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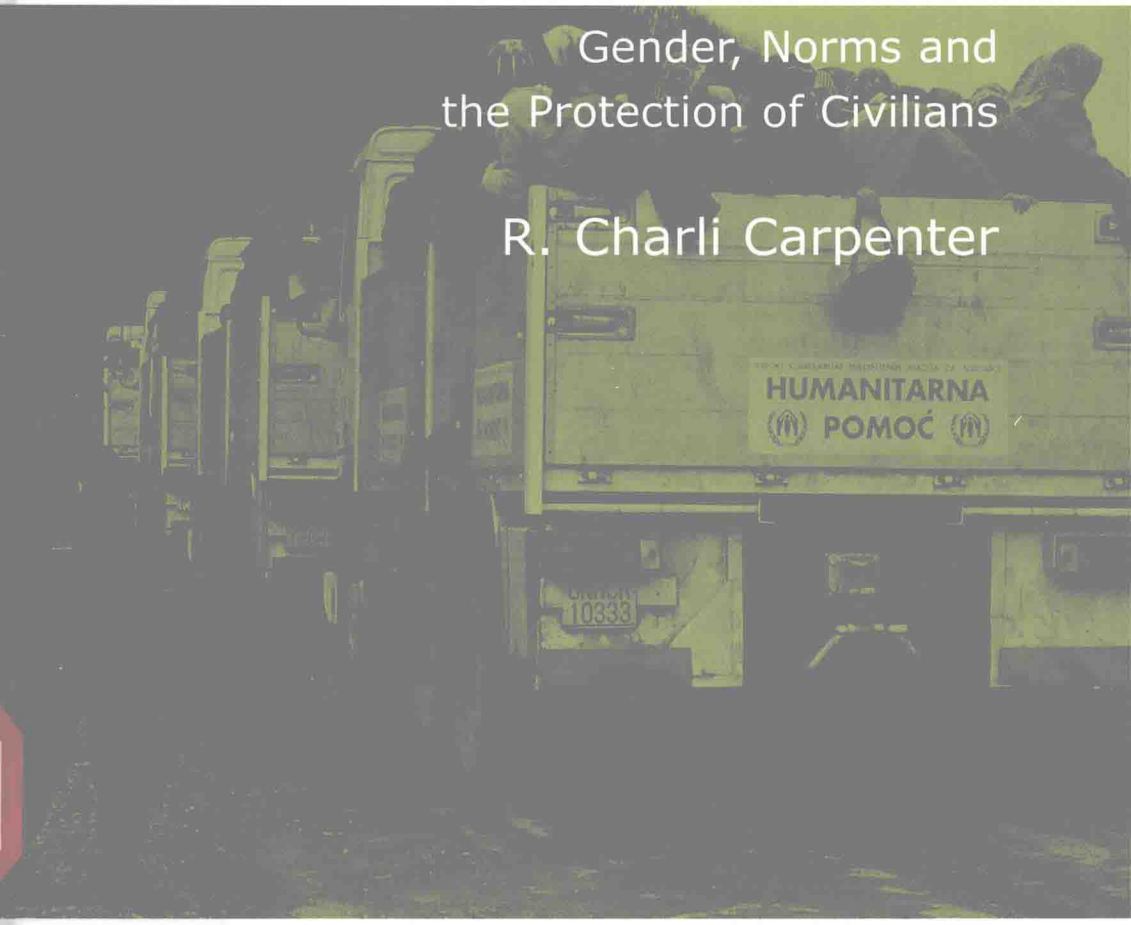
'Innocent Women and Children'

Gender, Norms and the Protection of Civilians

R. Charli Carpenter



GENDER IN A GLOBAL/LOCAL WORLD

'Innocent Women and Children'

Gender, Norms and the Protection of Civilians

R. CHARLI CARPENTER
University of Pittsburgh, USA

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'INNOCENT WOMEN AND CHILDREN'

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Gender in a Global/Local World critically explores the uneven and often contradictory ways in which global processes and local identities come together. Much has been and is being written about globalization and responses to it but rarely from a critical, historical, gendered perspective. Yet, these processes are profoundly gendered albeit in different ways in particular contexts and times. The changes in social, cultural, economic and political institutions and practices alter the conditions under which women and men make and remake their lives. New spaces have been created – economic, political, social – and previously silent voices are being heard. North-South dichotomies are being undermined as increasing numbers of people and communities are exposed to international processes through migration, travel, and communication, even as marginalization and poverty intensify for many in all parts of the world. The series features monographs and collections which explore the tensions in a 'global/local world', and includes contributions from all disciplines in recognition that no single approach can capture these complex processes.

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Preface and Acknowledgements

Throughout the 1990s, it was commonplace in international security and human rights discourse to argue that women and children constitute the primary civilian victims in armed conflict. In October 2005, the Liu Institute launched a report providing a wealth of epidemiological data debunking this claim, but the argument that women and children are disproportionately affected by war continues to be reiterated in many policy circles concerned with the protection of war-affected civilians. The point of '*Innocent Women and Children*' is not simply to unpack this view and examine it as the deeply gendered construct that it is, but also to explore how the association of "women and children" with the concept of the "innocent civilian" affects and undermines the protection of civilians in international society.

Many individuals and institutions contributed to the genesis and evolution of this project. My greatest debt is owed to Ron Mitchell, who taught me how to ask good "why" questions, encouraged my unorthodox approach and always took the project seriously. Yosef Lapid was the first to expose me to the writings of Cynthia Enloe and the radical idea (to me, back then) that gender could matter independently of other considerations in shaping world politics. Robert Keohane's work inspired me to talk about gender as if it should matter to mainstream IR theorists, and he has provided necessary feedback and mentorship along the way. Helen Kinsella's genealogy of the "civilian" got me thinking about knowledge claims in IR theory, and she has been a helpful source of critique as I've developed and refined my own explanatory claims. Robert Darst opened my eyes to the study of humanitarian affairs, schooled me in the use of irony as an emotional bulwark, and provided the catalyst to change direction at a number of critical junctures. Adam Jones's work on sex-selective massacre sparked the insight that led to this empirical study, and I will never forget his thoughtful reply to a curious graduate student's email: this letter sparked a friendship and intellectual engagement for which I am deeply appreciative. Julie Mertus critiqued several versions of the Srebrenica case study and gave me clues about the fine art of communicating across epistemological divides (though I still don't have it down pat, and any ongoing traces of ineptitude are due entirely to my own stubborn Sagittarian lack of tact). Julie also continues to provide tremendous inspiration as a teacher, practitioner, activist and theorist.

The methodology for this project involved collecting narratives from humanitarian practitioners who routinely put their lives on the line to do some of the most difficult, dangerous and important work on this planet.

These conversations left me in awe of this profession, and I hope that this book honors these individuals' experiences and stories while providing useful critical insights that may shape best practices for the future. I thank all those who gave precious time and emotional energy participating in or aiding this research, at the International Committee of the Red Cross (ICRC), the United Nations High Commissioner for Refugees (UNHCR), and United Nations Children's Emergency Fund (UNICEF), for their availability, openness and insight. A particularly warm thanks to David Harland for being thoughtful, frank and amazingly reflective; to Mark Cutts and Iain Levine for time, encouragement and invaluable contacts; and to Charlotte Lindsey for shaping, refining and engaging with my ideas as they have developed.

The University of Oregon supported the data-gathering for this project with a research grant and a Jane Grant Fellowship through the Center for the Study of Women in Society, and with two Stephen Wasby research grants through the Department of Political Science. The University of Pittsburgh's Graduate School of Public and International Affairs supported research-related travel as well, and faculty and staff at the University of Pittsburgh provided invaluable guidance as the final version of this book took shape: particular thanks go to Carolyn Ban, Simon Reich, William Keller, Martin Staniland, Nita Rudra, Michael Goodhart, Sandra Monteverde, Karen Chervenick, Betsy Jose-Thota, Robyn Wheeler and Marianne Nichols.

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Finally, some thanks to the family whose thirty years of support and encouragement made it possible to pull this off. Dr. Carey Carpenter put a word-processor in my nine-year-old hands before most people had heard of word processors, taught me to respect the title "Dr." and spent almost thirty years egging me on to disprove his politically incorrect theories about world affairs. Renee Hyman Carpenter taught me about the Holocaust early in life and sparked my awareness of transnational women's activism and of events in the Balkans. I gratefully acknowledge her contributions to my awareness of how gender suffuses interpersonal power relations as well. Other members of my family have helped craft my thinking about this topic over thirty years of road trips, holiday dinners and late-night coffee chats. I have been particularly influenced by intellectual exchanges with Captain

Edward Haley Carpenter of the US Marines, who continues to help me (sometimes unwittingly) to think about war and about gender. Ami, Richard and Joseph Carpenter have also at various times provided helpful feedback on various portions of the manuscript and/or played devil's advocate with my ideas.

Early in the data collection phase for this project, I married Stuart Shulman, a fellow political scientist, cultural critic and Jon Stewart fan. Shifting gears from single mothering a daughter to this experiment in co-habitating and co-parenting taught me much about gender relations, kinship ties, power, identity, negotiations, global political economy and international relations generally. Stuart has been my closest intellectual ally during this period, and as noted above, his dedication to our children and our household gave me the mobility required to complete the shoe-string budget fieldwork on which the empirical chapters were based.

Finally, my (many unsuccessful) social engineering efforts as a mother over the past ten years have been an additional source of critical insight into how people become socialized into gendered and militarized normative structures. I deeply appreciate my children Haley and Liam for their patience when Mama had to write, for dragging me out of my office often enough to keep me whole, for following me into the field when necessary, and for teaching me about both the innocence and agency of children. But mostly, I thank them for inspiring me every day to craft a better world for them to live in. I hope this book contributes modestly toward that end.

R. Charli Carpenter

List of Abbreviations

BSA	Bosnian Serb Army
CARE	Committee for Aid and Relief Everywhere
CSCE	Commission on Security and Cooperation in Europe
ECOSOC	Economic and Social Council
ECOWAS	Economic Community of West African States
FARC	Revolutionary Armed Forces of Columbia
GBV	gender-based violence
IASC	Inter-Agency Standing Committee
ICRC	International Committee of the Red Cross
IR	international relations
JNA	Yugoslav National Army
KLA	Kosovo Liberation Army
MSF	Medecins sans Frontières
NATO	North Atlantic Treaty Organization
NGO	non-governmental organization
OCHA	Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organization for Security and Cooperation in Europe
PoC	Protection of Civilians
UN	United Nations
UNAMIR	United Nations Assistance Mission in Rwanda
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Emergency Fund
UNITAR	United Nations Institute for Training and Research
UNPROFOR	United Nations Protection Force
UNSC	United Nations Security Council
US	United States
USCR	United States Committee for Refugees
WCRWC	Women's Commission for Refugee Women and Children
WHO	World Health Organization

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Chapter 1

Introduction: Gender, Norms and the Protection of Civilians

Children, women and the elderly are innocent victims who deserve and demand vigorous protection.
– Costa Rican Delegate to the UN Security Council, February 22, 1999

In early July, 1995, the Bosnian Serb Army (BSA) overran the city of Srebrenica in eastern Bosnia-Herzegovina. After forcing the civilian women, children and elderly onto buses, BSA fighters systematically slaughtered nearly 8,000 adult men and older boys (Rhode 1998). Two years before the massacre, the United Nations High Commissioner for Refugees (UNHCR) had evacuated several thousand civilians from the besieged city. Women, children, the elderly and the sick were allowed on the convoys; adult civilian men were told to stay behind (Hollingworth 1996). Four years after the fall of Srebrenica, the United Nations (UN) Security Council met to discuss its obligation to protect war-affected civilians. While military-age males were being massacred in Kosovo (Danner 2000), delegates to the meeting asserted that "civilians, particularly women, children, the elderly and the sick have been victimized" and that "civilians, in particular women and children, have the right to receive humanitarian assistance" (United Nations 1999a, 9 and 1999b, 8).

This book examines the influence of gender ideas on the international regime protecting war-affected civilians. It asks: why did BSA fighters execute civilian males while allowing women and children to flee Srebrenica, and then claim to have complied with the civilian immunity norm? Why did international agencies mandated with the protection of civilians in the former Yugoslavia leave civilian men and older boys in the enclaves, while evacuating besieged women and younger children? Why, while the international community still agonized over Srebrenica, did delegates to the Security Council invoke the protection of every category of civilian except "adult male" in their moral discourse? I argue that to understand the way in which the laws of war are implemented and promoted in international society, we must understand how gender ideas affect and, I argue, ultimately undermine the principle of civilian immunity.

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Most commentators claim that civilian immunity forms the bedrock of the laws regulating war (Sandoz et al. 1987, 586). Although the targeting of civilian populations has been a feature of international politics throughout history (Carr 2002; Chalk and Jonassohn 1990; Rummel 1994), international actors have long agreed that, in principle, the uninvolved should be shielded from the effects of armed conflict (McKeogh 2002). Only in the post-Cold War period, however, has the "protection of civilians" emerged as a prominent issue on the global security agenda (Roberts 2001). In recent years, the international community has aimed to protect civilians through a variety of pro-active means: advocacy groups lobby warring parties; states condemn atrocity and refine international agreements; and international organizations attempt to feed, safeguard, and prevent the massacre of non-combatants in armed conflicts worldwide (Jones and Cater 2001).

In the chapters that follow, I demonstrate that the "innocent civilian" is invoked through the use of *gender essentialisms* (Smith 2001): political actors typically associate women and children, but not adult men, with civilian status. This practice contradicts the spirit and letter of the very norm such actors intend to strengthen. According to the laws of war, "civilians" whose lives must be spared are to be distinguished from "combatants," who may legitimately be killed, according to whether or not they participate directly in hostilities (McKeogh 2002; Palmer-Fernandez 1998). In other words, fighters are to distinguish civilians from combatants according to an assessment of what they are actually doing, rather than assuming their "innocence" based on *who* they are (AP 1 1977, 51:3; AP 2 1977, 13:3).[1] In reality, however, "distinction" is often accomplished instead through the use of sex and age as proxy variables for "civilian/combatant."

This makes a difference because the category "women and children" is not empirically interchangeable with "the civilian population," nor are all men "combatants." Although a majority of women and children are civilians, this is also true of most men in contemporary wars, many of which are fought by fringe nationalist elements rather than through mass mobilization (Mueller 2000). Moreover, both women and older children may also be combatants and perpetrators in armed conflict (Dombrowski 1999; Goodwin-Gill and Cohn 1994; Moser and Clark 2001; Turshen and Twagiramariya 1998). The category "women and children" conflates infants, who are indeed both innocent and vulnerable, with adult women and adolescents who may be neither (Bennett, Bexley and Warnock 1995; Enloe 1993; Hamilton 2002;

1 Article 50:1 of Additional Protocol I to the 1949 Geneva Conventions also states that "in case of doubt whether a person is a civilian, that person shall be considered to be a civilian." A number of political theorists have problematized the concept of moral innocence as a basis for the civilian/combatant distinction. See Anscombe 1970; Fullenwider 1985; Johnson 1999; McKeogh 2002; Norman 1995.

Lindsey 2001).[2] It also suggests that battle-age men are neither vulnerable nor innocent, whether or not they are actually combatants (Jones 2000).

Insofar as these essentialist assumptions are incorrect, they undermine the moral logic of the civilian immunity norm itself. Using sex and age as proxies for civilian/combatant involves doing precisely the opposite of what the doctrine of "distinction" requires: that legitimate targets be identified by an objective assessment of who actually poses an immediate and direct military threat in a given situation. In short, gender beliefs can trump the regime's broader normative principles. This has important implications for the protection of civilian populations, as well as for theories about the role of morality in world politics. In the following chapters, I make this case by demonstrating how gender influences the activities of three sets of actors with respect to civilian protection: states and belligerent forces, transnational advocacy networks, and humanitarian practitioners.

First, gender beliefs are embedded in the principles of the civilian protection regime and directly affect belligerents' compliance with the key regime norm, protecting some civilians but putting others at greater risk. Belligerents are less likely to target women than men in armed conflict, and they are less likely to attempt to justify their behavior when they do so. Moreover, third parties' condemnations of atrocity or justifications for intervention on behalf of civilians are related to the age and sex of civilian victims.

Second, these gender constructions affect and are reproduced in the representations that transnational advocacy networks use to frame atrocity and draw attention to war-affected civilians. These actors seek to align their metaphors of persuasion with the imagery most resonant to the transnational publics and statespersons on whom they rely for resources and whose views and behaviors they hope to affect. They draw strategically on gender constructs in pre-existing cultural discourses to press their claims. Insofar as they have been successful at placing the issue of civilians on the UN agenda, it has emerged as a profoundly gendered discourse: essentialist assumptions are embedded in both the category "innocent civilian" and the category "especially vulnerable."

Third, this construction of innocence and vulnerability according to gender essentialisms has affected the actual "protection of civilians" by humanitarian organizations. I show how this turned out to be tragically true during the war in Bosnia-Herzegovina. Emphasizing humanitarian evacuation as a protection mechanism, and looking at the 1993 evacuation of Srebrenica in depth, I argue that gender assumptions exerted regulative

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2 The stereotype is problematic in other ways with which I do not deal fully here. For example, it assumes a harmony of interests between women and children that may not exist, and it fails to treat fathering as central to the protection of children's human rights in armed conflict.

effects on the behavior of humanitarian actors as well as constitutive effects on the language they use. Moreover, these effects operated so as to leave adult male civilians at grave risk of humanitarian law violations.

These chapters demonstrate that international norms are not simple, static constructs but may be buttressed or distorted by implicit moral frames that "piggy-back" on or "stow-away" inside the norm in question, often contradicting it. Actors engaged in norm emergence, dissemination, implementation and change in world politics must negotiate these contradictions. And self-proclaimed social constructivist international relations (IR) scholars, exploring the effects of ideas on world politics, must pay close attention to these implicit schemas – such as gender – in order to understand the dynamics of the broader normative landscape in which they are interested.

Gender, Social Constructivism and International Relations Theory

The main explanatory argument made in this book is that *gender* – "interpretations of behavior culturally associated with sex differences" (Peterson 1992, 17) – shapes the implementation of international *norms* – "collective expectations for actors with a given identity" (Jepperson, Wendt and Katzenstein 1996). From this follows the conclusion that international relations scholarship, particularly that dealing with international norms, is impoverished without an understanding of such gender effects.

Of course, this argument is nothing new: IR feminist literature has demonstrated the causal and constitutive effects of gender on a wide variety of international phenomena including armed conflict (Elshtain 1987; Enloe 2000; Zalewski 1995), nationalism (Mertus 1994; True 1993; Yuval-Davis 1997), international political economy (Enloe 1989; Marchand and Runyan 2000), globalization (Hooper 2001; Kelly et al. 2001; Turpin and Lorentzen 1996) and international organizations (Meyer and Prugl, 1999; Steinstra 1994; Whitworth 1994 and 2004; Baines 2004). Moreover, many of these scholars have been encouraging the wider discipline to engage with gender as a mode of analysis for over a decade (Grant and Newland 1991; Hooper 2001; Peterson, 1992a; Prugl 1999; Sylvester, 2002; Tickner 1997; Zalewski 1996).

Unfortunately conventional constructivism, like most other mainstream theories of international relations, has been slow to explore the effects of gender ideas on the norms and identities that they claim structure and shape political outcomes. For example, scholarship on international security norms has proliferated (Barnett 2002; Finnemore 1996b and 1999; Katzenstein 1996; Nadelmann 1990; Price 1998; Tannenwald 1999; Thomas 2001; Wendt 1992; Zacher 2001), but this literature has very seldom incorporated the insights of the vast feminist literature on how gender hierarchies affect international security in theory (Cooke and Woolacott 1993; Tickner 2001; Zalewski 1995)

and in practice (Cohn 1993; Elshtain 1987; Enloe 2000; Orford 1996; Steihm 1982; Whitworth, 2004). Constructivist scholars thus miss an important element regarding how the norms they discuss are constituted, as well as the ways in which they are implemented and enacted. In particular, conventional constructivists have trouble accounting for gaps between theory and practice that are often naturalized by gender, because without conducting a gender analysis they are unlikely to even identify these gaps (Prugl 1999).

Yet as I have argued elsewhere (Carpenter 2002a; 2003b), one reason for the mainstream neglect is precisely the fact that gender analyses in international relations have traditionally been associated with IR feminism, itself a discourse archetypically defined in relation to, rather than as part of, the conventional discipline of IR (Caprioli 2004; Keohane 1991, 45; Peterson 1992b, 1; Whitworth 1994, 39; Zalewski 1995, 341).[3] Driven by a concern with overcoming gender inequality on a global scale, a major contribution of "IR feminism" has been to problematize the traditional research agenda of international relations in the interest of recovering women's concerns and promoting a politics of emancipation (Enloe 2000; Peterson 1992b; Steans 1998, 26).[4] Additionally, IR feminism has historically been skeptical of conventional epistemologies and methodologies in IR because they accept existing power structures. While not all feminist theory is post-positivist (see Caprioli 2004 and Marchand 1998), many "IR feminists" consider the neo-positivist methods associated with mainstream international relations theory to be inherently masculinist, and claim that critique is an important aspect of any truly feminist epistemology (Cockburn 2001, 16; Kinsella 2003, 297; Locher and Prugl 2001b; Steans 1998, 15; Whitworth 1994, 2; Tickner 2005).[5] This framing of IR feminism as substantively and epistemologically distinct from the "mainstream IR," while it enables certain strands of feminist

3 Equating gender theory with feminism, Cynthia Cockburn writes: "a gender analysis generates demands for change, for the satisfaction of women's needs" (Cockburn 2001, 15). Analyses of gender that do not adopt a feminist perspective are, in Carver's words, "virtually an oxymoron" (Carver 2003, 290); and it is precisely this "difference from the mainstream" that characterizes IR feminism, according to Tickner (2001, 126).

4 As Tickner writes (2001, 29): "A key task of feminist analysis is to extend the scope of the agenda rather than to answer questions about what is already on the agenda."

5 To put it in Tickner's words, "conventional IR usually employs theory as a tool. IR feminists, along with other critical theorists, have generally used theory as critique for emancipatory purposes" (2001, 136-137; see also Zalewski 1996). This formulation situates gender not primarily as an explanatory framework but instead as a lens for uncovering "hidden power relations" (Whitworth 1994, 267), presumably for the goal of overcoming gender oppression (Carver 2003). While these are worthwhile goals, it is my view that gender analysis is valuable for policy-makers and scholars concerned with more traditional topics as well.

theory to avoid the risk of "cooptation," inadvertently lets mainstream IR scholars off the hook with respect to gender analysis, allowing them to brush aside questions of gender if their work does not explicitly involve women or feminist concerns.[6]

As Caprioli (2004) has argued, however, gender analysis in IR theory need not be an all or nothing enterprise, and the analysis of the civilian immunity norm that follows will make this point precisely. This book contributes to a small but growing literature in IR that seeks to "take gender seriously" within the context of the substantive agenda that has long defined the study of world politics. For example, Tessler et al. (1997) have analyzed linkages between individuals' gender ideologies and their foreign policy preferences, advancing theories of the "democratic peace." Wilmer (2002) uses psychoanalytic theories of gender identity formation to explain the social mobilization of ethnic violence in the former Yugoslavia. With respect to national security issues, Kier (1998) has examined the extent to which homosexuality in the armed forces presents a risk to combat effectiveness; Hudson and den Boer (2002) track the security ramifications of demographic trends related to China's one-child population policy; Miller and Moskos (1995) employ social theories of race and gender to explain variation in US servicemen and women's performance during Operation Restore Hope in Somalia. What connects these authors is not necessarily a commitment to overcoming gender hierarchies (though that may also obtain) or a repudiation of neo-positivist epistemologies, or the rejection of conventional IR questions, but simply a desire to better understand the way the world "hangs together" (Ruggie, 1998), and a recognition that understanding gendered social relations is an important piece of that puzzle.

To this end, the following study integrates a very basic form of gender analysis into existing constructivist models for understanding how actors behave in situations of armed conflict. Such analysis involves demonstrating that a set of inter-subjective beliefs regarding gender relations is socially constructed rather than biologically given; demonstrating that socio-political outcomes are different than would be expected in the absence of those beliefs and the norms constituted by them; and providing a convincing empirical

6 For example, Keohane has posited that it is up to IR feminists to "deliver" convincing scientific analysis on terms mainstream IR will understand: "Feminists will need to supply answers that will convince others" (Keohane 1998, 197). Similarly, Jones (1996, 420) argues that in order to be persuasive, feminist frameworks must be "expanded and to some extent reworked." Not surprisingly, this is a position to which a number of feminists have reacted negatively (Brown 1988; Carver, Cochran and Squires 1998; Weber 1994), because it asks feminists to adapt to existing disciplinary norms rather than requiring the mainstream to master the burgeoning literature on gender (Smith 1998).

account of the ways in which these beliefs and norms operate to constrain, enable or constitute the outcomes in question.[7]

This minimalist approach to gender is similar to what Carver (2002, 88) calls "Type 1" gender analysis. According to Carver, this form of analysis simply starts from the assumption that "gender is socially learnt and culturally variable behavior expressing sex." Carver distinguishes this from more sophisticated Type 2 and 3 gender theories (many of which are more popular with IR feminists), which incorporate critiques of gender as a set of power relations "producing advantage and oppression in terms of sex and sexuality." By contrast, Type 1 analysis simply begins with the assumption that gender is socially constructed and examines the effects of these constructions on social and political outcomes.[8]

The incorporation of such an analysis into existing models for explaining the effects of armed conflict norms on actors' military behavior advances the social constructivist literature on norms. As explained at greater length below, constructivists look for two kinds of explanatory effects exerted by actors' identities and the norms they agree to abide by (Wendt 1999). *Constitutive* effects occur when actors share a set of identities, beliefs and norms that define the parameters of a particular set of social arrangements (Onuf 1998; Ruggie 1998); *causal* effects occur when such inter-subjective beliefs and norms produce variation in political discourse or behavior (Goldstein and Keohane 1993; Yee 1996). An analysis of the particular significance of gender constructs can and should be incorporated into both kinds of explanatory framework by social constructivists trying to understand how nations and individuals think about ethical standards regulating armed conflict.

In addition, this book contributes substantively to the literature on gender and international relations by emphasizing the way that gender constructs adversely affect men and boys. There has been far too little systematic work in international relations theory on this topic: mainstream scholars talk about men as if they were unaffected by gender, and feminist literature on

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7 This is different, however, from research on norms and identities that happens to deal with women's issues without explicitly investigating the influence of gender as a set of ideas (see Tickner 2001, 134 on gender as a "descriptive" v. "analytical" category). For example, Finnemore and Sikkink's (1998) study of norms relating to women's suffrage is a constructivist analysis on an issue relevant to women, not a gender analysis per se. This sort of literature is appearing more often in the pages of major international relations journals such as International Studies Quarterly, while gender analyses are still largely absent. See also Joachim 2003; and True and Minstrom 2001.

8 Thus, while Kinsella (2003, 297) claims that "gender analysis necessarily requires an exploration of disciplinary and productive power," in fact this is true only for Type 2 and 3 analyses: as feminist empiricists have been well aware for many years, Type 1 gender analysis is quite amenable to conventional explanatory science (Caprioli 2003).

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