Feminist Ethics and War: Conceptualising Care in Post-9/11 Counterinsurgency

Jillian Terry
PhD Candidate, Department of International Relations, London School of Economics
j.a.terry@lse.ac.uk

Paper presented at the 4th European Conference on Politics and Gender (ECPG)
University of Uppsala, Sweden (11-13 June, 2015)

Introduction
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 theorizing. This paper continues the dialogue that has been created by this 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 paper attempts to bring questions of morality to the forefront of a topic generally studied in 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 paper 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 paper 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 paper’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. 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 paper 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 paper links the existing scholarship and aforementioned interrogation of the realities of counterinsurgency to its ethical and moral standing. Here, the paper 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. The case of counterinsurgency provides a useful backdrop for broadening such an analysis, allowing us to examine new war through the lens of feminist ethics and ask what changes when we think about care.

**Studying Modern Counterinsurgency**

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 (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 defense/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. For anthropologists, perhaps what is most striking about the nature of modern counterinsurgency operations are its attempts to incorporate and embed anthropology into war itself. This is most commonly articulated in discussions of human terrain systems, as will be examined in a subsequent section of this paper, 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). These ethical insights are particularly relevant to subsequent discussions in this paper 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 theorizing 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), 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 21st 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 theorizing (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, Dixon (2012) rightfully points out the violent results, suggesting that such an approach is not meant to ‘win hearts and minds’. Rather, 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” (Dixon 2012). Despite Kilcullen’s prominence as a theorist and consultant of counterinsurgency, it is therefore essential to view his contributions to the field with a critical eye, particularly where such theorizing fails to take into consideration the lived realities of vulnerable populations. Such shortsightedness is problematic for the study of counterinsurgency and, as subsequent sections of this paper 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 theorizing of counterinsurgency, it is important to devote some time to analyzing 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” (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 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 modern warfare. In Chapter 5, 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 widely in mainstream literature on the ethics of war in International Relations, 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.

**Practices of Counterinsurgency: Complex Realities**

The ethical status of contemporary warfare practices is often complex and difficult to assess, leading to confusion in existing literature about the moral nature of new war. This argument is 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 peace enforcement 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 defense 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 theorizing 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 (2012). 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 serve 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 (2014) 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 (Gregory 2014: 711). 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 an easily digestible knowledge product, intelligible and operationally relevant to military personnel” (711). 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 counteinsurgents 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 practices of war such as the use of 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 it is helpful to think about the complex interconnections between such practices. 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 countersurgents 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 theorizing 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.

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

Thus far, the crux of this paper has focused on outlining existing scholarship on modern counterinsurgency both within and without International Relations, laying bare particular gaps in the theorizing 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 counterinsurgy 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 paper, 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 (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, 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) theorizes 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. 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 duality reiterates the overarching aim of feminist care ethics: to move us away from abstract rules, and instead consider the morality of each situation within its individual context of particular relationships.

So, if we foreground feminist care ethics when we theorize 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 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. Similarly, if they 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 theorizing is integral to its success, especially when we contrast the hypermasculine warrior ethos with the care-ethical perspective. 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. Thinking about a combination of feminist ethical understandings – including care, relationality, empathy, experience, and responsibility – opens up ways in which we may begin to re-envision the ethics of increasingly prevalent practices of post-9/11 warfare. As research into the ethics of war moves forward, we may well wish to ask as feminist scholars how these conceptualizations inform each other, and whether or not we can articulate a cohesive feminist ethics of war at all – or, as some feminist scholarship on nonviolence has suggested, should we instead be looking towards a feminist ethics of peace?
References


