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RESEARCH ARTICLE

Women in National Security and International Humanitarian Law Compliance

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Abstract

In recent years, national governments have started to use the Women, Peace and Security (WPS) agenda to advocate for increasing women's participation in national militaries. This has raised questions regarding women's potential impact on compliance with international humanitarian law (IHL). In this article, we examine existing evidence and arguments on the potential impact of women's increased participation in national militaries and decision-making on international security and IHL compliance. We find some theoretical support for the idea that increasing the participation of women in the national security sector and national militaries may lead to increased IHL compliance through the prioritization of non-violent policies and improved decision-making. However, a substantive body of research on the limits imposed by the substantive gendering of institutions and idealization of masculine traits and practices calls women's potential impact on IHL compliance into question.

Keywords: WPS; International Humanitarian Law; War Crimes; Institutions; Gender

Introduction

In 2020, when then President-elect Biden was considering nominations for cabinet positions both lawmakers and scholars advocated for the nomination of Michèle Flournoy (Brooks, 2020; Seligman et al., 2020). She had previously served as Under Secretary of Defense for Policy in the Obama administration. In the days leading up to the eventual announcement of Biden's pick, retired general Lloyd Austin, the potential of a woman at the head of the Pentagon prompted the resurrection of a cartoon first popularized in 2016 (when polls suggested Hillary Clinton would become the first woman to serve as U.S. president). The cartoon (see Figure 1) shows a man and a woman in a hijab in a mountainous environment, suggesting to the viewer that it is set in Afghanistan or Pakistan, and three drones, one of which identified through a U.S. flag has just released an explosive ordinance

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Figure 1. Popular cartoon in 2016 and 2020 (Wallman, 2016)

The cartoon prompts the viewer to reflect on several aspects of U.S. foreign policy, including the gendered and racialized dynamics of drone warfare (Wilcox, 2017). The meme suggests that historic first time appointments of women to positions of power are meaningless to people in countries where the U.S. military conducts operations because the underlying structures and policies of imperialism remain unchallenged (Shaw, 2013). This in turn prompts a larger question related to the Women, Peace and Security (WPS) agenda's efforts to increase women's participation at all levels of security institutions, including national militaries. It specifically, raises the question: if a woman were to lead the Pentagon (or the White House), would this result in substantively different decisions when it comes to warfare and the compliance with international humanitarian law (IHL)?

In 2000, the United Nations Security Council (UNSC) adopted resolution 1325, which is the foundation of the WPS agenda. The ten UNSC resolutions that established the WPS agenda between 2000 and 2019 have repeatedly referenced IHL, calling upon member states to uphold the 1949 Geneva Conventions and the Additional Protocols thereto and to condemn violence against women and girls, particularly conflict-related sexual violence, as violations of IHL.[1] Scholars and advocates have called attention to the unbalanced relationship between the Agenda's pillars, specifically the essentializing dynamics that emphasize women's protection from primarily conflict-related sexual violence while neglecting women's participation as agents of change (Shepherd 2020; Pearson 2020). While advocates of the WPS agenda often frame women as agents of peace, some countries' WPS implementation efforts have involved efforts to boost women's participation in the military. For example, the 2017–2022 Canadian National Action Plan (NAP) seeks to enlarge women's share in the Canadian military from 15% to 25% (Government of Canada, 2017). Nonetheless, women's participation as combatants and its potential influence on IHL compliance has

[1] International Committee of the Red Cross (ICRC), *Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*, 12 August 1949, 75 UNTS 287. International Committee of the Red Cross (ICRC), *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 8 June 1977, 1125 UNTS 3

received less attention. This raises the question of how increased participation of women in armed forces might shape military conduct including compliance with IHL.

In this article, which is conceptual and synthetic in nature, we examine the potential impact of women's increased participation in decision-making on national and international security, including in national militaries, with a particular focus on IHL. We contribute to the discussion of how can women impact international security and the perpetration of war crimes (Cohen 2013a; Loken 2017; Mehrl 2020; Steflja & Trisko Darden 2020) in two ways: first, we shift the focus to state militaries instead of rebel groups, and second, we consider the role of individuals, institutions, agency, and power in IHL compliance. We take stock of three bodies of literature: (1) IHL and the role of principal-agent dynamics; (2) gendered institutions in international security; and (3) women's agency and potential for violence. While we acknowledge that political leadership and militaries are different institutions, we posit that insights from research on women's participation in political leadership can inform our expectations for women military leadership. The article concludes by arguing that it is critical to recognize women's agency without essentializing them, while also distinguishing between the nominal participation of women in security institutions, and a fuller, more transformative type of participation.

International Humanitarian Law & principal-agent dynamics

The fundamentals of IHL

IHL is the body of law regulating the conduct of hostilities in armed conflict. IHL, composed of customary law norms, the 1949 Geneva Conventions and the Additional Protocols there to, and other additional treaties, regulates how an armed conflict is conducted, which weapons and munitions can be used, and how non-combatants (e.g. prisoners and civilians) ought to be treated (Byers, 2005). The core guiding principles of IHL are distinction, proportionality, and necessity. The principle of distinction mandates that participants in a conflict must make every effort to distinguish between uninvolved civilians, civilians actively participating in conflict, and enemy combatants. Enemy combatants and actively participating civilians can be legally targeted, whereas other civilians and their property cannot. The principle of proportionality prohibits a military action that would have a greater negative effect on civilians than what is considered proportional to the potential military gain of the action. Finally, the principle of necessity allows for certain negative outcomes, such as civilian casualties, if those outcomes are deemed necessary to realize a certain military purpose. This principle can be used either to permit missions that would generate civilian casualties or to prohibit dangerous missions that are not deemed militarily necessary (Klugman et al., 2021).

IHL (non-)compliance as reflecting strategic decisions

In some situations, IHL violations represent strategic military decisions. Drawing on the concept of power-to-hurt (Schelling, 1960)– i.e. the capacity to impose costs an opponent cannot reciprocate– much of the literature focuses on the unlawful killing of civilians as a strategy to weaken an adversary's morale and diminish its war-related capacity (Valentino, Huth and Croco, 2006). Civilians, in the terms of Carl von Clausewitz, therefore, are a *center of gravity*, "a focal point where physical and psychological forces come together" that belligerents should target, or in the case of one's own, defend (Echevarria, 2002: 12).

Some types of conflicts and opponents are more likely to trigger a strategy of civilian victimization. For example, Valentino et al. (2004) note that the targeting of civilians as a strategy is more likely during guerilla wars because guerilla armies are more likely to rely on local civilian populations for logistical support. Similarly, governmental or military

leaders may be more likely to implement a strategy of civilian victimization in wars of territorial conquest to avoid potential rebellions and deter attempts at territorial reconquest by the adversary (Downes 2008).

The same reasoning helps explain why longer wars are significantly positively correlated with a higher likelihood of a range of IHL violations including mass killing of civilians and abuse of prisoners of war (Valentino et al. 2006; Wallace 2015). Decision-makers see weakening and demoralizing adversaries through civilian victimization as the best way to swiftly achieve victory at an acceptable cost. For example, in February 1945 the allied forces perceived the bombing of Dresden, Germany, which resulted in an estimated 25,000-35,000 civilian deaths as a necessary and acceptable cost in bringing the war to an end. In prolonged wars, desperation can set in and "incentives to comply with international laws or uphold democratic norms can be overwhelmed by the desire to survive and protect one's own citizens" (Valentino et al 2006; Downes 2008).

The overwhelming majority of politicians and high-ranking military commanders making these decisions have been men in male dominated institutions. Yet, the gendered nature of their decisions is often overlooked. The gendered identities, roles, and behaviors of governments, militaries, and civilians are fundamental to understanding the decisions that they make. Governments divide combatants and civilians along gendered lines (Enloe 1983; Elshtain 1987; Carpenter 2003, 2005; Sjoberg 2013). Governments historically perceived and framed women as both biological and cultural reproducers of the nation in need and deserving of protection (Yuval-Davis 1997; Peterson 1999) – which is also reflected in the framing of IHL (Kinsella 2004). Consequently, governments prioritize protecting these strategic centers of gravity (Carpenter 2003, 2005; Nagel 2019). Hence, "civilian victimization can be read as a proxy for 'women,' not *as women* per se but in their roles as the (gendered feminine) symbolic center" (Sjoberg 2013, p. 201 emphasis in original).

Civilian targeting does not have to kill only women nor does that have to be the perpetrators' intention (Sjoberg 2013, p. 202). A government's desire to protect its civilians and its failure to provide the protection is equally, or even more important. The targeting of civilians hurts the regime, not necessarily or exclusively by diminishing its fighting capacity, but by undermining its reputation as the protector. A gendered understanding of the power-to-hurt argument emphasizes that killing civilians is an attack on the opponent's masculinity. Laura Sjoberg (2013) summarizes the gendered nature of Valentino et al.'s argument, "intentional civilian victimization is, consciously or not, an attack on the masculinity (and therefore will to fight) of the enemy, carried out by the destruction of the feminine" (p. 202). The IHL violation of targeted killing of civilians is thus tied to the masculine nature of states, their roles and reputations as protectors (Kinsella, 2004).

Policymakers and scholars, however, often ignore these gendered dynamics arguing that these strategic, high-level decisions are rational. Part of these "rational" considerations are questions of reciprocity and retaliation. Reciprocity functions both at the organizational and individual level, and can generate both positive and negative IHL compliance *behavior* (Morrow 2007). In conflicts in which all parties have publicly accepted the standards of IHL, principals are cognizant that their violation of those standards, whether through the abuse of prisoners, the targeting civilians, or any other crime, may entice the other side to respond in kind (Morrow 2014; Wallace 2015). In line with this, Adam Chilton (2018) found evidence that, at least for democracies, an expectation of reciprocity increases the likelihood of compliance with IHL. Mutual agreement to abide by the pre-determined standards of IHL can help de-escalate decision-making processes and allow adversaries to realize their shared goal of mutual restraint (Morrow 2014). The influence of reciprocity becomes more challenging when commanders face an adversary that is not publicly committed to IHL, for

example a rebel group, because principals can become asymmetrically limited by their commitment to humanitarian standards (Chilton 2018).

The cartoon in the introduction suggests that even if women reach the top of the military hierarchy and are in positions to influence decisions on a strategic level, it will not improve IHL compliance. The cartoon presents an implicit criticism of the hierarchical and oppressive systems (militarism, racism, and capitalism) in which these strategic decisions take place. This entails that even the "rational" decisions of reciprocity or retaliation are shaped by structures and systems that limit the impact of individuals. This then suggests that for increased participation of women to impact strategic-level IHL compliance, would require profound change in the guiding principles and norms of these systems and governance institutions, which would take significant time to manifest.

When does IHL (non-)compliance reflect a principal-agent problem?

Decisions to (not) comply with IHL are made at different levels, from elected political leaders or authoritarian dictators, to force commanders, to individual soldiers. One common characteristic of all levels, however, is that the vast majority of decisions are made by men, who dominate leadership down through the field level of the military. We examine this gender aspect below.

Political leaders and commanders typically order certain types of actions that can correspond to IHL violations, such as the bombing of civilian targets, the use of chemical weapons, the use of landmines, or the violation of a ceasefire agreement. Other violations such as the abuse of civilians, the abuse of prisoners of war, or sexual violence, can be perpetrated by individual soldiers acting on their own volition (Butler et al. 2007; Morrow 2007; Nagel & Doctor 2020).

Notwithstanding popular narratives of 'rape as a weapon of war' (Crawford 2017), in the majority of conflicts there is little evidence of ordered rape as a tactic or 'weapon of war' (Cohen 2016).[2] The principal-agent relationship between commanders and soldiers, including differing goals between the commanders and soldiers, is an important factor (Butler et al. 2007). Commanders' loss of control over troops, lack of accountability, or a culture of toleration and impunity, can all contribute to an atmosphere in which soldiers commit IHL violations such as wartime sexual violence (Butler et al. 2007; Wood 2018).

Evidence suggests that commanders rarely explicitly order sexual violence, instead individual combatants often initiated it (Cohen 2016; Wood 2018). Yet, even if it is not a top-down *policy*, the toleration of such acts without enforcing punishment creates the space for wartime rape to become a *practice* (Wood 2018). Reasons why a commander might tolerate practices of violence include a lack of empathy for the suffering of the victims, insufficient status or resources to enforce rules, or the scarcity of the time or energy needed to address the issues while focused on a conflict (Wood 2018). Amelia Hoover Green (2018) proposes that this permissive attitude towards soldiers' violent misbehavior stems from what she calls the commander's dilemma. To build a force capable of winning wars, commanders need to "cultivate violence" among their soldiers, or at the very least raise their tolerance for witnessing and perpetrating violence. This is difficult for commanders to do while also deterring or punishing unordered violence against civilians (Hoover Green 2018). Hoover Green (2018) also finds that attempts to control this violence through punishment and reward are rarely successful, and IHL violations that occur at the agent level could be more effectively combated through changes in recruitment, training, and socialization practices.

[2] There are notable exceptions though including Bosnia, Rwanda, and the Democratic of the Congo (Schneider, Banholzer and Albarracin, 2015)

Gender is integral to these questions of recruitment, training, and socialization practices that affect individuals' IHL compliance. Militaries are built around idealized warrior masculinities that select for and reward violent tendencies (Enloe 1983, 2000, 2014; Elshtain 1987; Sasson-Levy 2011; Brown 2012; Karim & Beardsley 2017; Wood & Toppelberg 2017). Militaries' organizational cultures emphasize obedience, loyalty to the unit and institution, individual resilience, and the production of violence. The emphasis on violent domination contributes to pervasive sexual harassment and assault of women who are serving in the military (Firestone & Harris 2009; Turchik & Wilson, 2010; Castro et al. 2015). Attempts to mitigate such violence and ensure discipline have tended to fail because they are not sufficient to overcome the underlying culture of dominance and brotherhood (Wood & Toppelberg 2017). Research on UN peacekeeping missions shows that sexual abuse and exploitation of civilians is associated with poor military discipline (Moncrief 2017). This suggests that understanding the gendered socialization of individual soldiers can help explain IHL violations that are not explicitly ordered.

Gendered Institutions - Adding women and stirring?

Institutions, including different parts of the government such as legislatures, the executive branch, defense ministries, and national militaries, are nominally and substantively gendered (Goetz 2007). Meaning, men have captured these institutions through historical and continued over-representation and selection processes that privilege qualities traditionally associated with masculinity such as "strength, power, logic, boundary setting, control, and competitiveness" (Hooper 2001, p. 44). While women's greater presence in institutions can disrupt the nominal gendering, this does not guarantee that the institutions would substantively change (Chappell & Waylen 2013). Exchanging "female and male bodies in traditionally masculine arenas does little to disrupt either the symbolism or practices of the gender order" (Hooper 2001, p. 52). Ultimately, levels of women's participation in national militaries, particularly at decision-making levels, remain too low for definitive conclusions to be drawn about the potential for the participation of women to impact the strategies or behaviors militaries. This section will engage with theoretical arguments and early evidence surrounding women's ability to alter the substantive gendering of political institutions and how it applies to militaries. Militaries are unique institutions, however, evidence from research on women's participation in legislatures and the executive branch of governments offers applicable insights on how the increased participation of women in military settings might lead to increased IHL compliance.

Women in legislatures

Scholars have shown that women's political empowerment in the form of legislative representation is potentially a key factor in reducing IHL violations by preventing armed conflict in the first place and de-escalating or stopping ongoing armed conflicts. Greater inclusion of women in national legislatures has been linked to reduced chances of military action in interstate disputes (Caprioli 2000; Caprioli & Boyer 2001). Similarly, in domestic conflicts, a higher share of women in the legislature reduces the likelihood of intrastate armed conflict onset, and increases the chances of transitioning from war to peace in intrastate conflicts (Melander 2005). The link between gender equality in a society and low levels of conflict extends beyond parliamentary representation. Higher levels of female labor force participation and lower fertility rates are also correlated with lower levels of intrastate armed conflict (Caprioli 2005). Higher levels of women's participation in public life (i.e. the legislature, judiciary, executive, labor force, and education) play an important role for this as they are associated with higher chances of negotiations occurring in intrastate conflicts (Nagel 2020). In line with this, higher levels of women's legislative

representation increase the likelihood of successfully ending intrastate conflicts through negotiated settlements (Best et al. 2019) and decrease the risk of conflict recurrence (Demeritt et al. 2014).

One possible explanation for these statistical trends is that when elected to legislatures, women can channel their activism into policies and shape governments' spending priorities. Greater numbers of women in legislatures are associated with increases in welfare spending (Bolzendahl & Brooks 2007). Importantly, this is also a policy priority for women in post-conflict contexts where they tend to prioritize welfare spending over military spending, reducing the risk of conflict recurrence (Demeritt et al. 2014; Shair-Rosenfield & Wood 2017). The accumulating evidence thus suggests that women in legislatures are less likely to prioritize military spending and consequently less inclined to see the military as the first or only option in the foreign policy toolbox. This could prevent, shorten, and de-escalate conflicts, which reduces the likelihood of IHL violations. However, globally, women make up only 25.5 percent of national legislatures (Georgetown Institute for Women, Peace and Security 2020) and decisions of war and peace are often the remit of the executive branch in which women are even more severely under-represented.

Women in the executive branch and national security

National security institutions, including defense ministries and national militaries, are nominally gendered in the historic and continued over-representation of men also known as 'gender capture' (Goetz 2007). Besides men's over-representation in legislatures, executive branches also continue to be overwhelmingly masculine. There are still 119 countries that have never had a woman leader (Georgetown Institute for Women, Peace and Security 2020). As of April 2020, there were only 21 countries in which women served as defense ministers (Wittenberg-Cox 2020).

Militaries themselves continue to make it difficult for women to ascend to leadership positions. Only 20 states have even taken legal steps to open combat positions to women, which are often a necessary starting point for attaining leadership positions in the armed forces (Fitriani et al. 2016; Soules 2020). At the same time, the share of women in positions of military decision-making is rising in a number of countries including Israel and Canada. Research suggests states in which women are more integrated in the labor force and in political institutions such as national legislatures are more likely to lift policies excluding women from combat roles (Barnes & O'Brien 2018; Soules 2020).

Recent research finds that women in foreign policy leadership positions try to balance the demands of meeting expectations of fulfilling both traditionally "masculine" leadership and "feminine" cooperative behavior. Governments with women in foreign policy leadership positions are more active in foreign policy (Burns & Bowling 2021). Increasing the number of women as chief executive, defense minister, or foreign minister leads to more extreme cooperative foreign policy while also leading to more conflictual foreign policy actions relative to when only men occupy these positions (Burns & Bowling 2021: 15). This suggests that increasing the number of women in the executive branch will result in different policies, both qualitatively and quantitatively. Below we discuss the potential mechanism and effects of increasing the number of women in foreign policy positions.

Positive effects of diversity on decision-making and IHL compliance

One mechanism through which increases in women's participation in the executive branch and national security sector might improve IHL compliance is by improving decision-making processes. There is accumulating evidence that more diverse teams make better decisions. Diversity in thinking styles, knowledge, opinions, information, skills, values and beliefs among team members allows them to bring together intellectual resources, combine skills,

incorporate different ideas, and consider distinct perspectives (Phillips 2014; Wang et al. 2016). Diverse teams thereby are more likely to engage in vigilant problem solving and avoid group think (Janis & Mann 1977; Janis 1982).

Diversity is important for decision-making because it can prompt innovation and new ideas through two pathways. First, nominally the presence of people representing a range of gender, racial, and generational identities, has the potential to positively disrupt the process. Similar group members often believe they have the same information and share preferences, which impedes effective exchange and processing of information, and hampers creativity (Antonio et al. 2004; Phillips 2014). "Simply adding social diversity to a group makes people *believe* that differences of perspective might exist among them and that belief makes people change their behavior" (Phillips 2014, p. 35). Using mock jury experiments, Samuel Sommers finds that juries consisting of Black and white participants deliberated longer and considered a wider range of information than homogeneous groups (2006, p.606). When in heterogeneous groups, white participants "raised more case facts, made fewer factual errors" and interpreted and weighted evidence differently (Sommers, 2006, p. 606). He writes that "knowing that they would have to justify their judgement to a diverse group can activate whites' sense of accountability, an experience which previous research suggests would lead to more complex thought processes and affect how individuals weighted the trial evidence" (Sommers 2006, p. 607). Difference in appearance prompts group members to expect differences in perspectives and work harder to find consensus. Besides the nominal pathway of disrupting homogeneous groups, the second mechanism through which diversity can improve decision-making through introducing substantively different viewpoints. People who are different from another in terms of race, gender, nationality, and/or ethnicity bring distinct experiences, information, values, and preferences to the table (Phillips 2014).

Even in national security contexts where decision-making is often thought of as an individual act undertaken by an executive or defense minister, this is rarely true. These decision-makers are typically surrounded by advisors, cabinets, and other consultative groups in which these diversity dynamics would be expected to come into play. While much of the research on the benefits of diversity on decision-making focuses on civil and corporate environments, the logic is broadly seen to extend to military decision-making as well. For example, over the last two decades the British army has shifted its policies and rhetoric surrounding female participation from an emphasis on equal opportunity to an emphasis on diversity and its tangible benefits for military effectiveness (Woodward & Winter 2006).

IHL compliance can be understood as good decision-making because it has numerous benefits, and because it is in a state's self-interest to comply. First, a government's IHL compliance is likely to elicit reciprocity thereby increasing security for its forces and civilian citizens by precluding illegal attacks on them (Morrow 2014). For example, in 2001 during the conflict in South Sudan prior to South Sudan's independence, the Sudan People's Liberation Movement/Army (SPLM/A) signalled its intentions to comply with IHL by signing a Deed of Commitment to abide by the Anti-Personnel Mine Ban Convention (Geneva Call 2011). The Government of Sudan reciprocated by ratifying it two years later explicitly pointing to the SPLM/A commitment as a factor in its decision (Geneva Call 2011). On the other hand, violating IHL can prompt in-kind retaliation. For example, during the Bosnian war, Bosnians were more likely to target Serbian civilians after Serbians had intentionally killed civilians (Schneider et al 2012). Another benefit of IHL compliance is that it increases conflict actor's legitimacy (Fazal 2018). Violating IHL, on the other hand, can elicit public condemnation from both domestic and international observers or even criminal prosecutions.

In light of the strategic and political benefits, IHL compliance can be seen as good decision-making. The evidence that diverse teams produce better decisions suggest that diversifying national security leadership by increasing the number of women could have the positive side-effect of improving IHL compliance.

Substantive gendering

State institutions such as foreign ministries, defense ministries, or national armies, tend to adopt different types of masculinities (Karim & Beardsley 2017). For example, Connell highlights the dominant form of masculinities at display in "the physical aggression of front line troops or police, the authoritative masculinity of commanders, and the calculative rationality of bureaucrats" (Connell 1987, p. 128). In the realm of national security in particular, citizens often demand leaders to show strength and offer protection, while disapproving of leaders who do not meet their expectations (Sjoberg 2013, p. 162; Enloe 2014). Mirya Holman et al. found that during times of security threat or crisis, people look for political leaders with stereotypically masculine characteristics such as leadership abilities and confidence (Holman et al. 2011, 2016). They further found through multiple survey experiments that the public tends to perceive women leaders as less competent in military, defense, and foreign policy decision-making (Holman et al. 2011).

Institutional cultures and their substantive gendering help explain why women in these institutions frequently defy expectations of traditional feminine gender norms and perpetrate or order not only violence, but violence that violates IHL. For example, in the military, men expect women to adapt their behavior to fit in (Szayna et al. 2015). Since women in politics are already perceived as less competent in military, defense, and foreign policy decision-making and less likely to be appointed as defense ministers in countries engaged in armed disputes (Holman et al. 2011; Barnes & O'Brien 2018), they often have to adopt idealized masculine traits to succeed in politics and climb to leadership positions (O'Brien 2015). Adopting and performing these masculinities means women are likely to enact similar policies to men in the same positions (Schramm & Stark 2020; Imamverdiyeva & Shea 2022).

Scholars have suggested that, in some cases, women may even be more aggressive than men when in leadership or decision-making positions precisely because they have risen to power in a male-dominated environment, adopting masculine traits and characteristics, and may feel the need to demonstrate that they are "strong" leaders that will not be intimidated (Caprioli & Boyer 2001b; Schramm & Stark 2020). Madison Schramm and Alexandra Stark (2020) argue that the idealization of masculine values affects foreign policy decision making even under women leaders. They contend that women leaders adopt and perform traditionally masculine traits such as toughness to gain and maintain status in political elite circles. Combining cross-national data and case studies of Turkish prime minister Tansu Çiller and Chilean president Michelle Bachelet, they show that this results in more bellicose behavior from women as heads of democratic governments, who are more likely to initiate armed conflict than their male counterparts (Schramm & Stark 2020). This further calls into question to what extent women's nominal representation and participation in decision-making can positively affect IHL compliance if the substantive masculinization of institutions and systems remains unchanged.

Institutions and practices of violence

Militaries are masculinized environments where violence is accepted, normalized, and expected. Violence is a military's raison d'être. The forceful domination of others is fundamental to military training and masculine initiation practices. Because gender is a relational construct, the performance of violent masculinities in these socialization and

training practices is rooted in the denigration of femininity (Tickner 2001; Wood & Toppelberg 2017). That also helps explain why men often sexually assault women (and other men) (Wood & Toppelberg 2017) and why women themselves engage in the same violence along with their male counterparts (Sjoberg 2016). This functions on multiple levels as Wright and colleagues demonstrate how NATO reproduces a hegemonic masculinity both internally and internationally as an institution through the marginalization of others – women and persons of color (Wright et al. 2019).

Many anti-militarist feminists note that the entrenched masculinities in state militaries render it unlikely that the mere presence of female bodies affects to substantive behavioral or cultural change in these institutions, compared to legislative or civilian institutions (Enloe 1983; Runyan & Peterson 2014). When women enter such organizations, they are socialized in these cultures, which often center on masculine and misogynistic norms. Refusing to participate in these types of violent behavior can bring significant social and safety risks for female combatants who rely on the loyalty and comradery of their male counterparts (Cohen 2013).

Women who enter historically masculine military organizations as individuals or in small numbers are more likely to be socialized to accept pre-existing cultural norms than to meaningfully disrupt those norms through their presence (Loken, 2017). Research suggests that women may not be able to alter the dominant masculine culture of an armed organization until they are present in greater numbers and reach a certain "critical mass" (Schaefer 2015). Research focusing on civilian organizations and electoral politics has found that until women's representation reaches a "critical mass," they are often subject to the dynamics of tokenism, which can bring on "sexual harassment, performance pressure, role entrapment, and self-distortion" (Childs & Krook, 2008; Kanter 1977; Schaefer 2015, p. 31; Hudson 2012).

However, it is unclear what level of representation would constitute a "critical mass" in military environments. In most countries, women are severely underrepresented in military decision-making, and in combat positions more broadly, representing a small minority within their units (Fitriani et al. 2016; Moore 2020; Soules 2020). Even in countries that have taken a progressive "critical mass" approach to integrating their armed forces, such as Canada, Sweden, Australia, and Norway, the established representational thresholds are often not met, and have to be lowered (Schaefer 2015; Klugman et al. 2020). Expecting a small minority of women serving in various branches and positions to positively transform the culture and practices of national militaries or even just their small units places a disproportionate burden on them. Furthermore, it diverts attention from men and their responsibility to foster a culture that respects human rights and guarantees compliance with IHL.

While military organizations might be particularly resistant to change, it does not mean that change in these environments is impossible. Duncanson and Woodward (2016) argue that militaries have the capacity for change and are comprised of people with an interest in bringing about institutional change. The authors draw on Cockburn (1989) to highlight how even small changes can lay the foundation for more transformational institutional change further down the line, indicating that women's participation initiatives in militaries are not futile even if dramatic cultural changes are not immediately apparent. The involvement of female bodies in traditionally masculine activities is necessary to destabilizes the gendered notions of activities as masculine and feminine. This is particularly important because placing women in traditionally feminine roles that entrench essentialist assumptions undermines women, their contributions, and adds undue burdens on them (Kronsell 2012). One example of this danger is the recruitment of women to "increase operational

effectiveness" which can produce self-fulfilling prophecies of female service members attempt to meet expectations by fitting into gender-stereotypes (Wilén 2020).

Some evidence suggests that the participation of women in national militaries has begun to change the identities of those organization. For example, Rosamond and Kronsell (2018) find that, through the participation of women in dialogic peacekeeping in Afghanistan, the Danish and Swedish militaries became more cosmopolitan in nature and shifted their focus away from traditional war-fighting towards other practices that emphasize "human security." In this way the authors see the participation of women as having fundamentally altered the identities, cultures, and practices of these organizations. However, for these organizational changes to take place, it is of critical importance to have both well-intentioned and also well-placed individuals (Wright et al. 2019).

Women's agency and potential for violence

Despite stereotypical assumptions about the peaceful nature of women, there is ample evidence that women have not only participated in armed conflicts, but that they have violated IHL. In Nazi Germany, women serving in various positions including as nurses, secretaries, and guards also participated in the torture and killing of Jewish and disabled civilians (Lower 2013). Women have also perpetrated a range of IHL violations when serving as combatants or decision-makers for national militaries and governments. For example, there are 47 women on the list of "Category 1" genocide suspects in Rwanda (Hogg 2010). Category 1 suspects are those who are believed to have played a role in planning, organizing, instigating, and leading the genocide. The women on this list served in a range of decision-making positions, including as military commanders and government ministers (Hogg, 2010; Trisko Darden, 2015). Rwanda's former Minister of Family and Women's Development, Pauline Nyiramasuhuko, was tried and convicted for genocide and rape as a crime against humanity (Steflja & Trisko Darden 2020). Another high-profile example is former acting President of the Republika Srpska Biljana Plavsic. In 2001, the International Criminal Tribunal for the Former Yugoslavia (ICTY) indicted Plavsic on charges of genocide. She plead guilty to the charge of crimes against humanity in exchange for the ICTY prosecutors abandoning genocide charges (Sjoberg & Gentry 2007, p. 153).

Women serving in the United States military during the occupation of Iraq have been implicated in war crimes through participating in verbal, physical, and sexual torture of Iraqi detainees at Abu Ghraib (McKelvey 2007). Eleven soldiers, including three women Military Police (MP) members, Lynndie England, Sabrina Harman, and Megan Ambuhl, were accused and convicted of war crimes for the mistreatment of Iraqi detainees. Harman claims that she was following orders and did not know "about the Geneva Convention or any other prohibition that would have forbidden her behavior" (Sjoberg & Gentry 2007, p. 71), while Ambuhl argues that they did not have agency in their decisions (Sjoberg & Gentry 2007, p. 72). Ambuhl further contends the U.S. military scapegoated them and the other women (Sjoberg & Gentry 2007).

Brigadier General Janis Karpinski (demoted to Colonel following the revelations of abuse at Abu Ghraib) was the commander in charge of overseeing detention centers including Abu Ghraib. In 2003, she had become the first woman in U.S. history to occupy a command post in a combat zone (Sjoberg & Gentry 2007, p. 75). She had 3,400 reservists, mostly MP under her command and oversaw 16 US military detention centers in Iraq. Karpinski insists she did not know of the torture until it was investigated (Karpinski & Strasser 2005). She also contends that other U.S. military commanders in Iraq did not want to see her succeed and intentionally hid the abuse from her (Sjoberg & Gentry 2007). Karpinski points to systemic problems in the military and claims that the abuses "were the result of conflicting orders and confused standards extending from the military commanders in Iraq all the way to the

summit of civilian leadership in Washington" (Karpinski & Strasser 2005, p- 5 quoted in Sjoberg and Gentry 2007, p. 77). Like Harman, Karpinski maintained that the soldiers followed interrogation guidelines and that U.S. military scapegoated them. The release of the Bush administration torture memos in 2009 vindicated Karpinski's stance that this was a systemic problem. Below we further explore the question of women's agency, autonomy, and power.

Agency, autonomy, and power

In Abu Ghraib just as in Nazi Germany, women and men held responsible for war crimes claimed they were following orders and that they did not have full agency and decision-making power in those situations. Under customary IHL, every combatant has the duty to disobey an unlawful order (*Customary IHL - Rule 154. Obedience to Superior Orders*, no date). However, this assumes that all combatants have both an understanding of their obligations as well as the agency and power to disobey. Harman notably claimed that she was unaware of the Geneva Convention or any other IHL obligations (Sjoberg & Gentry 2007, p. 71).

Further, US media outlets depicted Lynndie England as lacking agency. She was "portrayed as being told by her boyfriend [another soldier convicted for his role in the torture] to pose for pictures and hold onto leashed Iraqis" (Lobasz 2008, p. 327). A court found Lynndie England unable to assess her own guilt because the manipulation by her boyfriend could have been so severe that she lost her sense of right and wrong and denied her attempt to plead guilty (Sjoberg, 2007: 96). This further entrenched the image of a 'naïve girl led astray' and corrupted by the masculinized environment of the military.

Feminists disputed this narrative and asserted that women break laws just as men do and that they have agency in these decisions (Lobasz 2008; Sjoberg 2007). Ignorance of IHL, the masculinized environment of the military and the armed conflict, and the authority of and obedience to senior men soldiers are important factors in providing context for the actions of Harman, Ambuhl, and England, and their participation in war crimes. However, they do not absolve them or negate their agency. As Laura Sjoberg writes: "the tendency to deny them agency in those decisions is one fraught with gender subordination. It is borne out of a discomfort with women's agency in acts of violence, stemming from a stereotype of women as innocent and incapable of violence" (Sjoberg 2007, p.98).

The US Department of Defense (DoD) publicly appears to embrace women's potential for violence and contributions to fighting. It views the WPS strategic framework as a way to "build a more lethal force by providing the tools necessary to reduce operational risk in a multi-domain environment, and recruit and fully leverage a diverse and innovative fighting force" (US DoD 2020, p. 10). This should raise concern among WPS advocates as it contradicts the Agenda's founding spirit of anti-militarism (Shepherd 2016).

Conclusion

Women's participation in all matters of peace and security is a pillar of the WPS agenda and an important normative commitment. However, the assumption that increasing the participation of women in national security apparatuses will automatically increase peace, security, and compliance with IHL requires careful engagement. There is evidence that suggests increased representation of women in decision-making positions might lead to greater IHL compliance. Women's participation in legislatures and public life is connected with decreases in violent conflict, and women in legislatures and executive foreign policy positions can have positive effects by decreasing military spending and heightening cooperative behavior. If the same relationship exists for security institutions, then increasing women's participation could reduce IHL violations.

In this article, we identify one potential mechanism for change through which women's participation in security institutions could decrease IHL violations: by diversifying decision-

making groups. Diverse decision-making groups have been shown to consider a broader range of perspectives and engage in more thorough deliberative processes, ultimately arriving at better decisions. Given that IHL compliance affords governments strategic advantages such as inducing reciprocal compliance from adversaries, it can be considered a "good" decision. One could expect that more diverse security leadership groups would more often decide to abide by IHL to maximize "good" decisions.

However, despite these potential positive impacts of increasing women's participation in national security institutions, WPS and IHL advocates must also contend with the fact that from Nazi Germany to the modern-day United States, women have violated IHL. We argue that to make sense of this tension, it is critical to fully recognize women's agency, while also distinguishing between the nominal participation of women in security institutions, and a fuller, more transformative type of participation. National militaries have been built on centuries of violent masculinity, and it would be unrealistic to expect small numbers of women entering into those spaces to disrupt rather than adopt that dominant culture.

Women in national security have important, but heterogeneous effects on foreign policy. Reviewing literature on the impact of women's increased participation in decision-making on national and international security, including in national militaries, we find that while there is potential for women to improve IHL compliance this is likely to be conditioned by several factors: which position women occupy, the number of women in the institution, the substantive gendering of the respective institution, and the power and agency that women hold in their positions. These contextual factors combined with the facts that women are not a monolithic group and not inherently more peaceful, mean that advocacy for increasing women's participation in decisions on peace and security to improve IHL compliance is overly simplistic. This has important implications for advocates, practitioners, and policy makers tasked with implementing the WPS agenda. Earnest efforts to increase women's participation in all decisions of peace and security need to acknowledge women's diversity, their agency, and their capacity for violence.

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