physical and social means, but also the reproduction of such oppressions in discourse and performative elements of gender. This feminist framework is both flexible and reflexive, and can be identified as “feminist knowledge...as a part of a constructive and collaborative solidarist academic and activist project” (Sjoberg 2006: 38). In sum, the chapter attempts to make contributions to feminist IR understandings of ethics and war and to clarify what types of principles it has

espoused to date. As Sylvester suggests, feminist theorising “adds disorder and clutter to tidy pictures of international battles” (Sylvester 2002: 275). This chapter highlights the nature of that disorder within the realm of ethics and critically interrogates its achievements and silences in order to develop some possible future paths for the development of a feminist ethics of war.

The chapter begins by rethinking the so-called ‘inherent’ connections between feminism and pacifism, and then unpacks how feminists to date have theorised ethics and war apart from the work on just war theory examined in Chapter Three. Through notions of care and feminist ethical approaches underpinned by notions of justice, narrative, and experience, the chapter’s second section introduces the relevant context and lays the groundwork for the four key elements of the theoretical framework examined throughout the remainder of the chapter. The final sections of the chapter construct this critical feminist ethical framework and highlight its utility for thinking about the moral justifications of contemporary warfare that responds to these gaps as well as those persisting in the just war tradition. The framework advocates for the centrality of ethical considerations based around relationality, experience, empathy, and responsibility, with each of these concepts explored in depth to understand what they mean, how they have been deployed in existing scholarship, and why they are relevant in the development of a feminist ethics of war. In rethinking contemporary warfare, I am suggesting a critical re-reading of the ethics of war practices using this framework – in particular, the use of drones, private military security companies, and counterinsurgency – each of which will be taken up in turn throughout the remainder of the thesis.

#### **4.1 Rethinking the Feminism-Pacifism Connection**

A significant body of work by feminists examining the nature of ethics in war and its relationship to gender is strongly anchored in pacifist traditions. By advocating for peace, this segment of feminist scholarship has highlighted the frameworks of oppression and subordination that they argue are inherent in warfare and violent conflict. Such arguments are premised on the position that since these frameworks are built and sustained through notions of gender inequality and patriarchy, the linkages between war and gender subordination mean that war and violent conflict are *always* unacceptable. This conclusion is problematic for several reasons. As Sjoberg (2006) suggests, “a theory of politics that eschews violence

would be incomplete without a theory of justice in and of war” (9). That is, in order for feminist IR theorists to present an inclusive argument against political violence that recognizes practical realities, it is necessary to think through notions of justice and the ethical judgments made about war and conflict around the world. To ignore the theoretical complexities of these notions is to emphasize an impoverished understanding of international politics, particularly as it pertains to war and peace. While the feminist pacifist tradition offers useful insights into how we might begin to realize peaceful resolution to international conflict, Sjoberg’s contribution helpfully points out the dangers of failing to fully recognize the importance of thinking about justice and the ethics of political violence when condemning such violence outright.

This section first attempts to sketch out the existing debates amongst feminists regarding the acceptability of political violence, and identifies the “two distinct attitudes within feminist thought” (Hutchings 2007: 111) with respect to the ethics of violence in war and conflict. I will then articulate the specific problems with the pacifist line of feminist argument as they relate to the construction of a feminist ethic of war, and argue that it is necessary for feminist IR scholarship to move beyond such restrictive linkages between feminism and pacifism in order to adequately address the ethical challenges presented when using gender as a key tool for analysing political violence.

In *Sexism and the War System*, Betty Reardon (1985) argues against the possibility of ethical war from a feminist perspective by identifying what she sees as fundamental connections between violence and sexism that create inherent linkages between feminism and pacifism. This early example of feminist scholarship that constructs feminism and pacifism as intrinsically linked and permanently intertwined informs one side of the debate over the acceptability of political violence – for Reardon and others, pacifist ethics is the only ethics to be espoused by feminist thought, as it is impossible to conceive of a type of violence that is not imbued with notions of sexism in the form of oppression and subordination. A special issue of *Hypatia* published in 1994<sup>6</sup> provides additional voices of support for this absolute commitment to pacifism from feminists studying war. Warren and Cady (1994) point out the various types of connections between feminism and pacifism, from

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<sup>6</sup> Warren, Karen J. and Duane L. Cady, eds. 1994. “Feminism and Peace.” (Special Issue) *Hypatia* 9(2).

conceptual and empirical linkages to historical, linguistic, and psychological associations. For them, an analysis of war from a feminist perspective that does not concern itself primarily with these connections to peace is incomplete - their use of historical empirical examples demonstrating the disproportionately negative impact of war on women including the use of rape as weapon of war is meant to provide evidence against the possibility of war deemed acceptable by feminists. In the same issue, Barbara Andrew (1994) highlights how she sees the social construction of gender as promoting and participating in the psychological conditions that are necessary for war. Using the work of Wollstonecraft and Woolf, Andrew (1994) argues that the roots of oppression exist in the 'private tyranny' of the patriarchal family structure, which leads to the 'public tyranny' of war enacted by the masculinised soldier. While this connection between particular constructions of masculinity and femininity and the nature of soldiers in war is an important one, Andrew employs it to make an outright critique of war from a pacifist feminist perspective. As will be evidenced later in this section, this restrictive approach to analysing the relationship between war and peace actually serves to limit the insights that feminist understandings can bring to bear on the nature of violent conflict and war. As has been suggested by critics of the pacifist feminist tradition, a more holistic account of war practices that acknowledges the atrocities of war and desire for peace while still providing space for contexts in which war may be an acceptable - or indeed, the *only* - response in order to solve a particular conflict is a desirable use of the unique theoretical and analytical insights of feminist perspectives on international politics. As Aroussi (2009) rightfully points out, the essentializing arguments put forward by some feminist pacifists equating femininity with peace may have serious negative repercussions for women's equality as well as international peace and security, as such gendered dichotomies both limit women's access to arenas where important decisions are made about political violence and serve to sustain militarism (10).

Sara Ruddick's work is an example of scholarship that has been inspired by an understanding of a pacifist ethic and commitment to nonviolence while remaining open to the necessity of war in particular circumstances. In her critique of militarism, Ruddick (1989) appeals to motherhood and practices of mothering to argue that women's role as mothers makes them inherently interested in peace, and the distinctive virtues embodied in motherhood highlight the gendered nature of power

relationships that are reproduced on the battlefield of war. However, she goes on to suggest that while all acts of political violence need to be critically and suspiciously examined, it is not useful to absolutely forbid the use of violence as a means to end oppression (Ruddick 1989: 138). This unsettled question of violence versus peace as evidenced in Ruddick's work demonstrates the significant tension within feminist scholarship regarding the ethical appraisal of acts of war – a tension that remains in place decades after the publication of *Maternal Thinking*. As Hutchings (2007) rightfully suggests, Ruddick's argument represents the affirmation of a question rather than an answer to this tension, as it “confirms the dilemmas feminists face in the judgment of political violence, but it doesn't solve them. For some feminists, both pacifist and nonpacifist, this represents an evasion of the question of political violence” (114).

Another attempt to answer such questions about feminist attitudes towards political violence comes in the form of pacifist feminist work, which suggests that the renunciation of war and violent conflict can be used as a political tool. In her historical examination of the connections between women and peace, Carroll (1987) advocates for women to play an important role as peace activists while resisting gender subordination by men that places them in the role of ‘natural peacemaker’ because peace is so ‘typically feminine’. She suggests that while it is acceptable for feminists to question the *male monopoly* of violence, it is a more useful and important task for women to take peace activism as a preferred political choice in order to question the *use* of violence itself (Carroll 1987: 11). Like Ruddick, Carroll and others espousing the use of peace as a feminist political tool walk the line between a full-blown commitment to nonviolence and a tentative acceptance of political violence as a highly contingent and contextual means to ending oppressive situations. This shifting ground of feminist pacifism highlights the extent to which linkages between peace and femininity have been embedded in our social consciousness, leading to problematic assumptions when articulating feminist perspectives of war. It remains difficult for feminist theorists of peace to avoid falling into the essentialist trap of gendered dichotomies when advocating for peaceful resolutions to political disputes, and the permeation of such dichotomies into our understandings of men, women, war, and peace suggests that it remains an important area of investigation for feminist scholarship.

In *Gender, Justice, and the Wars in Iraq*, Laura Sjoberg (2006) identifies what she sees as the three major problems of pacifism for feminist thought and the ethics of war: complex definitions of peace, a denial of women's agency, and the allowance of remaining human suffering (10). While I agree that these are three significant difficulties with the feminist pacifist perspective, I would add the tendency for pacifist thought to rely on traditional false dichotomies – such as those of masculine/feminine and peace/war – as an additional challenge presented by pacifist understandings. When combined, I argue that these problems make it virtually impossible for feminist perspectives on war which are wholly committed to peace and nonviolence to substantively contribute to the way feminists understand the ethics of political violence in the twenty-first century.

The complex task of defining peace presents an enormous challenge to feminists attempting to understand war within a context of nonviolence and pacifism. As Sjoberg (2006) rightfully points out, conceptions of peace vary widely by culture and context, and exist in both positive and negative senses – positive peace being the enjoyment of full security and justice in politics, and negative peace being the absence of armed conflict (10). Similarly, Tuzin (1996) highlights the often contradictory nature of definitions of peace within the large body of peace scholarship, noting that the literature has failed to adequately examine its definitions of the term and the definitions it *does* give are largely unreflective. Within feminist scholarship, some attention has been given to this problem, especially to shed light on the marginalization of women's voices in existing debates about the nature of peace.<sup>7</sup> However, it remains the case the much of the work in feminist pacifism fails to take into consideration the many complexities of defining peace, instead settling on a definition that is too highly contingent to accurately describe a goal or set of goals for a feminist ethic of nonviolence.<sup>8</sup> While the ideal of positive peace is a significant one, it cannot be the only contribution to the way feminists construct an ethic of war. It is unlikely that any feminist would disagree that the insecurities and injustices felt by victims of war (both women and men) are abhorrent and should be avoided at all costs; however, to fully exclude the possibility of political violence as a means to achieving peace obfuscates the nature of international politics and

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<sup>7</sup> See chapters by Birgit Brock-Utne and Betty Reardon in *A Reader in Peace Studies* (1990), eds. Paul Smoker, Ruth Davies, and Barbara Munste.

<sup>8</sup> For examples, see Micheline de Seve (1987); Scilla McLean, ed. (1980).

oversimplifies the difficulties in conceiving of a positive peace in the face of intense oppressions. In order to engage in more fruitful analyses, it is necessary for feminist work in peace to recognize peace not only as a process (rather than a state or outcome) but as often existing simultaneously in parallel to political violence. Unpacking the relationship *between* peace and war through an improved understanding of the processual nature of political violence rather than excluding war completely from feminist pacifist analyses would undoubtedly provide us with more useful insights into the ways in which processes of both peace and war can be (in)just, (un)ethical, and deeply gendered.

The association between feminism and pacifism is also problematic because it denies women the agency to choose political alternatives (Sjoberg 2006: 10). This loss of agency is due in large part to the general tendency to consider women as a homogenous group of advocates for peace, making it difficult for them to assert a position that supports political violence without being considered ‘unwomanly’ or seen as rejecting their femininity. As Sjoberg suggests, the permeation of this linkage into the way women and war are understood results in the relationship being overdetermined. While Sjoberg sees this problem as being rooted in the continued reliance on traditional dichotomies, I suggest that that issue deserves its own discussion as a problem of feminist pacifist thought. Rather, I see the disappearance of women’s agency as resulting from the tendency in both academic and practical circles to relegate women’s voices to the margins of discussions about conflict resolution. Because notions of women, feminism, and peace have become so intrinsically linked, non-feminist scholars and practitioners alike now automatically assume that a feminist voice on the subject of war will advocate exclusively for peace, leaving women little opportunity to suggest otherwise. This lack of agency means that when women do advocate for political violence in order to achieve peace, they are seen as somehow defying their inherent peaceful virtues and are labelled unfeminine, again othering them to an arena outside the important decision-making of international security concerns. In other words, “if women are *supposed to be* peaceful, they do not get to *choose* between war and peace; peace is chosen for them” (Sjoberg 2006: 10, emphasis in original). While the traditional or stereotypical views of women by those outside the feminist pacifist tradition do not accurately represent the views of feminist pacifist scholars in most cases, these misconceptions nevertheless make it increasingly difficult for feminists working in the pacifist

tradition to engage in fruitful intellectual debate and activism with those outside the field. As Sjoberg (2006) rightfully points out, this perceived loss of agency is highly detrimental to the feminist project as a whole, and represents a significant problem with thinking about a feminist ethic of war from a perspective of pacifism (10).

The last problem with feminist pacifist thought as outlined by Sjoberg (2006) is the notion that if feminism is to support peace and nonviolence exclusively, it also must therefore accept and allow remaining human suffering (11). Of course, this poses a moral and ethical dilemma – if war is ruled out as a possibility for correcting the world’s injustices, then it follows that feminist pacifists see war as the ultimate moral evil. Such an absolute depiction of the evils and injustices of the world obscures the complex realities of political circumstances on the ground, and while it is certainly not the case that the only solutions to injustice are violent ones, the inverse – that pacifism should always override every decision about the use of political violence – is unrealistic and untenable given the behaviour of international political actors. Sjoberg (2006) helpfully points out that “most political actors must weigh *comparative* rather than absolute justice” (11, emphasis in original). Given the nature of such comparison, it follows that a less absolute approach to the ethics of war would be helpful to a feminist perspective of anti-violence. By removing the hard-line conceptions of justice and violence in international politics from the feminist pacifist tradition, we do not open the floodgates for constant war; rather, an increasingly relative and nuanced approach to the complex ‘goods’ and ‘evils’ of the world allows us to come closer to an approximated version of what all feminists, whether pacifist or non-pacifist, aspire to – a world without any human suffering at all.

While Sjoberg partially addresses the feminist pacifist problem of reliance on traditional false dichotomies in her discussion of women’s agency, I believe it merits further discussion as a substantive difficulty of the pacifist approach on its own. Firstly, the issue of absolute thinking again appears as feminist pacifists tend to see international political conflicts in terms of *either* war *or* peace. They advocate for peace on the grounds that all war is inherently imbued with notions of gender oppression and subordination and is therefore unethical in any circumstance. However, such an approach fails to substantively recognize war as a *process*, a reality that feminist IR scholars examining war and political violence have paid close attention to in recent years (Hooper 2001: 76). While the feminist pacifist tradition

does draw attention to the existence of a continuum of violence – that is, the violence of the state against women and other marginalized groups during supposed ‘peacetime’ that may transition into political violence or war – its resistance to engagement with the potential usefulness of violence in particular situations results in a continued reliance on the notion of peace as the only possible goal. The false dichotomy of war and peace must be broken down and the cyclical and continuous nature of political violence exposed, particularly in the contemporary period. Similarly, it is not possible to delineate particular spaces as war-torn or peaceful in times of conflict. As Kirsch and Flint (2011) suggest, “to identify and interrogate the false dichotomy between war and peace...it is useful to consider places and political spaces, such as nation-states or ‘war-zones’, as socially constructed” (13). As the large body of work in IR examining pre- and post-conflict societies suggests, processes of warfare occur daily around the world in various types of environments, whether or not a country is officially ‘at war’.

These processes should be (and are) of particular concern to feminists as women often bear much of the burden of the continuum of violence, whether personal, such as through instances of domestic and sexual abuse; economic, for example being affected by disproportionately high levels of unemployment relative to their male counterparts; or political, such as discrimination as the result of minority group marginalization or dehumanization. Their existence is obscured because such practices often occur in so-called ‘private’ spaces of the household or in the wider community where issues of discrimination and economic inequality are considered commonplace; nevertheless, uncovering them serves to highlight the invalidity of the war/peace dichotomy that relies on the absolute separation of war and peace in order to continually advocate for peace and condemn war. As Peach (1994) suggests, “whereas pacifist perspectives share a firm belief that war is never a moral means to achieve potentially just goals, those subscribing to just-war theory are open to being persuaded that war may be morally justified in certain circumstances” (152-3). This inflexibility on the part of feminist pacifists suggests a continued reliance on the war/peace dichotomy that serves to limit the potential usefulness of a pacifist approach to understanding political violence.

The dichotomy of masculinity/femininity is also employed by feminist pacifists in a problematic manner. As Burguières (1990) rightfully suggests, a feminist approach to peace that appeals to gender stereotypes “is still predominant in

the thinking of many feminists who write, speak and work for peace. Typically, they build arguments around ideas of feminine and masculine values which correspond to the traditional stereotypes of men and women” (4). While some work in the feminist pacifist tradition has appealed to women’s so-called ‘natural’ inclination towards peace – due to their socialization into traditional gender roles or their biological role as mothers, for example – this use of traditional or stereotypical views of men and women serves to reify the same dichotomous understandings of gender that serve to produce and maintain patriarchy and gender inequality in society. As Tickner (1992) suggests, “the association of femininity with peace lends support to an idealized masculinity that depends on constructing women as passive victims in need of protection” (59). By positioning women as victims and men as heroes, emphasizing a link between feminism and pacifism serves to perpetuate the image of a masculinized warrior soldier that is a significant component of the gendered nature of militarism and war. The dependence on this false dichotomy of masculine/feminine by feminist pacifists who espouse understandings of men as inherently aggressive or violent and women as inherently peaceful and nurturing therefore actually undermines the feminist project of ameliorating women’s position in global society by defending gender equality, and is highly problematic for the construction of a feminist ethic of war.

Having outlined the feminist pacifist line of argument and identified the major difficulties of such a position for feminist understandings of war, the question we are left with is: *if not peace, then what?* Of course, a feminist position on the ethics of war is not to advocate for political violence without having considered and attempted any possible type of peaceful, nonviolent resolution. Rather, it is to recognize that in order to attain an approximation of peace<sup>9</sup> – not a perfect, wholly positive, idealized peace but a realistic version of peaceful life – violence may sometimes be necessary, though not desirable. It is a calculation of the costs of war versus the suffering of civilians if a particular set of oppressive circumstances were to continue, and an acknowledgement of the complexities of war as a process. An ethics of war informed by non-pacifist feminist analysis takes into consideration not

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<sup>9</sup> While Sjoberg (2006) employs Galtung (1975) to describe a “series of *imperfect peaces*” (11), I prefer to identify a set of conditions whereby populations are largely free from insecurity and have some semblance of justice present in their everyday lives as an ‘approximation of peace’, acknowledging its resemblance to the nebulous ‘peace’ described in scholarly literature as opposed to highlighting its flaws or weaknesses.

only the contextual particularities of political situations but also the variety of ways in which political violence can be employed. For instance, while a feminist ethics of war may argue that combat between militaries is morally acceptable in order to overcome an oppressive force, the use of rape as a weapon of war is likely to be judged as immoral and unacceptable regardless of the circumstance due to the significant harms it causes to already marginalized civilian populations (women and children).

Like feminist pacifists, feminist perspectives on war and political violence recognize the significant moral problems with war; however, unlike pacifists, they believe that it is possible in certain specific instances to justify war in the face of a *greater* immorality (Peach 1994). This distinction serves as the crux of the ongoing debate within feminist thought over the acceptability of political violence, but it does not provide us with a complete picture of what a feminist ethic of war should look like. As the diversity of existing literature suggests, non-pacifist feminists have not defined a singular ethic of war deemed feminist in nature. Rather, there exist multiple feminist perspectives on the ethics of war, from those concerned with an ethic of care and the body to the scholarship attempting to reformulate just war theory through a feminist lens. This multiplicity of feminist interpretations of what is ethical in war is representative of the ways in which feminism operates more broadly, particularly in IR. In its attempts to destabilize dominant discourses of international politics, feminist IR analysis has presented a variety of scholarship examining the difficult relationship between war and ethics, exposing gendered silences which are otherwise obscured by mainstream theoretical perspectives in the discipline. While it is therefore useful to have such a rich body of literature from which feminists can draw when conducting investigations into the moral acceptability of political violence, it is nevertheless important to interrogate the quality of existing work, particularly as to whether it remains trapped within particular gendered understandings of war that have been employed in the male-dominated sphere of international security. The following section attempts to elucidate the dominant strands of feminist scholarship examining the ethics of war through a critical lens, and presents some initial thoughts on ways in which feminist scholars may construct a more robust feminist ethic of war than what currently exists in the literature.

## 4.2 Feminist Understandings of the Ethics of War

While the work of feminist pacifists has certainly contributed to the discussions of war amongst early feminist IR scholars, a more recent body of research suggests that feminist scholarship does indeed argue for the use of political violence in order to achieve specific goals under certain circumstances, in both inter- and intra-state contexts. For the purposes of this analysis, I take Hutchings' (2007) definition of political violence as referring to "collective practices of physical violence (killing and injury) in the public sphere directed towards political ends, such as war, revolutionary violence, and terrorism" (45). While feminists do indeed make arguments for the use of such practices, the moral and ethical principles used to underpin their justification for violence vary widely, as has been suggested previously. The difficulty with synthesizing these principles into a single feminist ethic of security, as Sjoberg (2006: 45) suggests, is due to what Vivienne Jabri (1999) rightly identifies as a "dualism between...an 'ethic of justice' identified with a Kantian ontological project of autonomous personhood and a contradictory 'ethic of care', the ontological project of which is centred on the relational self" (41). It is possible to loosely organize the existing work on the feminist ethics of war around this dualism, with notions of justice, care, and relational autonomy as important motivators for the moral and ethical commitments of feminists espousing war as a means to achieve peace in certain situations. As we have already seen in Chapter Three, feminist just war theory has attempted to grapple with the complexities of modern war by rethinking and challenging the dominant narratives of just war theorising as it has been portrayed by Walzer (1977) and others. This section highlights two additional dominant strands of existing literature by feminists on the ethics of war: feminist ethics of care and other alternative approaches of feminist ethics premised on notions of justice, narrative, and experience. While not fully exhaustive, this typology of particular sets of feminist ethical principles attempts to sketch an inclusive roadmap of how feminists have unpacked the complex interactions between ethics and war to date, and exposes some of the commonalities among approaches as possible paths to the construction of a more cohesive feminist ethic of war. This section attempts to articulate the relevant context for thinking about the framework constructed in the remainder of this chapter – by understanding the types of voices and narratives that have been deployed in feminist scholarship to date, it is possible to trace the foundations of the framework elements that are

explored throughout the final four sections of this chapter. These analytical terms – relationality, experience, empathy, and responsibility – are closely linked to existing literatures on care, justice, and narrative, and an examination of these literatures is an important step in understanding the genesis of the framework itself.

### *Feminist Ethics of Care*

The ethics of care is a long-standing theoretical tradition within feminist normative theory and contains a large and diverse body of literature dating back to the work of psychologist Carol Gilligan. In *In a Different Voice*, Gilligan (1982) suggests that men and women view morality differently, with women privileging notions of empathy and compassion over the masculine perspective of morality founded on justice and abstract duties or obligations. The ethics of care is often contrasted with traditional ethical approaches of a consequentialist or deontological nature, critiquing such approaches for their abstraction and masculine appeals to justice in viewing morality rather than understanding and appreciating the relationships between individuals and the responses individuals give to others based on a shared empathy. These tenets of feminist care ethics have been imported into feminist IR discussions of the ethics of war by a number of scholars in recent years. Sara Ruddick's (1989) appeals for an ethics of peace centred around virtues of mothering and practices of motherhood are informed by many of the same notions of care espoused by the earlier work of Gilligan. Fiona Robinson's arguments for the integration of feminist ethics of care into international political theory also represents a shift of care ethics into the arena of international relations. As Robinson (1999) suggests, "care can be both moral principle and practice in global politics" (31). Through her acknowledgement of international political theory as failing to adequately address questions of gender and feminist thought in the field's understandings of global politics, Robinson brings notions of trust, responsibility, and care to bear on the work of existing theories of international ethics. In so doing, she not only highlights the gendered nature of existing moral theory in IR, but also suggests that the field of international security (as an important aspect of global politics) can be critically examined by using care as a guiding moral principle. In particular, the care ethics espoused by Robinson is critical as it "exposes the ways in which dominant norms and discourses sustain existing power relations that lead to inequalities in the way in which societies determine how and on what bases care will

be given and received” (F. Robinson 2008: 171). This project of a critical feminist ethics of care leads us to question the dominance of ontological and normative frameworks that privilege autonomous power relations with little regard for the role of gender identities, a particularly salient questioning when examining the ethics of war and political violence.

The recent work of Jean Elshtain (2003) in defence of the United States’ war with Afghanistan also exemplifies the deployment of feminist care ethics in analyses of war, though it marks a significant departure from her earlier work focused on just war theorising (1987). Elshtain (2003) invokes a variant of an ethic of care in her discussions of the Wars on Terror, arguing that a love and empathy for the ‘neighbors’ of the United States (i.e. the people of Afghanistan and Iraq) justifies fighting the war, as she says the lives of the ‘neighbors’ would be improved once the United States removed the oppressive regimes that ruled the countries (38). She takes influence from the work of St. Augustine, particularly in her understandings of notions of frailty and vulnerability, to unpack questions of care and empathy in the American involvement in Afghanistan and Iraq. While Elshtain’s earlier work sat more squarely in the realm of feminist just war theorising - and she sees these more recent explorations as compatible with rather than in opposition to that tradition - I suggest that Elshtain’s contributions towards the ethics of the ‘War on Terror’ occupy a transitory theoretical position not clearly identifiable as *either* feminist care ethics *or* feminist understandings of just war. Elshtain’s complex use of ‘care ethics’ in this context has been criticized by feminist IR scholars, with Sjoberg (2006) suggesting that while her earlier work interrogated the hegemonic assumptions of just war, her defence of the ‘War on Terror’ constitutes “hegemony in the name of feminism” (168).

Virginia Held’s (2008) recent work on terrorism provides another relevant example of care ethics being mobilized to consider alternatives to just war thinking in our understandings of political violence. Using terrorism as a backdrop for her analysis, Held suggests that a framework of care, while antithetical to violence, recognizes the likelihood of violence remaining a mainstay in human affairs. Because of this, she suggests that care may offer us some significant ways in which to comprehend how it might be realistically possible to reduce political violence, and has transformative potential to shape various realms of our society. In relation to war and peace, Held (2008) asserts that by using care, “we could show not only that

international law and diplomacy are better routes to peace than domination by military force but also that the development of more caring approaches to building global connectedness should be greatly expanded” (163). This vision of care as transformative and having the power to shape and expand normative views about war and peace offers a more emancipatory vision for care than does Elshtain, and provides a useful point of departure when thinking about the application of care ethics to twenty-first century dilemmas of political violence.

While its use and effectiveness remain debated in the literature, care ethics have become an integral part of feminist ethical thought with respect to war and political violence. Its focus on empathy, relationality, and responsibility have the potential to bring significant insights to how warfare is conducted and in what circumstances feminist ethics might justify violence as a means to achieving peace. Nevertheless, it remains important to consider the critiques of care ethics that scholars like Anna Höglund (2003) have identified, namely the continued reliance on distinctions between public and private spheres as well as reason and emotion in developing an ethical framework. Höglund (2003) sees a gendered dualism existing between the ethics of care and an ethics of justice, and suggests, like others,<sup>10</sup> the need to move beyond it by rejecting a reliance on traditional gendered understandings of moral concepts such as the responsibilities to care versus rights and autonomy versus interdependence. Hutchings (1999) also points to two important related critiques of feminist care ethics by postmodern and critical theorists: firstly, that it has been seen as essentializing of women and suggesting of sameness among women’s experience (as doing caring work); and secondly, that by examining specific, concrete experiences, there is little to generalize beyond the narrow scope of the interactions being analysed (86). These criticisms point to the precarious positioning of feminist care ethics in the realm of political theory – one in which it is constantly on the precipice of over/undergeneralization (either of women, or of interactions). Nevertheless, the potential of care ethics to overcome issues of abstraction and responsibility we have already seen in the just war tradition remains an attractive alternative. By casting a critical eye on how feminists employ care in discussions of war and international politics, we may allow for construction of a meaningful feminist ethic of war premised on notions of care that have been central

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<sup>10</sup> See, for example, Tanner (1996) and the “Symposium on Care and Justice” (1995) in *Hypatia* 10(2).

to feminist thought for decades while remaining attentive to the risks of reification and redeployment of gender stereotypes that serve to maintain patriarchal relationships at the international level.

*Feminist Ethical Approaches to Justice, Narrative, and Experience*

An analysis of feminist scholarship's ethical contributions to the study of war would be incomplete without recognizing the body of work that falls outside the purview of debates surrounding care ethics and just war specifically. Many of these examinations have particularly useful insights, given their variety and heterogeneous starting points, whether from a perspective of justice, human rights and security, or experience and narrative. Much of the feminist work examining an ethic of justice is rooted in understandings of human rights. Moving beyond Kantian approaches to autonomous personhood, a feminist ethic of justice is influenced by collective experiences of humanity, taking into account the particularly gendered experiences felt by women in the international political arena. Anna Höglund's (2003) work is representative of this justice-based ethical feminist approach to war. In her examination of rape in war, she critiques the ethics of care for failing to challenge the distinction between the public and private spheres due to the deeply embedded nature of gender norms, and goes on to suggest an alternative: a narrative, feminist ethic of justice based on narratives from women who have experienced injustices such as rape in war. For Höglund, it is essential to challenge the reified distinctions between public/private and reason/emotion. She suggests that the way we formulate human rights must be grounded in the actual experiences of individuals whose rights have been violated, particularly the gendered experiences of women who have been the victims of rape in war (Höglund 2003). Using this approach, it is no longer possible for wartime sexual violence to remain invisible as a war crime, as the injustices felt by the women affected constitute a substantive part of how human rights are identified. Höglund makes an important linkage between justice and experience – for her, a narrative ethics based in justice “must be based in concrete, situated, gendered people's experiences of getting their human rights violated” (2003: 360). While she rejects a feminist ethics of care approach in isolation, she suggests that the values of care articulated in such an approach can be adequately integrated into an ethics of justice. This relationship between care, justice, and experience is central to Höglund's theorizing and suggests an important connection

between these realms of ethical analysis. If we are to consider the analytical potential of a framework premised on relationality and experience alongside empathy and responsibility, Höglund demonstrates how existing scholarship on care and justice are important backdrops to these concepts.

Recent work on the ethical considerations of technology in feminist International Relations points to similar characteristics of justice through experience and narrative as important to a feminist ethical approach to war. As Gillian Youngs (2011) suggests, one of the most powerful feminist critiques of technological developments in surveillance and warfare is of “their disembodied qualities: their abstractions that take emphasis away from embodied lived experience” (124). Like Höglund, Youngs (2011) emphasises the need for ethical judgments in war and international politics to stem directly from the experiences of individuals as well as prioritize notions of embodiment when attempting to understand social processes (124). Such an approach to the ethics of war does not directly concern itself with notions of care, responsibility, vulnerability, and relationality that are often seen in analyses of war from an ethics of care perspective; however, it does not outright reject the inherent value principles of such an approach – like care ethics, the feminist ethics seen in the work of Höglund and Youngs focuses on the lives of particular marginalized populations and attempts to uncover the silences that are often masked by masculinist understandings of international relations. Due to its focus on narrative and experience, this work is closely linked to much of what Sjöberg, Robinson, and others have highlighted in feminist just war theorising and a feminist ethics of care. Through its focus on narrative and embodiment, these approaches to feminist ethics move beyond a traditional Kantian perspective of justice as stemming from the project of autonomous personhood. The overlap between all of these approaches demonstrates the highly heterogeneous nature of feminist theorising on the ethics of war – given the multiple starting locations and numerous ways in which feminist scholars have analysed the complex relationship between ethical judgment and political violence, it is evident that a neatly organized typology of feminist ethical approaches to war is neither a possible or useful tool in unpacking the existing literatures.

A 2008 special issue of *Hypatia* examining feminist just war theorising presents several other feminist ethical perspectives on war that do not neatly fall into the care ethics or just war literatures, and provide additional insights into the

importance of experiences, narratives, and women's particular lives and positioning in society<sup>11</sup>. Marian Eide's (2008) contribution to the issue suggests that as mothers and wives, women possess a unique distance from the nation and its responsibility as war-maker, but it is nevertheless important for women to seriously think about war and its justification without immediately opting for pacifism. She uses a narrative of her mother's own experiences to demonstrate this position of privileged distance with which women often find themselves, highlighting the importance to continue challenging mainstream ethical understandings of war and political violence. Robin May Schott's and Bat-Ami Bar On's contributions to the special issue are more skeptical of the usefulness of feminist just war theorising, albeit for different reasons. Schott presents an approach to the feminist ethics of war rooted in historical context, arguing that post-Auschwitz it is necessary to conceive of war as *evil* rather than *just*, and to maintain a memory of previous political violence when attempting to pass judgments on the ethical acceptability of war (Schott 2008). In "The Opposition of Politics and War", Bar On (2008) continues this emphasis on memory, suggesting that war is both ethically and politically haunting and our thinking about it is never complete or stabilized. To this end, Bar On suggests the usefulness of feminist ethics in thinking about political violence is in its nonideal, normative differentiation among different types of violent action rather than in a set of stable, guiding principles as presented in feminist just war reformulations. As these special issue contributions suggest, a review of the existing literature of feminist ethical analyses of war is far from settled or cohesive, and stretches far beyond the borders of care ethics and just war theorising specifically. Feminists have interrogated war using ethical understandings of justice, narrative, and experience, demonstrating the usefulness of a variety of insights that begin from alternative ethical perspectives to the more commonly interrogated notions of care and just war.

### *Beyond Just War, Care, and Justice*

Whether or not feminist scholarship on the ethics of war continues to employ frameworks of just war as examined in Chapter Three, in care ethical approaches or in rooted in conceptions of justice and narrative for the ethical assessment of political violence for the foreseeable future, it remains the case that the multiplicity

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<sup>11</sup> Bar On, Bat-Ami. 2008. "Thinking About War." (Special Issue) *Hypatia* 23(2).

of approaches to understanding feminist ethics in war has both positive and negative implications. A clear benefit is the field's representativeness of multiple feminisms – by considering all the aforementioned perspectives under the umbrella of feminist thought, the diversity of ethical arguments for war support the feminist project of inclusiveness and acknowledge the subjective and contextual nature of knowledge that feminisms seek to protect. Moreover, the rich existing body of literature results in a useful starting point for new analyses, as there are a variety of approaches to consider when attempting to make judgments about the ethical nature of a particular conflict rather than a singular perspective.

However, the continued use of multiple strands of feminist ethics in analyses of war also has inherent dangers. As mentioned at the beginning of this chapter, it risks a continued marginalization of feminist ethical perspectives from wider debates about the ethics of war in IR. In its current state, non-feminist scholars may remain resistant to engaging with feminist scholarship on the issue of ethics, leaving both sets of perspectives under-theorised as they are unable to gain potentially useful and substantive insights from each other. A second danger resulting from the multiple interpretations of feminist war ethics is the potential for conceptual confusion and a lack of specificity. With various feminist analyses each advocating for slightly different sets of ethical principles to guide our decisions about the acceptability of violence in particular political contexts, feminists risk losing the critical edge of their research programme as notions of just war, care, and justice become vague and nebulous constructions that give little useful insights about when it can be deemed ethically appropriate to enact war in order to achieve peace. It is necessary to identify the useful contributions that have been made to date across a wide variety of feminist ethical approaches to war and aggregate them in order to clarify and strengthen a feminist perspective on the ethics of political violence. Therefore, it is not the multiplicity and heterogeneity of feminist analyses of ethics and war that is problematic; rather, it is the way in which they have been presented to date. By interrogating the existing literatures in order to engage with the most valuable components from a variety of articulations by feminists about the relationship between ethics and war, it is possible to construct a framework that can be applied to particular instances of political violence in order to provide us with new and useful insights into the nature of war and ethical judgment.

The remainder of this chapter attempts take into account the most useful principles provided by existing feminist ethical analyses of war and use them in a distinctive critical feminist ethical framework through which evaluations can be made about the appropriateness of violent versus nonviolent forces to solve international political conflicts. Unlike the rigidity of the just war tradition, this framework provides a flexible and contextually aware outline of guiding principles that can be used to gain insights about the ethical implications of war in general, and in particular the ethical dilemmas inherent in contemporary practices of warfare such as drone technology, the use of private military contractors, and counterinsurgency missions. By moving beyond the existing multiple typologies of feminist ethics as they relate to war, it is possible to imagine what a distinctive feminist ethics of war might look like and what types of useful insights it may have into the particular feminist ethical concerns of twenty-first century political violence.

Having identified the contributions and shortcomings of existing feminist ethical approaches to studying war, this section outlines what I suggest is a more productive set of guidelines with which feminist IR scholars can engage in ethical appraisals of contemporary warfare practices. These guidelines, rather than being placed in the strictly delineated set of principles or criteria that much recent work in the just war tradition has attempted to preserve, exist in an environment that is highly contextual, reflexive, and flexible, responding to the particularities of contemporary war phenomena while bringing new insights to the complex moral and ethical questions that surround practices such as drone warfare and private military contracting. This emphasis on context and reflexivity does not suggest that such a framework could not possess any analytical usefulness beyond each individual case – on the contrary, as the ethical principles identified here are applied as guidelines while remaining attuned to the specific moral dilemmas presented by each practice examined, I suggest that a shift away from the universalist, ‘checklist-style’ approach of the contemporary just war tradition can tell us much more about the ethics of war than a simple ‘yes’ or ‘no’ answer telling us whether a war is just or not. As feminist IR scholarship has long advocated, it is necessary to look beyond the questions that have already been asked or deemed ‘important’ in International Relations in order to discover deeper understandings that challenge the core assumptions of the discipline and deconstruct its core concepts (Tickner 2005). It is

in this context that I construct a critical feminist ethical framework for examining the ethics of contemporary warfare practices.

Stemming from the problematic aspects of just war theory identified in Chapter Three as well as existing feminist interventions in the ethics of war literature outlined in previous sections of this chapter, I argue that there are four key elements which are essential to a feminist ethical framework attempting to examine the moral and ethical questions surrounding political violence in the current era: relationality, experience, empathy, and responsibility. Each of these elements has been taken up in various ways by both feminist and non-feminist scholars of ethics and have occasionally been employed in discussions of war and violence. However, the synthesis of these elements and an acknowledgement of their interconnectedness when unpacking issues of ethical significance with relation to contemporary warfare remain under-examined both in feminist IR scholarship and the discipline more generally. I suggest that it is through the combining of these elements that this framework can serve as a cohesive feminist challenge to the pervasiveness of the just war tradition and discover new insights about the ethical complexities of warfare practices including drones and private military contracting as they become increasingly pervasive in the international arena. The remainder of this chapter is devoted to explorations of each of these elements in turn – by thinking through the relevance and analytical power of relationality, experience, empathy, and responsibility as ethical concepts, the core theoretical argument of this thesis is articulated as the framework is constructed.

### **4.3 Relationality**

As the first element of this ethical framework, thinking about relationality is an attempt to mitigate issues around the just war tradition that do not give adequate consideration to individuals, the relationships between them, and how those relationships raise important ethical questions about the nature of war. By highlighting the importance of these relationships, the picture of ethics in war becomes somewhat more complex than that described by scholars of just war theory as the interdependence of actors in war is emphasised rather than dismissed in attempts to provide simplified answers to complicated moral questions. As Sylvester (2002) suggests, a relational understanding of autonomy preserves the independence of self while acknowledging the importance of interdependence between self and

other as well as the political and social relationships between actors (119). This emphasis on relationality has been important to feminist work attempting to rethink the ethics of war – for example, Laura Sjoberg’s feminist reformulation of just war theory (2006) takes Sylvester’s understanding of relational autonomy as a central part of her development of ‘empathetic cooperation’ as a feminist security ethic (48). However, unlike Sjoberg, I see relationality as operating and interacting simultaneously with the other elements of this ethical framework.

As Mackenzie and Stoljar (2000) assert, the category of relational autonomy serves as a feminist corrective to those conceptions of autonomy that prioritise an atomistic understanding of the self. For them, like Sylvester, caring relationships and an acknowledgement of interdependence is central to autonomy – recognizing that individuals are socially and historically embedded, and impacted by race, class, and gender identities (among others), represents a rejection of the individualistic, rational self whose autonomy is not affected by the circumstances and characteristics of the world and social networks surrounding them. Using this understanding, personhood is founded on linkages between and amongst people, in instances of interdependence and caring – thus, our autonomy is relational in that it is inextricable from social interaction and interpersonal relationships. Mackenzie’s (2008) more recent work on relational autonomy moves this line of theorising towards an understanding of the dialogical. In this account, Mackenzie (2008) suggests that autonomy is premised on the capability and understanding of legitimacy of governing one’s own decisions through normative authority. For her, these attitudes in oneself “can only be sustained in relations of intersubjective recognition” (4). In this understanding, answerability to others is a key condition of autonomy, again emphasising the centrality of relationships and dialogue with other social communities in arriving at a sense of autonomy. Mackenzie prioritises the relational in our unpacking and exploring of autonomy as a concept – in order to understand what it means to think about relationality, we must consider its relationship with autonomy and how personhood and decision-making capabilities are impacted by our relationships with others.

Diana Meyers’ (2005) theorising of the “self-as-relational” and “self-as-embodied” allow us to think more concretely about the importance of relationality and its potential for analytical value in considering a feminist ethics of war. In her work on decentralizing autonomy, Meyers articulates five conceptions of the self,

two of which are particularly salient in supporting the inclusion of relationality into a feminist framework evaluating the ethics of war. Meyers sees the relational self as “the interpersonally bonded self”, whereby identity is derived from relationships with others and the commitments we have to others through the giving and receipt of care are integral to our understanding of who we are (2005: 30). Meanwhile, the embodied self is connected to questions of body image, physical capabilities, and bodily trauma. Meyers understands the self-as-embodied as significant to how we act as individuals and agents, given that health and proficiency in physical activities can increase autonomy, and conversely illness or bodily fragility can put autonomy at risk. In relation to war, the self-as-embodied is an important characteristic of how we understand autonomy, particularly when damage to the body can so often be linked to particular relationships with others – for example, the combatant/civilian distinction. Meyers’ claim is that these selves – the self-as-relational and self-as-embodied – can be autonomous, and that the unitary and atomistic self does not necessarily define what autonomy must look like. She uses the example of feminist consciousness-raising as “a paradigm of self-discovery, self-definition, and self-direction” (Meyers 2005: 37). Through this solidarity, interpersonal skills, and listening to friends, Meyers suggests that autonomy may be augmented, particularly in cases where these skills shape relationships and individuals are able to assess the trustworthiness of those around them as teammates in this autonomy. Similarly, Meyers sees the self-as-embodied as possessing autonomous volition, using the example of self-defense. This practical intelligence – the ability of an individual to protect herself but also to have confidence that her body would not lose control and attack those with whom she has positive, caring relationships (such as partners or children) – is constitutive of autonomous agency (Meyers 2005: 40). These understandings of the self-as-relational and self-as-embodied demonstrate the usefulness of thinking about relational autonomy as a central tenet of relationality as I define it in this theoretical framework.

In thinking further about the concept of relationality and how it links to the other elements of this framework as well as a feminist ethics of war more broadly, let us consider the work of Nancy Hirshmann (1989; 2004). Hirshmann’s early work theorises that a feminist approach to political theory should reject a reactive autonomy – defined in terms of separateness and independence from others, and an agency that abstracts individual will – in favour of a relational autonomy,

recognising that the self is constituted through the context of particular relationships. Rejecting a reactive autonomy and prioritising the relational is essential for Hirshmann as it also allows us to reject the abstract individualism of liberal democratic theories alongside market models of society, which derive partially from the non-recognition of women (1989: 1237). Hirshmann's recognition of this distinction demonstrates a central linkage between questions of relationality and feminist understanding – and suggests that considering the relational is a significant component of any feminist analysis of social and political phenomena, including war. Her more recent work builds on this analysis of autonomy and considers its implications for questions of freedom, where she again stresses the importance of the relational – rather than considering positive and negative liberties as distinct, Hirshmann asks us to think about the relationship between the two, and about the social construction of the 'subject of liberty', whose identity is closely tied to cultural, racial, class, and gender relations (2004). This consideration of relationality in the context of freedom is useful for thinking about the ethics of particular warfare practices where liberties are infringed such as drone warfare and counterinsurgency.

In order to overcome the restrictive and simplified nature of the just war tradition, I suggest an emphasis on relationality as an ethical guideline that is premised on moral agency as inherently relational and the self as socially constituted. As the preceding discussion has demonstrated, feminist consideration of relationality and relational autonomy leads us to a rejection of the abstracted, atomistic self – a self that has been prioritised in much of the mainstream ethics of war tradition. This in turn leads to the need for a continual re-examination of the relationships between self and others, as these relationships are highly dynamic. In the context of war, this results in an understanding of the development of relationships between combatants, as well as combatant-target and combatant-innocent relationships are all ethically significant. In addition, a focus on the relational leads to an acknowledgement of the importance of dialogue and listening in ethical considerations, as these are crucial elements of any relationship. An understanding of relationality with these sorts of characteristics can be found in the work of many feminist care ethicists, including Carol Gilligan. Gilligan (1982) argues for a feminist ethic of care that is founded in a relational ethics whereby the interests of self are woven together with the interests of others, and decisions made as a relational unit. While this framework contains elements of such a feminist ethic

of care, and is largely consistent with care ethics' emphasis on relationality, it attempts to move beyond the work of care ethics in its synthesis of a variety of ethical guidelines into a cohesive feminist ethic of war.

#### **4.4 Experience**

Experience is the second key element of the feminist ethical framework this thesis advocates for, and serves an important function in moving beyond the difficulties of the just war tradition for feminist ethics. Specifically, including experience as a central element of feminist ethical theorising on war helps to bring into focus the issues that are at the heart of appraisals of the morality of contemporary warfare practices. Rather than dealing at a high level of abstraction, as just war scholarship remains hesitant to move away from, an examination of experience allows us not only to pinpoint the particular contexts in which ethical dilemmas are raised – for example, focusing on the *experience* of sitting in an office cubicle in Nevada as a drone pilot operator rather than simply discussing the ethics of drones in an abstract sense – but also creates an environment where it is possible to make clearer distinctions about the nature and definitions of war, another area just war theory has failed to adequately deal with.

To this end, experience as an ethical guideline can be understood in this context as a focus on the importance of the lived personal experiences of individuals, a recognition of the diversity and heterogeneity present in experience, and an examination of the ways in which experiences serve to shape ethical judgment. This understanding of experience is contextual and acknowledges the importance of history and past events in the development of ethical considerations, rather than examining them ahistorically, abstracted from their original contexts and experiences. Experience has been an important element of feminist ethical thought for several decades, with scholars such as Rita Manning (1992) arguing in the early 1990s for a moral theory that favours normative principles serving as guidelines grounded in experience rather than broad principles grounded in abstract reasoning (28). More recently in feminist IR, Christine Sylvester's significant work on war and experience emphasises the importance of experience as a concept relating to war. As she suggests, "bodies experience war in differentiated and mediated ways, but the body is central. Experience is therefore the physical and emotional connections with war that people live – with their bodies and their minds and as social creatures in

specific circumstances” (Sylvester 2013: 5). This feminist connection between war and experience is crucial, and is included in this framework to expand its relevance into the arena of moral and ethical dilemmas in war. Importantly, Sylvester (2013) addresses the questions of whose and what experiences we should study, and why. She suggests that difference is in fact centred around the act of being open to a variety of experiences, and asserts that the embodiment of contradictions and tensions within individual feminist experiences does not negate their significance or their worth of analysis. As she suggests, “experience is a complex phenomenon, however, free neither of abstract elements nor of contested meanings, wherever it is studied” (Sylvester 2003: 47). This complexity and messiness means that rather than acting as an arrow with which we are pointed towards some truth about the events or feelings we study, experience is instead an approach that focuses on the ordinary and the mundane. The daily lives of individuals are deemed deserving of our attention, as we unpack the ways that international relations affects and is affected by these lives and experiences.

In her recent work on experience, Sylvester (2013) makes a distinction between war as physical and emotional experience. Speaking of the former, she prioritises the biopolitics of ordinary people’s lives and deaths in war, and asserts the embodied and deeply physical nature of warfare – that the experience of war is about injured bodies (65). War as physical experience is particularly relevant to the examinations of contemporary warfare practices seen in the subsequent chapters of this thesis, particularly in considering the technologized nature of drone warfare. These experiences, abstracted from a sense of physical war, are especially significant – as Sylvester suggests, the memories of war and escapes from war injure just as wars themselves do (73). We can extend this to consider questions of drone surveillance, of counterinsurgency operations, of the use of private military security companies – how does the physical interaction with these phenomena (or lack thereof) affect those involved in war? These experiences, however mundane or ordinary, are vital to understanding the morality of contemporary warfare.

Sylvester (2013) moves into the realm of war as emotional experience by considering the complexities of emotions in IR. For her, these contrasts and comparisons – of whether we think of fear as emotion or affect, for example – serve to nuance and grow our understandings of war as experience. Rather than strictly defining what is meant by emotion, or articulating what a “true” emotion might be,

Sylvester asserts that “the key point might be to keep one’s senses to the ground and attuned to people’s war ‘ordinaries’” (99). Such an emphasis on remaining open to a variety of emotions in multiple contexts and formations is key to how we can understand experience – particularly when it goes beyond bodily experience. In the context of war, emotional experiences can give us vivid understandings of moral and ethical judgments and their complexities, but it is not useful to rigidly delineate what is considered a true or valid emotion or experience. Sylvester’s commitment to flexibility and reflexivity in her scholarship on experience is an essential component of how experience can be included and deployed in a feminist ethical framework for thinking about the ethics of war. Emphasising the mundane and the everyday, especially in contexts of war where life is often anything but ordinary, is key to how we can consider experience when theorising a feminist ethics of contemporary warfare.

Swati Parashar’s *Women and Militant Wars* (2014) extends Sylvester’s theoretical contributions on experience and considers the particular war stories of South Asian women in her analysis. Like Sylvester, Parashar (2014) suggests that dominant examinations of war in IR continue to refuse to acknowledge the experiences and emotions of ordinary people, especially women. By using experiential narratives of participation by women involved in Sri Lanka and Kashmir, Parashar demonstrates the value in foregrounding experience as an analytical tool. Such a focus on experience allows the nuances and complexities of violent conflict to be better understood, while problematising commonly-held assumptions about agency and victimhood in war. Wibben’s work on post-9/11 security environments (2011) holds similar commitments, and concentrates on the development of what she calls a narrative approach. Such an approach, which emphasises attentive listening and the interrogation of non-traditional sites of research inquiry, also takes experience as central. For Wibben, humans act not only as those who create meaning in the world, but also as those who decide what stories are told and retold. The value of such an approach lies in resisting traditional IR narratives – those that circulated *ad infinitum* as they accurately confirm within existing confines of what scholars understand as worthy of study. Therefore, considering experience as a feminist scholar is in itself an act of resistance, of counterargument against dominant strands of thought in the discipline, especially with respect to war. Wibben demonstrates that by articulating a value and benefit in

looking at individuals' experiences – especially those who are not often examined or considered relevant – we can expand the knowledge and understanding we have of how political violence is enacted and experienced in the 21<sup>st</sup> century. As will be seen in subsequent chapters of this thesis, highlighting these nuances and understandings is the key aim of taking experience as a central component of this theoretical framework. In refusing to deem experiential evidence as insufficiently scholarly – as is often the tendency in dominant narratives of war in International Relations – thinking seriously about the day-to-day realities and experiences of those engaged in warfare practice allows us to more fully consider the ethical and moral implications of post-9/11 warfighting.

#### **4.5 Empathy**

A third element of a feminist ethical framework for examining war is empathy. Like relationality, empathy has been explored most commonly by feminist care ethics, but has received little attention from mainstream scholarship examining the ethics of war. I suggest that it is an essential aspect of a feminist ethical framework as it acknowledges the importance of emotion and feeling, taking another step in moving beyond the abstraction and oversimplification of war seen in the contemporary just war tradition. Further, foregrounding empathy serves to bolster the ethical considerations brought to bear by thinking about war relationally and experientially. When we assert that it is ethically important not only to think about the relationships and experiences we have with others but to have *empathy* for them, the moral questions surrounding war – and in particular, wars fought in highly technologized and privatised ways – become more complex and unable to answer using a strictly delineated set of abstract principles or criteria.

A focus on empathy also serves to highlight the important distinction between sympathy and empathy, articulating a need to move beyond a simple recognition of or appreciation for the situations of others and instead feel as they do. As Sjoberg (2006) suggests, “empathy is not sharing others’ experience, nor is it pitying others’ plights. Instead it is, in some non-trivial way, feeling their pain” (48). This understanding of the pain and suffering caused by political violence is radically different than one where such emotions are considered morally acceptable because a war is just, and suggests a need for thinking more critically about the ethics of war based on the importance of empathy as a central concern. Similarly, Robinson

(1999) suggests that using empathy as an ethical guideline allows us to consider context, relationality, and particularity in care in order to mitigate the effects of difference. Daryl Koehn's (1998) discussion of empathy provides a useful example of the potential benefits of such a concept in an ethical framework for war – as she suggests, “empathy allows someone else’s experience and perspective to become a part of our moral baseline and therefore can function to help us overcome prejudices and misconceptions” (57). She goes on to highlight empathy’s ability to assess our own efficacy as moral agents, rightly claiming that “if an empathetic conversation with another shows us that what we thought was a benefit is in fact a harm, then we had better rethink our claim to be just” (Koehn 1998: 57).

Christine Sylvester’s early work on empathetic cooperation (1994) allows us to think more specifically about the act of empathy in the context of International Relations. For Sylvester, “empathy taps the ability and willingness to enter into the feeling or spirit of something and appreciate it fully in a subjectivity-moving way” (326). Rather than pushing or directing, empathy is engaging in conversation about the struggles of others by listening, without a known linear path or defined end point. Sylvester adds the notion of cooperation to this understanding of empathy, suggesting that by navigating the difficult and complex worlds opened up by a consideration of empathy, we may see and understand different worlds and experience ourselves within them. These murky boundaries of knowledge and experience are, for Sylvester, where empathetic cooperation is most beneficial. Indeed, it is through a feminist scholarly identity that we feel alienated from canonical texts of IR, necessitating cooperation in negotiating knowledges and multiple subjectivities (Sylvester 1994: 327). The example of empathetic cooperation that Sylvester provides, of the conversation between soldier and mother, is particularly salient to how empathy opens up space for ethical and moral complexities to be uncovered. In practicing empathetic cooperation, these seemingly fixed identities may be rendered mobile and slippery, allowing us to consider how questions about war, violence, and security intersect and interact between the mother and the soldier. Through perspective-taking and listening to the struggles and experiences of others, empathy asks us to deeply consider how actions (such as contemporary practices of war) impact those both within and outside dominant narratives, and to prioritise attentiveness and care in listening rather than demanding a fixed and known truth.

Following from Sjoberg, Robinson, Koehn, and Sylvester, Oxley's (2011) recent research into the moral dimensions of empathy provide additional salient context with which we can consider the concept's usefulness and value in thinking about the ethics of war. For Oxley, like for Sylvester with respect to experience (2013), it is undesirable to circumscribe an overly particular understanding of empathy – rather, she suggests that a wide range of circumstances can “count” as empathy, from perspective-taking to a recognition of the other. Taking into account the multiplicity of empathetic interactions possible between individuals, Oxley asserts that one of empathy's most valuable attributes is being able to access the desires, interests, and values of others even when we do not share a perspective with them (152). Oxley makes a compelling argument about the morality of empathy – in her analysis, she aims to demonstrate that empathy alone is not moral; rather, it should be taught and understood in context, alongside moral values and principles. Using the example of children, Oxley shows us that by combining the act of empathy with other moral guidelines, children are able to relate to and empathise with other friends and classmates without prejudice or stereotype (152). Thinking about this phenomenon in relation to this framework, we see that it is unhelpful to consider empathy as a tool or concept to be used in a vacuum. Conversely, empathy interacts with experiences and relationships in a significant way – just as Sylvester (1994) combines empathy with cooperation, it is possible to think about empathy in this framework as being a valuable ethical guideline when considered in tandem with the other three key elements of relationality, experience, and responsibility.

Therefore, empathy plays an important role as an ethical guideline for thinking about war. As will be seen in subsequent chapters of this thesis, the need to think empathically about the moral nature of contemporary warfare – in combination with understandings of relationality, experience, and responsibility – serve to uncover important ethical insights about the ways wars are waged in the twenty-first century.

#### **4.6 Responsibility**

The fourth and final element of the feminist ethical framework is responsibility. Thinking about responsibility as an ethical guideline means acknowledging the importance of ascribing moral responsibility for actions, as well as an understanding of the responsibilities that we have to each other. Specifically

with respect to the ethics of war, I suggest that thinking about responsibility is critical as there is a need for the recognition of concrete realities and atrocities of war as well as the assigning of responsibility for them, regardless of whether a war is deemed morally justifiable. As I suggested in Chapter Three, the contemporary just war tradition's failure to adequately assess questions of responsibility in its ethical appraisal of war serves as a fundamental shortcoming of the just war literature. A feminist ethical framework that acknowledges the need for responsibility and its ethical importance in thinking about contemporary practices of political violence allows us to think more substantively about *what* international actors are responsible for and *when* to ascribe responsibility to one party rather than another.

Importantly, a feminist understanding of responsibility also asserts the importance of the existence of shared responsibilities that we have for each other. As Heidi Grasswick (2003) suggests, there have been many significant developments in thinking about responsibility within feminist ethics, chief among them the need to move beyond a strictly delineated praise/blame version of moral responsibility and acknowledge the *impurities* of moral agency in a careful and contextual way when assigning responsibility for particular moral actions or decisions (99). The engagement with the concept of responsibility by Grasswick and other feminist ethicists suggests it remains a salient element of any feminist ethical framework. Specifically thinking about war, questions of responsibility for political violence are pervasive in International Relations, and bringing a feminist ethical understanding of the concept to bear on how we examine the ethics of war is an important part of this research project. Sjoberg (2012) considers the relationship between responsibility and relational autonomy using a critical feminist approach, and uses the work of Hirshmann (1989) to critique the dominant notion that all decisions are made and responsibilities assumed fully freely. Instead, we should see responsibility as intersubjective – it is both interactive and responsive, and rooted in social and political interactions with others. Because not all responsibilities or obligations are assumed freely (as atomistic decision-making selves), we can understand both obligation and responsibility as relational. This feminist approach serves to underpin the linkages between relationality and responsibility, demonstrating their combined value in an ethical framework examining contemporary war. Gentry (2013) uses a concrete example to illustrate this notion of responsibility as relational, in the form of hospitality. For her, hospitality on the part of political and military decision-

makers requires altruistic attitudes. Without self-interest, those in charge of determining actions of war, whether governments or non-state actors, have a responsibility to act hospitably towards the vulnerable populations of those areas where political violence may occur. In identifying vulnerability as a particular focus of responsibility, Gentry ultimately argues that hospitality requires a deep sense of responsibility that the self has for particular others. This notion of care as expressed through hospitality adds another useful dimension to this discussion of responsibility – rather than an abstract and imprecise understanding of who or what we are responsible for, hospitality demands an acknowledgement of inequality and vulnerability in society, and a specific need for hospitable actions in war towards those most at risk from the violent and lasting impacts of war.

Alongside feminist scholarship such as Grasswick (2003) and Gentry (2013), thinking through the nature of responsibility as it relates to the ethics of war requires an acknowledgement of the scholarship of Judith Butler, specifically her conceptions of responsibility in *Precarious Life* and *Frames of War*. In *Precarious Life*, Butler (2004) considers the question of whether, and how, we may turn grief into a political resource, providing an answer in the form of ethical responsibility. For Butler, ethical responsibility occurs in the midst of acting on others and being acted upon, and is both the response and decision-making moment. This requires ethics in order to make the right, and responsible, decision. To achieve this, Butler suggests that we consider responsibility differently, examining global forms of power from a third-person rather than a first-person point of view. By detaching a country (such as the United States) from its political power position of supremacy, Butler suggests that we can then ask ourselves how particular conditions have emerged in the first place, so that we can reconstruct political and social life in a more equitable and enduring form. If we consider the possibility of a deeply relational community, whereby individuals' interdependence is a fundamental aspect of their lives as social and political beings, Butler suggests that we would then be forced to reassess the use of violent force considering the risk it would bring to our connections with each other. She sees ethical responsibility as inextricably connected to “the recognition that radical forms of self-sufficiency and unbridled sovereignty are, by definition, disrupted by the larger global processes of which they are a part” (Butler 2004: xiii).

In *Frames of War*, Butler takes this understanding of ethical responsibility further, and considers the question of society's role in preserving the conditions that

sustain precarious life. Here, Butler suggests that “our obligations emerge from the insight that there can be no sustained life without those sustaining conditions, and that those conditions are both our political responsibility and the matter of our most vexed ethical decisions” (2010: 23). It is clear from both works that the question of ethics and the concept of responsibility are closely linked for Butler, demonstrating the utility of considering responsibility when thinking about a feminist ethics of war. Moreover, Butler (2010) makes a convincing argument about the problems of individual responsibility, suggesting that during the process of assuming individual (“I”) responsibility, it becomes apparent that responsibility is at least partially collective (“we”). She asserts that while there are numerous problems with an imperialistic, imposing notion of “global responsibility”, we can rethink and reformulate “an important sense of global responsibility from a politics that opposes the use of torture in any and all of its forms” (Butler 2010: 38). Butler’s version of global responsibility requires us to unpack the relations of global power that determine sustaining conditions of life, and of war. Thinking about responsibility in this way leads us to consider more radical ethical implications of responsibility than simply remaining confined to questions of individuals’ responsibility for particular others. Thus, in analysing questions of ethics with respect to responsibility in war, Butler’s contributions are useful to such a framework as her arguments about responsibility force us to look beyond a simple, singular interaction (for example, between a counterinsurgent and a civilian) and instead consider the repercussions of the practice in relation to ethical judgments of war more generally.

When applied to contemporary practices of war, this framework serves to complicate our ethical understandings about political violence. It calls into question the traditional judgments made about the morality of modern warfare by acknowledging the centrality of individuals, their relationships and shared experiences. By foregrounding relationality, experience, empathy, and responsibility as ethical guidelines for thinking about war, the framework is more reflective of the realities of war than the just war tradition and synthesizes many useful elements of feminist ethical theorising in order to uncover fruitful insights about the complex ethical and moral questions surrounding contemporary warfare. As will be evidenced in the following three chapters, viewing practices of drone warfare, private military contracting, and counterinsurgency through a lens of feminist ethics acknowledges

these realities and exposes a variety of difficult ethical and moral questions regarding the nature of war in the post-9/11 era. In so doing, it is possible to move away from the abstract principles of just war and towards a more contextual and specific account of how and why ethics matters in relation to twenty-first century political violence.

## **Chapter Five**

### **Rethinking Drone Warfare Using a Feminist Ethical Framework: Examining Relationality and Experience**

“I feel no emotional attachment to the enemy.  
I have a duty, and I execute the duty.”  
– Col. D. Scott Brenton, Reaper drone pilot  
Hancock Field Air National Guard Base, Syracuse, NY (Bumiller  
2012)

As preceding discussions in this thesis have signalled, the weapons and strategies with which contemporary wars are waged are markedly different from those seen on traditional battlefields. Drone warfare, in both its weaponized and surveillance-based iterations, typifies this shift: its use of highly advanced technologies and creation of wide swaths of physical distance between drone pilots and their targets has revolutionized contemporary violent conflict, particularly in post-9/11 Afghanistan. A growing body of scholarship suggests that this revolution has important impacts on our understandings of war in the twenty-first century, and a proliferation of news reports and popular culture commentary on the use of drones in recent years highlights the increasing intensity of the ongoing public debate about the morality of drone warfare. Given this context, an examination of drone warfare using the feminist ethical framework that I have outlined in this thesis is particularly salient for several reasons: firstly, the analysis provides an empirical illustrative example to which we may apply the theoretical framework in order to make ethical judgments about the realities of modern conflict; secondly, examining drone warfare using the language of feminist ethics allows us new tools with which to speak about this increasingly employed and ethically complex practice; and finally, a discussion of drones through the lens of a feminist ethical framework makes a substantive, critical contribution to a small but growing field of scholarship in IR focused on discussions of ethics in contemporary war.<sup>12</sup>

Given the many moral and ethical questions that have been raised with relation to the use of drones as weapons and tools for intelligence in conflict, this chapter attempts to unpack how a feminist ethical framework premised on relationality, experience, responsibility, and empathy can shed new light on possible answers to these complex sets of dilemmas and guide us through the difficult process

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<sup>12</sup> See, for example, Christopher Coker (2008); Cecile Fabre (2012); Paolo Tripodi and Jessica Wolfendale, eds. (2011).

of making ethical judgments about the practice of drone warfare. As will be shown throughout the chapter, feminist ethical understandings of relationality and experience are particularly salient in this instance, as the concept of *distance* is central to the ethical arguments surrounding the use of unmanned aerial vehicles (UAVs), including drones, in contemporary wars. Distance, and its impacts on relational understanding and personal lived experiences, is essential to my theorising in this chapter about the ways in which feminist ethics can enlighten and enrich analyses in International Relations of the morality of drone warfare. By moving beyond mainstream interpretations of collateral damage and highly specified targets, these feminist ethical principles serve to call into question the ethical complexities of practicing drone warfare that are often obscured by more traditional examinations in the discipline (i.e. just war scholarship).

This chapter begins with a discussion of ethics in drone warfare as a *practice*. The first section engages in thick description in order to portray the ways in which drones are being deployed in post-9/11 conflicts. This discussion regarding the empirical use of drones and their effects on the ground will be informed by a comprehensive set of materials taking into account the specifics of drone warfare and the roles and responsibilities of those operating remotely piloted aircraft from afar. Specifically, these materials include information from governments and militaries as well as academic analysis focusing on the effects and impacts of drones in practice. In addition, this section focuses on illustrative examples taken from recent interviews with drone pilots conducted by a variety of secondary sources as well as some primary materials regarding the ethics training of drone operators in order to discuss the relationship between engaging in drone warfare and thinking about ethical concepts such as relationality and experience.

A second substantive section of the chapter is devoted to a thorough engagement with the growing body of academic literature both inside and outside International Relations that seeks to answer some of the many pressing theoretical questions surrounding the use of drones. This discussion focuses on identifying the key strands of argument that have informed these debates and asking how a feminist ethical framework might help to broaden our questioning and think more critically about the moral and ethical implications of drone warfare. In particular, the section attempts to synthesize the multiple intellectual conversations about drones that have been simultaneously occurring in recent years in order to present an accurate

representation of the competing sets of analyses – i.e. supporters versus detractors of drone warfare as a contemporary practice of political violence – existing in present-day academic debate.

In order to concretely tie these existing empirical and theoretical observations to the framework outlined in Chapter Four, the third and fourth sections of this chapter assess questions of ethical *judgment* surrounding drone warfare and the insights to be garnered from using a feminist ethical framework premised on relationality and experience when analysing that judgment. As this third section suggests, the key concerns and debates surrounding the use of drone warfare shift significantly when we begin to include these ethical concepts in the discussion, bringing the human back into a practice of war that has been largely dehumanized through the advent of highly advanced technologies. Thinking about relationality and experience allows for an opening up of the analysis that rethinks the combatant-target relationship and calls into question traditional understandings of ‘ethical’ wartime conduct. The chapter concludes with a brief discussion about the impacts of these insights on the more general relationship between ethics, technology, and gender, suggesting that the work of feminist ethicists is significant not only for the development of a more reflective and reflexive understanding of the ethics of war in IR, but may have important, wide-reaching implications on the way feminists theorise ethics and technology. As a whole, this chapter serves as a first foray into empirical application of the feminist ethical framework outlined in Chapter Four, and highlights drone warfare as an important area through which feminist ethics can provide new and substantive contributions to debates in IR surrounding the ethics of contemporary war.

### **5.1 The Use of Drone Warfare Post-9/11: Ethics in Practice**

When examining ethics as it relates to the proliferation of drone warfare in the past decade, it is important to think both about the *practice* itself and about *ethical judgments* surrounding the use of drones more generally. To this end, the following discussion attempts to outline some of the key ethical concerns surrounding the practice of drone warfare, as they relate to combatants, targets, and civilian populations. As will become evident throughout the section, questions arise in relation to a multiplicity of ethical dilemmas when we analyse the practice through a critical feminist ethical lens that foregrounds concepts of relationality,

experience, responsibility, and empathy. While it is not the aim of this section to provide clear or concrete *solutions* to these dilemmas, the exercise of re-reading the practice of drone warfare through such a lens allows for an opening up of the drones debate towards non-traditional understandings of what it means to be moral or ethical in war. Moreover, discussing the experiences of drone pilots in active duty as well as in contexts of ethics training asks us to investigate the personal, local, human aspect of drone warfare with as much scrutiny as has been paid to its technological components.

### *Drones as a Weapon of Contemporary War*

The United States Air Force (USAF) has, in the decade since September 11<sup>th</sup>, 2001, greatly expanded its fleet of unmanned aircraft systems – also known as remotely piloted aircraft (RPA) or drones – to total over 250, as part of what has been deemed the “RPA Revolution”. As a report from the US Department of Defense outlines, the 256 drones owned by the USAF in 2012 is set to balloon to almost 400 by 2017 (Under Secretary of Defense for Acquisition, Technology, and Logistics 2012: 2). These weapons are capable of conducting long-duration surveillance and airstrike missions, and have been widely used in the United States’ recent operations in Afghanistan, Iraq, and Libya. While this chapter focuses on the official, documented use of drones by the United States military and its allies in the post-9/11 period, it is important to acknowledge the evidence suggesting that drones have also been used by the CIA to carry out controversial airstrikes against suspected terrorists in Pakistan, Somalia, and Yemen (Fitzsimmons and Sangha 2013: 1). This extra-legal use of unmanned aircraft systems raises a host of additional moral and ethical questions that, while not discussed explicitly in this chapter due to a lack of publicly available evidence regarding these practices, are important to the overall arguments made throughout this thesis and will be considered more carefully in the broader ethical analysis of subsequent chapters.

It is significant at this juncture to mention the distinction between armed and unarmed drones, given the varying levels of impact each have on the ground as well as on the pilots manning their controls. As will be seen in the subsequent discussion of surveillance, the roles and responsibilities of unarmed drone pilots are different than that of their armed counterparts – as Fitzsimmons and Sangha (2013) rightfully suggest, armed drone operators are more likely to experience combat stress given the

graphic deaths they witness while on duty (2). While the moral and ethical dilemmas faced by each category of pilot may vary, it remains the case that both unarmed and armed drones have significant impacts on the ground. Living Under Drones, a project undertaken by Stanford Law School, collected the stories of victims in Pakistan and neighbouring countries regarding the impact of drones in the skies above their towns, much of the time on surveillance missions. Many victims referred to the psychological distress and torment caused by the sight and sounds of drones, particularly as they hover 24 hours a day – the constant pressure and stress of these activities causing mental anguish, disturbing the daily routines of thousands of civilians (Living Under Drones 2012). It is therefore significant in this discussion to acknowledge the complex impacts of drones on the ground, including when the aircraft are operating unarmed for surveillance purposes.

With respect to armed drones, the most commonly used and discussed models of drones currently in the USAF inventory are the Predator and Reaper aircraft. While the Predator was initially developed as a reconnaissance aircraft, both of these aircraft are now built to be equipped with air-to-surface missiles and have been deployed in hundreds of airstrikes in the post-9/11 period (Fitzsimmons and Sangha 2013: 2). Predator and Reaper drones are equipped with multiple still and motion video cameras, and include technologically advanced targeting abilities alongside several laser-guided missiles suitable for a variety of air-to-ground or air-to-air attacks. As Ouma et al. describe, ground control stations are where operators (typically consisting of a pilot, a sensor operator, and a mission intelligence coordinator) manage the operations of drones in the air (Ouma, Chappelle and Salinas 2011: 3). These stations are located across the United States, with eight facilities in operation as of 2011. Three monitors are arranged for the team to monitor the drone's activities – one displays live footage from the cameras mounted directly on the drone, while the second displays aircraft performance data and the third an array of other data. The pilot is responsible for flying the aircraft and launching weapons, while the sensor operator engages in surveillance and guides weapons towards their targets on the ground (Morley 2012). As Drew suggests, drone operations are rife with data collection, as operators are able to provide real-time surveillance to military personnel in remote locations as well as locate enemy weapons, combatants, and assess the damage of previous airstrikes (Drew 2010).

Despite this seemingly sterile data collection, much of the actual combat work of armed drones is afflicted by moral ambiguities of all varieties. As the discussion below suggests, thinking about the realms of distance, experience, and surveillance raises complex ethical questions for the operators of drones in contemporary conflicts that stretch far beyond the confines of their cockpit control stations and push us to think more carefully about the empirical impacts of drones on the ground.

### *Drones and Distance*

A central element of thinking about the ethics of drones as a practice of war lies in the concept of distance. Questions of war and geographical distance are increasingly examined both within and without International Relations – in the discipline, James Der Derian’s writing on virtuous war/virtual theory was amongst the first to call into question the relationship between war, distance and technology. Der Derian (2000) describes a “distance foreshortened by speed of bytes and bits” as he watches the first digitized war game at the US Army’s National Training Center, and suggests that “the ultimate measure of distance in war, the difference between life and death, was nowhere in sight” (771). As technology has shifted our understandings of distance in war, it is possible to identify areas of war-making and war-fighting that become more ethically complex in an age where an area of combat often ranges from a Las Vegas desert to the mountains of Afghanistan. For example, as Der Derian (2000) suggests about virtuous wars, drone warfare allows humans “the technical capability and ethical imperative to threaten and, if necessary, actualize violence from a distance – *with no or minimal casualties*” (772, emphasis in original). On the surface, this lack of casualties signals to the public a more humane, bloodless type of war – however, as the work of Der Derian and others has suggested, it is distance itself that serves to obscure what continue to be bloody, traumatic conflicts.

Related to Der Derian’s conception of physical distance, Linda Johansson’s research discusses the role of emotional distance in the day-to-day activities of drone pilots. With respect to the act of killing itself, Johansson (2011) argues that the drone “enable[s], more than any other weapon, a form of ‘numbed killing’... due to the fact that combatants are able to maintain an emotional distance by using this more of less

autonomous technology” (283). While Johansson and other scholars<sup>13</sup> imply in their work that this distance results in drone operators participating in deadly warfare without sacrificing or risking anything themselves, a growing body of contrasting scholarship suggests that this distance does not lessen the trauma of killing for drone operators – in fact, the technology itself and the reality of being shown victims’ bodies and post-strike destruction in high definition can augment the combat stress felt by drone pilots and their co-workers (Fitzsimmons and Sangha 2013: 4).<sup>14</sup>

This question of distance has also been interrogated outside the disciplinary boundaries of IR. Mary Favret, a scholar of British literature, examines questions of geographical distance in the making of modern warfare in *War at a Distance*. Like Der Derian, she sees the increasingly important role played by distance in war as obfuscating the true realities of war, however horrific. While her work examines literature on wars dating back two centuries, these arguments are no less salient today – Favret (2009) sees three dominant responses to understanding war at a distance, rooted in abstraction, apathy, and aesthetic (10). For her, the question of distance sometimes creates an abstraction of war so that the public is given a ‘bird’s eye view’ of the conflict and somehow able to discern what they see to be objective knowledge because of the geographical distance between them and the war. A second common response to distance in war is one of apathy or inertia – the sense that there is nothing to be done as the war is so far away and far removed from the daily lives of the civilian population. Finally, she suggests that there may be a third, middle ground for thinking about distance and war – a response that is both poetic and aesthetic, reliant on affect and emotion in romanticizing a far-away conflict. For Favret, it is this third response that is most dominant in British literature on modern warfare; however, as subsequent sections of this chapter will discuss, each of these responses bring with them particular ethical questions, especially in an age of technologized warfare such as drones. Whether through abstraction, apathy, or a poetic/aesthetic response, the transformations in our understandings of physical distance through contemporary practices of war change the way humans *experience* political violence.

Outside of International Relations and British literature studies, the role of distance in war has also been explored in film. German filmmaker and video

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<sup>13</sup> See, for example, Laurie Calhoun (2011); Mary Ellen O’Connell (2010).

<sup>14</sup> See also P.W. Singer (2009); Derek Gregory (2011).

installation artist Harun Farocki's 2003 experimental film *War At A Distance* asks the audience to question how power operates differently in a reality where wars are fought at a distance (Farocki 2003). Importantly, Farocki concentrates on the production of images, suggesting that due to advancements in technological affairs it is often no longer possible to distinguish between real and computer-generated images. Similarly, the film suggests a shift in society towards mechanical/technical images meant to be read by computers (i.e. those that direct precision-guided munitions in war) and away from those meant to be consumed by human eyes (T. Dixon 2012). *War At A Distance* highlights this tension between the images that are produced by technological practices of warfare such as drones and the realities they are meant to represent, an area that presents clear ethical challenges when combatants are forced to make real decisions based on the virtual battlefield depicted on their computer screens. Former US drone operator Omer Fast's recent film *5,000 Feet is the Best* also calls into question the impact of distance on the actions of RPA pilots. The 30-minute film intersperses clips of footage taken from the cameras of drones with interviews from Nevada-based operators, one of whom admits that controlling a Predator drone "is a lot like playing a video game...but playing the same video game four years straight on the same level" (Brown 2013). The film's title, which refers to the optimum flying altitude of a Predator drone, evokes a relationship to the notion of distance and how some may view the physical distancing between target and soldier as a positive development in military technology, without regard for the problems that arise when combat takes place over a series of moving images on a computer monitor.

While questions of distance and war have begun to be interrogated by both International Relations scholars and those in other disciplines in recent years, there remains a dearth of literature that explicitly explores the complex relationship between distance, war, and ethics. This chapter suggests that the feminist ethical framework presented in this thesis highlights the central role that distance plays when we think about the ethics of contemporary war, and the following examples highlight that when we premise our ethical analyses of drone warfare on feminist ethical principles of relationality, experience, empathy, and responsibility, the centrality of distance is brought into sharper focus than is possible using more traditional frameworks of ethics to think about war, such as the just war tradition.

### *Drones and Experience*

As feminist IR scholarship has emphasized since its inception, it is impossible to fully understand any phenomenon of international politics without focusing on the lives of the women and men who participate in, observe, or are in any other way affected by the phenomenon in question. The centrality of individuals and their lives, experiences and relationships is a key feature of feminist theorising, and accordingly, features heavily in the feminist ethical framework of war advocated for throughout this thesis. To that end, a natural and necessary component of thinking about the feminist ethics of drone warfare in practice includes a critical analysis of the experiences of individuals directly related to the practice itself: those operating the drones, their targets, and the civilian populations who are often subjected to constant surveillance and miscalculations resulting in damage and death. By rethinking the personal lived experiences of these individuals – both alone and collectively – we may shed new light on the ethical concerns that are intrinsically connected to drone warfare, and demonstrate the usefulness of a feminist ethical framework that foregrounds concepts of relationality and experience when thinking through moral dilemmas of drones in practice.

One of the most ethically complex elements of drone warfare lies in the context and location of the practice itself. As of July 2012, the United States Air Force employed over 1,300 drone pilots stationed at more than a dozen bases across the country in order to operate unmanned aircraft mainly in Afghanistan (Bumiller 2012).<sup>15</sup> As Elisabeth Bumiller suggests in a recent *New York Times* article, drone pilots often finish their shifts and return to civilian life each day, commuting home to their families and suburban homes, alone in the knowledge of the warfare that they have engaged in. As Colonel Brenton of Hancock Field Air National Guard Base describes, “it’s a strange feeling...no one in my immediate environment is aware of anything that occurred” (Bumiller 2012).

Current and former operators have also discussed the extent to which their experiences as drone pilots are startlingly vivid, despite the screen mediating the events occurring thousands of miles away. One operator recalled the video feed showing the missiles hitting their human targets made the attack seem “right there and personal”, while another described the aftermath post-drone strike: “you have a

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<sup>15</sup> These numbers do not include the classified targeted killing program of the CIA, which conducts drone strikes in Pakistan, Somalia and Yemen.

pretty good optical picture of the individuals on the ground. The images can be pretty graphic, pretty vivid” (Lindlaw 2008). This emphasis on the graphic and real nature of the attacks mentioned by these operators suggests that although drone pilots may be proximally distant from the action occurring on the ground, the psychological impact of the trauma remains as close and as tangible as for more traditional combat soldiers on the battlefield.

This disconnect between the military duties of a drone pilot and the everyday behaviours of civilian life lies in stark juxtaposition to more traditional forms of warfare, when soldiers are deployed en masse to a locale often far from home, engaging in group bonding and (often highly masculinized) collegial camaraderie in order to decompress from the stresses of combat. This fundamental shift suggests a much different lived experience of war for drone pilots than for traditional pilots and ground troops, a difference that raises important ethical questions: how are ethical judgments affected when trauma, grief, and stress are dealt with at an individual rather than a group level? Do drone pilots make different moral decisions *because* of their work environment? As iterated in the previous section, our understandings of distance play a central role in thinking through these dilemmas, particularly when we examine them through a critical feminist ethical lens of relationality and experience – for example, we can understand how distance impacts the relationship between drone pilots and their targets while simultaneously observing that proximity is important when considering relational dynamics between pilots and their families. If drone pilots are only able to see their targets virtually, could we therefore expect a shift in ethical considerations whereby pilots may decide to use a weapon when they may otherwise not have if targets were visible in reality? Questions such as these are significant not only for the ethics of drone warfare in practice but for our understandings of the ethics of contemporary, technologized war more generally.

### *Drones, Surveillance, and Abstraction*

Connected to these questions of distance and proximity is the issue of surveillance, one of the most common tasks undertaken by drone pilots. The psychological difficulty of surveillance missions, as Bumiller suggests, comes as drone pilots “observe the habits of a militant as he plays with his children, talks to his wife and visits his neighbors. They then try to time their strike when, for example, his family is out at the market” (Bumiller 2012). This close observation

leads to an undeniable familiarity of drone pilots with targets and their social circles – as Bumiller highlights, all of the dozen drone pilots and support analysts she interviewed for the *New York Times* “spoke of a certain intimacy with Afghan family life that traditional pilots never see from 20,000 feet, and that even ground troops seldom experience” (Bumiller 2012). The pilots’ knowledge of the intimate details of their targets daily routines is ethically significant – while it is difficult to describe their interaction with militants as a relationship in the traditional sense, one garners from the pilots’ commentaries about their experiences that there exists an unspoken connection between themselves and the enemy. This sense of familiarity is further exemplified by the remarks of a US Air Force member describing a multi-week drone operation to observe and then kill a terrorist bomb manufacturer: “we watched him wake up in the morning; we watched him leave for work in his vehicle...we watched him go home and play soccer in his yard with his family – with his two little girls” (Schogol and Ricks 2012). The impact of engaging in such detailed surveillance over time creates an impact on the operators, with the pilot continuing to suggest: “we had been watching him for so long that we...[had] that part of the history with our operators, who are having the thought in their head of, ‘I don’t care what you think of this individual, he does have two daughters; I have seen him with his family’” (Schogol and Ricks 2012). Unlike pilots of manned aircraft, drone pilots are therefore more able to see not only the daily activities of a target, but also the aftermath and harm inflicted once an attack has taken place, putting them in the unique position of forming a relationship to and subsequently killing their targets. While a traditional ethical framework of war cannot account for these relational and experiential aspects of contemporary conflict, a critical feminist framework that foregrounds ethical principles such as relationality and experience provides the flexibility and reflexivity to consider these circumstances when making ethical judgments about practices such as drone warfare.

As was discussed briefly in relation to distance, the experience of abstraction is a third area of ethical complexity in the practice of drone war. In a 2006 interview with *The Telegraph*, several British drone operators highlight the sense of unreality that often comes with operating drones, particularly in the transition from surveillance to live combat – as Sgt. Mac Mackenzie points out, “you are just staring at the screen. Then suddenly it can go live, you’re involved in an engagement, a target appears and everything is turned on its head” (Harris 2006). This separation

between an image on a screen and the reality of war is one of the most discussed aspects of drone war in news and popular culture, yet the mainstream literature on ethics and war in International Relations remains unequipped to deal with the ethical dilemmas raised by such situations. However, when we examine the practice through a feminist ethical framework, these ethical complexities – such as that, for example, evident in British commanders’ description of the Predator drone as having “a God’s-eye view” of the battlefield – are made visible and deemed significant to the debate (Harris 2006). How might the ethics and morals of drone operators shift if they work in an environment where their technological capabilities are likened to God’s? These questions of abstraction are highly salient, particularly as we consider the lasting impacts of drones – the actions of operators are liable not only to affect their targets, but have the ability to unintentionally enact tremendous damage and casualties on the civilian population, as well as endanger their counterpart troops on the ground. Given this level of responsibility, it is unsurprising that there is evidence to suggest levels of ethical and moral uncertainty among drone operators. As quoted in *The Telegraph* article, Chief Technician and drone operator trainer Gary Smith observes, “sometimes when you give the lads an order, you can see them stopping and wondering, ‘do I have to do this?’” (Harris 2006). Though presented in an anecdotal fashion, Smith’s remarks demonstrate *why* it is important to think about questions of experience, relationality, responsibility, and empathy when discussing the ethics of drone warfare in practice. It is insufficient for IR scholarship to neglect the personal lived experiences of drone pilots in their ethical analyses, and as a feminist ethical framework points out, there is much to be gained by looking more closely at these experiences as we discuss the new moral challenges presented by the increased use of drone warfare in contemporary conflict.

### *Being Trained to Kill Using Drones*

A final area of ethical concern for the practice of drone warfare is the realm of ethics training. As philosopher John Kaag rightfully points out, despite the fact that ethics has been taught to traditional soldiers and military school students for centuries, “this new breed of remote control soldier will have the time and the space to think through unprecedentedly complex moral quandaries, like the question of using a drone to kill an unarmed human being who may be in the early planning stages of a terrorist attack” (Kaag 2013). Indeed, a 2011 Pentagon study confirms the

mental toll of thinking about such difficult ethical questions, suggesting that almost one third of drone pilots surveyed “suffer from what the military calls ‘burnout’” and live in a state of “existential crisis” caused by the stresses of killing targets or watching others die, leading pilots to rethink aspects of their own lives (Martin 2011). The advent of a military position such as drone pilot where a high percentage of your daily work involves routine surveillance, thus leaving time for individuals (often without the support of their peers) to process deeply complex and serious moral and ethical questions about their duties, means that there is a need for a new kind of ethics training. Although there is little public data available surrounding the existence and content of ethics training for drone operators, scholarship in military and strategic studies devoted to analyses of military ethics training suggests that the current curricula do little to alleviate the moral and ethical stresses faced by these contemporary soldiers. As Carrick (2008) suggests in his comparative analysis of the future of military ethics education programmes, new types of warfare that place the traditional soldier in contexts where they have new roles and responsibilities demand a revised ethics education that reflects these contexts (196). Specifically, Carrick advocates for the reconceptualization of the professional role of the soldier in order to develop a ‘professional role morality’ with which soldiers can guide the often-complex ethical pathways of their work.

However, while Carrick and his co-authors of this edited volume warn of the riskiness of bringing virtue or care ethics into the pedagogical equation of military ethics education on the grounds that it takes “the soldier outside his role and into situations where he does no longer have a reliable moral compass to guide him” (Carrick 2008: 197), it is precisely this type of ethical questioning that a feminist ethical framework can allow for through its flexible and reflexive nature. By moving beyond a strictly delineated morality premised on liberal, just war understandings of ethics and political violence, a more flexible approach inspired by feminist ethical principles would allow contemporary soldiers to think more broadly about what ethical and moral war means based in an understanding of their own lived experiences, their relationships, responsibilities, and empathetic feelings towards others. While it is evident that the current status of military ethics education takes a much more narrow approach to the question of ethics in war, particularly in iterations calling for an increasingly professionalized view of ethics, the alternative of a feminist ethical framework is nonetheless a significant one, opening new routes

for soldiers in contemporary war – including drone pilots – to rethink what ethics and morality mean in the context of post-9/11 warfare practices.

## **5.2 The Drone Debate: Competing Narratives**

Before proceeding to a discussion of drones in the context of the feminist ethical framework I advance in this thesis, it is helpful to briefly sketch the existing academic debate surrounding the moral and ethical questions of drone warfare. In the past decade, there has been a proliferation of scholarship dealing both specifically with the issue of drones and more generally with questions surrounding semi-autonomous weapons and the drastic technological advancements we have observed in the military industrial complex. It is my aim that by identifying the most salient strands of this literature, it will clarify the point of intervention for a critical feminist ethical framework for thinking about drones and pinpoint the gaps that such a framework is attempting to fill. As mentioned previously, much of the drone debate – particularly its moral and ethical elements – has tended to stray outside the confines of traditional International Relations scholarship. As such, this discussion is marked by its interdisciplinary nature and its inclusion of research not typically signaled as significant by mainstream theorists of war in IR – much like the feminist framework outlined in Chapter Four, these narratives are derived from a variety of backgrounds and disciplines, demonstrating an enriched debate that has made important contributions to the ways in which we theorise drones in the current age.

Paul Kahn's work on riskless warfare is one of the first attempts to begin a scholarly conversation about the morality of drones and related weapons. Kahn, building on the growing body of asymmetrical warfare literature, suggests there is a 'paradox of riskless warfare' – that is, when asymmetry undermines reciprocity. He asks, what is the moral basis for injuring the moral innocent without a reciprocal imposition of risk? (Kahn 2002). Kahn argues that the boundaries between warfare and policing become obscured as riskless warfare pushes up against the moral justifications of traditional combat, and suggests there is a need to adjust institutions to the changing moral grounds of combat in order to prevent increased attacks on civilian populations. In terms of drones, there is a clear connection to Kahn's theorising – by removing all risk from the drone pilot's experience of war, how might we conceive of moral justifications for targeting suspected terrorists with air-to-surface missiles dropped from a Predator drone? Kahn's assertion that it is the

system and institutions which must adapt to new technologies of war such as drones is in line with that of Derek Gregory and others who see the one-sidedness of drone warfare to be particularly morally problematic (Gregory 2011). Johansson, like Kahn and Gregory, suggests a need to revise the laws of war or add rules that specifically focus on unmanned aerial vehicles in order to adequately deal with the prevalence of drones in contemporary conflict (Johansson 2011). This strand of the drone debate, focused on a wholesale reassessment of the way in which we wage war, is one that maintains similarities to what recent feminist IR scholarship on war has suggested, but as the feminist ethical framework advanced in this thesis proposes, it is necessary to engage in deeper analyses of these contemporary practices of war themselves using a feminist ethical lens in order to discern new and important questions about the morality and ethics of weapons such as drones. That is, it is not sufficient to call for an outright rejection of the current system governing the rules of war – rather, we must ask why and how the proliferation of practices such as drone warfare, private military contracting, and counterinsurgency tactics challenge the dominant understandings of what it means to be moral and ethical in wartime.

A related set of scholarship seeks a radical solution on the other end of the spectrum: rather than changing the rules of the game, some argue that drones themselves should no longer be used by the United States and its allies. Scholars advocating this position do so for a variety of reasons – Borenstein identifies three ethical reasons to halt the further technological development of drones that he calls ‘compelling’, including the argument in support of the human element of war (relating to sophisticated nuances of communication), what he considers the ‘conceptual incongruity’ between the ethics and morals of warfare and the development of technologies such as drones, and technological vulnerabilities in the field (Borenstein 2008). Recent work by Michael Boyle agrees that drone strikes are an ineffective tool for resolving contemporary conflict, but does so on the basis that drone strikes corrode the stability and legitimacy of local governments, deepen anti-US sentiment, and create new recruits for Islamist networks aiming to overthrow governments (Boyle 2013). For Boyle, long-term use of drone strikes as counterterrorism policy is a losing strategic proposition, as it is increasingly violent, destabilized, and polarized between those who have drones and their victims. These notions of polarization and destabilization are closely related to feminist questions surrounding relationality, distance, and experience as discussed in the previous

section – Boyle suggests that despite the conventional wisdom that drone strikes are highly effective in terms of efficiency in killing ‘bad guys’, the lasting political impacts in the states where they are used is sufficient justification for stopping the drone warfare program. Such an acknowledgement of effects on political and social life for civilians in affected areas falls in line with much of the crux of the feminist ethical framework – that is, a consideration of individuals and their lived experiences in relation to particular practices of war. Christian Enemark’s recent work on drones in Pakistan echoes some of these sentiments, as he argues that the military operations of the US in the post-9/11 period have been unclear, providing an unstable foundation for determining whether the use of drone strikes is just or unjust. Further, Enemark suggests that if the US military cannot demonstrate how drone strikes are beneficial, discriminate, and proportionate, they must refrain from using them (Enemark 2011). While the work of Borenstein, Boyle, Enemark, and others advocating for the end of the drone warfare program has much in common with the feminist stance advocated elsewhere in this chapter, it nevertheless fails to fully capture the new lens with which practices such as drones must be examined through. By retaining traditional understandings of what is moral and ethical in war, this segment of the drone debate tells us to stop using drones but does not adequately identify *what* is morally and ethically problematic about them (or how they are any different from more traditional weapons of war, in a moral and ethical sense).

A third dialogue on drones takes a fundamentally different position, and suggests that drone warfare and related semi- and fully-autonomous weaponry is the way forward for war in the twenty-first century. The work of Ronald Arkin, and subsequent response by Ryan Tonkens, is emblematic of this segment of scholarship, which has become particularly popular in the field of mainstream military ethics. Arkin’s argument rests on the hypothesis that lethal unmanned systems will potentially be capable of performing more ethically on the battlefield than human soldiers, and the goal should be ‘better-than-human performance’ resulting in reduced non-combatant casualties and property damage (Arkin 2010). B.J. Strawser’s article in the same issue of *Journal of Military Ethics* aligns with much of Arkin’s argument. Strawser suggests that we have a moral duty to protect an agent engaged in a justified act from harm to the greatest extent possible, and unmanned aerial vehicles afford precisely such protection, therefore we are obligated to use them if their use does not interfere with a warfighter’s operational capability

(Strawser 2010). That is, in a just war, using drone technology is in fact obligatory, despite the fact that most if not all current military actions using drones are morally questionable. Strawser also suggests that the inclusion of drones in certain military contexts has been shown to increase the moral calibre of those contexts, arguing that not all human soldiers behave unethically. Tonkens' response to Arkin characterizes the type of pushback drone technology advocates such as himself and Strawser have received in recent years. Primarily, Tonkens takes issue with Arkin's oversimplification of the complexity of the ethical nature of automated weapons systems – he suggests that the argument that drones and other similarly semi-automated weapons systems are faster/cheaper/have better mission success is not in and of itself a sufficient reason for their continued development and use. According to him, we must also think of competing moral issues, as if we do not, military effectiveness risks being accomplished at the expense of ethical effectiveness (Tonkens 2012). Tonkens also highlights the concepts of discrimination and proportionality in relation to drone warfare, and discusses the effect of human fallibilities such as emotions, psychophysical dispositions, putative limited sensory abilities that all remain in play with drones as the technology exists today.

Despite the popularity of a pro-drones stance in the field of mainstream military ethics and robotics studies, such a narrative holds little relevance to a critical feminist framework premised on notions of relationality, experience, empathy, and responsibility. It is difficult to imagine a perspective foregrounding these ethical principles and agreeing with the idea that a complete *removal* of the human from war is an ethically or morally sound decision. While a feminist approach advocates a reduction in non-combatant casualties, collateral damage, and disruption to the daily lives of civilians, the road to fully autonomous weapons is too morally ambiguous a choice. Rather, the framework outlined in Chapter Four and discussed further in the remainder of this chapter serves to uncover new questions about the ethics of drone warfare – how, through the lenses of relationality and experience, can we process the impact that drones have on their operators and victims? And what do those impacts tell us about the ethical nature of contemporary war? While the competing narratives of the drone debate have provided significant contribution to our understanding of the general moral and ethical dilemmas surrounding the use of unmanned aerial aircraft, little has been said about the morality of particular lived experiences and relationships given the widespread proliferation of such an advanced technology. It

is this gap that the feminist ethical framework I propose hopes to fill, and allow for a more nuanced and reflexive discussion of the ethics of drone war outside the stringent boundaries of the just war tradition and mainstream International Relations paradigms.

### **5.3 Relationality and Experience: Drone Warfare through a Feminist Ethical Lens**

Having outlined the nature of drone warfare and its impacts on the ground, as well as identified important existing narratives surrounding the relationship between ethics and drones, it is now necessary to think more substantively about two elements of the critical feminist ethical framework and their relationship to ethical *judgments* of drones more broadly. While the framework articulated in Chapter Four identifies four key elements – relationality, experience, responsibility, and empathy – this first empirical chapter on drone warfare serves to highlight the first two elements, as will be detailed in this section. A more detailed analysis of responsibility and empathy will follow in Chapter Six in the discussion of private military contractors, and the implications of the framework for the ethics of post-9/11 war will be synthesized in Chapter Seven through a discussion of counterinsurgency tactics and their relationship to these practices.

Given the empirical evidence presented thus far in this chapter, it is evident that there is a relational understanding at work in the day-to-day operations of drone warfare. By foregrounding these relational underpinnings as significant ethical considerations to be taken seriously when making judgments about the morality of drones, a much different portrait of drone warfare emerges than the mainstream assertion that drones are moral because of their precision capabilities and limitation of casualties. Unlike Strawser (2010), who suggests that we may have an “ethical obligation” to employ drones because of these perceived benefits, a critical reading of drone warfare through the feminist lens of relationality results in a more nuanced critique of the practice premised on the lives of individuals and how they relate to each other. In this context, it is possible to move beyond the limitations of the just war tradition and take into account the unique technological and spatial attributes of drones that differentiate them from other, more traditional warfare practices.

Examining the morality of drones from a relational perspective sheds light on the many ways in which technology and distance combine to present new and

complex ethical challenges, including the ‘God-like’ watchful eye of drone surveillance and the distinctive work environment inhabited by many drone operators. These characteristics serve to dramatically shift the relationships existent within the realm of drone war. The combatant-target relationship is altered by the constant stream of intelligence information detailing every moment of the target’s life, while the target can do little, if anything, to respond or retaliate, raising ethical concerns about the unfair and disproportional advantage given by drone technology. Similarly, the soldier-soldier and soldier-civilian relationships are reshaped by the environment within which drone pilots operate, leaving pilots to deal with deep moral questions at an individual level rather than through mechanisms of de-stressing and bonding provided by a more traditional deployment. The necessity for drone pilots to reintegrate into civilian life after each shift, regardless of what they have seen or done, calls into question the morality of a practice of war whereby the aggressors are, by design of the weapon, virtually assured a secure, safe, and ‘normal’ existence despite the constant danger and risk not only to their targets but also the civilian lives around them.

Epistemologically, thinking about ethics relationally means emphasizing the need for a relational approach to ethical knowledge – that is, an understanding that we may only come to know what is ethical through our relations with others. As Thayer-Bacon (2010) suggests, “none of us are able to make contributions without the help of others, and none of us discover new ideas all on our own” (2). Applied to the moral question of drones, a feminist ethical framework premised on relationality therefore attempts to move away from the construction of a stable, overarching ethical or moral ‘code’ through which drone warfare and/or drone pilots may be deemed (un)ethical or (a)moral, instead favouring a flexible and reflexive approach that takes into account the lives of individuals, their roles in collective communities, and the experiences between them. In this way, the framework articulated above situates itself as a viable alternative to more mainstream attempts to answer questions about the ethical nature of drones, particularly those situated within the just war tradition. By acknowledging the interconnectedness of individuals and the importance of their shared experiences when making judgments related to ethics and morality, I suggest we may move beyond the limitations of historically defined principles of just war such as last resort and just cause, and instead offer a more

contextually appropriate approach to thinking about contemporary warfare in general as well as drones in particular.

By applying the feminist ethical concept of relationality to the case of drone warfare, it is possible to illustrate how relationality, as well as the larger framework in which it is situated, sheds new light on the many ethical complexities of this increasingly pervasive practice of contemporary war. In order to make ethical judgments about the nature of drones and their moral acceptability as a practice of contemporary war that are reflexive and contextually appropriate to the current era, it is useful to foreground relationality and think critically about the ways in which the practice impacts the lived relationships between individual humans, and vice versa. In so doing, we acknowledge the centrality of relational understandings in determining our ethical and moral judgments in war, at both a practical level (the day-to-day decisions of drone pilots and trainers) and at a higher level of abstraction (theorising about the nature of the practice itself). Despite the insights provided to us through a lens of relationality, it is necessary to remember that the feminist ethical framework articulated in Chapter Four argues for a *set of four* ethical principles and their combined usefulness for rethinking puzzles of ethical practice and judgment in contemporary war.

The second of these principles, experience, is also relevant to the discussion of the morality of drones. As discussed previously, the personal lived experiences of war are significantly shaped by the use of drones in contemporary conflict, raising salient ethical questions surrounding the ways in which these experiences have changed over time. For example, how does a soldier's lived experience of war differ if they conduct missions from the comfort of a padded armchair at a computer desk vis-à-vis engaging in hand-to-hand combat with suspected militants on the streets of Afghanistan? And importantly, what does that mean for their ethical and moral decision-making? At a more theoretical level, we may look to the work of Christine Sylvester and others on the connection between war and experience in order to discover the usefulness of thinking about experience when making judgments about the morality of drones. As Sylvester (2011) rightfully points out, one "realm of war today highlights shifting locations of war making and technological/strategic changes that affect how war is conducted and experienced" (118). These effects have significant consequences for the ways in which we discuss the ethics of

technologized warfare practices such as the use of drones. By interpreting the question of whether drones are ethical through a lens of experience, we see several moral issues that are otherwise obscured by more traditional ethical analyses such as those rooted in the just war tradition.

Firstly, using experience to think about the morality of drones allows for a deeper and more genuine analysis of all those who participate in, observe, or are otherwise affected by the phenomenon of drone warfare. Unlike the stringent principles of the just war tradition that focus on the experiences of a particular party – for example, the principles of just cause and last resort place importance on the experiences of aggressive, rather than defending, parties – using the concept of experience opens up the debate to include a wider range of relevant individuals’ actions and reactions as they relate to drones. As an inclusive concept, it can variously refer to the personal lived experiences of combatants, targets, or civilians, either as individuals or in collective community experiences. Privileging the notion of experience in reference to thinking about the morality of drones means taking these experiences into serious consideration when making judgments about whether or not drone warfare is ethical, *and* acknowledging the diversity and heterogeneity of war experiences that often stem from one action. That is, a single drone strike can simultaneously be experienced as both ethical and unethical depending on the particular circumstances and contexts of the individuals and collectives involved. In other words, when using a feminist ethical framework for thinking about contemporary war that premises experience (along with relationality, responsibility, and empathy), there is little *a priori* evidence to suggest that drone warfare itself is (a)moral or (un)ethical; rather, awareness about the ethics of the practice is gathered and communicated through experiences, relationships, responsibilities, and empathetic interactions amongst the relevant communities of humans.

This is intimately related to a second moral issue brought to bear by thinking about experience in relation to drone war. Sylvester’s (2013) recent work on war and experience argues that “to study war as experience requires that the human body come into focus as a unit that has agency in war and is also the target of war’s violence” (65). This understanding of war as a physical and sensory experience calls into question the relationship between war, the human body, and the technology that mediates the experience of war in drone warfare. When one body is reduced to a small set of pixels radiating light from a computer screen while another body sits

safe behind the walls of a fortified military base in the Nevada desert, our understandings of bodily experience are markedly different than those of more traditional battlefields in political violent conflicts. By removing the human from war, how do our ethical judgments about warfare practices shift? Does it, as some proponents of drone warfare suggest, make warfare more moral as it reduces the likelihood of casualties? As drone war critics Brunstetter and Braun (2011) helpfully point out, such an understanding serves to form and perpetuate what they call the drone myth: “the belief that technologically advanced drones increase the probability of success while diminishing the risk to our soldiers and of collateral damage” when in reality such a belief may lead to more frequent strikes, therefore diminishing the long-term chances of success in eradicating an external threat (346). The removal of the physical and sensory experience of war in drone warfare through the mediation of advanced technologies therefore raises significant ethical issues for theorists to assess prior to making an ethical judgment about whether or not drone warfare is moral. Such assessments are useful as they clarify characteristics of drone warfare that had been previously obfuscated by mainstream ethical analyses, leading to a further opening up of the moral and ethical debate surrounding the use of drones in contemporary war.

A third and final realm of drone war that is illuminated by the feminist ethical concept of experience lies in the connection between emotions and war. Sylvester builds on her theorising of physical experience to suggest the need to also include emotional experience in our feminist war analyses. For her, a strictly delineated definition of emotions is unimportant; rather, it is more useful to remain attuned as a researcher to the ‘ordinaries’ of people, studying emotion phenomenologically (Sylvester 2013). To this end, she suggests that what is central in examining an emotional experience is “the process of opening doors for the ordinary to enter into the standards of knowledge and comprehension” (Sylvester 2013: 99). This understanding of emotional experience is intimately connected to relationality, as the emotions of war are often shared and produced relationally. The relationship between emotions and war is explored in Judith Butler’s recent work on mourning, and as Sylvester (2013) points out, the ability of people to have interchangeable and simultaneous experiences of war, both as sufferer and spectator, is central to Judith Butler’s arguments (102). Butler (2004) understands humans as “constituted politically in part by the virtue of the social vulnerability of our bodies”

(20), a notion that brings together both the physical and emotional elements of Sylvester's war experiences and allows us to think more broadly about how highlighting experience in discussions of the morality of drones sheds light on the ways in which the body and its emotions are complicated by highly technological warfare practices such as drones.

#### **5.4 Beyond Drones: War, Technology, and Feminist Ethics**

In an attempt to briefly draw some more general conclusions from this analysis of relationality, experience, and the ethics of drone warfare, I turn to a short discussion of the relationship between the feminist ethical principles articulated in this chapter, war, and technological development. As Lauren Wilcox (2009) suggests, technological military developments have been gendered throughout history in a variety of ways. These gendered perceptions generally tend to follow the dominant discourses of masculinity – that is, if a military technology is seen to assert the strength of the warrior and highlight bravery and heroism, it is associated with masculinity and manliness. Conversely, if a technology makes it strategically beneficial for warriors to wait, hold back, or defend themselves, it is negatively associated with masculinity (Wilcox 2009: 65-6). These gendered perceptions of military technologies are interesting in relation to drone warfare, a technology that can be at once aggressive and assertive when weaponized, yet defensive and stealth-like when being used for surveillance. Using Wilcox's framework, we might predict that the gendered discourses surrounding drone warfare would be mixed, evoking characteristics of both dominant masculinities and femininities when discussing it in gendered terms. Yet, the practice seems to have maintained a hyper-masculine perception amongst the public, with drones likened to space age fighting machines and the next frontier of war fighting, "ready to take on tomorrow's challenges" (BAI Aerosystems 1999).

I suggest that the explanation for why drones continue to carry such masculinized perceptions despite their main use as tools for surveillance can be found by looking back to the ethical concepts of relationality and experience. Unlike previous developments in military technology such as the proliferation of automatic weapons and armoured vehicles, the development and use of drones is one contemporary practice of war that has radically changed the way combatants relate to each other (mediated by distance) and experience war (mediated by technology).

This fundamental shift is in itself imbued with gendered perceptions about the nature of wars of the future, typically described in what Hooper (2001) describes as hyper-masculine, frontier masculinity language. By demarcating the advent of drone warfare as novel innovation, it is deemed exceptional and continues to be discussed in connection to dominant discourses of masculinity, regardless of the reality that drones are most often used for non-violent surveillance missions. This phenomenon is somewhat similar to the hyper-masculine language used in nuclear discourses examined by Cohn (1987), despite the reality that virtually all discussion of the use of nuclear weapons has been hypothetical and never actualized into the death and destruction often discussed in highly gendered language in the general (as well as intellectual) discourse. While these initial thoughts will be further explored in subsequent chapters of this thesis, the relationship between war, gender, and technology demonstrates another way in which using feminist ethical concepts of relationality and experience are salient parts of a discussion of morality and contemporary warfare practices.

The rapid proliferation of any new technology is bound to bring with it new moral and ethical questions, not least when such technologies are weaponized and used to kill suspected terrorists (and in some cases, innocent civilians). Thinking about drones through the feminist ethical lenses of relationality and experience, rather than through a more traditional ethics of war approach such as the contemporary just war tradition, provides us with the necessary tools to make important judgments about the morality of drone warfare as a practice. Moreover, it allows us to – as Enloe (2000) rightly advocates - make feminist sense of the deeply complex impacts we see drones having, both on the pilots and operators manning the control centres, as well as civilians living under constant surveillance, not knowing if or when to expect a missile strike. By bringing ethical considerations to the level of individual lived experiences and personal relationships rather than continuing to theorise abstractly about morality in contemporary war, such an application of this feminist framework makes a contribution both to the growing discussion of war in feminist International Relations scholarship but also has usefulness for scholars of war, ethics, and technology more generally.

In *Wired for War*, Peter Singer (2009) argues that “the introduction of unmanned systems to the battlefield doesn’t change simply how we fight, but for the first time changes who fights at the most fundamental level. It transforms the very

agent of war, rather than just its capabilities” (194). This transformation and its significant ethical and moral impacts are signalled in this chapter through an examination of relationality and experience as they relate to the ethical practice and ethical judgment of drone warfare. Whether or not we are convinced by Singer’s thesis, the changing realities of contemporary war – as evidenced by the increased prevalence of drones in the current conflict in Afghanistan – suggest that there is a need for a wholesale revision of how International Relations talks about the ethics of war. This chapter has demonstrated that relationality and experience, as elements of a critical feminist ethical framework, shed new light on the ethical complexities of drone warfare that remained obscured by traditional ethical analyses of war confined by the boundaries of the just war tradition. This opening of new avenues for consideration in both the practical and theoretical arenas of ethics and morality in war suggests that a feminist ethical framework of war may fill a significant gap in our theorising about modern war.

Moreover, the evidence presented in this chapter points towards the usefulness of an alternative ethical framework for thinking about other practices of post-9/11 war – by moving beyond a just war framework and into an approach that is more reflexive, flexible, and acknowledging of the changing nature of violent conflict, it is possible to foster a substantive contribution to the ethics of war scholarship by uncovering the previously covered. As the next chapter demonstrates, private military contracting is another contemporary practice of war that presents myriad ethical and moral questions to scholars of political violence. As we move through concepts of responsibility and empathy, the two remaining elements of the feminist ethical framework I have articulated, the interconnections between each element will be elucidated in order to argue for a cohesive framework that tells new stories about the moral judgments and ethical practices of contemporary warfare and accurately reflects the realities of twenty-first century war, complete with its moral ambiguities and new ethical considerations. While the substantive discussions surrounding relationality, experience, and drone warfare have begun to highlight some of these considerations, it is only by engaging in a deeper exploration of a wider variety of post-9/11 war practices that we can reveal the full potential of a critical feminist ethical framework for investigating the morality of contemporary warfare.

## **Chapter Six**

### **Empathy, Responsibility, and the Morality of Mercenaries: A Feminist Ethical Appraisal of Private Military Security Companies**

While engagement by feminist IR scholars with private military and security companies (PMSCs) and their impact on processes of international political violence continues to grow, little has been said by existing feminist scholarship with regard to the complex moral and ethical implications of employing private force. This chapter examines the use of private military contracting in the post-9/11 period through a lens of feminist ethics. My argument is two-fold: first, that a critical feminist ethical framework is a useful way to assess the ethics of contemporary warfare practices such as the hiring of PMSCs; and second, that prioritizing ethics in the development of feminist security studies offers a fruitful way forward for the field. The usefulness of such a framework lies in its ability to uncover ways in which both the theorising about and practice of private force offer openings for questions about empathy and responsibility, and a focus on the lived experiences of those impacted by PMSCs. Unlike other moral and ethical investigations of this practice to date, an analysis that privileges a feminist ethical understanding of global politics asks us to think more deeply and critically about a *relational* perspective when examining the use of private force in the contemporary age, and allows us to question if and how concepts such as *empathy* and *responsibility* play a part in shaping the day-to-day experiences of PMSC employees. The second part of my argument, that foregrounding ethical conversations in feminist security studies would provide a theoretically and empirically rich avenue forward for the field, is based in an acknowledgement that in order to deepen its contribution to security studies more broadly, feminist security studies must engage and analyse a wide variety of phenomena in modern conflict and war – and do so in a way that opens such analyses up for dialogue with other perspectives in the field. For example, by engaging with ethical concepts and principles on the question of modern warfare and the changing nature of combatants, feminist security studies may delve deeper into conversations and debates surrounding the pre-eminence of just war theorising in mainstream discussions of the ethics of war. This, I suggest, is essential in demonstrating the usefulness of a feminist framework as an integral part of, rather than a supplement to, dominant security discourses in the discipline. Furthermore, as feminist security studies continues to grow as a subfield of feminist International Relations, it would be useful

to make connections with the as yet largely untapped resource of feminist ethical scholarship that lies outside the boundaries of the discipline. Feminist philosophers and social theorists in recent decades have, in their role as ethicists, questioned how gendered understandings of the world have shaped mainstream ethical conversations and led us to prioritize particular sets of moral and ethical principles regarding everyday life. Using these theoretical contributions and applying them to situations of international security, political conflict, and war enriches how feminists within IR talk about ethics and provides us with a new, alternative vocabulary to use when asking difficult moral and ethical questions about practices of war that move beyond the dominant just war framework in the discipline.

Unlike the traditional soldiers of public military forces, private military contractors operate within a realm of morality guided not by military ethics training but instead by the actions of private economic actors and the shifting market related to the costs of the changing nature of contemporary war. Questions about private force that have been especially significant for feminists, including those surrounding accountability and the treatment of civilians in war, suggest that responsibility and empathy can be important conceptual tools for unpacking the ethical complexities of PMSCs. The result is a chapter arguing that it is imperative for feminist security scholarship to engage with questions of ethics in order to better understand the privatization of military force and to uncover the moral dilemmas of the practice that are often otherwise obscured by mainstream analyses in International Relations. As will be evidenced, employing such a framework demonstrates that employing PMSCs actually results in a more complex and varied set of moral uncertainties than existing analyses have suggested. Rather than the ethical difficulties surrounding PMSCs being located primarily within the realm of financial motivation and ‘rogue’ immoral behaviours owing to the lack of national sentiment connected to their work in war zones - as has been suggested in many IR discussions to date - examining private force through a feminist ethical lens uncovers moral dilemmas that center around the relationships between PMSC employees, official military personnel, combatants, and civilians and are closely connected to how we can understand questions of responsibility and empathy within the realm of these relational experiences. Moving away from an individualistic, self-motivated approach when considering ethics in private force is essential to building a more accurate understanding of the moral and ethical complexities inherent within the practice, and

I argue here that a feminist ethical approach allows us to make this move in a valuable and reflective manner.

In order to support this argument, the chapter first surveys the field of private military and security companies to uncover the aforementioned moral and ethical complexities that appear within its boundaries. By highlighting empirical evidence that shows us when and how PMSC employees and those interacting with them enact and/or are present for particular and unique ethical quandaries, this first section makes visible the gap that remains in how scholars theorise about private force in International Relations. Specifically, the ways in which PMSCs have been deployed in Iraq and Afghanistan since 9/11 represent a contemporary interpretation of what it means to fight along with a changing understanding of who is seen as a legitimate actor in violent conflict. These dynamic readings of the role of PMSCs and their employees in today's battlespace results in a need for a revised lens through which to understand the moral implications of their use. This section relies on material both within and without International Relations, acknowledging that much of the work that has chronicled the experiences and lives of PMSC actors exists in the research spheres of sociology and anthropology, as well as in news media and current affairs reportage.

Having presented this empirical survey, the chapter's second section builds a two-part feminist ethical framework to examine morality in private force, which is premised on empathy and responsibility. I argue that empathy is an essential tool of feminist ethical analysis that can provide important insight into the complexities of PMSCs and their employees. Stemming from existing literature on feminist ethics of care, foregrounding empathy as an ethical consideration in private security asks us to reflect on the unique relationship between paid security professionals and those impacted by life in war zones. Subsequently, the chapter takes up a discussion of responsibility as it is conceived in feminist ethics scholarship, and suggests that rethinking the ethics of PMSCs challenges our understandings of responsibility for consequences in war. The feminist ethical suggestion that a truly human ethics should be based on a sense of responsibility and obligation to others exists in contrast to a masculine ethics of justice based on the impersonal – and arguably inhuman – conceptions of rationality and objectivity. This notion of responsibility is, I argue, intrinsically tied to how we understand the ethical and moral decisions taken during the day-to-day operations of private military security contractors. Calling into

question the ways in which PMSCs engage in missions that often require direct contact with civilian populations, I suggest that the complexities of care, obligation, and responsibility in private force necessitate a new lens for examination – namely, a feminist ethical framework that foregrounds these concepts as essential elements of ethical analysis.

The final section of the chapter applies this framework by engaging with the existing literature within International Relations and security studies on PMSCs in order to interrogate its ethical and moral commitments to date, and makes claims about the inadequacies of mainstream ethical frameworks to deal with the nuanced nature of moral dilemmas in the realm of private force. Despite the proliferation of work in the discipline dedicated to the exploration of how PMSCs impact contemporary conflict, the ethical dimension of private security has rightly been described as under-theorised in existing scholarship (Pattison 2008: 143). By engaging in an analysis of how scholars have begun to fill this theoretical gap, it is possible to pinpoint the areas of moral questioning that remain nebulous with respect to private security operations in the post-9/11 era. In particular, this section challenges the assumptions made by some recent ethical analyses of PMSCs, such as Baker's *Just Warriors, Inc.* (2011), which suggest that the ethics of private force are essentially the same in nature to those of public, state-sanctioned military operations and are therefore not in need of a new lens of moral scrutiny. Finally, the chapter concludes with some scrutiny of the ways in which we can see substantive evidence of the moral complexities of private force through empirical examples – by unpacking some of the work that has been done by PMSC employees in Afghanistan and Iraq since 2001, it is possible to see why an approach foregrounding questions of empathy and responsibility may provide a useful way forward for thinking about the ethics of the privatization of war. In particular, such a feminist framework shows us that the ethical subtleties involved in PMSC operations are often obscured by mainstream analyses that treat the private realm of war-fighting in an identical way to its public counterpart. While this chapter demonstrates the difficulties in identifying a clear path forward for answering questions about the morality of private military security companies in the contemporary age, it also works to broaden and deepen the examination of this multifaceted element of warfare that is being developed by feminist scholarship in International Relations - in this volume and elsewhere – and challenges mainstream ethical analyses of PMSCs by

highlighting the value of a feminist approach to the moral dilemmas inherent in private force.

### **6.1 Private Force in Contemporary Warfare: Moral and Ethical Complexities**

The use of private force has been of considerable interest to International Relations scholars for centuries, owing to its long and varied history as a practice of warfare by militaries worldwide. From Machiavelli's assertion in *The Prince* that "mercenaries do nothing but harm" (Machiavelli 1984: 43), the deployment of private force for the purposes of political violence has been met with much scepticism by those assessing the legitimacy of war and the behaviour of states in times of conflict. Given the common connotations that have been ascribed to actors of private force – namely that they are immoral, seeking only financial gain, and are unconcerned about the rules or motives of war – this first section of the chapter attempts to unpack some of the day-to-day duties and experiences of PMSCs in the contemporary age and assess these characteristics in detail. As Coady (2008) rightly points out, the embodiment of private force has changed substantially from its origins in ancient times to what we see in the post-9/11 era. From the late medieval period's mercenary groups or companies, the world of private force has transformed into a set of formal institutions based largely on a business corporation model, affecting the phenomenology of what Coady calls "mercenary warriors, many of whom are now likely to wear business suits rather than scruffy jeans or combat fatigues and to manage their conflict interventions from a suite of offices in London or Washington" (Coady 2008: 220). In closely examining the experiences of the now highly institutionalized private military security industry, it is possible to uncover a set of unique moral and ethical quandaries and dilemmas that are faced by its professionals in their everyday work. As later sections of this chapter argue, these problems have not been adequately dealt with by existing analyses of the morality of private force, necessitating a new ethical framework premised on feminist conceptions of empathy and responsibility.

For the purposes of this chapter, I engage with PMSCs as defined in the existing literature through the influential work of P.W. Singer. Singer's (2008) suggestion of a 'tip of the spear' typology of PMSCs helpfully stratifies the complex world of private force and allows for a better understanding of the various types of military and economic interactions at play in the privatized military industry, as he

acknowledges different roles for military provider firms (MPFs), military consultant firms (MCFs), and military support firms (MSFs). These distinctions, based on the firm's location in battle space and proximity to the frontline of the battlefield, are helpful as they broaden the scope with which we see private force and allows us to group firms based on the types of activities they engage in, avoiding an overgeneralization of all PMSCs as identical in their form or conduct in war (Singer 2008: 91). For Singer, the category of military provider firm is defined by its foregrounding of the tactical environment. These firms are most directly implicated in actual combat, as they are located at the frontlines of the battlespace and are often engaging in actual fighting. Combat pilots would be included in the duties of the MPF, as would those who are commanding and directing units in the field. As Singer points out, the typical clientele of MPFs are states "with comparatively low military capability, faced with immediate, high threat situations" (Singer 2008: 93). Given the direct violent action often enacted by MPFs, it is unsurprising that they have proven to be the most controversial area of the private military security industry, with much of the public criticism of PMSCs focused on firms engaging in actual combat. Similarly, it is unsurprising that this category of firm is the least common in current engagements in Afghanistan and Iraq by the United States and its allies – given the high level of military capability held by American forces and their NATO counterparts, there is little demand in the ongoing counterterrorism operations for expertise in actual fighting (Alexandra 2012). Rather, much of the employment of PMSCs in the region falls into Singer's other firm categories, offering consultancy and support to assist in the conflict.

Military consulting firms, according to Singer, take on an advisory and educatory role in armed conflict, providing training and helping to operate and restructure the military institution of the client (Singer 2008: 95). The biggest distinction between MCFs and those categorized as providers is that consulting firm employees never find themselves on the battlefield itself, therefore maintaining the client's sole responsibility for the actual risks of war. Nevertheless, they play an integral role in maintaining the day-to-day function of the militaries that employ them, particularly given their role as trainers – they are the firms imparting knowledge and advice to those about to engage in actual fighting, making their own actions essential to the development of military operations. Given that those employed by MCFs are often former soldiers in their own right, holding vast

expertise about violent conflict and war, there is often an unclear boundary between the teaching and implementing of tactics. As Peter Tickler rightly suggests, it is often difficult for these former soldiers to avoid acting when the opportunity presents itself on the battlefield (Tickler 1987: 126). As this chapter will demonstrate, this may lead to difficult moral and ethical questions, many of which necessitate a careful reading of responsibility in the realm of war.

Singer's third and final categorization of private military security industry is the military support firm (MSF). These firms engage in all manner of support functions, including "logistics, intelligence, technical support, supply, and transportation" (Singer 2008: 97). The primary reason for employing MSFs stems from a client military's desire to focus on perfecting warfighting itself rather than on engaging in the myriad additional tasks that come along with military operations. Singer points out the paradoxical identity of MSFs: although they are the most common and diverse firms working in private force, they are the least examined by existing literature and often ignored as their day-to-day tasks often do not take on a "military" form. One area of interest in the realm of morality and MSFs is in their common role as intelligence gatherer – as Singer highlights, even the United States Air Force and CIA have contracted out some of its high resolution satellite imagery needs in Afghanistan after 9/11 to the private sector (Singer 2008: 97). There are undoubtedly moral and ethical questions that abound within the area of intelligence, given its reliance on secrecy and covert missions, leaving us to question how the ethics of private force may well differ in the support sector from its consultant and provider counterparts.

As has been evidenced by Singer and others, the private military security industry is growing quickly and in all directions. The sheer variety of the tasks undertaken by private military firms results in a necessarily contextual and flexible view of their moral and ethical standing as part of a practice of contemporary warfare. The heterogeneous nature of PMSC identity and function is an integral element of understanding their place in modern war, and is part of the discussion in the remainder of this chapter. In order to pinpoint some of the ethical and moral questions that arise for those employed in all three categories of private military firm, I now turn to the task of providing empirical evidence gathered from existing analyses of PMSCs in academic scholarship, the media, as well as the military's own examinations. Identifying areas in which we see particularly unique moral

circumstances for private contractors highlights the need for a rethinking of how we conceive of the ethics of private force in International Relations theorising, and what a feminist ethical framework for analysing PMSCs might look like.

The complex moral position held by PMSCs has been discussed by many scholars writing about their existence and role in modern warfare. Much of the confusion and precariousness of this position rests on the fact that private military firms rely on violence, conflict, and suffering for their business – without it, they are unable to survive in the market (Singer 2008: 216). However, a closer reading of PMSCs is required if we are to identify any particular moral and ethical characteristics that distinguish it from other practices of war and make judgments about its applicability in the contemporary era, such as in Afghanistan and Iraq in the decade since 9/11. To this end, Deane-Peter Baker's *Just Warriors, Inc.* provides a useful starting point. In his analysis of the ethics of privatized force, Baker identifies a five-pronged examination of virtues that identify a moral actor (or 'warrior') in war: courage, comradeship, a sense of honour, professionalism, and sacrifice (Baker 2011: 48). In order to decide whether or not the use of contracted combatants is ethical in war, he suggests, we must first decide whether PMSC employees can meet these five criteria in the same way that state soldiers do. In essence, Baker contends that in general, private contractors do indeed demonstrate that they hold these virtues, often engaging in risk-taking and dangerous situations in order to protect others, even when they are not contractually obligated to do so. For Baker, these examples of courageous and sacrificial action are indicators of why private forces should be considered ethical and morally permitted to engage in war-making and war-fighting activities. While the virtues he identifies are indeed important gauges of appropriate conduct in war and offer some evidence for the *possibility* of ethical behaviour (for example, the notion of comradeship is important in thinking about the relationship between private contractors and their state military counterparts), they are insufficient for telling us what unique moral and ethical dilemmas are faced by PMSC employees in their day-to-day experiences on the battlefield and behind the scenes in conflict. As moral philosophers Tony Lynch and A.J. Walsh recognize, "it is no easy matter to distinguish on moral grounds between mercenarism as a professional activity and the activities of national armed forces" (Lynch and Walsh 2000: 133). Indeed, it is not a simple task – rather, it is one requiring careful consideration and an acknowledgement of the empirical evidence suggesting that

regardless of whether or not the use of PMSCs in war is moral, the actions and behaviours of those engaged in private force operations in the contemporary era are subject to particular moral and ethical quandaries requiring a rethinking of how we theorise about the ethics of PMSCs.

One area in which we may examine this empirical evidence is in the realm of discrimination. Because private actors in war often have little stake in the political outcome of conflicts they are engaged in, some have argued that this can lead to a moral indifference when it comes to discriminating good from bad in conflict. Mandel points out that this indifference has sometimes extended to a lack of compliance with international moral norms, given the accusations against some private military firms said to have been employing individuals with records of human rights abuses (Mandel 2002: 131). Moreover, there is evidence to suggest that PMSC employees have often killed innocent civilians when attempting to provide foreign security assistance, mistaking them for rebels or rebel supporters (Davis 2000). In the post-9/11 era, the question of discrimination and knowledge about target identity is a prescient one. In one of his many interviews with private military personnel in Afghanistan in 2003, Robert Pelton speaks with a contractor who acknowledges the difficulty in discerning Taliban fighters from Pakistanis or Arabs, finally admitting “I have no...idea who we are fighting” (Pelton 2006: 55). Given the nebulous combatant/civilian distinction in the recent ‘War on Terror’, it is not entirely surprising to hear such an admission – however, in acknowledging the context in which private military employees are fighting, without the same level of political and sociological briefing provided to their state military counterparts through the large-scale military training process, it becomes ethically problematic to think about PMSCs fighting indiscriminately. This sense of expedient force without a close reading of the conflict also comes across in Pelton’s interviews with Gary Jackson and Erik Prince, the president and owner of Blackwater (renamed Xe Services in 2009 and known as Academi since 2011), one of the world’s largest private security services providers. On the immediacy of the services provided by Blackwater, Pelton describes Jackson’s suggestion: “the UN takes forever and we are ready to go. We would first send in a hundred guys to set things up, Gary machine-guns me with enthusiasm, then send in men and equipment” (Pelton 2006: 286). Prince makes similar statements, describing the size and might of Blackwater’s personnel and suggesting “I can launch a thousand armed and trained men” (Pelton

2006: 284). The degree to which these PMSC executives take pride in the abilities of their employees to quickly and powerfully respond to violent conflict demonstrates an act first, think later sensibility that calls into question the possibility for careful discrimination by private actors in war. A 2010 WikiLeaks release of classified US military documents quantifies this concern about discrimination and revealed information about dozens of previously unreleased cases where Blackwater fired on civilians, resulting in 10 confirmed deaths and seven serious injuries (Eley 2010). The attacks, occurring in a two year period between 2005 and 2007, highlight the seriousness of the discrimination problem in private force generally, and in Blackwater's Iraq operations specifically. Whether on the battlefield itself, in training sessions, or on intelligence-gathering missions, a carefully thought-out response to the risks and perils of warfare is an essential element of ethical behaviour in situations of violent conflict. The lack of foresight seen in the actions of some PMSC employees constitutes a moral dilemma requiring renewed attention towards the ethicality of their behaviour on the job. As later sections of this chapter suggest, a focus on responsibility, as feminist ethicists have articulated it, would be well positioned to enhance the discrimination and thoughtfulness exhibited by PMSCs in their actions.

Related to discrimination as an area of moral and ethical complexity for private force is the realm of professionalism. As one of the aforementioned five virtues suggested by Baker, professionalism here refers to the exhibition of trustworthiness and control alongside an ownership of the core expertise of the military profession (Baker 2011: 60). Baker is right to claim that many private military contractors do indeed possess this expertise, and often at an even higher level than state military forces (given that the private security industry continues to tempt some of the most skilled soldiers away from public military units). However, with respect to trustworthiness and control, there is significant empirical evidence suggesting that professionalism is a problematic area for private military firms, one made even more difficult due to the lack of accountability and punishment mechanisms available to state militaries who have "unprofessional" PMSCs in their employ. Perhaps the most pertinent example of this in the post-9/11 context again relates to Blackwater in its operations in Iraq. On December 24, 2006, a 26 year old Blackwater employee shot and killed a guard to the Iraqi vice president after attending a party where he "had consumed several alcoholic beverages and was

described as drunk by witnesses who encountered him that evening” (MacAskill 2007). While the employee was later fined by Blackwater and fired from his position there, he was taken out of Iraq and returned to the United States within days of the incident and was never charged. In a 2007 United States congressional hearing, Blackwater owner Erik Prince suggested that the company had no power to detain or charge anyone when asked why the former employee had not been formally charged. He told the hearing, “...we, as a private organization, can’t do any more. We can’t flog him, we can’t incarcerate him” (BBC News 2007). Following Prince’s testimony, the United States House of Representatives passed a bill allowing any PMSC employee contracted by the US military to be prosecuted by American law in US courts. This incident speaks to questions of professionalism in private force – while it is undoubtedly the case that there are many instances of unprofessional behaviour amongst state-sponsored military personnel, there is a distinction whereby PMSCs are often deemed unpunishable for such offences (in opposition to official military tribunals whose primary purpose is to reprimand soldiers involved such incidents). This distinction leads us to question the ethical and moral judgment of PMSC employees – given their status as exceptions to the normal rule of military law, how might they choose to act differently or outside the boundaries of acceptable, professional behaviour in times of violent conflict? Like the notion of discrimination, questions of professionalism relate closely to the conception of responsibility articulated later in this chapter, and ask us to revisit the ways in which we think about what acting ethically in war means (and how we punish those who don’t).

A third realm where we see empirical evidence distinguishing private military contractors from their public colleagues is in the development of a distinctly PMSC identity. An identification with other private force personnel and a strong differentiation from state-sponsored soldiers is present in much of the empirical evidence collected about the everyday experiences of PMSC employees, specifically in work informed by sociological and anthropological theorising. Here I briefly examine two cases that explore questions of identity amongst these workers - Paul Higate’s work on masculinity and Mateo Taussig-Rubbo’s analysis of sacrifice – to demonstrate how identity formation can shape ethical behaviour. Higate’s work (2012a; 2012b) highlights the prevalence of hypermasculine identity amongst private military contractors in Iraq and Afghanistan, often framed in opposition to the more

feminized state military forces. Through a sociological research project based on contractors' memoirs and participant observation, Higate (2012a) describes the corporeal presentation of this hypermasculine identity amongst contractors in Iraq: "adopting a high profile, hard-stance, turned on the presentation of impressive body size as the result of many hours working out in the gym and/or use of steroids, as indicated. Body size was further enhanced by wearing bulky Kevlar body armor, kneepads, and helmets" (365). This "embodiment of militarized masculinity" (Higate 2012a: 365) is given a high level of importance by contractors, and is used to impress a climate of security through intimidation, distinct from the standard-issue fatigues worn by military forces of the US and its allies. This hypermasculine identity is also formulated and re-inscribed through practices of bonding, creating what Higate (2012b) calls 'fratriarchy', often in the form of sexualized, homoerotic hazing practices that aim to affirm the heteronormative relations and hegemonic masculinity between members of private military forces. These practices of intimidation and hazing outlined in Higate's sociological analysis points towards questionable ethical and moral judgment – given their commitment to differentiating themselves from official military forces through their masculinity, it is possible to read the actions of PMSC employees as offering a unique moral dilemma. As part of a feminist ethical framework to assess PMSCs in contemporary war, later sections of this chapter will identify the introduction of empathy as a possible way forward for informing the ethical behaviour of these actors in private force – a concept that moves beyond hypermasculinity and instead focuses on the creation of empathic connections with others (in this case, both civilian populations and other military personnel).

Similarly, Taussig-Rubbo's anthropological discussion of sacrifice asks us to think about the identity of the private military contractor and how this identity may shape ethical and moral judgment. Taussig-Rubbo (2009) points to the labour of sacrifice, and the exclusion of PMSC employees from official death counts in war and inability to receive medals or honours as a significant factor in the development of how actors in private force are seen. In his analysis, there are three viewings of the deaths of private actors in relation to sacrifice: either as mercenaries ineligible for sacrifice at all, as sacrifices in the private sector and therefore for the client only, or as sacrifices for the country employing them. In most instances, empirical evidence in the post-9/11 era shows interpretations fixed squarely in the first two

categories – PMSC employees are found to either be excluded entirely from narratives of sacrifice in the United States (by being excluded from official death counts, for example) or to be included as sacrifices for the client only. In this permutation, Taussig-Rubbo points to evidence from *The Red Zone*, an Internet forum for private military contractors, which “speaks of contractors whose deaths were an ‘ultimate sacrifice’ and ‘is dedicated to the men who gave their lives so ‘the client’ would be safe” (Taussig-Rubbo 2009: 122). Contractors are aware of the sacrifices made by their colleagues, but it is positioned relative to the client being served rather than to the (American) public at large. Taussig-Rubbo also points to a 2007 ceremony for Defense of Freedom medals awarded by the US government, who expanded the criteria for recipients to include PMSC employees several years into the recent ‘War on Terror’. The ceremony awarded the medals posthumously to the families of contractors who had been killed in Iraq, but the event was fully private with no media coverage, and the names of those honoured went unreleased to the public. As a *Los Angeles Times* description of the event put it, “the nation’s gratitude was delivered behind closed doors” (quoted in Taussig-Rubbo 2009: 124). This refusal on the part of the United States government and its citizens to recognize the sacrifice of private military personnel is integral to the ways in which PMSC employees perceive their own identity and role in conflict. If individuals are cognizant of the fact that their possible death or injury will go wholly unacknowledged or unappreciated, either by the company paying them or the country they are there to assist, contractors may well be less inclined to engage in risky behaviour in order to protect civilian populations or stabilize a tense situation. The ethical and moral behaviour of PMSC employees is shaped and shifted by how they identify themselves (as hypermasculine warriors) as well as the ways in which they are perceived by others (as expendable without sacrifice).

The empirical evidence assessed here demonstrates the moral and ethical complexities of the experiences of PMSC employees. Issues of discrimination, professionalism, and identity are all integral to how we understand the decision-making and actions of private military personnel, and highlight how their particular duties and contexts within the realm of contemporary war distinguishes them from their counterparts in state organized military forces. Given these distinctions, it is necessary that we think of their ethical and moral status *differently*. In the remainder of this chapter, I argue in support of a feminist ethical framework for thinking about

the practice of private force in modern warfare. This framework is premised on conceptions of empathy and responsibility, and asks us to rethink the way we think about the ethics of war to acknowledge the need for a more relational, contextual, and reflexive understanding of ethics and morality in conflict zones.

## **6.2 Feminist Ethics and Private Force: On Empathy and Responsibility**

In an attempt to move beyond existing ethical analyses seen in IR as well as strands of political philosophy, applying a feminist ethical framework to the private military industry provides new lenses through which to see the complex behaviours and practices of PMSCs in the contemporary era. In particular, the feminist framework that I propose contains elements to examine both the *behavioural* side of PMSC operations – that is, what do private military contractors themselves do, how do they do it, who is impacted by their actions and in what ways – as well as the broader, *organizational* discussion surrounding the morality of private force as an industry and the ways in which it interacts with formal militaries and states themselves. To this end, I argue that it is necessary to rethink the ethics of private military security companies by foregrounding feminist ethical conceptual tools of empathy and responsibility. In so doing, I believe it is possible to uncover a new and important set of understandings about the moral and ethical judgments to be made about PMSCs and how we might increase their moral and ethical standing as significant actors in contemporary warfare – particularly, we see that the ethical questions raised by private force as a practice of war is intrinsically tied to their relationships with each other, as well as with public military forces, combatants, and civilians. This relational perspective exists as an alternative to the individual, self-motivated moral analyses that have been made about private force to date, centering largely around financial motivations and the lack of ties to a nationalist sentiment or patriotic identity leading to immoral or ethically questionable actions and behaviours.

The concept of empathy has been explored most commonly by feminist care ethicists such as Virginia Held (2006) in recent years, but has thus far received little attention from mainstream scholarship examining the ethics of war. I suggest that it is an essential aspect of a feminist ethical framework as it acknowledges the importance of emotion and feeling, taking another step in moving beyond the abstraction and oversimplification of war seen in the contemporary just war

tradition. Further, foregrounding empathy serves to bolster the ethical considerations brought to bear by thinking about war relationally and experientially. Sylvester's (2013) assertion that war as both physical and emotional experience has been largely ignored in International Relations has important implications here – as she remarks, thinking about experience in war “is a realm full of disorienting and generative bodily feelings and political possibilities” (86). When we suggest that it is ethically important not only to think about the relationships and experiences we have with others but to have *empathy* for them, the moral questions surrounding war – and in particular, wars fought in highly technologized and privatized ways – become more complex and unable to answer using a strictly delineated set of abstract principles or criteria.

As was explored in Chapter Four, a focus on empathy emphasizes the significant distinction between our understandings of sympathy and empathy – empathy moving us beyond sympathy to feel not just *for others*, but to feel *as others do*. As Sjoberg (2006) suggests, “empathy is not sharing others’ experience, nor is it pitying others’ plights. Instead it is, in some non-trivial way, feeling their pain” (48). Prioritizing empathy as a central concern radically shifts our thinking about pain, injury, and sadness in war – no longer is it adequate to simply accept such emotions given the context of a just war; rather, we must interrogate them and feel them ourselves in order to think more carefully about their source. Fiona Robinson (1999) suggests that empathy can be used in order to mitigate difference – by considering empathy in relation to particularity and relationality in care, empathy can serve as a guideline by which we order our thinking. Thinking about empathy in this way allows us to build a new an alternative ethical lens for looking at private force: if we foreground the feeling of others’ pain, the particularity and uniqueness of the experience of war, and the inclusion of a perspective other than our own, we are left asking a very different set of moral questions about the actions of PMSCs – namely, do those engaged in contracted private force operations think empathetically while doing their (paid) job, and if so, how? The experiences – and resultant empathetic interactions - of a private military contractor, working in Kandahar as an employee of a company operating with a specific contract, goals, and deadlines, will undoubtedly be different from that of a member of the official state military and graduate of a military academy who has already completed several tours of duty in Afghanistan. These differences impact the ethical and moral decision-making of

each actor in war. Given the training and institutional supports provided to soldiers within the sprawling organization of contemporary militaries, we might expect to see an increased attention to the tenets of empathy described above – particularly as counterinsurgency operations and ‘winning hearts and minds’ of civilians has played an increasingly important role in post-9/11 warfare. Conversely, an individual without the same relational experiences as a member of an official military - instead employed on an ad-hoc basis for short-term contracts – may well find it more difficult to think empathetically when faced with moral and ethical quandaries in the workplace (i.e. in a warzone).

Empathy, as feminist scholars have conceived it, therefore plays an important role as an ethical guideline for thinking about war generally, and also about the practices of PMSCs specifically. There is often a disconnect between the employees of private military firms and the individuals around them, including official state military personnel, civilians, and combatants. For many private military contractors, there is little link between their job, which provides them with a salary, and the lives of those impacted by war on the ground. This economic motivation and detachment from the political and emotional realities of conflict has the possibility to lead to highly destructive and unethical consequences whereby PMSC employees find themselves wrongly identifying civilians as enemy combatants or not providing adequate support to official military personnel due to a lack of empathetic connection towards them as colleagues. By thinking seriously about the importance of empathy as an ethical principle, we can begin to formulate ways to encourage moral and ethical behavioural standards among those working in private force – whether it is through an inclusion of a discussion on empathy into the codes of conduct and ethics written by PMSCs themselves, increased attention on empathic interaction between private military contractors and civilian populations, or attempts to educate PMSC employees and state military personnel about the importance of empathy, relationships, and shared experience.

Just as foregrounding a feminist ethical understanding of empathy can allow us to make new moral judgments about the behaviours and practices of PMSCs and their employees, so too can placing an additional focus on the concept of responsibility. Thinking about responsibility as an ethical guideline means acknowledging the importance of ascribing moral responsibility for actions, as well as an understanding of the responsibilities that we have to each other. Specifically

with respect to the ethics of war, I suggest that thinking about responsibility is critical as there is a need for the recognition of concrete realities and atrocities of war as well as the assigning of responsibility for them, regardless of whether a war is deemed morally justifiable. The contemporary just war tradition's failure to adequately assess questions of responsibility in its ethical appraisal of war serves as a fundamental shortcoming of the literature. A feminist ethical framework that acknowledges the need for responsibility and its ethical importance in thinking about contemporary practices of political violence allows us to think more substantively about *what* international actors are responsible for and *when* to ascribe responsibility to one party rather than another. Importantly, a feminist understanding of responsibility also asserts the importance of the existence of shared responsibilities that we have for each other. As Heidi Grasswick (2003) suggests, there have been many significant developments in thinking about responsibility within feminist ethics, chief among them the need to move beyond a strictly delineated praise/blame version of moral responsibility and acknowledge the *impurities* of moral agency in a careful and contextual way when assigning responsibility for particular moral actions or decisions (99). The engagement with the concept of responsibility by Grasswick and other feminist ethicists suggests it remains a salient element of any feminist ethical framework.

Scholars investigating the ethics of the private military industry have long grappled with the question of responsibility. Singer (2008) suggests that the exact lines of responsibility between PMSCs and state governments are quite difficult to assess in cases where private military firms are seen to have done something wrong. He rightfully asks, "who can and should be punished for these crimes? The soldiers who did the actual deeds? Their government? The individual employees of PMFs? The overall military companies? Their clients? The clients' owners (stockholders)?" (Singer 2008: 221). Such questions are highly contentious and demonstrate the complicating effect that privatizing security has on what is already a complex issue of responsibility in war. Foregrounding a feminist ethical conception of responsibility as a contextual and relational tool with which we can untangle the intricate web of accountability helps us to navigate a world in which private military firms are subject only to the laws of the market rather than to the wide range of checks and balances that oversee traditional state militaries. Specifically, utilizing a feminist understanding of responsibility – meaning one that both moves beyond an

oversimplified praise/blame system to instead question the impurities of moral agency, and thinks about the moral and ethical responsibilities we have to each other as a collectivity rather than understanding responsibility as an individual, self-interested concept – asks us to question existing paradigms of responsibility in discussions surrounding the ethics of private force. Instead of thinking about responsibility in terms of ascription, for example as a particular company’s code of ethics assigning responsibility for the ethical and moral decisions made by its employees to those individuals themselves, using a feminist ethic of responsibility means foregrounding an individual’s feelings of interconnectedness with others, the contexts they find themselves in, and their experiences. This understanding of responsibility, stemming from the early work on the ethics of care by Carol Gilligan (1982) and Nel Noddings (1986), may be characterized by nurturing and places particular focus on responsibilities to others. It exists in contrast to more mainstream ethical arguments premised on justice, expressions of autonomy, and the formation of abstract and universal principles characterized by rationality and an emphasis on the rights of individuals.

Rather than seeing the use of private military firms as a force “that pushes responsibility and liability outwards through contracting and privatization” (Taussig-Rubbo 2009: 144), using a feminist lens of responsibility asks us as scholars and ethicists to take seriously the need for a comprehensive approach to ascribing responsibility for atrocities in war – an approach that acknowledges the state’s role as client and customer of PMSCs, the companies themselves, as well as the individual employees of the firms in question. In particular, it questions the holding of responsibility as an individual act, suggesting that it is instead within the relationships with others and contextual experiences that it is possible to think more carefully about responsibility as an ethical guideline. Given the aforementioned nature of private force, however, it is currently difficult to imagine a world in which the individualistic, self-interested private contractor is not at the center of conversations about responsibility, leaving the possibility open for a lack of ethical awareness in thinking about responsibility of and for actions within PMSCs. It is not sufficient to simply label the realm of private force as too difficult or diffuse to accurately identify responsible parties – rather, a feminist ethical approach to responsibility would suggest that in order to make judgments about the moral and ethical status of private force, it is absolutely vital that responsibility be of primary

concern to those both inside the theoretical/academic community and those practitioners in governments and conflict zones around the world.

The concepts of empathy and responsibility as put forward by the work of feminist ethicists both inside and outside the contours of IR serve as two small but important first steps towards a more fruitful feminist dialogue and debate surrounding the ethics of private military security companies, as they highlight the need for a more experiential and collective understanding of how PMSCs operate day-to-day, and how these conditions affect their abilities to act in morally or ethically nebulous circumstances. Underpinned by an acknowledgment of the hypermasculine warrior ethos and highly gendered assumptions that are omnipresent in the privatized military industry, a feminist ethical framework premised on empathy and responsibility attempts to address the distinctive complexities of private force through an engagement with ethics that offers an alternative to mainstream theoretical discussions surrounding the regulation and motivations of private military firms – by moving away from an autonomous, justice-based ethical approach to understanding PMSCs and towards a collective, relational and contextual one, it becomes evident that PMSC operations are morally and ethically problematic in ways that existing scholarship in IR has not been aware of. It is therefore not only a discussion about the financial motivations or lack of national ties that private contractors are often alleged as having that obscure their ability to make ethical judgments. Rather, it is the very nature of the system itself – as being individualistic and universal rather than concerned with the unique contexts and experiences felt by private contractors everyday. A shift in this critical understanding is beneficial for both the development of feminist scholarship on PMSCs, as it injects the important element of ethics into the debate, as well as more mainstream ethical conversations about private force and contemporary conflict, which are sorely lacking in feminist analysis.

### **6.3 Ethics and Morality in Private Force: From Conventional to Feminist Conversations**

Having identified a feminist ethical framework with which we can study the ethics of private force, it is now necessary to assess the usefulness of such a framework, built on the concepts of empathy and responsibility, against existing debates and analyses in IR about the morality of PMSCs. Upon surveying the field, it

is quickly evident that there has been a marked proliferation of both academic scholarship and media coverage examining the rise of private military security contractors, particularly in the years following the American-led invasion of Iraq in March of 2003. However, as Singer points out, the concept of private force itself is not a new one, and there is a significant historical legacy of states hiring outsiders to assist in the fighting of their battles (2008: 19). Increases have been seen military operations undertaken by the United States (and its allies) in Afghanistan and Iraq as part of the recent 'War on Terror', and it is now unlikely for any major deployment of American military resources overseas to succeed without the employment of private companies (Franke and Boemcken 2009: 11). Despite this burgeoning area of military operations, startlingly little analysis has focused on the ethical and moral dimensions of private force. Instead, much of the existing scholarship engages in debates surrounding the impact of privatization on a variety of mechanisms in global politics, from its effect on democracy and the ways in which PMSCs change the balance of public institutions such as the military (Avant 2005) to the reshaping of security discourses by private military firms in consulting roles (Leander 2006). In this section, I demonstrate the effectiveness of the previously articulated feminist ethical framework by assessing what the limited existing analyses of ethics in private force have missed out on: namely, the lack of an alternative vision to the justice-based, individual and autonomous understanding of ethics that is offered by mainstream approaches to ethics in war, and their ignorance of contextual, relational, and experiential factors that serve to shape the ethical and moral decisions made by PMSC employees. While there are undoubtedly gendered structures of the system that make such an alternative vision difficult, feminist ethics has had some limited success in articulating an ethical analysis based outside the confines of just war, most notably Robinson (1999) and Hutchings (2010). The forthcoming analysis builds on these arguments, using my own theoretical framework to pinpoint areas where it is possible to make moral judgments through a lens of feminist ethics.

As will be evidenced in the subsequent discussion, much of the existing ethical and moral analysis of PMSCs has tended to focus on their capacity as providers of direct military force and engagement in combat, despite the empirical evidence – some of which was discussed in this chapter's first section - suggesting that this represents only a small fraction of the work private military firms are contracted to complete. It is therefore important for future debates around the ethical

and moral complexities of PMSCs – including this discussion – to recognize the diversity of functions and roles played by private actors in military contexts, and to acknowledge that the ethical judgments we make about private force cannot always be generalized across all sectors of private military security employment. Rather, a feminist ethical framework premised on concepts of empathy and responsibility allows for a deeper and more contextually aware discussion of how the ethics of private force is far more particularized than existing scholarship would suggest.

As one might expect, much of the literature on PMSCs that does take up a discussion of ethics and/or morality introduces its analysis by pointing towards the impact of economics as a motivation for success and the different ethical implications brought forth by the market as a driving force for PMSCs activities in conflict zones. Sarah Percy, in her analysis of mercenaries and the history of the norm against their use in international relations, uses the Oxford English Dictionary definition of ‘mercenary’ to demonstrate the industry’s pervasive links to financial motivation – in the OED, “‘mercenary’ is used as adjective meaning ‘a person whose actions are motivated primarily by personal gain, often at the expense of ethics’” (Percy 2007: 241). As she points out, the norm against mercenary use in international relations has a significant ethical component and the moral definitiveness with which society sees killing in the abstract sense has influenced the specific political norm that has developed, suggesting that only the citizens of a state should be used as its military personnel. Percy’s suggestion, however, is that it is the ways in which private force have traditionally been seen – that is, as reckless mercenaries with a psychopathic desire to kill – which have contributed to its institutionalization as a morally problematic practice in warfare. If examined from a different perspective, she argues, the norm against the use of private military fighters becomes more complex, and we may well see situations whereby the use of private force may be the most moral option in a particular conflict (Percy 2007: 240). Percy’s assertion echoes that of other scholars in the discipline who have argued that the moral realities of private military contracting are significantly more complex than they have been portrayed, and that more attention is needed in order to make

more accurate ethical and moral judgments about the use of private force in contemporary conflicts.<sup>16</sup>

While this type of argument is useful in acknowledging the complexity of the moral and ethical questions surrounding PMSCs, Percy does not go far enough in unpacking the term ‘mercenary’ and its economic roots. By maintaining an understanding of private force as inherently linked to the financial world of markets and economic motivations, we risk reifying a perspective that suggests much of the ethical dilemma regarding the use of private contractors is associated with the employees’ own financial motivation – that is, an individualistic and self-interested pursuit of money above all else, regardless of the moral status of their actions. Applying a feminist ethical framework of empathy and responsibility asks us to step outside the boundaries of the market and examine the particular contexts and experiences of contractors, both as individuals and in their relationships with others. In so doing, an image appears not of a lone warrior intent on bringing home the largest salary, but instead of a complex web of relations that impact the ethical and moral decision-making practices of PMSC employees and demand a new attention on empathetic interactions and questions of responsibility and care for others. This suggests that when looking for answers to the question of whether or not a private contractor is acting ethically, the answer may more often than not lie in the experiential and relational aspects of her job, rather than the fact that she is being paid to engage in military operations.

Another relevant area of discussion surrounding ethics and PMSCs is in the realm of regulation. For many, it is the lack of regulation, professional standards, and behaviour monitoring principles that is a primary source for moral and ethical quandaries about the use of private force by states. Some PMSCs have begun to focus on these ethical questions by participating in discussions about and subsequent implementation of corporate responsibility policies, including creating standards for professional behaviour and signing onto agreements for regulation and monitoring by objective groups (Avant 2007: 192).<sup>17</sup> Many of these standards are enshrined in

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<sup>16</sup> See, for example: “Morality and the Privatized Military Firm” in Singer (2008), “Complexities Surrounding Privatization: The Morality Question” in Mandel (2002), and “Frontier Ethics with a Cosmopolitan Goal” in Carmola (2010) for discussions on the complexities of thinking about morality and ethics in private force.

<sup>17</sup> One such piece of regulation is the Voluntary Principles on Security and Human Rights statement established in 2000 by the governments of the United States and United Kingdom

codes of conduct that PMSCs use for both recruitment and marketing purposes, often to distance themselves from the negative connotations given to private force discussed earlier in this chapter. For example, Vesper Group, a Swedish-based private security firm founded in 2004 with subsidiaries in Afghanistan, Pakistan, Uganda, and Iraq expresses its values in the ‘guiding principles’ of the company’s code of ethics: “being a Swedish based company we understand development work and human rights issues. We get the job done efficiently, but we also consider the ethical implications of how our services are being implemented” (quoted in Berndtsson 2012: 312). Similarly, ArmorGroup – a large British private security firm acquired by G4S in 2008 – emphasized on its ‘Regulation and Ethical Standards’ webpage its strong commitment to monitoring by external groups including the Code of Conduct of the International Red Cross and Red Crescent (Krahmann 2010: 7). Other firms such as DynCorp and Bechtel have written extensive codes of ethics and business conduct that deal mainly with “harassment of co-workers, organizational conflicts of interests and the production of company assets, while leaving out more sensitive issues such as the use of armed force” (Krahmann 2010: 151). The connotations of morality and professionalism in these companies’ codes of ethics are familiar themes throughout the private force sector, demonstrating a desire among PMSCs to set the ethical rules and benchmarks by which their own conduct is measured.

In assessing the area of regulation, a feminist ethical framework highlights some of the main issues we encounter when PMSCs attempt to self-regulate, the most important of which is related to the notion of responsibility. By creating these codes of conduct and ethical guidelines for their employees, PMSCs inscribe an individualistic, autonomous rights-based identity onto those working in the field, and subscribe primarily to a praise/blame system of responsibility that does not take into account the subjectivities and impurities of moral agency inherent in discussions of responsibility itself. These codes of conduct do little to question the broader legitimacy and moral of the work being done, instead choosing to focus on individual ethical transgressions in the realm of co-worker harassment. In addition,

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in consultation with PMSCs, extractive and energy companies, and NGOs. The statement is “a set of principles designed to guide companies in maintaining the safety and security of their operations within an operating framework that encourages respect for human rights” (<http://www.voluntaryprinciples.org>).

these ethical guidelines do little to ascribe responsibility to the company itself or suggest that it is at all capable of morally or ethically questionable behaviour. As PMSCs describe themselves as ethical, these codes of conduct often serve as a form of advertising, raising questions about the maintenance of a particular corporate reputation and questions of accountability and control (Avant 2007: 194). Empirically, the ethical codes that have been voluntarily created by PMSCs, either as individual companies or as a collectivity, appear to have had little impact on the conduct of private military security employees. As Cockayne (2007) points out, the interrogators implicated in the Abu Ghraib Iraqi prison abuse scandal were supplied by large private military security firm CACI, and their behaviour was not shaped or affected by the company's own Standards of Ethics and Business Conduct, which explicitly forbid sexual harassment (Cockayne 2007: 207). Cases such as this one highlight the problem of accountability in self-regulation – even if an increasing number of PMSCs claim to adhere to codes of conduct and ethics, they do so when and if it is suitable for them (Leander 2007: 62).

Beyond self-regulation, there is also little to suggest that an external regulatory scheme has had much impact to date. As deNevers (2010) rightfully argues, the US-based International Peace Operations Association (IPOA) and the British Association of Private Security Companies (BAPSC) have thus far been unable to effectively control the activities of PMSCs operating in their respective jurisdictions, or evaluate the member companies' compliance with the standards that they set for themselves (235). While the concerns regarding this lack of regulation in existing analyses generally center around the emergence of private actors in the military and how it affects the state's monopoly over the use of force, a feminist ethical framework points to an additional significant quandary – the lack of desire from governments to regulate the actions of PMSCs and their reliance on self-regulatory schemes devised by the companies themselves is yet another by-product of a practice whereby responsibility is theorised and practiced at an individual, rather than collective, level. The PMSCs themselves are left to create rules and standards that punish individuals for ethical and moral transgressions such as co-worker harassment without pointing to the larger questions surrounding the moral status of the companies' actions and legitimacy of their contracts. Thinking about responsibility in this caring, collective manner could lead to increased attention towards the behaviours of private security companies on the part of governments and

organizations, while ideally maintaining an awareness of the contextual and varied nature of PMSC activities. It should be acknowledged that there is likely no one-size-fits-all regulation scheme for private force, given the wide swath of activity encompassed under its banner. Rather, an understanding of responsibility that shifts the focus from individual punishments to a more collective conception of morality and ethics could bring about positive change within the ongoing developments of regulation in the private military industry. This drive for broader regulation has been discussed in the literature, though there has not been a direct link made to questions of responsibility. Several policy reports and recommendations about the future of private force in global politics have also suggested that existing schemes of self-regulation are ineffective - as Holmqvist (2005) argues, the codes of conduct and ethics that PMSCs have written “are often unhelpfully vague and suffer from being directed at the individual company rather than the industry level” (47). She suggests that a broader approach to regulation is needed whereby states become important actors in enforcing legislation or regulation to hold PMSCs accountable to the ethical standards they set out for themselves in codes of conduct. To date, few steps have been taken in this direction by state governments, and many questions remain surrounding how PMSCs articulate their own moral and ethical commitments as actors in conflict zones. As these questions evolve, it is possible that a feminist understanding of responsibility – moving away from individualistic, praise/blame approaches – will serve to influence governments and organizations to move forward with increased regulatory schemes that can have a positive impact on the moral status of private military security companies and act independently of the companies’ own wish to maintain their corporate reputation as ethical.

Another area in which there has been some explicit analysis of moral and ethical judgment in the existing literature is through examinations of private force employees themselves. Elke Krahnmann’s (2010) investigation of private military contractors provides a helpful distinction between what she calls the two preferred models of the soldier in Liberalism – the politically neutral professional soldier or the private military contractor (18). For her, the distinction between these two models is quite clear in terms of the ways in which democratic control over their actions is enforced. While the professional soldier is controlled through a combination of obligation and duty, patriotic sentiment, a collective professional ethos amongst official state military soldiers, and a clear distinction between the

political and military roles of citizens, the “private military contractor has no general obligations other than to the employer or contract, is motivated by private gain, is alienated from society and is held accountable through market rather than institutional relations” (Krahmann 2010: 18). In recent years, this type of description has been substantiated with first-hand field and interview-based research in Afghanistan and Iraq suggesting that the rogue, cowboy identity ascribed to many working in the private military industry is a product of reality.<sup>18</sup> From these differences, we can begin to imagine the variation in ethical training and consideration between state-sanctioned members of the military and private company employees. However, to date this professional divide has been at least partially bridged by the heavy recruitment of private military contractors from among the ranks of former soldiers and defence department employees, particularly in the American case. For those who have already been subject to state military training practices, it can be argued that the personal morals and high ethical behavioural standards of ‘serving your country’ are transferred to those individuals’ work in private force (Krahmann 2010: 151). Of course, the ethical standards to which state military employees are actually held have been subject to much debate in the fields of war and conflict studies in recent years. However, given the current military climate that is becoming more and more reliant on PMSCs for a variety of supporting roles in contemporary conflicts, those with official military training currently working in private force will increasingly be replaced by employees who have little to no experience of military professionalism, which also raises concerns about the possibility for sound moral and ethical judgments to be made. Professionalism is also an integral aspect of the private military industry, as both firms and contractors outwardly identify as professionals rather than amateur contractors in war. As Higate (2011) discovered through his engagement with British contractors’ memoirs of their experiences in Iraq, there is evidence to suggest that the sense of professionalism that was so important for the contractors to convey stemmed at least in part from a strategic way to legitimize their involvement in

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<sup>18</sup> There have been a number of monographs in the past decade dedicated to profiling the lives and activities of PMSC employees – see, for example: Steve Fainaru (2008), *Big Boy Rules: America’s mercenaries fighting in Iraq*; Robert Young Pelton (2006), *Licensed to kill: hired guns in the war on terror*; David Isenberg (2009), *Shadow Force: private security contractors in Iraq*; Jeremy Scahill (2007), *Blackwater: the rise of the world’s most powerful mercenary army*.

military operations (340). While this professional identity may well have historical and culture ties to a sense of national pride, as Higate (2011) suggests, there is more emphasis given to highly skilled and expert aspects of contractor identity than to their ‘service to country’. This distinctly professional identity, when analysed through a feminist ethical framework, takes on another role – that of the autonomous individual, abstracted from particular contexts and experiences, only there ‘to get the job done’. Without an understanding of the relational and experiential aspects of war, the ability to engage in empathetic interactions or think ethically about the nature of responsibility is obscured, instead leaving the market or the firm to decide the best course of action rather than a judgment made in acknowledgment of the variety of relationships and unique experiences undertaken as a PMSC employee. In this sense, a feminist ethical framework can serve to call into question the existing identity of the private soldier as ‘professional’ and ask how a more complex vision of how PMSC employees see themselves as others may lead us to ask very different questions about the ethics and morality of their day-to-day operations in the battle space.

Interestingly, the United Kingdom government has suggested that the outsourcing of military work to the private sector has actually served to “enhance morale, cohesion, combat effectiveness and ethos of the armed services” (Uttley 2005: 16) as soldiers are relieved from routine support roles and can focus on more stimulating and rewarding tasks (Krahmann 2010: 106). It is important to recognize the many impacts this has on the environment of war – for example, as Barker (2009) points out, it is often low-wage migrant men from South Asia who perform the reproductive labour tasks previously performed in families (by women) such as laundry and cooking that maintain the military apparatus and allow soldiers to continue living with the conveniences of a middle-class lifestyle, even while in the middle of a warzone (231). Looking at the inclusion of private military contractors in conflict zones from a critical ethical perspective, however, leads us to question how particular situations and actions may be interpreted differently through a lens of market (rather than moral) accountability. In other words, what are the impacts on moral and ethical judgment in war when states are increasingly reliant on private force for the successful accomplishment of missions? Avant (2005) suggests that answering this question necessitates thinking about an important link to international law. Western military personnel (for the most part) understand the importance of

abiding by the obligations of international law in terms of conduct in war, as such obligations are an integral element of professional military education both as moral imperatives and as a necessary element of effective military operations. Therefore, respecting the rights of non-combatants and abiding by domestic law with respect to civilian authorities are seen as essential ingredients in a successful military mission (Avant 2005: 51-2). Conversely, private military contractors are less concerned with the moral obligations ascribed in international law as their training is much less likely to include substantive discussions about the importance of the norms of proper behaviour in war that have been enshrined in international legal doctrine in recent decades. Given that the primary motivator for PMSCs is profit, there are clear reasons to be concerned about the operations of such firms in practice, as well as the problems they are posing for the credibility and viability of these norms and well-known principles of war such as the combatant/civilian distinction (Alexandra 2012).

Underlying much of the concern about the ethical and moral status of individuals employed by PMSCs is the concept of indifference. As Mandel (2002) points out, there have been many accusations and hostile reactions emerging about the use of private force in the contemporary era that center around whether or not private military contractors possess the integrity required to navigate the difficult terrain of fighting and killing in war. It is suggested that because contractors are paid to fight in a conflict which may be quite alien to them and in which they have little stake in the political outcome, making complex judgments about the nature of the combatant/civilian distinction (for example, whether or not innocent civilians are actually rebels or ‘rebel sympathizers’) may be more difficult, if not impossible. The economic incentives for PMSCs to fulfill a contract and be seen as an effective firm that ‘gets things done’ heightens the possibility for rogue behaviour among firms and their employees, given the lack of regulation and accountability (Singer 2008: 228-9). As the existing literature suggests, if we are to think more seriously about the ethics of PMSCs and specifically about the ethical practices and judgments made by professionals in the industry then it is necessary, as Avant (2007) suggests, to place “a focus on *individuals*: what individuals should know, how individuals should be trained, and the boundaries of individual action” (192). Such a focus on the lived experiences of individuals – and their relationships to each other in collectivities - is precisely the aim of a feminist ethical framework for thinking through these issues of ethics and morality in private force, as concepts of empathy and responsibility allow

us to reorient our perceptions about how we make moral and ethical judgments about the practices of PMSCs in contemporary conflicts as well as the actions of their employees.

Until now, I have focused on applying a feminist ethical framework to existing critiques of the ethics of PMSCs in order to ask what has been missed by ignoring considerations of empathy and responsibility. However, there is also a value in thinking about the small subset of analyses in IR who have argued in favour of PMSCs as moral actors in contemporary war, and asking how a feminist ethical framework might respond to such lines of inquiry. As Mandel (2002) points out, some moral philosophers have suggested that it is difficult to make a moral distinction between the activities of the private military industry and those of national armed forces (131). Others have pointed to empirical evidence from war-torn states such as Sierra Leone, where it is suggested that thousands of people are alive today because of the presence of PMSCs that worked to restore order and professionalize local security forces during times of conflict when official state militaries were ineffective (Singer 2008: 228). Singer (2008) argues that “when [PMSCs] private commercial aspirations are aligned with the public interest, they hold the capacity for better moral outcomes than what would occur otherwise” (228). While this may indeed be the case, how common is such an alignment of aspirations, given the drive by PMSCs for profit and market dominance? It seems unlikely that the economic underpinnings motivating the private military security industry would map onto the political concerns of states in a regular and systematic manner, leaving us to again question the relationship between financial motivations and ethical decision-making in private force. Thinking about empathy and responsibility allows us to move beyond this relationship and think more broadly about the ethical and moral status of private soldiers, not resigning their judgments to the fact that there is a pay cheque attached to the actions and decisions made by them and the firm with whom they are employed.

Perhaps the most extensive existing analysis in support of the moral character of private force is Deane-Peter Baker’s *Just Warriors, Inc.* (2011). Baker, in his hypothetical discussion of whether or not private soldiers should be used, argues that employees of PMSCs (or ‘contracted combatants’ as he identifies them) are merely warriors of another kind, and the conditions that determine whether individual contracted combatants can be seen as just, moral, and ethical are essentially the same

as those used to ask the same question of state military personnel (2011: 181). Moreover, he makes a preliminary and partial suggestion that there is a substantive link between the resistance to the employment of PMSCs seen in contemporary academic and media circles and a nostalgia for a past era, rather than the product of rigorous analysis (Baker 2011: 180). Baker's indictment of those scholars who have argued in favour of a clear distinction between the ethics and morality of private versus public force is premised on what he sees as a mistake on the part of existing scholarship to focus on the individual combatants rather than on the states that employ them. For him, it is imperative that states enforce strict legal mechanisms to deal with PMSCs and ensure that they are acting in a just manner, rather than relying on the tepid and ad hoc quality of existing arrangements. While Baker makes an interesting case that is somewhat supported by Isenberg's (2009) claims that ultimately the state is responsible for the actions of PMSCs and ought to be held accountable for those actions, it is nevertheless difficult to believe the assertion that the private military industry is in no way morally or ethically distinct from its public counterpart, given the myriad differences that exist between the two in terms of motivation, education, and regulation.

In *Cosmopolitan War*, Cécile Fabre makes a similar (though rather more qualified) claim that the marketization of war is not in and of itself morally wrong. Fabre argues that because private individuals should have the right to hire themselves out for the purposes of fighting and killing, then private soldiers – whether freelance mercenaries or PMSC employees – should be treated the same as uniformed soldiers when discussing their liabilities, rights, and privileges in war (2011: 233-4). For Fabre, what matters is not where the soldier comes from (whether a private firm or a state military) but whether or not the soldier has met the strict conditions under which one has the right to kill in war: just cause, proportionality, necessity, and non-combatant immunity. As she writes, “these various conditions hold irrespective of the status – public or private – of combatants, and it is only if they are met that marketized soldiering is morally legitimate” (Fabre 2011: 212). While Fabre's claims represent a much stricter application of ethics of war principles than what is outlined by Baker and others who make the case for moral mercenaries, her analysis still fails to recognize the importance of distinct motivational, educational, and regulatory characteristics that define private force as fundamentally different from its public, state organized counterpart and impact the way we

understand morality and ethics in relation to the practices of PMSCs. Though it is useful to think about the criteria to be met before warfare can be deemed just, suggesting that public and private combatants are essentially identical and that any such criteria can be applied in the same way to both categories belies the empirical evidence suggesting that the behaviours and treatment of PMSC employees in conflict zones can differ dramatically from that of state military personnel. While a feminist ethical framework premised on empathy and responsibility is not wholly incompatible with Fabre's claims, her use of universalized abstract principles of just cause and proportionality call into question the usefulness of her argument. Given the varied and contextual nature of private force, it is difficult to imagine a scenario in which such conditions could be met such that the many firms engaging in consultancy, support, and tactical provision operations in Afghanistan and Iraq since 2001 could continue operating. Fabre glosses over the importance of context and Singer's (2008) stratification of firms, leading to an overgeneralized assertion about when private force may be considered moral. Rather than continuing to apply such a set of abstract principles universally, a feminist ethical framework premised on a relational and contextual understanding of war provides an alternative way of assessing the ethical and moral status of PMSC operations – one that points to a lack of empathy and responsibility in its behaviours and judgments.

As the preceding discussion has demonstrated, there is little in terms of consensus within existing scholarship on the ethics of PMSCs. The limited work to date has focused largely on questions of regulation, accountability, education, and behavioural standards to make a variety of claims about if and when private military contractors can be seen as ethical or moral actors in contemporary conflict. As I suggested at the outset of this chapter, there remains much work to be done in the realm of ethics and private force as existing theoretical perspectives in International Relations have failed to adequately address the unique moral dilemmas posed by the prevalence of private force in global politics. A feminist ethical framework that foregrounds concepts of empathy and responsibility can and does make important claims about the tenuous ethical standing upon which the foundations of the private military industry are built. Feminist ethics, I suggest, is a useful way to think about questions of justice and morality in private force as it privileges an understanding of PMSCs that focuses on the contextual and relational elements of private force – as well as an awareness of the lived experiences of individuals working in and impacted

by the industry - rather than discussing PMSCs solely in terms of markets, firms and the states that hire them.

#### **6.4 Navigating the Greyness: The Future of Ethical Judgments on Private Force**

“Private military forces cannot be defined in absolute terms: they occupy a gray area that challenges the liberal conscience. Moral judgments on the use of mercenaries are usually passed at a distance from the situations in which these forces are involved. Those facing conflict and defeat have fewer moral compunctions.”

- former UN adviser David Shearer, 1998

Given the nebulous nature of the morality and ethics of private force, particularly as it has been discussed in existing IR scholarship, it is an area in serious need of new approaches and critical perspectives. Echoing the thoughts of David Shearer, Singer (2008) suggests that private military firms possess an ambiguous status when it comes to morals and ethics, and to make a blanket normative statement about whether or not the privatized military industry is moral would be both analytically incorrect and ethically unfair (228). Similarly, Avant (2005) warns against rushing to normative judgment about whether or not the privatization of security is ‘good’ or ‘bad’, suggesting that this impedes analysis of the wide range of effects of privatization and prevents us from fully understanding the dilemmas associated with private security (254). Such caveats are important reminders about the dynamic and complex nature of private force, and suggest that we need an ethical outlook that is both reflexive and flexible, able to process the many contours of the industry without describing the ethics of PMSCs in stark, either/or terms. In my view, a feminist framework premised on empathy and responsibility as important elements for understanding both the behavioural and organizational elements of ethical debate surrounding the private military industry is able to achieve this in ways that existing scholarship on the ethics of private force has not been able to – namely, by pointing to the need for an increasingly collective and relational understanding of what private force does and how decisions are made.

Moving forward, it is necessary to expand this framework into other areas of research about private military firms, and feminist ethicists may well wish to think about how best to use our conceptual tools to make practical recommendations in order to improve the ethical and moral standing of PMSCs, particularly as they gain importance and prevalence in conflict zones in virtually all corners of the world. For

example, the area of regulation is one in which governments and organizations are in need of an incentive to engage in broader regulatory schemes and prevent PMSCs from performing meaningless self-regulation with little impact on behaviour. A feminist ethical framework that foregrounds responsibility not as a punish/blame system of ascription but as a subjective way of taking responsibility for the actions of yourself and others may well provide that incentive by encouraging governments to take collective responsibility for the actions of firms within their employ. For feminist IR scholars, ethics provides an important addition to the meaningful contributions that have already been made about the gendered and masculinized nature of private force, and asks us to think carefully about the moral basis on which the industry is built. Using empathy and responsibility as first steps will serve to help feminists navigate the greyness of the privatized military industry and engage in substantive analyses of the many moral and ethical complexities surrounding PMSCs in global politics.

## **Chapter Seven**

### **Care and Relationality in Counterinsurgency: Feminist Ethics and the Morality of ‘Winning Hearts and Minds’**

As previous chapters have suggested, the changing nature of war and continued prevalence of asymmetrical warfare practices has been well documented within both mainstream International Relations scholarship and more critical approaches to the field, including feminist theorising. Following from the preceding discussions of ethics in the use of drone warfare and private military security companies, this chapter broadens the scope of analysis to interrogate the ethical and moral dimensions of counterinsurgency (COIN) operations writ large, particularly as they have taken place in the contexts of Afghanistan and Iraq in the post-9/11 era. In reflecting on the ethics of counterinsurgency, this chapter engages with existing analyses of COIN both within and outside the boundaries of International Relations, particularly those focused on moral questions. In so doing, the chapter aims to bring morality and ethics to the forefront of a topic generally studied in mainstream International Relations at the most formal, abstracted level and asks how a feminist ethics of care approach might contribute to the development of a new understanding of what it means to ‘win hearts and minds’. The chapter argues that the hypermasculine ‘warrior ethos’ which has come to dominate the behavioural character of most modern militaries is incompatible with the relational nature of counterinsurgency operations, producing an acute need for increased attention towards care, empathy, and relationality as well as what Daniel Levine (2010) identifies as attentiveness, restraint, and creativity. Building on the work of Levine (2010) and engaging with a variety of feminist care ethicists including Carol Gilligan (1982), Sara Ruddick (1989), and Virginia Held (1993; 2006), this chapter seeks to highlight the significant moral and ethical tensions present in contemporary practices of counterinsurgency and suggest the need for a different ethical lens through which we might examine the realities of these practices – to act as an alternative to traditional just war thinking. Such an alternative lens drawn from commitments of feminist ethics to notions of care and relationality would be more attuned to practices of counterinsurgency as they happen on the ground, rather than focusing exclusively on the formal legal criteria of COIN outlined in official field manuals.

The chapter’s first section surveys the proliferation of scholarship on contemporary counterinsurgency operations, as has been seen both within

International Relations and throughout other fields of scholarly study including military/war studies and anthropological analyses. The historical foundations of counterinsurgency are briefly discussed, before a more in-depth investigation of modern counterinsurgency practices through an engagement with David Kilcullen's seminal *Counterinsurgency* (2010) as well as an analysis of the United States' counterinsurgency field manual, FM 3-24 (Headquarters, Department of the Army 2014). Such a study of modern counterinsurgency exposes the shortcomings of much of the existing scholarship, which has focused largely on the formal legal understandings of counterinsurgency rather than on its complex realities as a lived, experienced practice.

As a second main area of discussion, the chapter then proceeds to delve into these complex realities, exposing the violent practices that are often at the heart of counterinsurgency operations including population control mechanisms, confinement tactics, and targeted killings. The preceding discussions of drones and private military security companies are also relevant here, as their use in counterinsurgency missions has become increasingly essential but raises intricate questions about the nature of counterinsurgency as a presumed practice of protection and its use of potential tools of violence.

The third substantive section of the chapter links the existing scholarship and aforementioned interrogation of the realities of counterinsurgency to its ethical and moral standing. Here, the chapter articulates the need for a new ethical lens through which we may view the particular moral realities of counterinsurgency as a contemporary means of warfighting. This new lens, I suggest, is one of feminist care ethics – an approach that asks counterinsurgents to take a thoughtful and caring attitude towards their relationships with both civilians and insurgents. In this section, I use Levine's (2010) conceptualizations of attentiveness, restraint, and creativity to highlight how we might begin to alter our existing moral judgments of counterinsurgency by shifting our understandings of what it means to be an ethical counterinsurgent in war. I outline how foregrounding the concepts of care, empathy, and relationality as understood by feminist care ethicists when we talk about counterinsurgency adds to the ongoing conversation about how COIN operations happen, and allows us to better see what the impacts of those operations are for the lived experiences of insurgent and civilian communities. This articulation of feminist care ethics in relation to counterinsurgency also serves to expose more general

dilemmas such as the disconnect between the inherently relational practices of modern-day warfare and its tendency to dehumanize and render invisible the relationships between combatants, civilians, and military personnel. These dilemmas have been explored elsewhere in this thesis, and the case of counterinsurgency provides a useful backdrop for broadening such an analysis further, allowing us to examine new war through the lens of feminist ethics and ask what changes when we think about care.

### **7.1 Studying Modern Counterinsurgency: A Crisis of Asymmetry?**

To date, much has been written about the nature of counterinsurgency as a theory and a strategy of warfighting, particularly in recent years as increased attention has been given to the prevalence of “irregular”, “asymmetrical”, or “unconventional” warfare. Within International Relations, scholars’ interest in counterinsurgency as a phenomenon saw a revival in the period immediately following the invasion of Iraq in 2003, as both mainstream and critical IR theorists perceived a failure of counterinsurgency tactics in Iraq and Afghanistan. For some, this backlash was rooted in a belief that conventional warfare was best suited to defeating insurgent populations in the post-9/11 era, while others saw counterinsurgency as simply a way to maintain and extend Western – predominantly American - imperial power in the region, critiquing it on anti-imperialist grounds (P. Dixon 2012). *The Routledge Handbook of Insurgency and Counterinsurgency*, edited by Paul Rich and Isabelle Duyvesteyn (2012), provides a useful survey of International Relations scholarship on the topic of counterinsurgency and suggests that much of the thinking on COIN operations to date has been focused largely on orthodox, positivist conceptualisations of its significance to modern warfare. According to Steven Metz (2012), these articulations rely largely on definitions of insurgency firmly rooted in the Western colonial tradition, leading to a shaping of both academic and public opinion where COIN operations necessitated an overhaul of political, economic, and social systems through colonialism (33). Metz therefore stresses the need for a redefining of insurgency to better suit the realities of regions embroiled in contemporary conflicts if conceptualisations of counterinsurgency are to be accurately contextualized within global politics (Metz 2012: 37).

While International Relations analyses of counterinsurgency remain rooted to largely orthodox understandings of insurgency as a phenomenon, there has been a

recent rise in critical scholarship examining counterinsurgency in defence/military studies, which can be characterized most strongly by the work of Gian Gentile (2013) and Douglas Porch (2013). Gentile and Porch, both situated as academics within the American military academy system, offer theses suggesting that counterinsurgency itself is in crisis, owing primarily to its misinterpretation as a strategy rather than a theory, its failure to make war easier, and the inherently violent and extended nature of existing counterinsurgency campaigns. These critiques are drawn largely from the realities of interventions in Afghanistan and Iraq over the past decade, and both authors present evidence in support of the idea that counterinsurgency itself is a theory related to the operation of war, rather than a strategy in and of itself. Therefore, they argue, using counterinsurgency as a ‘one size fits all’ template or tactical strategy for fighting modern insurgencies is a monumental error – one often resulting in the death and injury of both military personnel and civilian communities. This critical body of scholarship serves as a welcome contrast to the many voices within military studies acting as proponents of counterinsurgency operations, actively participating in a counterinsurgency industry involving both military and academic officials – perhaps most significantly David Kilcullen, as will be discussed below. However, the work of Gentile, Porch, and other scholars seeking to understand the failure of counterinsurgency has been critiqued for its broad generalization and vagueness as well as its tendency to descend into ideological pretention (Ucko 2014: 162). For example, David Ucko (2014) suggests that while scholars such as Gentile and Porch may wish to make large-scale statements about the failure of counterinsurgency as a strategy of war writ large, it remains the case that abandoning the term itself will not help us avoid the operational challenges and complexity underpinning third-party intervention as a practice of combating insurgencies (176-7).

The landscape of counterinsurgency scholarship within political and military academic circles therefore remains largely divided, entangled in semantic debates about the nature of counterinsurgency as a term, theory, or strategy of war. However, we may turn to anthropological work on counterinsurgency for an entirely different depiction of COIN in the contemporary era, one focused much more directly on the lived experiences of individuals and collectivities impacted by the fighting of insurgencies by military means. The edited volume *Anthropology and Global Counterinsurgency* (Kelly et al. 2010) is a benchmark publication in the field,

highlighting the ethical and political dilemmas faced by both anthropologists and military personnel in attempting to understand and intervene in complex conflicts in the post-9/11 period. Patricia Owens' (2015) recent work on counterinsurgency echoes these difficulties as it reconsiders the missions in Afghanistan and Iraq as armed social work – a provocative lens through which to view the practice of COIN that places attention squarely on the social and the human in these new wars. For anthropologists and social scientists generally, perhaps what is most striking about the nature of modern counterinsurgency operations are its attempts to incorporate and embed the anthropological into war itself. This is most commonly articulated in discussions of human terrain systems, as will be examined in a subsequent section of this chapter, but can be seen elsewhere as well – questions of culture have become central to thinking about counterinsurgency, particularly in terms of cultural sensitivity and the importance of 'knowing the enemy'. For example, Johnson and Zellen (2014) have pointed out the need for an improved cultural training program for soldiers deployed in the Middle East that includes knowledge of Islam and tribal traditions so that military personnel are "equipped with the tools necessary to properly interact with the civilian populace and achieve more than maintenance of the status quo" (16). A program such as this would almost certainly require specific cultural expertise held by anthropologists, raising important ethical questions about the role of the researcher in military training or war itself. For the vast majority of anthropologists, it is a moral obligation to protect the lives of those populations they live and work with, keeping them safe from harm or domination.

The notion of anthropology as a discipline being enlisted in the counterinsurgency project is thus an ethically problematic one, leading many in the field to question the moral underpinnings of such a strategy. In his discussion of anthropology's role in humanitarian aid projects, David Price (2014) rightfully points out that "our awareness of the ways that militaries wish to weaponize humanitarian intentions as a tool of warfare can help anthropologists not become counterinsurgency tools" (103). Unsurprisingly, anthropologists internationally have resisted and spoken out against the use of the Human Terrain System and related military projects, suggesting ways for social scientists to avoid complicity through their ethnographic and human-centred research (Network of Concerned Anthropologists 2009). However, Maja Zehfuss (2012) and others have pointed to the danger of appealing solely to professional ethics or moral obligation in an

attempt to avoid becoming complicit in the work of the Human Terrain System. As Zehfuss (2012) points out, this failure to engage based on a particular ethical code or understanding of US imperialism results in social scientists falling short of providing a real solution. While the Human Terrain System is indeed highly problematic and represents a dangerous linkage between military and academic commitments to knowledge, Zehfuss (2012) argues that the insistence among anthropologists to hold ethics as an extra-political standard by which the Human Terrain System project is judged “reproduces the bifurcation of thinking on the ethics of war, which pitches just war thinkers against pacifists” (186). In reality, the issue is much more complex and requires anthropologists to acknowledge that their actions as academics and producers of knowledge may indeed have the possibility of causing harm, but also have the emancipatory potential to do good and make positive change (Zehfuss 2012: 187). These ethical insights are particularly relevant to subsequent discussions in this chapter regarding the moral dilemmas inherent in counterinsurgency and the need for a new set of tools to help unpack the particularities of the practice – there are important interdisciplinary overlaps that can serve to expand our understandings of COIN operations and depict a reality more attuned to the lived experiences of those most directly impacted by the theories and strategies discussed in academic circles.

Having briefly framed the existing scholarly conversation on modern counterinsurgency in broad terms, it is important to turn now to a discussion of one of its most prominent theorists, David Kilcullen. Kilcullen served as counterinsurgency advisor to General David Petraeus in Iraq as well as to both General Stanley McChrystal and the NATO Security Assistance Force in Afghanistan, and currently acts as a consultant to the United States government. He is cited as having had a central role in the development of the Iraq surge in 2007-8 as well as in strategic developments of the war in Afghanistan since 9/11 (Sengupta 2009). Kilcullen represents an interesting intersection between the academic study of counterinsurgency and its political and military development (and subsequent implementation), highlighting the centrality of counterinsurgency theorising to its growth as a strategy of warfare.

Kilcullen has published widely on counterinsurgency in the last decade, perhaps most significantly in his collection of writings, *Counterinsurgency* (2010). It

is in this book that Kilcullen articulates what he has learned from experiencing war first-hand as a military adviser and consultant, arguing that the success of a counterinsurgency operation rests on the ability to *adapt* to constantly changing circumstances, contexts, and localities. The central theme of *Counterinsurgency* is that the practice itself is “an adaptation battle: a struggle to rapidly develop and learn new techniques and apply them in a fast-moving, high-threat environment, bringing them to bear before the enemy can evolve in response, and rapidly changing them as the environment shifts” (Kilcullen 2010: 2). While this thread of adaptation is carried throughout the book, much of *Counterinsurgency* is devoted to practical concerns and how counterinsurgents actually carry out the work they are meant to do. At its core, Kilcullen argues that counterinsurgency “is a competition with the insurgent for the right and the ability to win the hearts, minds, and acquiescence of the population” (29). However, he admits that the Army and Marines Corps Counterinsurgency Field Manual (FM 3-24), first published in 2006, lays out this theory of counterinsurgency while leaving members of the military confused and unclear on how to achieve specific objectives (18). To ameliorate this dilemma, he engages in a discussion of bottom-up tactical innovations, articulating a series of twenty-eight articles to serve as fundamentals for counterinsurgents as they engage with insurgent populations once deployed. The articles, ranging from simple preparation tasks such as “know your turf” (30) to deployment advice like “build trusted networks” (37) and “build your own solution – only attack the enemy when he gets in the way” (45) suggest a way forward for counterinsurgents unsure what to do with the theory of FM 3-24. However, the distilling of such context-specific, individualized circumstances into a set of commandments for soldiers to act on when fighting is a slippery slope whereby the particular lived realities of vulnerable populations in insurgencies are ignored in favour of a digestible template for military personnel to apply widely. Kilcullen’s attempts to provide specificity to the theory articulated in the counterinsurgency field manual are thus ineffective at dealing with the complexity of insurgent conflict.

Since the publication of *Counterinsurgency*, Kilcullen has continued to refine his thinking on counterinsurgency operations and its future as a means of fighting wars in the twenty-first century. He has articulated the development of post-classical counterinsurgency, based largely on empirical, data-driven understandings of what is happening on the ground in a particular conflict rather than relying on historical

cases or an analysis of classical counterinsurgency theorising (Kilcullen 2012: 140). This stands in contrast to his work with David Petraeus on FM 3-24, which he categorizes as neo-classical. This neo-classical tradition is underpinned by a focus on winning hearts and minds, as previously mentioned, as well as on peace enforcement. Post-classical counterinsurgency, conversely, focuses on the distinction between insurgents classified as ‘irreconcilables’ (who are killed or captured) and those classified as ‘reconcilables’ (who can be negotiated with). For Kilcullen, this post-classical theory results in “a highly kinetic counter-network targeting of irreconcilables, and a peace-building programme to win over any member of the insurgency who proved willing to reconcile” (143) and has been seen in Afghanistan since 2008. While Kilcullen roots this post-classical paradigm in empirical data and evidence, Paul Dixon (2012) rightfully points out the violent results of contemporary counterinsurgency campaigns. As conventional counterinsurgency thinking has shifted from neo-classical to post-classical, we have seen “a more violent, ‘enemy-centric’...strategy involving a major increase in bombing missions, drone strikes, night raids and Special Forces so-called ‘kill or capture’ missions” (P. Dixon 2012). Given Kilcullen’s prominence as a theorist and consultant of counterinsurgency, his theorising often results in significant impacts, whether in popular public and media discourse, foreign policy decisions or top-level military planning. It is therefore ever more essential to cast a critical eye on the work of Kilcullen and other such “warrior-scholars” (Mumford and Reis 2014) in thinking about the ethics of counterinsurgency as it is undertaken in Afghanistan and Iraq, particularly with respect to the lived realities of populations therein. Kilcullen’s shortsightedness regarding the human in COIN operations is problematic for the study of counterinsurgency and, as subsequent sections of this chapter will highlight, necessitates a new ethical lens through which some of these theoretical and practical complexities may be understood.

While Kilcullen does identify FM 3-24 as an important document for the development of counterinsurgency doctrine in the United States, *Counterinsurgency* does little to explore the manual itself and unpack the way it communicated COIN operations to the military when first released in December of 2006. Given the status of FM 3-24 as a seminal contribution to the theorising of counterinsurgency, it is important to devote some time to analysing it here. The latest iteration of FM 3-24,

released in May of 2014 and entitled *Insurgencies and Countering Insurgencies*, “is organized to prove the context of a problem, the problem, and possible solutions” (Headquarters, Department of the Army 2014: vii). The three parts of the manual specifically serve to: 1) help military personnel understand the environment where insurgencies exist, 2) provide a framework for understanding the insurgency itself, and 3) describe how to plan and deploy operations allowing a host nation to defeat an insurgency. For the United States military, the manual informs and educates its members by exposing them to a variety of frameworks and considerations for counterinsurgency environments. However, as a closer examination of the manual foregrounding a commitment to the lived realities of humans within COIN operations will demonstrate, FM 3-24 is too focused on the formal, legal aspects of counterinsurgency as well as abstract generalities, showing a lack of regard for the individualized and personalized circumstances and experiences of both insurgents and civilian populations impacted by insurgencies.

Part One of FM 3-24 deals with the strategic and operational context of insurgencies, focusing on strategy, environment, and culture as fundamental pillars of doctrinal knowledge. While there is some general guidance surrounding the insurgent environment provided, little attention is paid to the heterogeneity of insurgent populations – it is suggested only that “a population is not monolithic. It is made up of many groups and subgroups” (1-10). The fractious nature of most modern insurgencies is not clearly articulated, nor is it suggested that the complex realities of individuals are significant. For example, an insurgent may well have multiple reasons for fighting that differ from those of the insurgency as a whole, or may have been themselves coerced into combat involuntarily. This differentiation and acknowledgement of diversity within insurgent populations is largely absent from FM 3-24, leading to a general and abstract picture of what the insurgent environment looks like.

Relatedly, the discussions of ethics in an operational context of counterinsurgency are equally abstract – the manual articulates how “those in leadership positions must provide the moral compass for their subordinates as they navigate this complex environment” (1-11), with no guidance given as to *how* this moral compass may guide soldiers or marines during COIN operations. The same section of the manual describes the environment of counterinsurgency as dynamic and ambiguous, giving military personnel little to think about in terms of concrete

moral and ethical realities ‘on the ground’. While FM 3-24 contains multitudes of frameworks, organizational charts, fundamentals, and definitions, much of its content is focused on formal aspects of counterinsurgency as a theory of warfighting rather than as a lived experience. This theoretical discussion of COIN operations is a necessary one, but does not provide an accurate depiction of what types of tasks and decisions counterinsurgents will be expected to make, resulting in limited effectiveness as a field manual. While a field manual of any type could never be wholly specific with respect to the procedures and events counterinsurgents could expect during their missions, there is space for an articulation of wartime that descends from the abstract and conceptual to a more grounded approach, making counterinsurgents aware of the wide swath of activities that often fall under the guise of COIN operations.

Parts Two and Three of FM 3-24 maintain these formal, abstract ties to COIN as a theory of modern warfare. In Chapter Five of the manual, the characteristics of insurgency threats are described, outlining the actions of insurgencies such as propaganda, population control, and military tactics “including terrorist actions and conventional tactics” (5-1). The language deployed in identifying these actions and describing how modern insurgencies act is once again general and vague – by suggesting that insurgencies are deeply embedded within states, often maintaining effective governance of a region and receiving significant support from the population, FM 3-24 blurs the line between insurgent and civilian, extending the category of ‘the enemy’ to potentially include a large segment of the population not actively involved in fighting. As in Part One, there is a tendency within the field manual for populations within insurgent conflicts to be analysed in a homogenous manner, making it inherently more difficult for military personnel to decide once deployed who can be considered a legitimate target.

The final chapter of FM 3-24 provides a lengthy discussion of legal considerations, pointing to some of the most common legal issues that may arise during United States counterinsurgency operations. These include the articulation of rules of engagement and the law of war, encompassing military necessity, humanity, discrimination, and proportionality (13-2/3). As has been discussed elsewhere in this thesis, the law of war used by the United States is underpinned by traditional just war thinking, informed by the creation of criteria to indicate how actors in war should behave. Such criteria, including those expressed in FM 3-24, lack

effectiveness given their formulation in abstract, legalistic language that provides little practical advice for counterinsurgents themselves. For instance, the field manual suggests that “the anticipated loss of life and damage to property incidental to attacks must not be excessive in relation to the concrete and direct military advantage expected to be gained” before going on to qualify the statement by maintaining that “proportionality constitutes an acknowledgment of the unfortunate inevitability – but lawfulness – of accidental injury to civilians not taking a direct part in hostilities” (13-6). The complex decision-making processes behind such actions remain largely absent from the discussion in FM 3-24, particularly as it relates to the combatant/non-combatant distinction. Similarly, proportionality in the field manual focuses on injury, loss of life, and damage to property but little is said about the vast amount of harm and destruction caused by counterinsurgency operations that is not so easily quantifiable. For example, the forced movement of populations, the implementation of curfews, and the disruption of resource flows by COIN operations can and do have intensely negative consequences for populations living in insurgency zones, but this lived experience is virtually invisible from the discussion in FM 3-24. Given that the field manual is meant to equip counterinsurgents with the tools necessary to engage in complex decision-making processes in real time, these legalistic criteria seem to fall short of that goal, instead offering broad and general theoretical strokes that remain open to abstract interpretation and lack the specificity required to assess counterinsurgency in action.

In surveying the field of modern counterinsurgency scholarship in International Relations, alongside an analysis of David Kilcullen’s contributions to both academic and policy circles as well as the crafting of FM 3-24 as a seminal document for counterinsurgency operations in the United States, a common critique arises – much of this work has focused on the formal, legal aspects of the practice, concentrating on how counterinsurgency looks on paper rather than seeing its lived realities on the ground. Even those who have recently been critical of counterinsurgency operations in Afghanistan and Iraq (Gentile 2013; Porch 2013) focus their arguments squarely on the development (or failure) of theory rather than identifying dilemmas inherent in the practical realm of COIN. Anthropological investigations may offer ways to mitigate this disciplinary inefficacy, advocating for the protection of vulnerable populations and a genuine understanding of cultural

specificity. However, as has been seen in recent literature, there is a serious danger of anthropological scholarship being used as a tool for counterinsurgency operations in Afghanistan and Iraq, both in explicit ways such as the Human Terrain System and through more subtle tactics including cultural training. In order to expand the existing conversation on counterinsurgency, taking into account the importance of practice and experience, there is a need to pinpoint the types of activities and operations which constitute the reality of counterinsurgency in the modern era. In so doing, more complex ethical questions arise about the nature of COIN operations and how the day-to-day practices of ‘winning hearts and minds’ can be much more violent and morally ambiguous than much of the existing scholarship, as well as FM 3-24, makes reference to.

## **7.2 Practices of Counterinsurgency: Complex Realities**

As previous chapters of this thesis have suggested, the ethical status of contemporary warfare practices is often complex and difficult to assess, leading to a confusion in existing literature about the moral nature of new war. This argument is also evidenced through an engagement with counterinsurgency tactics, strategies, and means of warfighting that demonstrate the extreme violence inherent within the realities of counterinsurgency operations, despite the insistence of militaries and political officials that the welfare of insurgents and civilians is a central priority of COIN. The following discussion explores several examples of this violence, ranging from population control and confinement to the use of targeted killings, drones, and private military contractors within counterinsurgency operations. Given its unique status as a means of fighting a war that is inherently connected to individuals, collectivities, and populations, counterinsurgency offers us the opportunity to consider how the building of relationships between counterinsurgents and the enemy occurs and where ethical or moral dilemmas arise. Unlike in conventional warfare, the role of the counterinsurgent occupies an intimate space within the lives of those living in insurgency conflict zones, often acting simultaneously as offensive soldier and protective guard. This complexity and ambiguity becomes even more pronounced as violent tactics of countering insurgencies are increasingly seen as acceptable means of warfighting, shifting counterinsurgency operations from an era of maintaining peace and functional communities to one where violent tactics can quell terrorism. As will be seen, such practices are far from the ‘winning hearts and

minds' mantra of neo-classical counterinsurgency, necessitating a critical viewpoint from which to assess their incorporation into COIN operations.

Perhaps one of the most central aspects of counterinsurgency as it happens on the ground relates to the relationship between insurgents and military personnel – in other words, what (if any) are the obligations of the counterinsurgent soldier to the insurgent other? As Gilmore (2014) points out, despite the suggestion that counterinsurgency is population-centric and focused on the protection of vulnerable peoples during insurgencies, “moral solidarity with local populations and a concern for their well-being functions as a means to [an] end, rather than an end in itself” (705). In this case, the ‘end’ remains enemy-centric, as US COIN operations focus on the defeat of insurgents and defence of the host nation government as central priorities. For Gilmore, this results in a significant disconnect, whereby cosmopolitan-like discourses of respect and the exchange of dialogue with populations is associated with practices focused on the defeat and suppression of a non-cosmopolitan Other (705).

In order for counterinsurgents to engage in meaningful relationships with the Other and overcome this disconnect, Gilmore suggests more open engagement with the perspectives and experiences of local populations, bringing in practical cosmopolitanism through empathy and an attempt to understand the experience of the Other that is not “reduced to a process of socio-cultural intelligence gathering or human terrain ‘mapping’” (711). Therefore, contrary to the existing attempts of the US military to use the controversial Human Terrain System, which produces knowledge pointing towards a homogenous, over-generalized Other, a reflective engagement with local populations would include continuous dialogue and an appreciation of the diversity and heterogeneous perspectives and subjectivities present in such collectivities. This sort of cosmopolitan theorising has also found its way into military studies more specifically. Using the work of William Connolly as a guide, Perez Jr. (2012) suggests a radical reformulation of the relationships between insurgents and Others focused on an ethos of engagement. Rather than simply revisiting existing knowledge about particular populations, “today’s soldiers must speak to and cooperate with the *other*...refashion their ways of seeing the world to (first) value and (second) engage the *other*” (Perez Jr. 2012: 198). This ethical shift - from passive knowledge gathering to active engagement - is a significant one that

would undoubtedly impact the ways in which relationships between counterinsurgents and the Other are formulated during COIN operations.

Related to the interactions between counterinsurgent soldiers and the enemy is the reality of population control mechanisms as a method of regulation often used in COIN operations in Afghanistan and Iraq. As recent US military research suggests, urban population control in counterinsurgencies is of particular importance, given the possibility for uprisings and insurgent collectivities to organize in urban spaces (Elkhamri et al. 2005). However, military officials often downplay the violent nature of the mechanisms used to achieve such control. Elkhamri et al. (2005) cite a number of different control measures used, ranging from those of a bureaucratic nature such as collecting census data, to physical elements such as close circuit television (CCTV) monitoring and checkpoints, up to and including police and military measures such as detention and confinement. All measures underscore the important role played by the soldier himself or herself, who must “be professional, courteous, calm and clearly in control” (Elkhamri et al. 2005: 65).

While such official documents on population control emphasize the normalcy and non-threatening nature of these mechanisms, the realities of such practices are often much more violent. Throughout the documents contained within the ‘War Diary’ released by WikiLeaks in July of 2010, evidence is provided demonstrating the negative impact of the ongoing occupation in Afghanistan on local populations, including the under-reporting of civilian casualties (Gilmore 2014: 705). More than simply an innocuous checkpoint, mechanisms such as the forced movement of people and implementation of strict curfews in modern counterinsurgencies have led to a distrust and suspicion of counterinsurgent forces who are seen to be impeding the everyday lives of civilian populations, often in violent ways. The language of security and protection within counterinsurgency rhetoric is therefore undermined by the lived realities of these populations, leading us to question whether or not such practices can be deemed ethical, moral, or in the best interests of those most vulnerable during COIN operations.

Taking these control mechanisms to an even more troubling extreme, we see the increased use of confinement and detention as counterinsurgency tactics. The implementation of detention camps, security walls, and internment camps for the

confinement of insurgents is purported to serve as a way to protect civilian populations from dangerous extremist groups and indeed, the detention and interrogation of suspected insurgents is a necessary measure of security. However, as recent scholarship suggests, the realities of this confinement and detention – where torture and brutality are regularly used as a means of coercing insurgents to cooperate - depict a COIN strategy that is in fact illiberal and highly ethically problematic. Andrew Mumford (2012) points to the British myth of ‘minimum force’ as a central theory underpinning counterinsurgency thinking in the United Kingdom, suggesting that although there has been a tendency to conflate British COIN strategy with the adage of ‘winning hearts and minds’, the practice has historically been much more violent than this and continued as such during the Iraq War. In 2003 and beyond, British security forces were unable to gather sufficient intelligence on the insurgency through traditional channels, and thus turned to alternative channels for intelligence material, shifting the focus towards those suspected insurgents who were being detained (Mumford 2012: 20). The interrogation of these suspects resulted in widespread detainee abuse and death, as the British government justified the internment policy for insurgents by suggesting that it was needed in order to maintain security in the region (20-1). Mumford points to the subsequent release of all UK-held detainees in Iraq in early 2008 despite the rise in insurgent violence as evidence of the military’s inability to stop the insurgency despite the intelligence they had attempted to garner from suspects using abuse and torture tactics (21). Significantly, Mumford reminds us that isolated incidents where detainees are abused or killed “can put months of painstaking reconstruction efforts into the shadows in the eyes of the indigenous population. The effect is wholly negative” (21).

Laleh Khalili’s *Time in the Shadows: Confinement in Counterinsurgencies* (2012) confirms and reiterates for the American case much of what Mumford alludes to in the British example. Khalili provides a compelling counterargument against the suggestion that detention camps and internment centers in the U.S. War on Terror actually served to protect populations, instead arguing that liberal states such as the United States have consistently acted in an illiberal manner when utilizing confinement as a tactic of counterinsurgency. From Abu Ghraib to Guantánamo Bay and the various CIA black sites located around the world, Khalili (2012) argues:

“these illiberal practices that are so pivotal to the doctrines and functioning of counterinsurgency warfare are not exceptional occurrences in which liberal regimes ‘lose their way’, but rather they are vital components not only in the short-term processes of warfare but more significantly in the longer-term production of the liberal order when a state expands its reach beyond its own borders” (7).

The large-scale administration, bureaucracy, and organization of these military confinement centers also points to a larger moral issue. While managerial processes and categorizations exist to purportedly streamline the process of detention and confinement, these procedures “are considered safeguards for good behavior, removing the necessity of independent reflection on the ethical dilemmas that are fundamental to asymmetries of power” (240). The remaining ethical vacuum therefore offers little space for independent moral judgment about the validity of the confinement and the treatment of insurgents therein, generalizing a set of procedures and processes and effectively removing ethics from the equation. This phenomenon, combined with the illiberal practices of confinement themselves, results in a counterinsurgency operation that is far from the winning of hearts and minds or protecting of vulnerable populations in insurgent zones, instead pointing to a much more complex and problematic reality.

Like instances of confinement, detention, and torture, the use of targeted killings within counterinsurgency operations has been met with much controversy. While the practice is framed by military officials as being more precise and humane and less damaging to populations, its usage raises questions about moral permissibility as the criteria for who is targeted often remains vague and is largely implemented on an ad-hoc basis. Despite the perceived usefulness of targeted killings in terms of coercion and deterrence of insurgent groups, the practice itself is on unstable ethical ground. As Falk (2014) points out, the realities of targeted killing are grim – in the US, drone strikes which have served as the primary tool for targeted killing have been seen to cause a disproportionate number of civilian deaths, with one estimate suggesting a ratio of approximately 20 insurgent leaders killed for 750-1000 unintended victims (309). Ethically, such a ratio raises important questions about the notion of proportionality and whether or not targeted killings are an appropriate way to encourage deterrence amongst insurgent groups. While Wilner (2010) suggests that targeted killings are effective in degrading morale and

professionalism as well as diminishing success amongst insurgent groups such as the Taliban, it has been evidenced – particularly after recent US drone strikes in Pakistan and Yemen – that such killings often result in an increasingly angry population, dissatisfied with the counterinsurgents’ disregard for civilian life and property.

In an attempt to overcome the moral ambiguity of targeted killings, Falk (2014) provides four criteria for the permissibility of the practice: “1) targeting must be of military necessity; 2) targeting must distinguish military targets from civilians; 3) there is no alternative mean that would minimize necessary suffering; and 4) targeting is assessed to cause collateral damage that is proportional to the expected advantage to be gained by the attack” (311). While such criteria are a useful starting point for thinking about the use of targeted killing, Falk is right to point out that a diversity of interpretation and definitions likely means that such principles remain largely ambiguous (311). Moreover, the ability of counterinsurgents to definitively distinguish military targets from civilians is often a considerable challenge in COIN environments, particularly given the shifting nature of extremist movements in Afghanistan and Iraq. Thinking about the moral ambiguity of targeted killings is an essential element of counterinsurgency operations, particularly as we begin to think critically about the rationale of protection that is often touted by counterinsurgency practitioners in support of targeted killings as a tactic of warfare.

As mentioned in the previous discussion of anthropological interventions in counterinsurgency scholarship, the development and implementation of the Human Terrain System (HTS) provides yet another example of how counterinsurgency in practice shows us evidence of the complex ethical realities on the ground, existing in contrast to a largely abstract, formal theory of COIN operations in the post-9/11 era. Unlike the use of targeted killings and torture as a means of quelling insurgent populations, the HTS instead uses gathered knowledge to assemble an understanding of who insurgents are and how they will behave. The result is therefore less related to physical violence and more focused on the ‘weaponizing’ of cultural knowledge itself, through the embedding of academic social scientists into deployed military units whose ethnographic research can subsequently bring harm to those same populations they have studied and lived with.

Gonzalez (2009) and Price (2011) have both assessed the ethical implications of such a practice, suggesting that such a co-opting of anthropology for the purposes

of counterinsurgency operations is highly ethically problematic and runs counter to the real moral obligations of anthropologists to the populations they examine. Further, the question of informed consent is significant to the use of HTS, as vulnerable populations are being unknowingly studied, and the information gleaned from that study is then used to help improve how soldiers understand cultural contexts and make contact with individuals in the region (Price 2011). Questions about the legitimacy of the gathered knowledge are also evident in relation to the HTS, as attempts are made to simplify and generalize the unique, localized contexts of complex lived experiences into a concise and simplified packet of knowledge ready to be consumed by military officials. The complexity of cultural knowledge alongside the ethicality of using such knowledge against vulnerable populations makes the Human Terrain System a uniquely troubling practice within counterinsurgency operations. Like questions about the relationship between insurgent and soldier, the HTS asks us to interrogate the ethical underpinnings of interactions between counterinsurgents and the enemy/Other – is it possible for such interactions to occur in a genuinely meaningful, engaging way? If so, what might that look like? These important questions should not be ignored in favour of a counterinsurgency doctrine insistent on winning hearts and minds as a solitary central theme – such a doctrine is unable to adequately represent the realities of what happens once soldiers are deployed to insurgency zones.

Finally, it is important to acknowledge the use of other contemporary warfare practices within active campaigns of counterinsurgency operations. While drones and private military security companies (PMSCs) have been deployed in a variety of missions, their increased usage as weapons of COIN is significant and a brief discussion of this usage serves to connect this chapter to the previous analyses of those practices in Chapters 6 and 7. In particular, it is important to highlight here specific risks and ethical ambiguities that become apparent when drones and PMSCs become part of the reality of counterinsurgency, especially given the inherently relational nature of counterinsurgency as a means of warfighting. As Christian Enemark (2011) suggests, the use of covert drone strikes over Pakistan are ethically problematic, given their failure to satisfy the criteria of being beneficial, discriminate, and proportionate – but it is difficult to pass judgment on whether or not their use is just or unjust in war, due to a lack of available information (224).

Enemark argues that to overcome this, more official transparency is needed from the United States military related to drone strikes in Pakistan, and that removing the shield of secrecy would be one step forward towards a better understanding of how such drone strikes and targets are decided upon. An equally problematic use of drones in counterinsurgency operations is for the purposes of surveillance. Derek Gregory (2011) interrogates the role of US Air Force-operated drones over Afghanistan, examining their use as surveillance aircraft gathering information about individuals and movements in order “to establish a ‘pattern of life’ consistent with an emerging paradigm of ‘activity-based intelligence’ that is focal for counterinsurgency operations” (193-4). The reality of constant surveillance is unsurprisingly problematic for populations on the ground, whose lives are monitored (often unknowingly), with counterinsurgents becoming privy to the most intimate parts of their life such as the comings and goings of children or family, wedding celebrations, or sports gatherings. The vast amounts of data collected by surveillance drones are then categorized and refined using complex technology network systems which separate ‘normal’ activity from ‘abnormal’ activity in attempting to draw out actionable intelligence from hundreds of thousands of images. This distillation of lived everyday life in the search for “suspicious” movement represents a problematic abstraction of reality, a far cry from the supposedly population-centric aims of counterinsurgency strategy. Therefore, even within the context of COIN operations, drone warfare maintains an ethically complex weapon of war whose moral status is unclear at best.

In a similar vein, the use of PMSCs in counterinsurgency operations has received increased attention in recent years, as contracted employees have become increasingly prevalent aspects of the COIN workforce alongside official military officials and soldiers. David Barnes (2013) recently asked, “should private military security companies be employed for counterinsurgency operations?”. Using a consequentialist argument, Barnes offers several convincing reasons why PMSCs should not be hired in counterinsurgency, stemming primarily from 1) the inability of the local population to distinguish between PMSCs and the military itself; and 2) the broad and long-lasting effects felt when PMSCs provide their services (202). While PMSCs are typically hired to help save costs and increase efficiency within military operations, these potential risks categorically outweigh the possibility for PMSCs as a morally viable option for hire during counterinsurgency missions. While

the risk of potential confusion between PMSCs and official military is certainly significant, Barnes's second rationale is ultimately more convincing – counterinsurgency operations, at least in theory, spend long stretches of time building trust and goodwill amongst the population. This goodwill is tenuous and easily broken, making it vulnerable in a situation whereby PMSCs used excessive force or threatened to do so in order to fulfill the contract they were hired to complete. Given the lack of control and oversight, there are significant dangers of deploying PMSCs into towns or villages where relationships with insurgents are key, particularly if the PMSCs in question tend to use violence as a solution rather than as a last resort. Barnes (2013) does suggest that if broad contractual control were reformed and governmental oversight were implemented, the changes may eliminate the risk of PMSCs 'going rogue', though this has not yet been seen or tested (202). However, I am skeptical of such a possibility given the inherent nature of private military contracting as a primarily financial transaction, rather than a commitment to protect particular populations or enforce peace. While PMSCs continue to gain prominence in contemporary warfare, their use in counterinsurgency operations deserves careful consideration – rather than including it under an umbrella of abstract, general practices of COIN, the reality of PMSCs' role on the ground should be thoroughly investigated prior to their deployment in counterinsurgency operations.

From the preceding discussion, it is evident that the complex realities of counterinsurgency as a practice of contemporary warfare in the post-9/11 period require a critical viewpoint able to unpack the moral and ethical dilemmas inherent within these experiences. Unlike in orthodox counterinsurgency theorising which prioritizes the abstract and formal, legal aspects of COIN rather than its particularities in the field, a reliance on just war thinking and formal criteria or principles such as proportionality is insufficient for understanding what it might mean to act ethically in counterinsurgency. The following discussion outlines an alternative for answering this question, using a framework premised on care and relationality alongside what Levine (2010) has identified as attentiveness, restraint, and creativity in order to (at least begin to) comprehend the ethical encounters of counterinsurgency operations.

### **7.3 Ethics in Counterinsurgency: Towards Care and Relationality**

Thus far, the crux of this chapter has focused on outlining existing scholarship on modern counterinsurgency both within and without International Relations, laying bare particular gaps in the theorising relating to the abstract, formal, and legal mechanisms to which most of the literature to date has given intellectual primacy. To do this, I have opened up the discussion of counterinsurgency as a practice, exposing the complex lived realities of what COIN operations actually look like ‘on the ground’ and subsequently identifying a disconnect between existing analyses of COIN and how it is actually experienced and felt by insurgents and civilian populations. To bridge this disconnect, I suggest a reorienting of our ethical lens away from just war thinking and towards a feminist ethics premised on care, empathy, and relationality. Such a perspective is more attuned to considering the practical realm of counterinsurgency rather than remaining mired in abstract debates about the semantics and theory of COIN operations. Given that the practical realm is one in which the truly relational nature of counterinsurgency becomes apparent, it is logical to look towards feminist ethics for an alternative viewpoint that prioritizes the lived experiences of individuals over legalistic interpretations of counterinsurgency as it appears on paper. It is my aim that when assessing the moral and ethical status of counterinsurgency operations alongside its strategies and tactics, a feminist ethics rooted in understandings of care and relationality will allow us to move beyond the formal articulation of COIN as is found in FM 3-24 and instead think about these lived experiences of those affected by counterinsurgency operations in a genuine and meaningful way.

As has been seen throughout this chapter, counterinsurgents have complex relationships with both civilians (who are not simply bystanders but rather active members of the community to be coerced and enlisted by both the counterinsurgents and insurgents themselves) and combatants (who often are not simply enemies but can be sources of information or even allies, and are sometimes members of the same community the counterinsurgents have been tasked with helping). These complex relationships have resulted in a practice that is often ad-hoc and without formal regulation, putting counterinsurgents in positions where they are forced to exercise judgment without necessarily holding the proper training or knowledge to do so. This, I suggest, is the crisis of ethics in counterinsurgency – a refusal of both militaries and mainstream academics to acknowledge the relational aspect of the

practice and to proceed in a manner that is attuned to such intricacies and moral complexities.

The hypermasculine warrior ethos that modern Western militaries emphasize in their training of personnel encourages counterinsurgents to exhibit characteristics of an individualistic nature – self-control, personal confidence, loyalty to your team, and comradeship amongst your colleagues (P. Robinson 2008). These concepts are largely at odds with the relational nature of counterinsurgency, as it inculcates an us-versus-them mentality leading to distrust and suspicion. This is despite the supposed aim of counterinsurgency to rebuild trusting relationships between governments and its citizens and win back legitimacy in a post-conflict environment. In Afghanistan and Iraq, we have witnessed this distrust for over a decade – civilian populations are weary of foreign intervention and have grown tired of the Western military presence in the region. This weariness has also been blamed for the recent rise in the number of so-called blue on green attacks by Afghan and Iraqi police forces on Western military personnel, for example. Without a sense of legitimacy, counterinsurgents are often resisted with force by the very people for whom a successful operation could be most beneficial. This tension is at the heart of the crisis of ethics in counterinsurgency, and is what leads us to ask how we might reorient our analyses of counterinsurgency operations in order to better understand the moral nature of these risks. I suggest that using an approach rooted in feminist ethics of care and relationality as guiding principles for this reorientation would lead to a more accurate lens through which the complex ethical standing of counterinsurgency operations *in practice* may be understood.

While some may be tempted to condemn the morality of counterinsurgency outright, based largely on the element of coercive measures often used by counterinsurgents in their attempts to “win the hearts and minds” of civilian populations, I suggest that the answer is not that simple. Rather, like other non-traditional methods of warfare such as drone warfare and private military security companies explored elsewhere in this thesis, the moral guidelines surrounding counterinsurgency are different than their conventional counterparts. It is therefore necessary to ask, as Daniel Levine (2010) does, the right questions about the moral standing of the practice: “how can one build a positive relationship in a context of force, violence and coercion, especially when coupled with asymmetric power?”

[and] What kind of person could use force responsibly when he/she faces a vulnerable person with whom building trust is necessary?" (142).

The answers to these questions, I argue, lie in the contributions made by feminist care ethicists (Gilligan 1982; Ruddick 1989; Held 1993/2006) who have all pointed out the importance of a morality focused on particular relationships and experiences, the centrality of well-being, and meeting the needs of those particular others for whom we take responsibility. Rather than using abstract and universal moral rules to order our lives, a feminist ethics of care prioritizes the obligation of caring for others and the dependence we all have on the caring relationships others have with us. Carol Gilligan (1982) refers to "the experiences of inequality and interconnection, inherent in the relation of parent and child" (62-3) as a source of feminist ethics of care, informing the importance of equal human relationships despite differences in power. This is a fundamentally different viewpoint than that taken by other types of ethics (such as utilitarian or Kantian strands of ethics) who place value on individual happiness or rational dignity in their analysis of morality rather than our relationships. Similarly, Sara Ruddick (1989) theorises from the lived experience of motherhood, suggesting that an ethics of care develops from the particular understandings of virtue held by "maternal persons", while Held (1993) emphasizes the feminist commitment to experience, context, lived methodologies as well as an emphasis on emotion and dialogue. In her more recent work, Held (2006) extends this commitment to a global level, suggesting "a globalization of caring relations would help enable people of different states and cultures to live in peace, to respect each others' rights, to care together for their environments" (168). This extension is particularly relevant in the context of counterinsurgency, particularly as we begin to imagine how a feminist ethics of care might understand counterinsurgents' relationships with insurgent populations and the ethical obligations held by counterinsurgents to the protection of vulnerable peoples and a respect for individuals' right to peace and safety from harm.

Such a focus on the obligations of caring for others leads to very different conclusions about what matters in the ethics of counterinsurgency. For example, while coercion may be fully justified and for the benefit of those being coerced, an acknowledgement of *care* between counterinsurgents and local populations requires recognition that coercion may indeed have ill effects and should not be taken lightly. It is likely impossible to fully separate counterinsurgency from tactics of coercion –

given these realities, it is then of paramount importance that questions of care, from which we can build trust and empathetic interaction, be given significant attention when counterinsurgents interact with populations during their operations. For instance, there is increasing evidence within the war studies literature (Corum and Johnson 2003; Kocher, Pepinsky and Kalyvas 2011) to suggest that despite the military's instance to the contrary, airstrikes or the threat thereof do not serve as an effective tool of coercion when the United States military has been engaged in COIN operations in Afghanistan. As Jason Lyall suggests (2013), the threat or action of airstrikes along with the warning of force from counterinsurgents often strengthens the reputation of insurgent groups. As airstrikes occur or are threatened, the insurgent population is seen as resilient and well-prepared to respond with its own violence, often resulting in a more positive connotation of the group towards the audience of local populations (Lyall 2013: 1). As coercion in war is "a dynamic, repeated game between at least three players (counterinsurgent, insurgent organization, and population) where outcomes are likely to be multifaceted and local in nature" (Lyall 2013: 2), there is significant difficulty in using airstrikes to convey a contextual, multilayered message.

While not directly interested in ethics, Lyall's analysis points to the importance of care in counterinsurgency – in thinking about questions of care and relationality with respect to insurgent and civilian populations, we are led to a different understanding of how particular phenomena of COIN war (such as coercion) are enacted in the modern era. Conversely, an acknowledgement of care ethics also means an awareness of our dependence on our relationships with others and acceptance of the reliance on others to protect us when we are unable to do so ourselves. This lends itself well to examples in counterinsurgency whereby insurgent populations are under threat from other groups – as is often in the case in Afghanistan and Iraq, where fighting is highly fractionalized along geographic, ethnic, and religious lines - necessitating a caring relationship between two groups (insurgent and counterinsurgent) who may well be depicted as 'enemies'. This duality reiterates the overarching aim of feminist care ethics: to move us away from abstract rules and strict principles (whereby a combatant is always the enemy, for example), and instead consider the moral and ethical complexity of each situation within its individual context of particular relationships.

So, if we foreground feminist care ethics when we theorise about the ethics of counterinsurgency, what changes? Here, Levine's (2010) framework of caring virtues is useful as it provides some guidelines and characteristics for counterinsurgents to develop and abide by in their relationships with both civilians and combatants in the conflict zone – these virtues are attentiveness, restraint, and creativity. **Attentiveness** in this case refers to the counterinsurgents' willingness to be genuinely open to the point of view of others – by being sensitive to the needs of other parties, counterinsurgents can be more attuned to the possibility for resistance and have a sincere understanding of *why* their operations might be seen as aggressive or coercive despite their best intentions. In their relationships with combatants, attentiveness for counterinsurgents means not only conveying the attitude that 'we know why you fight' but addressing concerns at the community or individual level so that insurgents feel secure in cooperating with counterinsurgents rather than resisting them.

In her work on peace, Sara Ruddick (1989) focuses on the non-violent virtue of renunciation – Levine (2010) reinterprets this as a care ethical virtue of **restraint**, a commitment by counterinsurgents to avoid violence whenever possible, even if it means taking on additional suffering and risk themselves (152). Resisting the temptation to solve disputes with violence is important for counterinsurgents as it encourages the application of judgment in uncertain contexts. While restraint is a common characteristic of most modern militaries, it is particularly important in the context of counterinsurgency where the military force of the counterinsurgent is often so much greater than that of the population they are engaged with. The notion of restraint in the realm of combatants is equally important, as it is not only about restraint from the use of force but also restraint in the use of force – even when combatants are fully responsible for the threat they pose, restraint encourages counterinsurgents to create a more constructive relationship rather than simply decide who deserves to be the target of violence.

Finally, the virtue of **creativity** is a third important element of feminist care ethics and is much less familiar to most militaries than attentiveness or restraint. If counterinsurgents think creatively about the various means at their disposal for winning the hearts and minds of populations, they may be less inclined to use force or violent coercion. For example, cultural attunement and awareness of local social networks is of central importance in thinking about how counterinsurgency might be

done ethically. Rather than seeing these networks as a threat or possible advantage amongst insurgent populations, COIN operatives can instead think how best to interact and share knowledge with both insurgent and local population groups. Rather than employing suspicious and coercive techniques of classical counterinsurgency, an approach grounded in creativity asks counterinsurgents to think carefully about the context and environment in which they find themselves. Similarly, if counterinsurgents are more aware of the needs and context of the particular population they are engaging with, they will be better able to find points of leverage that can be exploited without violence. This use of creativity is true for both counterinsurgents' relationships with civilians and combatants, as in both cases it widens the scope of possible outcomes and lessens the likelihood that goals can only be fulfilled through violent and forceful means.

Approaching counterinsurgency from a care-ethical perspective means taking these virtues of attentiveness, restraint, and creativity seriously. The warrior ethos that is instilled in military personnel during ethics training today relies on notions of individual dignity, as well as loyalty and concern *within* the military ranks. Applying a lens of care ethics to existing understandings of ethics in counterinsurgency problematizes the rational and individualistic ethics being promoted therein – such as the just war tradition - and asks us to think about how moral and ethical concerns with the practice spread far beyond internal military operations. Foregrounding the relationships that counterinsurgents have with both civilians and combatants in the conflict zone asks those engaged in counterinsurgency operations to think more carefully and contextually about the ethical dimensions of their actions, and to reflect in a genuine way on the moral challenges and complex judgments they must make as they attempt to convince populations that peaceful resolution and the rebuilding of trust is the right way forward. It also encourages a more fruitful dialogue on ethics within the academic study of counterinsurgency, moving away from a focus on proportionality and just war towards a more contextualized, experiential understanding of what ethical judgments can be made about counterinsurgency. It is only once we have reached this stage of genuine reflection that we can begin to bring the practice of counterinsurgency back from crisis and think about whether or not it can be used as a meaningful tool to bring about the end of conflict and the provision of peace.

Unlike Levine (2010), who suggests that care ethics can be taken as a moral stance separate from its roots in feminism, I argue that the feminist component of this theorising is integral to its success, especially when we contrast the hypermasculine warrior ethos with the care-ethical perspective. Feminist analysis is what allows for an opening up of empathy, experience, relationality, and responsibility – these ethical concepts, brought together under the larger context of care ethics, are rooted in understandings of the human borne by an examination of gender inequality and the patriarchal, masculinized nature of institutions such as the modern military. Ignoring the highly gendered ethical dimensions at work would misrepresent the true nature of counterinsurgency as a practice of contemporary war, and it is by using a distinctly feminist ethics of care (as Gilligan, Ruddick, Held and others have imagined it) that we uncover these moral complexities. Recent work by Ruddick (2009) and Held (2010) exemplify this, as both theorists link the feminist ethics of care to questions of political violence. As Ruddick (2009) points out, “many mothers know what many military enthusiasts forget – the ability to destroy can shock and awe but compelling the will is subtle, ultimately cooperative work” (307).

This prioritizing of cooperation is integral to a re-imagining of counterinsurgency that takes relationships and lived experiences seriously. Rather than continuing on the dangerous path of post-classical counterinsurgency whereby practices of violence and coercion are normalized (as we have seen in Afghanistan and Iraq), an understanding of counterinsurgency rooted in feminist care ethics requires a return to a premise of peace, cooperation, and the building of genuine trusting relationships. Whether or not we abandon the term itself, it remains likely that states will require assistance in some capacity in order to return to normalcy after an insurgent conflict. Perhaps using an ethics of care will allow for the provision of that assistance where we “restrain rather than destroy those who become violent...inhibit violence as nonviolently as possible...and work to prevent violence rather than wipe out violent persons” (Held 2010: 126). It is a difficult path to be sure, but one that provides a much more fruitful discussion of the future of counterinsurgency than do the rigid principles of just war thinking. Using feminist care ethics, we can reject the deeply problematic and violent practices of post-9/11 counterinsurgency such as confinement and targeted killings in favour of a practice that is rooted genuinely and meaningfully in populations and their lived experiences,

which serves to protect those who are most vulnerable to harm and bring about peace in a manner that respects the importance of human relationships.

Thinking seriously about care and relationality in counterinsurgency is a significant step forward not only for COIN operations but also for questions of ethics in contemporary war more generally. As the preceding chapters have suggested, a combination of feminist ethical understandings – including care, relationality, empathy, experience, and responsibility – serves to underpin how we may begin to re-envision the ethics of increasingly prevalent practices of post-9/11 warfare. The following discussion briefly articulates how such a re-envisioning might take place, and identifies some significant implications for feminist security studies and International Relations more broadly.

## **Chapter Eight**

### **Towards a Feminist Ethics of War: Contributions and Implications for Feminist Security Studies**

The starting point of this thesis is that dominant ethical approaches to the study of war in International Relations have failed to illuminate the moral and ethical complexities present in contemporary war practices (drone warfare, private military contracting, and counterinsurgency). Such approaches, most explicitly the contemporary just war tradition, are unable to account for the changing nature of war and how the increased salience of technologies such as drones, private military/security forces, and counterinsurgency operations have shifted the ethical landscape of modern conflict. In particular, there has been a tendency amongst mainstream perspectives on the ethics of war (including here just war theory but also traditions based in conceptions of rights and justice) to continue to view twenty-first century political violence in an abstract and individuated sense, whereby subjectivity and agency are constituted in isolation from other actors. This viewpoint obscures a central realm of ethical activity in war: the relational and experiential aspects of modern warfare whereby moral knowledge and understanding are constituted in relation to the needs of others, through a sense of responsibility, awareness, and connectedness with those around us.

In order to reveal a more accurate understanding of modern war and its resultant moral ambiguities, this thesis has engaged in a re-description of feminist ethics premised on the notion of care. The framework constructed in Chapter Four articulates a feminist care ethical vision based in four key areas: relationality, experience, empathy, and responsibility. These points assert the need for a relational ontology; recognize the importance of contexts of lived experience and realities; demonstrate a commitment to responsiveness and connectedness to the lives of others; and acknowledge a responsibility to the needs of particular others as central to morality. This framework is not meant to act as a set of concrete moral principles to be universally applied to cases in order to decide whether or not they are ethical. Rather, constructing a feminist ethics grounded on these four pillars allows us to make judgments about the moral and ethical status of warfare practices (either on their legitimacy as mechanisms for fighting wars *or* on their deployment and day-to-day implementation in conflict zones) in a way that is context dependent, flexible, and reflexive. These ethical claims are therefore understood to be constantly subject

to change and reconfirmation, distinguishing themselves from claims of justice that are often articulated in the just war tradition.

The contribution of this argument is meant to illuminate how the moral and ethical realities of war are currently constructed, and ask what alternative realities might look like. The implications of this are significant: if we recognize that a lens of feminist ethics reveals the need for increased attention towards relational and experiential understandings of war, we may revise our objectives for the study of ethics in conflict so that we are no longer satisfied by a 'checklist'-style approach to determining whether a particular practice or action in conflict is ethical, but instead recognize the importance of care and responsibilities towards others as moral actors in all facets of human life (including war). This recognition is necessarily messy, and the specifics of such a revision are important – as Robinson (2011) suggests, it is indeed imperative for political philosophers to consider what the implementation of their principles and prescriptions might look like in reality, and decide whether the consequences are acceptable (16). In this instance, I argue that the result can have a positive effect on the way International Relations scholars examine the ethics of war. By re-orienting our ethical lenses to analyse the relationships and lived experiences felt by those impacted by war (including soldiers, enemy combatants, and civilians), we move away from an application of abstract principles or individual, rights-based ethical judgments towards a more context-dependent and reflective discussion about morality in modern warfare.

Having briefly summarised the re-description of feminist ethics that this thesis has undertaken, it is now necessary to identify *what follows* from that exercise. In other words, what does a feminist ethical framework *do* for our understandings of war? How might we see the morality of conflict differently by engaging with concepts of relationality, experience, empathy, and responsibility? The answers to these questions exist on two separate but related levels. Firstly, the framework exposes the complex web of relationships and real, lived experiences that are at work in the ethical decision-making processes of those who participate in and are impacted by war. By applying an ethical approach to war which foregrounds the concept of care and its related tenets, it becomes apparent that soldiers, private contractors, insurgents, and civilians exist not as individual moral actors in isolated pods, rather quite the opposite – the behaviours and actions of those impacted by war are rooted in their relationships with others and in the day-to-day experiences they

face. Without a framework that asks us to take seriously this interconnectedness, we risk reifying ethical dilemmas in war as ones that may be resolved by thinking of the universal morality of a particular practice or action rather than looking more deeply at the ways in which individuals interact with a variety of particular others in unique circumstances. In other words, the first role played by the framework outlined above is to uncover a new articulation of how ethics plays out in international conflict – one that acknowledges our constant interactions as social beings in the world, which continuously shape and reshape moral action.

The second level on which we can answer questions about the usefulness of a feminist ethical framework is more specifically related to the practices of war being examined. Importantly, using this theoretical approach calls into question existing claims about the ethicality and morality of how wars are fought in the contemporary era, asking us to rethink whether or not claims of moral/ethical ‘acceptability’ are valid in the face of a re-described feminist ethics based in care. It is possible to use examples to illustrate this role: if we bring the feminist concepts of experience and relationality to bear on the practice of drone warfare, focusing on the real, lived experiences of the drone pilot, a very different picture emerges of the ethics of that practice and behaviour of that operator than that of drone warfare supporters who often suggest the practice is an increasingly ethical way of fighting war (due to its precision capabilities). Instead, we see the ethical murkiness of a practice whereby operators become intimately familiar with the daily routine of their targets, observing their lifestyles and families in a manner connecting them to the operator despite the thousands of physical miles between them. Morally, there are additional complexities arising from a drone operator’s lack of membership in a traditional group of soldiers whose presence serves to help him/her ‘decompress’ at the end of each shift – as operators return home to their families, having just killed a number of targets (and possibly others in the form of collateral damage), the stresses and difficult decision-making of their job may well be affected by their home relationships, and vice versa. These dilemmas are not made visible by mainstream arguments in support of technologies such as drone warfare, held up as moral and ethical practices given their ability for precision and lack of risk to the lives of pilots. Bringing such elements into focus is a central task of a feminist ethical framework when applied to modern war, and is an important part of what follows from the re-description of feminist ethics in this thesis.

## 8.1 Responding to Just War: Beyond *Jus in Bello/Jus ad Bellum*

The argument brought forth in this thesis is meant to respond to a number of different areas of existing scholarship in IR that have attempted to deal with questions of ethics and war. The most well known of these is the just war tradition, and Chapter Three highlights several of the ways in which theories of just war fall short of being able to explain the morality of warfare practices used in the twenty-first century. These include the inflexibility of its *jus ad bellum* principles and their applicability to popular mechanisms for war-fighting today (including drone warfare, private force, and counterinsurgency), a maintenance of unnecessarily high levels of abstraction, and an insistence upon thinking about war from the perspective of the aggressor rather than through the lived experiences of all those involved in war. While some revisions of the just war perspective - including those within cosmopolitan strands of ethical scholarship (Fabre 2012) and some feminist work (notably Sjoberg 2006) - have attempted to deal with these shortcomings, I have argued throughout the thesis that remaining inside the confines of *jus in bello* and *jus ad bellum* criteria makes it impossible for these revisions to substantively change the tradition for the better. Instead, I suggest a wholesale rethinking of what ethics in war should look like and be focused on, starting from the feminist perspective of care. The framework that I articulate is better able to respond to the ethical dilemmas present in modern practices of warfare as it acknowledges that in order to make moral judgments, we must be aware of the particular contexts in which behaviours and actions happen, rather than holding a set of universal principles and applying them without regard for the details of a case.

I suggest throughout this thesis that a feminist ethical framework is more suited to an analysis of the morality of war in the contemporary era, given its insistence on a reflexive and context-dependent articulation of the ethicality of practices and behaviours in conflict. Moreover, the framework is concerned primarily with uncovering the realities of the world as it exists rather than making abstract claims about what ought to be, making it more realistically applicable to an examination of modern war than the abstracted principles of the just war tradition. The notion of using the various elements of the framework (all connected under the umbrella of feminist care ethics) as lenses through which we can see new ethical dilemmas otherwise obscured by mainstream ethical analyses is central to the

argument brought forth in this thesis, and serves as a direct challenge to the dominance of just war theorising in International Relations to date.

## **8.2 Contributions to Feminist Ethics: New Conversations**

This research also aims to respond to and build on the work of feminist ethicists in the realm of war and political violence. While feminist ethical perspectives have thus far been relegated to a marginal space (at best) in IR discussions, their contribution to discussions of morality and war are nevertheless significant, and the argument articulated in this thesis serves as a continuance of that conversation as well as a synthesis with international relations theory. Chapter Four outlines the trajectory of feminist ethics scholarship on war, and argues that although important contributions have been made by feminists working in justice-based ethical approaches as well as those revising the just war tradition, it is the realm of feminist care ethics where we find the most fruitful way forward for discussions of ethics and war through a feminist lens. In particular, the care ethics resurgence in recent years (associated with scholars including Held and Robinson) provides a useful set of conceptual tools with which we can engage in ethical analysis. I articulate these tools in the framework constructed in Chapter Four, and suggest that notions of relationality, empathy, experience, and responsibility are rooted in feminist understandings of care and connectedness, offering an enriched ethical perspective from which to see war and some of its most prevalent practices.

In my view, one of the significant contributions of this argument is to highlight the work that has been done by feminist ethics scholarship to date, and suggest that IR should take these contributions more seriously when searching for new ways to examine the morality of war. Relatedly, the burgeoning field of feminist security studies would do well to incorporate a substantive engagement with feminist ethics in its analyses of international security and war, rather than relegating it to spaces outside the formal contours of the discipline. Beginning from the perspective of feminist ethics allows space for both reflective analysis of how moral understandings are reflected in the interactions between people, as well as a critical unpacking of the features and conditions of moral life (Walker 1998). These two areas of examination are crucial if we wish to better understand the ethical complexities of war and challenge discourses which have suggested that new warfare practices are somehow more moral or ethical (whether due to the ‘technological

precision' of drones, the 'professionalization' of private military contractors, or the 'winning of hearts and minds' by counterinsurgency operations).

The argument presented here is in line with other work (Held 2006, for example), which insists on the *feminist* component of care ethics due in large part to the historical context of how care ethics developed and came to occupy a place of importance in moral theorising. It is therefore impossible to extract the concepts I use in the framework out of their feminist care ethics context – instead, they should be understood as ethical elements drawn from a long tradition of feminist care scholarship prioritizing the relations among actors as central to moral life. This commitment to retain the distinctly feminist characteristic of care ethics demonstrates a movement beyond those who suggest, as Levine (2010) does, that we can think about care in abstraction from its roots in feminist theorising. Indeed, such a commitment opens up a particular space for feminist scholarship to develop in tandem, whereby ethicists can enter into conversation with feminist counterparts in International Relations, security, and war studies. These opportunities for interdisciplinary feminist research offer exciting potential for future research, particularly as feminist IR scholarship on war and conflict continues to grow and define itself as a distinct field of inquiry.

In relation to existing feminist work on the ethics of war, this thesis has offered a unique contribution that moves the conversation beyond just war theorising and provides a theoretical framework that is both contextual and reflexive while being attuned to the particularities of contemporary war. Unlike Sjoberg (2006), I have suggested that there is insufficient remaining value in the principles of the just war tradition to retain the approach as we think about ethics and war in the twenty-first century. Rather than reformulating the criteria themselves, I have identified distinct problems with the just war principles – centred on issues of abstraction and complexity, responsibility, technology, and the nature of modern warfare – and constructed a feminist ethical framework premised on care that is ordered by concepts of relationality, experience, empathy, and responsibility. In so doing, the framework is able to directly respond to the shortcomings of just war thinking while providing an alternative that prioritises the lived realities, experiences, and relationships of those impacted by war.

This theoretical approach has more in common with Virginia Held's recent work on terrorism, which points toward the ethics of care as a useful way forward in

thinking about the morality of terrorism as a form of political violence in the contemporary world (2008). Held is optimistic about the transformative potential of care, but dedicates very little of her analysis to unpacking what care actually is and how its constitutive concepts may impact our understandings of war differently. This failure to see beyond the notion of care as a singular, one-dimensional ethical stance is a significant way in which Held's analysis is left underdeveloped. As the preceding discussion in Chapter Four has shown, feminist care ethics is a complex and multi-faceted approach to thinking about morality, and this nuanced understanding is integral to its successful use in the context of modern war. While Held (2008) remains restricted largely to questions of terrorism in her analysis, the framework I have used throughout this thesis provides openings for judgments about a wide variety of practices of political violence, including but not limited to the three I have examined in detail. Using this framework, it is possible to uncover considerations about the nature of ethical decision-making across a range of wartime contexts, and in particular, to focus on the *practices* of war themselves. Thinking about the actors of war – including soldiers, fighters, insurgents, and civilians – using a framework premised on care and relationality leads us to a distinctly experiential understanding of what it might mean to think and act ethically in war. While this work builds on the contributions made by Sjoberg (2006), Held (2008), and others, the focus on *practice* marks a point of departure from existing work and demonstrates a distinct contribution to the small but growing body of scholarship on feminist ethics and violent conflict.

### **8.3 Empirical Implications: Contemporary War in Practice**

Beyond joining the dialogue of feminist ethicists and other feminist scholars interested in theoretical questions of war and political violence, this work also concerns itself heavily with the nature of contemporary war *in practice* and, in particular, the lived realities and experiences of those involved in twenty-first century conflict. Chapters Five, Six, and Seven have dealt explicitly with the practices of drone warfare, private military contracting, and counterinsurgency using the framework I have articulated to reveal what types of ethical dilemmas are missed or obscured by mainstream ethical analyses. Through the use of a relational ontology privileging lived experience and responsibility for the needs of others, my feminist care ethics approach serves to disrupt existing discourses about the morality of

contemporary war, and construct alternative discursive realities that may involve less harm inflicted on people in contexts of political violence. This type of linkage between theoretical development and empirical reality is similar to that taken up recently by Robinson (2011) in the context of human security, and I wish to make similar types of contributions through the application of a critical feminist ethical framework to contemporary war (as understood through the three prevalent practices I examine). As previously mentioned, my aim here has not been to construct a definitive set of principles for the moral judgment of these practices – rather, it is to understand their ethical details by paying attention to the particularities and experiences of those living through them (whether as public/private soldiers, targets, innocent victims, etc.). In other words, I am concerned with the *people* (as individuals and collectives) and their ethical decision-making rather than the phenomena of war itself when making claims about the moral and ethical status of particular behaviours.

Central to the application of the framework to these empirical cases is the aim of challenging dominant discourses in support of the use of drone warfare, private military contracting, and counterinsurgency which draw on claims about their perceived morality or ethicality. By revealing some of the serious moral quandaries present within the implementation of such practices, this feminist ethical framework suggests that such discourses are premised on false, incomplete understandings of what ethics in war should look like. These discourses are often based in rights- and/or justice-based understandings of ethics (i.e. the claim that the use of precise technologies is just due to the lack of collateral damage or risk to the pilot), and the application of feminist care ethics to these claims provides an alternative to this type of mainstream thinking in relation to morality and war.

Finally, it is important to briefly consider the possible practical implications of this line of argumentation. As previously mentioned, this analysis is meant to make a theoretical contribution to the study of ethics in war in International Relations by applying a feminist care ethical framework to practices of modern war, revealing significant moral dilemmas that are otherwise obscured by dominant frameworks such as the just war tradition. Therefore, the investigation stops short of making concrete practical recommendations to improve the ethical status of these practices, given its desire to instead call into question the discourses that have surrounded their usage in recent years. I suggest that it would also be difficult to

implement such recommendations given the highly context-dependent nature of ethical judgment in war and the particularities involved in each particular behaviour or action undertaken by an individual in conflict zones. However, there is space in this argument for real-world implications – as it is a central aim of this feminist care ethical framework to envision alternative realities whereby less suffering and harm is felt by those impacted in war, it is certainly important to identify areas where we might look to the framework in order to give more nuance to the ways in which practitioners conceive of ethics in their own day-to-day work on the ground. One such example of this may be for governments and companies to take seriously the concept of responsibility (and our responsibilities to the needs of others) when crafting regulation schemes for the private military industry, recognizing that responsibility is about more than a strict praise/blame dichotomy and should instead acknowledge the ways in which individuals and collectives are responsible for the protection and safety of vulnerable others.

This type of connection between the theoretical contribution of the feminist ethical framework I articulate throughout this thesis and the empirical realities of modern warfare practices such as private military contracting demonstrates the possibility for feminist care ethics to have real and positive effects on the nature of morality in war. While my argument is primarily concerned with filling a conceptual gap left by dominant approaches to the ethics of war in IR through a recognition of the relational and experiential aspects of conflict, there are undoubtedly many visions of what that might mean in practice, and it is important to think about what alternative discursive realities might better challenge the ethical difficulties of contemporary war and call into question existing claims that these practices are inherently moral or ethical ways of fighting. As the field of feminist security studies continues to grow apace, it is imperative that a focus on ethics and the morality of modern war is included in such a research programme. By interrogating and engaging with the rich scholarship of feminist ethicists over the past several decades, feminist scholars in IR may continue to gain a fuller understanding of how a feminist ethics of war or peace might be formulated while maintaining a critical lens through which to view mainstream conversations about the role of ethics in contemporary war. While this research project has attempted to bring these two lines of feminist thinking together in meaningful conversation, there is much work left to do. As large swaths of the globe remain mired in asymmetrical, technologized conflicts, it is

increasingly crucial that feminist IR scholarship on political violence continue to question how and why wars are waged with a dedicated focus to improving the lived realities and experiences of those among us who are impacted by the wide-ranging effects of twenty-first century warfare.

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