The Law of War and Peace

A Gender Analysis: Volume One

Sara Bertotti, Gina Heathcote, Emily Jones, and Sheri Labenski, Zed Books, London, 2021, 280 pages



The Law of War and Peace: A Gender Analysis: Volume One throws down the gauntlet for military education!

When I was the sole female military student at my senior service school a little over a decade ago, the curriculum incorporated no gender analysis. In mid-2011, I asked the drafters of the first U.S. National Action Plan on Women, Peace, and Security (NAP) to require professional military education include issues of gender. In late 2011, the resulting published NAP stated:

> Ensure all relevant U.S. personnel and contractors receive appropriate training on Women, Peace and Security issues, including instruction on the value of inclusive participation in conflict prevention, peace processes, and security initiatives, international human rights law and international humanitarian law, protection of civilians, prevention of SGBV, prevention of sexual exploitation and abuse (SEA), and combating trafficking in persons (TIP). Training mechanisms may include: Pre-deployment and in-theater training for members of the U.S. military and civilians, as well as Professional Military Education, including Commanders' courses, and intermediate and senior service schools … and specialized training in gender analysis to personnel posting to conflict-affected countries or working on conflict issues. (Outcome 1.2).

Yet, even as of academic year 2020-2021, I found (when analyzing civil-military relations syllabi) "gender" limited to (1) sexual harassment/assault/rape by male military

members and (2) the changing gender composition of militaries, also referred by some as the integration of women into the military. To get beyond this limitation, I recommend engaging with *The Law of War and Peace*. Written in academic language, it is a tough first read (and second read, and third read). But it contains insights that PME institutions would be wise to teach.

The authors raise issues that strike at the core of militaries, issues that all military education should demand their students grapple with. Here is a sprinkling:

- "zero tolerance policies … unconcerned with wider insecurity factors (such as extreme poverty, discrimination, and international economic inequality at the basis of peacekeeping economies)" (55)
- "deployment of force … an unsophisticated method to collectively 'solve' complex issues of conflict and insecurity" (55)
- "perception of civilians as feminized in their need for protection and states as masculinized via their capacity to deploy force as a solution" (108–109)
- "fostering a legal system organized around military force as an adequate solution" (109)
- "hyperfocus [on sexual violence] at the level of international governance … silence the broader range of women's and gendered experiences of conflict." (116)
- "women essentialized as … influencers of men" (117)
- "while capital punishment is illegal in the UK, drones have been used by the British military to kill British citizens abroad" (135)
- "counter-terrorism … used to justify the erosion of both international and domestic legal frameworks" (145)
- "ideas that women are … best protected rather than consulted on security matters while simultaneously denying the insecurity experienced by male civilians" (162)
- "gendered effects of armed conflict, which can extend to food shortages, water scarcity, lack of educational prospects, increased instance of domestic abuse, and a varying degree of quality healthcare" (176)
- "increasing conflation of justice and peace with imprisonment" (187)
- "harms that have distinctly gendered manifestations—including the breakdown of social services, increases in mental illness and domestic violence, a lack of educational opportunities" (192)
- "retention of carceral modes for leadership crimes … increasingly retains the prominence of the military-industrial complex where private security companies benefit from the need for secure facilities in the space between local and international courts" (215)
- "incarceration presumes that justice is somehow achieved merely by putting offenders behind bars" (221)
- "alternative measures such as the redistribution of wealth and property or educational programmes which seek to dismantle gender stereotypes … being sidelined by the international criminal law project" (221)

The book is volume one, with a second volume forthcoming. I hope there will also be a volume three. The authors are all UK-based academics. Volume one addresses collective security, unilateral force, countering terrorism, laws of armed conflict, and international criminal law. The promised volume two—forecasted to address feminist methodologies, analyses of peacekeeping and peacemaking, transitional justice, and military technologies—is anticipated to ask questions such the gendered impact of the current design of peacekeeping, peacemaking, and peace agreements. To make the work approachable for readers beyond the academic world, to include military members, it is my hope that a forthcoming volume will include a section devoted to definitions—to define terms in plain language, to include terms used in volume one that might not be known to readers outside of academia. Such terms include "gender perspective," "structural bias feminisms," "carceral feminisms," "posthuman feminism," "governance feminism," "post-colonial feminist perspectives," "gender theorist," "feminist theorist," "crip theory," "neoliberal," "heuristic," "essentialized," "feminized," "effeminize," "masculinized," "homonationalism," and "lawfare." I also hope the authors address the pros and cons of the academic world using terminology more descriptive than "global north," "global south," "feminized," and "masculinized" when describing relative vulnerability and power of states and individuals. ☙

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