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## WOMEN AND WAR

LINDA MALONE\*

Men decide to wage war; women suffer the consequences of war. Whatever advances have been made in a few countries to involve women in national and international decision-making related to national security and war, the decision to wage war is still essentially the province of men. The historical prominence of a Golda Meir, Indira Gandhi, Margaret Thatcher, Condoleeza Rice, or — as profiled by Professor Stevenson, a Madeleine Albright — only accentuates how women with such powers are few and far between. In our so-called modern world, there is not one country (or internal conflict) in which the decision to wage war could be made by a single woman or a majority, or near majority, of women. It remains irrefutably true now, as always, that waging war is the exclusive domain of men.

What then to make of the second part of this opening, seemingly simplistic statement? Men may decide to go to war, but don't they also comprise the vast majority worldwide of the armed forces, or irregular forces, who fight and die in these conflicts? As Alice W. W. Parham demonstrates in her article, the exclusion of women historically from combat has never been premised on such equitable grounds, and the protectionist arguments for exclusion neither reflect the reality of combat nor hold firm when women are critically needed in combat. As a result, protectionist, paternalistic exclusion only serves to limit the opportunities for women to be recognized for their contributions and ascend to the decision-making plateau in regular armed forces. Nor does inclusion of women in the armed forces guarantee that they will have the opportunity to fulfill their potential as combatants and decision-makers. The author of a recent book on the military suggests that today's military culture is driven less by patriotic zeal than a dangerous amalgam of misogyny and homophobia. Professor Charles Rose offers a review of this book. As a twenty-year veteran of the United States Army and the subject matter expert of the

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Department of Defense Programs concerning both the Homosexual Conduct Policy and the Improper Superior Subordinate Relationships Policy while a Professor of Law at the Judge Advocate School, United States Army, he is exceptionally well placed to do so. The author of the book, Dr. Carol Burke, provides a response to Professor Rose's review. Having fought for inclusion, women must also contend with internal barriers to inclusion for which the battle lines are less clearly drawn.

Even so, surely don't the numbers alone of men in combat refute the general characterization that women suffer the consequences of war? To suggest that women suffer and die in combat in proportion to their numerical representation as combatants can only be based on an unrealistic narrowing of both the terms "combat" and "combatant." Alice Parham addresses the exclusion of women from combat as formal combatants, willing to serve in the sense of women volunteers or women lawfully recruited to serve.

Combat in a broader sense takes place away from the battle zones of the conflict and often after the cessation of formal battles. As explored in the article by Professor de la Vega and Chelsea HaleyNelson, women suffer doubly during times of post-conflict reconstruction. Women first suffer directly as victims of sexual trafficking. Women also suffer indirectly from their exclusion from the reconstruction process. This double oppression — through illegal acts, such as forced prostitution, and legal acts, such as misogynistic reconstruction laws and policies — is in addition to injuries faced by women while conflicts are in progress.

Ms. Buckwalter, Ms. Perinetti, Ms. Pollet, and Ms. Salvaggio's article explores one of the most pervasive manifestations of women and war; the trafficking in persons for purposes of sexual exploitation or forced labor. The authors argue that to fight trafficking in the United States effectively, legislation at the state level, in addition to the federal anti-trafficking laws, is critical. They propose a model state anti-trafficking statute. Michelle Dempsey analyses the broader conceptual structure of violence against women and provides a theoretical underpinning for all the pieces.

From Ms. Phelps' article on gender-based war crimes, it seems that modern warfare has developed quickly in how to use women as unwilling instruments of war through systematic rape, sexual slavery, forced prostitution, forced pregnancy and childbirth, and forced sterilization. From the horrific war in Sierra Leone and other internal conflicts, we can add to this list compulsory recruitment of women (and girls) as soldiers, a term far too faint to describe the atrocities inflicted on them to destroy their ability to resist. As

more generalized victims of war, women are left to provide for often destitute families or flee the conflict as refugees. In refugee camps, these female heads of their households often find themselves relegated to secondary status for allocation of food and services because the one-quarter of refugees who are male claim, either by bureaucratic manipulation or force, more than their one-quarter of available resources.

Professor Cahn's focus on women in post-conflict reconstruction delineates how formalistic definitions of combat denigrate women's involvement in armed conflict, their suffering from it, and their post-conflict role in restoring civil society. To the list of services women provide in conflict, she adds the many support services provided by women to combatants as, for example, doctors, nurses, and independent contractors. Her emphasis on post-conflict reconstruction highlights how women must be involved in the post-conflict transition process, establishing gender equity in legal reform, and ensuring accountability for crimes committed during conflict against women and girls. Post-conflict justice, according to Professor Cahn, must encompass not only both genders, but three types of justice as well: criminal/civil justice, restorative justice, and social services justice. For social services justice, she identifies two aspects of gender as critical to post-conflict reconstruction: the significance of gender in disarming, demobilizing, and resettling ex-combatants, and the necessity for effective domestic responses to crimes of sexual violence. Her powerful demonstration of the role women must be allowed to play in reconstruction of civil society provides a third prong to the opening statement — there can be no lasting peace without women's participation in post-conflict restoration.