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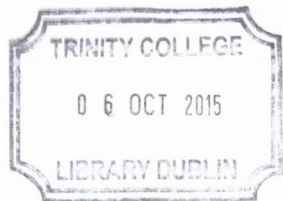
TRINITY COLLEGE DUBLIN

MORAL EQUALITY, WAR, AND
DEFENCE OF THE COMMUNITY

A Critique and Reconceptualisation of Moral Equality

Atje Gercama

PhD Thesis

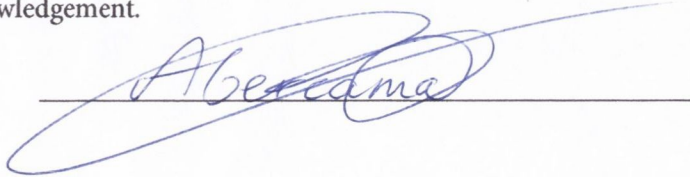


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SUMMARY

This thesis focuses on Michael Walzer's argument for the moral equality of soldiers and aims to reconceptualise moral equality. This concept explains why it is not a crime when soldiers kill each other during a war. In recent years, Walzer's argument has been the subject of a number of critiques; most of these critiques focus on the fact that Walzer does not hold soldiers responsible for the justness of a war.

This thesis' critique of moral equality does not focus on the responsibility of soldiers for the justness of a war. Instead, it examines the concepts and assumptions that underlie Walzer's argument, and argues that many of these concepts and assumptions are problematic. These concepts and assumptions can be divided into two categories. The first category is war; this work critiques Walzer's assumption that wars are interstate wars between nation-states. Instead, it shows that the types of war and the types of actors have diversified during the 20th and the 21st century. The second category of concepts contains three concepts: victimhood, defence, and community. These three concepts are read through a gendered lens. It is argued that whereas Walzer presents the concepts in this second category as gender-neutral, they are in fact highly gendered. This is problematic when these concepts are applied in a practical context, because gender influences how these concepts are constructed. The function of gender in the construction of victimhood, defence, and community is demonstrated through a reading of the discourse on the Dutch resistance during the Second World War.

These critiques then form the basis for a reconceptualisation of moral equality. This reconceptualisation is shaped by two underlying theories: feminist ethics, and Emmanuel Levinas' ethics of alterity. To reconceptualise moral equality, Emmanuel Levinas' argument for the absolute responsibility towards the Other - or ethical interpersonal relationships - forms the basis for the claim that moral equality does not argue that killing is good or right; instead, moral equality focuses on the tragedy of soldiers being forced to kill by the state. This tragedy is also what their victimhood is based on. Thus, soldiers on both sides of a conflict are morally equal, because the state infringes upon their possibilities for ethical interpersonal relationships. Feminist ethics, then, is used to reinterpret 'defence of the community' to incorporate a variety of perspectives and experiences. Defence can refer to a variety of activities, including but not limited to fighting. Finally, to incorporate a variety of perspectives and exper-

iences and to address the dichotomy between combatants and civilians within one community, this work proposes to add an element of collective narrative praxis to moral equality. A collective narrative praxis allows for the sharing of stories from different points of view and contributes to the maintenance of a common life and ethical interpersonal relationships.

In short, this thesis critiques and reconceptualises Michael Walzer's argument for moral equality by focusing on the underlying assumptions and concepts, and reading the concepts of victimhood, defence, and moral equality through a gendered lens. These critiques form the basis for a reconceptualisation of moral equality that is based on feminist ethics, Emmanuel Levinas' ethics of alterity, and narrativity.

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INTRODUCTION

1.1 THE MORAL EQUALITY OF SOLDIERS

“Here and there, showing just above their parapet, we could see very faintly what looked like very small coloured lights... We were very suspicious and were discussing this strange move of the enemy, when something even stranger happened. The Germans were actually singing! Not very loud, but there was no mistaking it... Suddenly, across the snow-clad no man’s land, a strong clear voice rang out, singing the opening lines of ‘Annie Laurie’. It was sung in perfect English and we were spellbound. ... To us it seemed that the war had suddenly stopped! ... Not a sound from friend or foe, and as the last notes died away, a spontaneous outburst of clapping arose from our trenches. Encore! Good old Fritz!”¹

“Soon war had regained its grip on the whole of the British sector. When it came to it, the troops went back to war willingly enough. Many would indeed have rejoiced at the end of the war, but they still stood fast alongside their friends - their comrades - in the line, still willing to accept the orders of their NCOs and officers, still willing to kill Germans. It is this last point that must give most pause for those who believe the truce to have been some kind of moral epiphany. If that were true, then it was short-lived and shallow indeed; even after meeting and ‘putting a face’ on their enemies, the average British soldier was more than willing to shoot them the moment the truce was over.”²

The two quotes above refer to the famous 1914 Christmas truce³ that took place during the first year of the First World War. The truce became well-known for the stories told about it, telling of soldiers singing songs together and even playing soccer in the no-man’s land between the trenches.⁴ The two

1. Peter Hart, ‘Christmas Truce’, *Military History*, January 2015, 66, 68.

2. *Ibid.*, 70.

3. Incidentally, the Christmas truce is the subject of a 2014 Sainsbury’s Christmas commercial.

4. Hart, ‘Christmas Truce’, 69–70.

quotes highlight a number of things: the soldiers who fought in the First World War had many things in common, (Christmas) songs⁵ being only one of these things. The second quote in particular points to the issue of killing in war, and that it is inherent to the meaning of being a soldier; even though the soldiers in World War I were perfectly capable of playing soccer with each other, as long as the war went on they were still supposed to kill each other. This latter fact is generally treated as a given; in war, soldiers are allowed to kill other soldiers without it being a crime and/or morally impermissible. This concept is called moral equality, and it is one of the principles in ethics of war.

Ethics of war is usually divided into two or three different theoretical dimensions. The first, *jus ad bellum*, deals with the question when it can be justified to start a war. It discusses topics such as just cause and last resort, the idea that other options must have been exhausted before a war is begun. The second aspect of the theory is *jus in bello*, which discusses *how* to fight a war. *Jus in bello* includes rules such as 'civilians should never be attacked', or 'refrain from destroying fruit-bearing trees' or 'do not besiege a city'. Sometimes, a third dimension is added, called *jus post bellum*. This dimension describes how to properly end a war and how to deal with issues as post-conflict justice and reconciliation. *Jus ad bellum* and *jus in bello* are often discussed separately, the first applying to states and rulers, whereas the second only applies to the soldiers fighting a war; this, however, is a distinction that is often discussed at great length, and which, as we shall see, plays a significant role in the critiques of Walzer's argument for moral equality.

Michael Walzer's treatment of moral equality in his book *Just and Unjust Wars* will be guiding the analysis in this thesis. Moreover, this discussion needs to be seen in the context of just war theory, which is the main topic of Walzer's book. Just war theory, as a theory, deals with both *jus ad bellum* and *jus in bello* considerations; it sets out a comprehensive answer to the questions posed by both *jus ad bellum* and *jus in bello*. Walzer discusses moral equality in the context of his treatment of just war theory. For him, *jus ad bellum* considerations are not relevant to moral equality. What is central to Walzer's considerations of moral equality is that he sees it as intimately connected to restrictions on warfare, and therefore, in line with the rationale that establishes just war theory itself as a set of restrictions of or limitations on warfare.

The moral equality of combatants is one of the concepts that belongs to *jus in bello*; it has long been treated as a given in discussions about the laws of war. However, in recent years an academic discussion about the concept has been taken up. Key in this discussion is the conceptualisation of the concept

5. Although *Annie Laurie* is a traditional Scottish song and not a Christmas song, other anecdotes of the Christmas truce tell of soldiers singing Christmas songs.

by Michael Walzer in his book *Just and Unjust Wars*. In this thesis, Walzer's conceptualisation will also take centre stage. First, however, we need to look at how Walzer explains the concept before addressing the importance and the existing critiques of the concept. A short note on the term is necessary before continuing. Although Walzer talks about the moral equality of *soldiers*, I have chosen to follow Jeff McMahan and Roger Wertheimer by talking about the moral equality of *combatants*, because the principle applies to personnel across the different branches of the military.

1.2 MORAL EQUALITY AND ITS IMPORTANCE

In short, moral equality explains why it is not considered a crime when soldiers kill each other during a war. I will begin by presenting the concept of moral equality as Michael Walzer explains it in *Just and Unjust Wars*. This has several reasons. Firstly, although his explanation has been critiqued, Walzer's book remains one of the, if not *the*, standard texts on ethics of war. Secondly, the debate about moral equality is carried out in the terms set by Walzer; everyone who writes about moral equality needs to, or feels the need to, position themselves with reference to Walzer. Thirdly, Walzer's explanation of moral equality is both succinct and at the same time elaborate as it is part of an overview of just war theory. This situates the concept within a particular larger interpretation of ethics of war. Although I will discuss the critiques of Walzer's explanation as well, I will begin by explaining the moral equality of combatants as Walzer presents it.

Moral equality has three essential requirements: a sense of victimhood, defence of one's community, and participation in hostilities. Michael Walzer arrives at the first requirement, a sense of victimhood, by contrasting the social and political customs surrounding warfare in the Middle Ages with those of the 20th century. Whereas warfare in the Middle Ages was characterised by chivalry and voluntary participation in warfare, in the 20th century, soldiers were frequently forced to participate. The concept of chivalry refers to the behaviour of medieval knights, for whom fighting was a noble pursuit; although they were allowed to kill each other, precisely because warfare was such a noble pursuit, it was done from a place of respect. Consequently, killing in war was not considered a crime, but rather a necessity. This created natural limits on warfare and killing; killing was not a crime if the victim had chosen to participate in the war.

However, this choice to go to war is precisely what lacks in many instances of 20th century warfare. Up until the 1990s, many armies were still (to a sig-

nificant extent) conscription armies, using the draft to fill required positions within the military. This had consequences for the moral judgement of war:

“In any case, the death of chivalry is not the end of moral judgement. We still hold soldiers to certain standards, even though they fight unwillingly - in fact, precisely because we assume that they all fight unwillingly. The military code is reconstructed under the conditions of modern warfare so that it comes to rest not on aristocratic freedom but on military servitude.”⁶

In this regard, it does not matter for the applicability of moral equality whether the combatant fights on the ‘just’ side of the war. For Walzer, all soldiers are morally equal, regardless of which side of the war they fight on.⁷ This is a natural extension of the requirement of ‘a sense of victimhood’.

In addition to the first requirement, a second requirement focuses on the defence of the community. This is a reflection of how Walzer sees the relation between the state and individuals; he argues that the rights of the state, territorial integrity and political sovereignty, are in fact derived from the rights of individuals. The following long quote highlights how this relation functions. It is a core component of Walzer’s understanding of moral equality and therefore, worth quoting in its entirety.

“Over a long period of time, shared experiences and cooperative activity of many different kinds shape a common life. ‘Contract’ is a metaphor for a process of association and mutuality, the ongoing character of which the state claims to protect against external encroachment. The protection extends not only to the lives and liberties of individuals but also to their shared life and liberty, the independent community they have made, for which individuals are sometimes sacrificed. The moral standing of any particular state depends upon the reality of the common life it protects and the extent to which the sacrifices required by that protection are willingly accepted and thought worthwhile. If no common life exists, or if the state doesn’t defend the common life that does exist, its own defence may have no moral justification. But most states do stand guard over the community of their citizens, at least to some degree: that is why we assume the justice of their defensive wars.”⁸

This quote highlights one of the core concepts that we are going to examine in this thesis: community. The rights of the state are not simply the sum

6. Michael Walzer, *Just and Unjust wars: A Moral Argument with Historical Illustrations*, Second Edition (s.l.: Basic Books, 1992), 35.

7. *Ibid.*, 36.

8. *Ibid.*, 54.

of the individual rights; in its collectivised form, that is the community, the sum of the individual rights means more. Moral equality is derived from this dynamic. Moreover, it demonstrates that although the moral equality of combatants does not *depend* on *jus ad bellum*, it intersects with it. This intersection can be considered as follows: the state's rights are derived from the rights of the individual and the presence of an independent community that the citizens have created. When a state is attacked, it is the presumed defence of the community that makes us assume that defensive wars are just, as Walzer writes above.

Even though the state's rights are derived from the rights of the individual, in the process of conscripting people to fight for the state - regardless of the justness of the war - we are faced with a crucial paradox. In defending the life and liberty of the community, the right to life of the combatants who fight has become void, even though the rights of these soldiers are a foundation for the rights of the state. As Walzer writes, "(...) it is a difficulty in the theory of war that the collective defence of rights renders them individually problematic."⁹

Therefore, if a state starts an unjust war, this war is not only unjust for the state on the receiving end of the aggression, it is also unjust towards the aggressive state's own combatants that are drawn into a war that makes unjust use of the possibility to void combatants' rights to life and liberty. This is why Walzer argues that combatants of both parties, regardless of whether the war they fight in is just or not, are morally equal: they are both victims. This brings us back to the first requirement: a sense of victimhood. "They are entitled to kill, *not anyone*, but men whom we know to be victims. We could hardly understand such a title if we did not recognise that they are victims too."¹⁰

The third requirement of moral equality is that it applies only to combatants who participate in hostilities. This requirement is an extension of the argument made above that *jus in bello* sets the limits to moral equality. By describing in which cases the use of violence is not allowed - such as against the wounded and sick, or against military personnel trying to surrender, or against prisoners of war - *jus in bello* describes in which circumstances moral equality *does not* apply. One can summarise this by saying that moral equality only applies in situations where the actors participate in hostilities as combatants. However, neither moral equality nor the requirement of participation in hostilities negate the individual right to self-defence. Hypothetically, when a prisoner of war uses violence against a soldier, that soldier is allowed to defend him- or herself.

9. *Ibid.*, 136.

10. *Ibid.*, 36.

In conclusion, Walzer's explanation of moral equality is structured around three key requirements: participation in hostilities; a sense of victimhood; and defence of the community. However, in recent years, a discussion has been started about Walzer's explanation of the moral equality of combatants. In the next section, we will look at these critiques of Walzer's argument for moral equality.

1.3 EXISTING CRITIQUES OF MORAL EQUALITY

Although *Just and Unjust Wars* is highly regarded for its comprehensive explanation of just war theory, in recent years several authors have critiqued Walzer's argument for moral equality. One thing all these critiques have in common is that they all make abundantly clear how hard it is to find suitable analogies to make a point; no situation in peacetime, it seems, is comparable to war.

The main critique of Walzer's explanation of the moral equality of combatants comes from Jeff McMahan. McMahan argues that the separation between *jus ad bellum* and *jus in bello*, on which moral equality rests, is untenable and logically inconsistent. He distinguishes between just and unjust combatants; just combatants fight for a just cause and unjust combatants do not. McMahan's main problem with moral equality lies in the fact that, according to the concept of moral equality, people who are attacked lose their rights to life simply by being attacked and fighting back:

"People don't lose moral rights by justifiably defending themselves or other innocent people against unjust attack; therefore, unless they lose rights for some reason other than acquiring combatant status, just combatants are innocent in the relevant sense. So, even when unjust combatants confine their attacks to military targets, they kill innocent people. Most of us believe that it's normally wrong to kill innocent people even as a means of achieving a goal that's *just*. How, then, could it be permissible to kill innocent people as a means of achieving goals that are *unjust*? In effect, what I'm asserting is that unjust combatants can't satisfy the traditional requirement of discrimination in its generic formulation - that is, the requirement to attack only legitimate targets."¹¹

McMahan's reasoning is similar to the oft-used example of the bank robber. A bank robber robs a bank, threatening the security guard on site with a gun. When the security guard then, in turn, threatens the bank robber with her own gun, the bank robber cannot shoot the security guard in self-defence, be-

11. Jeff McMahan, 'On the Moral Equality of Combatants,' *The Journal of Political Philosophy* 14, no. 4 (2006): 379.

cause the bank robber was doing something wrong in the first place. In this situation, the bank robber has no right to self-defence. Similarly, McMahan argues, when soldiers invade a country in an unjust war, they cannot claim self-defence when they are attacked by the soldiers defending their country against an invasion. To use the Second World War as an example, in McMahan's perspective, when Germany invaded Poland, the German soldiers could not claim to be shooting in self-defence when the Polish soldiers shot back at them when they invaded.

In addition, McMahan distinguishes between the *legal* doctrine of moral equality, and the *moral* doctrine. The above quote is, in a nutshell, McMahan's critique of the moral doctrine of moral equality. For him, moral equality "[u]nderstood as a legal doctrine, its main claim is that mere participation in an unjust or illegal war is not itself illegal. The legal doctrine is not in doubt. While some political leaders and certain high-ranking military officers who are involved in the formulation of policy may be prosecuted under international law for the crime of initiating an unjust or illegal war, ordinary soldiers who do the actual fighting need not fear criminal sanction unless they are guilty of war crimes."¹²

McMahan's approach, which is sometimes called the 'moral view' on moral equality (as opposed to Walzer's 'orthodox view') is not without its own critics. Some authors argue that even if one accepts that the difference between just and unjust combatants matters for moral equality, it can be hard for military personnel to discern whether a war is just or not and thus decide if they want to fight. This is often referred to as the epistemic constraints of combatants. Dan Zupan is one of the authors who disagrees with McMahan and argues that soldiers are in fact morally equal. He gives two arguments for his claim: the social contract between a government and its people (what he refers to as proper authority); and epistemic constraints.

First, Zupan argues, war is always a more-or-less collective effort. "If PA [Proper Authority] has any meaningful role to play in JWT [Just War Theory], at least part of that role would be to rule out so-called private wars, the sorts of acts of violence we typically associate with terrorists or international assassins."¹³ As a collective, the organisation of our society depends on the social contract; individuals transfer some of their rights to the government in order to get out of the state of nature. Given that war is a collective undertaking, Zupan argues that the right to decide when to use force is one of the rights that we transfer to the state. Consequently, "(...) when we deny the MEC

12. Jeff McMahan, 'Collectivist Defenses of the Moral Equality of Combatants', *Journal of Military Ethics* 6, no. 1 (2007): 51.

13. Dan Zupan, 'The Logic of Community, Ignorance, and the Presumption of Moral Equality: A Soldier's Story', *Journal of Military Ethics* 6, no. 1 (2007): 42.

[Moral Equality of Combatants], we seem to be in tension with this representative feature of states, at least as it is understood in the present era. In essence, we require as a minimal condition for a people to be recognised as a political entity, a nation, that they transfer the right to use force to some institution higher than the individual. This institution acts in some way as the voice of this political community in the important discourse of states.”¹⁴

Zupan then continues by pointing out that there is a second problem with denying the moral equality of combatants: it problematises the idea that citizens should always obey law. “At the same time, however, if we deny MEC, we adopt the position that we will condemn the individual members of the collective if they obey the institution’s laws, their own laws. I don’t claim that MEC follows directly from this feature of collective action, but it does point to a difficulty in viewing collective defence as merely an extension of individual/self-defence.”¹⁵

Zupan’s second argument is that soldiers do not always have access to enough information to decide whether a war is just or not. Moreover, access to information is not equal for all military personnel. “[W]e must, that is, recognise the gross difference in power, knowledge, access to information, influence, and freedom that obtains among people in a hierarchical chain of command. The lower one is in the chain, the less influence, etc., one has, and the less one can be held responsible for the wars one is fighting.”¹⁶

In addition, soldiers rely on their government for knowledge about the status of wars. For Zupan, this is a strong argument. Using the Iraq war as an example, Zupan argues that “[m]any well-intentioned, intelligent people disagree about its moral status. How can we hold combatants responsible for ‘knowing’ the justice of their cause when those with time and formal training, etc, can’t agree?”¹⁷ Combatants should be morally equal, according to Zupan, precisely because the “ignorance of combatants”¹⁸ is such a common feature.

Therefore, Zupan aligns himself with Walzer’s view of combatants as victims: “Instead of distinguishing soldiers on various sides in a war as just or unjust, perhaps it is more appropriate to classify combatants on all sides of a conflict simply as victims. We are all of us victims of whoever starts an unjust war of aggression; he uses all of us, his soldiers and civilians and our soldiers and civilians, as mere means in the same way that the corrupt police chief used his officers [an illustration Zupan referred to earlier - AG]. Combatants find

14. Zupan, ‘The Logic of Community, Ignorance, and the Presumption of Moral Equality: A Soldier’s Story’, 43.

15. *Ibid.*, 44.

16. *Ibid.*, 42.

17. *Ibid.*, 45.

18. *Ibid.*

themselves in the same hell, a hell created by someone else and about which they have little control.”¹⁹

McMahan does not agree with either of Zupan’s points. McMahan explains Zupan’s second point - that soldiers often do not have sufficient knowledge to decide whether a war is just - in slightly different terms.

“There are two premises. The first is a principle stating a subjective account of permissible action. According to this principle, one acts permissibly if (1) some of the beliefs one has that are relevant to what one ought to do are false but are reasonable or epistemically justified in the circumstances and if (2) one acts in a way that would be objectively justified if those beliefs were true. The second premise is that it’s reasonable, for the reasons given in the preceding paragraph, for combatants to defer to the judgment of the political authorities in their society and therefore to accept that the war in which they’re commanded to fight is just. This will be true whether or not the war really is just. From these two premises it follows that all combatants, just and unjust alike, are permitted to fight when commanded to do so. I’ll call this the “epistemological argument” for the moral equality of combatants.”²⁰

In McMahan’s view, the second premise - that soldiers can defer to the authorities instead of judging for themselves whether a war is just - is false as it responds to the wrong concern about moral equality. McMahan states it comprehensively:

“The reason why the epistemological argument is unsuccessful is that the second premise is false. While it’s sometimes reasonable for unjust combatants to believe that their war is just, it isn’t always. But the doctrine of the moral equality of combatants doesn’t hold that participation in an unjust war can be permissible provided that one reasonably believes that the war is just; it holds, rather, that combatants aren’t responsible for whether their war is just and therefore don’t do wrong if they obey an order to fight even if they reasonably and correctly believe that the war is unjust.”²¹

While this seems coherent, there are reasons why this argument is problematic. For McMahan, outcomes matter: when a combatant fights on the unjust side of a war, nothing but stopping to fight or joining the other side matters; otherwise, the actions of the combatant (generally speaking) contribute to the

19. *Ibid.*, 47.

20. McMahan, ‘On the Moral Equality of Combatants’, 389.

21. *Ibid.*, 390.

unjust cause of the state he fights for. When McMahan claims that combatants do wrong when they fight in an unjust war, this has nothing to do with the belief of the soldier. McMahan discards the second premise of the epistemological argument, but he does so because his reasoning is based on looking at outcomes, not whether people act consistent with certain principles. Similarly, this is also how he interprets moral equality: for McMahan, moral equality is about the question whether a wrong has been committed, not about the principle of the separation of the duties of states, enshrined in *jus ad bellum*, and the duties of soldiers, as described in *jus in bello*.

In addition, when McMahan analyses the problem of moral equality in terms of fighting for an unjust cause, he seems to assume that combatants and the state can be subsumed into one entity. We need to ask if combatants always fight for the same cause as the state does, or if they fight for a different cause. For when combatants are asked to consider the justness of the war, there is no reason to assume that they use political or legal or just war considerations to decide whether a cause is just; there is no reason to assume that combatants are even considering the same *cause* as a state does. Then, can we still follow the reasoning that the actions of unjust combatants are by definition for an unjust cause - if the cause of the combatants could be just, even if the state's cause is unjust? In my opinion, this is a problematic aspect of discarding the strict distinction between *jus ad bellum* and *jus in bello*. Who counts? If only the state's cause counts, that makes war again a collective effort, and then why should we be judging combatants by something only the state can decide on?²²

This touches upon an argument made by Roger Wertheimer in response to Michael Walzer, Jeff McMahan and Dan Zupan. Wertheimer is also of the opinion that moral equality does not exist. As he phrases it: "Deobfuscated [moral equality] says your ruler disappears your right to life by dressing you in khaki, and exchanges that right for a right to kill anyone another government has put in uniform! That idea is loony. Why resort to black box bureaucratic morality when the reasonableness of our war rules is evident without it?"²³

Wertheimer argues that the true tragedy of combatants lies in the discussions about conscientious objection and the distinction between the legal and moral doctrines of moral equality:

"Instead, while commending refusal, Walzer confidently assures us that those who fight cannot be called criminals. That is a heart-

22. One might even reason that if combatants fight for a different, just cause than the official one, then if their actions benefit an unjust cause it would be a form of collateral damage.

23. Roger Wertheimer, 'Reconnoitering Combatant Moral Equality', *Journal of Military Ethics* 6, no. 1 (2007): 71.

lessly unhelpful observation when everyone knows that the only crime to commit here is the refusal to fight. A combatant's anxiety about pulling the trigger has nothing to do with law and crime, but with sin or its secular counterpart. His troubled conscience won't be stilled by Walzer's casuistically splitting a combatant's soul, holding him morally responsible as a citizen and absolving him of such accountability as a member of a military collective. The cruel fact is that conscience doesn't work that way. The citizens who supported a war they later condemn never suffer near the agonised guilt and shame of their warriors who see and touch and smell the flesh they rend and roast.²⁴

What this quote shows is the contrast between moral equality as a concept on a collective level and the issues of guilt and wrong and conscience on a personal level. In my opinion, moral equality only makes sense on a collective level. Individual combatants can never be morally equal, because on an individual level, the issue of killing can only be explained as an answer to the question 'was it self-defence or not?'. Moral equality, if one accepts Walzer's arguments, can only exist as a collective concept, because it depends on the command to fight. The command to fight, in turn, can only be given by a proper authority - mostly the state, occasionally organisations such as the United Nations (UN) or the North Atlantic Treaty Organisation (NATO). If one accepts Walzer's explanation of moral equality, this still does not mean that the issue of whether a war is just cannot play a role for the individual combatant.

In short, the main critiques of Michael Walzer's perspective on the moral equality of combatants have focused on the issue that it does not make sense to argue that one loses one's right to life by being attacked and fighting back. Moreover, as Jeff McMahan has argued, the distinction between just combatants and unjust combatants needs to be upheld; in extension of that argument, he claims that unjust combatants can never be morally equal because first of all, they cannot uphold the so-called discrimination principle, and secondly, because all their activities further an unjust cause. Other authors, such as Dan Zupan, have argued in favour of Walzer's view on moral equality, often by pointing to the epistemic constraints combatants encounter when considering the issue of whether a war is just or not. Having discussed both Walzer's perspective on moral equality as well as the existing critiques on his work, in the next section I will elaborate on what I consider to be problematic in Walzer's theory of moral equality.

24. Ibid.

1.4 IMPORTANT ISSUES

Although authors such as Jeff McMahan and Roger Wertheimer have already given substantial critiques of Michael Walzer's argument for moral equality, my critique of Walzer's argument for moral equality will take a different approach. In this section, I will explain which aspects of Walzer's argument I find problematic; this is mostly related to the assumptions Walzer makes, as well as to how he presents deeply problematic concepts as neutral. This is not necessarily a failure on Walzer's part. As we shall see, especially with regard to the assumptions that Walzer makes, they might well have been correct when *Just and Unjust Wars* was first published in 1977. Now, however, they are occasionally outdated.

The first assumption Walzer makes, implicitly, is that there is a significant overlap or a significant connection between the community that is protected by the state and the power of the state. Walzer mentions, when he argues that the self-defence of states is assumed to be just, which was quoted above, on page 4, that "(...) the presence of national minorities within the borders of a nation-state does not affect the argument about aggression and self-defence."²⁵

Still, although the *presence* of minorities might not affect the argument, one can imagine situations where not the presence of the minorities is a problem, but either the minority's actions or the state's actions towards the minorities are. This happened, for example, during the Rwandan genocide in 1994, when several individuals connected to the state were deeply implicated in the genocidal events. Jean-Paul Akayesu, a bourgmestre of Taba commune in the Prefecture of Gitamara, facilitated and permitted sexual violence and genocide, among other crimes. The Akayesu judgement became immensely important because it recognised that rape could be genocide.²⁶ Moreover, Walzer assumes that every state is a nation-state, as can be seen in the quote above and on page 4. However, while this might have been the case in 1977, it most definitely is no longer the case today.

Walzer makes three other assumptions. He frames his argument in such a way that he only talks about combatants who are defending their own communities. Secondly, he assumes that combatants are *forced* to fight by the state. Finally, Walzer assumes that only states can legitimately use violence and wage wars. In this thesis, we will be exploring a number of cases where these assumptions prove to be problematic.

25. Walzer, *Just and Unjust wars: A Moral Argument with Historical Illustrations*, 55.

26. International Criminal Tribunal for Rwanda, 'The Prosecutor versus Jean-Paul Akayesu. Judgment', no. ICTR-96-4-T (September 2, 1998).

A second issue with Walzer's argument for moral equality is, in my opinion, how he takes certain concepts at face value that, when considered in more detail, are immensely problematic. The concepts that we will consider in this thesis are community and in particular the defence of the community, and war. Why these are problematic will be explored in more detail in the body of the thesis.

Still, moral equality as a concept should not be discarded, but instead re-conceptualised. For those who accept Walzer's reasoning, moral equality describes the default moral position of soldiers. Those who disagree with Walzer and argue that moral equality cannot exist, such as Jeff McMahan, see the default moral position as a dichotomy: the moral position of soldiers who fight for a just cause is a by default 'right' moral position, and the moral position of soldiers who fight for an unjust cause is by default 'wrong'.

In my opinion, this cannot do justice to the idea that war is at heart a tragedy where there are no true winners. Therefore, the argument made by McMahan and those who agree with him does not take into account the nuanced human tragedies that characterise war. Being killed and being made to kill are different tragedies, but tragedies all the same. Consequently, we need a concept that can make the difference between tragedy and war crime; moral equality, if re-conceptualised, offers the building blocks for such a concept.

1.5 MAIN THEMES

This thesis will discuss the following themes and questions. The main question I am trying to answer is, given that there are problems with the concepts on which moral equality rests, how can we re-conceptualise moral equality so that it addresses and/or avoids these problems? I will propose an approach to moral equality that rests on narrativity, feminist ethics and ethics of alterity.

One of the main themes in this thesis is gender. In recent decades, an increasing amount of attention has been paid to the role of gender in warfare. Moral equality is presented as gender-neutral. However, considering that warfare has been shown to be highly gendered, it is at the very least necessary to consider whether gender issues might affect moral equality as well. This is something that we will do in this thesis.

Another highly important theme in this thesis is war. The 20th and 21st century have seen a lot of changes in warfare, and not all of them have to do with advances in technology. We will examine how war has changed, and how this interacts with the terms in which Walzer has constructed his argument for moral equality. This intersects with Walzer's assumptions about the state as central actor, because one of the main changes in warfare has been

the enormous diversification of actors. The focus on the state as central actor and as counterpoint to individual combatants is something that Walzer has in common with authors as Jeff McMahan and Dan Zulpan.

A third important theme is narrative, and in particular the narrative construction of identity as it has been argued by Paul Ricoeur (which will be explained in Chapter 2). The consideration that meaning often arises out of narrative, and that war narratives are an excellent example of the social meanings of warfare as constructions, plays an important role in my argument. Therefore, narrative analysis will be used in addition to a more theoretically oriented response to consider the problems with moral equality as well as the possible solutions. This will allow us to look at how the philosophical concepts are considered in practice.

To summarise, this thesis examines Michael Walzer's argument for the moral equality of combatants, paying particular attention to his assumptions about the role of states in war, and the relation between combatants, community, and the state. It will also put into a gender-sensitive context the concepts of community and defence of the community, and it will show how this contextualising problematises Walzer's argument for moral equality. Therefore, it will argue for a re-conceptualisation of Michael Walzer's argument for the moral equality of combatants. It will propose an approach to moral equality that is based on narrativity, feminist ethics and ethics of alterity.

More specifically, to reconceptualise moral equality, I will reinterpret community and defence of the community through a feminist ethics lens; this reinterpretation puts forward care and justice as the core concepts of defence of the community instead of fighting. Secondly, I will argue that using Emmanuel Levinas' ethics of alterity as a basis for moral equality allows us to maintain the division between *jus ad bellum* and *jus in bello*. Moreover, it highlights that moral equality does not justify killing in war and that a significant part of the drama of war lies in the state forcing combatants to kill. In addition to these reinterpretations, I will propose to add a collective narrative praxis to the concept of moral equality. As I will show, this will allow us to incorporate a variety of perspectives and experiences into a definition of common life and especially common life during war time.

In the remainder of the thesis, I will proceed as follows. Chapter 2 looks at gender and functions as a background chapter for the rest of the thesis, where gender analysis will play an important role. In this chapter, I examine the three dominant approaches to gender - essentialism, social-constructivism, and postmodernism - and in addition, I propose my own theory of gender.

For this latter effort, I will lean heavily on the work of Paul Ricoeur on narrative identity as well as on Judith Butler's book *Gender Trouble*.

In Chapter 3, I am going to discuss war and moral equality. Warfare has diversified beyond interstate war. I will argue that this development poses problems for moral equality, because states are no longer the only actors who deploy military personnel; international organisations such as NATO also engage in combat. This puts tension on the assumptions that states are the only actors and that soldiers are defending their own communities; I will argue that this change in warfare necessitates a re-conceptualisation of moral equality.

In Chapter 4, then, I will continue my critique of moral equality. In this chapter, the focus will be on the gendered construction of victimhood and defence of the community. Both are two key terms in Walzer's explanation of moral equality. I will argue that while these terms are presented as neutral concepts within a framework that presumes equal rights for all, in practice, these concepts are highly gendered. This is misleading and in addition, it influences our recognition of situations where moral equality might be applicable. This chapter demonstrates that moral equality needs to be re-conceptualised in order to make sense, given that the social construction of 'victimhood' and 'defence of the community' is problematic.

To support the latter claim, in Chapter 5 I examine how the issue of recognition and definition plays a role in constructions of 'defence of the community' by focusing on the representation of women's experiences in the Dutch resistance during the Nazi occupation of the Netherlands, 1940–1945. The goal of this case study is not to argue that the resistance were the moral equals of the German soldiers; instead, its focus is entirely on the role of the discourse and the use of gendered assumptions in defining 'defence of the community'. I will show how women's activities in and contributions to the resistance are systematically belittled, warped, and excluded from the discourse constructing the resistance as the defence of the Dutch community during the Second World War.

Together, these critiques and analyses form the basis for a re-conceptualisation of moral equality in Chapter 6. Here, we will use ideas from feminist ethics and ethics of alterity as well as focus on narrative to begin re-thinking moral equality. Moral equality needs to be radically reinterpreted, although it does have value as a description of the default moral position of soldiers. In this chapter, we will use Levinassian ethics of alterity to argue in favour of upholding the distinction between *jus ad bellum* as the state's concern and *jus in bello* as the soldiers' concern. We will also uphold moral equality as a collective concept by adding an element of collective narrative praxis to it. Finally, this chapter will address the gendered critiques by reinterpreting the concept of

'community' and 'maintaining a common life' through feminist ethics, so that defence of the community can incorporate a wide variety of experiences. The collective narrative praxis that I will propose also aids in incorporating a wide variety of experiences and perspectives.

In the next few chapters, we will work towards this re-conceptualisation; we will begin by asking how the changes in warfare in the 20th and 21st century affect Walzer's account of moral equality.

MAKING SENSE OF GENDER

2.1 INTRODUCTION

Hidden in Michael Walzer's argument for the moral equality of combatants are a range of assumptions about gender, and specifically, the assumption that moral equality is a gender-neutral concept. However, constructs such as 'victimhood', 'defence' and 'community' are not gender-neutral. We will explore the gendered construction of these concepts in more detail in Chapter 4, but in order to do so, it is necessary to preface this discussion with an examination of the different theoretical perspectives on gender, which we will do in this chapter.

In the last few decades, gender studies has developed into a discipline in its own right. Originating from those works of feminist theory that dealt with the ontology of women/women,¹ the social construction of 'woman' is no longer the primary subject in the field of gender studies. Instead, it has broadened and now deals with the construction of the social meaning(s) of the sexed body.

This definition of gender, which is used most often, is derived from Gayle Rubin's notion of the existence of a sex/gender system: "Every society has a sex/gender system - a set of arrangements by which the biological raw material of human sex and procreation is shaped by human, social intervention and satisfied in a conventional matter, no matter how bizarre some of the conventions may be."²

Although I will not discuss Rubin's article in more detail, I do want to mention that Rubin's idea of gender as a social construction as opposed to the body as a fixed biological entity has been the primary definition of gender ever since, until it was problematised in Judith Butler's *Gender Trouble*, which I will discuss in section four.

Gender, as a concept that denotes a social construct that describes a biological entity, plays a crucial role in analysing how ideas of masculinity and femininity get mapped onto a subject. This mechanism is especially relevant in an analysis of war, as war has traditionally been seen as men's 'work', whereas

1. Nira Yuval-Davis, *Gender & Nation* (London and Thousand Oaks: Sage Publications, 1997), 5.

2. Gayle Rubin, "The Traffic in Women: Notes on the 'Political Economy' of Sex", in *Feminist Anthropology: A Reader*, ed. Ellen Lewin (Malden and Oxford: Blackwell Publishing, 2006), 90.

peace is usually associated with women,³ leading to a perception of the subject of war as gendered - and gendered masculine. This assumption about the gendered subject of war permeates most war discourses, including ethics of war. However, it also obscures the wide range of women's war experiences. Therefore, it is necessary to examine *how* gender is constructed, in order to be able to examine how the construction of the gendered subject *in war* takes place. Keeping the larger argument of my thesis in mind, this is relevant because we are going to examine how the concepts on which moral equality is built are gendered. Defence of the community, for example, which we will discuss in Chapter 4, depends on how soldiers are gendered.

The main argument of this chapter will therefore be that we need to be able to recognise *how* the gendered construction of concepts takes place, and along which lines. I will examine current theories of gender construction, and propose an additional approach to gender. I will argue that this approach, which has a foundation in narrative, mitigates the risk of reductive explanations. The current chapter forms the theoretical background for the analysis of how the concepts that underlie moral equality are gendered. Thus, in this chapter, we will explore these theories in detail, and in Chapter 4, we will examine how gender plays a role in the foundational concepts of moral equality.

Taking as a starting point Rubin's definition of gender as a social construct that describes a biological entity, I want to start this chapter with a discussion of the three dominant perspectives on how this construction takes place: essentialism, social-constructivism, and postmodernism, before pointing out some of the problems of these theoretical approaches. In the second part of the chapter, I will discuss Paul Ricoeur's narrative approach to (personal and communal) identity and its usefulness as a starting point for a theory of gender as narrative. Secondly, I will outline my theory of gender as narrative, by plotting Judith Butler's performative approach to gender onto Ricoeur's narrative approach to personal identity. I will finish this chapter with a discussion of the relation between gender and ethics, paying attention to the ways in which the gendered subject as an actor in war might have a bearing on issues of gender bias in ethics of war, and how the ethical implications of narrative identity might be used to address these issues.

For the purposes of this thesis, a preliminary description of gender as a socially constructed description of the sexed body has been borrowed from Gayle Rubin. Moreover, what all three perspectives on the construction of gender have in common is that they deal with gender as a signifier-signified re-

3. Jean Bethke Elshtain, *Women and War* (Brighton, 1987); Cynthia Enloe, *Maneuvers: The International Politics of Militarizing Women's Lives* (Berkeley and Los Angeles: University of California Press, 2000); Laura Sjoberg and Caron E. Gentry, *Mothers, Monsters, Whores: Women's Violence in Global Politics* (London: Zed Books, 2008).

lationship, with the body being the signifier and gender as the signified. What these perspectives disagree about, however, is how this relationship works, as well as what the locus of meaning is. My analysis of the three most common theoretical approaches to gender - essentialism, social-constructivism, and postmodernism - will therefore centre around these theories' perspectives on the locus of meaning, as well as the relation between signifier and signified.

2.2 ESSENTIALIST PERSPECTIVES OF GENDER

The first set of perspectives on gender that I want to discuss are those that can be classified as essentialist. Essentialism as a philosophical concept encompasses a belief that things or groups of people - such as women, or gay people - "(...) have intrinsically different and characteristic natures or dispositions."⁴ In terms of gender, this means the following. In the introduction to this chapter, I described gender as a signifier-signified complex, with the body as signifier and gender as the signified. In essentialist perspectives on gender, the signified follows directly from the signifier. In other words, gender can be derived directly from the sexed body, in a one-directional relationship (instead of a dialectical one). In order to illustrate this, it is useful to look at a number of works that subscribe to or use this perspective on the construction of gender.

Much of the earlier work on feminist theory, as well as the earlier work on gender theory, subscribes to an essentialist outlook on gender. Nancy Chodorow's *The Reproduction of Mothering* is a good place to start from. In *The Reproduction of Mothering* Gayle Rubin's definition of a sex/gender system is taken as a starting point,⁵ to focus on the fact that gender is a social interpretation of the sexed body, which is embedded in a social context. Although the book focuses on the question, why do women mother, and concludes that this is because of the sex/gender that oppresses women,⁶ it also gives a thorough description of how Chodorow thinks that gender is constructed. Using object-relations theory, an approach from psychoanalysis that focuses on how children develop in terms of the way they relate to objects - both things and people -, Chodorow maintains that boys relate differently to their mother than girls, because they relate differently to the interpersonal milieu that they grow up in, because it is women who mother.⁷ According to Chodorow, mothers also relate differently to their sons than to their daughters- the mother is con-

4. "Essentialism" in New Oxford American Dictionary

5. Nancy Chodorow, *Waarom Vrouwen Moederen: Psychoanalyse en de Maatschappelijke Verschillen tussen Vrouwen en Mannen* (Amsterdam: Feministische Uitgeverij Sara, 1980).

6. Ibid., 258-259.

7. Ibid., 69.

scious of the fact that her son is of the other (an other) sex. Therefore, she treats him and thinks about him according to the gender she thinks belongs to this sex - the male gender.⁸

Although Chodorow states that the gender identity of a child is already established in the pre-Oedipal period,⁹ the Oedipal crisis is necessary for the child to become heterosexual.¹⁰ Moreover, in the Oedipal crisis the young boy distinguishes between himself and his mother, and learns to embrace his masculinity.

Although some parts of Chodorow's argument could be looked at from a social-constructivist angle, the overall slant of her argument is extremely essentialist - and in the next few paragraphs I will argue why this is the case. In the beginning of this section I defined an essentialist approach to gender as one that bases the meaning of gender in the body and that sees a one-directional relationship between the sexed body and gender. Chodorow clearly sees the sexed body as the 'source' of gender. This can be seen in her argument that mothers relate differently to their sons than to their daughters, because the boy is not the same gender as she is. Even though Chodorow states that she does not see this as a biological fact, the process that she describes can only take place if there is an a priori recognition of the sex of the child.¹¹

Furthermore, seeing the Oedipal crisis as a key factor in girls' becoming heterosexual implies a few things about gender (identity). First of all, because the Oedipal crisis focuses on the recognition by the girl (or boy) of the different sexes and the subsequent identification with the 'right' sex (according to the body), posing that the Oedipal crisis is a key factor in the creation of a heterosexual orientation means that heterosexuality is a necessary condition/characteristic of being a real woman or man. In this line of thinking, homosexuality would mean that, during the Oedipal crisis, something has gone wrong, and an element of identification with the right sex (that is, heterosexuality) is missing. Secondly, if a child's gender identity is already established in the pre-Oedipal period when the child is not yet aware of the existence of sexual difference as such, and if the Oedipal crisis serves as acceptance and recognition of that gender identity that coincides with the differentiation by sex, then the relationship between signifier and signified is one-directional. The Oedipal crisis makes for a rather fixed description of what it means to be male or female that cannot be amended.

8. Chodorow, *Waarom Vrouwen Moederen: Psychoanalyse en de Maatschappelijke Verschillen tussen Vrouwen en Mannen*, 122, 210.

9. *Ibid.*, 197.

10. *Ibid.*, 140.

11. *Ibid.*, 122.

Therefore, Chodorow's view on the construction of gender can be characterised as essentialist. One might furthermore comment on Chodorow's critique of mothering by asking whether or not the *process* of gender formation would be different if men and women would share childcare duties (as opposed to the actual *content* of gender being different). The answer would be that, no, the process of gender formation would not be much different, as the locus of meaning of gender is and remains the sexually different body, and a changing context would not mean that the process by which gender comes into existence would be any different.

Another author who can be characterised as an essentialist is Luce Irigaray. Like Chodorow, she interprets the sexed body from a psychoanalytic perspective. However, unlike Chodorow, she does not restrict her use of psychoanalytic insights to the level of the psyche; she also applies psychoanalysis to the level of the body. In her writings on the ethics of the passions, which are mostly to be found in *An Ethics of Sexual Difference*, Irigaray takes an essentialist approach to gender.

Theories of gender, as interpretations of the sexed body, can be labelled essentialist when firstly, meaning is located in the body, and secondly, the relation between signifier and signified is unidirectional (instead of dialectical). In the next few paragraphs, I will demonstrate why this is the case in *An Ethics of Sexual Difference*.¹² Before doing that, however, it is necessary to provide some insight into the argument of the book.

Irigaray's main concern in this book is that woman lacks a 'place', or an own subject position or identity, while she provides a place - or identity - for man. In doing so, she functions as an 'envelope'. In other words, man constructs his identity in relation to woman, and thus becomes dependent on her: "This means that her status as an envelope and as thing(s) has not been interpreted, and so she remains inseparable from the work or act of man, notably in so far as he defines her, and creates his own identity through her or, correlatively, through this determination of her being."¹³

When woman continues to exist, however, despite lacking a concrete identity, she threatens man's self-identity, because she turns out to be more than that which limits man's identity: if she is more than man's envelope, or container, she takes out or removes part of man's identity. "She is or ceaselessly becomes the place of the other who cannot separate himself from it," Irigaray

12. Two different translations of the text will be used. 'Sexual difference' in *The Irigaray Reader* is the same text - but a different translation - as Chapter One in *An Ethics of Sexual Difference*. The reason for also using Séan Hand's translation from *The Irigaray Reader* is that this translation is generally clearer than the one in *An Ethics of Sexual Difference*.

13. Luce Irigaray, 'Sexual Difference', in *The Irigaray Reader*, ed. Margaret Whitford (Oxford and Cambridge, Massachusetts: Basil Blackwell, 1991), 169.

writes. "Without her knowledge or volition, then, she threatens by what she lacks: a 'proper' place."¹⁴

This creates a situation in which men try to "subdue and destroy"¹⁵ women. According to Irigaray, the politics of place govern the ethics of sexual difference; only when women have their own place, a subject position of their own, are ethical relations between man and woman possible. In the text, 'woman' is symbolised by the 'maternal-feminine', or 'mother woman' in the translation of Irigaray's text by Séan Hand, and the most important element of this symbol is the womb - it is the *maternal* that signifies the feminine in relation to the masculine and that governs the politics of place.

Therefore, in Irigaray's argument, the essential characteristics of both masculinity and femininity are located in the reproductive organs. It is in woman's role as a mother - and Irigaray seems to assume that this holds true for *all* women - that man seeks and finds his place and it is in woman's role as a mother that he denies her a subject position.

This can be explained by referring back to psychoanalytic insights, and more specifically the Oedipal complex: in order to overcome his fear of castration, the little boy has to give up his desire for his mother and instead transfer his desire to another woman (thus becoming heterosexual in the process). However, this also means that the components of the boy's love for his mother will also form the parts of his love for this other woman: the maternal-feminine, as Irigaray terms it, is therefore the key of his love.

This, in short, is how Irigaray characterises masculinity and femininity and the relation between the two terms. Looking back at the first element of my definition of essentialism, which stated that essentialism locates meaning in the body, we can now see that this is exactly what Irigaray does. By locating the meanings of masculinity and femininity in man's and woman's respective reproductive organs, and especially reductively explaining women in terms of the maternal, the meaning of the symbol is located in the body.

In the introduction, essentialism was furthermore characterised by seeing the relationship between signifier and signified, between the sexed body and the interpretation thereof, as unidirectional, instead of dialectical. In *An Ethics of Sexual Difference*, Irigaray's perspective on gender - her interpretation of the sexed body - can also be read as such. Throughout the text, she calls for a change in the relationship between man and woman: a reconfiguration of space-time, in which women are associated with space and men with time. She does not argue that either space, or time, should be reconceptualised; instead, the *relation* between the two, in the 'interval', should be deployed anew.

14. Irigaray, 'Sexual Difference', 169.

15. *Ibid.*

To quote Irigaray here: “*Desire* occupies or designates the place of the *interval*. Giving it a permanent definition would amount to suppressing it as desire. Desire demands a sense of attraction: a change in the interval, the displacement of the subject or of the object in their relations of nearness or distance.”¹⁶

Here, the interval designates the relation between man and woman: the distance, in time as well as in spatiality. In order to arrive at an ethics of sexual difference, it is not the difference itself that should be eliminated - especially not - but instead, the differences should be vexed in a solid identity, from which a real relationship can arise: “But, in order for an ethics of sexual difference to come into being, we must constitute a possible place for each sex, body, and flesh to inhabit. Which presupposes a memory of the past, a hope for the future, memory bridging the present and disconcerting the mirror symmetry that annihilates the difference of identity.”¹⁷

This signals that Irigaray considers gender, her interpretation of the sexed body, as unchanging and unchangeable, as the psychoanalytic concepts that underlie Irigaray’s interpretation of the sexed body are not subject to change. In conclusion, *An Ethics of Sexual Difference* serves as a good illustration of the essentialist perspective on gender because the text locates meaning in the body, and sees the process of interpretation as unidirectional.

2.3 SOCIAL-CONSTRUCTIVIST PERSPECTIVES ON GENDER

In the previous section I discussed essentialist perspectives on gender and argued that these are characterised by seeing the body as the locus of meaning. I also argued that these perspectives have a one-directional view on the construction of the signifier-signified relationship that gender forms with the body. This section will focus on social-constructivist perspectives on gender.

Where the essentialist perspectives see the body as the locus of meaning (and therefore much of the social interpretation overlaps with the actual body), social-constructivism sees meaning located in society. This means that, when the sexed body is interpreted not only the body is used for interpretation, but also norms and values, customs, and historical aspects of the particular culture of which that body is a part. For example, the social interpretation of the female body in Saudi Arabia will differ significantly from the Swedish interpretation of the female body.

Moreover, it also follows from this description that the process of constructing the signifier-signified relationship is not one-directional, but dialectical. Society has a certain idea of what it means to be a woman, but when there is a

16. Luce Irigaray, *An Ethics of Sexual Difference* (London: Continuum, 2004), 9.

17. *Ibid.*, 17.

lasting shift in what the women of a certain society do, the idea of the female gender will change in response. Even in Sweden, being a woman during the Middle Ages meant something quite different than it does these days.

The idea behind social-constructivism can be illustrated by looking at Betty Friedan's *The Feminine Mystique*. In this book, Friedan discusses how the myth of the happy housewife turned out to be, for many women, a myth, or a mystique, as she calls it.¹⁸ Although some women were of course content with their lives, others were unable to fulfil their potential, leading to a feeling of loss of identity that often resulted in depression. Although the overall book is rather biased towards middle-class white women from the suburbs, within that group the argument of the book is a good illustration of how the meaning of being a woman was located in society, in the ideal type of the happy housewife. This image came about in the aftermath of the Second World War, when people longed for the comfort of the home as opposed to the lives people led when many of the American men were overseas in Europe.

The Feminine Mystique is seen as a key text of American second-wave feminism, which greatly enlarged the consciousness of the problems that many women experienced, and consequently stimulated change; in other words, the book does not only describe the social-constructivist notion of gender, it also formed part of the actual process of gender construction by instigating change.

Whereas Friedan's text is characterised by a white middle-class bias, in her book *Inessential Woman* Elizabeth V. Spelman discusses precisely the issue of white middle-class bias in relation to women's experiences. She argues that gender cannot be seen as separate from issues of class, race, sexuality, and other constructs that delimit identity. Spelman's book has played a crucial role in feminist theory's move away from essentialism, and as such, it can be seen as one of the founding texts of social-constructivism. However, even though Spelman makes a clear case against essentialism in feminist theory, she does not go as far as concluding that gender is constructed. Nevertheless, subsequent efforts at theorising gender have used Spelman's insights to argue precisely that. In the following paragraphs, I will show how Spelman's ideas explain the social-constructivist perspective on gender quite well.

Discussing feminist critiques of the issue of universalism in Western philosophy, Spelman argues that this universalist attitude is not limited to Western philosophy; in fact, she demonstrates that feminist theory is also guilty of a universalist attitude: "(...) too many of the [feminist] critiques of [Western philosophy's] inherent sexism are equally exclusionary in their focus and concerns. Most philosophical accounts of 'man's nature' are not about women at all. But neither are most feminist accounts of 'woman's nature', or 'women's

18. Betty Friedan, *The Feminine Mystique* (London and New York: Penguin Books, 1963), 44.

experiences' about all women. There are startling parallels between what feminists find disappointing and insulting in Western philosophical thought and what many women have found troubling in much of Western feminism."¹⁹

Feminist theory speaks about 'women's experiences' as if this term connotes the experiences of all women *as women*, as if womanness is separable from the other elements of identity, such as race or class. This leads to feminist critiques of, for example, Aristotle, that focus on how Aristotle's discussion of human nature is not meant to refer to woman's nature. However, as Spelman points out, Aristotle's discussion of women does not refer to all women, but only to those women who were citizens, and not slaves:

"(...) when Aristotle talks about 'woman's nature' versus 'man's nature' he isn't talking about all women, nor have we thought about how our own analyses of Aristotle's views of 'women' might have to be revised if we investigate what he had to say about slave women as well as citizen-class women."²⁰

Therefore, if we talk about Aristotle's views about 'women and slaves,' we implicitly exclude those women who were slaves. Categorising people into strictly delineated, essentialist groups is a reductive effort that necessarily leads to the exclusion of certain (groups of) people, those who fall between the cracks at the intersection of the dividing lines of these categories.

Feminist theory, especially the kind of second-wave feminist theory that Spelman discusses, has arisen out of the concerns of white middle-class women, such as described by Betty Friedan in *The Feminine Mystique*. Therefore, when feminist theory assumes the commonality of all women, it takes as its starting point the experiences of white middle-class women, whose experiences were the starting point of second-wave feminist theory. These experiences, however, are very specific to this group of women; it falsely assumes that differences *between* women do not matter. Therefore, feminist critiques of Western philosophy that operate from this perspective fail to acknowledge that different women have 'different places' that Western philosophy confines them to: "a woman's race and class, for example, will influence her 'place' along with her gender", as Spelman writes.²¹

Consequently, Spelman argues that we can only say sensible things about the gender 'woman' if we take into account the social differences that shape gender. This argument is key to my use of Spelman's book as an illustration of social-constructivism. When Spelman focuses on how social differences, such as class or race, shape gender, this means that the meaning of gender is not only dependent on the sex of the body, but also on social factors, such as

19. Elizabeth V. Spelman, *Inessential Woman* (Boston: Beacon Press, 1988), 6.

20. *Ibid.*, 47.

21. *Ibid.*, 5.

one's place in society. In other words, the locus of meaning of gender is the social.

This can be illustrated by looking at Spelman's examination of the interrelation between racism and sexism (as forms of oppression) and how this shapes Black women's experiences - what it means to be a *Black* woman (as opposed to what it means to be a white woman).²² In *Inessential Woman*, Spelman analyses works by Kate Millett and Shulamith Firestone, looking at how they treat the question of racism versus sexism. Spelman argues that many works of feminist theory focus on the question whether racism or sexism is more fundamental, thus assuming that racism and sexism can be seen as separate from each other: Black women experience racism *and* sexism, but which one is more fundamental?

Instead, precisely because racism and sexism are interlocking - it is possible to experience both sexist racism as well as racist sexism -, it shapes Black women's experiences, and hence it shapes the meaning of being a woman. To quote Spelman: "Thus, as noted earlier, it will not do to say that women are oppressed by the image of the 'feminine' woman as fair, delicate, and in need of support and protection by men. As Linda Brent succinctly puts it, 'That which commands admiration in the white woman only hastens the degradation of the female slave.'"²³

Because social circumstances - and underlying the term 'society' is an assumption of a general sense of social organisation - influence the consequences of being a certain gender: being a Black working class woman has different consequences than being an upperclass white woman. The meaning of 'woman' in a 'real life context', the extent of one's experiences, is shaped by social elements such as class and race. This central element of social-constructivism is key to Spelman's argument.

In the introduction to this section, I further mentioned that the social-constructivist approach to gender is characterised by seeing the signifier-signified relationship as a dialectical process, as opposed to essentialism, which sees this relationship as a one-way process. Spelman's approach to gender is also characterised by seeing this relationship as a dialectical process, especially at the chapter level of her book. Whereas in Aristotle's time, the interpretation of the body was secondary to the a priori application of the criterion of slavery, this was no longer an issue during second-wave feminism. Instead, the issue of race and class served to obscure and influence interpretations of gender.

22. I do not mean to imply here that skin colour can be captured in a dichotomy.

23. Spelman, *Inessential Woman*, 122.

Gender, as referring to the social construction of the meaning of the sexed body, is a changing concept, depending on the 'social', which is shaped by the actions of people. To refer to this section's introduction again, the social interpretation of the female body in Sweden in the Middle Ages differs significantly from the current interpretation of the female body - or the male body, for that matter. Spelman, by paying attention to the social categories that shape the interpretation of the body, categories that depend for their validity on the actions of people, thus sees gender as a dialectical process. The social interpretation of the sexed body leads to an image, which people act on and react to, and those reactions in turn shape the social, leading to a changing social interpretation of the sexed body.

2.4 A POSTMODERN PERSPECTIVE ON GENDER

The epitome of postmodern perspectives on gender is Judith Butler's 1990 book *Gender Trouble*. Most of the approaches that can be described as postmodern, regardless of the topic, focus on the contingency and changeable, fluid nature of the topic at hand, and Butler's approach is no different. Where essentialist perspectives see the body as the locus of meaning, and social-constructivist perspectives on gender focus on society, postmodern views locate meaning in neither location. This relationship, between signifier and signified, between body and gender, can only be described as fluid or diffuse; some people might go as far as claiming that the signifier-signified relationship is completely absent. Before taking a close look at *Gender Trouble*, however, I first want to discuss an article Butler wrote in 1986, in which her ideas about the relation between sex and gender are articulated very clearly.

This article, "Sex and Gender in Simone de Beauvoir's *Second Sex*", is Butler's reading of *The Second Sex* (rather than staying at the level of explaining the book itself). It focuses on the very famous sentence from *The Second Sex*, "One is not born, but rather, becomes a woman" and the disjunction between sex and gender that Beauvoir implies with it. In the article, many elements of Butler's own argument in the later *Gender Trouble* are already visible, namely mainly the argument that gender and sex need not be linked.

"If being a woman is one cultural interpretation of being female, and if that interpretation is in no way necessitated by being female, then it appears that the female body is the arbitrary locus of the gender 'woman', and there is no reason to preclude the possibility of that body becoming the locus of other constructions of gender. At its limit, then, the sex/gender distinction implies a radical heteronomy of natural bodies and constructed genders with the con-

sequence that 'being' female and 'being' a woman are two very different sorts of being."²⁴

Butler goes on to follow Beauvoir in defining gender as a continuous becoming, without, however, there existing a pre-existing gender: "(...) it is not a matter of acquiescing to a fixed ontological status, in which case one could be born a woman, but rather, an active process of appropriating, interpreting, and reinterpreting received cultural possibilities."²⁵

According to Butler, 'becoming' in Beauvoir should be read as "both choice and acculturation":²⁶ "In keeping 'become' ambiguous, Beauvoir formulates gender as a corporeal locus of cultural possibilities both received and innovated. Her theory of gender, then, entails a reinterpretation of the existential doctrine of choice whereby 'choosing' a gender is understood as the embodiment of possibilities within a network of deeply entrenched cultural norms."²⁷

This is made possible by Beauvoir's notion of bodies, which is an adaptation of the Sartrian account which is a bit ambiguous about the body/mind distinction first elaborated on by Descartes. Whereas in Sartre there is a paradox between being in and being beyond the body, in Beauvoir's appropriation of Sartre's use of existing as a transitive verb and using it to examine the relation between sex and gender, the duality of meaning that is inherent in its Sartrian use is carried over into the plane of Beauvoir's examination.²⁸

As Butler writes: "To mix Sartrian phraseology with Simone de Beauvoir's, we might say that to 'exist' one's body in culturally concrete terms means, at least partially, to become one's gender."²⁹ Moreover, this means that "(...) we do not become our genders from a place prior to culture or to embodied life, but essentially within their terms."³⁰

In Butler's view, this translates to a way of living our bodies in the world, in this plane that is constituted by cultural norms. Becoming our gender, in the dual sense of 'project' and 'construction' that Butler refers to on page 37, is, however, not a conscious choice, but rather a subconscious one; a choice from which we cannot run away but in which we are continually involved:

"The choice to assume a certain kind of body, to live or wear one's body a certain way, implies a world of already established corporeal styles. To choose a gender is to interpret received gender norms in a way that organises them anew. Rather than a radical act of creation, gender is a tacit project to renew

24. Judith Butler, 'Sex and Gender in Simone de Beauvoir's *Second Sex*', *Yale French Studies*, no. 72 (1986): 35.

25. *Ibid.*, 36.

26. *Ibid.*, 37.

27. *Ibid.*

28. *Ibid.*, 38-39.

29. *Ibid.*, 39.

30. *Ibid.*

one's cultural history in one's own terms. This is not a prescriptive task we must endeavour to do, but one in which we have been endeavouring all along."³¹

Butler further argues that a certain prescriptive way of taking on gender can also be discerned in *The Second Sex*. This needs to be read through the idea of woman as Other that Beauvoir posits in her book. According to Butler, this should be read in terms of a version of the Hegelian dialectic of master and slave, "(...) in order to show that, for Simone de Beauvoir, the masculine project of disembodiment is self-deluding and, finally, unsatisfactory."³²

Having established that disembodiment is a false idea(l), Butler's next step is arguing that "(...) transcendence must be understood within corporeal terms."³³ Therefore, the binary that seemed to exist between immanence and transcendence, between body and mind, between female and male, turns out to be a false one; Beauvoir's argument in favour of transcendence is therefore not necessarily arguing in favour of females taking on the male gender.³⁴ In the end, Butler concludes that: "Her conceptualisation of the body as a nexus of interpretation, as both 'perspective' and 'situation', reveals gender as a scene of culturally sedimented meanings and a modality of inventiveness. To become a gender means both to submit to a cultural situation and to create one, and this view of gender as a dialectic of recovery and invention grants the possibility of autonomy within corporeal life that has few if any parallels in gender theory."³⁵

Butler's interpretation of Beauvoir's arguments is fascinating and surely seems to have a point. The essay is even more fascinating, however, when read as a prelude to Butler's own work in *Gender Trouble*, because in a way her viewpoints are expressed much more clearly here.

Gender Trouble is most often recognised for contributing to gender theory the concept of the performativity of gender, and the idea that sex is also a constructed concept. In the Preface to the 1999 Routledge Classics edition of the book, Butler explains that the book was written in response to the heteronormativity of feminist literary theory.³⁶ Taking as a starting point the idea that gender theory up to this point assumed gender "(...) to be understood as consolidated through normative sexuality (...)," Butler asks, "(...) how do non-normative sexual practices call into question the stability of gender as a category of analysis?"³⁷

31. Ibid., 40.

32. Ibid., 43.

33. Ibid., 45.

34. Ibid., 44-45.

35. Ibid., 48.

36. Judith Butler, *Gender Trouble* (New York and Abingdon: Routledge, 2006), viii.

37. Ibid., xi.

This assumed stability of gender as a category of analysis can most clearly be seen in feminist theory and politics where "(...) the category of women as a coherent and stable subject"³⁸ is often used as an organising principle for a coherent identity politics. This reductive construction of women as a unified category is, however, extremely problematic, as it fails to take into account diverse experiences stemming from race, sexuality, class, and other differences.³⁹

Indeed, this is an argument that many social-constructivists also use, but Butler, following a line of reasoning similar to the article discussed above, contests the social-constructivist assumption that there needs to be a relationship between body and gender. (This is what I have described as a dialectical relationship between sex and gender in the previous section.) If one is not born a woman, but rather becomes one, then the female body is an arbitrary locus of the gender 'woman', Butler argues, and if that is the case, then sex does not actually signify anything to do with gender:

"And what is 'sex' anyway? Is it natural, anatomical, chromosomal, or hormonal, and how is a feminist critic to assess the scientific discourses which purport to establish such 'facts' for us? (...) If the immutable character of sex is contested, perhaps this construct called 'sex' is as culturally contested as gender; indeed, perhaps it was always already gender, with the consequence that the distinction between sex and gender turns out to be no distinction at all."⁴⁰

If a constructed gender cannot directly take its significance from the sexed body, then where is the meaning of gender located? Analysing the discourse of the metaphysics of substance - the attributes that characterise gender and sex, to be more specific -, Butler then concludes that gender is performative:

"But if these substances are nothing other than the coherences contingently created through the regulation of attributes, it would seem that the ontology of substances itself is not only an artificial effect, but essentially superfluous. In this sense, *gender* is not a noun, but neither is it a set of free-floating attributes, for we have seen that the substantive effect of gender is performatively produced and compelled by the regulatory practices of gender coherence. Hence, within the inherited discourse of the metaphysics of substance, gender proves to be performative - that is, constituting the identity it is purporting to be."⁴¹

38. Butler, *Gender Trouble*, 7.

39. *Ibid.*, 4.

40. *Ibid.*, 9.

41. *Ibid.*, 34.

2.5 PROBLEMS WITH THE EXISTING APPROACHES TO GENDER

In the previous section, I discussed the different theoretical perspectives on gender construction. This section will focus on two critiques: one of essentialism and social-constructivism, and one that will focus on Butler's theory of gender as performative. The division is because Butler's theory already addresses many of the concerns surrounding essentialism and social-constructivism.

First, my critique of essentialism and social-constructivism. One point of critique on essentialism and social-constructivism is that these perspectives are characterised by a strong underlying heteronormativity. Depending on one's perspective, homosexuality is either the result of an abnormal development during childhood, or a conscious choice to direct one's sexuality away from the appropriate gender/sex. It also implies that in the construction of gender, norms about appropriate sexuality are included: people should be heterosexual. This line of thought is very evident in a number of essays in Luce Irigaray's *An Ethics of Sexual Difference*. First of all, Irigaray argues that form, matter, limit and interval - as psychoanalytic concepts - should be reconceived of in such a way that it allows for women to develop an independent subject position. This needs to be done, she writes, in a context "(...) that allows for a relationship between two loving subjects of different sexes."⁴²

Moreover, in Irigaray's discussion of Diotima's speech to Socrates, she describes love exclusively in terms of procreation: "Procreation and generation in beauty - this is the aim of love. Because in this way the eternity and imperishability of a mortal being are made manifest."⁴³

In Irigaray's text, people strive for immortality, which can only be reached through heterosexual love. In *The Second Sex*, Beauvoir has a similar argument, but she insists that the conscious choice is the result of an abnormal development: "The truth is that homosexuality is no more a perversion deliberately indulged in than it is a curse of fate. It is an attitude *chosen in a certain situation* - that is, at once motivated and freely adopted. No one of the factors that mark the subject in connection with this choice - physiological conditions, psychological history, social circumstances - is the determining element, though they all contribute to its explanation."⁴⁴ In this point of view, although homosexuality is the result of abnormal development, it is also a conscious choice and therefore homosexuality is not a fixed part of people's identity, and these people instead have the possibility to become heterosexual (again).

42. Irigaray, *An Ethics of Sexual Difference*, 13.

43. *Ibid.*, 25.

44. Simone de Beauvoir, *The Second Sex* (New York: Everyman's Library, 1949), 44.

In "Compulsory Heterosexuality and Lesbian Existence", Adrienne Rich points out that heteronormativity is not just a theoretical problem. Rich analyses sexuality as a political institution and argues that heteronormativity is a result of a patriarchal system that is characterised by male control over women's sexuality.⁴⁵ Although the article suffers a bit from a muddy concept of gender and whether or not homosexuality should be seen as the result of biology or choice, the demonstration that heteronormativity is also a material condition used to oppress women is clear enough.

In my opinion, the heteronormative aspects of essentialism and social-constructivism problematise the use of these perspectives for my analysis of gender and war because, generally, the bias of these perspectives would leave me unable to adequately critique oppressive sexual systems.

Heteronormativity is one example of the way in which both essentialism and social-constructivism fail to take differences into account. This, failing to take differences into account, should also be addressed at a more general level, with a focus on where the perspectives exactly locate meaning. In essentialism, we saw that meaning is located in the body. When this is the case, it is impossible to account for social or cultural factors. I previously mentioned that being a woman has different meanings or ramifications in Sweden and Saudi Arabia. Essentialist perspectives on gender cannot adequately explain these differences because of their exclusive focus on the body.

Social-constructivism is better equipped to deal with cultural and social factors. These approaches, because they locate meaning in society, have problems explaining individual variation in gender. They locate meaning in society through a process that uses other constructed categories (class, gender, et cetera) so that the construction of gender becomes organised along the lines of recognisability that govern these categories. Difference is acknowledged, but only to the extent that it is confined to the differences already encompassed by the other categories. When difference differs from these categories, it is once again seen as an abnormality.⁴⁶

45. Adrienne Rich, 'Compulsory Heterosexuality and Lesbian Existence', *Signs* 5, no. 4 (1980): 652.

46. It should be noted, however, that more recent variants of social-constructivist approaches to gender are less affected by this problem, as they leave more space for a dialectical relationship between individual and society. As R.W. Connell writes in *Masculinities*, "The surface on which cultural meaning is inscribed is not featureless, and it does not stay still." R.W. Connell, *Masculinities* (Cambridge and Oxford: Polity Press, 1995), 51. In addition, just like there is not one type of femininity, there is not one type of masculinity: there are many different masculinities. Moreover, "[m]any kinds of practice, perhaps all, produce knowledge. Struggles on gender issues have certainly generated highly significant information and understanding about masculinity." *ibid.*, 39. In extension, there are different types of social embodiment. "Bodies have agency and bodies are socially constructed[.]" or, in other words, "(...) the body as 'body-reflexive practice', that is, human social conduct in which bodies are both agents and objects." R.W. Connell, *Gender* (Cambridge and Oxford: Polity Press, 2002), 47.

Another point of critique that needs to be mentioned is the use of masculinity and male as a point of reference. In essentialism, this is most salient in psychoanalytic theories that use the Oedipal crisis as the determining feature of gender formation, where the child's response to the father needs to be appropriate for its sex in order for the 'right' gender development to happen. In social-constructivism, where meaning is located in society, we encounter a similar problem: most societies are patriarchal, in which women are, to different extents and in different ways, oppressed. When meaning is located in a system that has an inherent bias against women, the validity of this way of thinking about gender construction should be, at the very least, be used critically. This is even more important in light of the normative implication of any construction of gender. If we want to critically look at war and defence of the community - one of the most male-dominated systems if any - as parts of moral equality, it is necessary to use concepts that are not limited in analytical power by the same bias of the system that they attempt to analyse. Most of the problems inherent to essentialism and social-constructivism have been addressed by Judith Butler's theory of gender as performative. However, Butler's ideas on the performativity of gender have its own problems that make it less than ideal to use in my analysis of the relation between war and gender.

As I described in my analysis of *Gender Trouble*, Butler's theory of the construction of gender cannot be explained in terms of a clear relation between signifier and signified. Instead, by drawing attention to the constructed nature of sex, she destabilises the signifier-signified relationship and argues that gender should be seen as performative, as meaning located in action. The performative acquires meaning in reference to the discourse - and that is where the (gender) trouble starts. The discourse on gender is mostly based on a clear relation between sex and gender: the female body acquires the gender 'woman' (whatever 'woman' means). Butler contests this seemingly natural relation when she points out that if one becomes a certain gender, and is not born as one, the sex of the body does not determine the gender. When meaning is not located in the body, but in the performative, as Butler argues, a man who cross-dresses and acts as a woman could be more easily identified with the female gender than with the male gender, even though the sex of this person would still be recognised by the discourse as male. At the same time, because gender is not a pre-discursive reality, this person's behaviour also has an impact on the female gender. All in all, this leads to displacement or loss of meaning.

In my opinion, however, this displacement of meaning is mainly located at the societal level, and less at the individual level. In this theory, meaning is located in the performative, this meaning defines gender, gender is not a pre-discursive reality, and it follows that gender is therefore determined by the

behaviour of a person in relation to the norms of the discourse that determine the recognisability and meaning of this behaviour. The performativity of gender is not based on a prediscursive reality, but its interpretation and enaction is subject to a constant process of relating to the discourse. It is therefore possible to shape one's gender by performing it – or one can exercise agency to create a certain way of expressing a gender identity. This is what happens, for example, when people cross-dress – cross-dressing can be explained in terms of agency.

While this accounts for the self-identification of cross-dressers and also adequately explains the destabilising effect this has on traditional ideas of what it means to be a man or a woman, Butler's way of framing this gender-identification in terms of performativity is problematic when the behaviour, or performance, is not intended to be read as gender-identification. Butler's theory of performativity presupposes that agency and intention underlie gender-assuming behaviour. However, this leads to problems when one tries to work with this concept when analysing the relation between gender and war. To give an example, imagine a society in which killing people is qualified as masculine⁴⁷ behaviour. Now, a war breaks out and a woman – who also identifies as a woman – decides to join a resistance movement in which her function in the movement requires her to kill people, which she does. At this point, she engages in behaviour that, following Butler's theory, when interpreted as performative, would give her the male gender. This conflicts with her own gender identification, however. Without knowledge about the intention and agency of the person exhibiting a certain type of behaviour, it becomes very problematic to locate the meaning of gender at the individual level in performance. Therefore, although Butler's account of gender works well when one wants to explain alternative gender expressions where self-identification and performed gender are focussed on the same elements, it poses significant problems when those requirements are not met, for example in the case of women and war. In the next section, I will therefore develop an account of gender that tries to take this issue into account.

2.6 GENDER AS NARRATIVE

So far, I have analysed the three main theoretical bodies of gender construction: essentialism, social-constructivism, and postmodernism. Theories on gender construction can be categorised according to two main dimensions:

47. In the context of Butler's theory, the adverbs masculine and feminine are also constructed, because what counts as 'typically characteristic of the male/female' cannot depend on an idealtypical representation of the body as sex itself is constructed.

where they locate meaning (body, society, or in between); and how they envision the relationship between signifier and signified (one-directional, dialectical, or destabilising the signifier-signified relationship). For each of the theoretical bodies, I have examined (a) relevant author(s) in order to demonstrate how this works in practice. However, as the previous section has made clear, each of these theoretical perspectives has (different) limitations on how their insights can be used for an analysis of the gendered subject in war discourse. Therefore, following from, and in response to, the critiques in the previous section, I will develop a different theory of gender construction. This approach will focus on gender as a narrative of lived experience.⁴⁸

Paul Ricoeur's theory on personal identity as narrative will serve as the framework for this development. For the purposes of this chapter, lived experience refers to the first-hand experiences of a person; lived experience, then, is different from experience-like knowledge one might accrue through reading a book or watching a movie, in that it refers to having 'lived through' a situation. In this section, my main goal is to set out how gender might be defined as narrative, how one might find the meaning of gender in narrative, and more precisely, a narrative of lived experience. Analysing the representation of the gendered subject in war discourses requires, first of all, a precise way of describing the "gendered subject", and therefore, a definition of gender that is attentive to and can account for the way in which war discourses genders its subject.

In order to construct this approach to gender, I will first examine personal identity as narrative, as set out by Paul Ricoeur in *Oneself as Another*. Secondly, I will suggest that Butler's theory of gender as performance can be read in dialogue with Ricoeur, and that some of her insights can be used with Ricoeur's ideas to construct a theory of gender as narrative. This section will conclude by pointing towards the ethical dimensions of gender as narrative as these arise out of the construction of the theory. This section contributes to our understanding of gender, and how persons are gendered. In the overall argument of the thesis, this understanding will assist in analysing how the concepts that underlie moral equality - especially victimhood, defence, and community - are also gendered. Consequently, the current section forms the basis for a number of further aspects of my analysis, especially gendered narratives of wartime, which will be explored in Chapter 5, and in Chapter 6, where narrative will play a significant role in the reconceptualisation of moral equality.

The idea that gender is an element of personal identity is not a new one. Indeed, the multifaceted construction of personal identity has often been recog-

48. Ronald J. Berger and Richard Quinney, eds., *Storytelling Sociology: Narrative as Social Inquiry* (London and Boulder: Lynne Rienner Publishers, 2005), 5.

nised, among others by Amartya Sen in his *Identity and Violence*. Approaches to personal identity that point out the multiple axes of understanding and construction of identity have long since described personal identity with a variety of terms, including race, gender, sex, sexual orientation, disability, nationality, as well as in terms of other characteristics a person might have. At different times and in different places, different elements of a person's identity might be prioritised when persons want to describe themselves. In the context of a conversation about an ethnic group's freedom struggle, the element of personal identity that would be privileged is more likely to be ethnicity than sex.⁴⁹

Identity, therefore, is multifaceted, and could be described as fluid: the substance remains more or less the same, but the shape, the form, is subject to change. Although the fluidity of (social) identity is by now an accepted idea in social science, it has been the subject of much debate in philosophy. This debate has focused on the (seeming) contradiction between identity as an indication of 'two or n of the same', and identity as expressing selfhood. A focus on the selfhood of a person – who changes naturally over time, moving from newborn to old person – seems to be unable to integrate the notion of identity as sameness, and thus we are presented with a paradox. Paul Ricoeur proposes a solution to this paradox that I will use in my approach to the construction of gender. In *Oneself as Another*, he argues that a personal identity that includes both sameness and selfhood is a viable concept when unified with narrative theory. Identity, then, has two general meanings: identity as sameness (also called idem identity) and identity as selfhood (also called ipse identity).

These two concepts of identity have traditionally been treated as separate concepts. However, in *Oneself as Another*, Paul Ricoeur argues that, in fact, they constitute a dialectical relationship. Therefore, personal identity should not be exclusively described either in terms of sameness or selfhood.⁵⁰ Rather, as Ricoeur shows, these two concepts overlap and touch upon each other, and can be combined using narrative theory.

His argument can be outlined as follows. Starting with the concept of idem identity, we need to distinguish between two forms of sameness: numerical identity, and qualitative identity. To quote Ricoeur: "First comes numerical identity: thus, we say of two occurrences of a thing, designated by an invariable noun in ordinary language, that they do not form different things but 'one and the same' thing."⁵¹

49. Amartya Sen, *Identity and Violence: The Illusion of Destiny* (London: Penguin Books, 2007).

50. Paul Ricoeur, *Oneself as Another* (Chicago and London: University of Chicago Press, 1995), 114.

51. *Ibid.*, 116.

Numerical identity, therefore, refers to the sense of “reidentification of the same”.⁵² Qualitative resemblance, however, refers to extreme likeness of two or more things. Although these two concepts are never entirely the same, they are related to each other by the passage of time. Because the passage of time can make the re-identification of the same difficult, we can turn to the extreme likeness of two things (which we encounter at different moments in time) to presume numerical identity.⁵³ This implies a need for permanence in time of at least one element in order to refer to something as *idem* identity. This is also true for personal identity.⁵⁴

Of course, this brings up the question which elements of personal identity are permanent in time. Here, Ricoeur suggests two elements: character and keeping one’s word. Character, however, can be conceptualised both in terms of sameness and selfhood - *idem* and *ipse* overlap - whereas keeping one’s word can be characterised solely in terms of selfhood, or *ipse* identity.⁵⁵

It is then in these elements, that operate as the factors permanent in time, that *ipse* and *idem* form a dialectic relationship and, in the case of personal identity, cannot be seen as separate. In this framework, character consists of two elements: habits, and what Ricoeur calls “acquired identifications”. Habits, as repetitive acts, “(...) give history to character, but this is a history in which sedimentation tends to cover over the innovation which preceded it, even to the point of abolishing the latter. (...) It is this sedimentation which confers on character the sort of performance in time that I am interpreting here as the overlapping of *ipse* by *idem*.”⁵⁶

When we say that someone acts out of character, we mean that this person does something he or she usually does not do. Acquired identifications, then, refer to the way we relate ourselves to other people, ideas or things: “To a large extent, in fact, the identity of a person or a community is made up of these identifications with values, norms, ideals, models, and heroes, in which the person or the community recognises itself. Recognising oneself in contributes to recognising oneself by.”⁵⁷ By identifying ourselves with another, we strive towards sameness, or *idem* identity.

Character, then, can be described as an overlap of *ipse* with *idem* because in our attempt to constitute our selves, we are trying to reach sameness, either through identification with an other, or through repeating the same actions that partly constitute character.⁵⁸

52. *Ibid.*

53. *Ibid.*

54. *Ibid.*, 117.

55. *Ibid.*, 118.

56. *Ibid.*, 121.

57. *Ibid.*

58. *Ibid.*

The other element of personal identity that points towards permanence in time is keeping one's word. Keeping one's word, however, can only be seen in terms of ipse identity. It refers exactly to what it says: "keeping one's word in faithfulness to the word that has been given." Because only the question 'who?' can be asked in this respect (as opposed to 'what?'), keeping one's word expresses a self-constancy - that forms the ultimate expression of selfhood.⁵⁹

If the issue of permanence in time is central to our notion of personal identity, and if the elements of personal identity that can be characterised as permanent in time are character and keeping one's word - sameness and self-constancy - we are presented with a picture where personal identity is caught in a dialectic between idem and ipse identity. This is where the importance of narrative comes to the fore. However, this exploration also begs the question of how this might help us address the issues with the existing approaches to gender.

This question can be answered by mapping Judith Butler's theory of the performativity of gender unto Ricoeur's theory of personal identity. Here, I will start with giving a short summary of my discussion of Butler in the previous sections. In Butler's theory, gender is conceptualised as extremely fluid. If one is not born a woman, but rather one becomes one, then the female body is an arbitrary locus of the female gender; in other words, sex and gender need not necessarily overlap. It follows that meaning is located in neither society nor body. Rather, Butler argues, gender is constructed in relation to non-normative sexual practices. To quote Butler:

"In this sense, gender is not a noun, but neither is it a set of free-floating attributes, for we have seen that the substantive effect of gender is performatively produced and compelled by the regulatory practices of gender coherence. Hence, within the inherited discourse of the metaphysics of substance, gender proves to be performative - that is, constituting the identity it is purporting to be."⁶⁰

In simple words: the meaning of gender is located in the actions of a person that are interpreted in the discursive framework of the society in question. Butler's meaning is located in the dialectic of actions and discursive prescriptions. However, as I have discussed in the previous section, Butler's theory presupposes that action is signification is agency.⁶¹

This assumption holds as long as the analysis assumes that agency cannot exist outside action, and thus the analysis can only see action as signification. However, when one does not accept this premise, the possibilities for analysis

59. Ricoeur, *Oneself as Another*, 123.

60. Butler, *Gender Trouble*, 34.

61. *Ibid.*, 198.

of action are more limited, especially when the focus is on actions that do not express elements of gender, but do impose a gendered reading of the action because of the cultural intelligibility of that action. In the previous section, I gave the example of a woman who identifies as a woman who joins a resistance movement and kills people - thus engaging in masculine behaviour.

By plotting Butler's theory of performativity unto Ricoeur's theory of personal identity, the result is a theory of gender that is able to analyse behaviours that have been gendered by the discourse without reducing them to an expression of gender. The starting point for this effort is the centrality of the category of "action" as a vehicle of meaning, which is where the arguments of Butler and Ricoeur cross paths. However, before looking at this in more detail, it is necessary to first examine Butler's perspective on identity.

In the conclusion to *Gender Trouble*, Butler criticises approaches to the self and to identity that see the self as somehow separate from the discourse. Rather, she argues, the self is constituted by the discourse, according to the rules of the discourse. In Butler's opinion, therefore, the self cannot be seen as having an 'essence' outside of the discourse. She thinks it impossible that "(...) the culturally enmired subject negotiates its own constructions, even when those constructions are the very predicates of its own identity."⁶²

The form of identity that Butler describes here is what Ricoeur would refer to as *ipse* identity, or selfhood. Completely opposite to this is a subject constituted by his/her actions, or by a praxis: "Indeed, to understand identity as a *practice*, and as a signifying practice, is to understand culturally intelligible subjects as the resulting effects of a rule-bound discourse that inserts itself in the pervasive and mundane signifying acts of linguistic life."⁶³

The cultural discourse, then, posits the rules of intelligibility that govern the recognition of subjecthood: "Indeed, when the subject is said to be constituted, that means simply that the subject is a consequence of certain rule-governed discourses that govern the intelligible invocation of identity. The subject is not *determined* by the rules through which it is generated because signification is *not a founding act, but rather a regulated process of repetition* that both conceals itself and enforces its rules precisely through the production of substantializing effects."⁶⁴

Instead of seeing a substantial core as the essential element of selfhood, Butler proposes to look at identity as a complex of actions, repetitions, and variations on established repetitions, through which intelligible meaning can be conveyed. Thus, she discards the possibility of a pre-discursive self completely

62. Ibid., 195.

63. Ibid., 198.

64. Ibid.

and instead argues in favour of an identity that takes the shape of Ricoeur's sameness identity, or *idem* identity, in its focus on acts and repetition of acts. Also similar to Ricoeur, Butler sees the two poles of identity, *ipse* and *idem*, as complete opposites. However, contrary to Ricoeur, she discards one of them altogether, whereas Ricoeur takes a different approach, and this is where their theories start diverging once again. Ricoeur, having established that personal identity is formed by a dialectic between the two poles of sameness and selfhood, both of which express a permanence in time, resolves the paradox inherent in his theory when he proposes to see narrative theory as the element that governs the dialectic. To quote Ricoeur,

“(...) the specific model of the interconnection of events constituted by emplotment allows us to integrate with permanence in time what seems to be its contrary in the domain of sameness-identity, namely diversity, variability, discontinuity, and instability.”⁶⁵

In a sense, Ricoeur offers a solution for a problem that is also inherent in Butler's approach to the performativity of gender, which can also be explained on the level of sameness-identity. In Ricoeur's theory, sameness-identity, as we saw, is best expressed by the category of character, which consisted of habits, and acquired identifications. When Butler speaks of the performative actions of gender, she approaches the performance of gender in a similar way as Ricoeur approaches sameness identity, namely through repetitive actions and variations on those actions. However, this approach to gender can lead to gender trouble, the “diversity, variability, discontinuity, and instability” that Ricoeur speaks of, precisely because in Butler's theory the sexed body is an arbitrary locus of gender. And as in Ricoeur's theory, emplotment offers a starting point for incorporating these elements into a theory of gender identity as narrative.

The term ‘emplotment’ is derived from Aristotle's analysis of tragedy and epic poetry in his *Poetics*. Emplotment concerns the status of events in a plot, in a narrative. Events make up the plot of a story, but stories are never straightforward: the narrative event can have two functions. Firstly, it can impede the plot (something happens, but it doesn't contribute to bringing the narrative forward) - this is what Ricoeur calls discordance. Secondly, it can advance the plot - which Ricoeur calls concordance. At the time the event occurs, however, it is not sure yet what function the event has. To find this out, it is necessary to look back, or, to quote Ricoeur: “It only becomes an integral part of the story when understood after the fact, once it is transfigured by the so-to-speak retro-

65. Ricoeur, *Oneself as Another*, 140.

grade necessity which proceeds from the temporal totality carried to its term.” This, then, is a narrative necessity.⁶⁶

How, then, does this help us to connect with sameness-identity and permanence in time the elements of diversity, variability, discontinuity, and instability, which in the dimension of gender as narrative indicate the consequences of Butler’s gender trouble? According to Ricoeur, the dialectic of the discordant concordance of emplotment can also be seen in the identity of the character: “The thesis supported here will be that the identity of the character is comprehensible through the transfer to the character of the operation of emplotment, first applied to the action recounted; characters, we will say, are themselves plots.”⁶⁷ If characters themselves are plots, then the events that shape the characters will also be either discordant in relation to the plot, or concordant to the plot, or to the character.⁶⁸

Moreover, “[b]ecause of the concordant-discordant synthesis, the contingency of the event contributes to the necessity, retroactive so to speak, of the history of a life, to which is equated the identity of the character. Thus chance is transmuted into fate. And the identity of the character emplotted, so to speak, can be understood only in terms of this dialectic. (...) The narrative constructs the identity of the character, what can be called his or her narrative identity, in constructing that of the story told. It is the identity of the story that makes the identity of the character.”⁶⁹

Here, Ricoeur speaks of the contingency of events, and resolving this contingency by giving meaning to the events in the retroactive life history. This addresses my main critique of Butler’s performative approach to gender, namely the location of meaning solely in the performative. I would propose, following Ricoeur’s theory of identity as narrative, to see the performative as a potential, but limited source of meaning; the performative creates events and actions, but it is only after the actions are completed that they can be given any gendered meaning in the context of an overall ‘gender history of life’. Instead of locating meaning in the performative alone, meaning should be primarily located in the narrative project of making sense of those performances. This has the added benefit of having an ethical dimension, which will be discussed in the next section.

66. *Ibid.*, 142.

67. *Ibid.*, 143.

68. *Ibid.*

69. *Ibid.*, 147-148.

2.7 ETHICAL DIMENSIONS

In the previous section, the construction of (personal and communal) identity as narrative was explored, using Paul Ricoeur's approach to the topic in *Oneself as Another* as a guide. Ricoeur's theory was then used to highlight the possibility of a narrative approach to gender by examining the cross-sections of Judith Butler's performative approach to gender and Ricoeur's narrative approach to personal identity. The section concluded that, by combining the two approaches, the locus of meaning of gender could be found in the narrative of a life history instead of being limited to the performative. This, as was mentioned, has ethical implications as well.⁷⁰ The current section intends to examine these ethical implications, and will do so by focusing on three dimensions. First, the philosophical dimensions will be explored. Second, the gendered dimension will be examined. We will conclude by discussing the idea of situated knowledges.

First, the philosophical dimension of the ethical implications. In order to examine the philosophical dimensions of the postulated relationship between ethics and personal identity as narrative, we return once more to Ricoeur in *Oneself as Another*. In our analysis of emplotment and the character as plot, we focused on how events are given meaning in the retrospective narrative, in the life history so to speak. When examining the ethical dimensions of personal and communal identity as narrative, however, it is necessary to take a closer look at actions and events. The meaning of actions is not self-limiting; rather, the meaning of an action depends on the place of the action in what Ricoeur calls 'praxis'.

Praxes are combinations of actions that together have meaning. Imagine, for example, a chessboard with pieces. If a toddler walks by, grabs the pawn and moves it across the board, it does not have the same meaning as that same action would when Gary Kasparov and Bobby Fisher sit across from each other and one of them moves the pawn. The context, governed by what is called the *constitutive rule*, determines when an action acquires a meaning: "(...) the unit of configuration constitutive of a practice is based upon a particular relation of meaning, that expressed by the notion of constitutive rule(...)." ⁷¹

When applied to personal identity, we see that life is made up of different practices; in turn, these practices are part of 'life plans'. Life plans can be described as complexes of practices that move towards a certain goal, or what Alasdair MacIntyre describes as: "The unity of a human life is the unity of

70. Butler, in *Giving an Account of Oneself*, addresses the ethical dimensions of narrative as well, but not in relation to gender. Moreover, her approach differs from Ricoeur's approach. In this thesis, however, we will limit ourselves to Ricoeur's work.

71. Ricoeur, *Oneself as Another*, 154.

a narrative quest.”⁷² It is this ‘moving toward’ that brings with it ethical consequences. Ricoeur: “How, indeed, could a subject of action give an ethical character to his or her own life taken as a whole, if this life were not gathered together in some way, and how could this occur if not, precisely, in the form of a narrative?”⁷³ This analysis of the ethical dimensions of narrative can be extended further, but we will not take up this topic in the current work.

The second dimension that we will discuss is gender. Gender, when seen as a narrative, gets an ethical dimension in a similar way. The actions that express an element of gender get meaning in praxis, and form part of a ‘life plan,’ moving towards the good. In the case of gender, gender identity can be seen as a life plan. The gender identity one acts out is the one that we consider best - whether this is a conscious choice or not. Gender identity can thus be both gender conforming - being in line with the general discourse - or gender non-conforming, causing gender trouble.

The most important part to remember, however, is that it is in looking back on our actions and incorporating them in a narrative, or alternatively leaving them out - in other words, emplotting them - we narrate our gender identity. A consequence of this emplotting is that it is not necessary to let all actions count toward our gender identity, and so, on an individual level, behaviour that might be seen as gender non-conforming might not play a role in one’s personal gender narrative. This carries great significance for analysing the role of gender in defence of the community, which can take a great many forms; for example, it can be seen if we take another look at our example of the woman who joins a freedom movement and kills people.

Killing people, as will be discussed in Chapter 4, is a highly gendered activity. A woman who engages in killing and fighting in a war engages in behaviour that is usually seen as masculine. It is intentional behaviour, moreover, although not for the purpose of performing a certain gender identity. If we were to apply Butler’s performative approach to this case, we run into problems, because the theory limits our ability to interpret this woman’s actions, her performance, from a spectator point-of-view, as not being gendered. However, if we were to listen to this hypothetical woman’s description of her actions, and asked her about whether she thought this masculine behaviour would have any influence on her gender identity, the answer would more than likely be ‘no’ because her goals were not performing gender identity but fighting for a cause.

72. Alasdair MacIntyre, *After Virtue. A Study in Moral Theory*, Second Edition (London: Duckworth, 1985), 219.

73. Ricoeur, *Oneself as Another*, 158.

The first element of gender and ethics, then, is that by being able to retroactively choose which actions are significant for our picture of identity, we are able to fashion our actions – in this case with respect to gender – into a very specific gender identity. Fashioning one gender identity does not automatically imply denouncing another gender identity, however, although it is possible; this depends on the narrative that makes sense of the gender identity. At the very basis, it is a choice of one over another, in *individual* circumstances. This, then, is the first normative element of narrative gender.

As was discussed in the beginning of this section, gender is only one element of personal identity, and therefore, narrating gender is not the only way we move towards the good. All elements of personal identity can be expressed in a narrative, and all of these elements will therefore have an impact on our own normative and ethical goals, on our picture of the good. This process does not occur in isolation, however. Referring back to Ricoeur's description of *idem* identity, we saw that the *idem* component of personal identity was shaped primarily by character. One of the elements of character was formed by the acquired identifications – the way in which we determine our actions in reference to heroes, historical examples, et cetera.

Our acquired identifications indicate the extent to which our personal identities are also shaped in relation to the discourses of the social situations that we find ourselves in. This means that the discourse also impacts the relation of ethics to personal identity: the actions that follow from our identification with a certain element that we learned about from the discourse take on meaning in a praxis, which in turn forms part of a life plan, which indicates a moving toward, moving toward a normative horizon. What does this mean for gender as an element of personal identity? The acquired identifications have us borrow elements from the discourse, but as was argued, this is not the only component to personal identity, or to gender for that matter. The narrative of personal identity also indicates a moving toward a normative horizon that is wider than just the normative horizon of gender – the personal identity narrative moves towards a normative horizon that is indicative more of the whole person, rather than one element of this.

Before concluding this chapter, I want to discuss a critique of the theory of ethics of narrative. A frequently heard critique of discursive theory, and a narrative approach to personal identity can be seen as part of this body of theories, is that a focus on discourses and narratives eradicates all attempts to consider the truth. Therefore, any approach to ethics that is based in a discursive approach cannot but consist of contingencies and relativist ideas.

At first sight, this seems a valid critique. However, we might ask if there is such a thing as 'the truth': one, absolute, incontestable, unchanging, and,

most importantly, one knowable, truth. Although the topic is too wide to be elaborately discussed here, I would like to argue that the possibility of one truth knowable to all, regardless of a person's circumstances, seems highly unlikely to me. We might know parts of that truth, elements, dimensions, but what (we think) we know depends to a large extent on our circumstances. Moreover, our knowledge always underlies our narratives.

2.8 CONCLUSION

In this chapter, I have examined the different approaches to gender. I have also foregrounded a narrative identity-based approach to gender, an approach which allows for continuous contextualisation of acts and events. The theme of the importance of context will be picked up again in Chapter 6 where we will discuss feminist ethics; especially for the care-based approaches to ethics, context is also crucial.

The focus of the current chapter was on existing theories of gender construction and their limits. Using two criteria - locus of meaning, and the signifier-signified relationship - as terms of description, I have argued that gender is always a social interpretation of the sexed body, but the specifics of each theory on gender construction differ on where they locate meaning, and how they envision the relation between signifier (body) and signified (gender).

This theoretical overview will enable us to look at concepts such as victimhood and examine how different authors construct this concept. By distinguishing between signified and signifier, we can ask which meanings are incorporated into victimhood, and whether these are directly arrived from biological characteristics (which would point to an essentialist perspectives) or if these meanings are the result of societal processes (which would indicate social-constructivism). Then, we can compare these meanings to relevant information. For example, if the construction of soldiers as men is supported by arguments that refer to men's greater strength than women, we can look for examples that show that female soldiers have functioned just as well as men. Then we can argue that the exclusive definition of soldiers as men or masculine is not accurate. Therefore, this chapter's examination of the different theoretical perspectives on gender will allow us to critique the construction of the different concepts underlying moral equality.

We discussed the existing (groups of) theories on gender construction, namely essentialism, social-constructivism, and postmodernism, which were each found to have some shortcomings. Essentialist and social-constructivist approaches were problematic mainly because these theories had implications for another theoretical realm that is inextricably linked to gender (sexuality).

Judith Butler's performative approach to gender, however, suffered from a different problem, namely the loss of meaning resulting from the destabilisation of the signifier-signified relationship. It was argued that, although Butler's theory does a very good job at envisioning sites of resistance, its main problem is that by envisioning agency as action, it becomes impossible to separate action from agency, which limits its analytical potential for analyses of gender and war.

Instead, I proposed a narrative approach to gender that fuses Paul Ricoeur's narrative theory of personal identity to Judith Butler's performative approach. Seeing gender as constituted by actions that need to be made sense of, retroactively, in a narrative, it is possible to locate meaning, resistance, and agency in narrative. This has two benefits: it already hints at the ethical, which will be explored further in the second part of this thesis; and secondly, it enables us to separate agency from action and look at personal, gendered, experiences of war and defence of the community without reductively attributing them to a gender expression. This will play a significant role in Chapter 4. It is this approach to gender that is rooted in Ricoeur's theory of narrative identity that will underlie the approach to gender in the reconceptualisation of moral equality.

This is exactly the point that should be kept in mind for the next two chapters. Although our knowledge is always partial, our discourses and theories of war (but not only our accounts of war!) seem to be partial in only one way, namely biased towards the masculine. Therefore, Chapter 4 will examine how war is constructed in a way that privileges the masculine, and how war discourses fail to include women's experiences. Before we do this, however, we will first examine another concept that plays a significant role in Michael Walzer's argument for moral equality: war. Although Walzer seems to assume that wars are interstate wars between nation-states, in the next chapter, it will become clear that warfare in the 20th and 21st century is characterised by an incredible diversification of the types of wars and the types of actors.

The underlying assumptions in Michael Walzer's explanation of moral equality have been accepted at face value. In Chapter 2, we gave an overview of the different theories about gender. These theories will be used to address the gendered construction of victimhood, defence, and community. Walzer also makes assumptions about the nature of war. These assumptions, which concern the place of the state as the central actor in wartime, and wars conceived as interstate wars, shape our understanding of moral equality. At the same time, however, these assumptions also shape the applicability of the concept. During the 20th century, warfare has changed. The forms that a war can take have diversified. How should we understand moral equality in time of war when war does no longer necessarily mean an interstate war? This is one of the questions that will be explored in this chapter. The second question that we will try to answer concerns the relation between soldiers, community, and state. Walzer envisions this as a more or less linear relationship: soldiers are employed by the state in defence of the community. However, given the changes in warfare that have taken place, the linearity of this relation is no longer self-evident. Therefore, we will explore the possible variations of this relationship, and explain if, and how, they affect moral equality.

In order to answer these questions, the next two sections will critique the two assumptions that shape Walzer's work on moral equality. First, we will look at the different types of war that have played a role in 20th and 21st century warfare, explaining how they are defined and how those definitions determine how we perceive problems. This discussion is not intended to provide an exhaustive list of all types of war, but rather, it will provide a starting point for our reconsideration of moral equality in a wider context.

The next section will look at the diversification of actors in warfare. Although states have long been seen as the main actors, or the only important actors for that matter, I will argue that this is no longer a sustainable assumption. This section intersects with the discussion on types of warfare, and can be read as an extension of the argument contained therein. However, its goal is to provide the context for a critique of Walzer's assumption that states are the main actors in wartime.

The three sections after that take their cue from the context that has been provided in the other two sections and will discuss in detail how the unten-

ability of the assumptions affects the applicability of Walzer's theory of moral equality in particular situations. We will discuss moral equality in relation to collective defence and collective security, because in those contexts, soldiers do not defend their own communities. We will also look at the effect of community disagreement with war, because there, soldiers do not *represent* the opinion of their community. Another topic that will be taken up is the theoretical aspects of a state who considers its own community a threat. This is in line with many contemporary discussions about homegrown terrorism. The final section will look at the increased role of Private Military and Security Company (PMSC)s in the war context. The moral equality of soldiers who work for these companies is questionable because they do not fight for their own community, nor are they put to work by a state.

As a concluding note, I wish to point out that the goal of this chapter is not to invalidate Walzer's explanation of moral equality. Rather, it is necessary to put Walzer's argument in its historical context. The first edition of *Just and Unjust Wars* was published in 1977; many of the 'challenges' that will be discussed became issues only after 1977. Walzer was limited by the insights and current events of his time, just as this work is limited by current insights and events. This is at the same time, however, a reason to critically examine the assumptions that Walzer made and test his theory against current events to see if it still holds or if it needs to be adjusted. This is exactly what we are going to do.

3.1 TYPES OF WAR: RECONSIDERING ASSUMPTIONS

In this section we will take a critical look at the assumptions about war that Walzer has been working with. There are two overlapping categories of assumptions that need to be addressed: about the form of war, and about actors. The goal of this section and the next is, then, to answer two questions. One, which types of war are relevant for discussing moral equality? Two, which actors are relevant? This section will discuss the first question; the following section takes up the second question.

Our understanding of the challenges to moral equality has been shaped and limited by the terms in which the problem has been constructed. One of those terms was the definition of war that we have been working with; it was implicitly informed by the terms in which Michael Walzer explained the concept of moral equality. Walzer's explanation of moral equality, as we already mentioned in Chapter 1, centres around the nation-state. As an extension of this understanding, the type of war that he sees is of the classic, interstate variety. But is this the only relevant type of war? Or conversely, will moral equality

remain relevant if it only applies to the classic interstate war? In my opinion, other types of war are also relevant. I will discuss different types of war and explain why they are relevant. This is not meant to be an exhaustive list of types of war; I will only discuss the types of war that are relevant to the discussion at hand.

The first type of war that I want to discuss is total war. Both the First and the Second World War are examples of total war. There is not one final definition of this term; however, in his review¹ of a five-volume series on the history of total war published by Cambridge University Press, Talbot Imlay discusses the different tendencies and characteristics of total war.

One such tendency is the “(...)deliberate and large-scale violence perpetrated on civilians.”² However, civilians are not only the target of attacks in total war; they also support a significant part of the war effort. This can take the form of the production of food and ammunition, such as in Germany and Great Britain during the Second World War. It can also take the form of tasks of a more military nature, such as the Home Guard (or Local Defence Volunteers) in Great Britain; the Home Guard mainly consisted of people who were, for various reasons, ineligible for military service.

Another tendency is the methods of war. “Technological and industrial advances permitted the large-scale production of armaments on land, sea and in the air whose destructive power and reach increased by leaps and bounds. (...) Put simply, over time it became possible to kill more people more quickly - soldiers as well as civilians - on a consistent basis.”³

A third tendency of (definitions of) total war refers to the use of national resources. A characteristic of total war is that a significant amount of resources is used for the war effort. Imlay adds to this that it is not only a matter of the state mobilising the population, but also of the population mobilising itself, for example in lobby groups.⁴

There are downsides to this as well, however. “Indeed, the flip side of greater mobilisation was increased state control of its citizens and inhabitants in war-time through direct means such as surveillance and repression and indirect means such as censorship and propaganda.”⁵

Moreover, the population is mobilised not only through activities, but also emotionally, as A.E. Ashworth notes: “It is important to note that populations are mobilised both in terms of activities and psychological states; the former implies comprehensive military and civilian conscription; the latter implies the

1. Talbot Imlay, ‘Total war’, *Journal of Strategic Studies* 30, no. 3 (2007): 547–570.

2. *Ibid.*, 551.

3. *Ibid.*, 552.

4. *Ibid.*, 553.

5. *Ibid.*

systematic development of belligerent and hostile attitudes towards the enemy among all or most of the population.”⁶

Total wars are furthermore characterised by the “(...) expanding scope of war aims.”⁷ Whereas limited wars are usually characterised by limited goals (such as territorial gains), total wars aim for outright victory, “(...) defined not simply as the defeat of an enemy’s armed forces, but also more ambitiously as the replacement of its political regime, which often entailed a period of post-war occupation.”⁸

A final characteristic of total war is its expanding geographic scope.⁹ The Second World War, for example, took place not only in Europe, but also in Africa, and in Asia between Japan and China, and Japan and the United States.

In a way, total wars are a more intense variety of limited interstate wars. However, this difference is exactly what matters. When Walzer talks about moral equality, one of the requirements or assumptions he discusses is that soldiers are ‘sacrificed’ by a state, and that by doing so, the damage will be limited to the soldiers and the community will be exempted. However, one of the main characteristics of total war is the disproportionate impact that total war has on the home front. In total wars, civilians are targets of attacks - not as collateral damage, but as a strategy - and equally, civilian mobilisation, for example to work in munition factories, is crucial for the war effort. One might say that a total war is not about attacking the other army, but the other community.

A second type of war that needs to be discussed is the combination insurgency-counterinsurgency. Although insurgencies are often seen as a feature of the Cold War, many contemporary conflicts have insurgency or counterinsurgency characteristics as well. The US military defines an insurgency as “(...) an organised, protracted politico-military struggle designed to weaken the control and legitimacy of an established government, occupying power or other political authority while increasing insurgent control[.]”¹⁰

However, other definitions of insurgency also exist; these definitions expand the scope of what can be recognised as an insurgency, as we shall highlight below. James Fearon and David Laitin define ‘insurgency’ as follows: “Insurgency is a technology of military conflict characterised by small, lightly armed bands practicing guerrilla warfare from rural base areas. As a form of warfare insurgency can be harnessed to diverse political agendas, motivations,

6. A.E. Ashworth, ‘The Sociology of Trench Warfare 1914-1918’, *The British Journal of Sociology* 19, no. 4 (December 1968): 407.

7. Imlay, ‘Total war’, 554.

8. *Ibid.*

9. *Ibid.*

10. *Counterinsurgency. FM 3-24. MCWP 3-33.5* (Washington, DC: Headquarters Department of the Army, December 2006), 1-1.

and grievances. The concept is most closely associated with communist insurgency, but the methods have equally served Islamic fundamentalists, ethnic nationalists or ‘rebels’ who focus mainly on traffic in coca or diamonds.”¹¹

This definition shows a significant overlap with the one proposed by David Kilcullen. Kilcullen defines ‘insurgency’ as: “By definition, insurgent movements are grassroots uprisings that seek to overthrow established governments or societal orders. They are popular uprisings that employ subversion, guerrilla tactics, and terrorism against the established power of states and conventional military forces. Many, including the Islamist *jihād*, draw their foot soldiers from deprived socio-economic groups and their leadership from alienated, radicalised elites.”¹²

Table 1: Comparison of definitions and characteristics of insurgency

Dimensions	Fearon and Laitin	Kilcullen
Location	Insurgents have a rural base.	Not defined; remains open to possibility of urban insurgency.
Armament	Insurgents are lightly armed.	Does not define level of armament.
Tactics	Insurgents use tactics of guerrilla warfare.	Insurgents use tactics such as guerrilla warfare, subversion, and terrorism.
Origins	Not defined.	Insurgencies have a grassroots nature; foot soldiers are from deprived socio-economic groups and leadership are from alienated, radicalised elites.

The differences between these definitions are significant. Whereas Fearon and Laitin’s definition appears mostly geared to giving a thorough description of insurgencies during the Cold War (and especially during the earlier decades of the Cold War), Kilcullen’s definition is wider in its scope and offers the possibility of being applied to conflicts other than the insurgencies during the Cold War. What both definitions have in common, however, is that the key parties to an insurgency are non-government groups and governments. Other governments can also be involved.

The comparison of these definitions shows how a definition limits how one sees a problem. By including in a definition a requirement along the lines

11. James D. Fearon and David D. Laitin, ‘Ethnicity, Insurgency, and Civil War’, *American Political Science Review* 97, no. 1 (2003): 75.

12. David J. Kilcullen, ‘Countering Global Insurgency’, *The Journal of Strategic Studies* 28, no. 4 (2005): 603.

of insurgents having a rural base, as Fearon and Laitin do, it blinds one to the possibility of insurgency-like warfare in urban areas. This, in turn, has an impact on the terms in which we discuss moral equality. For example, if we were to discuss moral equality in counterinsurgency warfare, we need to ask whether insurgents count as combatants for the purpose of the discussion. The next question would be who counts as an insurgent; if Fearon and Laitin's definition were to be used, then people or groups who act predominantly in cities and not in rural areas would not be seen as insurgents. This is of course a stylised representation of a possible analysis, lacking any nuance, but it gets the message that definitions determine what one sees as relevant or applicable across.

Above, we have already mentioned counterinsurgency. If an insurgency is, according to the US military, '(...) an organised, protracted politico-military struggle designed to weaken the control and legitimacy of an established government, occupying power or other political authority while increasing insurgent control[.]' then a counterinsurgency is "(...) military, paramilitary, political, economic, psychological, and civic actions taken by a government to defeat insurgency."¹³

The British response to the Malayan Emergency (1948–1960) is often seen as the paradigmatic case for counterinsurgency. The 'lessons learned' from the Malayan case have been summed up by Karl Hack as follows: "(1) 'population control'; (2) persuasion, or 'winning hearts and minds' through using minimum force, political concessions, and social provision; (3) command, unified and dynamic leadership; and (4) the need for security forces to become effective 'learning organisations.'¹⁴

'Winning hearts and minds' in particular has become the catchphrase for all later counterinsurgencies. Winning hearts and minds is often described as convincing people both emotionally and logically that supporting the government instead of the insurgents is the best road to take. The US Counterinsurgency Manual (FM 3–24) defines this as follows: "'Hearts' means persuading people that their best interests are served by COIN [counterinsurgency-AG] success. 'Minds' means convincing them that the force can protect them and that resisting is pointless. Note that neither concerns whether people like Soldiers and Marines. Calculated self-interest, not emotion, is what counts."¹⁵

Hack defines population control as it was used during the Malayan emergency as follows: "(...) [t]he power to detain without trial for up to two years, mass deportation, group punishment of villages including collective fines, de-

13. *Counterinsurgency. FM 3-24. MCWP 3-33.5, 1-1.*

14. Karl Hack, 'The Malayan Emergency as Counter-Insurgency Paradigm', *The Journal of Strategic Studies* 32, no. 3 (2009): 384.

15. *Counterinsurgency. FM 3-24. MCWP 3-33.5, A-5.*

tention of all persons in a specified area, control of food and shops, curfews, the death penalty for carrying arms, control of printed material, and an identity card scheme for all adults.”¹⁶

As one can see, winning hearts and minds, but especially population control, are very specific methods for dealing with a group of people who are not soldiers, but who are perceived as posing a threat. It goes far beyond policing an area; instead, it is about establishing political control. In this sense, counterinsurgency truly counts as warfare, because political control is usually one of the highest stakes in a war. This expresses itself in tactics as well. So, for example, although the First Gulf War (which will be discussed below) was not a counterinsurgency, it illustrates the importance of establishing control: Iraqi command and control was one of the first targets.¹⁷ However, in a counterinsurgency, political control is not sufficient; a certain degree of social control is also necessary. That is the goal of population control, as defined above.

Counterinsurgency is also a relevant type of war to discuss in the context of Walzer’s use of interstate wars as the paradigmatic mode of warfare. Recent conflicts, such as the second stage of the Iraq war, have many of the characteristics of a counterinsurgency. In fact, the US military’s counterinsurgency manual, FM 3–24, was updated in 2006, for the first time in twenty years, in response to the wars in Iraq and Afghanistan, and again in 2014. Because insurgencies pose unique problems for the militaries responding to them, and because they are still a recent concept, it is important to look beyond interstate wars and also include these types of conflicts in the discussion.

The discussion about interstate wars versus other types of conflicts is also the topic of the discussion between proponents and opponents of the new wars thesis. A number of conflicts occurred in the 1990s after the Cold War had ended, most notably the First Gulf War (also called the Persian Gulf War), the war in the former Yugoslavia and the genocide and civil war in Rwanda. The First Gulf War was generally met with optimism, paradoxical as that may sound. “U.S. leaders had hoped that the Gulf War would set valuable precedents for the future - the punishment of aggression, the reaffirmation of sovereignty and territorial integrity (of both Kuwait and Iraq), the utility of the UN Security Council, and the willingness of the United States to lead the post-Cold War order, which President Bush [AG: senior] named the ‘New World Order.’¹⁸

Unfortunately, optimism alone proved insufficient to respond effectively to the war in the former Yugoslavia and the genocide in Rwanda. These wars

16. Hack, ‘The Malayan Emergency as Counter-Insurgency Paradigm’, 387–388.

17. ‘United States Central Command. Operation Desert Shield/Desert Storm. Executive Summary’, July 1991, 10, accessed 29th November 2014.

18. Joshua S. Goldstein, *International Relations*, 6th edition (New York: Pearson Longman, 2005), 44.

were, moreover, different from the Gulf War. Whereas the intervention in Iraq had taken place in response to a clear-cut, old-fashioned, interstate conflict, the war in the former Yugoslavia and the genocide in Rwanda seemed to be different. Sociologist Mary Kaldor has called these wars, most notably in Africa and Eastern Europe, 'new wars'. The new wars of the 1990s differ in goals, methods of warfare, and financing from wars in the previous decades, Kaldor argues.¹⁹

The table²⁰ below highlights what Kaldor has identified as the main differences between old wars and new wars. Looking at the criteria, it seems to describe the civil war in the former Yugoslavia, to name one example of what has been identified as a new war, to a tee.

Nevertheless, the new wars theory is not uncontroversial. The most compelling critique is given by Stathis N. Kalyvas, who argues that it is not warfare that has changed, but our interpretative frameworks. It is worth noticing that Kalyvas consistently talks about 'new' and 'old' *civil* wars, recognising that not all post-Cold War wars were the kind of internal wars that the new wars theory seeks to explain.

Kalyvas challenges the distinction between old and new civil wars by focusing on a lack of information, which on the one hand stems from incomplete or incorrect information about current wars, and on the other hand from neglecting historical research on earlier wars. For example, during the Vietnam war, the Vietcong already employed population control as one of its tactics,²¹ whereas Kaldor sees population control as specific to new wars. The lack of information, moreover, "(...) is compounded by the fact that the end of the cold war has robbed analysts of the clear categories that had made possible an orderly, if ultimately flawed, coding of civil wars. Accordingly, the distinction drawn between post-cold war conflicts and their predecessors may be attributable more to the demise of readily available conceptual categories than to the existence of profound differences."²²

This is an important point in understanding Kalyvas' disagreement with Mary Kaldor's concept of new wars. Kalyvas points out that what Kaldor describes as typical of new wars - the criminal element, looting and greed - can also be seen before the 1990s (Kalyvas mentions the Russian and Chinese revolutions),²³ thus raising doubts about what Kaldor perceives as a novelty. Moreover, Kalyvas argues that it is necessary to distinguish between the dy-

19. Mary Kaldor, *New and Old Wars: Organized Violence in a Global Era* (Cambridge: Polity Press, 1999), 6.

20. *Ibid.*, 6-9.

21. Stathis N. Kalyvas, 'New' and 'Old' Civil Wars: A Valid Distinction?', *World Politics* 54, no. 1 (October 2001): 110.

22. *Ibid.*, 99.

23. *Ibid.*, 106.

Table 2: Comparison of 'old' and 'new' wars

Dimensions	Old Wars	New Wars
Goals	Inspired by politics or ideology.	Governed by identity politics.
Mode of warfare	Military battles with the goal of capturing territory.	Capturing territory through political control of population; "(...) getting rid of everyone of a different identity."
Finance	Centralised, totalising, autarchic war economy.	Decentralised, globalised, war economy; plunder, black market, crime.

namics of a conflict on local levels and that on the higher levels,²⁴ because the relation between these two is often highly problematic. Local motivations for warfare might centre around entirely different problems than what is recognised as the cleavages of the central conflict. Kalyvas quotes research on the Cultural Revolution in China, that demonstrates this mechanism well:

"In his analysis of the Cultural Revolution in one Chinese village, Hinton reports that warring factions used the language of class struggle, with each faction claiming that the other represented landlords and counterrevolutionary elements. Hinton, however, found that the conflict was polarised around competing clans: the Lu family, which dominated the northern and larger section of the village, and the Shen family, which played a major role in the southern section of the village."²⁵

Additionally, based on the assumption that local and overarching motivations are the same, the conclusion is usually drawn that "(...) actors (e.g. Serbs) are unitary, and motives (e.g. ethnic domination) hold for all individual members and actions, including violence."²⁶ Next, actors are described "along 'modular' themes of religion, ethnicity, or class."²⁷ These labels are then seen as describing causation: "Civil wars (and their violence) are assumed to be directly caused by religious, ethnic, or class cleavages."²⁸

However, regardless of whether or not warfare has actually changed, as Kaldor claims, the attitude of the international community to internal wars has changed during the 1990s. Rather than seeing internal wars as an exten-

24. Stathis N. Kalyvas, 'The Ontology of 'Political Violence': Action and Identity in Civil Wars', *Perspectives on Politics* 1 (2003): 481.

25. Kalyvas, 'New' and 'Old' Civil Wars: A Valid Distinction?', 111.

26. Kalyvas, 'The Ontology of 'Political Violence'', 481.

27. *Ibid.*

28. *Ibid.*

sion or mirror image of the central Cold War ideological conflict, during the 1990s, internal wars were increasingly seen as an international problem that required intervention by the international community to stop them. This, in turn, led to an increase in international involvement with conflicts that were not interstate wars.

Another type of war that has developed during the second half of the 20th century is peacekeeping. Peacekeeping, in the strictest sense, is non-violent; peacekeepers are only allowed to use violence in self-defence, and sometimes, in defence of the mandate.²⁹ However, peacekeeping itself has evolved; in addition to peacekeeping, we now have peace enforcement, humanitarian intervention, and in the theoretical realm, the Responsibility to Protect (R2P) doctrine.³⁰

The *International Commission on Intervention and State Sovereignty*, which was created by the Canadian government, considered the relation between human rights and sovereignty and argued that in some cases the rights of the state might give way for the rights of the citizens to be protected - thus approving intervention in some cases. Although these types of missions have different forms and most importantly, different levels of sanctioned violence, their goal is the same: to be the third party that intervenes in conflicts. Peace enforcement missions are, in essence, a form of warfare that does not benefit the intervening country or organisation; instead, their goal is to enforce peace. Because it is still a form of warfare, however, it does need to be mentioned in discussions of warfare.

Above, I have aimed to show that there are types of war, other than interstate war, that are relevant in today's international context. For example, many contemporary conflicts have characteristics of counterinsurgency warfare, such as the wars in Afghanistan and Iraq. By discussing the definitions of these other types of war, I have aimed to show that the terms in which a war are described influence how an issue is seen.

I have used the different definitions of insurgency to show how the terms of a definition limit its applicability; while this may sound redundant, because it is in the nature of a definition to pinpoint precisely to which it does and does not apply, it can be problematic when the definitions used are arbitrarily chosen. It

29. Department of Peacekeeping Operations and Department of Field Support, *United Nations Peacekeeping Operations Principles and Guidelines*, technical report (New York: United Nations, 2008).

30. I consider the R2P doctrine to be theoretically distinct from humanitarian intervention. The R2P doctrine does not consider intervening for humanitarian reasons a violation of sovereignty, because it has reconceived sovereignty as depending on the responsibility of the state to protect its people. Humanitarian intervention, however, describes an intervention for humanitarian reasons while violating the sovereignty of the other state.

can also pose problems when definitions are cherry-picked to make sure that an argument works out in favour of one point of view and not another.

It is also necessary to put Walzer's argument in its historical context. The first edition of *Just and Unjust Wars* was published in 1977; the debate about new wars that was discussed above, only started in the 1990s. Walzer was limited by the insights and current events of his time, just as this work is limited by current insights and events. This is at the same time, however, a reason to critically examine the assumptions that Walzer made and test his theory against current events to see if it still holds or if it needs to be adjusted. After examining Walzer's second assumption - about states being the main actors - that is exactly what we are going to do.

3.2 STATES AS PRIMARY ACTORS: RECONSIDERING ASSUMPTIONS

States have long been perceived as the primary actors in international relations, ever since the consolidation of an international system of sovereign states in 1648 with the Peace of Westphalia. War has consequently been conceived of as a threat against the political sovereignty or territorial integrity of states. However, as we saw in the previous section, wars can take on numerous forms, and not all wars are fought between two or more states. Similarly, states are not the only actors in wartime; nevertheless, this is Michael Walzer's second assumption when he discusses moral equality, namely that states (and mostly, nation-states) are the main actors in a war. I will argue that this assumption is problematic, because increasingly, non-state actors play a large role in contemporary conflicts. Additionally, states regularly engage in warfare to in order to respond to non-state actors. Therefore, if we assume that states are the only relevant actors, we ignore an entire group of conflicts and actors in our considerations of moral equality.

To start discussing the assumption that states are the main relevant actors, we can look at the Second World War. Although the Second World War was an interstate war, ideology played a significant role in the war. Moreover, the ideological belief that the Aryan race was superior fed directly into the Holocaust. The fact that ideology and war coincided was one of the main causes of the severity of the Holocaust; if the Nazis had not occupied the other states, or if the Nazis had not deported Jews from the occupied states, the Holocaust would still have been terrible but many more Jews would have survived. Consequently, I agree with Doris Bergen when she argues that

“Hitler's Nazi regime in Germany provided the spark that set off the destruction we now call the Holocaust, and World War II (1939-1945) created a setting conducive to brutality. However,

without certain preconditions - the dry timber - mass murder on such a scale would not have been possible. People had to be prepared to accept the identification of other members of their societies. In other words, a substantial part of the population had to be ready to consider it desirable, acceptable, or at least unavoidable, that certain other people would be isolated, persecuted, and killed."³¹

Although states were the main actors in the *war*, when it came to occupation, resistance groups across Europe played a significant role. Their activities differed widely, both within and across countries, but most countries had groups that focused on rescue of Jews or on armed resistance against the occupation. The activities of these groups did play a role in the overall war, and therefore, they need to be included in the actors. An example of the connection of resistance groups to the war effort is the role of resistance groups in sending information about the weather to England. During World War II, air warfare played a significant role in the strategy, and British and American bomber planes would regularly fly to mainland Europe. For their exploits, information about the weather was crucial, but not easy to attain.

Therefore, a Dutch resistance group made it their speciality to collect information about the Dutch weather (the planes would regularly fly over or near the Netherlands), finding the necessary instruments, setting them up and hiding them, collecting the readings and transmitting the information to England. This was not a risk-free enterprise; because all radios in the Netherlands had been impounded, antennas had disappeared from public view. Transmitting information required a large antenna that was easy to spot, however.³² If one was caught transmitting information, it would be evidence of espionage, an offence for which one usually received the death penalty (although in many cases, the death penalty was not carried out, but the prisoners were disappeared - these prisoners were called *Nacht und Nebel* prisoners.)³³

Moreover, the Allies supported the efforts of resistance groups during the war; this could include weapons droppings, for example, but also bombing of targets that had specific value for the resistance. An example is the precision-bombing of Villa Kleykamp in The Hague, the Netherlands, in 1943. In Villa Kleykamp, a paper backup of the Dutch population register was kept. The scope for action of the resistance, which often falsified identity cards, was severely hampered by the existence of the backup registry, because it could

31. D.L. Bergen, *War and Genocide: A Concise History of the Holocaust*, Critical Issues in World and International History (Plymouth: Rowman & Littlefield Publishers, 2009), 1.

32. Loe de Jong, *Het Koninkrijk der Nederlanden in de Tweede Wereldoorlog*, vol. 7.2 (s-Gravenhage: Staatsuitgeverij, 1976), 874.

33. *Ibid.*, 869.

be used to prove that documents had been forged (for example, that the photo had been changed.) At request of a resistance worker, therefore, the Royal Air Force (RAF (1)) carried out a precision-bombing of the villa, on April 11, 1943.

At other times, the activities of the resistance bordered on being a form of insurgency warfare. For example, the French Maquis (armed resistance) carried out extensive acts of sabotage against the Nazis and the Vichy government. The activities of the resistance were limited by the (non)availability of weapons, and therefore, often focused on sabotage. Telephone lines and railway tracks were of strategic importance to the Nazi war effort, as well as relatively easy to sabotage; their length meant that it was impossible to guard them in their entirety.³⁴

Moreover, there were other reasons to curb resistance activities. First of all, there was a real danger that reprisals would be held against random people from the community.³⁵ This was a tactic the Nazis used across Occupied Europe. Second, the governments and military leaders in England, who were planning the Allied invasion, were hesitant about giving the resistance a large role. They doubted the resistance's effectiveness and feared reprisals against the community; therefore they envisioned a role for the resistance only after the invasion had begun.³⁶ This curbed the use of resistance groups as forward units by the military leaders during the war.

In other parts of Europe, especially Middle and Eastern Europe, resistance took the form of partisan warfare. Therefore, even within the Second World War as an interstate war, other actors than states were at play. These actors also made varying contributions to the overall war effort. If one sees states as the only actors in the Second World War, the efforts by groups such as the Bielski partisans are not recognised. This can be problematic in more dimensions than one, because it imposes a liberators/victims dichotomy on a large part of Europe. In the case of Jewish partisan groups, this is especially harmful. This is another variant on the point I made about Ricoeur's argument concerning acquired identifications, whereby ignoring parts of a story can have excluding groups of people from the communal narrative as one of its consequences.

A type of actor that has not been addressed so far is the terrorist. This was a conscious choice, because in my opinion terrorism and war are, conceptually, two different practices. However, the two often intersect and that is why terrorists *are* relevant actors that should be discussed in this section on actors

34. Sarah Farmer, 'The Communist Resistance in the Haute-Vienne', *French Historical Studies* 14, no. 1 (Spring 1985): 99–100.

35. See Farmer, 'The Communist Resistance in the Haute-Vienne'; and especially Robert Gildea, 'Resistance, Reprisals and Community in Occupied France', *Transactions of the Royal Historical Society* 13 (2003): 163–185.

36. Farmer, 'The Communist Resistance in the Haute-Vienne', 104–105.

in warfare. Generally speaking, terrorist organisations can have two possible goals: attract attention, and kill as many people as possible.³⁷ Sometimes they have both; sometimes, only one of the two. Terrorism during the Cold War was mainly characterised by the terrorists' goal of attracting attention.

For example, during, as well as after the Cold War, West Germany was plagued by attacks of the Baader-Meinhof group,³⁸ who called themselves the Rote Armee Fraktion (RAF (2)).³⁹ The Rote Armee Fraktion carried out numerous attacks from the 1970s well into the 1990s; these included killing police officers and public figures, but also bombings of US military targets in Germany (such as Ramstein Air Base) and shootings of NATO and US military personnel in Germany. Moreover, the Rote Armee Fraktion besieged the German embassy in Stockholm, Sweden. The 1977 hijacking of a Lufthansa plane from Mallorca to Frankfurt by Palestine Liberation Organisation (PLO) militants was also connected to the Rote Armee Fraktion. The demands of the hijackers were the same as the demands of the Rote Armee Fraktion commando that had kidnapped Hanns Martin Schleyer: in addition to the release of two Palestinian prisoners in Turkey and 15 million US dollars, the release of eleven imprisoned Rote Armee Fraktion members. These included the core members of the Rote Armee Fraktion - Andreas Baader, Gudrun Ensslin, and Horst Mahler, as well as Jan Carl Raspe and Irmgard Möller. When the hijacking had ended, these leaders committed suicide; Irmgard Möller was the only one who survived her suicide attempt. Ulrike Meinhof had died a year earlier, also by suicide.⁴⁰ The actions of the Rote Armee Fraktion - kidnapping, hijacking, and the embassy siege - were all geared at getting as much attention as possible, in the case of the Rote Armee Fraktion for a political cause.

Terrorist organisations such as the Rote Armee Fraktion and the PLO both had as their goal getting attention for a cause. The Japanese cult Aum Shinrikyo was one of the first terrorist organisations to have as their principal goal killing as many people as possible, in order to bring about the 'new world';⁴¹

37. Gavin Cameron, 'Multi-track Microproliferation: Lessons from Aum Shinrikyo and Al Qaida', *Studies in Conflict and Terrorism* 22, no. 4 (1999): 278.

38. This is the name the press used to describe them. Ulrike Meinhof did not belong to the leadership of the group, but her involvement in the rescue of Andreas Baader from prison and her status as a journalist led to the media including her name in the name of the group. The name Rote Armee Fraktion was first used in the *Konzept Stadtguerrilla* or *Urban Guerrilla Concept* (written by Meinhof) in 1971.

39. The RAF (2) was not the only terrorist group active in Germany during the Cold War. Other groups included the Revolutionary Cells (*Revolutionäre Zellen*) and the 2 June Movement (*Bewegung 2. Juni*).

40. See for a comprehensive overview Stefan Aust, *Het Baader Meinhof Complex* (Amsterdam: Lebowski, 2008).

41. The goals that Aum Shinrikyo hoped to attain with the sarin gas attacks were multiple and sometimes seemed to contradict each other. Cameron describes them as follows: "[Aum

it was part of the millenarian belief of the cult (which exists to this day). On March 20, 1995, the cult carried out a successful terrorist attack on the Tokyo subway, using sarin gas. Twelve people were killed and a further 6,000 were injured. Although the sarin gas attacks of 1995 were the only *successful* terrorist attacks by the cult, the cult members had done extensive research on weapons of mass destruction and on what would be the most effective way to kill as many people as possible. Aum Shinrikyo owned a number of research laboratories in addition to a Tokyo hospital. There, they did research into the production of sarin gas, botulism,⁴² as well as into the enrichment of uranium using a laser gun.⁴³ Under the guise of doing relief work, cult members even went to Africa in attempt to get samples of the Ebola haemorrhagic fever virus,⁴⁴ with the eventual goal of causing an epidemic in Japan. Because the Ebola viruses⁴⁵ are highly infectious, they are classified as a Category A biological weapon, a category that also includes, among others, the anthrax, plague, botulism and smallpox viruses.⁴⁶ This shows that the strategy and tactics of Aum Shinrikyo were markedly different from the Rote Armee Fraktion, whose goal was not to kill entire German cities but who used violence instrumentally and in a more limited manner than Aum Shinrikyo to bring about the change they wanted to see. Despite the fact that the actions of the above-mentioned groups were labelled as ‘terrorist’, they did not cause a military response.⁴⁷

This changed drastically after Al Qaeda attacked the World Trade Centre and the Pentagon on 9/11/2001. These attacks were prefaced by the bombings of the US embassies in Kenya and Tanzania in 1998, as well as the attack on the USS *Cole* in the Port of Aden, in 2000. The attacks in 1998 and 2000 were not responded to with military force; this changed with the 9/11 attacks. Although the wars in Afghanistan and Iraq were designated as ‘wars against terrorism’, they are technically speaking interstate wars. Nevertheless, both wars have strong elements of counterinsurgency warfare as well. The counter-

Shinrikyo] pursued weapons of mass destruction driven by a range of conflicting motivations: to punish the world it ultimately hoped to save; to speed Armageddon, necessary before salvation; to protect Asahara’s visionary status by ensuring that his prophecies came to fruition; and to satisfy Asahara’s fascination with such weapons.” Cameron, ‘Multi-track Microproliferation’, 279.

42. Botulism is a toxin produced by *Clostridium Botulinum* bacteria. The toxin can be used to infect food; infection with the toxin leads to muscle paralysis and death unless the patient is put on a ventilator. Center for Disease Control, ‘Facts about Botulism’, accessed 29th November 2014, <http://www.bt.cdc.gov/agent/botulism/factsheet.asp>

43. Cameron, ‘Multi-track Microproliferation’, 286.

44. World Health Organisation, ‘Ebola Virus Disease’, accessed 29th November 2014, <http://www.who.int/mediacentre/factsheets/fs103/en/>.

45. There are five subtypes of the Ebola virus, one of which, the Reston virus, only infects animals.

46. Center for Disease Control, ‘Bioterrorism Agents/Diseases’, accessed 29th November 2014, <http://www.bt.cdc.gov/agent/agentlist-category.asp>.

47. In Europe, the only exception is the Northern Irish case.

insurgency parts of the wars are aimed at terrorist groups, but not exclusively. In both Iraq and Afghanistan, there are groups that disagree with (some of the) political changes, and use violence to make their opinions heard. Additionally, sectarian warfare between different groups in the Iraqi and Afghan societies also plays a role in the counterinsurgency operations. If one were to define the wars in Iraq and Afghanistan as *only* interstate wars, one risks losing a lot of the nuance and, additionally, overlooking a range of possible challenges to moral equality.

A relatively new player entered the scene after the Cold War. PMSCs arose after the downscaling of many armies after the Cold War. PMSCs played a large role during the 2003 Iraq war; in fact, according to one Department of Defense census, there were more private contractors active in Iraq than armed forces personnel.⁴⁸

They carried out a range of tasks, ranging from logistics to maintaining and loading advanced weapons systems, such as the B-2 Stealth Bombers. Only a small part of private contractors' tasks involve armed activities, but this is where their somewhat questionable reputation as reckless modern-day mercenaries originates. This is a combination of two factors: the actual behaviour of some contractors (such as Blackwater) during the Iraq war, and the conflicting goals of states and contractors. Contractors are judged by how effective they are at their job, for example protecting a diplomat. How they carry out that task comes second. However, the method can be crucial in counterinsurgency operations such as the Iraq war, where antagonising the population is the worst approach one can take.⁴⁹ Arguably, the actions of Blackwater in Iraq, who were mainly hired to provide security for US diplomats, were of the antagonising sort, the 2007 Nisoun Square massacre, where Blackwater contractors killed⁵⁰ 17 civilians being the most infamous.⁵¹

Then, there is another part of diversification that we need to discuss: the growing role of international organisations such as the UN and NATO. In the First World War, the alliances between the different countries played an immensely important role in the war. These were relatively informal agreements, although their role was crucial in how the First World War developed. The UN and NATO differ from these alliances in that their founding Charters are aimed at limiting how their signatories can be engaged in warfare. Still, collective security plays an important role in both organisations. More important

48. Peter W. Singer, *Can't Win With 'Em, Can't Win Without 'Em: Private Military Contractors and Counterinsurgency*, Policy Paper 4 (Foreign Policy at Brookings, September 2007), iii.

49. *Ibid.*

50. The exact sequence of events has never become clear. Whereas the Blackwater employees claimed they were shot at, witnesses claimed that the contractors were the first to start shooting.

51. James Risen, 'Before Shooting in Iraq, a Warning on Blackwater', *New York Times*, June 2014, accessed 2nd September 2014.

than their statutory terms, however, are the roles the respective organisations have played in conflicts.

During the Cold War, the United Nations suffered from the politicisation of the Security Council that resulted from the superpower rivalry between the United States and the Soviet Union, and to a lesser extent, China. Therefore, during the Cold War, only some peace and security related actions were possible. After the Cold War and the success of the Persian Gulf War, there was a lot of optimism about possibilities for UN peacekeeping; this optimism played a large role in the decision-making about the Yugoslav war. The United Nations Protection Force (UNPROFOR) mission in Yugoslavia was not successful when it was at its best; where the mission failed, it failed dramatically, as when a battalion of Dutch peacekeepers (Dutchbat) was unable to protect⁵² thousands of Muslim men and boys when the Srebrenica safe area was overrun by the Bosnian Serb army.

During the war in Yugoslavia, NATO also got its first post-Cold War chance to act.⁵³ Established as a collective security organisation in the face of the communist threat during the Cold War, this was a chance for NATO to reinvent itself for the post-Cold War period. During the Yugoslav war, NATO was asked to assist, on a case-by-case basis, with elements of the UN peacekeeping missions. Concretely, these included monitoring of the arms embargo and other sanctions that the Security Council had imposed under resolutions 713 (1991)⁵⁴ and 757 (1992).⁵⁵ Later that year, the monitoring mission was expanded into enforcing the embargo and sanctions. Also, NATO monitored the no-fly zone that had been instated over Bosnia-Herzegovina under UNSCR 787 (1992),⁵⁶ which was extended into enforcing that same no-fly zone in April 1993. This was called Operation Deny Flight, and it was NATO's

52. Much has been written about the fall of Srebrenica, and although the failure of Dutchbat to carry out its responsibilities has been well-debated, only recently have court cases started addressing the issue of accountability. The Report by the Dutch Institute for War Documentation is an interesting read in this respect, an impressive 3875 pages long. *Srebrenica. Reconstruction, Background, Consequences and Analyses of the Fall of a 'Safe' Area*, technical report (Amsterdam: Dutch Institute for War Documentation (NIOD), s.d.) The cases against two of the most important actors in the fall of Srebrenica, Radovan Karadžić and Ratko Mladić, are still ongoing, but the judgments of the ICTY have so far shown to be highly informative both with respect to the legal analysis as to the historical and social context. See for an example the Tadić judgment, International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, *Prosecutor v. Duško Tadić a/k/a/ 'Dule'. Opinion and Judgment*, May 7, 1997.

53. NATO, 'Peace Support Operations in Bosnia and Herzegovina', accessed 29th November 2014, http://www.nato.int/cps/en/natolive/topics_52122.htm.

54. United Nations Security Council, 'Resolution 713 (1991)', September 1991, <http://www.nato.int/ifor/un/u910925a.htm>.

55. United Nations Security Council, 'Resolution 757 (1992)', May 1992, <http://www.nato.int/ifor/un/u920530a.htm>.

56. United Nations Security Council, 'Resolution 787 (1992)', November 1992, <http://www.nato.int/ifor/un/u921116a.htm>.

first ever military engagement. After the war had ended, NATO participated in the Implementation Force (IFOR) mission to implement the military aspects of the Dayton Agreements, and in the Stability Force (SFOR) mission to maintain peace and security in the former Yugoslavia.

NATO originated in Cold War politics, yet never saw any military engagement during the Cold War; paradoxically enough, it was after the Cold War that NATO saw its first military engagement during Operation Deny Flight. Since then, NATO has participated in a number of missions. These were military in nature, such as the second Gulf War and the 2011 UN mission in Libya; moreover, NATO also participated in humanitarian missions, such as assisting in the aftermath of Hurricane Katrina in the United States in 2005 and with earthquake relief after the big Pakistan earthquake in 2008. At the time of writing, NATO is active in Afghanistan, Kosovo, monitoring of the Mediterranean Sea as part of ongoing counterterrorism efforts since 9/11, counter-piracy off the Horn of Africa, as well as supporting the African Union (AU) with peacekeeping missions in Africa.⁵⁷

Finally, the last type of actor that we will mention here are peacekeepers. Now, the UN and peacekeepers should be considered to be two different types of actors. The UNPROFOR mission in Yugoslavia, mentioned above, illustrates why. The UN and peacekeepers have vastly different interests, decision-making power, and challenges that they have to deal with. To take Dutchbat as an example, it would not make sense to look at Dutchbat in Srebrenica and see it as *the same* actor as the UN. Secondly, not all peace missions are coordinated by the UN. For example, in 2013, at the request of the Malian government, France carried out a military operation in Mali, aimed at stabilising the country after the Tuareg rebellion in 2012. In July 2013, the UN took over and sent a peacekeeping mission, United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA). In other words, peacekeeping and the UN do not always overlap; therefore, to equate peacekeepers and the UN would be incorrect.

States have long been considered the main actors in war. This section has shown, however, that a diversification has taken place. Although states still play an important role in warfare, they are no longer the only actors. States not only fight other states, but also non-state groups, such as terrorist organisations. Even in classic examples of interstate wars, such as the Second World War, non-state actor such as resistance groups can play a significant role in warfare. Since the end of the Cold War, PMSCs have also received larger roles in warfare. A significant part of this diversification of actors is made up by

57. NATO, 'NATO Operations and Mission', accessed 29th November 2014, http://www.nato.int/cps/en/natolive/topics_52060.htm?

the increased role of international organisations such as the UN and NATO. These supranational organisations play active roles in war; sometimes, this takes the form of cooperation between states, such as in the context of NATO. Sometimes, the organisation functions independently, such as UN peacekeepers, who are not fighting for their respective states but for the UN. As a consequence, the relation between states and militaries, and the relation between soldiers and war, has changed. This also influences how we think about moral equality, because Walzer has one type of relation between soldiers and states and war in mind; the two previous sections have shown, however, that there are a number of variations on this relation possible. In the next sections, we will evaluate the applicability of Walzer's idea of moral equality in these variable situations.

3.3 DEFENDING OTHER COMMUNITIES?

Soldiers are defending their own communities – except when they are not. Does this pose a problem to moral equality? This is the question that this section aims to answer. Here, we will begin to discuss challenges to moral equality from situations that do not conform to Michael Walzer's two assumptions about the nature of war and the role of the state. This section, and the following two sections as well, will take its cue from the discussion in the previous two sections. We will focus on situations in which soldiers are not defending their own community, or alternatively, if they are not representatives of their own communities. We will do so by discussing moral equality in the context of NATO and the UN, as well as the consequences of community disagreement with war.

First, let us look at collective security and collective defence. There is a clear difference between collective security and collective defence. Whereas a collective defence organisation, such as NATO, has as its goal the defence of the 'in-group' against an attack from outside, a collective security organisation such as the UN is inclusive and focuses on preventing and handling violence among its members.⁵⁸ Since 1945, the international community has developed a number of mechanisms for the provision of collective security and collective defence. Examples are the United Nations,⁵⁹ the NATO,⁶⁰ the Western

58. C.M. Megens, 'Het Handhaven van Internationale Vrede en Veiligheid', in *Internationale Organisatie. Samenwerking en Regimevorming in de Internationale Betrekkingen*. Ed. A.G. Harryvan, J. van der Harst and P.M.E. Volten (Assen: Koninklijke Van Gorcum, 2004), 33.

59. *Charter of the United Nations*, 26 June 1945, Article 1, accessed 8th September 2014.

60. Article 5 of the Washington Treaty (or North Atlantic Treaty) was invoked for the first time in response to 9/11. NATO, *The North Atlantic Treaty*, April 4, 1949, Article 5, accessed 29th September 2014

European Union (WEU),⁶¹ the now defunct Warsaw Pact, and the Treaty of Mutual Security and Cooperation between the United States and Japan.⁶²

Collective security agreements are more about politics than they are about community. Taking NATO as an example, one can see how the organisation was created as a collective defence against communism. This was a military and a political alliance, but apart from the fact that the NATO countries were all capitalist, one cannot argue that the United States and Western Europe formed one community. That, in itself, would disrupt the establishment of the state, for Walzer has argued that the rights of the state to territorial integrity and political sovereignty are derived from the rights of the individuals as collectivised in the community. Claiming that the NATO countries form one community would imply that NATO had territorial integrity and political sovereignty *as NATO* - but the underlying principle of collective security is that NATO guarantees the territorial integrity and political sovereignty of its member countries. In other words, the agreement on which NATO is founded does not assume that there is one community.

Now, if one of its member countries were to be attacked, and the other NATO members were to come to this country's aid, then which community are these other soldiers defending? Can you defend a community when it is not attacked, when its integrity does not seem to be at play? Would, according to the theory, the soldiers be morally equal? In the case of NATO during the Cold War, one might have argued that the soldiers were defending capitalism. Taking a cue from Ricoeur, one might see capitalism as an acquired identification and consequently, as a corner stone of the communal narrative identity of the NATO, but this brings us back to the argument above.

There are a few possibilities for thinking through this. First, one might argue that the states form a supranational community that is encapsulated in NATO; just like the state's rights are derived from the collectivised rights of individuals, so are NATO's rights derived from the collectivised rights of the states. Although this might work on a formal level, it would not take into account Walzer's idea that the state's rights are collectivised through the living of a 'common life'. The NATO agreement is formal and focused only on the military aspect. Can such a transfer of rights have any moral meaning without the added gravitas of a 'common life worth defending'? To me, it seems problematic. This problem can be articulated when looking at NATO's actions in the former Yugoslavia in the early 1990s and the Kosovo war in 1998. Here, the

61. Western European Union, *Text of the Modified Brussels Treaty*, March 17, 1948, Article 5, accessed 8th September 2014.

62. 'Treaty of Mutual Cooperation and Security Between the United States of America and Japan (January 19, 1960)', Article 5, accessed 4th September 2014, http://afe.easia.columbia.edu/ps/japan/mutual_cooperation_treaty.pdf.

common life NATO was defending had never been part of the NATO; therefore, even if a formal community exists within NATO, how does one evaluate the NATO soldiers' moral equality when the community they are defending is once again not part of the entity they are fighting with/for?

A second option would be to argue that when a state permits other states to help it, it thereby grants them the possibility and right to defend this attacked state's community, and consequently, the moral equality of the attacked state's soldiers is also extended to those who assist. Although this argument also works in the formal sense, it still deviates from the linear logic of Walzer's *individual* → *community* → *state* → *moralequalityline*. This begs the question, what is the true importance of community if its meaning can so readily be separated from the state and its soldiers? The other question that needs to be asked is whether soldiers are morally equal if they do not defend their own community, and if so, how? In both cases, community is a problematic concept as the foundation for moral equality in the context of today's warfare.

The final point has already been mentioned a few times above: community disagreement with war. What does it say about the status of soldiers when the community they are supposed to be defending does not agree with the war in the first place? This is not such a rare occurrence as it might sound: the war in Vietnam, the 2003 Iraq war (and to a lesser extent the war in Afghanistan), and in Serbia during the Yugoslav war, where youth movement Otpor played a significant role in the overthrow of Slobodan Milošević,⁶³ are all very clear examples. The preparations for the war in Iraq in particular caused peace demonstrations all across the world. The protests against nuclear missiles in Europe in the 1980s are a similar example. What the Vietnam war and the Iraq war have in common is that Western armies are sent abroad to fight a war that is supposed to be in defence of a community, but the link between the war and the protection the war is supposed to give is not very well established.

The Vietnam war was, seen in the framework of the Cold War, an important move in the containment of communism. Indeed, then US President Johnson saw winning the war as vital to America's interests.⁶⁴ The Vietnam war was widely protested; it was a major issue for the 1968 student protests. Criticism also went beyond mere criticism of the war:

“[Critics] questioned whether the United States, despite its enormous strength, should assume the responsibility, or even

63. Cf. Mark R. Beissinger, 'Structure and Example in Modular Political Phenomena: The Diffusion of Bulldozer/Rose/Orange/Tulip Revolutions,' *Perspectives on Politics* 5, no. 2 (June 2007): 259–276.

64. Robert Roswell Palmer, Joel Colton and Lloyd S. Kramer, *A History of the Modern World*, Ninth Edition (New York: McGraw-Hill, 2002), 961.

had the capacity, to police the world against Communist aggression; whether the American presence in Vietnam was an unwanted foreign intervention reminiscent of Western intrusion in the age of imperialism; *whether the South Vietnamese regime could be stabilised and democratised to make the sacrifices worthwhile*; and whether the air raids and continued hostilities might not end in the tragic devastation of the unfortunate country.”⁶⁵

The italicised bit above highlights the issue of community disagreement with the war. Parts of the American community did not believe in the Vietnam war, or in America’s capacities, but they were faced with the sacrifices. A similar problem occurred in the prelude to the 2003 Iraq war, although large-scale protest dissipated somewhat once the war had started.

The official reason for invading Iraq in 2003 was the belief that dictator and president of Iraq Saddam Hussein possessed Weapons of Mass Destruction (WMD). Before the invasion of Iraq and the failure to find the WMDs, there was doubt about whether or not this claim was actually true. (Later, it turned out that the aerial photographs that US Secretary of State Colin Powell used as evidence to convince the UN Security Council to intervene were doctored.) Moreover, many people questioned the wisdom of starting another war while the US was still engaged in a war in Afghanistan.

The Iraq war was spun as a pre-emptive war by president George W. Bush. The 9/11 Commission Report makes clear that in the immediate aftermath of the attacks on the World Trade Center and the Pentagon, president Bush suspected involvement of Saddam Hussein and considered an attack on Iraq. “A Defense Department paper for the Camp David briefing book on the strategic concept for the war on terrorism specified three priority targets for initial action: al Qaeda, the Taliban, and Iraq. It argued that of the three, al Qaeda and Iraq posed a strategic threat to the United States. Iraq’s long-standing involvement in terrorism was cited, along with its interest in weapons of mass destruction.”⁶⁶

The Iraq war, which was presented as self-defence, was perceived by many as an offensive war, and many people who supported the troops did not support the war. Taking this into account, the Iraq war was an example of a war that was not self-defence and that was not supported by a large part of the American community. Theoretically, this should have complications for moral equality. According to Walzer, moral equality is based on soldiers’ defence of their

65. Italics AG, Palmer, Colton and Kramer, *A History of the Modern World*, 960–961.

66. National Commission on Terrorist Attacks upon the United States, *The 9/11 Commission Report including Executive Summary. Final Report of the National Commission on Terrorist Attacks upon the United States*, Official Government Edition (Baton Rouge, LA: Claitor’s Publishing Division, 2004), 335.

respective communities. Whether the war was just or not is irrelevant; the baseline is that soldiers are victims because they have to fight and give up their rights to life and liberty for the survival of the community.⁶⁷

In the wars mentioned above, the relationship between the state and the community is disturbed, however. The wars mentioned above were all spun as defensive wars, but the community doubted their defensive worth. Here, we cross over into the realm of *jus ad bellum*. As Walzer says, we assume a state's defensive wars are just because it is a defence of the state's community,⁶⁸ but if the war is not truly a defensive war, or if the war does not truly defend the community, then its justness is called into question. Now, moral equality exists regardless of the justness of the war, because the soldiers are fighting for communities, regardless of what the game of the state is. In this case, therefore, the disturbed relationship between the state and the community does not impact on the moral equality of the soldiers. However, one should not underestimate the effect of community disagreement with war on the legitimacy of the government.

In summary, this section looked at the impact of collective security as well as the impact of community disagreement with war on the moral equality of soldiers. Collective security poses problems for the idea that defence of the community underlies the moral equality of soldiers, because collective security disturbs the assumption that it is the *own* community that soldiers are defending. Although there are alternative ways of thinking about defence of community in the context of collective security, as considered above, these are not convincing. Community disagreement with war was found not to have an impact on the moral equality of soldiers; instead, it relates to *jus ad bellum*, but since the justness of a war does not have an impact on the moral equality of soldiers, this does not have any consequences. However, matters change when the opposite applies, when the state mistrusts the community. This will be addressed in the following section.

3.4 THE COMMUNITY AS THREAT?

In the previous section, we discussed the consequences of the community disagreeing with the state's assessment of a war. In this section, we will discuss the opposite situation: how should we consider a state that does not trust its own community? This is particularly relevant in the context of states' actions in fighting homegrown terrorism. Moreover, this is also related to discussions about surveillance and espionage, which have recently received increased at-

67. Walzer, *Just and Unjust wars: A Moral Argument with Historical Illustrations*, 54.

68. *Ibid.*

tention after whistleblower Edward Snowden revealed the extent of the National Security Agency (NSA) surveillance program in June 2013; therefore, we will look at these state activities in more detail as well.

Intelligence and warfare are closely connected. Ever since the First World War, espionage and counterespionage have been used as a means of preparing for war. It is framed as necessary for defence of the nation; significantly, Christopher Andrew's authorised history of Military Intelligence, Section 5 (MI5) is called *The Defence of the Realm. The Authorized History of MI5*.⁶⁹ Although the relation between intelligence gathering and defence of the nation holds some truth, it is not an unproblematic relationship. More importantly, however, intelligence is crucial for ethics of war. First, self-defence is the only reason where military force may be used without questioning. In some cases, however, the use of military force without being attacked first may be justified as well. Walzer distinguishes two categories: anticipations and interventions. However, he argues, there is always a burden of justification; the state that uses military force first has to justify its actions. "The burden of proof falls on any political leader who tries to shape the domestic arrangements or alter the conditions of life in a foreign country. And when the attempt is made with armed force, the burden is especially heavy (...)." ⁷⁰

Anticipations can be divided into preventive wars and pre-emptive strikes. In both cases, it is a prerequisite that danger is present and foreseeable. This immediately demonstrates the role of intelligence: knowledge of any danger can only come from information, and states do not generally share their plans of attacking another state freely.

This is one place where espionage plays an important role in ethics of war. Without proper information, judgements regarding anticipatory use of force are impossible. Of course, this does not imply that the mere presence of information justifies the use of force. Alan M. Dershowitz, in his book *Preemption: A Knife that Cuts Both Ways*, examines both the 1967 Six Day War and the 1973 Yom Kippur War (in Israel). The Six Day War was a pre-emptive war; the Yom Kippur War was self-defence. Israeli intelligence had prior knowledge of attacks in both cases.⁷¹ Although Israel acted pre-emptively in the case of the Six Day war, the state decided to absorb a first strike when they became aware of the possibility of an attack on Yom Kippur.

These kinds of decisions always have more than one side. On the one hand, it was politically necessary to refrain from pre-empting in the case of the Yom

69. Christopher Andrew, *The Defence of the Realm. The Authorized History of MI5*. (London and New York: Penguin Books, 2010).

70. Walzer, *Just and Unjust wars: A Moral Argument with Historical Illustrations*, 86.

71. Alan M. Dershowitz, *Preemption. A Knife That Cuts Both Ways*. (New York and London: W.W. Norton and Company, 2006), 80.

Kippur war in order to ensure support from the international community, especially because the Six Day war had been so successful. Dershowitz explains:

“Because [Israel] now was perceived as so strong, and because it had been criticised in some quarters for starting the shooting in the Six-Day War, Israel was in a difficult position with regard to preempting once again. It feared - understandably, as it turned out - that the international community would not believe that it was in fact acting preemptively once again to ward off an inevitable and imminent attack, but rather that it was using the excuse of preventive self-defence to wage an aggressive war.”⁷²

On the other hand, that same decision caused significant⁷³ military casualties on the Israeli side.⁷⁴ Even when a state decides not to act on intelligence, it is crucial in decision-making and defending one's state. Intelligence is similarly necessary for states that rule out preventive wars. In a war of self-defence, it would still be extremely beneficial to have adequate information about the enemy's capacities. The Iraq war of 2003 (the Second Gulf War) is another interesting example of the use or abuse of intelligence in war.

Intelligence thus plays a role in protecting the community by helping to prepare the state for war - regardless of whether this is a defensive war or an anticipatory war, intelligence plays a role. However, the other side of using intelligence to protect the community is related to counterterrorism efforts. In the state's attempt to protect the community from threats, in the act of putting the community under surveillance, the state constructs the community as a threat. By saving and analysing all metadata about the activities of people from one's own country and scanning them for threats, the entire community - all individuals - are seen as potential threats. Once again, this is a form of preemption, and one can see how it has resulted from the fact that the 9/11 attacks on New York and Washington, as well as the Boston Marathon bombing of 2013, were carried out by people who were already living in the United States. This was true for the 2005 London bombings as well.

In other words, although the perpetrators might be foreign nationals, it seems that most terrorist attacks take place locally. Nevertheless, this is not a rule. A few notable exceptions are the RAF (2)'s occupation of the West German embassy in Stockholm, Sweden, in 1975; the 1972 cooperation of the extremist Japanese Red Army with the People's Front for the Liberation

72. *Ibid.*, 87.

73. During the Six Day war, less than 800 soldiers had been killed. During the Yom Kippur war, this number was much bigger: 2,656 Israeli soldiers were killed. The losses on the Arab side were much higher in both cases, however.

74. Remarkably, though, there were no Israeli civilian casualties. Charles S. Liebman, 'The Myth of Defeat: The Memory of the Yom Kippur War in Israeli Society', *Middle Eastern Studies* 29, no. 3 (July 1993): 401

of Palestine (PLFP) for an attack at Lod International Airport⁷⁵ in Tel Aviv, Israel;⁷⁶ the Irish Republican Army (IRA)'s 1990 shooting of two Australian tourists (mistaking them for RAF (1) personnel) in the Netherlands; and the Madrid train bombings of 2004. All these were terrorist attacks that involved terrorists travelling for the purpose of a terrorist attack. In contrast, the 9/11 hijackers had lived in the United States for several months before the attacks. The first hijackers arrived in the US in January 2000; the so-called Hamburg cell.⁷⁷ Other important members included arrived in the US in the summer of 2000.⁷⁸ In all, the hijackers lived and travelled in the US for more than a year before the attacks of 9/11, so although the hijackers were not American citizens, they were locals.

In response to 9/11, the security organisations have increased the surveillance of the entire community,⁷⁹ thus constructing the entire community as a potential threat. If this seems like an exaggeration, think of it this way: who defines what normal behaviour is, and what makes people stand out? One might think that behaviour outside the normal range - such as buying illegal guns or bomb-making material, or perhaps even taking flight training - warrants surveillance, and keeping tabs on the entire population is unnecessary. However, at this stage, the security services do not distinguish between normal behaviour or abnormal behaviour in deciding who will be monitored.

The state is doing all this in defence of the community, while seeing that same community as a threat. This reflects a troubled relationship between the state and the community that might have an impact on how we defend the moral equality of soldiers. As was mentioned a few times, the rights of the state are a derivative of the presence of the community and the rights of individuals. The rights of the state are territorial integrity and political sovereignty. Political sovereignty was usually interpreted in the sense of non-interference, but the R2P doctrine has recently reinterpreted it as being based on the state's responsibility to protect its citizens. The R2P doctrine, while providing a set

75. Currently called Ben-Gurion Airport.

76. During what has become known as the Lod Airport Massacre, three young Japanese men, who were members of the Japanese Red Army, used grenades and submachine guns to kill people at the customs house. They killed 26 people and wounded 80. Two of the terrorists were also killed; the third was arrested. One of the reasons why the attack was successful was because the guards at the airport were wary of a Palestinian attack, but did not consider the Japanese tourists/terrorists a threat. See Yoshihiro Kuriyama, 'Terrorism at Tel Aviv Airport and a 'New Left' Group in Japan', *Asian Survey* 13, no. 3 (March 1973): 336-346

77. The leader of the Hamburg cell was Mohamed Atta; other important members were Ramzi bin al-Shibh, and Marwan al-Shehhi.

78. National Commission on Terrorist Attacks upon the United States, *The 9/11 Commission Report including Executive Summary. Final Report of the National Commission on Terrorist Attacks upon the United States*, 215, 223.

79. Some people might counter that the security organisations only collect metadata. However, metadata is being used to kill people, e.g. in drone strikes. Cf. David Cole, 'We Kill People Based on Metadata', *New York Review Blog*, May 10, 2014, accessed 8th September 2014

of rules and principles that could guide the decision-making process about humanitarian intervention, reinterprets sovereignty as having an external and an internal component. From the Report:

“The defence of state sovereignty, by even its strongest supporters, does not include any claim of the unlimited power of a state to do what it wants to its own people. The Commission heard no such claim at any stage during our worldwide consultations. It is acknowledged that sovereignty implies a dual responsibility: externally – to respect the sovereignty of other states, and internally, to respect the dignity and basic rights of all the people within the state. In international human rights covenants, in UN practice, and in state practice itself, sovereignty is now understood as embracing this dual responsibility. Sovereignty as responsibility has become the minimum content of good international citizenship.”⁸⁰

This is in line with how Walzer sees the rights of the state: as an extension of the rights of the individual and the community. It is the reason why we assume that a state’s defensive wars are just.

However, even the state’s attempts to protect its community are not unproblematic, especially when the community is perceived as a potential threat. This reflects on the usefulness of community as a foundation for moral equality. Before drawing any definitive conclusions, however, we need to consider a few scenarios. In the first scenario, the community *is* a threat. In this case, the rights of the state are compromised; moral equality would be absent, because soldiers would be defending the state from the community but not in name of the community. This is why counterinsurgency is often problematic, especially in cases where the state does not have a proper claim to power either.

This situation is also applicable to the war in the former Yugoslavia, which showed that a state that finds itself in this place not only has the internal dimension to deal with, but might also run into trouble in the international realm. This is a situation that we will explore in more detail in the next few chapters, especially in Chapter 4.

The second scenario deals with situations where the state *treats* the community as a threat. In this case, soldiers would not be defending the community, but in the most extreme case, they would be attacking it. In other words, there is tyranny. Here, soldiers would be killing civilians, which would

80. International Commission on Intervention and State Sovereignty, *The Responsibility to Protect. Report of the International Commission on Intervention and State Sovereignty*, technical report (Ottawa, ON: International Development Research Centre, 2001), 8.

make them murderers, not morally equal. However, this is only the most extreme case for the internal dimension. Less extreme states (for example, the United States right now) might see their community as a potential threat but still engage in warfare abroad. The state sets itself apart from the community, and sees its own rights as separate from that of the community. This once again crosses over in the realms of *jus ad bellum*; because while it might influence the justness of this state's wars, it does not influence the moral equality of soldiers, as moral equality is separate from the justness of the war.

In summary, in this section we have looked at the community as a possible threat. Current developments in using large-scale surveillance for counter-terrorism purposes show that oftentimes, the community is constructed as a threat. However, while this construction might have an impact on *jus ad bellum* considerations, it does not influence soldiers' moral equality. The reasoning is different, however, when the community really *is* a threat. In cases like this, such as the war in the former Yugoslavia, the community that the state is defending is unclear, as is the relation between the community and the soldiers. In cases like these, it is problematic to use community as a foundation for the moral equality of soldiers.

3.5 PRIVATE MILITARY AND SECURITY COMPANIES

In this section, we will look at PMSCs, whose role in warfare has increased in the last few decades. Crucially, soldiers who work for PMSCs generally do not have ties to the community they fight for - the benchmark for establishing moral equality. However, as it will be argued in this section, regular armies regularly lack ties to the community as well. Therefore, to interrogate the role of community as a foundation of moral equality, we will compare regular armies to PMSCs.

The image of PMSCs is that they fight in wars for profit, regardless of the cause, and hence, soldiers who work for PMSCs are often seen as mercenaries. However, this image can be questioned. A comparison between regular armies and PMSCs can be seen below.

The table compares regular armies with PMSCs; as one can see, there are some differences, but there are also similarities. First, there is the role of money. Currently, many militaries are professional militaries. Some countries still use a conscription system (such as Austria and Finland); however, generally,⁸¹ conscripts cannot be sent to war zones or on peacekeeping mis-

81. I have been able to verify that this is true for Norway and Denmark. It was also the case when the Netherlands still had a conscription army (in the Netherlands, conscription has since been suspended).

Table 3: Comparison of regular armies and PMSCs

Money	Professional soldiers: being a soldier is a job. Important exceptions: Israel.	Professional soldiers: being a soldier is a job.
Warfare tasks	All, ranging from combat to logistics, administration and intelligence.	Often limited to non-combat tasks.
Ties to community	Soldiers usually have the nationality of the country they are fighting for. Exceptions: peacekeeping and peace enforcement, foreign legions, collective security.	Soldiers generally do not have the nationality of the country they are fighting for.
Sent to war by:	the military's own government; the UN; NATO.	the contracting government (eg the United States); the UN; companies.

sions against their will. The most significant exception is Israel, which has a conscription army; however, the Israeli army is engaged in warfare as opposed to peacekeeping operations. For Israel, maintaining a conscription army is about maintaining national security, whereas in countries such as Denmark, maintaining conscription is about maintaining broad support for the security forces. Nevertheless, in many places, soldiering has become a profession; this is true for both state armies and PMSCs. Many employees of PMSCs are, in fact, former soldiers, many of whom had lost their jobs when defence expenses were cut in the aftermath of the Cold War.⁸²

The second element of comparison relates to the tasks carried out during deployment. Whereas regular armies carry out all possible tasks, from combat to administration, PMSCs are generally limited to non-combat tasks. Nevertheless, the jobs taken on by PMSCs are very diverse; they can range from providing security details to being contracted to do Explosive Ordnance Disposal (EOD) for the UN.⁸³

The third issue is formed by the ties of soldiers to the community. Generally, soldiers in regular armies have the nationality of the country they fight for. In fact, it is a requirement for both enlistment and admission to the service academies. However, there are a few exceptions to the rule that soldiers have the nationality of the state (and thus the community) they fight for. The first

82. Deborah Avant, 'Private Security', in *Security Studies: An Introduction*, Second Edition, ed. Paul D. Williams (London and New York: Routledge, 2013), 428-429.

83. See for example William Langewiesche, 'The Chaos Company', April 2014, accessed 6th September 2014, <http://www.vanityfair.com/business/2014/04/g4s-global-security-company>.

exception concerns peacekeeping and peace enforcement operations, where soldiers fight for the UN. A second and related exception is formed by collective security, as well as collective defence, because in those cases, soldiers fight to protect and assist another country. A concrete example is the invocation of Article 5 of the Washington Treaty, which establishes the principle of collective defence for NATO, on 12 September 2001, a day after the terrorist attacks of 9/11. This was the first time in NATO history that Article 5 was invoked. From the NATO website:

“The North Atlantic Council - NATO’s principal political decision-making body - agreed that if it determined that the attack was directed from abroad against the United States, it would be regarded as an action covered by Article 5. On 2 October, once the Council had been briefed on the results of investigations into the 9/11 attacks, it determined that they were regarded as an action covered by Article 5 of the Washington Treaty. By invoking Article 5, NATO members showed their solidarity toward the United States and condemned, in the strongest possible way, the terrorist attacks against the United States.”⁸⁴

Moreover, some militaries have created foreign legions⁸⁵ at one time or another. The French foreign legion (Légion Étrangère) is the most (in)famous; it is also the only one to still accept new recruits (only men) from anywhere in the world.⁸⁶ The Spanish foreign legion, which was established in 1920, accepts only Spanish citizens or citizens (both men and women) from the former Spanish colonies. Foreign legions often have a questionable reputation. The French foreign legion allows men to join under a pseudonym, allowing them to virtually disappear when they join the foreign legion. Historically, it has been used by criminals to disappear or to get out of a prison sentence.⁸⁷ Nevertheless, the foreign legions are often considered to be elite units of the military. In a foreign legion, soldiers have no ties to the community, similar to soldiers employed by PMSCs. However, foreign legions are still controlled by a state, and not by a company. This relates to the fourth element of comparison between ‘regular’ soldiers and PMSCs.

84. NATO, ‘Collective Defence’, 2014, accessed 2nd June 2014, http://www.nato.int/cps/en/natohq/topics_110496.htm?

85. The Israeli Mahal enlistment track is somewhat similar. Established in 1948 during the Israeli War of Independence, the Mahal accepts Jews who do not hold Israeli citizenship into its ranks.

86. ‘SITE de RECRUTEMENT de la LEGION ETRANGERE’, 2014, <http://fr.legion-recrute.com/index.php>.

87. John H. Galey, ‘Bridegrooms of Death: A Profile Study of the Spanish Foreign Legion’, *Journal of Contemporary History* 4, no. 2 (April 1969): 52.

The fourth element of comparison focuses on who sends the soldiers to war. In the case of regular armies, it is the state that sends soldiers to war. This is also the case where UN and NATO missions are concerned, because although the UN can request troops, states are not obliged to make them available to the UN.⁸⁸ PMSCs can be contracted by governments, but also by private companies; companies such as Shell (oil) and De Beers (diamonds) regularly contract PMSCs.⁸⁹ Moreover, the UN also contracts PMSCs. When employed by companies as De Beers, the PMSCs usually carry out security-related tasks. The UN employs PMSCs for different functions, including EOD.

Now, this comparison between PMSCs and regular armies was a necessary prelude to the analysis of the position of PMSCs with regard to ethics of war and community as the basis of the moral equality of soldiers. The main question that needs to be answered is whether PMSCs can occupy a status similar to that of regular armies, or if they are nothing but mercenaries. Moreover, as we shall see, the answer to this question will reflect on how we think about the relation of regular armies to ethics of war as well. Once again, I will use the same criteria used for comparison above, insofar as they have an impact on the analysis at hand.

First, there is the issue of soldiering as a 'for-profit' enterprise. The bottom line is that, considering that many militaries are professional militaries nowadays, the fact that the soldiers employed by PMSCs get paid for what they do should not have any influence on how their moral position is evaluated. The underlying assumption that ought to be addressed here, however, is that PMSCs only make money from situations that are morally ambiguous at best or clearly wrong at worst. What is at stake, then, is proper authority. Now, this is something that is clearly dependent on context. Whereas providing private security for a warlord in Africa could be frowned upon, defusing bombs for the UN would be another matter entirely.

Second, Walzer bases his idea of moral equality of soldiers on the fact that they are fighting for their community. This is not the case with PMSCs. However, as was illustrated above, both in this section and elsewhere in this chapter, this is no longer true all the time for regular armies either. In the case of soldiers being deployed on UN missions, even when it is one's own government giving permission for deployment, soldiers are not defending their own government, their own community, but are fighting in name of the international community, and protecting other communities. If it is a NATO mission, such

88. Department of Peacekeeping Operations and Department of Field Support, *United Nations Peacekeeping Operations Principles and Guidelines*, 52.

89. Avant, 'Private Security', 429.

as the air bombardments in Serbia in 1998, where does the moral equality of soldiers stem from? This is an element that needs to be considered.

Something else that needs to be addressed is the relation between *jus ad bellum* and moral equality as it relates to soldiers employed by PMSCs. Generally, Walzer argues, soldiers are considered morally equal, regardless of the justness of the war; moral equality does not depend on *jus ad bellum* - because Walzer assumes that soldiers do not have a choice whether to fight or not. States, however, do have a choice in starting a war, and PMSCs equally have a choice in which jobs they take on. The question remains, to what extent do soldiers employed by PMSCs have a choice? One might argue that they could refuse an assignment - but can they? And if their livelihood depends on doing the job, is a refusal possible? This is a crucial difference between regular soldiers and soldiers employed by PMSCs; whereas regular soldiers would, by the principles of moral equality, be considered to be 'victims' of the conflict, soldiers employed by PMSCs appear to have a semblance of a choice. These are all interesting questions that one might keep in mind when thinking about the issue; at this stage, however, trying to answer these questions will lead us into an entirely different direction, and therefore I will not attempt to answer these questions here. In conclusion, I do want to point out that it is important to distinguish between PMSCs and the soldiers who work for them, because decision-making power and presence on the ground rarely coincide.

Summarising, this section has considered the differences between soldiers and PMSCs. In the last few decades, we have seen an increase in the presence of PMSCs in the field. Although PMSCs have the image of being mercenaries who fight for profit instead of for their own community, I have argued that with the increased professionalisation of militaries, making a living is also an issue for regular soldiers. Hence, money cannot be the main factor in deciding on the place of PMSCs with regard to moral equality. More significant is the fact that PMSCs do not fight for their own community, but neither is this true for all missions by regular armies. Can fighting for community be the deciding factor if regular armies also do not always fight for their communities? The main issue that might affect how we evaluate PMSCs was found to be the idea that PMSCs can choose where and when to fight, just like states - but soldiers cannot. However, the amount of choice that individual soldiers employed by PMSCs have regarding which job to take on is not entirely certain. In short, although regular armies and PMSCs differ in some respects, they also have many similarities. Crucially, both actors do not always defend their own communities. This necessitates us to take a more detailed look at the role of community as a foundation for the moral equality of soldiers - although

it should be noted that calling the role of community into question does not automatically extend moral equality to PMSCs.

3.6 CONCLUSION

The aim of this chapter was to critique the two assumptions that Michael Walzer made in constructing his theory of moral equality, and examine the applicability of his theory in light of that critique. We have examined the diversification of the types of war as well as the role of new actors on the battlefield. Although states still play an important role in warfare, they are no longer the only actors and also, no longer the only important actors.

One new type of actor that has claimed a role in warfare is the international organisation. These can take on varying forms, ranging from a collective defence organisation such as NATO to an organisation with a more elevated purpose - namely, to guard world peace and security - the United Nations. Both organisations have been involved in conflicts in the past decades, and in both cases, they have been involved in hostilities. Walzer's theory of moral equality does not apply to these situations, because soldiers are not defending their own communities. Does that mean that UN soldiers are not morally equal?

We have also asked what happens when soldiers are not representing the community's interest, in cases when there is community disagreement with war. However, although community disagreement with war might pose questions on the justness of a war, whether or not a war is just does not affect the moral equality of soldiers. Matters were different when a state considers its own community to be a threat. Only when the community actually *is* a threat, however, does it pose problems for moral equality, such as in the war in the Former Yugoslavia. In those cases, it is unclear what the community or common life is that the state is purported to defend. Then, as a consequence of the opening up the discussion to wars other than interstate wars, community becomes a problematic foundation of the moral equality of soldiers.

Finally, we looked at the status of PMSCs. The main argument against moral equality for PMSCs was that they rarely fight for their own communities. However, this argument was countered with the insight that neither is this the case with regular armies. Although calling the role of 'fighting for one's community' in explaining moral equality in question destabilises the applicability of moral equality, it does not follow automatically that moral equality applies to PMSCs.

What does this mean for moral equality? The main question that needs to be answered was already asked above. If the theory cannot be applied, for example to NATO soldiers, does that mean that NATO soldiers are not morally equal? At this stage, without looking at alternatives, the only answer can be

that unless we change the explanation of or argument for moral equality, the NATO soldiers cannot be considered morally equal.

In other words, this chapter has shown that by challenging the assumptions that structure Walzer's theory we can highlight the problems the theory encounters in the context of contemporary modes of warfare. The key here is that soldiers do not always fight for their own community, and that states are not the only actors who are deploying soldiers. Therefore, although fighting for one's community might still be relevant and in those cases community needs to take into account the gendered critique of the previous chapter, in other cases, fighting for one's community does not play a role and an alternative explanation of moral equality needs to be found.

Having addressed assumptions about war in this chapter, we will now continue our critique of Walzer's other assumptions about the foundational concepts of moral equality by examining the gendered construction of victimhood, defence, and community. The overview of the different theories about gender in Chapter 2 will form the basic underlying framework for this analysis.

VICTIMHOOD AND MORAL EQUALITY

In this chapter, we are going to critique Walzer's argument for moral equality while focusing on two elements: defence of the community and a victimhood of equals. These are the two key requirements for moral equality as Walzer explains the concept. By 'victimhood of equals', Walzer means that soldiers on both sides of a war are forced to fight by their state; both sides are victims, because they are forced to give up their right to life. Assuming that everyone in a state has equal rights, the only difference between soldiers and the rest of a community is that the state forces soldiers to give up their right to life.

The second element of moral equality is that soldiers defend their community. Here, it is key to think of moral equality as a *collective* concept. Walzer argues that the rights of the state are derived from the rights of individuals to life and liberty. There is not a direct transfer from individual rights to the rights of the state; instead, the state derives its rights from the 'bundle' of individual rights in a community or a common life. This is also the reason that we assume that a state's defensive wars are per definition just; a state that fights a defensive war is defending the common life or the community within its borders. Therefore, when a state lets its soldiers fight, they defend this same common life. Soldiers, as a group, give up their rights to life so that the other people in a community do not have to. This is the collective basis of moral equality.

In this chapter, I will look at these two building blocks of moral equality - victimhood of equals and defence of the community - through the lens of feminist theory. I will argue that the idea of 'defence of the community' is constructed through a gender dichotomy, which problematises the idea of a victimhood of equals. This is compounded by the heavy influence of gender on the construction of the community.

In order to show why moral equality needs to be re-conceptualised, I will first show how 'defence of the community' is seen as a masculine effort and I will explain how this negates the idea of a victimhood of equals. Secondly, I will show how the construction of the community is also structured by gendered ideas. This analysis is grounded in the discussion of the different theories in gender that were discussed in Chapter 2.

4.1 THE SHIFT FROM CONSCRIPTION TO PROFESSIONAL MILITARIES

Before we delve into the construction of 'defence of the community', it is important to look at the shift from conscription to professional militaries in the last few decades. Because one of the crucial parts of moral equality is that it is rooted in the idea of a victimhood of equals, we need to consider whether the concept of victimhood can still be applied if soldiers are not forced to fight, as in conscription armies, but have instead voluntarily chosen to join the military. Therefore, in this section, we will consider whether we can still talk about a victimhood of equals when we talk about moral equality in today's wars.

To evaluate the impact of the introduction of an all-professional force on the explanation of moral equality, I want to use the concept of restriction of force. On the one hand, moral equality describes the default moral position of soldiers; on the other hand, it also indicates a set of restrictions. In this second sense, moral equality describes whom soldiers can legitimately kill. Basically, this is limited to other soldiers who participate in combat; prisoners of war, sick and wounded, and civilians are off-limits. For now, we will be talking about moral equality as a set of restrictions. With that in mind, we will first look at how Michael Walzer constructs moral equality as an alternative to chivalry.

Walzer opens his discussion of moral equality by first of all looking at medieval knights. He argues that the medieval idea of chivalry had its roots in the aristocracy's freedom to choose to fight. Accepting that chivalry is dead,¹ Walzer then contrasts the principle of freely choosing to fight with modern wars, where soldiers are forced to fight. "Chivalry, it is often said, was the victim of democratic revolution and of revolutionary war: popular passion overcame aristocratic honour. (...) It is the success of coercion that makes war ugly. Democracy is a factor only insofar as it increases the legitimacy of the state and then the effectiveness of its coercive power, not because the people in arms are a bloodthirsty mob fired by political zeal and committed to total war (in contrast to their officers, who would fight with decorum if they could)."²

Nevertheless, the end of chivalry does not mean that morality has disappeared from the language of war. Instead, it has taken on a different form. "In any case, the death of chivalry is not the end of moral judgment. We still hold soldiers to certain standards, even though they fight unwillingly - in fact, pre-

1. As an aside, as well as a preview of a discussion that will follow below, notice how this phrase is often used to indicate a man's attitude towards a woman. Still, it is most commonly used in a sense where 'chivalry isn't dead yet', for example, when a man holds a door open for a woman.

2. Walzer, *Just and Unjust wars: A Moral Argument with Historical Illustrations*, 35.

cisely because they fight unwillingly. The military code is reconstructed under the conditions of modern warfare so that it comes to rest not on aristocratic freedom but on military servitude. Sometimes freedom and servitude co-exist, and then we can study the difference between them in clinical detail.”³ Here, Walzer refers to the pilots during the First World War, who considered themselves the knights of the sky and contrasted themselves with the ‘serfs’ on the ground, the common soldiers.

Both chivalry and the ‘military code’ that Walzer talks about are forms of restriction on violence during war. Both are also *internal* restrictions that arise spontaneously when soldiers choose to fight. Matters are different when soldiers are forced to fight. As Walzer writes, “[I]t is not what the people do when they enter the arena of battle that turns war into a circus of slaughter, but, as I have already argued, the mere fact that they are there.”⁴ This is the key concept of victimhood, which we have discussed several times already. Victimhood and restrictions on violence are two of the key ingredients of moral equality.

When soldiers are forced to fight, when they are victims of the state, Walzer argues, internal restrictions on violence do not play a role. Instead, moral equality, in the sense that it describes the default moral position of soldiers in terms of whom they can kill, functions as an *external* restriction on violence. Moral equality is thus part of *jus in bello* - the set of rules describing how wars ought to be fought (as opposed to *jus ad bellum*, which describes in which circumstances it can be just(ified) to start a war).

In sum, we thus have two forms of restrictions on violence. There are internal restrictions on violence, such as the ones that arose spontaneously in the chivalry of knights. The other type is an external set of restrictions, such as those set up by the rules that belong to *jus in bello*. Then, the next question we need to ask is which type of restrictions is relevant for today’s wars. Is violence in today’s wars limited by internal restrictions, or by external ones? In other words, is the status of soldiers still the most important determinant for moral equality? And how does that reflect on victimhood?

Looking at the majority of wars since the introduction of professional armies, I want to argue that external restrictions on violence still play a dominant role, despite the shift away from conscription armies. External restrictions, such as not killing prisoners of war, or civilians, or the wounded, were already formalised in the Hague and Geneva Conventions, and they have been confirmed over and over again. In addition to being formalised in treaties, these external restrictions on violence during war were actually applied in real life and were hence ‘operationalised’, so to speak. This op-

3. Ibid.

4. Ibid.

erationalisation got started with the Nuremberg Trials in the aftermath of the Second World War and received new momentum in the 1990s, when the International Criminal Tribunal for the former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), and the Special Court for Sierra Leone (SCSL) were set up and tried people suspected of war crimes and crimes against humanity. The success of these ad hoc courts led to the creation of the International Criminal Court (ICC), a permanent international court.

Thus, the status of the laws of war limiting the use of violence has been confirmed rather than fallen by the wayside in recent decades. In other words, when today's soldiers fight wars, their behaviour is judged by the laws of war, regardless of whether their behaviour is also limited by some form of internal restraint. Consequently, we can argue that moral equality, in its sense of providing external restrictions on the use of violence during war, still applies to today's wars. However, this creates a problem.

One of Walzer's key arguments for moral equality, as we once again rehashed above, is that moral equality is intimately linked to the idea of soldiers being forced to fight. When moral equality arises out of victimhood, it cannot apply to soldiers who volunteer to fight. Yet, in its meaning of describing external restrictions on violence, it still applies. If we are to maintain moral equality as a principle and use it to describe the default moral position of today's soldiers, then we need to rethink its explanation.

So, to summarise the argument in this section, I have examined the applicability of Walzer's explanation of moral equality on today's soldiers and today's wars. In the sense that moral equality describes external restrictions on violence and thus delimits a default moral position of soldiers, it seems applicable to today's soldiers. However, Walzer also argues that moral equality is a direct consequence of the victimhood of soldiers. This is an argument that cannot be completely maintained in reference to today's wars, given that many of the world's militaries have transitioned from conscription militaries to professional militaries. If we are to continue to use moral equality as a concept, it will need to be re-conceptualised. However, this is not the only problem with moral equality. In this section, we have already looked at one characteristic of 'soldier', namely whether or not the soldier is forced to fight, and we have argued that this characteristic influences how we understand and explain moral equality. There are other characteristics of soldiers that pose problems for our explanation of moral equality, many related to gender. Therefore, in the next section, we will look at how gendering the heretofore androgynous soldier affects moral equality.

4.2 THE MAKING OF A SOLDIER

One of the cornerstones of Walzer's explanation of moral equality is that moral equality is the direct consequence of soldiers being subjected to a victimhood of equals. In the previous section, we have looked at the term 'victimhood' in relation to contemporary militaries, which often are professional armies. Although moral equality as an external restriction on violence is still relevant for professional militaries, given the increased focus on international criminal law, the use of the concept of a victimhood of equals as a foundation for moral equality is problematic. Whereas the previous section focused exclusively on victimhood, here we will look more specifically at the gendered context in which the principle is grounded. We will be asking whether there are other reasons why Walzer's explanation of moral equality is problematic other than the applicability of victimhood to professional militaries.

Under Walzer's assumption of a victimhood of equals, soldiers are seen as a special class of citizens. Although they have equal rights to life and liberty, soldiers give up those rights. When Walzer speaks about soldiers, it is generally in a certain androgynous sense; in *Just and Unjust Wars*, soldiers are not gendered. However, looking beyond *Just and Unjust Wars* for a moment, we will see that feminist theory has long recognised that soldiers and the military are male- or masculine-biased. In fact, as Joshua S. Goldstein notes in his book *War and Gender*, gender roles in war are consistent across cultures, and in all cases, war is seen as something men do. Moreover, as Goldstein argues, this is even more interesting given that both gender and war are incredibly diverse when seen in isolation. Still, approximately 97 % of soldiers of the world's standing armies are male. Most of the women who are part of a military work in traditional women's jobs such as nursing; in dedicated combat units, 99.9 % of soldiers are male.⁵ In other words, presenting the idea of 'soldier' as gender-neutral, as Walzer does, is an inaccurate reflection of real life, and a problematic one at that.

Explanations of why combat is male-dominated take on different shapes. One theoretical current argues that women are inherently more peaceful than men; thus, because men are inherently more violent than women, they are more suited to fight. This argument has been made by, among others, Virginia Woolf in *Three Guineas*.

In *Three Guineas*, Virginia Woolf answers three requests for money, one from a women's college, one from a fund that aims to find women gainful employment, and one from a society that will work to prevent war. The book

5. Joshua S. Goldstein, *War and Gender: How Gender Shapes the War System and Vice Versa* (Cambridge University Press, 2003), 10.

takes the shape of an answer to the third letter, in which Woolf ties together all three requests for money; according to her, the only way to prevent war is for women to become educated and financially independent, so that they can give money to women's causes. Women's causes, according to Woolf, are pacifist ones.

Woolf's argument for the promotion of pacifism is, in my opinion, less interesting for our current discussion than her opinions on war; the former is mainly interesting in the context of pre-Second World War Britain. Woolf's opinions on war, however, are generalisable. According to Woolf, men are inherently more violent than women. "For though many instincts are held more or less in common by both sexes, to fight has always been the man's habit, not the woman's."⁶

A few pages later, she continues: "From these quotations [from First World War poet Wilfred Owen] it is obvious that the same sex holds very different opinions about the same thing. But also it is obvious, from to-day's newspaper, that however many dissentients there are, the great majority of your sex are to-day in favour of war."⁷

In other words, Woolf sees war as a men's thing; she calls fighting 'man's habit'. For her, this is one of the primary differences between the sexes. Therefore, Woolf sees it as a natural thing that men fight and women do not.

So, in sum, Woolf argues both that women are inherently more peaceful, and men inherently more violent. This is an essentialist approach to the question of why soldiering is seen as a male activity. Using the categorisation introduced in Chapter 2, we can see how she locates meaning in the body. Gender is given a specific meaning, a violent/peaceful dichotomy to be precise, and these concepts are mapped onto the different sexes. This is characteristic of an essentialist approach to the question.

Sarah Ruddick examines the connections between maternal thinking and peace. Ruddick argues for a feminist maternal politics of peace: "(...) peacemakers create a communal suspicion of violence, a climate in which peace is desired, a way of living in which it is possible to learn and to practice non-violent resistance and strategies of reconciliation. This description of peacemaking is a description of mothering."⁸ Although she criticises the myth of maternal peacefulness,⁹ Ruddick still argues that women normally take upon themselves the care-taking tasks of children that shape maternal thinking.¹⁰

6. Virginia Woolf, *A Room of One's Own/Three Guineas* (Penguin UK, 2000), 120.

7. *Ibid.*, 122–123.

8. Sara Ruddick, *Maternal Thinking: Toward a Politics of Peace* (London: The Women's Press, 1989), 244.

9. *Ibid.*, 220.

10. *Ibid.*, 42–44.

Taking care of children is shaped by three distinct tasks: "[t]hese three demands - for *preservation*, *growth* and *social acceptability* - constitute maternal work; to be a mother is to be committed to these demands by works of preservative love, nurturance, and training."¹¹

Although Ruddick approaches the question of maternal thinking from a feminist standpoint, and although she recognises that men can mother, and that maternal peacefulness is a myth, the consequence of her argument is also that, because the majority of care-taking tasks are carried out by women, women have more affinity with mothering and hence, with peacemaking as a feminist maternal politics of peace. It is a social-constructivist argument for women's peacefulness: observing society, Ruddick observes that although men can take up care-taking tasks, in most societies women take care of children. Taking care of children is thus not *defined* in biological terms. Consequently, care-taking as a signifier is determined as a consequence of trends in society, not as a biological incidence.

The essentialist explanations for the gendering of warfare in particular are not entirely convincing. There are countless examples of women who participate in warfare, and successfully as well. For example, during the Second World War, the Soviet Union had a female battalion. In many insurgent groups, women also participate in combat. The FARC in Colombia, for example, has female members. However, research also shows that within these insurgency groups, women are not quite seen as equals: they are required to do women's jobs as cooking and cleaning. Also, it is often expected of women that they are sexually available for the male members. Another example of women's engagement in warfare is the Israeli army, the IDF. Women were active in the Palmach and the Haganah as well, two groups that played an important role in the immediate post-Second World War period and the establishment of the Israeli state.

These examples, where women have participated in combat and proven themselves to be able to handle themselves, indicate that cultural and social factors also play a significant role in the gendering of warfare. In *Women and War*, Jean Bethke Elshtain approaches the topic of women and war from a social constructivist perspective. Assuming that both war and gender are constructed, Elshtain then traces the role of gender in discourses about warfare and the defence of the state, from "(...) the shifting construction of war as sanctioned collective violence, a discourse of *armed* civic virtue, and the ways in which that discourse got embodied in historic persons and events[.]"¹² to

11. *Ibid.*, 17.

12. Elshtain, *Women and War*, xii.

the "(...) attempts to disarm civic virtue within just-war formulations and pacifist hopes."

This attempt at limiting warfare also maps quite neatly onto gender: "The warrior, in this scheme of things, must either throw away his weapons entirely or fight fair and square by rules that limit violence even in the midst of war. The noncombatant female, on the other hand, becomes history's Beautiful Soul, a collective being embodying values and virtues at odds with war's destructiveness, representing home and hearth and the humble verities of everyday life."¹³

Moreover, Elshtain argues, this gendered dichotomy of warfare is not limited to just the political discourse, but can also be seen in discourses that depict women as life givers whereas men are seen as life takers.¹⁴

Throughout her book, Elshtain tells stories that demonstrate that these essentialist depictions are not exactly accurate reflections of reality. One of those stories that Elshtain tells is about the involvement of Soviet women in combat during the Second World War. Arguing that women's participation in combat (Elshtain calls these women the 'Ferocious Few') occurs regularly, Elshtain prefaces the story as follows: "More interesting than almost-Marines or future conflict is the little-known or remembered story¹⁵ of Soviet women in combat in the Second World War. Soviet women formed the only regular female combat forces during the war, serving as snipers, machinegunners, artillery women, and tank women. Their peak strength 'was reached at the end of 1943, at which time it was estimated at 800,000 to 1,000,000 or 8 % of the total number of military personnel."¹⁶

Stories such as the Soviet women's participation in combat provide a counterpoint to the essentialised depiction of women as life givers. By telling these 'exceptions to the rule (of the discourse)' stories, *Women and War* demonstrates the instability and construction of those categories very well.

Another author who analyses gender and war from a social-constructivist perspective is Sandra Whitworth. In her book, *Men, Masculinity and Peacekeeping*, she examines sexual violence by UN peacekeepers. Whitworth works from the assumption that gender is constructed, but more importantly, she argues that the figure of the soldier is constructed as well.

"Soldiers are not born, they are made; and part of what goes into the making of a soldier is a celebration and reinforcement of some of the most aggressive, and most insecure, elements of masculinity: those that promote violence, misogyny, homophobia, and ra-

13. Elshtain, *Women and War*, xiii.

14. *Ibid.*

15. It seems this topic has recently received more attention. At a recent conference at Lancaster University, at least two papers focused on precisely these stories.

16. Elshtain, *Women and War*, 178.

cism. This does not mean that all male military peacekeepers are beasts, that every individual soldier is violently homophobic, racist, or sexist. It does mean, however, that all soldiers have been subjected to the message that they have been given license to express these things, to act upon them, especially if that is what it takes to perform their duties as soldiers.”¹⁷

Although Whitworth looks, in her book, specifically at the Canadian military (which is currently a professional military) the same kind of construction applies to conscription armies as well. Most people need to be trained to kill other people; they need to learn to overcome their natural hesitation.¹⁸ Military socialisation therefore focuses on appropriate use of aggression, as Whitworth mentions.

The social-constructivist approaches to gender in wartime show that the perception or conviction of soldiering as a male-dominated activity is as much a result of the ideas of society as it is determined by biology. One is not born a soldier, to paraphrase Simone de Beauvoir, but rather, one becomes one. One crucial element, however, is *how* one becomes a soldier. This is where hypermasculinity is emphasised, as Whitworth has argued, and a particular form of militarised hypermasculinity at that. If suitability for soldiering is not predominantly determined by biology but instead by societal factors, then it will affect how we think about moral equality.

Throughout Walzer’s explanation of moral equality, he relies on the concept of victimhood to show why soldiers are morally equal regardless of the justness of the war. Victimhood, in turn, comes about when the only thing that sets soldiers apart from the rest of the society is that they (are forced to) give up their rights to life. It is the entire randomness of this event that makes it so tragic, that forms the heart of the paradox of defending the individual rights to life and liberty by forcing some individuals to give up their rights to life. When other characteristics play into victimhood, however, it changes the argument.

Whereas Walzer talks about ‘soldier’ as ‘person who is forced to give up their right to life’, the reality is closer to ‘man who is forced to give up their right to life’. Consequently, when Walzer then talks about victimhood for purposes of defending the community, ‘defence of the community’ then needs to be read as ‘men defending...’. Moreover, in the next section, I will show how women are intricately linked to the community. The overall result is that when we

17. Sandra Whitworth, *Men, Militarism & UN Peacekeeping: A Gendered Analysis* (Boulder: Lynne Rienner Publishers, 2004), 3.

18. David A. Grossman, *On Killing. The Psychological Cost of Learning to Kill in War and Society*. (New York: Back Bay Books, 1996).

translate the principles of moral equality into some form of moral reality, the effect is that we are talking about 'men defending women'.

Thus, discourse and societal beliefs both reinforce the idea of male expendability for the protection of women, which in turns reinforces the idea of men as soldiers. This process takes place in spite of the fact that plenty of women also fight or are capable to fight. These women's contributions to the defence of the community, however, are often ignored or misrepresented in the discourse, so that the 'defence of the community' is still seen in masculine terms, as the Just Warrior defending the Beautiful Soul. In Chapter 5 we will look at the discourse on the Dutch resistance to show how exactly these processes take place. First, however, we will consider, in more detail, the role of gender in the construction of the community.

4.3 COMMUNITY

Throughout this chapter, I have examined the constituent parts of moral equality and shown why they are problematic. In the first section, I have argued that victimhood is outdated, because it cannot really be used to refer to professional armies. In the second section, I have shown that victimhood is, moreover, an essentialised picture of male expendability, which is problematic in and of itself. This picture, moreover, is still relevant for today's militaries, even though victimhood is not appropriate and women are admitted to the military. In this section, I am going to show how community is also essentialised - although this time, the concept is associated with femininity. What this means for moral equality is that 'defence of the community' becomes read as 'men defending women'. This is problematic because it contradicts the theoretical supposition of equal rights and 'random bad luck' as a basis for victimhood. Moreover, it complicates the picture of the state defending the community and conscripting citizens to do this, because it means that there are other mechanisms at play than the state deriving its rights from the individuals and thus being allowed to defend those rights. At the very least, in my opinion it complicates the picture. Thus, there are several reasons why moral equality needs to be reconceptualised.

Looked at through a feminist theory lens, community is not a neutral concept. In fact, the construction and definition of community, and the wartime community in particular, hinges on specific ideas about the roles and places of women in wartime. Just as 'defence of the community' is defined in masculine terms, so is community linked to femininity. In this section, I will examine the different elements of this link between women and the community.

Gender plays an integral role in the construction of the community, as well as in the construction of the community's identity. We will discuss a number of theories here that demonstrate these dynamics. First, we will look at the work of Nira Yuval-Davis. She looks at the gendered construction of the nation and distinguishes three ways in which the nation-as-project can be gendered: through biology, culture, and citizenship. In the biological sense, women are seen as the "(...)biological 'producers' of children/people, [and] women are also, therefore, 'bearers of the collective' within these boundaries."¹⁹ This speaks for itself.

In wartime, and even more so in nations preparing for war, this biological dimension becomes even more important. For example, in the years preceding the Second World War, having a high birth rate was emphasised in both Germany and the Soviet Union. A nation with a high birth rate will have more men available to fight. This ties in with the idea that men are the expendable defenders of the community. Thus, increased (political) control over women's bodies is one of the features of preparation for wars. When wars have started, the control over men's bodies increases.

The cultural gendered construction of the nation is a little bit more involved, but according to Yuval-Davis, it centres around the function of (hegemonic) culture as a device for making sense of the world as well as the social order. "The relationships between women and men are crucial for such a perspective, and therefore in most societies also the control of women by men. Women are often constructed as the cultural symbols of the collectivity, of its boundaries, as carriers of the collectivity's 'honour' and as its intergenerational reproducers of culture. Specific codes and regulations are usually developed, defining who/what is a 'proper' man and a 'proper' woman, which are central to the identities of collectivity members."²⁰

Because of women's cultural ties to the identity of the community, women's integrity is often equated with the integrity of the community. This theme comes up frequently in the context of discussions about the Second World War, about women who dated German soldiers. It is further interesting to notice how in many countries,²¹ in the wake of the Second World War, women who had dated German soldiers had their hair cut off as punishment. This

19. Yuval-Davis, *Gender & Nation*, 26.

20. *Ibid.*, 67.

21. For France, see Sandra Ott, 'Good Tongues, Bad Tongues: Denunciation, Rumour and Revenge in the French Basque Country, 1943–1945', *History & Anthropology* 17, no. 1 (March 2006): 57–72. For the Netherlands, De Jong has documented that this already happened during the war; on September 6, 1944, rumours that the Allied invasion was imminent caused panic among the Dutch Nazi-sympathisers. Panic led to general lawlessness, and one of the things that happened was that women who had dated German soldiers had their hair cut off. Loe de Jong, *Het Koninkrijk der Nederlanden in de Tweede Wereldoorlog*, vol. 10a, I ('s-Gravenhage: Staatsuitgeverij, 1980), 204.

destroyed their integrity in both the figurative and the literal sense. It placed them visibly *outside* the community, thus simultaneously repairing the integrity of the community by outcasting these women. We will look more closely at community during the Second World War in Chapter 5.

Another context where the relation between women's integrity and the community's integrity is often mentioned is in discussions about rape as a weapon of war. The interpretation of rape as a weapon of war arose out of observations made about the Yugoslav war and the Rwandan genocide. In these conflicts, rape was used as a weapon to win the war, and not as something that happened randomly after fighting or occasionally during the war. Instead, rape was used *tactically*, to assist in ethnic cleansing and genocide. Because many rapes took place in public, in front of women's families or neighbours, rape functioned both as a scare tactic to get people to leave and to make sure that the shame of being raped was maximised.

In Yugoslavia, moreover, women were also kept in prison camps - soon called rape camps by the media - where they were raped until they got pregnant, and kept imprisoned until the pregnancy was too advanced to get an abortion. This functioned as ethnic cleansing as well; because Yugoslav society is patrilineal, ethnicity is inherited from the father. The (Muslim and Croat) women were thus forced to carry 'Chetnik babies'.²² The use of rape in the Yugoslav case also had the effect of destroying communities, by estranging people from each other. In a newspaper article for the New York Times, Anna Quindlen explicitly links rape as a weapon of war, and genocide.

"It's time to reconsider American military intervention, despite the seeming intractability of this no-win war. Comparisons are odious, and comparisons with the Holocaust impossible. But we should not want to contemplate yet another occasion on which a vulnerable people were exterminated and we Americans read the handwriting on the wall as though we were illiterate. If husbands are never able to embrace again wives whom they know to have been violated, if women so violated recoil from sexual contact, if families reject daughters twice victimised, by violence and then by the strictures of a culture that esteems virginity - then it is possible that the rape policy will help wipe out the Bosnian Muslims. We will have witnessed the genocide of these people without even

22. Maria B. Olujic, 'Embodiment of Terror: Gendered Violence in Peacetime and Wartime in Croatia and Bosnia-Herzegovina', *Medical Anthropology Quarterly* 12, no. 1 (March 1998): 45.

recognising it, the killing of something inside these women that guarantees the future.”²³

Yuval-Davis further mentions a third dimension to the nation-as-project: citizenship. The gendering of the nation through citizenship takes place through what Elshtain has termed the Just Warrior/Beautiful Soul dichotomy. Citizenship is often seen as related to the ability to defend the community. Traditionally, men are the ones who get conscripted, whereas women are constructed as being in need of defence.²⁴

Elshtain begins by stating that “(...) neither *women* nor *war* is a self-evident category.”²⁵ She then takes a constructivist approach to war: war is what we make of it. “How do we treat the war stories deeded to us? What representations of war remain resonant and resilient?”²⁶ she asks. Key to how ‘we’ think of war is a gendered division of labour in wartime that is shaped by a cultural association between women and peace, on the one hand, and men and war, on the other, creating the personas, respectively, of Beautiful Souls (women) and Just Warriors (men).

“(...) [T]hese tropes on the social identities of men and women, past and present, do not denote what men and women *really* are in time of war, but function instead to re-create and secure women’s location as noncombatants and men’s as warriors. These paradigmatic linkages dangerously overshadow other voices, other stories: of pacific males; of bellicose women; of cruelty incompatible with just-war fighting; of martial fervour at odds - or so we choose to believe - with maternalism in women.”²⁷

These linkages serve not only to inscribe gendered bodies with specific ‘jobs’ that ought to be done during war, but they also locate these jobs in specific locations in society: namely the public and private sphere.²⁸ This distinction depends, to some extent but not exclusively, on the history of women as not-quite citizens, as not quite belonging to the public sphere, where decisions are taken. Instead, women are reduced to mothers:²⁹

23. Anna Quindlen, ‘Public & Private; Gynocide’, *New York Times*, March 1993, 19.

24. Yuval-Davis, *Gender & Nation*, 89.

25. Elshtain, *Women and War*, x.

26. *Ibid.*

27. *Ibid.*, 4.

28. Elshtain has discussed the dynamics surrounding this distinction in her 1993 book, *Public Man, Private Woman*. Jean Bethke Elshtain, *Public Man, Private Woman: Women in Social and Political Thought* (Princeton, NJ: Princeton University Press, 1993)

29. Although women as mothers play an important role in *Women and War*, the book still reads as an argument for a more nuanced reading of women and war by paying attention to what goes on *beyond* the paradigmatic narratives.

“Mothers figure centrally in this [Rousseau’s] dream of civic unity, but not *as* citizens; rather as mothers of citizens-to-be and of mothers-to-be of citizens.”³⁰

So far, we have looked at the construction of the soldier and at women’s association with community. Now, we will look at how these ideas are played out on a societal level. Elshtain’s analysis of women’s historical place as not quite belonging to the public sphere is an important starting point. It demonstrates how women’s role in the community has often been passive;³¹ indeed, that is how women’s roles in wartime are pictured. The male role of Just Warrior is set up against the idea of women’s Beautiful Soul. The effects of this dichotomy on the war discourse of a society can be enlightened with Ricoeur’s insights on the so-called acquired identifications (which have also been addressed in Chapter 2):

“To a large extent, in fact, the identity of a person or a community is made up of these identifications with values, norms, ideals, models, and heroes, *in* which the person or the community recognises itself. Recognising oneself *in* clearly contributes to recognising oneself *by*. The identification with heroic figures clearly displays this otherness assumed as one’s own, but this is already latent in the identification with values which make us place ‘cause’ above our own survival.”³²

Acquired identifications play an important role in the formation of narrative identity, regardless of whether that identity is the identity of a community or an individual. However, the process that shapes this is subject to the dynamics within a society, and that includes gender dynamics. The narrative identity of a community in turn forms the basis for the interpretation of events and consequently shapes the discourse, which influences the dynamics within a society. This can be illustrated by looking at Sandra Whitworth’s discussion of the image of peacekeepers.

“In countries where one of the chief activities of the national military is its involvement in peace operations, the images that pervade popular and political discourse concerning the military or soldiering are surprisingly different from those found in countries that privilege their military’s combat-capable qualities. In Canada, male soldiers are rarely depicted as warriors; instead they appear donning the blue berets of the United Nations, normally assisting civilians in war-torn countries, and are seldom seen even

30. Elshtain, *Women and War*, 69.

31. The active/passive dichotomy is another divide that feminism has taken great pains to dispel.

32. Ricoeur, *Oneself as Another*, 121.

carrying a weapon. (...) The representations of warrior princes tell a story about both the Canadian military and the Canadian nation. While prevalent in Canada, this image of the benign soldier is not unique to there. The Netherlands, for example, also has a long association with contributing troops to peacekeeping missions and, as Stefan Dudink writes, is a country in which representations of the Dutch military emphasise its 'gentle' qualities."³³

Using Whitworth's quote as a starting point, we can see how one factor - participation in peacekeeping operations - leads to the implication that soldiers who participate in peacekeeping missions are somehow more 'gentle'. The UN blue beret functions as an acquired identification that feeds into narrative identity; in this case, it leads to a representation of the military as somehow more gentle than other militaries. Then, as I mentioned above, the image also forms the basis for the interpretation of subsequent events. This is particularly important given that emplotment - the inclusion of events into narrative identity - always takes place in retrospect.³⁴

This is the case regardless of whether the events in question were a positive or a negative. Using the Dutch military as an example, we can see how the 'gentle', 'moral' representation of the Dutch military was used as a selling point both for participation in peace missions as well as for attempts by the Dutch government to increase its stature on the international stage.

The 'gentle' image of the Dutch military changed from a positive to a negative characteristic in the aftermath of the fall of the Srebrenica safe area during the war in the former Yugoslavia in 1995. One of the factors in the fall of the safe area was the inability of the Dutch UN battalion, Dutchbat, to defend the safe area. Whenever Dutch military deployment has since been discussed, there are always elements of popular opinion that use the fall of Srebrenica to argue that the Dutch military is weak and worthless. Some people even refer to the surrender of the Dutch military to Nazi Germany in 1940 to further support their point.³⁵ Moreover, although a factual relation to Srebrenica cannot be proven, in 2008 the Dutch army ran a series of recruitment ads that promoted a tougher, more masculinised image of soldiering, featuring the tagline 'Qualified/Not Qualified'.³⁶

33. Whitworth, *Men, Militarism & UN Peacekeeping: A Gendered Analysis*, 15.

34. Ricoeur, *Oneself as Another*, 142.

35. Of course, it is doubtful if these detractors have ever seen combat themselves and their analysis of the state of the Dutch military is similarly questionable. However, what it *does* illustrate is the impression that the event has made.

36. See for two great examples: Ministerie van Defensie, 'Qualified/Not Qualified', accessed 29th November 2014, <https://www.youtube.com/watch?v=oQTuW42XOFQ%5C&list=PL3B55A8085830EFAA%5C&index=6>. (The teacher asks "Are you okay?") and Ministerie van Defensie, 'Qualified/Not Qualified', accessed 29th November 2014, <https://www.youtube.com/watch?v=...>

These interpretations of former events that shape the discourse also shape the answer to the question “Who’s a real/good/proper soldier?” This is also where the recruitment commercials of the Dutch military are very interesting. All commercials paint a clear image of who is seen as a ‘good’ or ‘real’ soldier. This is a somewhat gendered image. Although most of the 2008 commercials feature men, there are a few that feature women. However, the printed and on-line material are a lot more balanced in gender terms. The 2014 commercials have shifted to a different image again, as the screenshots on page 98 show. The recruitment ad provides an answer to the question of ‘who’s a real soldier?’ Still, it shows how context and images can be used to construct an image of ‘real’ soldiers, and gender plays a role in those images.

So how does all this relate to moral equality? Well, let’s look back at two of the important constituent parts of moral equality: victimhood and defence of the community. Victimhood is supposed to be a neutral concept; within Walzer’s explanation, victimhood gets meaning only in the context of rights. Everyone has equal rights, and soldiers are victims because they are forced to give up their rights so that the state can defend those rights - but the collective or communal meaning of those rights. That is the defence of the community component.

Victimhood is, however, not only somewhat outdated but also not gender-neutral. Because soldiering is constructed as a masculine activity, and as women are regularly excluded from combat, the result is that soldiers as a group of citizens are not only set apart by being forced to give up their rights to life but also by their sex: soldiers are, generally speaking, men. Defence of the community, when written like that, sounds neutral.

When we rephrase the term and talk about soldiers as defenders of the community, we can also ask: who are the defenders of the community? Then, the answer will need to take into account that it is not a random group of people who are forced to give up their rights but that this group is selected based on their sex. ‘Defence of the community’, then, can be read as ‘Men defending the community’.

Moreover, as we have seen, women are associated with the community, both in a biological sense, as reproducers of the community, but also culturally. Because women still play a key role in child rearing in most societies, women shape the community through the transfer of cultural knowledge when they

com/watch?v=bxVxZ5zPlh4%5C&list=PL3B55A8085830EF5A%5C&index=9 (The girl says “I don’t hear anything.”) It’s worth noting that the campaign seems to have shifted somewhat; the current tagline is “People who help other people will always be needed.” This is the current commercial: Ministerie van Defensie, ‘Werken bij Defensie. Je Moet Het Maar Kunnen’, accessed 29th November 2014, <https://werkenbijdefensie.nl/video/OrmJ71YKbj4/Werken%20bij%20Defensie.%20Je%20moet%20het%20maar%20kunnen.mp4>

raise their children. Thus, when we talk about the defence of the community, we are not only talking about men defending the community, but about men defending women.

Consequently, if we put Walzer's explanation for moral equality in a gendered context, if we push logical thought to its extreme, the result is something along the lines of 'soldiers are morally equal when they are men dying for women'. This is (of course) entirely not what Walzer intended; I am just phrasing it this way to show that the terms Walzer uses to make his argument are not neutral or easily defined. In other words, we need to reconceptualise the foundation of moral equality if it is to be of use in a gender-sensitive context.

In conclusion, in this section I have discussed the role of gender in the construction of the community, using Nira Yuval-Davis' three categories of analysis - biology, culture, and citizenship - to structure the discussion. I have further argued that women play a crucial role in the construction of the community, even though they are rarely seen as full citizens. This latter point has been made by both Yuval-Davis and Jean Bethke Elshtain. Next, I used this insight to look at the role that the gender dichotomy in 'defence of the community/community' plays in the formation of the narrative identity of the (wartime) community. I have argued that the masculine bias in the construction of soldiers - which accompanies the feminine bias in the construction of the community - means that there is an a priori construction of soldiers going on. This construction of soldiers is one element that problematises a neat practical application of Walzer's theoretical argument for moral equality, because it means that soldiers are not just distinguished from the general population by being forced to give up their rights, but also by the processes originating in the community itself.

4.4 THE LOSS OF A COMMON LIFE AND THE DEFENCE OF THE COMMUNITY

In this section, we are going to look at the civil war in the former Yugoslavia in the 1990s. We have already briefly discussed this war in Chapter 3, where we looked at changes in warfare and the impact those changes have had on moral equality. Now, we are going to look at the case of Yugoslavia again; this time, however, we will look in more detail at how community is used and understood by Michael Walzer and examine how the war in the former Yugoslavia requires us to reconsider Walzer's use of community.

37. *ibid.*



Figure 1: Stills from a 2014 recruitment ad by the Dutch military. The tag line of the campaign is: *People who help other people will always be needed.* The ad gives a possible answer to the question, 'who's a real soldier?'³⁷

After Slovenia and Croatia had seceded from Yugoslavia, leading to war, war also broke out following the secession of Bosnia-Herzegovina in 1992. It was a war that fragmented the community. Until 1992, the rates of ethnic intermarriage in Yugoslavia had been high.³⁸ In Bosnia-Herzegovina, moreover, none of the three ethnic groups, Serbs, Croats, and the Muslims, formed a majority.³⁹ Although there were parts of Bosnia where the ethnic makeup was more homogenous than elsewhere, the three ethnic groups lived a common life before the war. When the war broke out and the ethnic groups turned against each other, this common life was subsequently destroyed.

Consequently, when Walzer frames moral equality as a consequence of the state's defence of the community or of common life, the situation in the former Yugoslavia poses us with a problem. When we talk about, for instance, how the Bosnian Muslims fought against the Yugoslav National Army (JNA), there was, technically, no community they could be defending, because the community had been ethnically mixed before the war broke out. During the war, neighbours fought against neighbours; villages and towns that had formed a community and had a common life before the war were now torn apart.

Does the lack of a common life or a community to defend mean that the Bosnian Muslims were not the moral equals of the JNA soldiers? Or does it mean that we need to rethink moral equality? This is not a question that will be answered in this chapter, though; at this stage, the goal is to problematise the concept of moral equality. In Chapter 6, however, I will attempt to answer the questions posed in this chapter.

Moreover, if we substitute 'JNA soldiers' for 'Bosnian Serbs', does this at all influence how we think about the question? The Bosnian Serbs were another part of the now fractured community of Bosnia-Herzegovina. However, because many of the Bosnian Serb paramilitary groups were supported by the Serb government, it could be argued that they defended the larger Serbian community. Would that influence the answer?

Of course, this question is problematised because the definition of soldiers and/or combatants is problematic. The JNA did play a role in the conflict in Bosnia, although not extensively because many of the mainly Serb soldiers did not particularly want to fight outside Serbia proper.⁴⁰ Consequently, Bosnian Serb paramilitary units were supported by the JNA and did the brunt of the fighting. Especially in the initial phase of the war, the Bosnian Muslims were

38. Valere P. Gagnon, 'Serbia's Road to War', *Journal of Democracy* 5, no. 2 (1994): 119.

39. International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, *Prosecutor v. Duško Tadić a/k/a/ 'Dule'*. *Opinion and Judgment*, 30.

40. John Mueller, 'The Banality of "Ethnic War"', *International Security* 25, no. 1 (2000): 48.

largely unorganised. Therefore, defining who counts as a combatant is not a particularly straightforward enterprise.

The JNA soldiers count as combatants, but they did not play a large role in the conflict. The paramilitary units could possibly count as combatants, especially considering that they usually wore uniforms and were thus recognisable as combatants. Also, in many instances, they were supported by the JNA or Serbia, and in the previous chapter this was a criterium we used for the PMSCs as well. The Bosnian Muslims, however, were rather unorganised; they did not have an army. Technically, they would not count as combatants, and as such, moral equality would not apply to the Bosnian Muslims.

Moreover, we need to keep in mind that even *if* the principle of moral equality were to apply to paramilitary groups, this would not allow them to attack non-combatants. As I have mentioned several times before, moral equality is as much a restriction on violence as it is a justification of killing; moral equality specifies very precisely whom soldiers can kill (namely, other soldiers). In my opinion, this is not a part of moral equality that needs to be redefined. However, we might need to examine how 'soldier' is defined in civil wars, and whether it might be necessary to address this definition.

One might argue that it would be a slippery slope to recognise paramilitary groups as combatants, and that the very tragedy of civil wars lies precisely in non-soldiers killing each other. This is one way in which one can approach the question of moral equality in civil wars. Even if moral equality would not apply to the people who fight in civil wars, the individual right to self-defence would still be relevant, and one could argue that this is sufficient. Referring to the individual right to self-defence would justify the use of violence by people who defend themselves, without legitimising the violence used by paramilitary groups. However, this argument overlooks one very important element of civil wars.

During the war in the former Yugoslavia, the Muslims were attacked *as a group*, even if they were not an organised group (yet). It is a characteristic of civil wars that generally, people are not targeted in a random fashion but instead based on group affiliations. Therefore, to reduce the situation to one couched as in terms of individual self-defence does not seem to take into account the severity of the situation. Thus, we need to ask if it can be possible to set up an argument for moral equality in this situation, while addressing our requirements.

4.4.1 *Forced to Fight? Paramilitaries and Moral Equality*

In the beginning of this chapter, I argued that moral equality is still a relevant concept for modern professional militaries, because their conduct is judged based on the external restrictions provided by the military code. The case of the war in the former Yugoslavia offers the opportunity for a parallel discussion, although the dynamics at play here are dramatically different, some crucially so. Throughout, I have focused on the distinction Walzer makes between soldiers who are forced to fight and soldiers who volunteer to fight. Walzer argues that restrictions on violence when soldiers volunteer to fight are internal and automatic, whereas when soldiers are forced to fight, external restrictions are necessary. The events that transpired in the former Yugoslavia in the 1990s, however, seem to showcase an opposite dynamic.

Above, I already mentioned that many of the Serbian soldiers from Serbia proper did not want to fight outside of Serbia. In fact, many young men fled the country precisely to avoid the draft. That was one of the main reason why there were many paramilitary groups active in Bosnia-Herzegovina; the official army could not gather enough manpower to fight effectively.⁴¹ One of these paramilitary groups was the group *Arkan's Tigers*. This group was infamous for its extreme violence. *Arkan's Tigers* was led by Željko Ražnjatović, also known as Arkan, who before the war had been the president of the fan club of Belgrade's Red Star football team. He was also a criminal, with several Interpol warrants outstanding for his arrest; he was wanted in connection with a number of bank robberies and political assassinations, as well as for escaping from prisons in both Sweden and the Netherlands.⁴² During the war, he used the Belgrade Red Star fan club as a recruitment basis for *Arkan's Tigers*. The soldiers under his command imprisoned, beat, raped, and executed non-Serbs.⁴³

Here, what we have is a situation that is diametrically opposed to Walzer's argument: although the JNA was involved in atrocities, extreme violence has mostly been associated with the different paramilitary groups. Although the JNA (and/or the Serbian government) supported Bosnian Serb paramilitaries, the paramilitaries were involved in some of the most violent episodes of the Yugoslav war, such as the Srebrenica massacre. This is an interesting obser-

41. Mueller, "The Banality of "Ethnic War"", 48.

42. Commission of Experts, *Final Report of the Commission of Experts Established Pursuant to Security Council Resolution 780 (1992)*, Report S/1994/674 (New York: United Nations, 27 May 1994), 76.

43. International Criminal Tribunal for the Former Yugoslavia, "The Prosecutor of the Tribunal against Željko Ražnjatović also known as 'Arkan'. Indictment," no. IT-97-27 (September 23, 1997): 1.

vation that demands some further consideration of moral equality and civil wars.

One approach to this seeming contradiction to Walzer's argument could focus on the idea that civil wars are much more vicious than interstate wars. This idea is closely related to the so-called 'ancient hatred' thesis that is often used as explanation for the Yugoslav conflict. The ancient hatred thesis argues that the civil war in the 1990s was the result of ancient hatreds between the different ethnicities.⁴⁴ These ancient hatreds were, in turn, the result of the Ottoman invasion of Serbia in the 14th century, as well as the actions of the Croatian *Ustashe* against the Serbian (and to a lesser extent the Muslim) population during the Second World War. The *Ustashe* was a Croatian paramilitary organisation that sided with the Axis forces during the Second World War. Their cruelty was infamous. In the 1990s war, moreover, many references were made to both the Ottoman invasion and the *Ustashe*; *Ustashe* was used as a slur for 'Croat'.⁴⁵

The ancient tribal hatreds interpretation of the conflict was used by, among others, the United States government. Samantha Power quotes different politicians' use of the ancient tribal hatreds explanation of the conflict in the media: "Defense Secretary Cheney told CNN, 'It's tragic, but the Balkans have been a hotbed of conflict...for centuries.' Bush said the war was 'a complex, convoluted conflict that grows out of age-old animosities [and] century-old feuds.'"⁴⁶ However, pointing to ancient tribal hatreds as the root cause of the conflict had a subsequent function that went beyond explanation. Samantha Power argues that by framing the war this way, the US government had found a convenient means to justify inaction.⁴⁷

If the conflict was the result of ancient hatreds that had an historic tendency to boil over now and again, nothing could have prevented the conflict and nothing could change the attitude of the Balkan people and make the violence stop. For someone who accepted this interpretation of the conflict, intervention would have been useless, as Power succinctly states: "As pressure picked up, the Bush administration also developed a spin on events in the Balkans that helped temper public enthusiasm for involvement. (...) Because the American public and the Washington elite began with no prior understanding of the re-

44. Samantha Power, *A Problem from Hell: America and the Age of Genocide* (HarperCollins, September 2007), 282.

45. International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, *Prosecutor v. Duško Tadić a/k/a/ 'Dule'*. *Opinion and Judgment*, 31.

46. Power, *A Problem from Hell: America and the Age of Genocide*, 282.

47. *Ibid.*

gion and because the conflict was indeed uncomplicated, the administration was able to inscribe its version of events onto a virtually blank slate.”⁴⁸

Although the ancient tribal hatreds thesis was a convincing argument for the US administration to initially stay out of any involvement with the Yugoslav conflict, the thesis is not unproblematic. When the war broke out in the 1990s, there were high rates of intermarriage between the different ethnic groups; geographically, the ethnic groups were mixed as well, especially in Bosnia-Herzegovina. It seems unlikely that rates of intermarriage would have been as high if the ancient tribal hatreds thesis would have held.⁴⁹ Therefore, the adequacy of the ancient tribal hatreds thesis for explaining the conflict is questionable.

Because the ancient hatreds thesis is quite problematic, for the reasons mentioned above, it is not a sufficient explanation for the virulence of the conflict, nor does it explain the difference between the attitudes of the paramilitaries and the JNA. Moreover, it fails to take into account the importance of politics. In the Yugoslav conflict, politics played a crucial role in the outbreak of the conflict. In his analysis of the conflict in the Former Yugoslavia, Ivo Daalder distinguishes between permissive and proximate causes of conflict. Permissive causes make a conflict possible; they provide the feeding ground, so to speak, whereas proximate causes can be considered the spark that ignites the conflict. Daalder argues that the ethnic makeup of Yugoslavia was a permissive cause rather than a proximate cause of the conflict. He discards the ancient hatreds thesis with the argument that “[t]aken to its logical conclusion, it suggests that all states with people of different ethnic, tribal, religious, or national backgrounds are unstable and prone to violent disintegration, especially if these differences have at one time or another been the cause of violent conflict. Clearly, the presence of diverse ethnic groups within a state and a history of conflict among them are not sufficient to explain either the rise of nationalism or the violent breakup of a state.”⁵⁰

However, ethnicity can become the organising factor of a conflict, which is what happened in Yugoslavia. Consequently, Daalder argues that the specific political and economic context of Yugoslavia in the early 1990s enabled nationalism to become such a crucial force in the break-up of Yugoslavia. He explains that there were three factors that played a role in this. The first was the economic crisis in Yugoslavia in the 1980s. This crisis was triggered in part by the demands of the West in general and Yugoslavia’s creditors in particular

48. Ibid.

49. Gagnon, ‘Serbia’s Road to War’, 119.

50. Ivo H. Daalder, ‘Fear and Loathing in the Former Yugoslavia’, in *The International Dimensions of Internal Conflict*, ed. Michael E. Brown, CSIA Studies in International Security (Cambridge, MA: The MIT Press, 1996), 37.

to transition from a communist plan economy to a market economy. This transition had to be undertaken by an increasingly weak state, which formed the second factor. This weakness of the state was caused because the different sections, both in the central government and in the different regional governments, were undecided about how to shape the political transition that was to accompany the economic transition. The international context in which these transitions took place was the third factor. At the end of the 1980s and the early 1990s, many of Yugoslavia's neighbouring countries were transitioning away from communism as well.⁵¹

The uncertainty and insecurity that these transitions caused led to ethnic scapegoating and nationalist appeals, which at first originated in Serbia. The Serbian politicians, unable to provide for their people because of the economic crisis, were at risk of losing power. They took a nationalist approach to try and avoid this. In response to the relative success of the Serbian nationalism, Croatian politicians also started using nationalist rhetoric for their own ends. Eventually, the window for a political compromise closed, as the stakes set on nationalism grew too high. When Yugoslavia fell apart and violence broke out, ethnicity became a focal point precisely because the population was ethnically mixed.⁵²

When discussing the moral equality of soldiers, politics cannot be left out of the discussion. Because the foundation of moral equality is derived from the state defending the rights of the community, and because the state has the power to draft people into the army, it sets the conditions under which soldiers are either forced to fight or volunteer to fight. In the Yugoslav context, we especially cannot leave out politics and the role of the state, because we are faced with a curious mix of interstate and internal wars, as well as one state that became four (Yugoslavia split up into Slovenia, Croatia, Bosnia-Herzegovina, and Serbia, with Kosovo still belonging to Serbia at that stage).⁵³ This poses challenges not only for defining 'soldier' or 'combatant' but also for figuring out at which stage which state could force people into combat.

In conclusion, the ancient hatreds thesis does not offer a solution to the challenge to internal restrictions on violence when soldiers volunteer to fight. There is another assumption that we need to discuss, however. Up until now we have equated 'paramilitary' with volunteer. Looked closely, however, this

51. Daalder, 'Fear and Loathing in the Former Yugoslavia', 38.

52. *Ibid.*

53. International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, 'The Prosecutor v. Duško Tadić a/k/a/ 'Dule'. Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction', no. IT-94/1-AR72 (October 2, 1995): 35-36.

assumption is not correct. A common characteristic of paramilitary organisations during civil wars is that they force people of the same ethnicity to fight.⁵⁴

This poses entirely different problems for moral equality. First of all, although there are paramilitaries that are forced to fight, they are not forced to fight by the state, nor are they 'soldiers' in the traditional sense. Does this mean that they are not morally equal? Secondly, another factor that might make moral equality seem somewhat 'useless' to even be talking about in this context is that the actions of paramilitary organisations are mostly characterised by targeting civilians or other non-combatants. These actions would not be justified under moral equality in any circumstances, and so it could be argued that the question is a redundant one. However, this does not allow us to say anything about the default moral position of either voluntary paramilitaries or those who are forced to fight by paramilitary groups.

This is yet another feature of civil wars where the terms in which moral equality is defined cannot be readily applied. It is a relevant issue, moreover, because it touches at the heart of questions about the integrity of the community and how rights are transferred from individuals to the state and from the state to soldiers. However, this critique of moral equality does not imply an a priori argument in favour of the moral equality of paramilitaries or any other non-state parties in civil wars. Rather, what matters is that the terms of the debate are insufficient to even discuss the issue. We will need to address this before we can even think about arguing either in favour or against moral equality in civil wars.

4.4.2 *The ICTY and External Restrictions*

One last thing that is notable about the civil war in the former Yugoslavia is the role of the ICTY. Following Walzer, who talks about the military code as replacement for chivalry several times, I have distinguished between internal and external restrictions on violence. I have also argued, in the first section of this chapter, that the military code - especially in its form of international treaties such as the Geneva conventions - forms an external restriction on violence, one that shapes the moral reality of today's wars. This is also visible in the war in the former Yugoslavia.

The ICTY was the first international tribunal to be established after the Nuremberg Tribunal at the end of the Second World War. Despite initial misgivings about the efficacy of such a tribunal, and despite some start-up problems, the Court did manage to try people. More importantly, it also proved

54. Stathis N. Kalyvas, 'Wanton and Senseless? The Logic of Massacres in Algeria', *Rationality and Society* 11, no. 3 (August 1999): 268-269.

able to acquit people, thus showing that it was capable of independent judgment and not letting the trials turn into show trials.⁵⁵

The ICTY and its related court, the ICTR, showed that external restrictions on warfare do count in today's wars. Even though it might be impossible at times to police the world and uphold the law, there is still the possibility that transgressions will be punished. That this can possibly have a deterring and restricting effect on violence can be seen in the Yugoslav case as well. It is noted that sexual violence mainly occurred in the first half of the wars. Once the media attention for sexual violence soared and the establishment of the ICTY was announced, the reports of sexual violence declined.⁵⁶ Of course, this is a correlation and not a causation, but it remains notable nonetheless.

One might summarise this by pointing out that regardless of whether moral equality actually applies in civil wars, there is the expectation that there is some restraint in the use of violence. If there is not, international law can be put to good use to reinforce the necessity of restraint. In other words, chivalry or internal restrictions on violence are no longer expected, and hence, external restrictions on violence in the form of international law have been given renewed importance. Unfortunately, this is only the most straightforward and simple explanation. As always, there are also other issues at play.

First, some authors have levelled criticism at the international courts for their neocolonial function. David Chandler, in particular, has subjected the ICTY to harsh criticism. Chandler argues that “[a]ttempts to strengthen international law, without the development of any global authority to stand above powerful nation-state interests, have instead reinforced the political and economic inequalities in the world. (...) As we have seen in the Middle East, Africa, the Balkans and Afghanistan, the development of new international jurisdictions has heralded a return to the system of open Great Power domination over states which are too weak to prevent external claims against them.”⁵⁷ In addition, Chandler argues that the procedural organisation of the ICTY was problematic and biased to getting people convicted. Quoting Chandler again, “ICTY Prosecutor Judge Louise Arbour similarly presumed guilt before trial, as indicated in her view that people linked with those accused by her court ‘will be tainted with their association with an indicted war criminal’ (...)”⁵⁸

However, Chandler's own argument is problematic. First of all, Chandler treats democracy as a panacea. This is problematic, considering that the

55. Geoffrey Robertson QC, *Crimes against Humanity. The Struggle for Global Justice*, Third Edition (London: Penguin Books, 2006), 376.

56. *Ibid.*, 393.

57. David Chandler, *From Kosovo to Kabul and Beyond: Human Rights and International Intervention* (London and Ann Arbor, MI: Pluto Press, 2006), 155.

58. *Ibid.*, 142.

former Yugoslavia was formally a democracy by the time the war broke out in the 1990s. Secondly, the criticism he levelled against Louise Arbour, who was the *Prosecutor*, seems beside the point: prosecutors have to presume guilt, otherwise it does not make sense to start a case. It is the task of the defence lawyers to convince the judge of the innocence of their client, not the prosecutor's. As to Chandler's claim of the neocolonialist effect of international law, whether or not one accepts this argument depends on how one evaluates the role of the UN and the UN itself. In my opinion, it does not make sense to argue that the UN is weak when it cannot intervene in conflicts and when it does act and creates a court such as the ICTY it is the result of the malicious intentions of Great Powers, as Chandler seems to do.

Secondly, the law is not consistently applied even by the West. In the current campaign against the Islamist group Islamic State (IS) in Iraq and Syria (also called Islamic State in Iraq and Syria (ISIS)), the creation of an international tribunal has never been a serious option for addressing the threat⁵⁹ of this group. Neither was this the case with the wars that were the result of the Arab Spring; although NATO assisted to depose Khaddafi in Libya, and military intervention in Syria was also discussed, the creation of a tribunal has rarely been discussed. Of course, a country can only be brought before the ICC if it is a signatory to its statutes, but there are ways around this.⁶⁰ Or else, separate tribunals could have been created.

This second issue is indicative of a shift in the political rhetoric. When the ICTY and the ICTR were established in the early 1990s, there was a general sense of political optimism at the end of the Cold War. This changed after 9 / 11. It seems that in the war on terror in particular, it is the firepower of the US military that is presented as the only external restriction on the use of violence by IS. That is one more reason why external restrictions on violence should, in my opinion, be defined with some reference to morality rather than power.

To summarise, in this section we have looked at how the civil war in the former Yugoslavia illustrates the problems we encounter when we want to talk about moral equality in the context of civil wars. What is very important to keep in mind when thinking through these problems is that it is not necessary to decide beforehand whether the different actors in a civil war are each other's moral equals, but it *is* essential to have concepts that are relevant and make sense in the context of civil wars.

59. Of course, the threat of IS, although it is most concrete against the people who live in Iraq and Syria, is perceived as a threat against the West. In contrast to the case of the former Yugoslavia, the threat was perceived as mostly against the Yugoslavian people.

60. Cf. Eamon Aloyo and Joris Lark, 'Recognition for Jurisdiction: A Bold Move to End Impunity for the Atrocities in Syria', April 24, 2014, <http://www.washingtonpost.com/blogs/monkey-cage/wp/2014/04/24/recognition-for-jurisdiction-a-bold-move-to-end-impunity-for-the-atrocities-in-syria/>.

One of the problems the case of Yugoslavia demonstrated is that in civil wars, the community is often destroyed. Common life is absent in such cases, and thus if we were to talk about moral equality as a result of soldiers defending the community or common life, we are talking about something that is not applicable to civil wars. Another problem, related to the lack of community, is that sometimes there is an accompanying lack of a state or a legitimate government. In Bosnia-Herzegovina, for example, at one stage the government was not recognised by two of the three ethnicities. In those cases, we cannot exactly argue about how the state derives its rights to force people to fight from the communal rights of the individuals.

In line with those issues, a third problem is that without a legitimate state or government, it becomes hard to define who is and who is not a combatant. In a state without its own army, such as Bosnia-Herzegovina, who counts as a soldier and who does not when a war breaks out? Similarly, it is not easy to distinguish who is being forced to give up their rights to life and who volunteers to fight. Above, we have shown how paramilitaries (who are typically seen as volunteers) often use threats to recruit people, generally of their own ethnicity (or other distinguishing characteristic). This makes it even harder to assess victimhood and external or internal restrictions. Moreover, because civil wars involve so much violence against civilians and not an extreme lot of paramilitaries targeting official armies, talking about moral equality often seems beside the point.

Finally, however, the important role played by the ICTY shows that there were expectations of restrictions on violence. The different cases tried by the Tribunal clearly distinguished between violence that was restricted enough and a natural part of war and extreme use of violence or war crimes and crimes against humanity. This implies that even within civil wars there is a certain default moral position that is demarcated by ideas of who is and who is not an acceptable target. At the moment, however, we do not have the conceptual clarity to further establish what this moral position is.

4.5 CONCLUSION

In this chapter, we have discussed two key elements of moral equality: victimhood and defence of the community, the latter divided into two separate elements. I have argued that all three concepts are problematic, especially when viewed from a gendered perspective.

First, the problems with victimhood. Walzer refers to victimhood to describe how states can force soldiers to give up their rights to life in order to defend the rights to life of the community. This tragic paradox is what sets

soldiers apart from the rest of the community, and because soldiers on both sides are forced to give up their rights to life, the result is a victimhood of equals, and hence, moral equality. I have argued that this explanation of victimhood is outdated when we look at modern militaries, a large part of which are professional militaries. The soldiers volunteer to fight, and thus we cannot talk about them being forced to give up their rights to life. Nor can we say that they are expected to have intrinsic restrictions on the use of violence, like chivalry, because in today's moral reality, soldiers' behaviour is checked against international law.

Secondly, victimhood is not neutral when seen from a gender perspective. This intersects with how 'defence' is constructed. Soldiering is constructed as a masculine activity. There are different explanations for why this is the case. Some authors argue that the association of men with war has its roots in biology. Others counter that there is not sufficient biological difference between men and women to justify this essentialist approach; they propose that this has its roots in the social constructions of society.

When talking about victimhood in its sense of conscription armies and soldiers being forced to fight, victimhood *is* overwhelmingly male. When Walzer presents the victimhood of soldiers as a basis for moral equality, he assumes that the only thing that sets soldiers apart from the rest of the community is that they are randomly chosen to give up their rights. This is inaccurate when compared with reality; conscription, and especially exposure to combat, affects only men (Israel being the exception). This means that soldiers are not a subset of the community so much as a subset of the men of a community. When we go back to the construction of 'defence', the combination of these two ideas is problematic because it essentialises male expendability.

Likewise, whereas soldiering is associated with masculinity, the community is associated with femininity. In this chapter, we have explored three different ways in which femininity and community are linked; through biology, culture, and citizenship. The integrity of the community is ultimately linked to women's integrity, a dynamic that is exploited by the use of sexual violence in wartime. Moreover, when these gendered readings of both community and defence are put together, it shapes the discourse and how we define key terms such as 'soldier', and more importantly, provide answers to the questions like 'who is a real soldier?' or 'who is a good soldier?'. In this chapter, we looked at the discussion of peacekeepers' images and how participation in peacekeeping reflects on the image of a country's military.

Essentialising defence and community is problematic for a number of reasons. The essentialist definitions of the terms used in defining moral equality are problematic. They obscure a range of experiences and roles played by

people who do not fit traditional depictions. In addition, it mainly fits in with an idea of victimhood that is relevant in conscription armies but no longer quite the right term to refer to today's professional militaries. The discourse that essentialises the task of defence cannot account for the fact that a minority of men in Western states are soldiers who can be sent to war, nor can it account for the fact that women can become professional soldiers in occupations other than nursing. Thirdly, the essentialist approach to the topic presents community as an immutable object and its defence as entirely separate thereof. This is problematic because community or common life is a dynamic reality, and defence can take on many forms.

These ideas were also explored in the discussion of the war in the former Yugoslavia. Civil wars pose a number of problems to moral equality, mainly because the terms in which moral equality is defined obscure any relevance of the concept to civil wars. This is a problem, because it precludes any discussion of possible applications of moral equality in civil wars.

In short, the terms in which moral equality is explained are problematic. Victimhood is outdated and problematic from a gender perspective; defence and community likewise have gendered meanings that make their application problematic. Moreover, the gender dynamics that shape war also have their parallels in the discourse. Because soldiering - defence of the community - is generally thought of as a masculine activity, differing perspectives and stories are often ignored or misrepresented at a discursive level. This shapes the identity of a community and reinforces the idea that soldiering is masculine. In this chapter, we have mainly looked at the theoretical perspectives on the different concepts that underpin moral equality. In the next chapter, Chapter 5, we will look at the role of the discourse in substantiating and perpetuating established gender dynamics by looking at the representation of women's experiences in the Dutch resistance during World War Two. This case study will look at the use of concepts such as victimhood, defence, and community in a practical context: the resistance against the Nazis during the Second World War. It will not address moral equality directly, but it will show how the concepts that underlie moral equality operate in practice. The case study will show how these concepts are read through a gendered lens, and it will show how this gendered reading influences how, for example, defence is defined. Therefore, this case study will allow us to substantiate the problematisation of the concepts underlying moral equality that has been started in this chapter.

THE DISCOURSE ON WOMEN IN THE DUTCH RESISTANCE, 1940-1945

5.1 INTRODUCTION

‘Afterwards, I have deeply regretted not shooting Esmée van Eeghen when I had the chance.’¹

The current case study shows and deconstructs the role of gender in the construction of the discourse surrounding ‘defence of the community’. We are specifically going to look at how women’s experiences are represented, or rather, misrepresented, in the discourse on the Dutch resistance during the Second World War. The quote this introduction started with is from a witness statement in an appeals case against a death sentence, after the war. The witness mentions Esmée van Eeghen, and an analysis of the way her story has been told will form the beginning of the case study. Esmée van Eeghen, perhaps surprisingly given the quote above, was *not* the person standing trial; she was the victim. This section will argue that the way the story of Esmée van Eeghen has been told has the characteristics of a *whore narrative*, which has been discussed by Laura Sjoberg and Carol Gentry in their book, *Mothers, Monsters, Whores: Women’s Violence in International Politics*. The purpose of this narrative is to deny women’s agency, their possibility for making conscious decisions, by pointing to a problematic factor that drove their behaviour. In the case of Esmée van Eeghen, her supposed nymphomaniac nature is the factor that drove her behaviour, not conscious decision, eventually leading to her own death. The whore narrative is one example of a narrative device that is used to ignore or exclude women’s contributions to the defence of a community.

Esmée van Eeghen is only one example of a woman who was active in the Dutch resistance. Her story - because it lacks Esmée’s voice - already points out how individual and collective narratives interact and how they are subject to the dominant ideas in a society (in this case, ideas about a woman’s proper place and behaviour). The discourse on the Dutch resistance contains many such narratives, individual as well as collective. The Dutch resistance discourse, however, has a tendency to focus on only two of the wide spec-

1. ‘Processen-verbaal van verhoor van getuigen inzake het optreden en mogelijke verraad van Esmé van Eeghen, koerierster van de KP Leeuwarden’, *Tresoar Archieven* (Leeuwarden, the Netherlands) Archive: Witness Statements, Verzameling Pieter Wijbenga, no. 340-II-B-7-243 (1945, 1949).

trum of women's resistance activities: couriering, on the one hand, and caring for people in hiding, on the other hand. Women's activities occupied a much wider spectrum; however, when they do not fit in with the picture of women the discourse desires, the stories are ignored, or misrepresented (especially where sex and sexuality are involved). If the stories are exceptional and there is no clear sexual component, the women in question are depicted as larger than life. This is the process at work in the story of, for example, Hannie Schaft and Reina Prinsen Geerligs.

As a corollary to the discourse's tendency to reduce stories about women's activities to archetypical examples, there are many assumptions about women in the resistance. These assumptions, which include the idea that women did not run any risk when they carried out resistance activities, are pervasive; they will be deconstructed thoroughly in this chapter. In this section, we will also look at non-paradigmatic narratives. These stories stand out precisely because they show very few assumptions, criticisms, or other attempts to make the actions of the women in question less important.

The topic of Jewish resistance and Jewish participation in the Dutch resistance is under-discussed in the discourse, and Jewish women's participation even more so. The final section of this chapter will discuss Jewish resistance, and Jewish women's participation in the resistance, while paying attention to the intersectional nature of the topic. Contrary to popular belief, there were multiple instances of Jewish (participation in the Dutch) resistance, and this chapter will look at the rescue of Jewish children from the crèche at the *Hollandsche Schouwburg*, as well as the activities of the *Westerweelgroep*.

Throughout this case study, we look at the Dutch resistance discourse as a prototypical explanation of the discourse about the community and its defence. As we already mentioned, the actions of the Dutch resistance were commonly framed as a defence of the community or the maintenance of a common life. As such, it discusses two of the constitutive elements of moral equality: community, and defence of the community. Moreover, even though resistance members were never recognised as soldiers - and as such not morally equal, at least not by Walzer's definition of the term - the case of the Dutch resistance has a number of advantages for our discussion about the gendered discursive construction of 'defence of the community'. First of all, the actions of the Dutch resistance are generally well-documented, which is a definite advantage for any form of discourse analysis. Secondly, the activities of the Dutch resistance only rarely took the form of an insurgency-like armed struggle as in Eastern Europe, because the geographical characteristics of the Netherlands (extremely flat and quite empty in the rural areas) made partisan warfare practically impossible. When we look at this fact through a gender lens, it meant



Figure 2: Large map of the Netherlands. Note that in 1940, the entire province of Flevoland did not exist yet.²

that the resistance was somewhat of an equal playing field: men often had no more experience than women with these kinds of activities. It also means that there were no pre-established discursive categories in which the resistance could be explained. Therefore, we can pay attention to the dynamics of the discourse in explaining the activities of the resistance as ‘defence of the community’.

A word on the sources used in this chapter is necessary. Although the majority of the sources that I have used can be characterised as scholarly literature, other sources are more part of the popular literature on the Second World War

2. ‘Map of the Netherlands’, http://upload.wikimedia.org/wikipedia/commons/5/54/Netherlands_map_large.png

and the Dutch resistance. Because the topic of the Dutch resistance still speaks to the popular imagination, these books are written for a wide audience and do not necessarily follow scholarly convention in citing sources. Where possible, facts learned from these books have been corroborated by other sources. A significant part of these scholarly books have been written by eyewitnesses, and these works should be treated in a way comparable to oral and written testimony. As a representation of people's experiences, testimony is not a reliable source of facts. Especially in the case of traumatic events, misremembering information belongs entirely to the realm of possibilities. This does not mean that the information from these testimonies is useless, for it gives important information about how people experienced certain situations. Nevertheless, as the analysis of the story of Esmée van Eeghen will demonstrate, it is not without risk to deduce facts from testimony.

A number of videotaped interviews from the University of Southern California Shoah Foundation Visual History Archive (VHA) will also be used. With the proceeds from Stephen Spielberg's film *Schindler's List*, people all over the world were interviewed about their experiences during the Second World War.³ As historical sources, these interviews are not entirely uncontroversial. As the manual for the use of the VHA mentions, "[t]hose elements of testimonial narrative that prove very interesting to other humanities scholars - such as the textual characteristics typical of testimony - can threaten its reliability for historical research."⁴

Annette Wieviorka has compared the VHA to the Yale Video Archive, which is also called the Fortunoff Archive. One of the differences that stands out is that "[t]he emphasis in Spielberg's project is different from that of the Yale Archive. The person of the survivor is no longer at the centre of the enterprise. The survivor has been replaced by a concept, that of transmission."⁵ Moreover, "[i]n the same way, the interviewed survivors show their happy lives after so many trials. The message is optimistic: the family, reconstituted thanks to their descendants, is the living proof of the Nazi's failure to exterminate a people. This message reveals the true nature of these interviews. The project is not ultimately concerned with constructing an oral history of the Holocaust but rather with creating archive of survival."⁶

3. In the meantime, the VHA has expanded its scope to also interview survivors of the Armenian and Rwandan genocides.

4. USC Shoah Foundation Institute Visual History Archive, *Visual History Archive in Practice. The Use of Shoah Foundation Institute Video Testimonies in Higher Education* (Los Angeles, California: USC Shoah Foundation Institute Visual History Archive, s.d.), 47.

5. Annette Wieviorka, *The Era of the Witness* (Ithaca and London: Cornell University Press, 2006), 111.

6. *Ibid.*, 115.

In other words, testimony needs to be approached with care. At the same time, although it is shaped by the formats of an interview, it is not extremely different from autobiographical work. In this chapter, we have used testimony to not only showcase events, but also to highlight the distinction between how events have been presented in the discourse and how people remember them.

How does this case study fit in with the overall argument of the thesis? In the case study, we focus on one particular discourse: the discourse about the Dutch resistance. This discourse contains a variety of narratives, many of them related to the concepts that we have discussed in the previous chapters. By focusing on this particular discourse, we can examine in great detail how concepts such as victimhood are constructed in concrete situations, and how gender influences how these concepts are constructed. For example, below we examine how Jewish resistance has been presented in the discourse on the Dutch resistance. The narratives that we address in this section all focus on the tension between victimhood and resistance. Similarly, this chapter shows how concepts such as defence and community are used in telling the story of the defence of the Dutch community by the Dutch resistance. By focusing on the role of women in the resistance and examining how their contributions have been addressed by the discourse, we can see how gender influences how these concepts are used. In other words, we are looking at the discourse on the Dutch resistance to see *how* the concepts of victimhood, defence, and community, are represented and constructed in practice.

In short, this chapter will look at the discourse on the Dutch resistance and analyse how the constitutive concepts of moral equality - community, and defence of the community - are constructed. We will look in particular at the impact of gender in the construction of the discourse. In the first section, the story of Esmée van Eeghen will be examined, and we will show how the way her story has been treated is typical of the so-called whore narrative.

Finally, because this chapter refers to a great many Dutch names, I have added a glossary at the end of the thesis with *all* names of persons and resistance organisations.

5.2 ESMÉE VAN EEGHEN

5.2.1 *The Story of Esmée van Eeghen*

We start our analysis of the discourse on the Dutch resistance by focusing on one particular story: the story of Esmée van Eeghen. This story will highlight how the discourse is the result of a number of individual narratives, and it will show how gender shapes this constructive process. In this case, we are

Table 4: Activities of the Dutch resistance

Activity	Explanation
Hiding	Aid to people in hiding was mainly provided by the Landelijke Organisatie voor hulp aan onderduikers (LO), which was established in 1942. Various groups of people had to go into hiding: Jews, men who tried to avoid the Arbeitseinsatz, and people who were otherwise wanted by the Nazis.
Couriering	Transporting paperwork or illegal newspapers.
Espionage	Spying on German activities and transmitting information to the UK.
Sabotage	Blowing up train lines.
Armed Resistance	Activities such as robbing distribution offices and other administrative offices, and liquidating people.
Forgery	Forging distribution cards, identity cards, and food coupons.
Assisting Allied Pilots	Helping Allied pilots, whose planes had been shot down, evade capture and escape to England.
Escape Lines	Helping people escape the Occupied Zones. Escapees usually tried to reach Switzerland or Spain; from there, they often tried to travel to the UK or to the US.
Illegal Press	Printing and distributing of illegal newspapers and books.
Nationaal Steunfonds	This organisation took care of the financial-administrative side of the resistance.

going to examine the intersections of sex and sexuality, gender, betrayal, and the Dutch resistance. Sex and sexuality play a remarkably prominent role in narratives of betrayal and female traitors while it plays a smaller role in the narratives about male traitors. Women are portrayed as the weaker sex, and hence, in the resistance context, as unreliable. The story of Esmée van Eeghen⁷ is a good example. Esmée van Eeghen was a young woman who was active in the Frisian resistance, but she fell in love with a German *Wehrmacht*-officer, and left the resistance. Eventually, she was fusilladed by the *Sicherheitsdienst*. This story will be explored in more detail below.

The story of Esmée van Eeghen has many features of the so-called ‘whore narrative’ which Laura Sjoberg and Carol Gentry describe in their book *Mothers, Monsters, Whores: Women’s Violence in Global Politics*. In their work, they focus on women’s engagement in proscribed violence: violence that is not allowed under (international) law, such as terrorism. Sjoberg and Gentry contend that “[w]omen’s violence is often discussed in terms of violent women’s gender: *women* are not supposed to be violent.”⁸ As a consequence, when women *do* commit violence, they are seen as an irregularity, and narratives that try to make sense of their actions often can be characterised as “(...) storeyed fantasies which deny women’s agency and reify gender stereotypes and subordination.”⁹

These narratives tend to be structured around the use of one of three themes: mothers, monsters, and whores. The mother narratives try to explain women’s violence as “motherhood gone awry”, as a consequence of wanting to nurture and take care of men. The monster narratives remove every logical element from the explanation of the proscribed behaviour, and describe the women as “insane, in denial of their femininity, no longer women or human”. The whore narratives, finally, can be divided into two separate narratives. One focuses on the woman in question’s sexuality as “both extreme and brutal” whereas the other follows a theme of “erotic dysfunction” in contrast to the “erotomania” of the previous explanation: they “(...)emphasise either desperation wrought from the inability to please men or women as men’s sexual pawns and possessions.”¹⁰

In short, the function of these paradigmatic narratives is to exculpate femininity from any relation to violence in order to preserve the innocent and pure

7. Among the various sources, there are some discrepancies with regard to the spelling of her name. Some sources spell her name as “Esmé”, others as “Esmée” with an extra “e” at the end. In the rest of the text, I will use the second spelling, as this is the one used on her tomb stone.

8. Sjoberg and Gentry, *Mothers, Monsters, Whores: Women’s Violence in Global Politics*, 2.

9. *Ibid.*, 5.

10. *Ibid.*, 13.



Figure 3: Photo of Esmée van Eeghen.¹²

image of the feminine, of what Jean Bethke Elshtain calls, following Hegel, the Beautiful Soul.¹¹

The following section will analyse how the story of Esmée van Eeghen has been narrated, with a focus on how the whole narrative features in these narrations. In doing so, it will highlight how paradigmatic narratives, such as Sjoberg and Gentry's whore narrative, tend to be used to make sense of events the narrators do not quite understand, but also to deny women agency and to discredit the activities of the woman who is the subject of the narrative. In addition, these paradigmatic narratives also function as explanation for why these narratives do not get used as acquired identifications in the construction of the narrative identity of the community. An interesting aspect of the story of Esmée van Eeghen is that we know it solely through the narratives of other people; Esmée's voice is missing. Hence, the telling of her story is pure construction.

To accomplish this, the analysis of the story of Esmée van Eeghen will focus on three elements: primary sources, secondary sources, and the historical and geographical context in which the events took place. However, we will begin by taking a closer look at the (hi)story of Esmée van Eeghen. First, some background information about her person is necessary. I aim to present the story

12. Unknown, 'Esmée Adrienne van Eeghen (1918-1944), Dutch resistance in WW II. Photo ca. 1940 (?)', accessed 2015, <https://commons.wikimedia.org/wiki/File:EsmeevanEeghen.jpg>

11. Elshtain, *Women and War*.

first through facts that are undisputed, and then I will discuss the representation and interpretation of the story.

5.2.2 *History*

This section aims to tell the story of Esmée van Eeghen in as neutral a way as possible, referring only to undisputed facts. This is not as easy as it seems, because oftentimes opinions are posited as facts, as we shall see in the following sections. However, it is necessary to separate fact from speculation: speculation and twisting or misrepresenting facts are the building blocks of a whore narrative. That is the hallmark of a whore narrative; its core is misrepresentation through narrative embroidery, so to speak. Therefore, we first try to establish the facts; from there, we can look at the meaning the narrative has created, and to what extent it has the characteristics of a whore narrative.

Esmée van Eeghen was born in Amsterdam in 1918 and raised in Het Gooi, a rich, posh area near Amsterdam. She was of noble birth, and in these circles it was thought to be appropriate to learn a useful profession so that one could contribute to society, as well as to have something useful to do. Hence, Esmée trained as a nurse, and at the time of the invasion of the Netherlands, she worked in a hospital in Amsterdam. Here, she met and fell in love with a 21-year old medical student, Henk Kluvers. Henk Kluvers was an acquaintance of Piet Meerburg, also a student, who was active in the resistance. Piet Meerburg led the Amsterdamse Studenten Groep (Amsterdam Student Group) (ASG) which played an important role in the rescue of Jewish children, and they took care of bringing these children to hiding addresses in Fryslân in the north, and Limburg in the south.¹³ Henk Kluvers became involved with this group, as did Esmée. When children had to be brought to hiding addresses, this frequently was a task for women and girls, because a woman travelling with children would not catch as much attention. Nevertheless, there are plenty of accounts relating stories of men who brought children to Fryslân.¹⁴

Esmée was one of the women who brought children to Fryslân, and in this capacity she came into contact with Krijn van der Helm,¹⁵ who was at that stage the leader of the Frisian department of the Landelijke Knokploegen, the armed resistance. When her boyfriend Henk Kluvers moved to Fryslân to continue his resistance work, Esmée followed him there. However, Henk was soon

13. See the section, *Jewish Resistance: Hollandsche Schouwburg* and *Glossaries*, below.

14. USC Shoah Foundation Institute Visual History Archive, *Interview 6271, Mr Jacques van Dam*.

15. There are also some ambiguities with regard to the spelling of his name. Some authors write “van der Helm” whereas others write “van den Helm”. I have chosen to use the spelling that is also used in the court documents.

forced to move back to Amsterdam after he was recognised during a raid¹⁶ and when he was subsequently diagnosed with tuberculosis, he decided to break off their relationship. Esmée stayed in Fryslân, where she had become the personal courier of resistance leader Krijn van der Helm. She carried out important work for him, and she also worked independently.

Because of her upper-class upbringing, Esmée was well-travelled and spoke many languages fluently. This made her extremely suitable for espionage activities, and on multiple occasions she got in touch with German officers. On one of these occasions, she met a *Wehrmacht*-officer named Peter Pingel, who introduced her to his housemate, *Wehrmacht*-officer Hans Schmälzlein. Esmée and Schmälzlein fell in love, and Esmée decided to leave the resistance.

This posed a problem for the resistance, as Krijn had done a lot of work together with Esmée and she not only knew of the ins and outs of the Frisian resistance, but she was also familiar with resistance groups across the country. The other leader of the Knokploeg (KP), Pieter Wijbenga, wanted to shoot Esmée. Piet Oberman, who had just been appointed 'replacement leader' in case Krijn and/or Pieter had to go into hiding or was otherwise unable to lead the group, was only new to the group and felt he could not force his opinion, but he also thought it was better to shoot her.¹⁷ However, Krijn did not want to hear anything about it. He did not want to have Esmée killed, and threatened to quit all his resistance activities if the others decided to kill her anyway. Because of Krijn's threat, it was decided that she should be banished from the province.

Esmée agreed to the banishment, and she said that Schmälzlein and she were planning to get married, and would subsequently move to Germany anyway. She left Frisia. However, around this time the KP-member Ben de Vries was arrested, and tortured so badly that he told the *Sicherheitspolizei* all about the KP-archive, which was stored away in a warehouse in Leeuwarden. The archive was retrieved, and unfortunately, the key to the encrypted archive had been stored with the archive.¹⁸ The SD went to interrogate the officers Pingel and Schmälzlein, whom they suspected of fraud and keeping food for themselves. Soon, they realised that Esmée and Schmälzlein's new girlfriend were the same person. They also hoped to find out who was guilty of a successful liquidation of a Dutch SS member, Sikke Wolters, through capturing Esmée. Although

16. Jan Meyers, *Esmée. Een vrouw in oorlogstijd* (Soesterberg: Aspekt, 2011).

17. 'Processen-verbaal van verhoor van getuigen inzake het optreden en mogelijke verraad van Esmé van Eeghen, koerierster van de KP Leeuwarden'.

18. This was actually a mistake. On July 10, Krijn's boss at the Tax Services, Jan Evenhuis, who was also involved in resistance work, was arrested. Krijn decided to hide a part of the documents of the National Support Fund at Tamminga's where the armed resistance had also stored things. This turned out to be a fatal mistake. Three days later, Ben de Vries was arrested and broken.



Figure 4: Piet Oberman (left) with a Canadian officer during the Liberation, at De Zijl in the city of Dokkum.¹⁹

both *Wehrmacht*-officers denied knowing Esmée, An Jaakke, the girlfriend of Pingel, told the infamous Dutch SD-man Zacharias Sleijfer to meet with her later, because she knew more about Esmée. During the subsequent meeting, An Jaakke and Sleijfer agreed that she would try to get in touch with Esmée and propose to meet her in Amsterdam, to catch up. She would then indicate to the SD who Esmée was by kissing her on the cheek.

In the end, this is what happened and how Esmée was arrested. After her arrest, she was brought to Groningen, to the Scholtenshuis, the SD-headquarters. The employees of the Scholtenshuis were well-known for their brutality and cruelty, but the little information that we have about Esmée's interrogations there seem to indicate that she was treated well (although the reason why is unknown). Nevertheless, a few weeks after her arrest, Esmée van Eeghen was killed: she was shot several times. Her body was thrown into the canal, where it was later found. It was only after the Liberation that Esmée's mother identified her, by her clothes.

5.2.3 Primary Sources

In the previous paragraphs we have attempted to tell the (hi)story of Esmée van Eeghen based on the facts that seem to be least contested. However, once

19. Nieuwsblad Noordoost Friesland, 'Piet Oberman naast een Canadese officier in een Jeep bij het Stadhuis op de Zijl in Dokkum tijdens de Bevrijding', April 2012, accessed 21st November 2014, <http://www.nieuwsbladnof.nl/nieuws/9837/gezocht-oorlogsverhalen/>

we take a closer look at the original and secondary sources on which this story is based, the story becomes less straightforward than originally portrayed. As Esmée was killed in 1944, we depend on the memories of other people for our knowledge of the events that transpired. One of the most important sources of memories is a collection of witness statements in the court case against An Jaakke, who betrayed Esmée to the *Sicherheitsdienst*. What is especially interesting about the witness statements, however, is that they read as if the case were against Esmée instead of against An Jaakke.

When analysing the witness statements, it should be kept in mind that the people who gave them each had their own agenda. Therefore, they are not entirely reliable. The witness statements were taken in 1946, only two years after Krijn van der Helm had been killed. In those two years, many people had believed that Esmée was to blame for the death of their friend, and it had become clear only recently that she did not freely provide the *Sicherheitsdienst* with information; instead, she was betrayed and arrested herself. Nevertheless, it made Esmée suspect; this was all the more true because even when she was alive and still fully involved in the resistance, many people did not like her or did not trust her. In a sense, the 'knowledge' that Esmée had betrayed Krijn was a comfort, whereas learning that all this was not as clear-cut as it seemed was upsetting. This much can be gathered from the witness statements.

Moreover, the witness statements were taken in the appeals case against the death penalty An Jaakke was sentenced to. The prosecutor had built his original case on the statement that An Jaakke had betrayed the *resistance worker* Esmée van Eeghen. However, in this appeals case the defence argued that at the time when An Jaakke betrayed her to the *Sicherheitsdienst*, Esmée had left the resistance; indeed, she and Schmälzlein had wanted to marry and move to Germany. In the witness statements, a certain tension can be discerned. On the one hand, the people who were involved with the resistance had to deal with the knowledge that Esmée was tangentially related to death of Krijn van der Helm, but that this was the case only after she herself had been betrayed. Additionally, representing Esmée as a resistance worker when she had gone against all that the resistance stood for by falling in love with a German officer was an emotional insult. On the other hand, the people who had collaborated with the Nazis were struck by the contrast that Esmée had been a 'terrorist' but also that she was going to marry a German officer. In short, the circumstances make that the witness statements cannot be seen as objective statements of fact. Below, we will see that often there are contradictory interpretations of certain circumstances and facts.

This still begs the question: how do the witness statements echo the 'whore narrative' in their description of Esmée van Eeghen? The definition of 'whore



Figure 5: Krijn van der Helm.²⁰

narrative’ distinguished between two variants of this narrative: one portrays the woman in question as “erotomaniac”, the other variant focuses on dysfunctional sexuality. The witness statements are in line with the first variant of the whore narrative, where the woman in question is described as erotomaniac. This theme can be seen both explicitly and implicitly. Implicitly, when the witnesses focus on Esmée’s looks, and explicitly, when they describe her personality.

Piet Oberman describes her as follows: “Her good looks, extremely elegant, *mondain* clothing, her being of noble birth and well-educated, these were all things that made her extremely suitable for carrying out espionage activities in German circles, especially among German officers.” Antje Kingma-Jager, wife of one of the KP-members, uses almost the same words: “For her age, (then approximately 26 years), she was very accomplished; she fluently spoke foreign languages and had travelled a lot. She was beautiful and she had an extraordinary taste in clothes.”

20. “KrijnvanderHelm”. Via Wikipedy, CC Licence 1.3, mefr. R. Spanjaard-Visser fan [www. spanvis.nl](http://www.spanvis.nl), ‘Krijn van der Helm’, [http : / / fy . wikipedia . org / wiki / Ofbyld : KrijnvanderHelm . jpg#mediaviewer/File:KrijnvanderHelm . jpg](http://fy.wikipedia.org/wiki/Ofbyld:KrijnvanderHelm.jpg#mediaviewer/File:KrijnvanderHelm.jpg)

Esmée's landlady from the time she lived in Leeuwarden, Hendrika Stienstra-Kamp, said: "Soon I noticed that Esmé [sic]²¹ came from highly distinguished circles and was very accomplished. She dressed extremely worldly and was young (then 26 years old) and beautiful." Pieter Wijbenga: "Because of her extremely worldly appearance, she was, in my opinion, too noticeable for doing [resistance-AG] work in the Frisian countryside." Anno Houwing, a police officer who could be called an acquaintance of Esmée's rather than a friend, used once again, similar words: "Esmé [sic] was a free, worldly person (...)." Both Fransoos Exaverius Lammers and Zacharias Sleijfer, SD employees, remembered the first time they saw Esmée; she was wearing a fur coat. In the Dutch text, the word 'mondain' (worldly) is used by four out of five witness statements by her (former) friends.

When the witnesses describe Esmée's personality, almost all witnesses mention her (attitude towards) sexuality, which they describe with the term "nymphomaniac" or its Dutch equivalent, "manziek". Piet Oberman, the man who at the time had only recently become the deputy leader of the Frisian KP, first says that she was very suitable for espionage activities, but then goes on to say:

"However, Esmée had one great fault, which was her being extremely flirtatious, even nymphomaniac. She also drank and smoked an awful lot."²²

Mrs Antje Kingma-Jager uses similar phrases to describe Esmée. Her husband was a resistance member, and the group sometimes had meetings at their house. She stated that: "[Esmée] was mature at a young age, and she was disconcertingly experienced sexually. I would venture to confidently say that she tended somewhat to hysterics. One could never quite understand her and the strange thing was that one tolerated a lot, almost everything, of her. She was an unstable, loose type, who was very unreliable."²³

Mrs Kingma's observation of Esmée as "hysterical" was shared by Mrs Hendrika Stienstra-Kamp, who was Esmée's landlady. Mrs Stienstra said:

"About Esmée, then, I can declare the following, namely that I always considered her to be somewhat hysterical. My second husband, who hadn't known Esmée, had studied psychology and he was, therefore, very interested in her, and once he asked me about several of Esmée's characteristics. When I made clear to him that she had a hair implant and told him that her big toe was significantly longer than the other toes, he explained to me that Esmée portrayed clear characteristics of serious degeneration, and that

21. In the witness statements, Esmée's name is continually misspelled.

22. 'Processen-verbaal van verhoor van getuigen inzake het optreden en mogelijke verraad van Esmé van Eeghen, koerierster van de KP Leeuwarden', 2.

23. Ibid., 4-5.

she must have been seriously genetically burdened. That is all I have to declare.”²⁴

Apart from an opinion on Esmée’s behaviour, Mrs Stienstra’s statement also gives a first glimpse into the contradictions that surrounded Esmée. In this fragment of her witness statement, we can see that she is trying to make sense of the person Esmée was and what had happened during the war. People liked Esmée; she was trusted with important resistance work, and yet, almost every witness statement says that she was a very unreliable person. This contradiction permeates the witness statements. We already saw this in the statement by Mrs Kingma, above, but it is also stated by Mr Anno Houwing, a police officer who functioned as contact person between the Frisian resistance and the Veemgericht.²⁵

“Esmée was an easygoing mondain/worldly presence who, as far as I know, had done a lot of resistance work. Nevertheless, I never completely trusted her. I cannot quite put into words why that was the case.”²⁶

The resistance members were not the only ones who held this opinion; it is also how she is described by the people who collaborated with the *Sicherheitsdienst*. Two parts of Mr Fransoos Exaverius Lammers’ witness statement, who worked for the *Sicherheitsdienst*, are worth mentioning here: “Esmée did not showcase any loyalty towards her former friends and she told us without any reservations and without being forced to (there have been allegations that Esmée was tortured, but this is absolutely untrue, as it was completely unnecessary), everything she knew.”²⁷

Later on, he continues:

“Esmée was an extremely mondain and a very erotic figure, and because of her frequent association/intercourse²⁸ with men, she

24. Ibid., 7.

25. The ‘Veemgericht’ was a secret court. Named after the secret medieval German courts of the same name and made up of three men who had been judges before the war, the Veemgericht decided whether the resistance could execute people who posed a danger to the resistance. The judges, who gave their opinion individually, had three options: yes, no, or more information needed. The Frisian resistance had decided on establishing the Veemgericht after a few botched executions; also, they wanted to avoid any Wild West-style haphazard executions and thus used the Veemgericht to put their decisions in some sense of a juridical framework. Unfortunately, the history of the Frisian Veemgericht is largely undocumented. As Schaaf writes, the people who were involved either do not remember or do not want to remember. Ype Schaaf, *Dodelijke Dilemma’s in het Friese Verzet. Het Veemgericht en Esmée van Eeghen* (Franeker: Uitgeverij van Wijnen, 1995), 30–66.

26. ‘Processen-verbaal van verhoor van getuigen inzake het optreden en mogelijke verraad van Esmé van Eeghen, koerierster van de KP Leeuwarden’, 10.

27. Ibid., 12.

28. Appropriate translation not clear. Considering the context, both could have been referred to. This might also be intended.

was far too weak and she was like putty in the hands of the *Sicherheitspolizei*. For me, it is incomprehensible how the resistance movement could have trusted her to such an extent. Even why they accepted a girl like her into their movement, as one could be sure that, if she ever were arrested, she would betray everything and everyone. By the way, the results have shown this to be true.”²⁹

Here, we see the same two elements that we also saw in the witness statements by the people Lammers refers to as Esmée’s “former friends”, which point towards the erotomaniac variant of the whore narrative: a hypersexualised version of the (hi)story, in which sex and female sexuality is strongly linked to untrustworthiness.

The witness statements hover between two poles. On the one hand, Esmée is praised for her resistance work. On the other hand, her (supposed) betrayal and untrustworthiness is inextricably linked to her supposedly being a nymphomaniac. The underlying idea seems to say, if only she didn’t go to bed with every man she met, none of these bad things might have happened. Here, the witness statements follow the pattern described by Sjöberg and Gentry; by referencing a pathological sexuality, the person in question is denied agency.

5.2.4 *Early Non-Fiction*

The non-fiction written shortly after the war differs in how Esmée is represented. The works we will look at in this section all focus on the Occupation and the resistance in the general sense, instead of a focus on individuals. The analysis of Loe de Jong is part of his 24-volume work on the Netherlands during the Second World War, and so the events that transpired in the Frisian resistance form only a small part of bigger events. The second book that we will look at is written by Y.N. Ypma. It focuses specifically on the Frisian Resistance. We will begin by looking at De Jong’s depiction of Esmée.

Loe de Jong, who writes about Esmée in his magnum opus, the 24-volume work *Het Koninkrijk der Nederlanden in de Tweede Wereldoorlog* (The Kingdom of the Netherlands in the Second World War), focuses mainly on her many lovers, thus painting a picture of debauchery. De Jong, whose representation of the story is based on Pieter Wijbenga’s book *Bezettingstijd in Friesland*, part II, writes the following: “[Esmée] became Van der Helm’s courier when he started to lead one of the Frisian Knokploegen, and later all Knokploegen in

29. ‘Processen-verbaal van verhoor van getuigen inzake het optreden en mogelijke verraad van Esmé van Eeghen, koerierster van de KP Leeuwarden’, 13.

Frisia. *He fell madly in love with her, and she cared about him somewhat, too; at least, it lead to a rather fitful affair.*³⁰ In March 1944, Esmée met an *Oberzahlmeister* of the *Wehrmacht* in the *Wehrmacht*-part of the train, a certain Pringel (sic: **a new lover. Another one followed:** Pringel's colleague and housemate, *Oberzahlmeister* Hans Schmälzlein. Esmée moved in with him."³¹

Despite focusing on Esmée's many lovers, and the implicit message that she was quite a loose woman, De Jong does not criticise her actions. Interestingly enough, he does not use his references to Esmée's sexual behaviour as a way to deny her any agency - as the whore narrative would predict. Even more interesting is the fact that he clears Esmée from treason in the strongest wording possible.

De Jong writes, and in doing so, he deviates from Wijbenga: "Historiography does not know 'last words', here nor anywhere else in our work, but we see the fact that Esmée van Eeghen, together with the Drents³² KP-member Luitje Kremer, was shot to death less than two weeks after the death of Krijn van der Helm (their bodies were thrown into a canal), as a strong clue that she must have immensely displeased this riffraff. She cannot have done so other than by refusing to give them the information they were after."³³ What we see here is that De Jong attributes to Esmée agency: she refused to give the *Sicherheitsdienst* the information they wanted, and this is what got her killed. This interpretation runs counter to the whore narrative, where women are denied the agency for their actions.

Writing in 1953, Y.N. Ypma's portrayal of Esmée is quite different from both Meyers and De Jong. His book, *Friesland Annis Domini 1940-1945*, focuses on the province of Frisia, and specifically on the Frisian resistance. He does not focus on Esmée's sexual behaviour in any way. Nevertheless, his portrayal of Esmée's story does not portray her as a 'full player': nowhere in the book does he actually use her name, although he occasionally uses one of her aliases. In fact, Ypma only names two women - while discussing the actions of many more. Throughout his book, Ypma continually uses the aliases of resistance people who were still alive at the time of writing and publication. So, for example, Pieter Wijbenga is never indicated by his real name, but instead by his resistance alias, Geale. The actions of Krijn van der Helm, who had already been killed in 1944, are discussed using Van der Helm's own name.

One might argue that Ypma only uses the names of people, who played an important role in the resistance. While it is true that the majority of the key

30. Krijn van der Helm was married and had, at this point, one child.

31. Emphasis by author, italics in original Jong, *Het Koninkrijk der Nederlanden in de Tweede Wereldoorlog*, 978.

32. From the province Drenthe in the north-eastern part of the Netherlands.

33. Jong, *Het Koninkrijk der Nederlanden in de Tweede Wereldoorlog*, 980.

players in the resistance were male, Ypma does not only name the key players, but also those who were of lesser importance in the organisations.³⁴ For example, Ypma talks about female couriers quite a number of times, without ever naming them. Then, at one point, there is a male courier, Auke, who only appears at this point in his book, only as a mention of someone who was present, and his name is used.³⁵ This, while most female couriers never get named - not their real name, nor their alias.

Also, there is more evidence that Ypma is somewhat selective in reporting the incidences of women's involvement in the resistance. In his description of the liberation of prisoners in the city of Sneek, he mentions that a number of men, as well as some women, had been freed. The people who had been freed were resistance members. However, in the rest of his book, there is no record of women resistance members having been arrested. This perpetuates the assumption that women, even as members of the resistance, would not be arrested, an assumption that will be further discussed in the section *Assumption: Arrest*, below.

Although Ypma discusses Esmée and her story, he never actually uses her name. At the time of writing, it was already known that Esmée had been killed by the *Sicherheitsdienst*, and it was also already known - also to Ypma - that the question of whether or not she had betrayed anyone - was clearcut. He writes:

“After having been brought to Groningen, she named names, and arrests followed. Was it a conscious betrayal? We might never know what exactly happened there in Groningen. A fact is that she could be confronted with an immense amount of evidence, which surely would have made her desperate. Early September her remains were found in the Starckenborgh-canal near Groningen. She had been slaughtered there with a few pistol shots by the Sipo.”³⁶

So Ypma acknowledged that whether or not Esmée malignantly betrayed everyone is doubtful. Nevertheless, he does not use her name. The reason for this is therefore not clear. While it is too much speculation to say that he did not use her name because she was a woman, it is interesting to observe the difference in the naming of men and women in his book. Even if this was not

34. This is not to imply that these people did not do work of any importance, because that is obviously not true: everyone who was active in the resistance ran some risk. Even if one was arrested for a lesser wrong, there was the risk that one would be fusilladed in revenge actions of the Nazis; people who had been arrested, regardless of the crime committed, were usually the victims of these revenge actions. To say that someone was of less importance just means that someone did not play a role in the organisation of the resistance, regardless of whether he or she carried out important resistance activities.

35. It is not clear, however, if Auke is an alias or a real name.

36. Y.N. Ypma, *Friesland Annis Domini 1940-'45* (Dokkum: Kamminga, 1953), 207.

done intentionally, it does have the effect of reducing women's agency, and of portraying them as men's assistants rather than as actors in their own right.

Given this, it is rather interesting that Ypma does not focus on Esmée's sexual behaviour. In fact, he seems to think it is barely worth mentioning that a resistance member eloped with a *Wehrmacht*-officer: "She got in touch with Germans. It could not have been foreseen that one day she would fall head over heels in love with a German officer, but this was nevertheless a human possibility. Frankly, she shared this and left it to the leaders to say, what she ought to do. Even if this development had not been a deathly danger, it made Elly in any case unacceptable for the resistance. She left Frisia."³⁷

As we see, Ypma does not bat an eye, so to speak, when Esmée falls in love with a German officer. More interestingly - and this seems to contradict the general trend in the witness statements - he thinks that this could not have been foreseen. Reading the witness statements, one gets the impression that Esmée's nymphomania had her heading in that direction a long time ago - a sentiment that Ypma does not share.

To summarise, it cannot be said that Ypma employs the whore narrative in his description of the story of Esmée. Although, as a whole, he fails to use women's names even when the context warrants this - which leads to a denial of agency all the same - this is not done by the pathological portrayal of women's sexuality. In fact, of all secondary sources, Ypma's portrayal of Esmée van Eeghen contains the least references to her sexual behaviour.

5.2.5 *Later Non-Fiction*

The rather sensible and balanced representation we see in the early nonfiction is not exactly ubiquitous in the later nonfiction's representations of Esmée van Eeghen. The early nonfiction, which was discussed in the previous section, was published in the (relatively) early aftermath of the Second World War. Ypma's book, for example, was published in 1947. From the late 1980s onwards, a number of books on Esmée was published. In this section we will focus specifically on one book, Jan Meyers' *Esmée. Een Vrouw in Oorlogstijd*. Other books that have been published during this time period are Ype Schaaf's *Dodelijke Dilemma's in het Friese Verzet. Esmée van Eeghen en het Veemgericht* and Ageeth Scherphuis and Anita van Ommeren's *De Oorlog van Esmée van Eeghen*. I have chosen to focus on Jan Meyers' book because, on the one hand, Schaaf focuses more on liquidations by the Frisian resistance, and Scherphuis and Van Ommeren's work does not present any new information.

37. Elly was one of Esmée's aliases. Ibid.

Jan Meyers, whose book was published as recently as 2011, represents Esmée rather differently than the earlier non-fiction. At points in his book, Meyers seems to want to write a fair and balanced story; he writes, for example: “A lot has been said about Esmée. For example, that she had nymphomaniacal characteristics. This has also been contradicted.”³⁸

However, at other points in his narrative, Meyers does not follow this point. About Esmée’s relationship with Henk Kluvers, which led her to follow him to Fryslân, he writes the following, for example: “A sensual [female animal]’ is how Henk Kluvers characterised her, by which he apparently wanted to express that her sex drive was tremendous. She was amazingly experienced sexually. She was a great lover who knew how to fulfil a man’s need for both lofty and whorish delight. She was three years older than him. It can be assumed that the age difference and her rich sexual life must have put her in charge of their sexual life.”³⁹

This quote demonstrates how Meyers speculates about the facts: *apparently*, Kluvers wanted to express that her sex drive was enormous. *It can be assumed that* she was the one who was in charge in their sexual life. These are all assumptions, not facts. Nevertheless, they set the tone for a certain depiction of Esmée; in line with the whore narrative, these assumptions show up in other parts of Meyers’ book as well, and together these assumptions paint a picture of a woman whose sexual desires led her to her actions, without any agency or rational thought.

Further speculations and denial of agency can be seen in the following quotes: “Esmée had gone wild. In this state of mind, she started something with Krijn. Infidelity was a sin. This is written, black on white, in God’s Word, and it wasn’t written down there for nothing. The Word of God, if not Calvin’s, weighed heavy in Frisia. Esmée started something with Krijn, but that is not the entire story. It continues: Krijn responded. What is more objectionable: to start something wrong or to continue it? One gets the impression that in the circles of the Frisian KP, in which this history plays itself out, Esmée was blamed more than Krijn.”⁴⁰

Here we see a classic motive of the whore narrative. Apparently, Esmée ‘had gone wild’ - the original Dutch word, *losgeslagen*, implies a state of literally being out of one’s mind; thus, she could not be held responsible for what she did (have an affair with Krijn). Nevertheless, she was the one who was accorded most of the blame, according to Meyers.

38. Meyers, *Esmée. Een vrouw in oorlogstijd*, 67.

39. *Ibid.*, 29.

40. *Ibid.*, 64–65.

However, one might ask how this is important in the (hi)story at hand. Maybe one should even ask what the Frisians thought was worse: that she had many lovers, or that she ended up falling in love with a German officer? This question is especially relevant when put in the context of Esmée's resistance activities.

Esmée carried out a diverse set of activities for the Frisian resistance. What had started with assisting the hiding of Jewish children soon turned into couri-ering, attending meetings, and carrying out weapons transports. However, the primary sources note that because of her worldly upbringing and good command of the German language, she was very well suited to carry out espionage. And if one is to believe the stories, because she did not shy away from using her femininity to gather information, she was perhaps even more suited to spying.

Like most sources, Meyers does not argue that Esmée betrayed anyone. However, in contrast to De Jong, who argued that Esmée was killed because she withheld information - thus according her some agency -, Meyers states outright that Esmée did not have any agency: "Dr. Loe de Jong cleared Esmée of betrayal by asserting that the SD killed her because she withheld 'this riffraff' the information they wanted. *This is nonsense: the SD was not an organisation to which one could speak or be silent as one behooved.* The fact that she was not abused proves that she did give information. She was not killed because she stayed silent, but because she was, according to the Germans, a terrorist."⁴¹

Meyers then concludes that Esmée *and* flirted with the soldiers of the SD *and* that she gave information. Nevertheless, he follows Wijbenga in that no-one was arrested as a consequence of information that could only be traced back to Esmée. Also, he quotes Jeanne Evenhuis,⁴² who said that if Esmée had been very forthcoming with information, more damage would have been done.⁴³ This confirms the denial of agency, because on the one hand, Meyers argues that she did give information, while he says that on the other hand, she did not tell everything and thus she was not a traitor.

Meyers' rebuttal of De Jong, then, is not airtight. On the one hand, he argues that Esmée provided the *Sicherheitsdienst* with information; on the other hand, he says that she did not tell them everything she knew. At the same time, he says that one could not keep their mouths shut when the *Sicherheitsdienst* wanted information - even though he says that Esmée, partly, did that.

41. Italics: AG. *ibid.*, 156.

42. Jeanne Evenhuis was the daughter of Jan Evenhuis, Krijn van der Helm's manager at the Tax Services. Jan Evenhuis was arrested when he tried to bribe the SD for Jeanne's freedom; his arrest, in turn, prompted Krijn to hide a part of the administration with the resistance archive that eventually led to massive problems (see previous section).

43. Meyers, *Esmée. Een vrouw in oorlogstijd*, 174–176.

Purportedly, when in custody, Esmée made use of her femininity to avoid being put under too much pressure when questioned. Meyers denies that this is having agency - he uses a quote from Wijbenga in the newspaper *Friesch Dagblad*, where Wijbenga describes Esmée's behaviour (which Meyers explains as using her femininity) 'the ruse of someone who has been forced into a corner.'⁴⁴

In my opinion, however, this is open for interpretation: the use of one's femininity or sexuality can be seen as agency as much as speaking or remaining silent is, albeit less direct.

Summarising, in Meyers' book many references to the whore narrative can be found. These include an excessive focus on sexuality, and especially on female sexuality. Female sexuality in particular is then seen as pathological, so as to be an explanation of women's violence. By portraying female sexuality as a pathology, women are denied agency both with regard to the use of violence as well as their own sexuality.

When we examine the secondary literature, it immediately becomes evident that the secondary sources lean heavily on each other, and on the primary sources. For example, Ypma, whose book was published in 1953, describes the situation of Krijn and Esmée in the following words: "This entire tragedy sometimes reminds one of the fact, on which *some ancient Greek dramas have been built*: the human being, who, in his failing trying to evade fate, creates the conditions for fate to be fulfilled."⁴⁵

Here, it is not entirely clear what it is that Ypma refers to. However, compare Ypma's phrase to Meyers' evaluation of Esmée's guilt: "Was Esmée guilty of Krijn's demise? If so, then it wasn't more than the guiltless guilt of the Greek drama."⁴⁶ Meyers, following Ypma, refers to Greek drama to make his point (in fact, without attributing these words to Ypma). It demonstrates, quite to the point, the intricate connections of all the sources on this topic. One source refers to the other, but neither the secondary sources, nor the primary sources know all the facts; and interpretations differ.

So, can we say that the way in which the (hi)story of Esmée van Eeghen is told conforms to the characteristics of the whore narrative as defined by Sjoberg and Gentry? The answer is not entirely straightforward. The primary sources reference Esmée's sexual behaviour a lot, and it is portrayed as pathological. Moreover, the witnesses - speaking in hindsight - add a tinge of premonition to their testimonies: with Esmée being who she was, they seem to want to say, things were bound to go wrong. The witness statements, then, con-

44. Meyers, *Esmée. Een vrouw in oorlogstijd*, 154, 155.

45. Italics: AG Ypma, *Friesland Annis Domini 1940-'45*, 207.

46. Meyers, *Esmée. Een vrouw in oorlogstijd*, 156.

form to the whore narrative. The secondary sources are less straightforward. Meyers' work especially follows the whore narrative. De Jong, although he references Esmée's sexual behaviour, does not deny her agency, and thus cannot be qualified as using the reference frame of the whore narrative. Ypma, by not using Esmée's name, does deny agency, but he does not speak about sexuality, nor does he use it as an explanation for her behaviour. The secondary sources, therefore, are not unequivocally employing the whore narrative to frame their portrayal of Esmée's story.

Moreover, there are some other factors that should be looked at. First of all, the possibility cannot be excluded that the portrayals of Esmée' as a nymphomaniac were correct. This still does not mean that this was the cause for a possible portrayal; however, it would explain some of the events. Secondly, this (hi)story cannot be seen as separate from the time and place where it occurred - Fryslân, 1940–1945 - because of social and religious factors that differ from place to place. We will discuss the context in more detail after examining how the story of Esmée is told in fiction.

5.2.6 *Esmée's Story in Fiction*

The story of Esmée van Eeghen has also served as inspiration for fiction, theatre and film, in addition to nonfiction. This section will analyse two novels, *Tin Iis* by Tiny Mulder and *Reis door de Nacht* by Anne de Vries. The two books are children's literature. In this section, the analysis will be restricted to the two books, because the written form lends itself more easily to analysis and representation of the content than moving images do.

Tiny Mulder was the courier of Pieter Wijbenga during the war and hence, she had met Esmée in real life. Her book *Tin Iis*, written in Frisian but later translated into Dutch, is fictional although clearly based on her own experiences. It tells the story of a 16-year old Dutch girl whose sister, Dineke, is active in the resistance as a courier; her family hides a Jewish girl, as well as the occasional Allied pilot. She herself also carries out resistance activities. The theme of the book is 'tin iis', thin ice. It refers to the precariousness of the situation the resistance finds itself in, generally speaking.

In *Tin Iis*, the character named Johanna is based on Esmée; her story is more or less factually repeated in Johanna's story. For example, Johanna is nobility; she falls in love with a German officer, and the resistance forces her to leave. The main character's sister, Dineke, knows Johanna, and although she does not trust her, she does not think that Johanna would betray her. This is stated literally. For example, at one point, Dineke visits Johanna at the German officer's place, where Johanna has moved to.

"I've been to see Johanna," [Dineke] started. "Where is she, then?" "She lives with her Captain and another officer." "Did you go there?" "Those Jerries weren't there, thankfully. If they'd been there, I would've had a story prepared. And Johanna would've helped me with that, for sure."⁴⁷

The way in which Johanna is portrayed indicates that she means trouble to the resistance. Just like Tiny Mulder herself did not want Esmée to stay at her parents' place, Dineke says that she does not want Johanna to stay over at her parents's place. Another indication of a bad feeling about Johanna/Esmée is how Dineke feels that Johanna's actions will have dire consequences, without knowing it for sure. When reading *Tin Iis* with a view of analysing the portrayal of the story of Esmée van Eeghen, one gets the impression that Mulder's knowledge of the outcome of events influenced her portrayal of Esmée van Eeghen in her book.

Anne de Vries' *Reis door de Nacht* is, just like *Tin Iis*, a children's book. It tells the tale of a young man, Jan, who becomes active in the resistance. At one point, the leader of their resistance group brings in two new couriers, one a farmer's girl, the other, named Sylvia, based on Esmée. The character Sylvia is portrayed radically different from Tiny Mulder's Johanna. From her introduction in the story, Sylvia is portrayed as a liar. When she is introduced to the resistance group, the man who introduces her to the group, alludes to the fact that she escaped from prison; apparently, they took her outside, and she shook off her guards and stole their car. To get rid of the car, she drove it into the canal, she said. The responses of the men are telling:

"Ai, how did you manage that?" Jan asked enthusiastically, and he looked at the small hands that had carried out that enterprise. "Beg you pardon, Sylvia, but I also drive and then you're interested in those kinds of things? Did you put it in first gear and was there a throttle trigger on the dashboard? Or was the ground steep?" "Well, how do you drive a car into the water?" Sylvia said. "I'm not very technically minded, but *that* I knew. You drive towards the water and jump out of the car at the last moment, that's all!" "Yes, of course, but..." (...) "She dressed up her story a bit," Jan thought. "It's not that easy to drive a car into the water. But that doesn't matter; she is a very skillful girl..." For a moment, his eyes met hers and he wondered about the cool expression in them. Did she think that he was doubting her story?"⁴⁸

47. Tiny Mulder, *Tin Iis* (Leeuwarden: De Tille, 1986), 223.

48. Anne de Vries, *Reis door de Nacht* (Nijkerk: Uitgeverij G.F. Callenbach B.V.), 307–308.

Because it is a children's book, there are no references to sexuality as such. However, the context demonstrates that the men are all captivated, as well as blinded, by her beauty. Although the main character notices discrepancies in her story, he ignores them. When his girlfriend meets Sylvia and does not trust her, he puts it down to jealousy. He asks his girlfriend if she thinks Sylvia is beautiful, and she answers that Sylvia reminds her of a snake.

Additionally, the character Sylvia is portrayed as ruthless; her face does not show emotion and she is so calm in dangerous situations that she could be called stoic. At one point, they liberate a captured resistance member from the hospital. This scene is based on a true story from the Frisian resistance, a rescue action that Esmée helped with. In the book, the resistance workers gain access to the hospital with some inside help. They reach the hospital room where the resistance worker is lying in bed. Then, however, trouble ensues.

“But the patient in the bed next to Piet called loudly for help and moaned that he hadn't done anything. Jan [the main character] tried to calm him down, but he couldn't. And then something extraordinary happened. Sylvia took the water carafe, which stood on the night stand; in one blow, she knocked the screaming man unconscious, and stoically, she put the carafe back on the night stand. Jan noticed that all the while the expression on her face had barely changed. Calmly, she shook the water drops from her sleeve and didn't take a second look at the patient. [...] Sylvia took Jan's arm and together they calmly followed the other three. “I feel like having a cigarette,” she said, suppressing a yawn. Was it just an act or was her calmness real?”⁴⁹

However, at one point it is discovered that Sylvia sells food coupons on the black market, and she ‘escapes’ from the resistance group. She turns out to be dating a German officer, and she betrays the resistance group. The main character is arrested, sent to jail and eventually to *Durchgangslager* Vught. He realises Sylvia has played him with her beauty and that really, she is a snake, treacherous and false.

Summarising, Sylvia is a liar, ruthless and emotionless; she is a black market trader, who eventually dates a German officer; she is responsible for the death of a number of resistance members and Jan's arrest and stay in a concentration camp. This is radically different when compared to Tiny Mulder's portrayal of Johanna, Mulder's character based on Esmée van Eeghen.

Tiny Mulder had known Esmée personally. Although her book is fiction, she does not embellish the character of Johanna, who is based on Esmée van

49. *Ibid.*, 316–317.

Eeghen. She does draw on her own experiences and feelings about Esmée, but she does not change the story. In contrast, Anne de Vries really turns the story into an adventure book, and his is not an accurate depiction. However, what one can wonder about is to what extent the history of the real Esmée van Eeghen is nothing more than a literary device for Anne de Vries. It does a great job as a literary device to get the main character arrested and sent to a concentration camp, a theme that seems to be a staple of youth literature about the resistance. This does not change the fact, however, that the picture of the character that was based on Esmée is decidedly negative.

Nevertheless, the fiction works that have based characters and story lines on Esmée cannot be said to contain whore narratives. The main characteristic of a whore narrative is a denial of agency by using female sexuality as an explanation and excuse, and this does not happen in either *Tin Iis* or in *Reis door de Nacht*. In *Tin Iis*, the character Johanna is portrayed as being somewhat oblivious to the consequences of her actions, but her actions are not portrayed as something she had no control over. In *Reis door de Nacht*, Sylvia betrays the resistance as a very conscious act; in fact, it is the men who are blinded by Sylvia's beauty and make bad decisions. After they realise she has betrayed them, however, she is killed.

Still, each story highlights how meaning is narratively constructed. The context that is created in the stories form the interpretative framework for the narrative; it is what we use to make sense of events. For example, in *Tin Iis*, Tiny Mulder has Dineke tell the main character that she does not trust Johanna. Then, when there are problems with Johanna, the main character views the events a certain way, always keeping in mind that Dineke did not want Johanna to know about her parents. In *Reis door de Nacht*, when Sylvia is introduced, the main character immediately notices discrepancies in her story but ignores his alarm bells because she is so beautiful. When his girlfriend has her misgivings about Sylvia, he ignores it because he thinks she is just jealous of Sylvia's beauty. However, the reader will immediately sense where things are heading because the warning flags have already been planted.

The way in which fiction shapes meaning functions differently from how the witness statements shape meaning. A fiction writer is in control of the narrative he or she is shaping, and readers have access to all the facts the writer has laid out. As a witness, information is incomplete, especially in an age where the world wide web and computers did not exist yet. The narratives that are constructed in the face of incomplete information consequently need inferences to make logical sense, to fill the gaps, so to speak. These inferences are created by the person who tells the story, and are consequently partly based on their ideas and experiences. The whore narrative is an example of a pattern

of interpretation that is often used to create these narratives; the authors of these books, however, can use an endless variety of narrative patterns to tell the story. Fiction writers are not necessarily constrained to facts for narrative coherence, whereas witnesses to events have to make their narrative fit with the facts to attain narrative coherence.

Having discussed how the story of Esmée van Eeghen is told in various sources, we will now look at the specific historic context in which these events played out. As we shall see, there are other factors that play a role in how the story is told.

5.2.7 *Context*

The way the story of Esmée van Eeghen is told should be put into context. A number of things need to be addressed, including the definition of violence used by Sjöberg and Gentry; the place and time in which the events took place; as well as the figure of An Jaakke and the death penalty case against her.

To begin with the time and place where the events described above unfolded: the province of Frisia in the 1940s. Located in the very north of the Netherlands, the province had always lagged behind in development, which had only been remedied in the early 1900s.⁵⁰ The majority of the population was protestant. Many people made a living by working in the agricultural sector.

Culturally and linguistically speaking, Frisia distinguished itself from the rest of the Netherlands. In the 1940s, Frisian was the first language for almost all people outside the cities, and for many people in the cities. It was recognised as an official language only in the 1990s, and it continues to be spoken to this day (although not as universally in the 1940s). Frisian people have a reputation for being down to earth, and for being distant to anyone who is not Frisian.⁵¹ This sentiment was even stronger in the 1940s than it is now.

Esmée van Eeghen could not have been more different from her Frisian resistance colleagues: she was of noble birth and rich; although she was religious, she was not, by far, as strict as the Frisian protestants; she was well-travelled, well-educated, well-spoken. Above, we saw that her looks alone caught attention. She did not fit in very well; Antje Kingma-Jager mentioned in her witness statement that she thought Esmée was “a stranger in their midst.” Mrs Kingma initially even asked Krijn not to bring her along again, because she had disliked her so much. Although Pieter Wijbenga does not show as much

50. Loe de Jong, *Het Koninkrijk der Nederlanden in de Tweede Wereldoorlog*, vol. 1 (’s-Gravenhage: Staatsuitgeverij, 1969), 31.

51. Disclaimer: the author herself is Frisian.



Figure 6: Map of the northern half of the Netherlands.⁵²

dislike, he mentions in his witness statement that he did not think that Esmée was suitable for resistance work in Frisia:

“Because of her extremely worldly appearance, in my opinion she attracted too much attention in the Frisian rural areas. She was, however, extremely well suited for getting in touch with, and attending meetings, outside the province of Frisia; she organised many interprovincial contacts, a job assigned to her by Krijn, who let her act completely independently.”⁵³

Esmée did not fit in with the Frisian rural community, despite learning Frisian in a month, or so the story goes. Not only the ‘simple facts’ of her noble birth and being rich played a role; so did her behaviour, which was wildly at odds with the norms and expectations of the community she found herself in. For example, Esmée used to smoke and drink, something that was thought of as completely not-done for women. Seen together, this led to a sense of alienation.

Add to this Esmée’s (perceived) sexual behaviour. We cannot, of course, discard the possibility that at the core, the witness statements regarding Esmée are largely correct, and as this remains a possibility, it should be seen in the context of the rather strict religious milieu Esmée found herself in. Meyers summarises it in the following words:

“With a variation of the rhetorical Biblical question whether or not something good could come from Galilea, many a Frisian would ask this question with regard to Holland. Especially the

52. Open Source Maps, ‘Screenshot Open Source Maps Netherlands’

53. ‘Processen-verbaal van verhoor van getuigen inzake het optreden en mogelijke verraad van Esmé van Eeghen, koerierster van de KP Leeuwarden’.

gereformeerden, who knew the Bible from A to Z, saw a lot of frivolity in Esmée. The God of the gereformeerden was a strict supreme Being who required a lot from the pious people, which⁵⁴ lived in a strict/narrow religious harness. This way of life did not agree with Esmée, as the free bird she was. Her looks alone led to a lot of annoyance, apart from admiration, by the way.”⁵⁵

Meyers refers here to how Esmée’s sexual life was perceived, and he links it to religion. He constructs his argument by making reference to the Bible, and, in a larger context, to the rather strict religious environment that was the Frisian resistance. By referencing the theme of the sinful woman, as Meyers does following the quote above, the whorish depiction of Esmée is exaggerated: it places her in a long tradition of unfaithful, unreliable women going back all the way to Eve and the Fall:

“Why? Because the world belonged to man. In that world, Adam was allowed to steal the cow and Eve was not allowed to look over the fence.⁵⁶ (...) Esmée could influence Krijn and through Krijn she had influence on the KP. Geale⁵⁷ thought this unacceptable. In his world view, formed by the Old Testament, woman was subjected to man. Esmée did not answer to this image. She was extrovert, quick-witted, free-spirited. This did not agree with Geale, him being introvert and formal. Still, she pleased him physically. This went no further than a secret longing, but this was bad enough for the pious gereformeerde ‘brother’ he was. It was sinful. And he was pharisaic enough to denote as evil Krijn’s affair - he called it ‘a mess.’”⁵⁸

Nevertheless, Meyers’ analysis should be nuanced. Clearly, Esmée was seen as ‘a loose woman’. Simultaneously, she was valued and praised for her resistance work. This does not necessarily contradict each other; in fact, not being too prudish might have helped Esmée carry out espionage activities, for example, while still being disliked, from a religious point of view, by her resistance colleagues.

If the witness statements had stopped at a mere dislike for her behaviour, it could have been attributed to a religious motive. However, the witness state-

54. “people” should be read here in the sense of “tribe” - therefore, the word “which” seems the most appropriate translation.

55. Meyers, *Esmée. Een vrouw in oorlogstijd*, 43.

56. This analogy probably means that men can break rules but women are not even allowed to think of it. Many thanks to my friend Folkert de Jong for sharing his interpretation of this analogy.

57. Alias of Pieter Wijbenga.

58. Meyers, *Esmée. Een vrouw in oorlogstijd*, 64–65.

ments, as well as some secondary sources, go beyond a mere dislike from a religious point of view, by implying that because of her sexual behaviour - being nymphomaniac, in their words - Esmée had it coming to her that she would be killed.

In a sense, the witness statements of former resistance members show some evidence of cognitive dissonance. The resistance members had believed, during the war, that the death of Krijn van den Helm had been Esmée's fault; no one knew, until after the liberation, that she had been arrested, and killed. Although it has not been said explicitly in the statements, until that time, people must have thought that Esmée had not only run off with a German officer, but also betrayed Krijn. This assumption was compounded because of mass arrests at the time, but later it became clear that an arrested KP member, Ben de Vries, had been tortured so badly that he talked before his twenty-four hours had passed.⁵⁹

Nevertheless, this betrayal and the fallout was initially attributed to Esmée. When after the war the resistance members heard that Esmée herself had been arrested and killed, this necessitated a change in interpretation. However, reading the witness statements, she was still blamed for a lot of what had gone wrong, with terrible consequences: if only she had not been as loose as she was, then she would not have gotten in touch with the *Wehrmacht*-officers, then she would not have made An Jaakke jealous, then she would not have been betrayed, and if she had not been betrayed, Krijn would still be alive.

Echoes of this reasoning can be heard in the statements made by both Pieter Wijbenga and Piet Oberman:

“Afterwards, I have deeply regretted that I did not shoot Esmée van Eeghen. Many lives would likely have been spared. In the month of August 1944, arrests by the *Sicherheitspolizei* took place everywhere in the country, but especially in Frisia, of which almost definitely could be said that Esmée was behind them. In the case of Krijn van der Helm, who was shot to death in a fire-fight during his arrest, and where later it became apparent that the *Sicherheitspolizei* had used a letter written by Esmée to lure him in, this was shown clearly. At the time we thought that Esmée just plainly betrayed us. Only after the liberation did we learn that she had fallen into the hands of the *Sicherheitspolizei* in early August 1944 due to the betrayal of the girl Jaakke and we better understood how it was possible that there had been so many victims. It

59. It was customary that arrested resistance workers tried their best not to give information during the first 24 hours of their arrest. This gave the other members enough time to go into hiding to avoid arrest.

is certain that Esmée had told the *Sicherheitspolizei* an awful lot. Still, it will be difficult to determine how many people have become a victim of her arrest. It is apparent, however, that she, who knew almost everything, had dragged a great number with her in her fall, (...).⁶⁰

The above is an excerpt from the witness statement by Piet Oberman. Anno Houwing, as we shall see, describes his opinions a bit differently. Initially, he mentioned that he had wanted to shoot Esmée when she admitted that she was having a relationship with the *Wehrmacht*-officer Schmälzlein, and was going to marry him. Krijn refused to give permission for the execution of Esmée.

“After a lot of talking and verbal fighting Krijn finally got his way. Although in my opinion Krijn’s proposal did not make any sense and an action like that [banning Esmée from Frisia] could just as well not take place, as it did not cancel or even minimise the danger that Esmée posed, and as I thought that the proposed measures could not be accounted for vis à vis the entire resistance movement, because Esmée knew the smallest details about the resistance movement and had personally met almost all important figures of the resistance movement. I still accepted Krijn’s proposal, even though I had pointed out these issues, because, if we had executed Esmée, he would have been capable of extreme actions. In hindsight, we immensely regretted giving in because Krijn himself had become one of the first of Esmée’s victims. Personally I did not know, during the Occupation, that shortly thereafter Esmée had been arrested by the Groningen *Sicherheitspolizei* and I do not believe that the other resistance people knew of this fact. That is all I have to declare about this.”⁶¹

In this statement by Anno Houwing, we can see that his opinion of Esmée is more moderate than Oberman’s. Although he speaks of ‘Esmée’s victims’, he gives as his main reason for regretting not having shot Esmée the fact that Krijn was killed. Had they shot Esmée, then Krijn might still be alive, Houwing’s reasoning goes. The question remains, of course, to what extent Esmée can be blamed for Krijn’s death. Of course, he only went into hiding after they had banished Esmée, so she could not possibly have known his hiding address.

60. ‘Processen-verbaal van verhoor van getuigen inzake het optreden en mogelijke verraad van Esmé van Eeghen, koerierster van de KP Leeuwarden’.

61. Ibid.

Additionally, as Piet Meerburg states in Ype Schaaf's book, Krijn made a severe mistake when he went into hiding: he visited his family.⁶²

Nevertheless, the witnesses seem to blame Esmée for falling in love with a German officer, which set everything in motion. Because this is blamed on her supposed nymphomaniac nature, one could conclude that considering the pathological nature of this character trait, she is denied agency. Together, her perceived pathological sexuality and the denial of her agency are of course the hallmarks of the whore narrative.

5.3 ASSUMPTIONS, DISCOURSE, AND NON-PARADIGMATIC NARRATIVES

5.3.1 *Introduction*

In this section, we will look at the assumptions made about women's involvement in the resistance, and how these assumptions are used in the discourse. We will also look at non-paradigmatic narratives, stories about 'outliers', so to speak. These non-paradigmatic stories are interesting because there are rarely any traces of denial of agency. Instead, the women in question are represented as absolute heroes. The latter is interesting, because it shows how their stories are used as Ricoeur's acquired identifications, as building blocks for the community's narrative identity.

The first subsection continues with a theme from the Esmée story, namely, sexuality. Sexuality played an important role in the story of Esmée van Eeghen, but it is not limited to her narrative. We will show how sexuality is linked to perceptions of betrayal as well as to intelligence gathering.

Another interesting aspect of the resistance to the Nazi occupation is that, because it was a relatively new activity, it was not yet extensively shaped by strict gender roles. Consequently, femininity was used in paradoxical ways: it was often performed as a 'cloak of innocence' while at the same time, the femininity of the resistance workers was a reality.

An important assumption made about women's roles in (and contribution to) the resistance is that women would not get arrested; if they were arrested, it was assumed that they were not tortured; and they would not get transported to concentration camps. This subsection shows how this assumption was misguided and functions to make women's contributions to the resistance seem less significant.

62. Schaaf, *Dodelijke Dilemma's in het Friese Verzet. Het Veemgericht en Esmée van Eeghen*, 103.

The final subsection looks at non-paradigmatic narratives: women who went above and beyond the norms of femininity and were reified for it, instead of vilified. These stories are rare, but they are used as the prime examples of *the* Dutch resistance. Often, the sexual dimension is completely absent.

In short, we will look at the ways in which women's actions are portrayed in the discourse. Often, attempts are made to make women's contributions seem less significant; women's stories rarely function as acquired identifications and thus do not play a significant part in the formation of the community's identity. Moreover, because on a meta-level, the discourse discusses how the Dutch community maintained itself and its common life during the Occupation, the exclusion of women is problematic. We will discuss this in more detail throughout the section; first, however, we will look at how sexuality is used as a narrative device to exclude women's experiences from the discourse.

5.3.2 *Sexuality*

The previous section discussed the story of Esmée van Eeghen. It analysed how the story of Esmée van Eeghen was reduced to a paradigmatic narrative, namely the 'whore narrative' as defined by Sjöberg and Gentry. In this section, we will look at how the topic of female sexuality has been used in the discourse on the Dutch resistance. It will be argued that female sexuality in the resistance discourse is intricately linked to two topics: betrayal, and intelligence gathering. As we shall see, these two dimensions often intersect. Additionally, references to women's sexuality are often used functionally, to explain events such as betrayal. In these explanations, a significant amount of speculation is used rather than reliance on facts.

In the story of Esmée van Eeghen, the theme of female sexuality featured heavily. In Esmée's story, references to her sexuality are linked to the reasons for Krijn's death, as well as Esmée's own death. The witness statements seem to say something along the lines of, 'if only she hadn't been nymphomaniac, Krijn would still be alive.' At this stage, it is necessary to look closely at the relation between the three elements of the story: sexuality, having a relationship with the enemy, and betrayal. Although the witness statements show that the resistance members felt that Esmée had betrayed the resistance by having a relationship with a German officer, it is not this relationship that underlies the judgments about her sexuality. This is a crucial point; often, her behaviour is viewed through her sexuality and not through her relationship with the German officer.

In Esmée's story, the references in the discourse to the use of female sexuality for intelligence gathering are also present. We heard that she was asked by Krijn van der Helm to try and extract information from the *Sicherheitsdienst*, although it is not clear if Krijn actually told Esmée to sleep with the man in question. The statement of Annie Kingma-Jager said the following: "As Esmée told me, she had been in touch with Sleijfer a number of times. I am absolutely sure that Krijn had asked her to. I cannot tell you more about the goal of this contact."⁶³

The statement of Mr Sleijfer seems to confirm at least part of this narrative. He tells the story of meeting a girl in the *Wehrmacht*-compartment of the train and drinking a bottle of cognac with her and a few fellow passengers. They continue drinking in a hotel, *De Kroon*, in Leeuwarden. "(...) I stayed behind with the so-called Sjoerdje."⁶⁴ The end of the story was that I accompanied her to her room in the hotel, and spent the night with her. It needs no explanation that I made use of [that situation]. (...) A while later in August 1944, Lammers told me that the girl, whose real name happened to be Esmée van Eeghen, had been arrested in Amsterdam, and that she had been a very dangerous terrorist."⁶⁵

However, some of the resistance members actually doubt the truthfulness of Sleijfer's story. Piet Meerburg said that he doubted whether this was true, because Esmée had better taste in men.⁶⁶

There are plenty of stories, however, where sex and sexuality are linked to betrayal. One very famous instance is the one of Miep Oranje. Ms Oranje had been active in the resistance, but she was arrested, and released on the condition that she would spy for the *Sicherheitsdienst*. She had an affair with the leader of the LO in The Hague, whom she betrayed to the *Sicherheitsdienst*. Although Gerben Wagenaar, of the communist resistance, knew about her arrest and warned people about her, this was ignored.⁶⁷

According to Jack Kooistra, however, she was also in a relationship with the *Sicherheitsdienst*-member Herbert Oehlschlägel.⁶⁸ Whereas in the discourse on Esmée van Eeghen the focus is on Esmée's sexual behaviour, this is less so the case with Miep Oranje.

63. 'Processen-verbaal van verhoor van getuigen inzake het optreden en mogelijke verraad van Esmé van Eeghen, koerierster van de KP Leeuwarden'.

64. Sjoerdje was one Esmée's aliases.

65. 'Processen-verbaal van verhoor van getuigen inzake het optreden en mogelijke verraad van Esmé van Eeghen, koerierster van de KP Leeuwarden'.

66. Meyers, *Esmée. Een vrouw in oorlogstijd*, 86.

67. USC Shoah Foundation Institute Visual History Archive, *Interview 5060, Mr Louis Scharis*, Video interview.

68. Jack Kooistra, *Recht op Wraak* (Leeuwarden: Penn, 2007), 26.

The link between female sexuality and betrayal is demonstrated clearly in the history of Kitty van der Have; her story has some strange parallels to the story of Esmée. Kitty van der Have, who was twenty-five years old when the following events took place, worked for the armed resistance (*Landelijke Knokploegen*) in Rotterdam. In April 1945, the Rotterdam armed resistance became aware of a rumour that a list with its members' names was circulating at the *Dienststelle* of the *Abwehr* in Rotterdam. This list was, of course, very dangerous, and therefore the group decided on a raid on the *Abwehr* location to capture the list. They decided to use a list: Kitty would hold a 'birthday party', invite the Germans in question, and serve plenty of alcohol. Then, the KP would raid the building.

However, they did not know that Kitty had befriended a member of the *Kriegsmarine*, Hans Grill, whom she advised not to come to the party. Grill briefed his superior, *Oberleutnant* Ulrich Schwartz, about this advice, who decided to take measures to foil the raid. Kitty realised something had gone wrong when an automatic weapon was placed at the balcony on the night of the party, but the agreed warning sign failed to reach the resistance, and leader Marinus van der Stoep was shot in the head, sustaining massive head trauma. The KP wondered whether they had been betrayed, and soon suspected Kitty. They tried to track her down, but she could not be found easily. *Oberleutnant* Ulrich Schwartz, the superior of Kitty's friend, was in love with Kitty. The Germans, in turn, suspected that Kitty was a member of the resistance, and started a case; Schwartz was charged with it. He made sure it did not reach the *Sicherheitsdienst*, and a few days after the fatal 'birthday party' Kitty and Ulrich Schwartz fled Rotterdam. They stayed in Amsterdam until June 1st, 1945;⁶⁹ in the meantime, the KP was still determined to find Kitty and do 'justice'. Eventually, Kitty and Schwarz were arrested, and taken back to Rotterdam. After interrogations, it soon became clear that Kitty had not betrayed anyone, but she had been acting stupidly when she told her German friend of the raid. She was released.

However, whereas the Political Detective Service had believed in Kitty's innocence, the resistance did not. They tracked her down, with the intention of avenging the death of Marinus van der Stoep, the resistance leader who had been killed during the raid. First, they held an ether-doused piece of cloth to Kitty's mouth, and when she was unconscious, they drowned her in the bathtub. To hamper identification, they shaved her head and put her naked body into two cotton bags that were then sewn together; it was weighed down with heavy material, and thrown into the water. However, the body was found, and eventually, the killers were put on trial. One of them "accused her of

69. Note that The Netherlands was liberated on May 5, 1945.

having had sex with nearly everyone.” Neither, however, was sentenced to jail; because the men were seen as respectable members of the resistance and/or the Political Detective Service, “Minister of Justice at the time, Mr A.A.M. Struyken, did not want ‘good patriots’ to be punished unfairly.”⁷⁰

Here, as in Esmée’s story, we have a woman who was friendly with German soldiers. Similarly, both women decided to get away from their respective resistance environments. Both women were claimed to have had sex with, basically, too many people. The difference is, however, that the Frisian resistance did not kill Esmée in the end, but the *Sicherheitsdienst* did, whereas Kitty was killed by the resistance -after the war, nonetheless- in an extremely questionable move. In Kitty van der Have’s story, her supposed promiscuous behaviour is used by the resistance member in question to explain why she was unreliable and why they had to kill her.

The use of female sexuality for intelligence gathering is a dimension of the Dutch resistance that is not discussed often. However, that it did take place can be seen in the witness testimony of Mr Moritz de Marcas, a Dutch Jew. During the war, Mr De Marcas hid with a family of four women, a mother and three daughters, all born to different fathers. He tells of the daughters’ involvement in intelligence gathering:

“(...) And those ladies, those daughters, they were active in the oldest profession of the world, to gather intelligence from German officers. Those German officers came there, they would look for them in canteens, they had all been dressed up (sic), and they had rented a cottage, rented a house, there [unintelligible] two rooms, with a room in between, and in the one room the gentlemen had to undress, and they were brought to the workplace via the room in between the other two. And in the meantime, a clock was used, and during forty-five minutes people came into the room where all those clothes were, went through the contents of the clothes, photographed it and put it back in its place, and left again. And they did that for a good three years.”⁷¹

Whereas one testimony is not direct evidence of a trend, in this chapter we have seen three stories where female sexuality was used to gather information for the Dutch resistance. In the cases of Esmée van Eeghen and Kitty van der Have, both women eventually started dating German soldiers; the recounting

70. Kooistra, *Recht op Wraak*, 179–183.

71. This is a literal translation of Dutch spoken language. I have kept the idiosyncrasies of Dutch spoken language here, and noted the wrong use of verbs in the Dutch original. USC Shoah Foundation Institute Visual History Archive, *Interview 17332, Mr Moritz de Marcas*.



Figure 7: Photo of Kitty van der Have.

of their stories takes on an entirely different twist because an element of betrayal is added to the mix. This is not the case in the story that Mr Moritz de Marcas recounts. Nevertheless, one gets the impression that the use of female sexuality for intelligence gathering was not an isolated occurrence. However, in the discourse it is often mentioned when betrayal followed. The message seems to be that the women who slept with German soldiers - even if it was for a good cause - were not respectable women. Their experiences were not representative of the good, respectable, often Christian, Dutch resistance, and therefore, their stories and experiences have no place in the discourse. From the perspective of the women themselves, one might imagine that they would not have been too keen to have their stories go public.

5.3.3 *The Paradox of Femininity*

In the discourse on women's activities in the Dutch resistance, there is what can best be described as a 'paradox of femininity'. Femininity functioned as a cloak, as a cover: being a woman made one less susceptible to suspicion. At the same time, however, the femininity that was used as a cloak was *not* a performance held for the sake of the resistance work; it was a fact, a reality. In the rest of the section, we will explore this paradox further through a number of examples.

The testimony of Mrs Adriana Breur-Hibma, who made bombs, couriered, was arrested, and eventually survived Ravensbrück, is one of the best examples. In her interview with the Shoah Foundation VHA, she is asked about her arrest. Her husband, Krijn Breur had just been arrested, and now the police is coming for her; when she opens the door, she holds baby Dunya, almost as a prop. When they ask her questions, she says that she "played the helpless, innocent, unknowing mother/wife". Although she was not entirely innocent (she made

bombs, couriered, falsified), she *was* the helpless, unknowing (about her husband's activities) mother and wife: performance and reality at the same time.

The paradox continues: Mrs Breur is arrested, and she will be locked up. She finds herself with three small children (a young Jewish boy, whom she was taking care of), her own son, and baby Dunya, whom she is still breastfeeding. She will be taken away - but what will happen to the children? The Jewish boy was collected by his own family (at this stage, Jews were not yet arrested and deported), and her son can stay with her parents-in-law. But she is still breastfeeding baby Dunya - the child is only a few months old. She is allowed to take the child with her when she is brought to the prison. The Nazi officers even give her a cradle for the baby - everyone loves the child. (Mrs Breur says: she was Aryan, you see, that made the difference.) Throughout the ordeal in the prison (she sees her husband being tortured while she is interrogated), she is simultaneously a mother, and a terrorist. When she gets sentenced to be sent to Ravensbrück, baby Dunya, who has stayed with her all this time, can be collected by her parents.⁷²

Here we see the two contrasting elements of this paradox: performing, versus owning or being, an element of femininity. A similar dynamic is at play in the testimony of Mrs Anna Vlasman. She was active in the communist resistance, mainly as a courier. To this end, every two weeks, she travelled to Amsterdam to get information, but also to receive packages of illicit material, coupons, falsified identity cards, and the like.

One day, she is on her way to Amsterdam, when the train stops in Utrecht, and the train is chartered to transport Jews, who had just been arrested during a razzia. All the Gentiles are commanded into one compartment, at which point an SS soldier enters and starts inspecting identity cards. Mrs Vlasman, who had planned on an overnight stay in Amsterdam, was travelling with a duffle bag with pyjamas, eggs, some other things, *and* a package with dangerous, illicit items. When he reaches her, the SS soldier sees the bag, and she has to unpack it. When she finally only has the packet left, the soldier sees it and he wants to know what is in it. She starts stammering, in German, about it being a woman's thing, and that she rather not unpack it - blushing at the same time. Then the soldier nods, and says he understands.

He finishes his round through the compartment, and when he's finished, he sits down next to her. He starts to speak to her: it was a long time ago that he has seen a young woman blush that much, and he thought it was touching. Then, he shows her a photo of his wife and children, and finally, asks her out for a coffee. Mrs Vlasman says she has an appointment, gets off at the next

72. USC Shoah Foundation Institute Visual History Archive, *Interview 5964, Mrs Adriana Breur-Hibma*.

station, while the soldier actually takes her outside, and then gets back on the train. As the train continues on its way, she makes it to the stairs inside the station building, and then halfway down the stairs, her knees cannot carry her anymore, and she sits there on the stairs, crying. People ask her, "Are you unwell?" and she says, sobbing, "Never in my life have I felt this good!"⁷³

Here, we can see how Mrs Vlasman uses her femininity as cover: the package is a woman's thing, and she blushes - even though this is an uncontrolled response, in a sense it is a performance of femininity. The SS soldier responds in a remarkable fashion: after he finishes his inspection of identity cards, he sits down next to her, starts talking and invites her for coffee. By performing, or exaggerating, this aspect of femininity - and being a woman -, the soldier's perception of her changes, from 'potential enemy' to 'a potential coffee date' - to put it simply.

A similar dynamic is at play when women hid weapons in a hidden compartment in a pram, and put the baby on top of the weapons.⁷⁴ They were mothers who were out walking with their babies, but at the same time, these women were performing this aspect of their motherhood and femininity so that it functioned as a cover. There are also plenty of stories of women who worked as a nurse, and used their profession and the relative trustworthiness that came with it, as a cover for resistance activities.

Mr Louis Scharis, in his testimony, tells how he met his future wife, Josephine, a nurse, when he was in the hospital. He, a Jewish man, was already active in the resistance, whereas Josephine had, at that time, not a clue about what was going on (Mr Scharis says). However, after they talked and Mr Scharis told her about resistance work, Josephine immediately decides to join.

One day, they are both transporting items, when they see an ad hoc check point in the distance. Josephine, who was wearing her nurse's uniform and had bags marked with a red cross, takes all the items and packages, and together they approach the check point. She gets let through without any problems, whereas Mr Scharis has to show his identity card (he had a fake one), and has to open all his bags.⁷⁵

Josephine, by being a nurse *and* a woman, was able to pass the check point without too many problems. She used her profession - nurses being almost exclusively women at this point - as a cover for her resistance work.⁷⁶

73. USC Shoah Foundation Institute Visual History Archive, *Interview 29041, Mrs Anna Vlasman*.

74. USC Shoah Foundation Institute Visual History Archive, *Interview 28072, Mrs Miep Rieser*.

75. USC Shoah Foundation Institute Visual History Archive, *Interview 5060, Mr Louis Scharis*.

76. *Ibid.*

This paradox of femininity - cloak and reality at the same time - was extremely useful in the Kinderwerk, the hiding of Jewish children. This was coordinated by four groups, two of which were student groups. Women carried out different activities for the groups. One of the most important tasks was to accompany Jewish children to their hiding addresses. This was primarily the women's task, as they would attract less attention travelling with children than men would. Nevertheless, men sometimes took children to hiding addresses as well. Often, the women would also deliver other items, such as coupons. A task that all members took upon them was finding addresses.

Although women's activities in the student groups were limited to children's work, this had less to do with a bias towards the idea that women should work with children than with the limited activities of the groups. When Jan Meulenbelt started the Utrechts Kindercomité (one of the student resistance groups), he intentionally limited the scope of his work to helping children. Occasionally, a hiding address might be sought for a Jewish adult, but this would be an exception. Limiting activities to children's work, Meulenbelt reasoned, would also limit the risk. He was not the only one to reason thus. Others, both individuals and groups, had the same intention.

The use of femininity as a 'cloak of innocence' did not go unnoticed by the male resistance workers, and consequently, there are plenty of anecdotes in which men dress up as women to hide behind this cloak of femininity. Similarly, there are also a few anecdotes in which women dressed up as men, so that they would not be recognised.

This might also go a long way towards explaining the liquidation of Gerdo Hermanus Leon Bakker, which Jack Kooistra writes about. The only thing that is known is that he was killed by two women, who both wore a head scarf. *Supposedly*, according to Kooistra, he was liquidated after an order of the resistance in Velsen.⁷⁷

Because few women were active in the armed resistance, and because liquidations did not happen out of the blue, the two mystery women Kooistra mentions might have been men. This, of course, is speculation. However, liquidations were relatively rare, and participation of women in liquidations was even rarer. Moreover, liquidations were rarely the activities of individuals. It seems that if women who were members of a resistance group were involved, this would have become known after the war. Therefore, it is not unlikely that the two women were actually men dressed up as women. The fact that after more than 60 years we still do not know who killed Bakker, if it was a disguise, it was an effective one.

77. Kooistra, *Recht op Wraak*, 168.

5.3.4 *Assumption: Arrest*

Assumptions about women's involvement in the Dutch resistance are quite varied, but one of the most pervasive assumptions is that women would not get arrested. Subsidiary to that is the assumption that if women *were* arrested, they would not be tortured, fusilladed, or sent to concentration camps. This section will discuss this assumption, and aims to put the assumption into context.

Generally speaking, women ran less risk than men when they were involved in resistance activities. One explanation for this is that the *Arbeitseinsatz* was limited to men. Most men of battle age had been ordered to go to Germany to work in factories, and only those men whose jobs were crucial to Dutch society (such as farmers and railway personnel) were allowed to remain in the Netherlands. Men who could not show written permission that they were allowed to remain in the Netherlands could be arrested and sent to Germany. Women were not subject to the *Arbeitseinsatz*, although they were allowed to go to Germany voluntarily. However, the *Arbeitseinsatz* had consequences for the resistance. Men who did not have permission to remain in the Netherlands were at immense risk of being arrested when they went out in public. Therefore, many of them went into hiding.

When men were involved in resistance activities, therefore, they were at a greater risk than women, because they could be arrested for the *Arbeitseinsatz* in addition to the risk of being arrested for their resistance work. Mr Arie van Mansum, a very active resistance worker in the south of the Netherlands, reiterates in his testimony to the Shoah Foundation how girls would usually deliver food coupons. As a reason for this, he says that women would not be arrested, whereas the men would be sent to Germany. However, he does say that the women were as courageous as the men, which seems to contradict his previous statement.⁷⁸ If the women were not in danger, then why would they need to be courageous?

To evaluate Van Mansum's statement, we need to take a closer look at the context he is talking about. He says: the men would be sent to Germany. Here, he is referring about the *Arbeitseinsatz*, and the risks young men encountered when they were seen in trains or on the streets - that is, the risk that they could be arrested during a *razzia*. Women, however, were not at risk of being arrested during such *razzias*, because the *Arbeitseinsatz*-rule did not apply to women. If women were caught with contraband items, such as food coupons or false identity cards, they *would* be arrested and interrogated - there is plenty of archival and anecdotal evidence that proves this.

78. USC Shoah Foundation Institute Visual History Archive, *Interview 10478, Mr Arie van Mansum*.

The assumption that women would not get arrested *per se* should be seen, therefore, in the context of the *Arbeitseinsatz*: indeed, women could still enter the public sphere, as described above, whereas men mostly could not. However, this rule should be applied solely to the context of the *Arbeitseinsatz*, and not to resistance work in general. Although it was less suspicious when women were out on the streets, if they were caught with contraband, they would get arrested, as the following narratives will show.

Mrs Adriana Breur-Hibma was arrested for resistance activities early in the war, in 1941. Her testimony has been discussed in the section on the paradox of femininity, above. Her resistance work consisted of a multitude of activities: falsifying identity cards, couriership, hiding people, and, together with her husband, making bombs. She was arrested only a few days after her husband, and locked up in the Oranjehotel prison in Scheveningen. There, she was interrogated, sometimes while having to watch her husband being beaten up. In her testimony, she says she does not really want to talk about her arrest and the interrogations, but she does mention that she saw how her husband's teeth were knocked out of his mouth, and how he was beaten on the ears. Eventually, her husband was sentenced to death and executed on the birthday of their son. Mrs Breur was eventually deported to Ravensbrück as a *Nacht und Nebel*-prisoner, which means that she was, in fact, disappeared.

Mrs Breur's arrest happened early in the war, when the organised resistance had not come into full swing yet. At this point, the *Arbeitseinsatz* was not an issue yet either. Therefore, although my description is that of an isolated case, Mrs Breur's arrest shows that women did get arrested, and deported, for engaging in resistance work. The fact that this happened before the *Arbeitseinsatz* also shows that the fact that women were not called upon for the *Arbeitseinsatz* was not a mitigating factor in women's arrest risk.

Although women were arrested for resistance work, it appears that only a minority was deported, and that many, in fact, were released again. Jack Kooistra tells the story of Mr Albert Schokker. "On December 29, 1944, his wife had been arrested for illegal work and brought to Crackstate.⁷⁹ Despite severe torture, she refused to give information. To relieve her, Schokker gave himself up to the Germans a few weeks later. (...) His wife was released one day after his arrest."⁸⁰

The story of Mrs Froukje Watzema-Kramer is similar to that of Mrs Schokker. She and her husband were hiding people on their farm, when one night four men came to ask to be hid for just one night; they would go and find a hid-

79. Crackstate was a villa in Heerenveen in the Southern part of Frisia. The SD used it as its headquarters, and the men stationed there were notorious for their sheer brutality and sadism.

80. Jack Kooistra, *Een Laatste Saluut. Fryslân in de Oorlog* (Leeuwarden: Penn, 2005), 305.

ing address the next day. However, the men turned out to be informants of the *Sicherheitsdienst*. That night, the Watzema family was arrested. Mr Watzema was fusilladed that very night; Mrs Watzema was also arrested, but she was released after five days.⁸¹

The two histories above seem to show that the Nazis did not treat women the same as men; whereas the Watzema family was hiding these people together, only Mr Watzema was fusilladed, whereas Mrs Watzema was released after five days of arrest. There can be a number of explanations for this. (It should be noted, however, that these explanations might not necessarily explain the differentiation in the stories told above). Firstly, there is concrete evidence that women often were spared. During the April-May Strikes of 1943, for example, SS-officer Johann Baptist Albin Rauter,⁸² who was the highest ranking police and SS officer in the Netherlands, gave an order to shoot to kill everyone who did not obey orders. Women, however, were not to be shot at.

Women who were arrested and sentenced often received less severe sentences than men. Discussing this topic, Bob de Graaff and Lidwien Marcus argue that this was less due to respect for women as it was a result of not believing that women could think and act independently.⁸³

In line with this observation, they also note that women, when interrogated, usually were not tortured; however, they also give a few examples where women were, in fact, tortured. They relate the story of the 45-year old Mrs Miet Cornelissen-Verhoeven. A mother of eight and a shopkeeper, she was involved in assisting pilots; together with two members of the royal military police, she was arrested on September 9, 1944. She was tied, by her hair, to a doorknob; the door was subsequently thrown open and pulled close a number of times. The same day, Mrs Cornelissen and the men she had been arrested with, were executed. A doctor's report documented that her skull showed fractures in at least three places, and that her ribs had been broken. This is only one example of a woman who was tortured after her arrest.⁸⁴

Another explanation could be that women were not arrested unless they were deeply involved in resistance work. Women only hiding people did not qualify as sufficient reason for arrest. Women's involvement in the resistance, moreover, often centred around taking care of people in hiding. Men were held accountable to a larger extent than women, it appears; they might also

81. *Ibid.*, 325.

82. Rauter was the highest ranking police and SS officer in the Netherlands, and as such he reported directly to the Nazi official in charge in the Netherlands, Arthur Seyss-Inquart. After the war, Rauter was convicted of crimes against humanity and executed by firing squad.

83. Bob de Graaff and Lidwien Marcus, *Kinderwagens en Korsetten. Een Onderzoek naar de Sociale Achtergrond en de Rol van Vrouwen in het Verzet, 1940-1945*. (Amsterdam: Uitgeverij Bert Bakker, 1980), 42.

84. *Ibid.*

have been involved in a variety of resistance work. There are two qualifying statements to make regarding this analysis, though. Firstly, many resistance groups tried to order their 'employees' to only do one kind of resistance work, for example only hiding children, or falsifying identity cards, or only engaging in armed resistance, and not combining activities. Combining resistance activities meant having a bigger chance at being caught, and it also meant that the fallout of an arrest was significantly larger. This rule was followed by the Amsterdamse Studenten Groep, for example. Piet Meerburg, the leader of the Amsterdamse Studenten Groep, motivated this decision as follows:

"We were very aware of our responsibility. Extremely so. Because you worked with *children*. We were really very aware of our responsibility. During that time, I broke off all contact with two people who, as I call it, had a Wild West mentality. [They] were both arrested and fusilladed. (...) We were extremely allergic to that."⁸⁵ Nevertheless, many people seem to have ignored this rule. Secondly, the rule that women would not be arrested if they were only hiding people also seems to have been a matter of degree; if a woman hid a great number of people, they could still be arrested.

This was the case of Geertruida van Lier, for example, who ran a crèche in Utrecht. At this crèche, she took care of children who had been fathered by German soldiers, but had Dutch mothers. These children were the responsibility of the *Ortskommandant* of Utrecht. She also hid a great number of Jewish children at the crèche, however. At one point, however, this became clear and an arrest warrant was served. Ms van Lier was not at the crèche at this point, and was warned; thus, she escaped arrest. Her only resistance activity was hiding Jewish children;⁸⁶ she would accept falsified coupons, but she did not fabricate them herself. Still, these activities were enough for her arrest to be asked.

Having analysed and contextualised the assumption that women were not arrested, the assumption that women were not deported to concentration camps should be examined. This assumption is derived from the first, and influenced by the 'mitigating factors' that often were present. However, just because many women were, in fact, often released after a few days (as we saw in the cases of both Mrs Schokker and Mrs Watzema), does not in itself imply that women were never deported to concentration camps. The history of Adriana Breur-Hibma shows otherwise.

85. Piet Meerburg cited in Bert Jan Flim, *Omdat Hun Hart Sprak. Geschiedenis van de Georganiseerde Hulp aan Joodse Kinderen in Nederland, 1942-1945* (Kampen: Uitgeverij Kok, 1996), 44.

86. Geertruida van Lier, however, also had a cousin, Gertrude (Truus) van Lier, who was active in the armed resistance. This woman carried out liquidations, was arrested and fusilladed.

Similarly, there are countless other instances where women were deported to concentration camps. For example, 25-year old Meinarda van Terwisga was deported to Ravensbrück; her story will be told in the section on non-paradigmatic narratives. In the archive of the Groninger Verzetsgroepen, an overview of people involved in the Groninger resistance⁸⁷ relates that one resistance family, the Steen family, was arrested, including their daughter of nineteen, who had just finished secondary school. The father, mother, and daughter did not survive the war; the father, Albert, was fusilladed in Vught, whereas the mother, Arendiena, and the daughter, Anna Johanna, died in Ravensbrück.⁸⁸

Summarising, the discourse on the Dutch resistance frequently follows the assumption that women were never arrested. Part of this can be explained with reference to the *Arbeitseinsatz* - because women were not called upon for the work in Germany, they were not arrested *per sé*, but they were still at risk for arrest when they carried out resistance work. Moreover, although women were not usually tortured during interrogations, this does not mean that torture never occurred. Finally, when women were arrested, they were not automatically released after a few days; if they were involved in resistance work deeply enough, deportation to a concentration camp was a real risk.

5.3.5 *Non-Paradigmatic Narratives*

This section will look at non-paradigmatic narratives of women in the Dutch resistance. Many of these narratives stand out because the women in question were the exception to the rule. These non-paradigmatic narratives are different from the stories about the paradox of femininity. The paradox of femininity followed from activities that were in line with assumptions about what was feminine: women traveling with children, being mothers, being a nurse, caring. The narratives in this section will highlight women's involvement in activities that are definitely not associated with femininity, such as killing people. These narratives are about exceptions to the rule. They cannot be reduced to paradigmatic narratives, as we shall see. Female sexuality does not play a role in them. This gives these narratives a unique place in the discourse. Esmée van Eeghen was not the only woman who was active in the armed resistance, and even though the scope of her activities was immense, she never killed anyone.

87. Oorlogs- en Verzetscentrum Groningen, 'Systeemkaarten van Verzetsbetrokkenen (OVCG)', August 2014, <http://www.archieven.nl/nl/zoeken?miview=inv2&mivast=0&mizig=210&miadt=5&micode=2183#inv3t0>.

88. Ibid.

Jac van de Kar, a Jewish resistance fighter, tells about his time in the Apeldoornse Knokploeg (KP) when he is in hiding in Beekbergen, and mentions his boss: "My chief, who led the KP in Apeldoorn and the surrounding areas, was Narda Terwisga [sic], an outstanding leader and a courageous woman."⁸⁹

Her story is told in more detail on a website accompanying a monument for betrayed resistance fighters in Apeldoorn. Ms Meinarda van Terwisga (her name is spelled a bit different here than in Van der Kar's book) was the leader of what was often called the "Free Group Narda"; at the time, she was twenty-five years old. The group was involved in a large number of activities, including assisting Allied pilots whose planes had crashed. However, one of the members was, in fact, a collaborator, who briefed the SD about the work of the Free Group Narda. The six male members and the two Allied pilots were fusilladed. Their bodies were left alongside different roads with a sign that said "Terrorist"; they were left there for a few days, to scare other people.

Meinarda van Terwisga and a widow, Mrs Bitter, who had hidden the two pilots, were deported to Ravensbrück concentration camp. Mrs Bitter, who was sixty-five years old at the time, died in Ravensbrück, whereas Meinarda van Terwisga survived. The monument in question commemorates the eight men who were fusilladed, whereas Mrs Bitter was only added to the monument in 2011.⁹⁰

Here, we see that a woman led a subset of the Dutch armed resistance: admittedly a rare occurrence in the Netherlands.

Also non-paradigmatic is the story of Hannie Schaft. She features prominently in the discourse on Dutch women in the armed resistance. Hannie Schaft was a law student and she is described as having 'socialist leanings'. She got involved in resistance work when she started helping Jewish students - friends of hers, as well as others. 'The girl with the red hair', as she was famously known, carried out a number of liquidations in Amsterdam. More precisely, when she was arrested in 1945, she admitted to liquidating at least five people. She was fusilladed by the Nazis on April 17, 1945, less than three weeks before Nazi Germany capitulated.⁹¹ In her work for the Raad van Verzet, she often cooperated with two sisters, Truus Oversteegen and Freddie Oversteegen. The two sisters, who were only sixteen and fourteen years old at the beginning of the war, also carried out liquidations.⁹²

89. Jac van de Kar, *Joods Verzet. Terugblik op de Periode rond de Tweede Wereldoorlog*, Second revised edition (Amsterdam: Stadsdrukkerij Amsterdam, 1984), 78-79.

90. Stichting Bevrijding '45, *Gedenkteken 2 oktober 1944, Groot Schuylenburg*.

91. Kooistra, *Recht op Wraak*, 35.

92. Graaff and Marcus, *Kinderwagens en Korsetten. Een Onderzoek naar de Sociale Achtergrond en de Rol van Vrouwen in het Verzet, 1940-1945.*, 81-82.

Hannie Schaft and her accomplices, Truus Oversteegen and Freddy Oversteegen, were not the only women who were involved in liquidations. Gertrude (Truus) van Lier, a cousin of Geertruida van Lier of the Utrechts Kindercomité,⁹³ shot and killed police chief and NSB member Gerardus Johannes Kerlen in Utrecht. She was a member of the Amsterdam resistance group CS6 (short for Corellistraat 6 in Amsterdam, where the members used to meet).⁹⁴

Another member of this group was Reina Prinsen Geerligts, a young woman from Amsterdam. Most of the members of this group did not survive the war; consequently, for more information we are dependent on witness statements. In her article on Reina Prinsen Geerligts for the Nederlands Instituut voor Oorlogsdocumentatie or Dutch Institute for War Documentation (NIOD) website, NIOD director Marjan Schwegman argues that the reason that the name of Reina Prinsen Geerligts is still known, despite the relative lack of witnesses who could recount what had happened during the war, can be found in her (supposed) role in the liquidation of the police lieutenant Pieter Kaay in Enschede in the East of the Netherlands. This was intended as revenge for the death of those members of the resistance who had been killed in the aftermath of the raid on the Amsterdam population register.

Together with Louis Boissevain, Reina was arrested for the liquidation of Pieter Kaay, but Schwegman refers to as of yet unpublished research that shows that Reina and Hans Katan had wanted to kill Kaay on July 2nd, but did not do so when they saw that he was not at home alone, but had a child on his lap. A group from Enschede, unbeknownst to Reina and Hans, carried out the liquidation instead. When Louis and Reina were arrested, they confessed to killing him because they realised that they did not stand a chance. Reina Prinsen Geerligts was fusilladed in Oranienburg concentration camp, on November 24, 1943.⁹⁵

Women in the armed resistance sometimes worked together with their husbands, and incidentally, they worked together in killing someone. On September 15, 1943, Mrs Draaijer (whose first name is not mentioned) killed collaborator Maarten Anthonie Barto by poisoning his food. Maarten Barto had posed as a member of the resistance, but there were doubts about his allegiance. Mrs Draaijer's husband, member of the Royal Military Police Piet Draaijer, subsequently arrested him and found out that he was, in fact, assisting the SD.

93. Flim, *Omdat Hun Hart Sprak. Geschiedenis van de Georganiseerde Hulp aan Joodse Kinderen in Nederland, 1942-1945*, 196.

94. Kooistra, *Recht op Wraak*, 102.

95. Marjan Schwegman, 'Held van de Maand: Reina Prinsen Geerligts', 2012, <http://www.niod.nl/nl/held-van-de-maand/januari-reina-prinsen-geerligts>.

Draaijer invited Barto over to dinner, where Barto ingested the poison. Initially, Barto only was unconscious, but he died later that night.⁹⁶

It was more rare for women to be involved in the armed resistance while their husbands were involved only in the unarmed resistance. An example of this arrangement is the story of Mr Jules Chapon. Mr Jules Chapon, a Jewish resistance member, talks about his and his wife's resistance work in his interview for the Shoah Foundation Institute VHA.⁹⁷

Mr Chapon himself was involved with the unarmed resistance; for example, he would find hiding addresses and forge documents. His (ex-)wife, Polly, however, was active in the armed resistance; according to Mr Chapon, she was a very important figure in the group of Gerben Wagenaar. He describes her as "firm, cold-blooded and inventive." Gerben Wagenaar was one of the major figures of the Raad van Verzet, who was preparing a raid on the Weteringschans prison.⁹⁸

The stories above are all examples of non-paradigmatic narratives. The stories tell of women being involved in activities that do not have a feminine connotation. In the discourse, some of these stories are almost deified. This is clearly the case with Hannie Schaft and Reina Prinsen Geerligs. Their stories are highly unusual, but they are not reduced to a paradigmatic narrative to make sense of them (as was the case in the discourse surrounding Esmée van Eeghen).

Although the non-paradigmatic stories stand out, they cannot be used to deduce much about women's activities in the Dutch resistance in general, precisely because these stories stand out so much. These non-paradigmatic stories also have the somewhat unfortunate effect of (partly) erasing stories of women's more 'mundane' resistance activities; because these contributions seem insignificant in comparison to the actions of Hannie Schaft and Reina Prinsen Geerligs, they are often ignored. This erasure is even stronger in the context of the intersectionality of gender and ethnicity, however, such as in the case of Jewish resistance members. This will be discussed in the next section.

5.3.6 Conclusion

We have shown several ways in which women's experiences are excluded from the resistance discourse. Because a core part of the resistance discourse focuses on the integrity of the Dutch community in the face of the Nazi occupation of the Netherlands, the exclusion of women's experiences and contributions to

96. Kooistra, *Recht op Wraak*, 169.

97. USC Shoah Foundation Institute Visual History Archive, *Interview 16645, Mr Jules Chapon*, tape 2.

98. *Ibid.*, tape 4.

the resistance from the discourse means that the resistance as defence of the community is gendered masculine.

References to women's sexuality were shown to be an important vehicle for the exclusion of women's contributions to the resistance. It was a theme in the story of Esmée van Eeghen, as told in the previous section, but also in the story of Kitty van der Have, which showed important parallels to Esmée's story. Kitty's murderers avoided a prison sentence when the Minister of Justice argued that 'such good patriots' (Kitty's former resistance colleagues and her murderers) should not be punished unfairly. Stories such as these establish clearly who was a *good* patriot, whose resistance activities counted, and who was not. Women's use of their sexuality for intelligence gathering purposes is also often left out of the stories that are retold. Of course, the women who resorted to this might not want these stories to come out, which can explain why they are not often told. On the other hand, the very topic of sex and sexuality was somewhat at odds with the image of the overwhelmingly Christian Dutch resistance, which can also explain why it is a topic that does not come up very often.

Femininity was also used in non-sexual ways by the resistance members. Women could hide behind a 'cloak of innocence' while carrying out resistance activities - such as transporting weapons by hiding them in a pram and then taking the baby for a stroll. On the other hand, the vulnerability that this cloak of innocence implied was at the same time a reality for these women. This becomes clear in the testimony of Adriana Breur-Hibma. While she uses her 'guise' as a mother to get time to hide a gun and bomb-making material, she is simultaneously vulnerable precisely because she is a mother, especially because she is still breast-feeding her baby. The usefulness of femininity was also recognised by the male resistance members, given that men often cross-dressed to avoid detection.

We discussed another common assumption of the resistance discourse, namely that women would not get arrested, and if they were arrested, they would not be tortured or sent to a concentration camp. In this section, we have shown that this assumption is incorrect, because many women were actually arrested and sent to concentration camps. There were also a number of anecdotes of women who were tortured when they were arrested for resistance activities. When the assumption that women did not get arrested shapes the discourse, this has an important consequence: the dangers that these women exposed themselves to were not acknowledged and women's activities are thus presented as trivial to the resistance and consequently, the community as a whole. Especially given that the resistance is presented as key to the Dutch identity during the occupation, when women's activities are seen

as insignificant it also means that women's activities are seen as insignificant to the communal identity. Moreover, when women did get arrested, it was seen less as a consequence of the risks they took or the deliberate actions of the Nazis, but as bad luck. Women's activities are thus presented as trivial and insignificant for the survival of the community.

The same pattern was shown to be practically completely absent from the non-paradigmatic narratives; the women in these stories acted independently alongside their male counterparts, but instead of being presented as villains, they are pictured as heroes, as the archetype of the Dutch resistance fighter. An explanation for this pattern is that women such as Hannie Schaft were hard to dismiss because they were exceptional and more than on par with the men. When a woman such as Hannie Schaft is presented as an exemplary resistance fighter, the conclusion that can be drawn is that the other resistance members were at least just as good - conveniently overlooking the fact that Hannie Schaft was exceptional.

All in all, this section has shown different ways in which women's contributions to the resistance were dismissed by references to sexuality, or by presenting women's arrest as just 'bad luck' and an exception to the rule. At the same time, femininity could be used strategically as a 'cloak of innocence'. The end result is, however, the idea that women's contributions to the resistance were marginal and not extremely significant to the continuation of the community are being reinforced in the resistance discourse.

The (partial) erasure of women from the resistance discourse is given an extra layer of significance when we examine the intersection of gender issues with the discussion of Jewish resistance within the overarching discourse. Because the resistance discourse plays an important role in the formation of the Dutch national identity, the failure to discuss Jewish resistance also has significant effects on the formation of the Dutch identity. Therefore, in the next section, we will discuss Jewish resistance in the Netherlands.

5.4 INTERSECTIONALITY

5.4.1 *Introduction*

Generally speaking, the Dutch resistance is depicted as a *Dutch* effort. The discourse focuses on the different Dutch Christian groups such as the LO, or the occasional communist group. A large part of the discourse, moreover, deals with the rescue of Dutch Jews. This is somewhat misleading, on multiple fronts. First of all, the focus on the resistance as a Dutch effort ignores the efforts of the Dutch Jews in the resistance. Secondly, the idea that the Dutch resistance

was created as a response to the deportation of the Dutch Jews is inaccurate. Although some resistance groups indeed started helping the Dutch Jews soon after the invasion of the Netherlands in 1940, any large-scale resistance developed only in 1942, in response to the *Arbeitseinsatz*. By then, a majority of the Dutch Jews had already been arrested and deported.

Intersecting with the lack of attention to Jewish resistance is the issue of gender. In other words, Jewish women's participation in and contribution to the Dutch resistance is ignored - both because they were Jewish, and because they were women. This idea has previously been discussed in Chapter 2, in section 2.3. There, we analysed Elizabeth Spelman's work, who mapped a philosophical approach to the topic. A similar argument has been made by Kimberle Crenshaw, who focuses on intersectionality by looking at how women of colour's experience of battering and rape are shaped by the intersections of sexism and racism.⁹⁹ Similarly, here we are going to examine how the intersection of being a woman and Jewishness - both grounds for oppression, especially in the 1940s - contributes to the erasure of Jewish women's contributions to the resistance. In a larger context, this shows how resistance as 'defence of the community' is constructed both as a masculine and a non-Jewish Dutch effort.

In this section, we will focus on Jewish (participation in the Dutch) resistance. This is a topic that is not explored very often, for various reasons - reasons that will also be examined. We will begin by discussing two examples of Dutch Jewish resistance. First, the rescue of Jewish children from a crèche in Amsterdam will be examined. This instance is what the resistance discourse mostly focuses on when Jewish resistance is discussed. The second case will focus on the so-called *Westerweelgroep*. This resistance group, which had many Jewish members, aided in the escape of Jewish teenagers from the Netherlands to Spain. We will end by discussing the representations of Jewish resistance in the discourse and examine how assumptions about Jewish resistance shape the representation in the discourse. We will also focus on the intersections of Jewishness and gender. First, however, we will look at the rescue of Jewish children from the crèche at the *Hollandsche Schouwburg*.

5.4.2 *Jewish Resistance in the Netherlands: the Hollandsche Schouwburg*

The narrative about Jewish participation in the Dutch resistance often centres on the rescue of Jewish children from the crèche at the *Hollandsche Schouwburg*. When in July 1942 the razzias in Amsterdam started, the logistical

99. Kimberle Crenshaw, 'Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color', *Stanford Law Review* 43, no. 6 (July 1991): 1243.

means to immediately transport people to *Durchgangslager* Westerbork were not available. Therefore, the arrested Jews had to be kept in a central location until transportation could be arranged. To this end, the *Hollandsche Schouwburg* (literally: Dutch Theatre, although the Nazis had renamed it Jewish Theatre) was used. Very few facilities were present, and circumstances were dire, as the following quote from Jacob Presser shows:

“Quite a few committed suicide. At night it could be terrible, particularly when there were screaming children everywhere - in the corridors, foyers, balconies, the pit, the staircases, the stalls. Then there were those who could not lie still and kept walking about all over the building. On top of it all there was the gnawing anxiety of uncertainty.”¹⁰⁰

Later, the Jewish Council managed to convince Ferdinand aus der Fünten, who was the SS official responsible for the deportation of the Jews, that the *Schouwburg* was unsuitable for children, especially young children; permission was gained for the children to be cared for in the crèche across the street. The crèche had been founded in 1906; in 1926, Henriëtte Hendriques-Pimentel became director of the crèche, which she remained until she was deported in 1943. Although it was aimed at poor Jewish mothers who required childcare so they could go out and work, and although the crèche adhered to Jewish religious principles (food was kosher, and the childcare workers in training also received religious education), the crèche was attended by children of all faiths. In 1941, the crèche became exclusively Jewish after a German order; all non-Jewish personnel was fired.

How the rescue operations from the crèche exactly got started is unclear. Bert-Jan Flim proposes that the rescue operations initially started on an ad-hoc basis, much like the escape of adults from the *Schouwburg*, which also happened occasionally. Flim mentions two possible starting points: a once-off action by Frits Iordens and Anne Maclaine Pont of the Utrechts Kindercomité, and the acquaintance of Walter Süskind with Joop Woortman of the Naamloze Vennootschap.

Frits Iordens and Anne Maclaine Pont were two students at Utrecht University, who were involved in the rescue of Jewish children via the Utrechts Kindercomité. When three of the children they had helped to hide were arrested, the students went to Amsterdam, where Frits dressed up in a German uniform and ordered the children back. This action of January 1943 was the first mention of a rescue from the crèche.¹⁰¹ The Utrecht students did not carry out any further rescue actions, but instead got in touch with the leader of the

100. J. Presser, *The Destruction of the Dutch Jews* (New York: E.P. Dutton & Co., Inc., 1969), 163–164.

101. Flim, *Omdat Hun Hart Sprak. Geschiedenis van de Georganiseerde Hulp aan Joodse Kinderen in Nederland, 1942-1945*.

ASG, Piet Meerburg, who from then on became involved with rescues from the crèche.¹⁰²

The second starting point, the acquaintance of Walter Süskind with Joop Woortman, took place around the same time. Joop Woortman was active in the Amsterdam branch of a nameless resistance organisation (which was named Naamloze Vennootschap (NV)(or literally translated: limited liability company) after the war). The two were introduced through a mutual acquaintance; this created an opportunity to rescue children from the crèche. Unlike the adults, children needed extra assistance once they had escaped, because children could not be expected to find their own hiding addresses. The contacts of Süskind with resistance groups on the outside were therefore indispensable for successful rescue of children.

The NV was only one of the organisations that assisted in the rescue of children; the ASG, led by Piet Meerburg, was also mentioned. Additionally, a part of the group around illegal newspaper Trouw got involved in *Kinderwerk* (children's work), as well as the Head of the College of Education, Johan van Hulst, that was housed behind the crèche.

Inside the crèche, a number of people played a crucial role in the rescue of the children. We have already mentioned Walter Süskind. He was a German Jew who had fled to the Netherlands in the 1930s; a member of the Jewish Council, he was described as outgoing and friendly with everyone, even Ferdinand aus der Fünten. His role in the rescue operations was to allow for the adjustment of the administration, so that the rescue operations would not be discovered. To this end, he would often get the guards drunk, so that someone else could lift the cards from the administration. Inside the crèche, the director, Henriëtte Hendriques-Pimentel, played a role, as well as the child-care workers, two sisters, Mirjam Cohen and Virginie (Virrie) Cohen, and Sieny Kattenburg, Fanny Philips, and Betty Oudkerk. These girls took care of the babies and toddlers, some of whom were still breastfed. They would bring the babies across the street to the *Schouwburg*, to their parents, and then take the children back. Hence, they were allowed to move freely between the *Schouwburg* and the crèche.

A number of rules was followed in deciding which children to rescue. First, only children whose parents were in the *Schouwburg* and had given permission for the child to be rescued were eligible. Second, orphaned children were given priority, as the orphans would often be chosen to reach the quota of people to be transported to Westerbork. Third, children who had been arrested at their hiding addresses were also given priority. Permission of the parents was assumed, as the children had already been in hiding. Because these children

102. Ibid.

were seen as 'punishment cases' they would also be singled out for transport quickly, and therefore, it was important to get them out as soon as possible.

The actual rescue operations can be divided into two periods, where each period was characterised by different means of escape; the first period took place from January to March 1943, the second from April to September 1943. During the first period, rescue actions took place on a more or less ad hoc basis. The two main means of escape were, for babies, laundry hampers, backpacks, and potato sacks; the babies would be hidden inside the laundry hamper, and subsequently handed over to people 'on the outside'. Older children would be rescued using a different method. A tram line was located between the *Schouwburg* and the crèche, and every time a tram passed, guards would lose sight of the crèche for a moment (the crèche was much less heavily guarded than the *Schouwburg*). The moment a tram passed, a childcare worker or resistance worker would leave the crèche and run alongside the tram until the stop at the corner of the street, where they could get on the tram. Anecdotal evidence shows that the people inside the tram and the tram driver were well-aware of what was going on, but they never betrayed anything. This was, of course, rather risky.

By April 1943, the number of rescues could be increased. There were three reasons for this. First, the resistance groups on the outside had become organised, so that they had more hiding addresses available. Second, the aftermath of the April-May Strikes of 1943 meant that the number of hiding addresses in the countryside had increased. The April-May Strikes were a response to the *Arbeitseinsatz*, the requirement of the Nazis to send Dutch men in the ages of 16 to 60 years to Germany to work in factories. This applied to all men, not only to former soldiers. The strikes, which went on for two months, resulted in a crackdown on the Dutch population, and many men who had been called up for the *Arbeitseinsatz* went into hiding. The willingness of the Dutch population to shelter these men created an infrastructure that could also be used by the groups who were involved in the *Kinderwerk*. Finally, more children could be rescued because better methods to get them out of the crèche had been developed.

For young children, who could not yet walk, it had become possible to escape via the College of Education, which was located behind the crèche. Because the crèche had become too small, a classroom in the College was also used to keep children in. Because this building was not guarded, it was possible to rescue young children this way. The director, Johan van Hulst, participated in the rescues. In the Spring of 1943, the childcare workers were permitted to take the older children on walks. Because these walks were not accompanied by guards, children could be collected by rescue workers. Only the number

of children was counted, and so, when the group returned from a walk, some children who had remained behind would be added to the group, so that the number of children remained the same.

5.4.3 *The Westerweel Group*

The actions of the *Westerweelgroep*, which consisted of non-Jews and Zionist Jews, have never been discussed in much detail in the discourse on the Dutch resistance. Nevertheless, this resistance group has done remarkable work that deserves attention. Moreover, it is one of the best examples we have of Jewish resistance in the Dutch resistance context. Although Jews were members of 'regular' resistance groups, apart from the *Westerweelgroep*, there were no specifically Dutch Jewish resistance groups.

The *Westerweelgroep* consisted, on the one hand, of a network of non-Jews led by Joop Westerweel, whose person will be discussed below, and on the other hand, of two branches of the HeHalutz (also spelled Hechalutz) movement, which were based in Loosdrecht and Amsterdam. The HeHalutz movement was a Zionist youth organisation that trained youngsters and young adults in agricultural work in preparation for emigration to Palestine, or Eretz Israel, as the Zionists called the country. The Loosdrecht group was primarily made up of young people between the ages of 15 and 17, who had originally been born in Germany and Austria and who had fled to the Netherlands in the aftermath of *Kristallnacht*. Some were religious Jews, others were secular.¹⁰³

When the deportation orders came and razzias begun in June and July 1942, the leaders of the Loosdrecht *Aliyah House*¹⁰⁴ discussed among themselves whether they would obey an eventual deportation order, or if they would go into hiding and resist. The group leaders decided in favour of hiding, for a number of reasons. First, another Dutch HeHalutz group had already been deported. Yehudi Lindeman writes, "One [reason] was the sudden deportation of over sixty agricultural trainees from the pioneers' work farm at Wieringen to Mauthausen, in June 1941, through German duplicity. None of them had survived."¹⁰⁵

The personal experiences of one of the group leaders, the German Joachim Schuschu Simon, formed a second reason to go into hiding. He had been an

103. Yehudi Lindeman, 'Against All Odds: Successes and Failures of the Dutch Palestine Pioneers', in *Lessons and Legacies VI* (Evanston, Illinois: Northwestern University Press, 2004), 88–111.

104. Aliyah (Hebrew) means 'ascent' and is the term used by many Zionist organisations to indicate emigration to what was then still Palestine.

105. Lindeman, 'Against All Odds: Successes and Failures of the Dutch Palestine Pioneers', 95.

inmate in Buchenwald as recently as 1938, and he had no faith in a good outcome if the group were to obey a deportation order. Moreover, they knew they had to take a decision soon, because most of the children were German or Austrian by birth, but they had lost their citizenship. They had come to the Netherlands as refugees, and hence, they would be one of the first to receive a deportation order.

Having decided in favour of going into hiding, the question remained how they were going to accomplish this. Through a contact at the Jewish Council, they were able to be warned in advance if the group house would be targeted in a *razzia*. Also, it was decided not to tell the children anything yet. At this time, some 48 or 50 youngsters lived in the youth *Aliyah* House in Loosdrecht, and the group's leaders knew it would be quite a challenge to find hiding addresses for all of them.

A young Dutch Jewish woman named Mirjam Waterman had a solution. She had become a member of the HeHalutz movement in 1938, but she had grown up in a mostly secular environment. Hence, she had contacts within the Zionist movement, but also with non-Jews. A teacher at the progressive, anti-authoritarian school *Werkplaats Kindergemeenschap* until she was fired in 1941, she contacted Joop Westerweel, who had also been a teacher at the school. In 1942, Joop Westerweel was head of the Montessori-school in Rotterdam. He was, by all accounts, a remarkable man: socialist, anti-authoritarian, somewhat anarchist, a conscientious objector. When Mirjam approached him for help, his wife was pregnant with their fourth child, but he still agreed to help the Loosdrecht HeHalutz house.

In August 1942, after they had been tipped off that the house would be forcibly evacuated the next day, the leaders gathered the youngsters and told them what they had planned: that hiding addresses were available, and that they recommended that everyone go into hiding, but they were free to obey the deportation orders if they wanted to. Everyone decided to go into hiding.

Joop Westerweel had arranged hiding addresses, but addresses by themselves were not enough. Forged papers were necessary as well, and some group members, as well as some acquaintances of Westerweel's, set themselves to forging documents. Soon after, the Amsterdam HeHalutz group got in touch and asked if the Loosdrecht group could help them to find hiding addresses for the Amsterdam pioneers. Although the exact date of this request for help is unclear, it must have been shortly after August 1942, as the Loosdrecht house was evacuated then. Lindeman writes: "Many people lent a helping hand during those first weeks. (...) Soon the Amsterdam pioneers asked the leaders

of the Loosdrecht group to assist them in finding hiding addresses for those *chawerim*¹⁰⁶ who had received deportation notices.”¹⁰⁷

Although the Loosdrecht leaders agreed to help, the request did pose a number of problems. First, at this stage it was difficult to find hiding addresses. Only after the April-May Strikes of 1943 did the Dutch resistance get going - to help Dutch men escape the *Arbeitseinsatz*. In August 1942, hiding addresses were hard to come by. Second, the group considered hiding in the Netherlands to be less than ideal, for three reasons: many hiding addresses were only temporary, which meant that the youngsters had to be moved, and being in transit was high-risk. Moreover, there was “(...) a high incidence of betrayals by informers or ordinary bystanders.”¹⁰⁸ Finally, there were frequent razzias and checks of houses, and both the Dutch police and the German authorities were highly vigilant.

Faced with all these problems, the group’s leaders - Joop Westerweel and Schuschu Simon - decided to find a way to escape to France and from there cross into Spain, so that they could travel on to Palestine from there. Schuschu Simon “(...) set out in the autumn of 1942 to make the route a reality, to find secure hiding places in France, and to search for reliable French networks to assist future crossings into Spain.”¹⁰⁹

In the meantime, the members of the *Westerweelgroep* who remained in the Netherlands did not remain idle: they undertook a number of attempts to liberate pioneers who had already been taken to Durchgangslager Westerbork. The exact method of liberation remains unclear, although Lindeman refers to two techniques; whether this was a two-step plan is not clearly indicated. In any case, when deportations to the East took place, it was sometimes possible to hide people inside the camp; their names were, at that stage, removed from all lists, and they could henceforth disappear from the camp without being caught. Secondly, one group member was the machinist on a small train that went in- and outside the camp. He could take up to two people at a time with him in the cabin as he went about his job. This way, about twenty pioneers were saved.

Schuschu and Joop prepared a first attempt to smuggle people into Spain in January 1943, but this plan failed when Schuschu was arrested at the Dutch-Belgian border. He subsequently committed suicide in a Dutch prison, to

106. Literally: ‘friends’, the designation for the members of HeHalutz.

107. Lindeman, ‘Against All Odds: Successes and Failures of the Dutch Palestine Pioneers’, 99.

108. *Ibid.*, 99–100.

109. *Ibid.*, 100.

avoid talking and betraying the entire enterprise.¹¹⁰ Nevertheless, Joop and the first group of pioneers reached Spain in February 1943.¹¹¹

Throughout Spring and Summer 1943, the *Westerweelgroep* continued to smuggle people into France. Many people found shelter in Paris, as well as further south. Illegally crossing into Spain had to wait until new contacts had been established with the Maquis, because all pre-existing contacts had been lost with the arrest and death of Schuschu Simon. Still, between February 1943 and July 1944, and with the help of the French Zionist underground, about seventy of the group of Dutch Palestine Pioneers managed to illegally cross into Spain.

In France, the *Westerweelgroep* received assistance from three different French resistance groups: the Maquis (the 'regular' French armed resistance); the Armée Juive, which had its headquarters in Toulouse, a Jewish resistance group; and the Mouvement de la jeunesse sioniste, the French Zionist youth organisation.¹¹²

Meanwhile, the group's forgers had become quite proficient in forging documents, and this proved to be of immense benefit when some of the group's members were stalled in France. Making use of forged documents that stated that they were employed by the *Wehrmacht* as part of the labour battalions of the *Organisation Todt*, the youngsters were able to travel in groups and identify themselves. Even more brilliantly, "[t]hey were even able to stay in specifically designed hotels or hostels, and eat in the restaurants and cafeterias open only to those employed by the *Wehrmacht*,"¹¹³ Lindeman writes. Moreover, it saved a lot of money. Some of the members were even able to gain paid employment. Lindeman again: "In an ironic twist, it also supplied a number of *chawerim* with paid employment - for instance in Lyon, where some worked in an office, and in Bordeaux, where a number of them worked in a *Wehrmacht* kitchen. Also, by sharing these documents with AJ¹¹⁴ members, they offered something in return for the money and services provided them, namely a safe alibi and a protective shield for members of the AJ."¹¹⁵

Joop Westerweel was arrested in March 1944. He was interned for a while in Vught concentration camp, where he was liquidated.

During the war, about 70 members of the pioneers crossed into Spain. Of these 70, 61 went to Palestine during the war. From the Loosdrecht Aliyah

110. Lindeman, 'Against All Odds: Successes and Failures of the Dutch Palestine Pioneers', 101.

111. Ibid.

112. Ibid.

113. Ibid., 102.

114. Armée Juive

115. Lindeman, 'Against All Odds: Successes and Failures of the Dutch Palestine Pioneers', 102.

House, 48 went into hiding, of whom 70% survived the war. Eleven of them escaped to Spain and, eventually, Palestine during the war. Of the 37 remaining youngsters who had gone into hiding, 14 were deported and killed. The others emigrated to Palestine after the war.¹¹⁶

5.4.4 *Jewish Resistance: Representation in the Discourse*

In the sections above, two instances of Jewish (participation in the Dutch) resistance have been highlighted. The rescue of children from the *Hollandsche Schouwburg* is often seen as the ultimate example of Jewish participation in the Dutch resistance, whereas the actions of the *Westerweelgroep* receives hardly any attention in the discourse. Moreover, the participation of Jews in the ‘regular’ Dutch resistance has received attention only on a case-by-case basis, that is, in the context of discussions of particular resistance groups. Discussions about Jewish participation in the resistance are heavily guided by a number of assumptions in a process similar to discussions about women’s roles in the Dutch resistance. This section will first discuss these assumptions about Jewish participation in the resistance, and second, it will discuss how the assumptions about Jewish participation and the assumptions about women’s participation intersect and lead to a lack of discussion about Jewish women’s participation in the resistance.

An assumption that one often encounters is that Jews did not participate in the resistance. Presser asks, “How large a part did Jews play in the Resistance? There was no lack of testimony, during and after the war, that the Jewish contribution to the struggle was greatly exaggerated by the Germans, but seriously underrated by the Dutch. There can be no doubt that resistance by Jews was proportionately greater than that of other Dutchmen.”¹¹⁷

Although this claim can not be substantiated by statistics, the two examples of Jewish resistance discussed in the sections above already show that Jews *did* participate in the resistance. Lindeman writes: “Right from the end of World War II the assumption took hold that the Dutch Jews, as targets and victims of Nazi aggression, had been absent from, or at best underrepresented in, the areas of armed and non-armed resistance. Yehuda Bauer’s verdict that ‘Jews in the Dutch resistance were few’ reflects the generally held position. Whatever its relation to objective fact or documentation, it is an impression that lingers and has assumed the status of a myth. Like other myths regarding ethnic or national minorities, this one, too, should be reexamined.”¹¹⁸

116. *Ibid.*, 103.

117. Presser, *The Destruction of the Dutch Jews*, 279.

118. Lindeman, ‘Against All Odds: Successes and Failures of the Dutch Palestine Pioneers’, 89.

There are a number of reasons that explain this assumption. Lindeman already hints at one reason when he writes, “(...)Jews, as targets and victims of Nazi aggression (...)”¹¹⁹ The Netherlands had the highest death rate of all Western European countries. Over 75 % of the Dutch Jewry was killed in the concentration camps, compared to figures like 44 % for Belgium and 24 % for France.¹²⁰ Figures like these can easily be translated into the idea that Dutch Jews did not resist; the idea of Jews as victims seems antithetical to the idea of Jewish resistance.

Second, as Lindeman also mentions, Dutch society was characterised by a latent anti-Semitism that extended to the ranks of the resistance. The majority of the resistance organisations - although with some significant exceptions - developed in response to the *Arbeitseinsatz* in April/May 1943, long after the deportations of the Jews had started. “By minimising the extent of Jewish anti-Nazi resistance, especially within the context of a wider Dutch resistance network, the Dutch may have been compensating, both collectively and personally, for the rather lacklustre treatment of their Jewish fellow-citizens during the war, and the failure of Dutch society to protect them during the months and years of their greatest need.”¹²¹

Lindeman’s explanation is substantiated by the experiences of Mr Louis Scharis, a Jewish member of the Dutch resistance. In his interview for the USC Shoah Foundation Visual History Archive, he says that he encountered a lot of misunderstanding. People could not understand that a Jewish person had joined the illegal organisations; there was a lot of latent antisemitism.¹²²

A third explanation is related to the two explanations above. Especially in the early post-war decades, the Dutch resistance historiography had a tendency to portray the resistance as a national undertaking, as the national heroics of the Dutch people. Alongside this trend was a portrayal of individuals as either ‘good’ or ‘wrong’, and of course, there were more ‘good’ Dutch people than ‘bad’ ones. Only in the 1980s, reflections on the Dutch resistance became more nuanced, and they usually employed a variant of the idea that everyone mostly was ‘an ordinary person during an extraordinary time’. However, combined with the latent anti-Semitism that made it hard to believe for some people that Jewish people had participated in the resistance, the idea of a national resistance also depended on a rather strictly defined nationality. In a

119. Lindeman, ‘Against All Odds: Successes and Failures of the Dutch Palestine Pioneers’, 89.

120. Joseph Michman, ‘Rescue and Righteous Among the Nations in Holland’, s.d. 1, accessed 29th September 2014.

121. Lindeman, ‘Against All Odds: Successes and Failures of the Dutch Palestine Pioneers’, 93–94.

122. USC Shoah Foundation Institute Visual History Archive, *Interview 5060, Mr Louis Scharis*.

move that was probably unconscious but still incorrect, the Jews, who had en masse been deported and killed, were because of this very fact excluded from the Dutch polity. Acknowledging Jewish participation in the Dutch resistance would disturb the very 'cosy' image of the national character of the Dutch resistance. Note that this move functions to other the Dutch (and non-Dutch!) Jews who lived in the Netherlands.

In addition, a possible fourth reason for the underestimation of Jewish participation in the resistance is that Jewish people might not always have announced that they were Jewish, and if they had a name that was not typically Jewish, they might not have been recognised as such.

Fifth, the underestimation also has to do with the lack of eyewitnesses and accounts of family members and friends. A Jewish person might not have announced to their resistance coworkers that s/he was Jewish, but family members might have known that the person was active in the resistance. However, because such a large part of the Dutch Jewry was murdered, this was not an option.

Moreover, if Jewish resistance members were arrested, it would not, in the end, matter if they were arrested for resistance activities, because being Jewish was enough reason for arrest and deportation. To illustrate this, if an elderly Jewish couple in hiding were betrayed, they would be arrested and deported, and it would not matter if they had participated in resistance activities. If a Jewish resistance member was arrested and if it was found out that they were Jewish, the resistance work would have little influence on the outcome; just like the elderly couple, the resistance member would be arrested and deported.

Additionally, the Jewish resistance members who died are not usually memorialised as resistance members, but as Jews. The story of Margot Pino illustrates the three points made above. During the war, a young Frisian Jewish boy named Ernst Pino managed to escape to Switzerland. His brother and sister stayed in the Netherlands, and every now and then, he would receive letters from them. One time, his sister Margot, a hairdresser, told him that she had moved from the Frisian city of Sneek to The Hague, and that she had joined the resistance. Ernst does not know much else, except that at one point, Margot was arrested and deported to Auschwitz, where she was killed. In Margot Pino's case, her younger brother recounts her resistance activities, but in many cases, it is likely that the family members of Jewish resistance workers did not survive the war. Hence, if the resistance worker did not survive, and the family did not survive, stories of Jewish resistance would be lost.

Margot Pino's name is mentioned briefly in Jack Kooistra's memorial book of Frisian people who died during the war. He gives the following information:

“Pino, Margot: Fulda (Germany) 19 September 1920 – 3 September 1943 Auschwitz. Lived in Sneek, Kruizebroederstraat 47. Not married. Daughter of Eduard Pino and Berta Sichel. Resistance member (courier). Arrested during a resistance assignment. No known grave. Her name is mentioned on a memorial plaque which was revealed in the Wijde Burgstraat in Sneek, which was later moved to the garden of silence of the Sneek city hall in the Spring of 2002. War Graves Foundation (OGS): memorial book 23.”¹²³

Not much else is known about Margot’s plight. The memorial book that Jack Kooistra refers to is one of a total of 43 books. Book number two lists Dutch nationals who died in (among others) Auschwitz. However, books four through to thirty-three list Jewish inhabitants of the Netherlands who died in a number of concentration camps, Auschwitz being one of them. This highlights how the memorialisation of Jewish resistance members takes place along different lines than the memorialisation of Dutch resistance members who died. The anecdote about Margot Pino also shows how, when a Jewish resistance member was arrested, their resistance work would not matter.¹²⁴

Finally, after the war, many Jews who had survived, whether they had been in hiding or whether they had survived the camps, immigrated to Palestine. The stories of these people - and they included stories of Jewish resistance, as we saw in the case of the *Westerweelgroep* - were hence removed from the Dutch post-war discussion of war-time resistance. Now, as we read in the quote from Louis Scharis, and the argument made by Yehudi Lindeman, above, there was a lot of disbelief about Jewish resistance in the Dutch post-war context. However, that is not to say that additional testimonies could not have helped in dissuading the disbelief.

Having discussed the multiple reasons for the lack of a discussion of Jewish resistance in the debate on the Dutch resistance, we shall now look at the representation of Jewish women in the Dutch resistance. As a result of the so-called ‘intersecting matrices of domination’, Jewish women’s participation in the resistance is discussed even less than Jewish men’s participation. Dutch women’s roles in the Dutch resistance are not often discussed in great detail, and the discussions that do take place are fraught with (false) assumptions. In the sections above, we have already seen the numerous ways in which the representation of women’s activities in the resistance were, more often than not,

123. Kooistra, *Een Laatste Saluut. Fryslân in de Oorlog*, 166.

124. Because so little can be found about Margot Pino, the question of how they found out that she was Jewish remains unanswered. To hide an identity, fake ID cards could be used, for example. However, the fact remains that Jews were found out by the Germans.

misrepresentations. Often, the underlying assumptions in these misrepresentations was that women acted as the subsidiaries of men; that they were not arrested; that if they were arrested, they were released again; finally, that they were not fusilladed. Moreover, the role of sex and sexuality was highlighted. These assumptions lead to a misrepresentation of Jewish women's participation in the Dutch resistance as well, but in different ways.

First, a number of assumptions will be grouped together: women were not arrested, if arrested they were released, and women were not fusilladed. While these assumptions were, in many cases, not true for Gentile women, they were especially not true for Jewish women. Once the *Sicherheitsdienst*, which dealt specifically with the resistance, realised one of their arrestees was Jewish, it was out of the question that this person would not be arrested. Once arrested, Jews were rarely released again, only on the condition to betray others (resistance or Jews) to the *Sicherheitsdienst*. In fact, the only woman, who was sentenced to death (and refused clemency,¹²⁵ by the Queen) for betraying other people, was a Jewish lesbian woman, Anna (Ans) van Dijk.

Although other resistance members, who had been arrested, were sometimes fusilladed, there was also a chance that they could be sent to a concentration camp, but not to a death camp such as Auschwitz. In this sense, some camps functioned more as prisons than as death camps. However, for Jewish resistance members, the chance not to be sent to a death camp was almost zero. As such, the assumption that women were not fusilladed is, when phrased this way, correct. However, the fact remains that Jewish women still were killed. If they had gone into hiding, they might have had a chance to survive the war. However, the women in question joined the resistance, and this, combined with them being Jewish, still lead to their deaths. This means that resistance activities still could lead to the death of the resisters, including Jewish women.

Summarising, above we have seen that assumptions about gender intersected with assumptions about Jewish participation in the Dutch resistance. These assumptions, which in most cases are either incorrect or inaccurate, lead to a historiography in which Jewish women's participation in the Dutch resistance almost necessarily is invisible: the assumptions make it seem so impossible that *Jewish women* could participate in the resistance that one does not notice the instances in which they did. Moreover, one crucially important element is, what one might call, 'living memory': the presence of witnesses, friends and family, who can give testimony of the resistance activities. In the case of Jewish women, family members would often have

125. An Jaakke, who had betrayed Esmée van Eeghen was also given the death penalty, but Queen Wilhelmina granted her clemency; in fact, Esmée's mother, jonkvrouwe Minette Schimelpenninck van der Oye, supported the bid for clemency.

been killed in the death camps; in the resistance, many people have died as well. Given the heightened risks to Jewish resistance members, it is likely that peripheral resistance members, such as the wives or children of the core group, did not know about the actions of these specific people, or if they did, they did not know a real name, or that they were Jewish. This diminishment of living memory to testify to the actions of a person is also a major cause of the absence of these stories from the historiography.

5.4.5 Conclusion

In brief, in this section we have discussed Jewish resistance in the Netherlands. We have discussed two important instances, namely the rescue of Jewish children from the crèche at the *Hollandsche Schouwburg*, as well the escapes to Spain organised by the *Westerweelgroep*. Whereas the *Hollandsche Schouwburg* is presented as the ultimate example of Jewish resistance in the Netherlands, the *Westerweelgroep* has not received a lot of attention. We have also discussed the specific representation of Jewish resistance in the discourse, as well as the intersections of gender and Jewishness.

One of the main dynamics that has been observed is that Jewish resistance is almost always discussed in the context of the Dutch resistance. This can also explain why the *Hollandsche Schouwburg* is presented as the paradigmatic case of Jewish resistance; in this instance, there was an extremely high degree of cooperation between the Jews inside the *Schouwburg* and the 'regular' Dutch groups on the outside. The same cannot be said for the *Westerweelgroep*. Although the group is named after Joop Westerweel, who himself was not Jewish, the group itself was. They did not interact much with the other, Dutch groups. This might be one reason why the group has not received a lot of attention. In addition, because a number of the group successfully escaped the Netherlands, the stories of successful escapes most likely did not reach the Netherlands.

There are several assumptions that shape how narratives of Jewish resistance are incorporated into the discourse. Lack of knowledge is a significant factor; it has various causes, including that the heightened danger to Jews meant that many kept their identity a secret, but also post-war immigration of Jews to Palestine, and a lack of eyewitnesses. Another dynamic is the construction of the resistance narrative as formative of the Dutch community. Especially in the early post-war decades, the discourse had a tendency to lack nuance when it came to the resistance. The picture that was painted divided the Dutch population into 'good' - those who resisted the Nazis - and 'bad' - those who had collaborated. It was only in the 1980s that the idea of bystanders gained any influence. Moreover, this construction of the resistance also depends on

the depiction of Jews as victims. Another reason why Jewish participation in the resistance has not been discussed very often is because memorialisation is often skewed; if Jewish resistance members were arrested, their resistance activities were treated as incidental to their arrest, because being Jewish was reason enough to be arrested.

This is also where being a woman and being Jewish intersect when it comes to incorporation into the discourse. Earlier, we have discussed the assumption that women would not get arrested, and if they were arrested, they would not be deported to concentration camps - an incorrect assumption. It is even more incorrect in the case of Jewish women. They could be arrested for being Jewish as well as for resistance activities. If the arresting officers realised that the woman they arrested was Jewish, she would not be released, but instead face the death camps. This is where being Jewish made a huge difference, and where the erasure from the discourse is even more problematic than the erasure of non-Jewish women.

In sum, although there are plenty of instances of Jewish resistance - both in organised groups and as individuals - Jewish resistance has not been sufficiently represented in the discourse on the Dutch resistance. The result is that the discourse represents the resistance's efforts to defend the Dutch community not only as a man's activity, but as a *Dutch* man's activity. In addition, this construction of the resistance depends on an idea of Jews as victims that had to be saved. This idea is problematic as well, because it both obscures the fact that many Jews were active in the resistance as well as the fact that the majority of the Dutch resistance developed only in response to a threat to the Dutch men.

5.5 CONCLUSION

This chapter has examined the role of gender in the discourse on the Dutch resistance against the Nazi occupation in the Netherlands. Because the activities of the resistance are constructed as defence of the Dutch community against the Nazis, this case study has given us the opportunity to analyse how exactly defence of the community is gendered in a situation where men and women had more or less equal opportunities to engage in the defence of the community. I have shown how, in many instances, women's contributions to the resistance were belittled, ignored, or twisted to make women's contributions seem insignificant.

The chapter started with an in-depth analysis of the story of Esmée van Eeghen, the young resistance woman who was by all accounts fearless and who played an important role in the Frisian resistance, but who fell from grace

when she quit her resistance work and got engaged to a *Wehrmacht*-officer. Her story has all the characteristics of what Laura Sjoberg and Carol Gentry call a whore narrative, a narrative whereby the woman in question is denied agency by ascribing to her a pathological sexuality.

Sexuality was shown to be one of the key narrative devices used to discard women's contributions to the resistance. Dating German soldiers was framed as betrayal, regardless of whether actual betrayal took place. It illustrates how much the integrity of the community is linked to the integrity of women. Women's use of sexuality for intelligence gathering purposes is also rarely mentioned. This can have a twofold explanation: first, the women themselves might not have been keen on sharing these stories, and second, women's sexuality was rather at odds with the overwhelmingly Christian resistance.

We also talked about the paradox of femininity. Whereas femininity could often function as a ruse, as a 'cloak of innocence', the women in question *were* this 'vulnerable' being even when they *performed* it. The effectiveness of this disguise was also recognised by the male resistance members, and cross-dressing was regularly used as a way to avoid attention. Because women attracted less attention in public than men, they were often asked to courier or to transport weapons.

Because women were not at risk to be arrested for the *Arbeitseinsatz*, the assumption that women did not get arrested at all played an important role in shaping the discourse. Women's activities were portrayed as less dangerous and hence, as less important. Their work was not seen as 'real' resistance work. However, there were countless instances when women *were* arrested for resistance work, *were* tortured, and *were* deported to concentration camps. By seeing women's activities as 'not real resistance', and by discounting the dangers they faced, resistance was portrayed as something carried out predominantly by men; the women's activities were incidental and mere support.

Seemingly contrasting with the dynamics observed above are the depiction of a small number of women, such as Hannie Schaft and Reina Prinsen Geerligs. The portrayal of these women, who were exceptional in every sense of the word, is akin to hero worship. Ricoeur's acquired identifications are at play in these cases. Hannie Schaft, for example, is portrayed as the quintessential resistance worker, heroic and symbolic for the resistance as a whole. In reality, she was an exception, an heroic exception but an exception all the same. Her activities were not representative of the majority of the resistance, because the majority of the Dutch resistance was non-violent. Still, the actions of Hannie Schaft are presented as that which the resistance was all about. This is also in line with the general lack of nuance in discussions about the Dutch resistance in the first few decades after the war.

Jewish participation in the Dutch resistance also has a highly problematic place in the discourse. A number of assumptions, such as the plain 'Jews just did not participate in the resistance' or 'Jews were the victims' has greatly complicated the representation of Jewish (participation in the Dutch) resistance in the discourse on the Dutch resistance. The only example that is typically referred to is the rescue of Jewish children from the crèche at the *Hollandsche Schouwburg*. However, although it is a truly engaging story, it is not the most stereotypical, nor the only, incidence of Jewish resistance. We have also examined the *Westerweelgroep*, as well as accounts of Jewish individuals participating within the 'regular' Dutch resistance. We also examined how Jewish women's activities have been represented. In this case, gender as well as ethnicity were shown to be grounds for being ignored by the discourse.

In all three sections, we have seen how women's contributions to the resistance, especially Jewish women's, were not acknowledged in the discourse on the Dutch resistance. By portraying women's activities as less important and women's arrest as bad luck, the resistance becomes defined by men's activities. Because the resistance is constructed as crucial to the integrity of the Dutch community, as a form of defence of the Dutch community during the war, the defence of the community is also presented as something only the men did. This is interesting to see, because it ignores how resistance and keeping the community alive was not only about finding hiding places and robbing distribution offices, it was also, at heart, about keeping the people in hiding alive on a daily basis. Without the women using their femininity to seem innocent, it would not have been possible to transport children, or weapons, or coupons.

In other words, this chapter has demonstrated how the discourse on the Dutch resistance supports and underlines the notion that the resistance, in its defence of the community, was predominantly the result of men's activities, and more particularly, of the activities of Dutch men. In telling the stories, the events are emploted.¹²⁶ This contributes to the narrative identity of the community, and the meaning of this particular story focuses on how the resistance ensured the continuation of Dutch common life - defended the Dutch community - in the face of oppression by the Nazis. However, in the telling of these stories, various narrative devices are used to disregard women's experiences and contributions. Thus, the discourse also contributes to the gendering of the defence of the community.

The type of discourse analysis carried out in this case study can also be applied to other situations, including interstate wars. The gendering of 'defence of the community' can be seen in how women's activities are described, but, similarly, it can also be seen in the absence of an analysis of women's activities,

126. Emplotment always happens in retrospect.

or in how 'defence' is conceptualised. As always, attention to context remains crucial. Analysing the discourse, by paying attention to the emplotment, allows one to establish *how* gendering of the community's defence takes place in addition to showing *that* it takes place. It also highlights how philosophical concepts, such as the ones discussed in the previous chapter, can be played out in real life.

The analysis in this case study highlights practical examples of the concepts that underlie moral equality. A clear example of the construction of victimhood could be found in the section on Jewish resistance. One of the reasons why Jewish resistance is highly underrepresented in the Dutch resistance discourse is because the Jews are seen as victims by the Dutch discourse. Participation in the resistance seems to negate the idea of victimhood, and therefore, Jewish participation in the resistance is not often discussed. Similarly, women's contributions to the resistance are often presented as not crucial to the resistance as a whole. This way, their actions are not seen as counting towards the defence of the community. In the resistance context, defence was thus also constructed as a masculine effort.

The case study has thus shown that the categories that Walzer constructs as straightforward and unambiguous - defence, community, and victimhood - are in fact highly problematic when examined in a practical context. By examining the representation of these concepts in a particular situation, it becomes clear that their definition is subject to the narrative constructs of a society.

This chapter concludes my critique of Walzer's conceptualisation of moral equality. Having discussed definitions of war, defence, community, and victimhood from a standpoint that highlights the importance of gender, in the next chapter I will set about reconceptualising moral equality. While the concept as such is valuable, its explanation needs to be thoroughly reworked if it is to be applicable to current wars. This is what we will do in the next chapter.

6.1 INTRODUCTION

The previous chapters have shown that Michael Walzer's argument for moral equality can be problematised from a number of angles. Jeff McMahan's argument, which we have addressed in Chapter 1, is one of these angles. The current work discusses the impact of changes in warfare as well as the role of gender in the construction and defence of the community and in the representation thereof, which are two other angles.

The work in this chapter will be based on two underlying approaches that will be used to re-conceptualise moral equality: feminist ethics on the one hand, and ethics of alterity on the other hand. These approaches have in common that they both have the Other, and concern for the Other, at their core. In addition, a feminist ethics-based approach addresses one of Roger Wertheimer's points of criticism on Walzer's approach to moral equality.

In his article discussing the work of Walzer, McMahan, and Zupan, Wertheimer compares Walzer's approach to Lawrence Kohlberg's theory of moral development in children, which feminist ethics philosophers such as Carol Gilligan have criticised. In other words, by using a feminist ethical approach to re-conceptualise moral equality in this chapter, we can address Wertheimer's point of criticism on Walzer. An important starting point of the re-conceptualisation that I will do in this chapter is that I will argue that killing is always wrong, and that moral equality does not mean that killing is right.

In the next sections, we will apply these underlying approaches - feminist ethics and ethics of alterity - to the issues that we have highlighted in the previous chapters. To recap, these issues were the diversification of warfare, and the gendering of victimhood and defence of the community. In the next two sections, we will look in more detail at the two underlying approaches that will form the basis for moral equality. We will first look at the role of the Other in feminist ethics and ethics of alterity.

6.2 FEMINIST ETHICS AND ETHICS OF ALTERITY

How can we take the Other into account in moral reasoning? This question will guide this section, which aims to establish a framework that we will use to reconsider the reasoning behind moral equality. There are a number of reasons as to why we will look at Otherness. The first reason can be found in the previous chapters; they have shown the different ways in which Otherness can intersect with communities, often to a detrimental effect. Secondly, Otherness intersects with war. In Chapter 4, I have shown that the way community, as well as the relationship between state and community, is constructed can be problematic for the ethics of war; I have also shown how the differentiation in warfare has proven problematic for the connection between war, state, and community. Communities are created through exclusion. To maintain the integrity of a community, the rules about who belongs and who does not are strict. These rules are particularly important during wartime. So far, we have come across a number of dynamics that involve those rules of belonging (and subsequently, of othering):

- Gendered dynamics shape the construction of the community.¹
- Gender shapes the discourse about defence of the community.²
- ‘Tell me who your hero is and I will tell you who you are’: Ricoeur has argued that acquired identifications contribute to the narrative identity of the community.³ The case study in Chapter Five has shown that women’s experiences are often either left out of the discourse or ‘sanitised’ before they are included.
- Othering can enable the targeting of victims during wartime; othering can be based on all axes of social difference, including ethnicity, class and gender. The war in the Former Yugoslavia, which was discussed on multiple occasions, is a good example of this dynamic.

In other words, the construction of the community is problematic, as is the application of moral equality to many contemporary conflicts. Because the Other crucially intersects with war as well as with community, possible responses to the Other will form a substantial part of the framework that we will be developing in this section. In doing so, I will discuss two approaches that

1. Elshtain, *Women and War*; Yuval-Davis, *Gender & Nation*; Enloe, *Maneuvers: The International Politics of Militarizing Women’s Lives*.

2. Elshtain, *Women and War*; Enloe, *Maneuvers: The International Politics of Militarizing Women’s Lives*; Whitworth, *Men, Militarism & UN Peacekeeping: A Gendered Analysis*.

3. Ricoeur, *Oneself as Another*, 121.

have an answer to the question of how to incorporate the Other in moral reasoning: Emmanuel Levinas' work on the ethics of alterity, and feminist ethics.⁴ First, we will look at Levinas.

Levinas' work is highly layered and rather complicated; however, in an interview entitled "Philosophy, Justice, and Love", which is included in the collection *Entre Nous*, Levinas gives a good summary of his own ideas. He argues that ethics, instead of ontology, is the first philosophy, and based on this, that we have an infinite responsibility towards the Other. "From the start, the encounter with the Other is my responsibility for him."⁵ Now, the Other is more a metaphorical figure than a real person, and in addition to the Other, there is the third: "(...) there is always a third party in the world: he or she is also my other, my fellow."⁶

When multiple human beings are present, even if these are the metaphorical Other and the third, injustice can arise. Following on from the previous quote, Levinas argues that

"[h]ence, it is important to me to know which of the two takes precedence. Is the one not the persecutor of the other? Must not human beings, who are incomparable, be compared? Thus justice, here, takes precedence over the taking upon oneself of the fate of the other. I must judge, where before I was to assume responsibilities. Here is the birth of the theoretical; here the concern for justice is born, which is the basis of the theoretical. But it is always starting out from the Face, from the responsibility for the other that justice appears, which calls for judgement and comparison (...)."⁷

Like the Other, the Face is also a metaphor. In this case, it "(...) denotes the way in which the presentation of the other to me exceeds all idea of the other in me."⁸

Although the relationship to the Other, a relationship that is characterised by the infinite responsibility towards the Other, is the starting point of Levinas' ethics of alterity, it is the presence of the third that limits this infinite responsibility; the presence of the third necessitates the idea and application of justice.

4. The overview of feminist ethics in this chapter has been previously published in my article on feminist ethics in the Harry Potter series. Cf. Atje Gercama, 'I'm Hoping to Do Some Good in the World': Hermione Granger and Feminist Ethics', in *Hermione Granger Saves the World. Essays on the Feminist Heroine of Hogwarts*, ed. Christopher E. Bell (Jefferson, North Carolina, and London: McFarland & Company, 2012), 34–51

5. Emmanuel Levinas, *Entre Nous* (London and New York: Continuum, 2006), 88.

6. *Ibid.*

7. *Ibid.*, 88–89.

8. Séan Hand, 'Introduction', in *The Levinas Reader*, ed. Séan Hand (Oxford and Cambridge, Massachusetts: Basil Blackwell, 1989), 5.

This also introduces the idea of violence into Levinas' philosophy; despite his focus on the infinite responsibility for the Other, Levinas does not describe an utopian nonviolent paradise: "When I speak of Justice, I introduce the idea of the struggle with evil, I separate myself from the idea of nonresistance to evil. If self-defence is a problem, the 'executioner' is the one who threatens my neighbour, and in this sense, calls for violence and no longer has a Face."⁹

In other words, the Face necessitates the ethical response to the other, but this ethical response is not required in the face of violence. This also shapes the relationship between individual and state, one of the central concerns of this thesis. "If there were no order of justice, there would be no limit to my responsibility."¹⁰

However, it is the need to compare that arises from the presence of the third that leads to justice and a limit to responsibility. "There is a certain measure of violence necessary in terms of justice; but if one speaks of justice, it is necessary to allow judges, it is necessary to allow institutions and the state; to live in a world of citizens, and not only in the order of the Face to Face."¹¹ Concretely, if communal life is to be possible, it needs to be structured through a *system* of justice. However, Levinas argues, those systems of justice, i.e. the state, is not always legitimate:

"But on the other hand, it is in terms of the relation to the Face or of me before the other that we can speak of the legitimacy or illegitimacy of the state. A state in which the interpersonal relationship is impossible, in which it is directed in advance by the determinism proper to the state, is a totalitarian state. So there is a limit to the state. Whereas, in Hobbes's vision - in which the state emerges not from the limitation of charity, but from the limitation of violence - one cannot set a limit on the state."¹²

Having presented the core elements of Levinas' ethics of alterity, one can see how race, class, and ethnicity do not play an overt role in Levinas' ideas;¹³ instead, and this is also why he sees ethics as the first philosophy, the Other is, although metaphorical, an absolute. The demands for care and responsibility

9. Levinas, *Entre Nous*, 90.

10. *Ibid.*

11. *Ibid.*

12. *Ibid.*

13. Gender does play a (small) role, but is subject to an interesting debate. While some authors, such as Simone de Beauvoir, have claimed that Levinas sees women as the ultimate Other, or the Other as ultimately feminine, others argue that the usual negative connotations of othering do not apply to Levinas' work, because he presents the Other as more important than the self. This could of course be countered by claiming that putting the other on a pedestal, by putting femininity on a pedestal, can be problematic as well. Séan Hand, in *The Levinas Reader*, ed. Séan Hand (Oxford and Cambridge, Massachusetts: Basil Blackwell, 1989), 57n27.

are in practice tempered by justice; one doesn't need to accept and undergo violence, but violence does not play a role in the metaphorical figure, in the philosophical idea, of the Other.

Alterity, and generally speaking,¹⁴ a positive attitude towards alterity, also played a role in the stories of resistance that were examined in Chapter 5. The stories told in Chapter 5 about attempts to save Dutch Jews demonstrate a practical form of the 'Being for the Other' that Levinas proposes. The case study gives several examples of people who risked their own lives for the well-being of others. Joop Westerweel, the Dutch man who assisted Jews in escaping to France, was arrested and killed while doing so. The Steen family from Groningen in the north of the Netherlands - father, mother, and the 19-year old daughter - all got arrested for resistance work; they did not survive the war. Others hid Jews and, because they were not discovered, their unique stories have never really been told; the risk to themselves was still significant, however.

However, as Chapter 5 has also shown, this type of 'care' is generally speaking undervalued. After the Second World War, stories of rescue or helping people in hiding, especially when done by women, have been included in the discourse on Second World War resistance only in a general manner. The details - who were engaged in the rescue efforts, who were at risk - have only been included and highlighted when Dutch non-Jewish men were the main characters. The representation of women's efforts focused mainly on the collective character; 'women' as a general group 'were the ones taking care of the people in hiding'. Care, coded as a feminine activity, was seen as resistance-light. This is a tendency that has also played a role in the French resistance discourse.¹⁵ Nevertheless, rescue can be resistance as well.

The Other, the community and heroes are all elements of the critique of moral equality that has been established in the previous chapters. In this section, I am working towards a basic framework that will be used to guide my attempt to provide an alternative foundation for moral equality. The framework will need to be sensitive to the influence of gender as an analytical category; it will need to be able to address information contextually, because warfare is ever-changing; and it will need to see the Other in a positive light. Taking Levinas' argument that justice follows from responsibility for the Other in the presence of the third as a guide, I will argue that the principles of feminist

14. Unfortunately, even within the resistance, countless anecdotes about misunderstandings as well as outright malice towards Jews can be found. Chapter 5 mentions the testimony of Mr Louis Scharis, who encountered a lot of latent antisemitism within the Dutch resistance. USC Shoah Foundation Institute Visual History Archive, *Interview 5060, Mr Louis Scharis*

15. Cf Jacques Semelin, 'Introduction: From Help to Rescue', in *Resisting Genocide. The Multiple Forms of Rescue*. Ed. Jacques Semelin, Claire Andrieu and Sarah Gensburger (New York: Columbia University Press, 2011), 1-14.

ethics, care and justice, are a good basis for the framework that I am attempting to construct. Here, I will explain how feminist ethics understands these principles. My eventual goal is to use them *alongside* Levinas' ideas, instead of establishing a hierarchy or a mashup of these ideas.

A category that played an important role in the development of feminist ethics is gender and gendered differences in moral reasoning. In Chapter 2 different perspectives on gender were already discussed; I highlighted the possibilities for an approach to gender that is based on Paul Ricoeur's theory of narrative identity. The importance of gender in moral reasoning can be seen clearly in the discussions about the role of care in ethics. This concept has a central place in feminist ethics. Whereas traditional ethics tries to come to conclusions about the morality of actions based on justice, some branches of feminist ethics focus on care instead. The use of the concept of care in moral reasoning was developed by, among others, Carol Gilligan and Nel Noddings. Gilligan's work, *In a Different Voice*, focuses on moral psychology; it was a criticism of Lawrence Kohlberg's construction of a six-stage model of children's moral development or moral decision-making. Kohlberg argued that only people who had reached the sixth stage of moral development were fully morally developed; the sixth stage, in his work, is characterised by the use of universal principles in moral decision-making. He noticed that although most boys of a certain age had reached the sixth stage, most girls of the same age were at the Kohlberg's third stage. The third stage focused on the needs of people and the maintenance of relationships. Noticing this, Kohlberg concluded that girls were generally not as morally mature as boys.

Roger Wertheimer recognises Kohlberg's perspective in Walzer's argument for moral equality:

"The rationalisation Shakespeare evokes [in the play *Henry V* - AG] may be especially popular among combatants of most cultures, but it's a rationale with which many people everywhere run their whole life: The authority is in charge. I'm doing what I'm told. That rationale defines a whole structure of thought and attitude Lawrence Kohlberg (1983) calls conventional thought, an intermediate stage of psychological development. We don't need the controversial elements of Kohlberg's developmental theory to recognise that conventional thought is typical of the grunts of human history. Thoughts like combatant moral equality are common - in more than one sense. What surprises here is that both McMahan and Walzer quote Shakespeare as though the soldier, not the king, occupied the moral centre of the play. Walzer doesn't mean to make apologies for a developmentally arrested

moral perspective. He intends to defend a valid moral principle, a norm that everyone has reason for everyone to accept and to apply to everyone -not just to themselves and their comrades, but equally to enemy combatants.”¹⁶

Gilligan disagreed with Kohlberg’s argument, arguing that the girls were not less advanced morally, but used a different mode of moral reasoning than the boys. Whereas the boys used universal moral principles in their moral reasoning, the girls had a different moral voice and focused on care instead. Although by now the validity of Gilligan’s empirical work has been disputed, the distinction she has made between an ethic that focused on justice and an ethic that focused on care is still used.¹⁷

Nel Noddings is another author who makes a classic argument for an ethics of care, by arguing against a universalist interpretation of ethics. First, according to Noddings, universalist ethics as such do not exist, because while cultures might use similar moral categories, the content of these categories, the actual rules, differ across cultures. Secondly, although morality is based on human characteristics, this does not in itself mean that responses to issues are similar enough to claim that an objective morality is possible.¹⁸

Instead, Noddings proposes to build an ethical system that does not focus on moral judgments (that is, outcomes) but on moral impulse. The proposed ethical system would also assume that “there is a form of caring natural and accessible to all human beings.”¹⁹ Finally, she proposes not to reason by way of abstract and universal principles, but rather “through a consideration of the concrete elements of situations and a regard for [oneself] as caring.”²⁰

A different approach to feminist ethics centres around what is often called ‘status-oriented feminist ethics.’²¹ These theorists focus mainly on issues of power and on how inequality and oppression can have an impact on ethics. Instead of seeing care as a first principle, these theorists argue that care and justice cannot be seen separate from each other. Opinions differ, however, on whether care and justice can exist side by side or whether justice and care are mutually dependent.²² Moreover, this approach looks beyond gender equality,

16. Wertheimer, ‘Reconnoitering Combatant Moral Equality’, 64–65.

17. J. Rachels and S. Rachels, *The Elements of Moral Philosophy*, Fifth Edition (New York: McGraw-Hill, 2007), 163-166.

18. Nel Noddings, ‘Caring’, in *Justice and Care: Essential Readings in Feminist Ethics*, ed. Virginia Held (Boulder: Westview Press, 1995), 7–8.

19. *Ibid.*, 8.

20. *Ibid.*

21. R. Tong and N. Williams, ‘Feminist Ethics’, 2011, <http://plato.stanford.edu/archives/sum2011/entries/feminism-ethics/>.

22. Virginia Held, ‘Introduction’, in *Justice and Care: Essential Readings in Feminist Ethics*, ed. Virginia Held (Boulder: Westview Press, 1995), 1–3.

by aiming to fight all kinds of oppression. This includes the oppression of women, but also of other reasons for Othering, such as disability or skin colour: “[f]eminist ethics is one which clarifies the moral legitimacy and necessity of the kinds of social, political, and personal changes that feminism demands in order to end male domination, or perhaps to end domination generally.”²³

Above, I have discussed two different approaches to taking the Other into account in moral reasoning. At their core, the approaches have two common elements: the idea of care in feminist ethics functions similarly to Levinas’ responsibility (although they are different ideas), and the idea of justice or fighting against oppression is a common thread in both approaches as well. Levinas argues that responsibility for the Other underlies all further philosophical thought; the presence of the third, however, requires some boundaries to what would otherwise be a limitless responsibility. Feminist ethics, both the care-oriented and the status-oriented approaches, also take the Other, and the effects of decisions on the Other, into consideration. Together, these ideas will form the core of the framework that will be used in the next sections to reconsider the foundations of moral equality in different situations. In the next sections, then, I will demonstrate how this framework can be applied to the problems that were discussed in the previous chapters. First, we will look at how moral equality should be re-conceptualised to address the issues raised by a gendered reading of victimhood and defence of the community.

6.3 GENDER AND THE CONSTRUCTION OF THE COMMUNITY

A gendered reading of the concepts of victimhood and defence of the community, which was done in the previous chapters, has highlighted several problems with these concepts. In short, the insights from these chapters were that defence is seen as a man’s job, community is linked with women, and the discourse confirms these assumptions by focusing on paradigmatic narratives. At the same time, however, the essentialising of defence also means essentialising male expendability while women’s contributions to defence of the community and maintaining a common life are overlooked and ignored. The association of women’s integrity with the community’s integrity, moreover, means that violating women is a way of harming the community, something that was seen extensively when mass rapes were used during the war in the former Yugoslavia as well as during the genocide in Rwanda, both during the 1990s. In addition, with the shift from conscription to professional militaries and the admission

23. Margaret Urban Walker, ‘Moral Understandings: Alternative ‘Epistemology’ for a Feminist Ethics’, *Hypatia* 4, no. 2 (1989): 15.

of women to all branches of the military, the strict distinction between men as combatants and women as the group who stays at home is no longer accurate.

Moral equality, however, by using the concepts 'defence of the community' and 'victimhood' uncritically, establishes itself in the traditional discourse that still depends on the outdated ideas of combatants and defence and victimhood. As we saw in the case study on the Dutch resistance, gendered readings of issues and activities do influence how concepts are applied - whether that is by defining what counts as resistance or what counts as defence. If we re-conceptualise moral equality, then, it is necessary to address these issues. In this section, we will make a start with this by showing how the ideas of care and justice can be used to read the concept of community differently. We will continue this argument in the next section by arguing that moral equality should be extended with a collective narrative praxis.

First of all, it is necessary to recognise that community, as a concept, is unstable; if one looks at foundation as a concept in a literal sense, one could say that construction mistakes have been made. The building might collapse because someone forgot to add something, or mixed the cement wrong. This does not mean that these are sufficient reasons to discard community as a foundation entirely. Instead, I would propose to read the concept of community through the insights of the care/justice framework, with a focus on justice. Otherwise, it seems paradoxical to have an idea of moral equality that is based on a concept of community that has too many elements of inequality in it. However, this is an argument that is more philosophically than practically oriented; it addresses how one explains the reasoning behind moral equality, not how it should be applied in practice.

To set the stage for this discussion, however, we need to take a few steps back. In Chapter 5 we discussed women's involvement with the Dutch resistance during the Second World War and how women were often not seen as full members of the resistance. This was heavily correlated with the fact that women were predominantly involved in caring for people in hiding. However, it has been argued that rescue *is* resistance.²⁴ In the same chapter, I have also shown how women's activities in the resistance were ignored by the discourse, or made to seem insignificant by misrepresenting or hypersexualising them.

Now, if we look at Ricoeur's idea of acquired identifications, which I have summarised as 'tell me who your hero is and I will tell you who you are', when women's resistance activities are not adequately represented in the discourse, this influences the identity of the community. Acquired identifications are a crucial part of the narrative identities of both individuals and communities. When fighting or killing Germans and collaborators are the only activities that

24. Semelin, 'Introduction: From Help to Rescue'.

are presented as heroic while care (rescue) is ignored, it has an unbalanced influence on the identity of the community.

This is one of the main links between community and care and an even stronger link between community and justice. The rescue of Jews was significant, because it was an act that helped fight oppression. Moreover, one should not ignore the fact that getting people to hiding addresses was not the only problem. Once people were in hiding, they needed to be fed; when people were in hiding, this often led to highly tense situations, because being stuck inside for years does that to a person. The people who were caring for people in hiding were mainly women, and they had to deal with all these aspects. So rescue had both components, both care and justice, and that is something that should be acknowledged. By acknowledging it, by writing about it, it shapes the discourse, and therefore, also the narrative identity of the community. In other words, to arrive at an understanding of community that is sensitive to gender, it is important to look beyond fighting and killing.

This can be applied to a range of different situations; it is not specific to occupation and rescue. To stay with the Second World War for a moment, the situation in the UK can illustrate this. The UK was not occupied, although it was a party to the conflict and its soldiers went overseas to fight. The British men were called up for military service; they fought for their community. British women also had a crucial role in the war effort - such as in the Women's Auxiliary Air Force - and it is important their activities are represented as such.

What is a crucial insight is that women's activities contributed as much to the defence of the community as the men's. The men went overseas and defended the community by fighting, but the women kept the community together and ensured that it continued to exist. Although that is not defence in the military sense, if the women had not done anything, the military element would not matter because there would not be a community to defend. This does not imply, however, that this is a 'women's job', so to speak; if the roles were reversed, and women went overseas to fight, the men would equally (have to) work to maintain the integrity and functioning of society.

This relates to care and justice in that a community, a common life, is shaped by and exists by virtue of a multitude of human relationships. Care is a crucial aspect in the maintenance of those relationships. Levinas' work can also be applied here. Levinas describes how justice is created from comparisons and decisions, which in my opinion is one of the most apt descriptions of trying to keep a community alive in wartime. It highlights one of the crucial characteristics of total war: emotional mobilisation. A part of keeping the community functioning is recognising that there is violence threatening the community

which causes, almost automatically, an attitude that sees the violence of the other, which in turn requires some element of justice and allows self-defence.

Attacks from outside the community play a large part in shaping the community; a part of shaping the community is through protection of the third. Because the outside attack shapes the community, and the community is kept alive through the efforts of women in the absence of men, when women keep the community together and ensure its continuity, those actions form its own kind of defence. However, it is a different form of defence, a more caring one. Therefore, we can use Levinas' explanation of how justice comes about to gender the concept 'community' in a different way. Ensuring that the community continues to exist is a form of nurturing of the community, but in a context of self-defence, protecting the third, and justice. Consequently, care and justice relate to the community even if women do not fight.

It should be noted that women are not the only ones doing this nurturing of the community because there are plenty of men who do not fight, especially nowadays. Equally, there are women who participate in the military defence of the community. In the end, the gender of the people protecting the community from outside attacks or ensuring the continued existence of the community despite outside attacks does not matter. However, in a sense, by gendering the community in this way, we incorporate the traditionally gendered understandings of labour division in wartime (some people stay at home, some people fight) and use these understandings to put the idea on its head - by seeing both activities in the context of self-defence. Consequently, it subverts the value judgments that are implicit in these gendered understandings: it subverts the idea that what is traditionally seen as 'women's work' is less valuable to the war effort. Whether 'women's work' is nowadays carried out by men or by women is, generally speaking,²⁵ less important.

We also need to keep in mind that, for the West at least, warfare is typically far removed from society. Warfare has become a specialisation, a profession like any other, and therefore, it does not have the same impact on community as it did during the Second World War. Still, there are plenty of instances where war has a totalising effect on society, even though the war in question is not a total war. With the diversification of warfare, most wars nowadays feature some form of internal conflict. The 2003 Iraq war, for example, started out as an interstate war, but the Iraqi community soon fragmented, turning the war into a type of counterinsurgency. The war in Afghanistan similarly emphasised pre-existing fractures in the community; some groups of people welcomed the

25. This idea needs to be nuanced a little bit, because some trends in society can be observed where, what had been seen as women's work is perceived as more important or valuable when men take on those jobs. Computer programming is an example of such a trend.

Western invasion, whereas others supported the Taliban. The fracturing of community poses different problems, which we will discuss when we discuss civil wars.

Summarising, in this section we have discussed how re-envisioning community through a care/justice framework can help to make the concept of community more sensitive to the problems a gendered construction poses. By re-framing what has traditionally been seen as 'women's work' during warfare (staying at home) as *ensuring the continued existence of a community despite outside attacks*, it allows us to incorporate into our idea of defending the community a multitude of activities. Because of the professionalisation of many armies across the world, staying at home has become less gendered, and with many militaries now accepting women into their ranks, so has going to the front to fight.

The latter point, however, is not adequately represented in the discourse. In addition, the differences between the combatants and the community are also stark. I have quoted this part from an article by Roger Wertheimer earlier in this thesis, but it needs to be repeated: "The citizens who supported a war they later condemn never suffer near the agonised guilt and shame of their warriors who see and touch and smell the flesh they rend and roast."²⁶

This is indicative of the almost dichotomous construction of community and combatants. To address this, in the next section I will argue for extending moral equality with a collective narrative praxis.

6.4 A COLLECTIVE NARRATIVE PRAXIS

In addition to using care and justice as a framework through which to interpret moral equality, I want to add the angle of narrative and narrative identity. So far, narrative has played a significant role in this thesis; narrative identity was used to explain the location of the meaning of gender as well as the construction of the community and the parallel construction of the defence of the community. This latter role was demonstrated by analysing the construction of the Dutch identity through the discourse on the resistance during the Second World War.

I want to show that narrative (identity) also has a role in re-conceptualising moral equality. There are a number of arguments for this. First, narrative identity plays a significant role in constructing the collective that is at the centre of debates about moral equality. It would make sense to recognise the constructiveness of this collective when debating moral equality, because it helps us avoid absolutes. Secondly, narrative is reflective; as we have seen mul-

26. Wertheimer, 'Reconnoitering Combatant Moral Equality', 71.

multiple times, emplotment takes place in retrospect. Used properly, narrative can thus take into account shifts in a war - from just to unjust, for example - and avoid the 'either a war is just or it is not' dichotomies. Third, and this is especially true in a more practical sense, the internet has given rise to unparalleled opportunities for disseminating information and having one's voice heard. Now, more so than ever, different perspectives and narratives can be recognised. Fourth, it allows us to reinterpret the concepts of victimhood, defence, and community outside of the terms set by the discourse. In this section, I want to argue for a re-conceptualisation of moral equality that incorporates an element of narrative praxis. Below, I will demonstrate how I envision this.

Moral equality is a difficult concept, both to explain and to justify. Intuitively, Jeff McMahan's argument makes a lot of sense, and especially in Roger Wertheimer's phrasing: "Deobfuscated [moral equality] says your ruler disappears your right to life by dressing you in khaki, and exchanges that right for a right to kill anyone another government has put in uniform! That idea is loony. Why resort to black box bureaucratic morality when the reasonableness of our war rules is evident without it?"²⁷

However, at the same time, most of us also see the sense in Dan Zupan's remark that individual soldiers cannot always know whether a war is just and thus cannot be expected to take the right decision when it comes to fighting.²⁸ Moreover, it is questionable whether war can be framed in terms of individual soldiers being attacked by individual soldiers. In my opinion, moral equality only makes sense as a collective concept, one that relies on an idea of soldiers as a group.

However, what *can* be concluded from this short overview is that either/or statements will not be able to make a difference in deciding whether moral equality exists. What is needed, in my opinion, is a way of thinking about moral equality that is able to switch between levels and is not restricted by 'if this, then that' types of reasoning. Narrative - the telling of stories - is extremely suitable for such an undertaking.

First of all, I think it is necessary to recognise that both Walzer's argument *for* moral equality and McMahan's argument *against* moral equality are, in essence, characterised by empathy. Even if the authors did not intend this conclusion, it is a consequence of their statements. For Walzer, the drama lies in the fact that people are forced to kill each other; for McMahan, the drama is that ordinary people are being killed while they have done nothing wrong. If we want to re-conceptualise moral equality, the most important thing is that

27. Ibid.

28. Zupan, 'The Logic of Community, Ignorance, and the Presumption of Moral Equality: A Soldier's Story'.

we keep the centrality of empathy in mind. If we are to mind empathy, we need to pay attention to the role of the Other.

In a previous section, we have already highlighted the role of the Other in both feminist ethics and in Emmanuel Levinas' ethics of alterity. In Levinas' ethics in particular, but also in feminist ethics, care for the Other is a crucial concept; still, Levinas' demands for infinite responsibility towards the Other is tempered by justice. As we saw above, it is the struggle with evil that tempers the infinite responsibility towards the Other. Similarly, remember how Levinas imposed a limit on the state. He contrasted his approach to the state with that of Hobbes; for Hobbes, the state arises out of limits to violence, whereas for Levinas, the state has the potential to do violence when it limits the ethical relationship.²⁹

Levinas sees the ethical response to the Other existing in a field of tension with the state, or, in other words, sees the state as capable of being evil. However, the position of the state is external to the relationships with the Other. Although the state is required for justice, it can also go too far and exceed its own limits. This happens, for example, when a state forces its soldiers to fight an unjust war. Moreover, it is in this field of tension between the state and the ethical response to the Other, that we need to define moral equality, for in moral equality we move beyond an evident right of self-defence. In this sense, if we look at the use of a narrative praxis as an element of moral equality, we need to balance the idea of self-defence and the defence of the community on the one hand with the possibility that the state has started an unjust war and thus limits the possibilities for ethical relationships between people - generally speaking, disregarding state borders - on the other hand.

Concretely, if the moral equality of combatants is to be recognised, we need to be able to separate the actions of the state from the actions of the soldiers in the narratives we tell about wars. Returning to Wertheimer's quip above, and taking Levinas into account, it is necessary to re-conceptualise moral equality along the following lines. Rephrasing Wertheimer:

when a state starts a war, it takes away the rights of the combatants to life by dressing them in khaki and imposes on them a duty to kill anyone another government has put in a uniform. In doing so, the state oversteps its role towards its own people and negates the possibilities for interpersonal relationships. When we take a narrative approach to moral equality, re-framing the role of the state is one of the first stories that needs to be told.

29. Levinas, *Entre Nous*, 90.

Re-framing the role of the state is one of the first stories that can be told. Then, it is necessary to look at the roles of the combatants. For combatants, for individuals, evil takes a different form. Where the state becomes evil when it prevents ethical interpersonal relationships from happening, for individuals evil happens when the infinite responsibility for the Other is refused. However, the presence of the third necessitates the idea and application of justice; similarly, the ethical response is not required in the face of violence. So, self-defence remains a possibility. For the unjust combatants, the State hampers the absolute responsibility towards the Other; with the State as unwanted third, the idea and application of justice - the rule of law - is necessary. In other words, when the ethical response to the Other is impossible, the rule of law, as it is incorporated in *jus in bello*, is the only thing left that saves the communal life. Thus, another story that needs to be told is that of awareness of wrongdoing.

The reason why we should tell a story of awareness of wrongdoing is because³⁰ killing is never right or moral. For Levinas, even when he permits self-defence, it does not mean that self-defence is ethical; rather, it is justifiable but only in the context of a threatening Third. If we want to maintain the concept of moral equality, but simultaneously address McMahan's issue with the concept, we need to recognise that killing in self-defence is, although justifiable and not morally wrong, still not morally right. At best, it is amoral. Thus, the collective telling and re-telling of stories of war needs to take into account what Roger Wertheimer referred to as the cruel fact that a combatant's conscience is not reassured by the distinction between crime and sin.³¹

This is true for both just and unjust combatants. In both cases, killing is not morally right; and in both cases, it can weigh heavily on combatants' conscience. Acknowledging wrongdoing, moreover, might sound far-fetched, but in practice it does happen: think, for example, of the veterans of the Vietnam or Iraq wars, who are frequently painfully aware of the problematic moral status of the wars they fought in. Consequently, moral equality needs to be seen as arising out of, not only the loss of the right to life, but the accompanying duty to kill for a state - in other words, moral equality does not need to mean equally good or right.

Parallel to an awareness of wrongdoing is the necessity for a focus on the Other in the narratives - a recognition of *who* might have been wronged and why. When McMahan objects to the very concept of moral equality, he does so because it treats one group - the just combatants - unfairly. I have argued that looking at moral equality at the level of individual combatants does not work because moral equality is a concept that only has meaning on the col-

30. Both from a Levinassian perspective as well as a more common-sense approach.

31. Wertheimer, 'Reconnoitering Combatant Moral Equality', 71.

lective level. Therefore, I do not think that individual combatants can be held responsible for the state's transgressions of *jus ad bellum*. However, because I do agree with the *sentiment* of McMahan's argument (although not the argument) itself, I think moral equality needs to incorporate an awareness of who has been wronged by one's actions.

At the end of the previous section, I highlighted that there is often a gap between the community and the combatants. Although 'defence of the community' might seem like a dichotomous construction, the aftermath of recent wars has been characterised by a deep misunderstanding between veterans and the community. To once again cite that same phrase that Wertheimer so poignantly used: "The citizens who supported a war they later condemn never suffer near the agonised guilt and shame of their warriors who see and touch and smell the flesh they rend and roast."³²

For moral equality to be able to draw from ideas of victimhood and defence of the community, moral equality should have an element of connection to the community. The narrative praxis that I have proposed above can provide this connection. In the case study on the Dutch resistance, we saw how 'defence of the community' is constructed through the telling of stories. We also saw how some stories are privileged and other stories discarded as unimportant. All too often, the stories that are discarded or disregarded are women's stories. However, intersectionality also plays a role, as we saw in the sections on Jewish women in the Dutch resistance.

To address the often-problematic relationship between the community and combatants, a collective narrative praxis needs to address these issues and questions. This interaction is crucial for establishing, shaping, and maintaining the common life and the community. It forms the practical basis for the interpersonal ethical relationships that Emmanuel Levinas sees as the starting point for living a good life (in the theoretical sense, at least). These interpersonal ethical relationships need to be maintained and given content in order for moral equality to have meaning. This is crucial for the dynamics of moral equality as I have outlined them above: there need to be interpersonal relationships for the state to infringe upon if the division between the responsibilities of the state and the responsibilities of the combatant is to be maintained. One of the things that stands out in the civil war in Bosnia-Herzegovina, for example, is that these processes break down.

It is the function of the collective narrative praxis to maintain and give meaning to common life. In practice, I envision it as a reflective process where stories are told and listened to, although perhaps more in the philosophical sense than any actual get-togethers. What is crucial, though, is that stories from all

32. Wertheimer, 'Reconnoitering Combatant Moral Equality', 71.

different perspectives are told and heard - the stories from combatants as well as those who stay behind, from any and every gender, sexual orientation, race, religion, et cetera. This is essential for truly building a community and maintaining a common life. It is also essential for addressing the complications and consequences of combatants having (had) a duty to kill; this needs to be made sense of as well, especially given my argument that killing is never right. As Alasdair MacIntyre argued, and as we showed in the section on the ethical dimensions of seeing gender as a narrative, "The unity of a human life is the unity of a narrative quest."³³ For combatants to make sense of their actions during a war, and to somehow relate that back to 'defence of the community', narrative coherence is required. These are stories that need to be told; and the stories we tell and retell are the stories that shape the identity of a community.

In short, what I am arguing is that just as moral equality is framed and limited by the rules in *jus in bello*, it is also framed and limited by the narrative praxis described in this section. That this narrative praxis necessarily happens in retrospect is in my opinion not problematic, because maintaining a common life is not only a necessity during a war, but just as essential in peacetime. The way Walzer argues for moral equality sees it as a static but ongoing concept, as I described in the previous section: although it describes the default moral position of soldiers, every instance of killing needs to be compared to the rules of *jus in bello* to see if it was 'covered' by the moral equality principle. As an extension of the concept, adding an element of narrative praxis to the concept maintains the static 'content' of the principle, while it simultaneously adds the context of the actions to that default moral position.

It is the role of the context to highlight the problems with the concept, to acknowledge the problematic actions of the state when it hinders ethical interpersonal relationships à la Levinas, acknowledging individual wrong-doing as well as *who* has been wronged by it. This needs to take the form of a communal narrative praxis. The collective and the common life is constructed by an ongoing narrative, and when combatants defend the common life, either voluntarily or forced by the state, the responsibility for harming the Other should not be overlooked by the rest of the community. As a narrative praxis, telling the stories of the role of the state and the individual combatant, as well as that of the people who stayed at home and the victims who died, requires listening to all the voices, all the stories. Almost as a corollary to the requirement of 'defence of [a] community' is the requirement that the community also listens to the stories.

This completes our discussion of how to address the issues raised by the gendered reading of concepts in the previous chapters. By reading community

33. MacIntyre, *After Virtue. A Study in Moral Theory*, 219.

through a care/justice framework and by adding an element of collective narrative praxis to moral equality, we can move beyond the traditional gendered readings of the concepts used as a foundation for moral equality. In the next section, we will look at how the changes in warfare that were shown in Chapter 3 affect moral equality.

6.5 MORAL EQUALITY AND CHANGES IN WARFARE

This section discusses solutions to explanations of moral equality in situations where community is an unstable or absent foundation. This is the case in collective defence, such as NATO operations, and collective security, such as UN peacekeeping missions. The main problem that needs to be solved here is how one can explain moral equality when the requirement of 'defence of one's community' is not met. An intuitive answer, especially given the care/justice framework that we have been working with is 'for justice' or 'for good'. This is problematic, however, because moral equality is independent from the justness or general goal of a war. In order to avoid this trap, I will look at different, specific cases to try and find the relevant principles. To draw conclusions about NATO, for example, I will first look at the French intervention in Mali. To think about UN peacekeeping, I will look at the Second World War. The main assumption that will be held is that moral equality does not apply to situations where soldiers kill non-combatants. Thus, when I am talking about the moral equality of the German soldiers in the Second World War, this *only ever* applies to the battlefield.

The first situation that we will look at is collective defence. We will do so by discussing the French intervention in Mali in 2013. The larger context of the conflict in Mali is that since 1962, fighters of the Tuareg ethnic minority have been trying to establish an independent state, leading a number of rebellions. The 2012 Tuareg rebellion led to a coup d'état by the Malian military whereby president Amadou Toumani Touré was ousted in March 2012. The Tuareg rebel organisation, National Movement for the Liberation of Azawad (MNLA), was backed by different Islamist groups including Al Qaeda in the Islamic Maghreb (AQIM); they occupied a large swath of Mali, declaring an independent state. However, subsequently, the different Islamist groups that were involved took over control of this territory from the MNLA. Taken aback by the Islamists' military successes, France intervened against the Islamist troops on January 11, 2013. The French intervention was approved by the UN two days later; moreover, France had a historical obligation to respond to a request for help by the Malian president, even though at the time this was

an interim president.³⁴ The French received support from an Economic Community of West African States (ECOWAS)-led mission and a number of other Western countries, and within three weeks, they had stopped the rebellion and won back the Islamist-held territory.

The French mission cannot really be characterised as peacekeeping or peace enforcement. Rather, it had the character of a pre-emptive strike. So how can we think about the moral equality of the French soldiers? First, it should be recognised that Mali, as a state, could not protect its community. Moreover, in contrast to the situation in Bosnia-Herzegovina that was described in Chapter 4, a community still existed in Mali. In a sense, the right to protect the community was separated from the rights of the state to territorial integrity and political sovereignty. The first right, to protect the community, was transferred to France, but the other two rights of Mali were not. The (French) troops were tasked by the state of Mali to defend the community. Moreover, they took part in the hostilities. The French troops were sent into combat, and therefore, the first requirement for moral equality, a sense of victimhood, is met. The second part of moral equality, fighting for one's community, is not applicable here.³⁵ However, this requirement can be reconsidered if one regards moral equality as a praxis instead of as a static concept.

The idea of considering moral equality as a praxis has already been explained above, but I will repeat the basic tenets. Moral equality is determined on a case-by-case basis when evaluating whether the person killed was participating in hostilities. This case-by-case basis of the concept can be extended when one considers moral equality as a praxis guided by moral reasoning that puts the other front and centre, instead of focusing on outcome, an idea borrowed from Noddings. This does not justify or equate care and violence, for two reasons. First, the outcome of moral equality is not a matter of life or death, but of wrongful death (murder) or justified death (war); in other words, determining moral equality means that one examines the wrongful/justified dichotomy. Second, care does not, per definition, exclude violence. For example, if a toddler tries to put his or her hands in a fire, the carer will yank the child back, quite possibly hurting the child in the process - but in this case, greater hurt was prevented.

When we interpret moral equality as a praxis through this lens of focusing on care as moral reasoning and not on outcomes, we can consider the actions of soldiers not through the question of 'are they protecting their community?' but 'are they considering/protecting the Other?' In the Mali case, the Malian

34. David J. Francis, *The Regional Impact of the Armed Conflict and French Intervention in Mali*, technical report (Norwegian Peacebuilding Resource Centre, April 2013), 5.

35. With the possible exception of soldiers in the French army who are Mali.

community then is the other. This is similar to how Levinas argues that justice arises out of the need to protect the third which in turn necessitates comparison and judgement.

This does not confuse talking about the justness of the war with moral equality. Justice may arise as a consequence of the particular context and why the war was started, but it is not what moral equality is founded on. Notice that we are not reinterpreting the community through justice here, as we did in the beginning of the chapter, but we are talking about *replacing* the community as a foundation. That is key. In Walzer's interpretation of moral equality, 'they make me defend my community' is what makes the difference between war and murder. Here, 'they make my actions contribute to the protection of a community and a common life in Mali' is what makes the difference between war and murder. It is not saying 'I'm not defending my own community, so what would be war is murder'.

The same reasoning applies to collective defence. The difference lies in the context. Whereas France's assistance to Mali took place on an ad hoc basis, collective defence, such as in the NATO context, takes place in the context of a treaty. In the case of Mali, above, I argued that Mali let France take care of the practicalities of protecting the Mali community. This transfer of rights is still based on the rights of the state. Something similar happens in the case of collective defence that is organised by treaty, such as NATO. Here, although states do not transfer their rights to protect the community, they *extend* the right to other states.

The situation of UN peacekeeping is different. Where, in the case of Mali, another state stepped in to act on the right of Mali to protect its citizens, in UN peacekeeping this other state is absent. This has consequences for how we think about protecting citizens, as well as the relation between military, community, and state. The reader will notice the many parallels between this topic and the discussions surrounding the development of the R2P doctrine; however, here we will focus on the impact this debate has on how we think about the moral equality of soldiers, instead of on the possibilities for outside intervention. In fact, we are treating outside intervention (whether with or without permission of the state being intervened in), and we are still holding onto the key assumption that the justness of a war does not affect the moral equality of soldiers.

To conceptualise moral equality in the case of UN peacekeeping - while avoiding grounding moral equality in justice (instead of defending the community) - we are going to look at the Second World War. The Second World War is an interesting case. For example, we can look at the argument of Yitzhak Benbaji. While Benbaji argues in favour of (a re-conceptualised version of)

moral equality he does not think that the Nazi soldiers were morally equal to the Allies. His argument is that the German army was not morally equal:

“I say ‘decent societies’ in order to exclude societies founded on radically immoral principles, such as Nazi Germany; soldiers who carried out the Nazi aggression had no contractual right to do so, because the Third Reich had no right of national defence to begin with.”³⁶

There are a number of issues that we need to take into account here. Both the Nazis and the Allies were combatants, and as long as the German soldiers did not kill civilians or prisoners of war, when they killed Allied soldiers, it was in principle an act of war, not murder. Secondly, many of the German soldiers were drafted; not all of them were virulent Nazis who enjoyed killing. The lives of all these soldiers were put in harm’s way by the German state. This is the second requirement: their lives were put at stake by the state and there was a realistic possibility that they might die. An estimated 3.5 million German soldiers died during the Second World War. The lives of the Allied soldiers were similarly at risk; the death toll for the combined Allied forces is estimated to be 12.3 million soldiers.³⁷ The civilian death toll is much higher. Where White estimates 19.6 million military deaths (Allied and Axis forces combined), he lists 45.9 million civilian casualties from both Allied and Axis countries. He arrives at these figures by taking a median from the numbers mentioned in a range of different sources.

Further, Walzer argues that soldiers are morally equal because they are defending their community. This is where looking at the case of the German soldiers is helpful. Whereas the Allied soldiers are clearly defending their communities, because they were attacked, one can say that the German soldiers were also fighting for Lebensraum and grand ideas of an empire that would last a thousand years as well as the killing of the Jews. How does that rhyme with defending one’s community?

Here, Levinas’ argument about the totalitarian state is relevant. As we saw above, Levinas argued that the state can be evil, when it hinders the ethical interpersonal relationship. Here, he was thinking specifically about the Nazi state.³⁸ The Nazi state is of course a prime example of a state that infringes upon the interpersonal ethical relationship. Generally speaking, that would still not take away moral equality from the Nazi soldiers. However, because the internal actions of the society - destroying the interpersonal ethical relationship by killing the Jews and other people deemed undesirable - predated

36. Yitzhak Benbaji, ‘The War Convention and the Moral Division of Labour’, *The Philosophical Quarterly* 59, no. 237 (October 2009): 601.

37. Matthew White, ‘Source List and Detailed Death Tolls for Man-made Multicides throughout History’, <http://www.necrometrics.com/ww2stats.htm#Campaigns>.

38. Apart from his wife and daughter, Levinas’ entire family was killed during the Holocaust.

the actual warfare, I want to argue that the Nazi soldiers were not in fact morally equal.

Applying this to the context of UN peacekeeping, this means that if soldiers (as a concept) do not give up their rights to life for their own community, they do so for someone else's community. So, in the context of UN peacekeeping, we have peacekeepers who are soldiers, who voluntarily give up their right to life; even if they are not supposed to be participating in hostilities, their lives are at risk regardless. They do so to protect different communities from harm - to put themselves and their lives between groups as an embodiment of fragile peace. The Security Council's mandates describe when it is permissible to participate in hostilities, which makes them participants in hostilities, but not the general war, because they are there to keep peace, but rather, almost metaphorically, a type of private war between UN peacekeepers and people who fight against peace. The UN peacekeepers, then, are not defending their own community, but others, and this gesture can be seen as moral because it takes into account the best for the other. It maintains the ethical interpersonal relationship and it does not destroy it.

In addition, a final requirement needs to be stated. So far, we have discussed four requirements of moral equality: combatants' participation in hostilities; giving up one's right to life; defending the other; and maintaining the interpersonal ethical relationship. So far, the fifth requirement has been an unspoken assumption, but it is time to state it explicitly: there needs to be some element of organisation that provides the context. This authority does not necessarily need to be connected to a state, but some element of organisation needs to structure the concept of 'soldiers' - plural. Otherwise, the discussion takes place on the level of the individual right to life. In other words, the context needs to resemble some sort of structured warfare; otherwise, we are talking about a Hobbesian war of all against all, and then only the individual right to life and self-defence is relevant. This means that underlying the concept of moral equality is first and foremost an element of sacrifice; a second question that shapes how moral equality is explained is 'for whom'? So, moral equality is a collective concept that is limited more by degrees of organisation than by context.

In Chapter 3, we also looked at the increased role of PMSCs in warfare, and it was argued that sometimes, soldiers who are employed by PMSCs can be compared to traditional soldiers, although that does not automatically extend moral equality to PMSCs. However, in some circumstances, moral equality can apply. If we look at the first requirement, participation in hostilities as combatants, then we can say that usually, this requirement is not met. PMSCs often carry out tasks that *support* warfare, but they do not participate in it.

Tasks related to security come closest to participation in hostilities - such as Blackwater's protection of diplomats in Iraq. Whether this counts as participation in hostilities or, alternatively, whether the contractors count as combatants in such situations is debatable.

Assuming for the moment that they are, do contractors meet the other requirements? When they count as combatants and engage in hostilities, there is a definite risk to themselves. The second requirement, a sense of victimhood, is therefore also met. The third requirement was that they put their lives at risk so that someone else does not have to; one might describe it as a sense of selflessness. Once again, we are looking at the overarching concept that describes the position of contractors, not the motivations of individual contractors. In some situations, this requirement is met as well. For example, in Chapter 3 I have given an example of a PMSC contracted by the UN to carry out EOD in South Sudan.³⁹ That leaves my fifth requirement, that there is a collective element, a degree of organisation. This depends entirely on the situation; the demining example above was done by a company hired by the UN. This would satisfy the fifth requirement.

However, unless the contractors in question count as combatants or have a mandate to participate in hostilities, moral equality would not apply, although the individual right to self-defence remains applicable, of course. Also, killing civilians or non-combatants while participating in hostilities is not covered by moral equality; this remains true regardless of the type of war. (The second half of the Iraq war had many characteristics of a counterinsurgency, which can make it a bit harder to define 'combatant'.)

In sum, in this section we have discussed the challenges to moral equality from the changes in warfare. These challenges, which arise in the context of collective defence and collective security, as well as in the form of PMSCs, mainly revolve around soldiers not defending their own communities, but fighting on behalf of another community or state. Sometimes, these other states can extend or transfer their rights to protect the community to a third state or a third military, as was the case in Mali. The French soldiers were not defending their own community, but they were morally equal because they were defending the Malian community. When UN peacekeepers use force (which, ideally, is only in exceptional circumstances), it is not so much fighting for a community that describes the situation. Arguing that they are fighting for justice is not the right explanation, because that runs counter to the very idea of moral equality, in this section I proposed a different way of looking at the issue. Conceiving of soldiering as a concept, we can see how soldiers give up their right to life for others, in the sense that Noddings describes consid-

39. Langewiesche, 'The Chaos Company'.

ering the other in moral reasoning, and this is what creates moral equality - soldiers fight so that others do not have to. Who those others are, can vary. This section proposed a final requirement on this new sense of moral equality: the need for some form of authority that structures soldiers' actions. Thus, moral equality is considered to be a collective principle.

I have argued that moral equality is a collective concept. This was based on two ideas: the consideration of the category of soldiers as a concept, and the requirement for some form of authority. The two ideas feed off of each other. As an extension or variation of the idea that moral equality is a collective concept, we can focus on the *collective* nature of the concept. This will allow us to provide an answer to the question posed in Chapter 4, in section 4.4, whether or not moral equality applied to the Bosnian Muslims. Applying the requirements discussed above to the case of the Bosnian Muslims, we can now argue that moral equality only applied to the Bosnian Muslims once some form of collective defence and organisation had been reached, although the legitimacy of the authority would have mattered less. Up until then, any form of self-defence would have been of an individual nature. This is the only way to maintain the integrity of the requirement not to kill non-combatants, and the only way that legal concepts such as war crimes and crimes against humanity can be maintained.

6.6 ENVISIONING MORAL EQUALITY

In the previous sections, we have reconsidered the topic of moral equality from a number of different angles. We have discussed how community can be read through care and justice to address the gendered construction of the concept and how an element of narrative praxis needs to be added to add the element of maintaining a communal life; we have also discussed how moral equality can be explained if not based on 'defending one's community'. The goal of this section is to synthesise the previous discussions and give an explanation of moral equality that takes the previous discussions into account.

The first requirement of moral equality is participation in hostilities. The participants need to be recognised and recognisable as combatants, for example by wearing a uniform. Moreover, wounded soldiers, and those who have been taken prisoner of war are not participating in hostilities, and when they are killed, it counts as murder, not as war.

The second requirement is a sense of victimhood. Soldiers are putting their lives at risk. Whether they do so because they are forced to by the state, as Walzer presents it, or voluntarily, as in many countries with professional armies, is beside the point. When soldiers join a military, they do so knowing

that a deployment puts their lives at risk. Moreover, their right to life is not exchanged for a right to kill, as Jeff McMahan and Roger Wertheimer have argued, but rather a duty to kill. I have argued that this duty to kill is the main element of victimhood, because in forcing soldiers to kill, the state prevents ethical interpersonal relationships. It also means that moral equality does not imply that killing is good or right, but the exact opposite: killing is never right, but circumstances beyond combatants' control can make it unavoidable.

The third requirement relies on understandings of fighting for an Other. Walzer describes this in terms of defending one's community. However, I have argued that in many cases, this is not an adequate description of the situation; this is the case with UN peacekeeping. Therefore, I have rephrased this requirement in terms of fighting - putting oneself in harm's way - so that someone else does not have to. In other words, it is the idea of fighting for an Other, without that Other necessarily being a community member. This is also a variant of maintaining the ethical interpersonal relationship. This idea relies on an understanding of 'soldier' as a collective concept; this requirement is not based on the intentions of individual soldiers, no more so than Walzer's explanation of the requirement relies on individual intentions.

The fourth requirement holds that moral equality needs a degree of organisation. Without some form of higher authority - be that the state, leadership of an ethnic group, or the UN - collective rights of soldiers would not exist. The example of the war in Bosnia-Herzegovina demonstrates this most clearly. Only when some amount of organisation or authority exists is there a collective; without it, there is only the individual right to self-defence. In this sense, just as with the third requirement, moral equality is a collective concept. This is similar to what Levinas describes as the necessity of a *system* of justice; where he is referring exclusively to the state as the embodiment of the system, I am arguing for a system (although I am not particularly referring to justice) to the chaos of fighting war.

The fifth requirement is that of a collective narrative praxis. A narrative praxis allows for a continuance and maintenance of a common life, as well as of making sense of events. An ideal collective narrative praxis would incorporate stories from all the different perspectives. The stories that are told and retold are the glue that hold a community together. They form both the basis and the evidence of the ethical interpersonal relationships that are also the basis for moral equality.

Together, these five requirements are necessary for a comprehensive understanding of moral equality that can be applied across a variety of contexts.

6.7 CONCLUSION

In this chapter, I aimed to give alternative arguments for moral equality, taking into account my critique of the concepts in Chapters Two, Three and Four. I have based these alternative arguments on a framework based on the works of Emmanuel Levinas on responsibility for the Other and justice, as well as on two different feminist approaches to ethics; the care-oriented approaches to ethics make the other a central part of the decision-making process, and the status-oriented approaches address inequality.

In this chapter, I have focused on three challenges to moral equality: the impact of a gendered construction of the community; the changing nature of warfare; and the problems that follow from civil wars. In examining the impact of a gendered construction of the community, I have proposed to conceptualise not going to the front by reading it through the care/justice framework as a form of defence of the community because it keeps the community together. The changing nature of warfare was found to mainly pose problems in that soldiers do not defend their own communities, but others; however, when moral equality is seen not in terms of defending one's community but as a consequence of soldiers giving up their rights to life so that others do not have to, then soldiers are also morally equal when the community they defend is not their own. Civil wars are problematic for two reasons: because the community has often been fragmented; and because the requirements for being recognised as combatant as well as a degree of organisation are often not met. I have argued that moral equality only applies in civil wars when these two requirements are upheld.

I have aimed to uphold the spirit of Walzer's two requirements for moral equality, but not the letter. In some cases, such as 'defending one's community', I have reinterpreted the requirement by looking at the underlying assumption: that soldiers give up their lives - whether voluntarily or not - so that others do not have to. This other does not necessarily belong to their own community. This also means that the ethical interpersonal relationship is maintained. This deviation necessitates both the first and the fourth requirements that I have posited (Walzer's original two are my numbers two and three). What I name my first requirement is participation in hostilities and being recognised as a combatant. Especially the latter part is not always obvious in an international context where a large part of wars are no longer of the classical interstate type. My fourth requirement, some degree of organisation and/or authority, compensates for the move away from soldiers defending their own community. The organisation requirement is necessary to maintain the collective basis of moral equality while still being able to apply the concept to wars other than

interstate wars. In other words, combatants are morally equal because they are *combatants*, not because they fight.

Limiting moral equality to this extent is necessary to prevent a slippery slope where increasing amounts of violence are permitted. Requiring a certain amount of organisation in civil wars such as Bosnia might sound harsh, but it is necessary to maintain the distinction between combatants and non-combatants. When moral equality does not apply, however, the individual right to self-defence still exists. This is also where Levinas distinguishes between self-defence (when the absolute responsibility for the Other ceases to exist) and the role of the state in maintaining justice; in a sense, this describes the same difference between the individual and collective dimensions that have guided my arguments for moral equality.

A final reason for the limited applicability of moral equality is related to the care/justice framework. Although violence may sometimes be necessary, it should always remain an exception and a last solution. Moral equality does not approve of violence or killing, but it describes in which situations killing can be excusable, similar to the individual right to self-defence. Even within a care/justice framework, violence might sometimes be necessary or excusable (recall the example of a mother forcefully pulling a toddler away from a fast-approaching car), but violence never becomes good.

The fifth requirement, a collective narrative praxis, is a necessary element because the dichotomy between combatants and community is increasing. This is also true for when UN Peacekeepers return to their home countries, where their contributions are often derided or ignored and their experiences are belittled.⁴⁰ A collective narrative praxis - the telling, retelling, and listening of stories from all sides and perspectives - is a crucial element in shaping and maintaining ethical interpersonal relationships that are characterised by a responsibility for the Other.

This concludes my attempt at re-conceptualising moral equality. In Chapter 7, the conclusion, I will give a high-level overview of the argument, as well as discuss implications, limitations, and suggestions for further research.

40. The case of Dutchbat in the Netherlands is a good example.

CONCLUSION

7.1 QUESTIONS AND THEMES

This thesis aimed to re-conceptualise Michael Walzer's argument for the moral equality of combatants, the principle that when combatants kill each other during war, it is not considered a crime. Walzer's argument was based on a few general principles: a sense of victimhood, combatants' defence of the community, and participation in hostilities. Recently, it has been the subject of critiques by writers, such as Jeff McMahan, who argue that moral equality does not exist. In this thesis, I have argued that, although I think the concept of moral equality has value, it needs to be radically re-conceptualised, because the concepts Walzer uses and the assumptions he makes are problematic. To this end, I have examined and critiqued the concepts of war, defence of the community and victimhood.

In this thesis, we have discussed a number of themes: war, gender, victimhood, defence of the community, and narrative. Gender was a second underlying theme in the thesis. We categorised the different theories of gender in Chapter 2, by looking at where they locate meaning. Essentialism was found to locate meaning in the body, social-constructivism in society, and postmodernism in constitutive acts. I have added a fourth perspective by re-interpreting Judith Butler's postmodern approach to gender through Paul Ricoeur's theory of narrative identity, thus locating the meaning of gender in the narrative construction of identity that uses elements from individual experience as well as society.

War is of course the underlying theme of the entire thesis: when we talk about moral equality, we are talking about killing in war. War, however, is not a stable concept: it is continually changing. One of the main changes in warfare in the 20th century is the incredible diversification of actors: apart from states, supranational organisations and smaller, non-state groups such as insurgents and terrorists play an increasingly important role in warfare today. This also means that the links that Michael Walzer established between the state, the community, and individual combatants, do not have the same meaning or do not exist when the context in which war takes place is different. Two examples we mentioned in Chapter 3 were UN peacekeepers and PMSCs. UN peacekeepers are not related to any state in particular, and more often than

not, they are not defending any community in particular but a mandate. One of the main characteristics of PMSCs is that they volunteer to fight, and are not forced.

Victimhood and defence of the community were also approached through the same gendered lens. Both victimhood and defence of the community are interpretations of actions during war - fighting, defending, dying, staying at home - that are often associated with one particular gender. Fighting, defending, and dying are all associated with the male gender; staying at home and 'being' the community are associated with women. Both associations are not particularly accurate, and both stem from an attempt at essentialising these characteristics. This is problematic, because on the one hand, it essentialises male expendability and female passiveness. It causes us to ignore non-paradigmatic answers and to create a very specific image of who a 'good' or 'real' combatant is, which in turn influences how we think about moral equality.

To illustrate the above, we can look at the discussion about conscripted versus professional combatants in Chapter 4. Walzer bases his argument for moral equality on the assumption that combatants are *forced* to fight; when soldiers are forced to fight, they do not experience internal restrictions on violence, according to Walzer, and therefore, external restrictions in the form of *jus in bello* are needed - this is what moral equality is based on. However, in the current context, this assumption is problematic, because many of today's combatants are professionals, but according to Walzer, chivalry no longer exists. This shows us how the ideas and assumptions about characteristics of, in this case, combatants, determine how we evaluate the applicability of concepts such as moral equality.

To show that gender indeed influences how we apply concepts, we have looked at the representation of women's contributions to the Dutch resistance during the Nazi occupation of the Netherlands from 1940–1945. Because this was an unprecedented situation for the Dutch community, gender norms regarding the resistance did not yet exist, although preexisting social norms did play a role. Still, the case study found that in the construction of the discourse on the Dutch resistance, women's experiences were often disregarded or misrepresented so that their contribution to the resistance did not seem as important as the men's. True resistance was what the men did; what the women did was represented as helping the men. This shows how gender norms and biases affect how we apply concepts and define actions.

These insights formed a starting point for re-conceptualising Walzer's argument for moral equality. Once again, I have used an underlying theme to structure the argument. Here, I have opted to use a combination of Levinasian ethics of alterity and feminist ethics of care and justice. Both these approaches

to ethics allow for a focus on the Other - especially the ideas of Emmanuel Levinas - as well as to paying attention to context. This allows us to sidestep the problems caused by the discussion between Walzer and McMahan, where Walzer looks mainly at the underlying principles and McMahan looks at the outcome. Instead, we can focus on what they have in common, which, in my opinion, is empathy and a concern with the Other.

7.2 CONTRIBUTION TO THE LITERATURE

This thesis has made three contributions to the literature on three distinct topics. This thesis makes its most significant contribution to knowledge through its reconceptualisation of the principle of moral equality. Moral equality has only recently become a topic of academic debate. So far, the literature on moral equality hovers mainly between the two poles formed by Michael Walzer on the one hand and Jeff McMahan on the other. Walzer argues that moral equality exists, McMahan argues that it does not. I argue that we need to reframe *how* we look at moral equality. Instead of seeing moral equality as giving soldiers a right to kill, we need to see moral equality as a tragic duty to kill. In turn, we need to see this duty as an instance of the state overstepping its boundaries, following Emmanuel Levinas.

Moreover, I propose to not see moral equality as arguing that killing in war can be good or right; rather, I think that killing in war can, at best, be seen as amoral, at worst as a necessary evil. As a consequence, just combatants are not necessarily in a better moral place than unjust combatants. By Levinas' metrics, both of them have done wrong. The just combatants might have a better reason to kill than the unjust combatants, but having the right reason to kill does not make killing right or good. In addition, I have argued in favour of adding narrative praxis to moral equality. What this adds to the literature on moral equality is attentiveness to context. Also, because the construction of coherent narratives and the emplotment of events can only happen in retrospect it allows a community to both address the Other as well as to acknowledge wrongs. This broadens the basis for moral equality beyond the check boxes of the traditional interpretations.

The thesis contributes two other areas as well. In the field of gender theory, it has established a different theory on the construction of gender. The existing gender theories can be classified by where they locate meaning: in the body, in society, or constitutive acts. By reinterpreting Judith Butler's postmodern interpretation of gender through Paul Ricoeur's theory on narrative identity, I have arrived at a narrative approach to gender, where the meaning of gender is located in the narrative interpretation of the performative acts. Although this

is not a large difference, it adds an element of reflexivity and of narrative unity to Butler's ideas of performance. This allows us to distinguish between cross-dressing as an expression of gender identity and cross-dressing, for example in the context of the Dutch resistance, as a performance that *does not* express gender identity.

The third contribution to knowledge is to be found in the case study on the Dutch resistance, and specifically, in the analysis of the story of Esmée van Eeghen. Whereas previous studies have approached her story as a fact-finding mission, as a quest for the truth, I have instead focused on the meta-level. By looking at *how* her story has been told, I have shown how the different texts refer to each other and how many of them are characterised by a common theme, namely, the whole narrative.

7.3 IMPLICATIONS

The research and argument presented in this thesis has a number of implications that need to be discussed. These implications are mainly theoretical.

First of all, compared to the arguments of both Michael Walzer and Jeff McMahan, my argument for and explanation of moral equality is defined in less strict terms. In particular, some elements of my reasoning about moral equality require a passing familiarity with the work of Emmanuel Levinas in order to make sense. It needs to be understood against a background of the ethics of alterity.

A second implication is that my explanation of moral equality, although it *does* argue that combatants are morally equal, still forms a limit on violence by arguing that killing is never right. Roger Wertheimer has, in a quote referenced in Chapter 6, pointed out that for combatants, their conscience matters while the legal implications of their actions are less relevant (he is talking about regular fighting, not committing war crimes or crimes against humanity). My theory does not eliminate that concern, and it might in fact increase the importance of conscience, as it argues that killing is never right. This is also why the narrative praxis was introduced; one of its most important roles is to help make sense of events and increase awareness of its effects on the Other. A coherent narrative identity will ease the transitions between citizen and combatant.

Thirdly, an important implication of my argument is that I have envisioned moral equality as having a retrospective component. Although moral equality exists during a conflict as an indication of the default moral position of combatants, it needs to be limited and encircled by the element of narrative praxis, just like its scope is limited by the *jus in bello* norms. Acknowledging

wrongdoing through the collective telling and retelling of stories ensures that the idea that killing is never right or good but that there might be understandable reasons to kill gets incorporated into society. This also helps to maintain a difference between killing in peacetime and killing in wartime.

Fourthly, my theory is a decidedly collective one. I have argued that moral equality only makes sense as a description of a collective, as the description of soldiers as a subset of the community. Otherwise, it is impossible to distinguish between individual self-defence and the actions of the state. Secondly, my argument for the use of Levinas' concept of the presence of the third as the reason for the necessity of justice as an explanation for the moral equality of soldiers also implies a collective component; the presence of the third is Levinas' philosophical indication for society. Finally, the introduction of a collective narrative praxis also indicates a collective element. This collective narrative praxis also contributes to the shaping and maintenance of a common life. Therefore, my theory focuses on the collective elements of moral equality.

7.4 LIMITATIONS

This work also has a number of limitations. Above, in the section on the implications I already mentioned the implications of basing the re-conceptualisation on the work of Emmanuel Levinas. This is an implication as well as a limitation of the work. Levinas' take on ethics is radically different from the traditional approaches to ethics. Therefore, the argument in this thesis relies on an understanding and acceptance of the assumptions of Levinas' work. Still, this is true for any philosophical discussion.

Secondly, the element of collective narrative praxis that was introduced into moral equality in Chapter 6 was intended to add a reflective collective element to moral equality. However, the risk of any collective narrative is that it can be used in good as well as bad ways. As we saw in the case study on the representation of women's contributions to the resistance in the Dutch resistance discourse, narrative devices such as the whore narrative can be employed to disregard actions and exclude people from the collective. At the same time, on a collective level, this is often the result not so much of outright malice but more of the structure of society.

A formalised narrative praxis could make a concerted effort to include different voices and experiences and to interrogate the definitions used. In addition, in contrast to the early post-Second World War decades, the development of web technology has removed the gatekeepers from the media world. There are countless alternatives to traditional media channels, which diversifies the

available narratives. Although there are still parts of the world where web access is not a self-evident reality, in this respect a lot of progress has been made.

A third limitation is that I have not addressed how my choice of Levinas' view of the state - that it can very well be evil when it prevents interpersonal ethical relationships - relates to the UN as a proper authority. The question of whether the UN can be seen as similar to the state in the respect that it can direct soldiers has not been addressed in this work. It could, however, be an interesting research question for future work.

Fourthly, a limitation of this work is that the case study I have chosen to work with does not concern gender relations in war as such and that it is thus not possible to apply insights from the case study to the concept of moral equality directly. In other words, with the current case study is not possible to look at how the representation of women's contributions to war reflect the requirements of moral equality (that is, sense of victimhood and defence of the community). As was also explained in the introduction to the case study, I chose to look at a very specific case - namely, the representation of Dutch women's contributions to the resistance - because it was extremely well-documented while still comprehensive enough to look in-depth at the issue of representation.

The case study highlights the basic argument that gender influences the representation of activities in the discourse. The insights and parameters established in the current case study could thus form the basis for further research into the representation of women's contributions to warfare and how the discourse specifically looks at the concepts that form the basis for moral equality. One possible avenue might be to study the experiences of women combatants in the recent wars in Iraq and Afghanistan, conducting interviews with female combatants and comparing those interviews with the stories told in newspapers, books, and articles. A limitation of such a future case study would be that many official documents are still classified and can thus not be included in the comparison.

This section discussed a number of limitations to the current thesis and made a start with suggestions for further research. In the next section, we will look in more detail at possibilities for further research on the issues of this thesis.

7.5 SUGGESTIONS FOR FURTHER RESEARCH

The work presented in this thesis offers several opportunities for extended research, especially in the areas covered by the case study and the re-conceptualisation of moral equality. This does not mean that the research that can be done on the Dutch resistance all relates to moral equality, though;

in the possibilities for new research, the topics start to diverge. Nevertheless, in my opinion it is still useful to highlight possibilities in both areas.

First, let us look at possibilities for research on the (Dutch) resistance to the Nazi occupation during the Second World War. One obvious possibility is to examine whether the exclusion of women's experiences from the discourse, and in particular the discourse on resistance as defence of the community, is consistent across cultures. It might be interesting to compare the representation of women's contributions to the resistance in the Dutch discourse to the representation of women's contributions to the French resistance in the French discourse.

Additionally, the current case study is characterised by the use of an approach that can best be described as *Perlenfischerei*, to use Hannah Arendt's words. I have referred to examples without paying attention to which branch of the resistance they referred to. For future projects, one could compare the representation of women's contributions across the different branches of the resistance and ask whether women's activities in assisting Allied pilots are represented the same way as women's activities in the illegal press.

Another option for cross-cultural comparison that might shed some light on how the resistance discourse has been used as a foundation for communal identity is comparing Jewish resistance in, for example, France or Poland, to Jewish resistance and the representation thereof in the Netherlands. Additionally, although Yehudi Lindeman has made a start to the systematic research of Jewish resistance in the Netherlands with his article on the Westerveelgroep, Jewish resistance in the Netherlands needs to be the topic of a systematic study.

A final option for new research avenues on the Dutch resistance discourse would be to look at the representation of non-paradigmatic men's stories; one could look, for example, at the representation of the stories of men who *did* go to Germany to work in factories as a consequence of the *Arbeitseinsatz*. One would hypothesise that the stories of these men form such a contrast to the construction of the heroic image of the men in the Dutch resistance, and that this contrast would cause the stories of these men to be treated in a similar way to women's stories.

The second avenue for future research lies with the concept of moral equality. One very important topic would lie with the role of technological advancement. Drone warfare, such as the attacks carried out by the United States (US) military and the Central Intelligence Agency (CIA), has led to a substantive change in warfare. It also poses quite different questions for ethics of war across the board: drone warfare touches upon *jus ad bellum* as well as upon *jus in bello*. Thinking about moral equality in the context of this development in both technology and war (or absence of war) necessitates a completely dif-

ferent framework. For one, it depends on the question whether drone attacks qualify as warfare.

A similar question can be posed with respect to cyberwars. This is especially true when we are looking at cyberwars in their strictest definition, where hackers are destroying hostile governments' systems and consequently, the mechanisms that keep a society up and running. Defence of a community and maintaining a common life take on entirely different meanings in the context of cyberwars.

Finally, related to the two specific topics above is the overarching question whether technological developments have any influence on moral equality at all. One of the things that technology has changed is the distance between combatants - the distance at which combatants can kill each other, or in other words the 'deadline', quite literally, has increased. This has also enabled the application of concepts like collateral damage. What we need to look at is whether distance - physical distance - influences what Levinas terms the infinite responsibility towards the Other, and if so, whether that influences moral equality.

In sum, there are a number of highly interesting possibilities for extending the research done in this thesis. New questions can be asked of both the case study and the re-conceptualisation of moral equality. These questions can focus on putting the central problems in a new light, or else, they can focus on pursuing parallel paths that were slightly outside the scope of the current work.

7.6 CONCLUSIONS

This thesis discussed moral equality, an important concept that describes the default moral position of combatants and maintains a distinction between the responsibilities of the state and the responsibilities of the combatant. This work has aimed to re-conceptualise Michael Walzer's approach to moral equality by addressing issues with his assumptions about war, victimhood and defence of the community, which were made clear by focusing on the changes in warfare, on the one hand, and the concepts of victimhood, defence, and community on the other hand. To re-conceptualise moral equality, we have used Levinassian ethics of alterity and feminist ethics as a basis, and with the key insights from those theories we have proposed an approach to moral equality, the key features of which are an extension of the concept with a collective narrative praxis, attention to different possibilities for proper authority, the re-interpretation of the relation between community and individuals, and most importantly, the argument that combatants are morally equal because killing is *never* right or good. In conclusion, moral equality is a valuable concept

that has been re-conceptualised to address the different challenges posed by the changes in warfare and a gendered reading of the concept. The important thing to remember when discussing moral equality is that although killing is never right, between the state, politics, and the horrors of war, the best thing we can do for combatants is give fair representation to their experiences and issues in the discourse and learn from their experiences of the horrors of war.

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GLOSSARY

Amsterdamse Studenten Groep Student resistance group located in Amsterdam, led by Piet Meerburg. This group focused exclusively on rescuing and hiding Jewish children and played a significant role in the rescue of Jewish children from the crèche at the Hollandsche Schouwburg. They mainly hid children in Fryslân in the north of the Netherlands and in Limburg in the South. 154

April-May Strikes In 1943, national strikes were held to protest against the *Arbeitseinsatz*. After the strikes, many Dutch men went into hiding. 153, 164, 167

Arbeitseinsatz The *Arbeitseinsatz* was an order that required all men of battle age, with the exception of those in professions crucial to the Dutch society, to go to work in German factories. The order left to the general strikes of 1943, the so-called April-May Strikes, which in turn led to a crackdown on the Dutch community, which up until then had been treated rather leniently. Many Dutch men went into hiding when the *Arbeitseinsatz* was announced. 116, 151, 152, 155, 161, 164, 167, 170, 176

Mrs Bitter 08-11-1878 – 06-01-1945. Widow who worked with Meinarda van Terwisga in the *Free Group Narda*. She and Meinarda were arrested for helping pilots and deported to Ravensbrück. Mrs Bitter died there. 156

Louis Boissevain 27-06-1922 – 01-10-1943. Member of CS-6. Was arrested together with Reina Prinsen Geerligs for murdering police lieutenant Pieter Kaay. Although Reina and another CS-6 member, Hans Katan, had wanted to liquidate Pieter Kaay, they did not carry out their plans when they saw a child was with him. Unbeknownst to them, another resistance group *did* carry out the liquidation. Reina and Louis realised they did not stand a chance and confessed to the murder. 157

Adriana Breur-Hibma 1913 – 31-12-2002. Adriana Breur-Hibma was an arts teacher who, together with her husband Krijn, made explosives; she also couriered and falsified. She and her husband were both arrested (though separately). She was allowed to take her baby, Dunya, with her to prison, because she was still breastfeeding; the prison director even gave her a crib for the baby. However, when she was sub-

sequently transported to Ravensbrück as a Nacht und Nebel prisoner, her parents had to collect little Dunya. She witnessed her husband being tortured. Gave a testimony to the VHA. 147, 152, 159

Jules Chapon 04-09-1914 – 06-01-1972. Jewish resistance member, mainly involved with the unarmed resistance. He would find hiding addresses and forge documents. His (ex-)wife, Polly, was a member of the armed resistance group around Gerben Wagenaar, the RVV. In his testimony for the VHA, he describes her as "firm, cold-blooded and inventive." 158

Mirjam Cohen 04-12-1920 – 1990. Jewish childcare worker at the crèche across from the Hollandsche Schouwburg. Involved in the rescue of Jewish children. Sister of Virrie Cohen. 163

Corellistraat 6 Resistance group, named after Corellistraat 6 in Amsterdam, where the members used to meet. Famous members were Reina Prinsen Geerligs, Louis Boissevain, and Hans Katan. 157

Miet Cornelissen-Verhoeven ? – 10-09-1944. Mother of eight and a shopkeeper, involved in helping downed allied pilots escape. Was arrested, together with two members of the royal military police, in September 1944. She was tortured terribly. She and the two officers were executed the same day as their arrest. 153

Mrs Draaijer Poisoned the food of collaborator Maarten Anthonie Barto. Barto was a member of the resistance but there were doubts about his allegiance. 157

Durchgangslager Transit camp. In the Netherlands, the two main transit camps were Camp Westerbork, and Vught. From there, people were transported to concentration camps and death camps. 135, 162, 167

Esmée van Eeghen Esmée Adrienne van Eeghen (07-07-1918 – 07-09-1944) was of noble birth. She was active in the Frisian resistance, where she used the nicknames Elly and Sjoerdje. However, she fell in love with a German officer and left the resistance. She was subsequently betrayed to the Nazis, who wanted her arrest for resistance activities, by An Jaakke, and killed. The Frisian resistance long suspected her of betrayal, but only after the war this suspicion turned out to be false. Her role in the resistance, but especially her supposed nymphomania, was the subject of the appeals trial of An Jaakke. xiii, 111, 114, 115, 117–119, 121, 122, 127, 129, 132–137, 140, 142–144, 146, 155, 158, 159, 173, 175

Jan Evenhuis 15-01-1896 – 18-08-1944. Jan Evenhuis was Krijn van der Helm's manager at the Tax Services. Both he and his daughter, Jeanne, were

active in the resistance. Jan was arrested when he tried to bribe the SD to release his daughter, who had been arrested when couriering. Jan's arrest prompted Krijn to hide a part of the administration of the resistance at the same location as the resistance archive. Eventually, this led to massive problems when the SD found the archive and the administration after the arrest of Ben van Dijk. 120, 131

Ferdinand aus der Füntten 17-12-1909 – 19-04-1989. SS-Hauptsturmführer and head of the *Zentralstelle für jüdische Auswanderung* (Central Bureau for Jewish Emigration), which organised the deportation of the Jews. The administration of the Hollandsche Schouwburg was done by this *Zentralstelle*. After the war, he was tried and sentenced to life in prison as a convicted war criminal. 162, 163

Hans Grill Member of the *Kriegsmarine* stationed in Rotterdam; friend of Kitty van der Have. When Kitty warned him not to come to her birthday party, he briefed his superior officer Ulrich Schwartz. 145

Kitty van der Have 1920 – 19-06-1945. Kitty van der Have worked for the KP in Rotterdam. The KP wanted to raid the *Dienststelle* of the *Abwehr* and to that end, Kitty would hold a birthday party, invite the Germans, serve plenty of alcohol, and then the KP would raid the building. However, Kitty told a friend of her, who was a member of the *Kriegsmarine*, not to come to the party. This man, Hans Grill, then briefed his superior, Oberleutnant Ulrich Schwartz, who took measures to foil the raid. Although Kitty realised something had gone wrong with the plan, she could not warn the KP in time. When the KP raided the building, their leader, Marinus van der Stoep, was shot in the head. The KP suspected Kitty had betrayed her, but they could not find her. Ulrich Schwartz had fallen in love with Kitty, and was charged with a case against Kitty, who was suspected of resistance activities. Schwartz made sure that the case did not get to the SD. Together, they fled Rotterdam a few days after the foiled raid. They were arrested after the war had already ended, but it soon became clear that Kitty had not betrayed anyone; she was released. Still, the KP wanted justice for the death of Marinus van der Stoep. They kidnapped and killed her, and threw her body in the water. Although her killers were tried, they were not sentenced to jail because the Minister of Justice at the time did not want to punish good patriots unfairly. xiii, 145–147, 159

- HeHalutz** Hebrew. Also spelled Hechalutz. Zionist youth organisation that trained youngsters and young adults in agriculture in preparation for emigration to Palestine. 165–167
- Krijn van der Helm** 1912 – 25-08-1944. Leader of a Frisian branch of the LKP. Esmée was his personal courier. Doopsgezind, although he initially was an avowed pacifist, he changed his opinion on the use of violence after the man he was standing next to during the battle of the Grebbeberg was killed. He had to flee Frisia after the arrest of van Dijk and the discovery of the entire administration and stock of the KP. He was killed when he had a meeting at his parents-in-law, when a Dutch SS-member came looking for him and he answered the door himself. 119, 120, 122, 127, 131, 140, 144
- Henriëtte Hendriques-Pimentel** 17-04-1876 – 17-09-1943. Became director of the crèche across from the Hollandsche Schouwburg in 1926. Played a crucial role in the rescue of Jewish children from the crèche during the war. 162, 163
- Hollandsche Schouwburg** A theatre in Amsterdam, used to house Jews who had been arrested during razzias until they could be transported to Camp Westerbork. The children were housed in a crèche across the street. x, 112, 119, 161, 162, 169, 174, 177
- Anno Houwing** 09-10-1905 – 29-11-1983. Police officer and contact person between the Veemgericht and the Frisian KP. 124, 125, 141
- Johan van Hulst** 28-01-1911 – . Johan van Hulst was the Head of the College of Education that was located behind the crèche of the Hollandsche Schouwburg. He assisted in the rescue operations of the Kinderwerk. At the time of writing Johan van Hulst is still alive. 163, 164
- Frits Iordens** 12-06-1919 – 02-03-1944. Member of the Utrechts Kindercomité. He also started to assist downed Allied pilots, to help them escape occupied territory, together with his girlfriend Anne Maclaine Pont. He was shot while assisting two pilots. 162
- An Jaakke** 18-02-1920 – ?. An Jaakke was the housekeeper of Wehrmacht-officers Peter Pingel and Hans Schmälzlein, and was in a relationship with Pingel. She betrayed Esmée van Eeghen to the SD, and this betrayal was later cause for a trial where she was sentenced to death for betraying the resistance worker Esmée van Eeghen. However, in her appeals case she argued that Esée had no longer been a resistance member when she was betrayed, and because Esmée's mother pleaded for clemency, she was sentenced to life in prison instead. At the beginning of the war, she had been a resistance member herself.

She briefly dated a fellow resistance member who got her pregnant and then broke off the relationship. Later, she was arrested and kept in the Oranjehotel. She gave her child up for adoption and wanted nothing more to do with the resistance. 121, 122, 137, 140, 173

Jewish Council Dutch: Joodse Raad. Jewish organisation, instituted by the Nazis, that was tasked with the coordination and execution of orders relating to the position of Jews in the Netherlands. Controversial. 162, 163, 166

Hans Katan 09-08-1919 – 01-10-1943. Member of CS-6 and biology student at the University of Amsterdam. Had wanted to liquidate police lieutenant Pieter Kaaij together with Reina Prinsen Geerligs but refrained from the plan when they realised Kaaij was in the company of a child. 157

Sieny Kattenburg Jewish. Took care of the children at the crèche across from the Hollandsche Schouwburg. Involved in the rescue of Jewish children. 163

Kinderwerk Kinderwerk refers to the coordinated hiding of Jewish children across the country. Four different resistance groups played a central role in the hiding of Jewish children, two of which were student groups: the Amsterdamse Studenten Groep (ASG) 150, 163, 164

Antje Kingma-Jager 21-02-1911 – ?. Wife of KP-member Harm Kingma. She met Esmée van Eeghen when Esmée accompanied Krijn to meetings of the KP at the carpentry factory of the Kingma family. 123, 124, 137

Henk Kluyvers Medical student and an acquaintance of Piet Meerburg. Henk Kluyvers briefly had a relationship with Esmée van Eeghen, whom he met in the hospital where they both worked. They both went to Frisia as a consequence of their resistance work. Henk broke off his relationship with Esmée when he was recognised during a raid and subsequently diagnosed with tuberculosis. He went back to Amsterdam to recover; she stayed in Frisia. 119, 130

Luitje Kremer 16-01-1920 – 07-09-1944. Member of the KP in the province of Drenthe. He was liquidated at the same time as Esmée van Eeghen. 127

Fransoos Exaverius Lammers 26-12-1899 – 24-07-1971. Dutch SD-employee and colleague of Zacharias Sleijfer. 124

Landelijke Knokploegen This is the term used for the national armed resistance, which had branches all across the Netherlands. Although the resistance in the Netherlands was generally non-violent, occasionally

violence was a necessary evil. The LKP sometimes liquidated people who were thought of as too dangerous, and they also played a significant role in the liberation of prisoners, the robberies on distribution offices where food coupons and identity cards were kept. They often cooperated with the LO, the Landelijke Organisatie, who hid people and thus needed access to food coupons. 119, 145

Geertruida van Lier She ran a crèche in Utrecht, where she hid Jewish children; worked with the Utrechts Kindercomité. Not to be confused with her cousin, Gertrude van Lier. 154, 157

Anne Maclaine Pont 28-08-1916 – 26-05-1969. Member of the Utrechts Kindercomité. Girlfriend of Frits Iordens. Also assisted pilots, but stopped her resistance work after Frits was shot; she was too distraught. 162

Arie van Mansum 05-03-1920 – . A very active resistance leader in the south of the Netherlands. Gave a testimony to the VHA. Still alive at the time of writing. 151

Moritz de Marcas 18-01-1918 – 22-01-2005. Dutch Jew. Went in hiding during the war. Gave a testimony to the VHA. 146, 147

Piet Meerburg 01-09-1919 – 11-04-2010. Leader of the Amsterdamse Studenten Groep, which played a significant role in the *Kinderwerk*. He was an acquaintance of Henk Kluyers and Esmée van Eeghen. 119, 142, 154, 163

Jan Meulenbelt 1921 – 2011. Founder of the Utrechts Kindercomité 150

Tiny Mulder 02-04-1921 – 04-11-2010. Tiny Mulder was the author of *Tin Iis* and the personal courier of Pieter Wijbenga. She met Esmée van Eeghen in real life. 133–136

Naamloze Vennootschap Resistance group active in the *Kinderwerk*. 162, 163

Nacht und Nebel The term refers to prisoners who were sent to concentration camps without their families being notified. They were, in effect, disappeared. 58, 152

Nationaal Steunfonds The Nationaal Steunfonds (NSF) took care of the financial-administrative side of the national resistance organisations. 116

NSB Nationaal-Socialistische Beweging. Dutch political party that sympathised with Hitler's NSDAP. 157

Piet Oberman 31-07-1908 – 14-11-1972. Full name Pieter Gerke Oberman. Had been appointed replacement leader of the Frisian KP, in case Krijn van der Helm or Pieter Wijbenga had to go into hiding or could otherwise no longer lead the group. He was an adventurer who had

spent a few years in the United States before the war. xiii, 120, 121, 123, 124, 140, 141

Miep Oranje 06-05-1923 – ?. Miep Oranje was a resistance member who had been arrested by the SD. She was released on condition that she would spy for the SD. Although Gerben Wagenaar knew about her arrest and tried to warn people, his warnings were ignored. 144

Oranjehotel The name 'Oranjehotel' was used to refer to the prison in Scheveningen, because this was where many resistance fighters were imprisoned. 'Oranje' is the Dutch word for the colour orange, and orange is the colour of the Dutch monarchy, the House of Oranje. To call the prison the Oranjehotel, orange hotel, was a sarcastic move to indicate that the prisoners kept there were patriots. 152

Betty Oudkerk Jewish. Took care of the children at the crèche across from the Hollandsche Schouwburg. Involved in the rescue of Jewish children. 163

Truus Oversteegen 29-09-1923 – Sister of Freddie Oversteegen. Together with Freddy and Hannie Schaft, she worked for the RVV, for which she carried out liquidations. Still alive at the time of writing. 156, 157

Fanny Philips Jewish. Took care of the children at the crèche across from the Hollandsche Schouwburg. Involved in the rescue of Jewish children. 163

Peter Pingel German Wehrmacht-officer stationed in Leeuwarden; housemate of Hans Schmälzlein and partner of An Jaakke. He introduced Esmée van Eeghen to Hans Schmälzlein. 120

Margot Pino 19-09-1920 – 03-09-1943. Jewish resistance member and a hair dresser. She was arrested and died in Auschwitz. 171, 172

Reina Prinsen Geerligs 07-10-1922 – 24-11-1943. Member of the Amsterdam resistance group CS-6. She was arrested, together with Louis Boissevain, for killing police lieutenant Pieter Kaay. Although she and another CS-6 member, Hans Katan, had wanted to liquidate Pieter Kaay, they did not carry out their plans when they saw a child was with him. Unbeknownst to them, another resistance group *did* carry out the liquidation. Reina and Louis realised they did not stand a chance and confessed to the murder. Reina Prinsen Geerligs was fusilladed in Sachsenhausen concentration camp by Oranienburg on November 24, 1943. 112, 157, 158, 176

Raad van Verzet The resistance group in which Gerben Wagenaar, Hannie Schaft and Truus and Freddie Oversteegen were active. 156, 158

Johann Baptist Albin Rauter 04-02-1895 – 25-03-1949. Rauter was the highest ranking police and SS officer in the Netherlands, and as such he reported directly to the Nazi official in charge in the Netherlands, Arthur Seyss-Inquart. After the war, Rauter was convicted of crimes against humanity and executed by firing squad. 153

Hannie Schaft 16-09-1920 – 17-04-1945. Also known as 'the girl with the red hair'. A law student when the war began, she was described as having 'socialist leanings'. She carried out at least five liquidations in Amsterdam. In her work with the *Raad van Verzet*, she often cooperated with the sisters Truus and Freddy Oversteegen. When a warrant for her arrest went out, she took to cross-dressing. She was arrested and fusilladed by the Nazis on April 17, 1945, less than three weeks before Nazi Germany capitulated. She is often depicted as *the* Dutch resistance hero. 112, 156–158, 160, 176

Louis Scharis Dutch Jew, was active in the resistance. Met his future wife, Josephine, a nurse, when he was in the hospital. She joined the resistance after he told her about his resistance activities. Experienced latent anti-Semitism in the resistance, and found, after the war, that many people did not believe him when he told them that he had been a resistance member. Gave a testimony to the VHA. 149, 170, 172

Hans Schmälzlein German Wehrmacht-officer stationed in Leeuwarden; housemate of Peter Pingel. He had a relationship with Esmée van Eeghen, to whom he got engaged. 120, 127

Albert Schokker 06-03-1909 – 29-04-1945. Frisian resistance worker. His wife was arrested for resistance activities. Despite torture, she refused to give up information. Mr Schokker gave himself up to the Germans a few weeks later. His wife was released a few days after his arrest. 152

Ulrich Schwartz Oberleutnant of the Kriegsmarine, stationed in Rotterdam. Responsible for the foiled raid on the *Dienststelle* of the *Abwehr* in Rotterdam whereby Marinus van der Stoep was fatally shot in the head. He was in love with Kitty van der Have, and when Kitty was pursued by both the KP and the Germans, he fled with her to Amsterdam. 145

Arthur Seyss-Inquart 22-07-1892 – 16-10-1946. Austrian Nazi official in charge of the Netherlands. 153

Schuschu Simon 1919 – 1943. Leader of the Westerweel-groep alongside Joop Westerweel. He had been an inmate at Buchenwald in 1938, and therefore had no faith in a positive outcome of a deportation order for the HeHalutz group. He was arrested in 1943 at the Dutch-Belgian

- border. He committed suicide in a Dutch prison to avoid betraying the plan. 165, 167, 168
- Zacharias Sleijfer** 20-03-1911 – 24-03-1953. Infamous Dutch member of the SD. He played an important role in the arrest of Esmée van Eeghen. 121, 124
- Steen family** 16-01-1896 – 28-08-1944. (Albert Steen) 03-02-1895 – 23-02-1945 (Arendiena Steen) 30-09-1925 – 04-12-1944 (Anna Johanna Steen) Family from the province of Groningen. The entire family, father Albert, mother Arendiena, and daughter Anna Johanna, were arrested for resistance work and did not survive the war. Albert was fusilladed in Vught; Arendiena and Anna Johanna, who had just finished secondary school, died in Ravensbrück. 155, 183
- Hendrika Stienstra-Kamp** 04-03-1912 – ?. Widow and Esmée van Eeghen's landlady; she had two young sons. She was arrested after Ben de Vries was tortured and confessed all he knew about the activities of the KP. 124
- Marinus van der Stoep** 27-09-1917 – 06-04-1945. Leader of the KP Rotterdam. Sustained massive head trauma when he was shot in the head during a foiled raid on the *Dienststelle* of the *Abwehr* in Rotterdam. Kitty van der Have was suspected of betraying the KP to the Germans. 145
- Walter Süskind** 29-10-1906 – 28-02-1945. He was a German Jew who had fled to the Netherlands in the 1930s. He played a crucial role in the rescue operations from the Hollandsche Schouwburg. As a member of the Jewish Council, his role was to adjust the administration of the Zentralstelle, so that the rescue operations would not get discovered. He is described as outgoing and friendly with everyone, even with Ferdinand aus der Fünten. 162, 163
- Meinarda van Terwisga** 24-08-1919 – 31-05-1997. Leader of the KP in Apeldoorn (also called *Free Group Narda*). Helped downed allied pilots escape. Was arrested and sent to Ravensbrück, but survived the war. 155, 156
- Trouw** Resistance group that published the illegal newspaper *Trouw* (literally: faithful). The group was also active in the Kinderwerk. 163
- Utrechts Kindercomité** Student resistance group that was created by Jan Meulenbelt, a student at Utrecht University. This resistance group was one of the main groups who were active in the *Kinderwerk*. 150, 157, 162
- Veemgericht** A secret court in Fryslân, named after the medieval secret German courts of the same name. Made up of three men who had served

as judges before the war, and Anno Houwing as go-between, the Veemgericht decided on whether the Frisian resistance could liquidate people. The Veemgericht was instituted after a number of botched liquidations; its function was to ensure some form of due process and to avoid any further Wild West-style executions. Unfortunately, the history of the Frisian Veemgericht is largely undocumented, because the people who were involved either did not survive the war, or did not (want to) remember the events that transpired. 125

Villa Kleykamp In Villa Kleykamp, a backup of the Dutch population registry was kept. The building was bombed by the Royal Air Force to aid the Dutch resistance. Because the backup was destroyed, the Nazis could no longer verify if identity cards were fake. 58

Anna Vlasman 1912 – ?. A courier in the communist resistance. Gave a testimony to the VHA. 148

Ben de Vries KP-member. He was arrested by the *Sicherheitspolizei* (Sipo) and tortured so badly that he told the Sipo all about the archive of the KP which had been stored away in a warehouse in Leeuwarden. His arrest and confession spurred the arrest warrants for Krijn van der Helm and Pieter Wijbenga, which was initially attributed to Esmée van Eeghen. 120, 140

Gerben Wagenaar 27-09-1912 – 31-08-1993. Leader of the communist resistance group Raad van Verzet (RVV). 144, 158

Mirjam Waterman 05-12-1916 - 16-02-2011. Member of the HeHalutz movement. A teacher at the progressive, anti-authoritarian school *Werkplaats Kindergemeenschap* until she was fired in 1941, she contacted Joop Westerweel to ask for help with the HeHalutz group. 166

Watzema family 29-03-1912 – 04-06-1944. (Mr. Watzema) Mr and Mrs Watzema were arrested after the people they were hiding turned out to be informants of the SD. Mr Watzema was fusilladed that same night; Mrs Watzema was released after five days. 153

Joop Westerweel 25-01-1899 – 11-08-1944. Leader of the Westerweel-groep alongside Schuschu Simon. He was contacted by Mirjam Waterman to ask for help with the HeHalutz group in Loosdrecht, and even though his wife was pregnant with their fourth child, he decided to help. Before the war, he had been head of a Rotterdam Montessorri school. He was socialist, anti-authoritarian and a little bit anarchist, as well as a conscientious objector. He was arrested in March 1944, and interned for a while in Vught concentration camp, where he was liquidated. 165–168, 174

- Westerweelgroep** A Jewish resistance group named after the non-Jewish Joop Westerweel, who led the group along with Schuschu Simon. 112, 161, 165, 167–169, 172, 174, 177, 213
- Pieter Wijbenga** 12-02-1912 – 18-02-1990. The other leader of the Frisian branch of the LKP, alongside Krijn van der Helm. A school teacher with a bad leg, and a devout orthodox Christian. His resistance alias was Geale. Tiny Mulder was his personal courier. 120, 124, 126, 127, 133, 137, 140
- Sikke Wolters** 30-01-1908 – 27-06-1944. Sikke Wolters was a Dutch SS-member who had been liquidated by the Frisian resistance. He had been a friend of Zacharias Sleijfer and Fransoos Lammers, who wanted to find the persons responsible for the liquidation. 120
- Joop Woortman** 25-01-1905 – 13-03-1945. Member of the Naamloze Vennootschap. 162, 163

ACRONYMS

- AQIM Al Qaeda in the Islamic Maghreb. 196
- ASG Amsterdamse Studenten Groep (Amsterdam Student Group). 119, 163
- AU African Union. 64
- CIA Central Intelligence Agency. 213
- ECOWAS Economic Community of West African States. 197
- EOD Explosive Ordnance Disposal. 75, 77, 201
- ICC International Criminal Court. 84, 107
- ICTR International Criminal Tribunal for Rwanda. 84, 106, 107
- ICTY International Criminal Tribunal for the former Yugoslavia. 84, 105–108
- IFOR Implementation Force. 64
- IRA Irish Republican Army. 72
- IS Islamic State. 107
- ISIS Islamic State in Iraq and Syria. 107
- JNA Yugoslav National Army. 99–101
- KP Knokploeg. 120, 139, 140, 145, 156
- LO Landelijke Organisatie voor hulp aan onderduikers. 116, 144, 160
- MI5 Military Intelligence, Section 5. 70
- MINUSMA United Nations Multidimensional Integrated Stabilization Mission in Mali. 64
- MNLA National Movement for the Liberation of Azawad. 196
- NATO North Atlantic Treaty Organisation. 11, 15, 60, 62–67, 75–77, 79, 80, 107, 198
- NIOD Nederlands Instituut voor Oorlogsdocumentatie or Dutch Institute for War Documentation. 157
- NSA National Security Agency. 70
- PLFP People's Front for the Liberation of Palestine. 71
- PLO Palestine Liberation Organisation. 60
- PMSC Private Military and Security Company. 48, 62, 64, 74–79, 200, 201, 207, 208
- R2P Responsibility to Protect. 56, 72, 198

Acronyms

RAF (1) Royal Air Force. 59, 72

RAF (2) Rote Armee Fraktion. 60, 61, 71

SCSL Special Court for Sierra Leone. 84

SFOR Stability Force. 64

UN United Nations. 11, 62–65, 68, 73, 75–77, 79, 107, 198, 200, 201, 203, 207,
212

UNPROFOR United Nations Protection Force. 63

US United States. 213

VHA University of Southern California Shoah Foundation Visual History
Archive. 114, 147, 158

WEU Western European Union. 65

WMD Weapons of Mass Destruction. 68