## Contention One is Status Quo

#### For years the executive branch has operated under the President’s war powers authority to exclude women from ground forces introduced into hostilities.

Urias. 4 ARNULFO URIAS, J.D. Candidate, University of Southern California Law School, 2005;

Southern California Review of Law and Women's Studies Fall, 2004 14 S. Cal. Rev. L. & Women's Stud. 83

NOTE: THE POLITICS OF BIOLOGY: EVOLUTIONARY BIOLOGY AND THE EXCLUSION OF WOMEN FROM COMBAT \*

[\*89] In 1993, Congress passed the 1994 Defense Authorization Act (DAA) and repealed the final remnants of the exclusion policy in the United States Code, which included the prohibition of women from combat vessels. n46 The DAA eliminated the last two surviving prohibitions from CEL: the ban of women on warships and combat aircrafts. n47 In doing so, however, Congress did not impart complete freedom on women to occupy combat positions; instead, it merely removed the explicit prohibition of women in combat, shifting the authority to exclude onto the services themselves. Furthermore, Congress favored keeping the combat restriction on women -- so much so that it included language in the DAA instructing the Secretary of Defense to inform Congress before any service changed its exclusion policy. n48 In the report accompanying the DAA, Congress stated its plans to "exercise close oversight on these or any other planned changes to the assignment policy for women, particularly if these changes could result in women serving in units whose mission requires routine engagement in direct combat on the ground." n49 Nonetheless, in 1993, Secretary of Defense Les Aspin directed the different military services to open up as many service positions (known as Military Occupational Specialties, or MOSs) as possible to women and to research future opportunities for women in the military. n50 However, he explicitly allowed them to continue prohibiting women from "units engaged in direct combat on the ground, assignments where physical requirements are prohibitive and assignments where the costs of appropriate berthing and privacy arrangements are prohibitive." n51 He also permitted the services to "propose additional exceptions, together with the justification for such exceptions, as they deem appropriate." n52 Because the latter two grounds for excluding women, financial cost and additional exceptions, are matters of judgment, their boundaries are so elastic that they may be broken and even revoked. However, the first permissive [\*90] restriction on women, the prohibition of women from front-line combat, remains a relatively bright-line rule. n53

#### Although the DOD formally repealed the combat exclusion, the maintenance of physical requirements means that women will continue to be excluded from those forces introduced into hostilities

Peralta 13 EYDER PERALTA, NPR January 23, 2013 Panetta Is Lifting Ban On Women In Combat Roles

http://www.npr.org/blogs/thetwo-way/2013/01/23/170093351/panetta-is-lifting-ban-on-women-in-combat-roles

Secretary of Defense Leon Panetta has decided to lift a ban that prohibited women from serving in combat, a congressional source tells NPR's Tom Bowman. The move opens up thousands of front-line positions. Panetta is expected to announce the decision along with the Chairman of the Joint Chiefs of Staff on Thursday. Citing "senior defense officials," the AP adds: "The groundbreaking move recommended by the Joint Chiefs of Staff overturns a 1994 rule banning women from being assigned to smaller ground combat units. Panetta's decision gives the military services until January 2016 to seek special exceptions if they believe any positions must remain closed to women." Back in November, four servicewomen along with the American Civil Liberties Union . U.S. Army nurses rest on sandbags at Cam Ranh Bay in South Vietnam, July 1965. Women, the lawsuit claimed, were already serving in combat roles, but were not receiving recognition for it. The ACLU said the combat exclusion kept women from more than 200,000 positions. Perhaps a prelude, last year, the military opened 14,500 positions to women and lifted a rule that prohibited women from living with combat units. Citing a "senior defense official," the change won't happen immediately. CNN explains: "The Army and Marine Corps, especially, will be examining physical standards and gender-neutral accommodations within combat units. Every 90 days, the service chiefs will have to report back on their progress. The move will be one of the last significant policy decisions made by Panetta, who is expected to leave in mid-February. It is not clear where former Sen. Chuck Hagel, the nominated replacement, stands, but officials say he has been apprised of Panetta's coming announcement. "'It will take awhile to work out the mechanics in some cases. We expect some jobs to open quickly, by the end of this year. Others, like Special Operations Forces and Infantry, may take longer,' a senior defense official explains. Panetta is setting the goal of January 2016 for all assessments to be complete and women integrated as much as possible." This story is breaking. We'll update this post with reaction and more details, so make sure to refresh this page. Update at 5:20 p.m. ET. 'Fantastic News': Carey Lohrenz, a former Navy Lieutenant and one of the first women to fly F-14s on air craft carriers, tells our Newscast unit that this is "fantastic news," but it's really just catching up with the reality on the ground. "We have women in combat roles right now. We are just not able to promote them," she said. "They're on the ground in Iraq; they're on the ground in Afghanistan. This is strictly formalizing and recognizing what their contributions currently are." Sen. Mazie K. Hirono, a Democratic member of the Armed Services Committee from Hawaii, said the move was a "great step toward equality." "I know that the women who currently serve in the military think they should be treated the same as any other servicemember," Hirono said in a statement. "Women serving in combat roles will strengthen our national security, and as a member of the Armed Services Committee, I will work closely with military and administration officials to see this change through." Update at 4:14 p.m. ET. Infantry Troops: As we alluded to earlier, the implementation of this new policy will be complex. an important caveat saying that while this is the "largest expansion yet of women in combat roles," "defense officials said they don't expect the change to result in women being allowed to serve as infantry troops."

#### A new report to congress confirmed that very few women will be able to meet the current standards

Washington Times, 13 (Few women will qualify for land combat: report. http://www.washingtontimes.com/news/2013/feb/24/report-few-women-will-qualify-for-land-combat-loop/?page=all)

A new report to Congress predicts that relatively few women will be able to perform land combat tasks on the same level as men, and it says the Pentagon’s pledge to maintain “gender-neutral” physical standards has a loophole. Meanwhile, the Marine Corps, viewed as the service most resistant to opening the infantry to women, will test male and female troops together in strength and endurance to determine how women can perform ground warfare, according to an internal memo obtained by The Washington Times. The congressional report and the Marine Corps memo come as pro-defense conservatives are exploring ways to ensure that the Obama administration does not ease rigorous standards as a way to make sure women qualify for direct combat jobs. When Defense Secretary Leon E. Panetta last month removed the policy prohibiting women from serving in direct combat units — infantry, armor and special operations — he vowed not create two standards, citing the 1993 Gender-Neutral Occupational Performance Standards as the guide.

#### Gender-neutral standards will exclude women—give all discretion to sexist commanders

Burrelli 13 David F., Specialist in Military [Wo]Manpower Policy, Congressional Research Service; “Women in Combat: Issues for Congress” Congressional Research Service; May 9, 2013; http://www.fas.org/sgp/crs/natsec/R42075.pdf

As written, this language can be the subject of differing interpretations. Since no standards exist for women in the then-closed occupations, would women be required to meet the current existing standards, would separate standards be created, or would the existing standards be re-evaluated? What is lacking is a clear definition of “gender-neutral” vis-a-vis the goals to be attained. Recent quotes from senior military leaders seem to suggest different things. ... Chief of Naval Operations Adm. Jonathan W. Greenert said it will be up to special operations commands to determine how they will transition the standards to females.46 “We’re not going to just throw open the doors and say ‘OK, go at it,’ said Marine Lt. Gen. Robert Milstead, deputy commandant for manpower and reserve affairs. ‘We’re doing this responsibly’ ... ‘I think we are going to be challenged every step of the way,’ Milstead said. ‘There will be people who question: Why do you have that standard?’”47 “If we do decide that a particular standard is so high that a woman couldn’t make it, the burden is now on the service to come back and explain to the secretary, why is it that high? Does it really have to be that high?’ Translation: If women can’t meet the standards, we’ll just ‘gender-norm’ them.”48

## Plan Text

#### Plan: The United States federal government should statutorily prohibit the exclusion of women from Armed Forces introduced into hostilities.

## Contention Two is Patriarchy

#### The military will rely on physical requirements that presume a masculine military and subordinate women to continue the exclusion of women from combat roles.

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S Abraham Lincoln and USS Port Royal. She is a member of the Committee on Military Affairs and Justice of the New York City Bar. Seattle University Law Review Fall, 2010 34 Seattle Univ. L. R. 17 ARTICLE: Physical-Strength Rationales for De Jure Exclusion of Women from Military Combat Positions

Task definition is the clearest indicator that all of the thinking behind physical-strength arguments assumes that a male military member is normal and a female military member must be accommodated with "special" clothing, equipment, and procedures. This section has aimed to show that standards for job performance can remain high despite task redefinition. The failure to explore this possibility indicates that a normative belief, rather than an inexorable reality, is driving the physical-strength rationale for de jure exclusion of women from the military. IV. THE NORMATIVE BASIS FOR DE JURE EXCLUSION A pattern emerges from these four problems. What appears to be a biological truth is actually better understood as a normative belief that the military's job is in some way peculiarly suited to men. It is not that women's bodies do not measure up against an objective standard, but that the standard is defined so women do not fit it. This Part examines the normative claims exposed as underlying the physical-strength arguments. In pre-Rostker cases, rejecting men's equal protection challenges to the draft, courts made the underlying normative rationale quite clear: "If a nation is to survive, men must provide the first line of defense while women keep the home fires burning." n203 Subsequent cases cite this policy as justification for otherwise unsupported claims about "obvious" innate differences in physical strength, rather than providing factual support for actual differences as a justification for the policy. n204 In contrast, a Montana district court actually examined the physical-strength evidence and rejected the "actual differences" defense. The judge found: "There is simply no basis for concluding that all or even a significant number of women are incapable of serving in the military. This statement is true even assuming they would be placed in combat roles." n205 As a society, we still seem to accept the belief that it is the reality [\*48] of women's bodies that limits their participation in the military. As we have seen, however, that belief is deeply flawed--for example, consider again the simple stereotyping analysis that asks why women would be excluded de jure. The exclusion instead relies on an understanding that the kinds of things the military does are, and should be, appropriately within the male realm. But in incorrectly presupposing that men are, literally, strong, and women are, literally, weak, competence is confused with masculinity, and incompetence is confused with femininity. This presupposition has an important corollary: masculinity becomes a mark of power and status--even in all-male settings. n206 It goes beyond stereotyping, however, because in believing men are stronger, we both train them to be stronger, and we create a military designed around their abilities--in other words, we make the belief real. Epistemologist Sally Haslanger has termed this cognitive mechanism "assumed objectivity." n207 Members of a powerful group ascribe characteristics to a weak group in a way that makes the differences real, and in a vicious cycle, the ascribed characteristics help make the weak group weak. n208 For example, slave owners might ascribe a lack of intelligence to slaves, claim that this characteristic is innate, use this professed belief to justify a lack of education, and in this way make real a difference that keeps the slave owners in power. n209 It works the same way for sex. n210 First, observed regularities--women's lower scores on physical-strength tests--are taken to be a consequence of women's weak nature. Second, women's weak nature is argued to constrain decisions around their inclusion in certain military jobs. Haslanger argues that, while there is not necessarily anything wrong with conforming action to the nature of things, in the context of gender, such constraints reinforce a distorted view of reality. n211 This view leads to the third, critical step of assumed objectivity, contributing "the element of illusion--the masking of social/moral facts as natural facts." n212 The starting position that purports to be neutral in fact presupposes the masculinity of the military. n213 [\*49] This distortion is counterproductive for women and for men. Women lose by being defined as incompetent to serve in combat roles just because they are women. The military is a central institution of national and international power. It has a vital role in the international rule of law. The physical-strength argument reveals an underlying normative distinction between combatant and noncombatant that is gendered and hierarchical. Women must shatter this distinction or risk permanent subordination. If women want to invoke state protection from violence, as we should, the institution that provides that protection cannot legally define women as unequal. If the arguments to exclude women from the military are less than empowering to women, they are less than flattering to men: "Our ultimate marching orders," writes Stephanie Gutmann, "come from the imperative to extend our species, and on some very primitive level we 'understand' that eggs are expensive and sperm--that is men's bodies, which throughout history have been treated like so much matchwood--are cheap." n214 Gutmann's willingness to characterize military men, who are disproportionately rural and black, n215 as disposable and oversexed is particularly surprising given her explicit recognition of the class attitudes that lead political liberals to look down on the military. n216 Men lose by being constrained to the role of oversexed aggressors, on pain of losing their identity as men. n217 As bell hooks puts it: "Men are not exploited or oppressed by sexism, but there are ways in which they suffer as a result of it." n218 The United Nations Secretary General found that "[t]here is . . . significant diversity among men, shaped by local context and cultures." n219 Even among men, diversity of ability is an important aspect of military teams, n220 yet it is threatened when a single set of characteristics conforming to beliefs about masculinity are confused with military ability. [\*50] The question becomes not whether equality should be accommodated at the expense of military readiness, but how much military readiness can be sacrificed to adhere to inaccurate views about women's and men's ability. n221 Analyzing the physical-strength rationale for de jure exclusion of women from combat exposes the distorted lens demanding that men be strong and women be weak. This distorted lens compromises the military mission on many levels. It leads to excluding available personnel who not only would be capable of doing the job, but also might do it better. More profoundly, the mission of the military is to protect and defend our democratic society. This mission is compromised if it is achieved through subordination of a segment of that democratic society. n222 To echo President Obama, it is time to repeal another law and regulation "that denies . . . Americans the right to serve the country they love because of who they are": n223 The prohibition on women serving in combat.

#### Isolated physical requirements are not a good measure of actual ability – emphasizing those measures is biased

Goodell 10 Maia Goodell, partner at Vladeck, Waldman, Elias & Engelhard, she was a Surface Warfare Officer in the U.S. Navy, serving on the USS Abraham Lincoln and USS Port Royal. She is a member of the Committee on Military Affairs and Justice of the New York City Bar. Seattle University Law Review Fall, 2010 34 Seattle Univ. L. R. 17 ARTICLE: Physical-Strength Rationales for De Jure Exclusion of Women from Military Combat Positions

Indeed, real life examples show that, despite the lower scores on isolated tasks, women performed well in the jobs for which those same studies were meant to apply. For example, in actual damage control situations, no one has report-ed any problems with women's performance. The Presidential Commission appointed by President George H.W. Bush found that "200 women performed well in an actual firefighting emergency aboard a Navy ship in 1988." n173 The difference between the theoretical [\*43] expectation that women are unable to perform the job (because some women were unable to perform some tasks) and actual results in a real life emergency can probably be explained by the fact that women possess many unmeasured abilities. For instance, isolated studies do not measure the critical endurance that is required for crews to fight fires for days on end.

Women have a number of advantages that are useful in the military context. n174 It is important to realize that generalizations about these advantages, even when intended to benefit women, run the risk of accepting differences as natural--an acceptance, that, as we have seen, is neither empirically supported nor ultimately empowering to women. Studies can only measure women's bodies as they come to be in conditions of today's imperfectly equal society. n175 With this in mind, we can still note findings suggesting that women today have physical characteristics that warrant just as much study as potentially important to various military tasks. Survey respondents in the Navy study reported that restricted space made twenty of fifty tasks very difficult, n176 suggesting that a smaller stature may actually be an ad-vantage. Mitchell admits that women are less susceptible to altitude sickness and cold. n177 Women have a higher speed-to-body-size ratio in sprint events, suggesting that they pack power more efficiently. n178 Women's greater body fat contributes to streamlining and cold resistance, both of which are advantages in swimming. n179

Endurance is another area in which women may have an advantage. Several studies have found that, in submaximal performance, women's muscles have significantly slower fatigue and faster recovery than men's do. n180 A 1999 study concluded this result is likely due to different muscle [\*44] composition. n181 Women also have higher percentages of intramuscular fat and may burn it more efficiently, possibly contributing to their endurance for submaximal (less than the maximum of which an individual is capable) work. n182 Other military forces have taken advantage of women's greater capacity for endurance. n183 For instance, the Vietnamese military put women's greater endurance to practical use when it assigned women to carry supplies because they had greater stamina and complained less of the drudgery. n184 They earned the description of "water buffalo of the Revolution." n185

Physical ability is substantially more complex than a single unified "strength" trait. If physical abilities are to justify selections for job performance, one cannot pick and choose which abilities to measure by sex, not job, correlation. n186 By failing to justify trait selection that advantages men as job-related, critics reveal that they are defining "strength" around men's abilities. They thus attribute large observed differences on selective measures to a natural "physical strength." However, it is the strategic selection of the measures, not the job requirements, that leads to the dramatic gap

#### These tests are attempts to ignore the female experience and difference

Davis 8 (Karen D. Davis, Defence Research and Development Canada/CORA, October 2008, “Gender Neutrality and Sexual Difference: Limits to Cultural Intelligence in the Canadian Forces,” http://www.cso.nato.int/pubs/rdp.asp?RDP=RTO-MP-HFM-158 //nimo)

In many military situations, gender neutral, gender free, or gender blind approaches are often effective as well as necessary in demonstrating that all members of a military team are equally important to the team as well as sharing the load in an equitable manner. However, this approach is frequently adopted to ensure that servicemen are not frustrated by unwarranted attention to their female counterparts, and to assist women in blending in or integrating into the team without undue attention. Neutral perspectives break down when assumptions are made about the extent to which the experiences and perspectives of team members are shared beyond their immediate role on the team. That is, regardless of and because of gender and sex, the experiences that men and women bring to the organization will differ depending upon an endless array of factors, including gender role expectations in their formative years, race, class, religion, ethnicity, sexual orientation, abilities, interests, etc. In addition, there are undeniable physiological differences among women and men and the various abilities that such diversity brings to the team. The challenge then is to address gender through a gender inclusive approach that abandons socially constructed assumptions about diversity (or lack of) among women and men.

#### Ignorance of sexual difference causes physical and mental annihilation of difference and of life itself

**Irigaray 94** (Luce, Belgian feminist, philosopher, linguist, psychoanalyst, sociologist and cultural theorist, “Thinking the difference: for a peaceful revolution,” pg 4-7, 1994)

What does it mean for our entire culture to be threatened with destruction? There are, of course, declared stakes connected with threats of war. According to the types of discourse whose economy is at issue here, such threats are the sole means of maintaining international equilibrium. I shall come back to this point. Huge amounts of capital are allocated to the development of death machines in order to ensure peace, we are told. This warlike method of organizing society is not self-evident. It has its origin in patriarchy. It has a sex. But the age of technology has given weapons of war a power that exceeds the conflicts and risks taken among patriarchs. Women, children, all living things, including elemental matter, are drawn into the maelstorm. And death and destruction cannot be associated solely with war. They are part of the physical and mental aggression to which we are constantly subjected. What we need is an overall cultural transformation, not just a decision about war per se. Patriarchal culture is based on sacrifice, crime and war. It is a culture that makes it men's duty or right to fight in order to feed themselves, to inhabit a place, and to defend their property. From time to time, patriarchy must make decision concerning war, but that is far from what is required to ensure a cultural transformation. Mankind [le peuple des hommes] wages war everywhere all the time with a perfectly clear conscience. Mankind is traditionally carnivorous, sometimes cannibalistic. So men must kill to eat, must increase their domination of nature in order to live or to survive, must seek on the most distant stars what no longer exists here, must defend by any means the small patch of land they are exploiting here or over there. Men always go further, exploit further, seize more, without really knowing where they are going. Men seek what they think they need without considering who they are and how their identity is defined by what they do. To overcome this ignorance, I think that mankind needs those who are persons in their own right to help them understand themselves and find their limits. Only women can play this role. Women are not genuinely responsible subjects in the patriarchal community. That is why it may be possible for them to interpret this culture in which they have less involvement and fewer interests than do men, and of which they are not themselves products to the point where they have been blinded by it. Given their relative exclusive from society, women may, from their outside perspective, reflect back a more objective image of society than can men. Moreover, in theory, women should not be in a hierarchical relationship to men. All other types of minorities potentially are. It is with a thoroughly patriarchal condescension, either unconscious or cynical, that politicians and theoreticians take an interest in them, while exploiting them, with every possible risk of the master-slave relationship being overturned. This dialectic – or absence thereof – is built into father-son relationships, and has been since the inception of patriarchy. It is doomed to failure as a means of liberation and peace because it is based on (1) lines of descent insufficiently counterbalanced by a horizontal relationship between the genders and (2) exclusively male lines of descent making any kind of dialectic between male and female ancestries and masculine and feminine genders impossible. The possibility of sex-specific cultural and political ethics is our best chance today. The world's economic and religious equilibrium is precarious. Moreover, the development of technology is subjecting our bodies to such trials that we are threatened with physical and mental annihilation, that our living conditions leave us no time to rest or think, whatever real leisure time we may have, and that we are continually overwhelmed, forgetful, distracted. Men's science is less concerned with prevention or the present than with curing. For objective reasons of accumulation of property, for reasons of the subjective economy of the male subject, it allows disorder and pollution to grow, while funding various types of curative medicine. Men's science helps destroy, then attempts to fix things up. But a body that has suffered is no longer the same. It bears the traces of physical and moral trauma, despair, desire for revenge, recurrent inertia. The entire male economy demonstrates a forgetting of life, a lack of recognition of debt to the mother, of maternal ancestry, of the women who do the work of producing and maintaining life. Tremendous vital resources are wasted for the sake of money. But what good is money if it is not used for life? Despite policies that encourage the birth rate for economic reasons, or sometimes for religious ones, destroying life seems to be as compulsory as giving life.

#### Annihilation of sexual difference comes before all impacts – aff represents a shift away from militaristic violence

Cuomo 96 (Chris J. Cuomo, “War Is Not Just an Event: Reflections on the Significance of Everyday Violence,” Hypatia, Vol. 11, No. 4, Women and Violence (Autumn, 1996), pp. 30-45, http://www.jstor.org/stable/3810390 //nimo)

In “Gender and ‘Postmodern’ War,” Robin Schott introduces some of the ways in which war is currently best seen not as an event but as a presence (Schott 1995). Schott argues that postmodem understandings of persons, states, and politics, as well as the high-tech nature of much contemporary warfare and the preponderance of civil and nationalist wars, render an event» based conception of war inadequate, especially insofar as gender is taken into account. In this essay, I will expand upon her argument by showing that accounts of war that only focus on events are impoverished in a number of ways, and therefore feminist consideration of the political, ethical, and ontological dimensions of war and the possibilities for resistance demand a much more complicated approach. I take Schott’s characterization of war as presence as a point of departure, though I am not committed to the idea that the constancy of militarism, the fact of its omnipresence in human experience, and the paucity of an event-based account of war are exclusive to contemporary postmodern or postcolonial circumstances] Theory that does not investigate or even notice the omnipresence of militarism cannot represent or address the depth and specificity of the every» day effects of militarism on women, on people living in occupied territories, on members of military institutions, and on the environment. These effects are relevant to feminists in a number of ways because military practices and institutions help construct gendered and national identity, and because they justify the destruction of natural nonhuman entities and communities during peacetime. Lack of attention to these aspects of the business of making or preventing military violence in an extremely technologized world results in theory that cannot accommodate the connections among the constant presence of militarism, declared wars, and other closely related social phenomena, such as nationalistic glorifications of motherhood, media violence, and current ideological gravitations to military solutions for social problems. Ethical approaches that do not attend to the ways in which warfare and military practices are woven into the very fabric of life in twenty-first century technological states lead to crisis»based politics and analyses. For any feminism that aims to resist oppression and create alternative social and political options, crisis»based ethics and politics are problematic because they distract attention from the need for sustained resistance to the enmeshed, omnipresent systems of domination and oppression that so often function as givens in most people’s lives. Neglecting the omnipresence of militarism allows the false belief that the absence of declared armed conflicts is peace, the polar opposite of war. It is particularly easy for those whose lives are shaped by the safety of privilege, and who do not regularly encounter the realities of militarism, to maintain this false belief The belief that militarism is an ethical, political concern only regarding armed conflict, creates forms of resistance to militarism that are merely exercises in crisis control. Antiwar resistance is then mobilized when the “real” violence finally occurs, or when the stability of privilege is directly threatened, and at that point it is difficult not to respond in ways that make resisters drop all other political priorities. Crisis-driven attention to declarations of war might actually keep resisters complacent about and complicitous in the general presence of global militarism. Seeing war as necessarily embedded in constant military presence draws attention to the fact that horrific, state-sponsored violence is happening nearly all over, all of the time, and that it is perpetrated by military institutions and other militaristic agents of the S[8[€. Moving away from crisis-driven politics and ontologies concerning war and military violence also enables consideration of relationships among seemingly disparate phenomena, and therefore can shape more nuanced theoretical and practical forms of resistance. For example, investigating the ways in which war is part of a presence allows consideration of the relationships among the events of war and the following: how militarism is a foundational trope in the social and political imagination; how the pervasive presence and symbolism of soldiers/warriors/patriots shape meanings of gender; the ways in which threats of state-sponsored violence are a sometimes invisible/sometimes bold agent of racism, nationalism, and corporate interests; the fact that vast numbers of communities, cities, and nations are currently in the midst of excruciatingly violent circumstances. lt also provides a lens for considering the relationships among the various kinds of violence that get labeled “war.” Given current American obsessions with nationalism, guns, and militias, and growing hunger for the death penalty, prisons, and a more powerful police state, one cannot underestimate the need for philosophical and political attention to connections among phenomena like the “war on drugs," the “war on crime,” and other state-funded militaristic campaigns. I propose that the constancy of militarism and its effects on social reality be reintroduced as a crucial locus of contemporary feminist attentions, and that feminists emphasize how wars are eruptions and manifestations of omnipresent militarism that is a product and tool of multiply oppressive, corporate, technocratic states? Feminists should be particularly interested in making this shift because it better allows consideration of the effects of war and militarism on women, subjugated peoples, and environments. While giving attention to the constancy of militarism in contemporary life we need not neglect the importance of addressing the specific qualities of direct, large-scale, declared military conflicts. But the dramatic nature of declared, large-scale conflicts should not obfuscate the ways in which military violence pervades most societies in increasingly technologically sophisticated ways and the significance of military institutions and everyday practices in shaping reality. Philosophical discussions that focus only on the ethics of declaring and fighting wars miss these connections, and also miss the ways in which even declared military conflicts are often experienced as omnipresent horrors. These approaches also leave unquestioned tendencies to suspend or distort moral judgement in the face of what appears to be the inevitability of war and militarism.

#### Exclusion of women constructs female subordination

Vojdik 5 Valorie K. Vojdik , Associate Professor of Law, West Virginia University College of Law. Alabama Law Review Winter, 2005 57 Ala. L. Rev. 303 ARTICLE: Beyond Stereotyping in Equal Protection Doctrine: Reframing the Exclusion of Women from Combat

By moving beyond stereotyping, the argument against judicial deference to the military's discriminatory policy becomes substantially stronger. As Judge Fletcher observed in Philips v. Perry, judicial deference to a military policy that is based upon hatred of, and prejudice toward, an excluded class of people is unjustified. n404 As Kenneth Karst has argued, the institutional opposition to women in direct ground combat is no different than the military's former policy of excluding African-Americans or homosexuals. n405 [\*348] While each involves a classificatory scheme, each enforces a status hierarchy that preserves the military for white, heterosexual males. n406

The harassment and violence toward military women illustrates the persistent hostility and denigration of female troops. By shifting the focus from gender stereotyping to the institutional practices within the military that construct warriors as male and masculine, the direct ground combat exclusion appears less like a mistake in classification and more like a fundamental means of enforcing the status of military women as second-class citizens. The military's discriminatory policy, like the use of gender-based peremptory challenges in J.E.B. v. Alabama, perpetuates the historical exclusion of women from the military and stigmatizes women as different and inferior, unworthy of the role of warrior. n407

The combat exclusion constructs and preserves a gendered system of labor that reflects and perpetuates male supremacy and female subordination. In this sense, the combat exclusion functions in the same way as the anti-miscegenation laws struck down by the Supreme Court in Loving v. Virginia. In Loving, the Supreme Court relied on its anti-subordination doctrine to strike down Virginia's anti-miscegenation law as violating the right to equal protection. n408 The Court rejected the notion of formal equality advanced by the state defendant that the law prohibited interracial marriages by both blacks and whites and therefore was racially neutral because it treated all persons equally without regard to their race. n409 Prohibitions against interracial marriage, the Court held, were part and parcel of maintaining a system of racial distinction that perpetuated the subordination of blacks under the law. n410 Like the anti-miscegenation statute in Loving, the categorical exclusion of women from direct ground combat demeans and stigmatizes women as different and inferior.

A legal challenge to the combat exclusion, as illustrated above, does not merely vindicate the goals of formal equality. The constitutional wrong is not simply that the military has mistakenly concluded that no woman is capable of engaging in combat (although the exclusion clearly reflects overly broad gender stereotypes), but that the military, through a range of institutional practices, constructs and preserves a gendered caste system. By [\*349] making the military as an institution visible, the hostility toward women as a group becomes plain to see. Rather than accept the military's gender norms, opening the doors to women in combat fundamentally challenges the myth of masculinity inside one of the most powerful institutions that continue to deny women equal citizenship status.

#### The full integration of women in the military prevents sexual assault – it is the only way to solve the cause of the problem

Haring, 13 (Army Col. Ellen Haring is on the staff of the Army War College. To stop sexual assault against women in the US military, add more women. http://www.csmonitor.com/Commentary/Opinion/2013/0624/To-stop-sexual-assault-against-women-in-the-US-military-add-more-women)

Last week, the US military services announced their plans to integrate women in combat specialties. Although it may sound counterintuitive, the full integration of women in the armed forces – in all roles, at all levels, and in far greater numbers – will do more to stop sexual assault against them than any other measure. It will help more, for instance, than creating a new cadre of lawyers (called “special victims counsels”) to assist service members who say they are victims of sexual assault – a program now underway in the Air Force. It will help more than reforming the prosecution of sexual misconduct cases so that victims do not fear reprisal from commanders – an issue the Senate Armed Services Committee has grappled with. Both of these efforts are worthwhile, but they address the effects of the scourge. They do not get to its cause, which is the hyper-masculine, male-dominant culture of the military. To do that, the military must create a far more welcoming atmosphere for women, who make up only 15 percent of the armed services. It must welcome and value them as equal partners, and it must greatly increase their numbers. As Joint Chiefs of Staff Chairman Gen. Martin Dempsey commented in January, when the Defense Department lifted the ban on women in combat, having “separate classes” of male “warriors” and everyone else creates an environment ripe for sexual assault and harassment. The more that the Pentagon “can treat people equally, the more likely they are to treat each other equally.” In May, the Pentagon said that the number of sexual assaults reported by service members increased to 2,949 last year, more than double those reported in 2004 – perhaps reflecting more willingness to report under the Pentagon’s sex-assault prevention and response program, which began in 2005. Many more incidents go unreported. According to a Pentagon survey, last year about 26,000 service members (6.1 percent of females and 1.2 percent of males) said they experienced unwanted sexual contact – which may range from rape to abusive sexual contact. And yet, we are stunned by the leadership’s continued misapprehension of how a “culture change” could happen. Too many generals seem to think the solution starts with the rank and file, when it must start at the top – with them. In a recent Washington Post commentary on the need to reform military culture, Army Maj. Gen. Robert Scales concluded that “so long as the culture of the rank and file rejects the presence of women as their professional partners, nothing will change.” Similarly, it was disturbing last week to see Maj. Gen. Bennet Sacolick, of Special Operations Command, haltingly discuss the integration of women into elite services such as the Navy SEALs and Army Rangers. Full combat integration is now required across the services by 2016, with exceptions having to be approved by the secretary of Defense. Yet Major General Sacolick was not able to commit to any integration in the elite forces. He wants first to survey the rank and file on “social implications,” and “behavioral and cultural” aspects of integration. The only reason to hold back women soldiers – whom Sacolick at one point called “young girls” – is a specific finding that they cannot do the job. Resistance from the rank and file has no place in a decision to keep an occupation or unit closed to women. It is much easier to look for external sources of a problem than to examine ourselves. Today’s military generals helped shape and lead an institution that enables sexually abusive men, that glorifies a culture of male dominance, and that has only allowed women in at the margins and in support roles. Numbering only 200,000, compared to 1.2 million men, women in the armed services face exclusionary practices by the dominant group. Those practices range from name calling, to misogynistic jokes, to more extreme behaviors such as harassment and assault. Token groups move away from this condition when they reach a “critical mass” – 33 percent of the total population, according to experts. Prof. Robin J. Ely, at the Harvard Business School, says that when women reach this level, the organization stops seeing them as women and begins to evaluate them on the basis of their capabilities. She finds that critical mass must also be achieved at the top level for its benefits to be realized – a point that the military’s top brass must understand and act on. Leadership must move swiftly to fully open up the service academies that train officers. While women outnumber men at almost all colleges and universities in the United States – as of 2011, women received 56 percent of all bachelor’s degrees – the number of women with bachelor’s degrees from the four military taxpayer-funded academies is remarkably low – because admission rates are low. Only the Coast Guard Academy breaks the “critical mass” barrier, with women accounting for 36 percent of its admissions last year. Female admissions for the other academies has changed little from the first integrated classes: 24 percent at the Naval Academy, 23 percent at the Air Force Academy, and 16 percent at the Military Academy at West Point. West Point officials have been saying that their classes must mirror the Army’s population, which is comprised of roughly 15 percent women. But this is no way to lead the necessary cultural shift. For guidance on how to make an improvement, West Point need only look at the Army ROTC program, where 21 percent of the cadets in 2011 were women. In high schools, about 45 percent of the JROTC program is female. If the military truly hopes to solve the problem of sexual assault, then the leadership must genuinely and publicly accept women as fully capable and must actively seek to increase the number of qualified women in the services. Women’s full integration in combat and greater recruitment are not problems to be solved, but an opportunity to be celebrated. Only then will the military culture change to one in which all servicemembers are valued team players.

#### Women in combat challenges gender stereotypes used to keep women subordinate

Vojdoik 5 Valorie K. Vojdik , Associate Professor of Law, West Virginia University College of Law. Alabama Law Review Winter, 2005 57 Ala. L. Rev. 303 ARTICLE: Beyond Stereotyping in Equal Protection Doctrine: Reframing the Exclusion of Women from Combat

Litigation strategies that illuminate the particular practices within social institutions that subordinate women are well-suited to enrich the courts' understanding of discrimination. A legal challenge to the continued exclusion of women from direct ground combat is one example of this strategy. While the combat exclusion can easily be challenged as improper gender stereotyping, it is better framed as an institutional practice that constructs warriors as male and masculine while demeaning women. Challenging the combat exclusion, I argue, shifts judicial attention from stereotyping to concrete practices of subordination.¶ My argument proceeds in three parts. Part I analyzes the Court's gender equality jurisprudence in Virginia and other recent decisions to examine the extent to which the Court has considered anti-subordination concerns and values within its anti-classification framework.¶ Part II addresses the question of how to enrich the Court's understanding of gender discrimination beyond stereo-typing. In this section, I draw upon sociological theories of gender that focus on the social practices within institutions that construct and reinforce gender inequality. Several legal scholars have relied upon this literature to enrich the courts' understanding of the mechanism and harm of sexual harassment in the workplace. n16 This scholarship offers a particu-larized account of sexual harassment as a means of devaluing and subordinating women in the workplace, dissolving the dichotomy between anti-classification and anti-subordination concerns.¶ In Part III, I illustrate how this approach could be used to frame a legal challenge to the exclusion of women from direct ground combat and shift the attention of courts from gender stereotyping to the institutional subordination of women in the military. The Department of Defense (DOD) continues to exclude women from direct ground combat, n17 denying women access to 15% of total available positions in the armed forces, regardless of whether or not they are qualified. n18 To justify its categorical exclusion, the [\*306] military relies on gender stereotypes: women lack the physical and emotional strength to fight and kill; their presence will impair male bonding and unit cohesion; their inte-gration will reduce "military effectiveness." n19¶ Although the direct ground combat exclusion can be easily framed as a case of impermissible stereotyping, a legal challenge should focus on the institutional practices within the military that construct warriors as male and masculine, and simultaneously denigrate women and femininity. n20 The ground combat exclusion is not merely a product of mistaken gender stereotypes; it rests upon the military's desire to define and preserve the identity of the warrior as male and masculine. n21 As General Robert H. Barrow, a former commandant of the Marine Corps, explained: "War is a man's work. . . . When you get right down to it, you have to protect the manliness of war." n22¶ A legal challenge to the direct ground combat exclusion does not merely vindicate formal equality or anti-classification principles. By looking closely at the practices inside the military as an institution, the exclusion of women from direct ground combat can be seen as a means of subordination rather than a classificatory error. Like the military's now-discredited policy of racial segregation, the exclusion rationalizes the inequality and subordination of women -- not only in the military, but within American society as well. This type of analysis of institutional practices that denigrate and subordinate women can be used to enrich judicial understanding of gender discrimination as not merely an error in classification, but also as part of a system of subordination that reflects hostility toward treating women as equals.

#### Plan key to women promotion in the military

Reed, 99 (Brian J. Gender Integrated Basic Training: A Theoretical Analysis of the Continuing Debate. . Minerva 17.2 (Jun 30, 1999): 18. )

The history of women in the military shows their participation to be both limited and auxiliary. Although many women were recruited in World War II, their service was primarily restricted to traditional female roles and positions behind the lines that freed men for combat (DeFleur 1985). However, immediately before and after male conscription was abolished, a number of important gender barriers within the military were removed. Women entered the Reserve Officer Training Corps on civilian college campuses in 1972; the first female cadets were admitted to the service academies in 1976 (Moskos 1993). In 1978, Congress abolished the separate Women's Auxiliary Corps (WAC), and virtually all assignments except direct combat roles were opened to women. Women were still prohibited from serving in combat arms units (infantry, armor, field artillery) and in warships, bombers, and fighter planes. Combat-linked roles are the primary avenue for advancement in the military. Accordingly, limiting women's participation in these roles restricts their chances to move ahead. In the wake of the Gulf War, the combat exclusion policy came under increased political pressure for reevaluation. Congress lifted the ban on women in combat planes, and women are now eligible to fly all types of combat aircraft, both fixed-and rotary-wing (Moskos 1993). Further policy changes have allowed the assignment of women to maneuver (in particular, infantry and armor) brigade headquarters.

#### Combat experience is specifically necessary to attach to resumes for promotion

Mac Donald 13 (Heather Mac Donald, January 25, 2013, National Review Online, “Women and 'Appropriate' Combat Standards,” http://www.manhattan-institute.org/html/miarticle.htm?id=8880#.Umv7y5TwKb8 //nimo)

Equally irrelevant are the stories of individual acts of heroism by women pilots, photographers, or MPs. Without question, women can act with bravery, foresight, and tactical intelligence. The issue is their effect on maximal combat capacity when introduced wholesale into combat units. The overwhelming reason advanced for the lifting of the combat ban is to improve women’s chances of promotion within the Pentagon, by giving them the opportunity to show combat duty on their resume. That is a feminist rationale. No one has advanced the argument that all-male fighting forces have been handicapped in their war-making abilities over the millennia because they did not include women in their ranks.

#### The positions women hold in the military affects the perception of their role in broader society – only ending combat exclusion solves

Reed, 99 (Brian J. Gender Integrated Basic Training: A Theoretical Analysis of the Continuing Debate. . Minerva 17.2 (Jun 30, 1999): 18. )

In the military, social definition pertains to the structural ways in women are permitted to serve only in certain jobs and units. As a result, the perception is created that women are part of a special protected subclass who are exempt from direct combat roles and, therefore, are not sharing the same risks as men (Devilbiss 1985). However, as the military opens up more jobs for women in nontraditional roles, the effect of women's social visibility in these jobs and the social impact of their performance (determined by how well they do) become more critical in shaping military ideology. In a previously all-male environment, a woman's social visibility is very high. The introduction of women into the male-dominated "fraternity" of fighter pilots provides a good example. The social impact of gender consciousness is related to the social visibility women experience in this environment (Devilbiss 1985). The presence of women in this setting is seen as abnormal and therefore stands out. Gender becomes important not only because of its high social visibility, but also because it is seen as a challenge or reinforcement to existing beliefs.

#### Failure to engage gender discrimination ensures a terminally dysfunctional social order. The end result is extinction

Warren and Cady, 96

(Karen Warren and Duane Cady, Professors at Macalester and Hamline, Bringing peace home: feminism, violence, and nature, 1996, p. 12-13)

Operationalized, the evidence of patriarchy as a dysfunctional system is found in the behaviors to which it gives rise, (c) the unmanageability, (d) which results. For example, in the United States, current estimates are that one out of every three or four women will be raped by someone she knows; globally, rape, sexual harassment, spouse-beating, and sado-massochistic pornography are examples of behaviors practiced, sanctioned, or tolerated within patriarchy. In the realm of environmentally destructive behaviors, strip-mining, factory farming, and pollution of the air, water, and soil are instances of behaviors maintained and sanctioned within patriarchy. They, too, rest on the faulty beliefs that it is okay to “rape the earth,” that it is “man’s God-given right” to have dominion (that is domination) over the earth, that nature has only instrumental value that environmental destruction is the acceptable price we pay for “progress.” And the presumption of warism, that war is a natural, righteous, and ordinary way to impose dominion on a people or nation, goes hand in hand with patriarchy and leads to dysfunctional behaviors of nations and ultimately to international unmanageability. Much of the current “unmanageability” of contemporary life in patriarchal societies, (d) is then viewed as a consequence of a patriarchal preoccupation with activities, events, and experiences that reflect historically male-gender-identified beliefs, values, attitudes, and assumptions. Included among these real-life consequences are precisely those concerns with nuclear proliferation, war, and environmental destruction, and violence towards women, which many feminists see as the logical outgrowth of patriarchal thinking. In fact, it is often only through observing these dysfunctional behaviors—the symptoms of dysfunctionality—that one can truly see that and how patriarchy serves to maintain and perpetuate them. When patriarchy is understood as a dysfunctional system, this “unmanageability” can be seen for what it is—as a predictable and thus logical consequence of patriarchy. The theme that global environmental crises, war, and violence generally are predictable and logical consequences of sexism and patriarchal culture is pervasive in ecofeminist literature. Ecofeminist Charlene Spretnak, for instance, argues that “a militarism and warfare are continual features of a patriarchal society because they reflect and instill patriarchal values and fulfill needs of such a system. Acknowledging the context of patriarchal conceptualizations that feed militarism is a first step toward reducing their impact and preserving life on Earth.” Stated in terms of the foregoing model of patriarchy as a dysfunctional social system, the claims by Spretnak and other feminists take on a clearer meaning: Patriarchal conceptual frameworks legitimate impaired thinking (about women, national and regional conflict, the environment) which is manifested in behaviors which, if continued, will make life on earth difficult, if not impossible. It is a stark message, but it is plausible. Its plausibility lies in understanding the conceptual roots of various woman-nature-peace connections in regional, national, and global contexts.

#### Don’t evaluate high magnitude low probability impacts – a low probability means no probability.

Rescher 83

Rescher. Prof of Philosophy @ Pitt, 1983, [Nicholas, Risk, pg. 36-37]

In real-life deliberations, in the law (especially in the context of negligence) and indeed throughout the setting of our practical affairs, it is necessary to distinguish between real and unreal (or "merely theoretical") possibilities. Once the probability of an eventuation gets to be small enough, the event at issue may be seen as no longer a real possibility (theoretically possible though it may be). Such an event is something we can simply write off as being "outside the range of appropriate concern," something we can dismiss for "all practical purposes." As one writer on insurance puts it: "[Pjeople... refuse to worry about losses whose probability is below some threshold. Probabilities below the threshold are treated as though thev were zero." No doubt, events of such possibility can happen in some sense of the term, but this "can" functions somewhat figuratively - it is no longer something that presents a realistic prospect. To be sure, this recourse to effective zerohood does not represent a strictly objective, ontological circumstance. It reflects a matter of choice or decision, namely the practical step of treating certain theoretically extant possibilities as unreal - as not woth bothering about, as meriting being set at zero, as being literally negligible.

## Solvency

#### Congressional action key – solves integration

Duhart 12 Olympia Duhart, Professor of Law, Nova Southeastern University, Shepard Broad Law Center Cardozo Journal of Law & Gender 2012 18 Cardozo J.L. & Gender 327 ARTICLE: PTSD AND WOMEN WARRIORS: CAUSES, CONTROLS AND A CONGRESSIONAL CURE

The "combat exclusion" policies have led to controversy regarding their application even within the military. n200 By announcing a new policy that expressly forbids the military from making assignments based on gender, Congress can improve the status of women in the military in several ways. First, Congress can eliminate the confusion regarding assignment policies and practices for women in the military. Women will serve openly, be recognized for their service and stand in line to receive the benefits--professionally and psychologically--of serving in combat. It will also help both VA and private sector doctors screen women more readily for PTSD. Second, lifting the combat exclusion policies will bring the government's official policy in line with what is already happening on the ground. Though combat is a contributor to PTSD, a change in policy does not actually alter the combat exposure risk to women in the military. However, as noted previously, it will legitimize the combat duty many already undertake. n201 Such legitimacy will promote full integration for women in the military and improve unit cohesion, the absence of which has been linked to PTSD. Finally, as also mentioned, lifting the combat ban can offer women the chance to be recognized fully for their [\*351] commitments, dismantling the pattern of marginalization that has been entrenched for so many years in military poli-cies. While lifting the combat ban in all branches of the military offers the greatest hope for full integration for women in the military, the concept of women in combat has reactivated several opponents to the change in policy.

#### Plan challenges patriarchy at its most fundamental level

Skaine,94 (Rosemarie, Activist, Author. Gender Issues of Americans in Combat, 140-141)

Family roles remain at the heart of the controversy over whether women should serve in combat. One military man told me that a woman can serve in combat but she cannot be the primary shooter. Part of the reason some men believe this “primary shooter” mentality is that for whatever reason, religious, macho, or acculturation, the end result is the same. Women are mothers, and therefore, according to Linda Grant De Pauw, the prospect of women at war is faced by some with unease. In an interview, De Pauw was even more blunt in contradicting the conventional wisdom: Women and children are killed in vastly greater numbers as civilians than are soliders in war. But society accepts that because it does not contradict the image of women as victims… The horror of women in body bags in not a horror of a dead woman. It’s a that the woman was a warrior, that she is not a victim. American culture does not want to accept that women can be both warriors and mothers, but conjures for itself an ultimate horror – the murdering mother. To accept women as warriors means a challenge to patriarchy at its most fundamental level. Mady Segal points out that cultures sometimes see the mothering role as being diametrically opposed to the warrior role because giving life in childbirth is the opposite of taking a life in a war. Segal says that the more movement that occurs away from traditional family norms, especially from the nuclear family, the greater the representation of women in the military. “this does not mean,” she says, “the demise of family values.” Structural support such as a parental leaves or community-supported child care can be provided. Women will have more opportunity in the military as society supports diverse family forms. Francine D’Amico agrees that “War has been perceived as men’s domain, a masculine endeavor for which women may serve as victims, spectator or prize. Women are denied agency, made present but silenced.” The antifeminists, however, believe that the woman-warrior image destroys the family and fab- ric of our society and decreases military readiness. They believe the genders are “naturally” diflerent. D’Amico thinks, however, that women’s participation in the Gulf War did not challenge traditional gender roles and constraints. She reminds her readers of the “many unidentified women who were among the ‘collateral damage’ of the precision bombing and Iraqi occupation.”

#### Including more women in combat independently transforms the international system.

Statchowistch, 12 (Saskia, Prof@ University of Bristol,Military gender integration and foreign policy in the United States: A feminist international relations perspective Security Dialogue August 2012 vol. 43 no. 4 305-321.)

This analysis highlights the multiple ways in which military gender issues and foreign policy interact. At the policy level, there is often an explicit link between foreign policy doctrines, military reforms and gender policies. This concerns the inner-military gender order as well as the role of global gender equality as a goal in international politics. Negotiations on gender issues are thus frequently a crucial element in power struggles between military and political elites over the course of foreign policy. At the discursive level, foreign policy concepts and debates utilize gendered terminologies and images, as different groups of political and military actors argue for or against a particular course. Gender-based inclusions and exclusions in military institutions are thus linked to the gendering of foreign policy discourses. Consequently, foreign policy debates are to be read as contributions to gender debates and vice versa. Analysis of the time period between 1990 and 2011 shows that foreign policy concepts that emphasize multilateralism, diplomacy, human rights and peacekeeping were tied to the most comprehensive gender equality and integration measures. Clinton’s first term serves as an example for a time period when recruitment conditions, domestic politics and foreign policy concepts all favoured integration and equality in the services was significantly advanced. His second term, which introduced a more risk-averse isolationism, was characterized by stagnation in military gender matters. Integration was under constant attack by the Republican majority in Congress, military commanders, think-tanks and the media. Discourses on the ‘feminization’ of the armed forces and foreign policy successfully challenged the administration by associating some of its strategies – cooperation, compromise and ‘soft skills’ – with femininity. In the context of this mounting conservative pressure, the administration largely abandoned gender equality in the military as a political goal. In the context of the expansionist, unilateral and threat-based foreign policy of George W. Bush, the far right was able to gain considerable influence in domestic and international gender matters. At the same time, the military implementation of Bush’s global vision depended on women’s military participation and the integrated military represented an important asset in the war narrative of ‘liberating Muslim women’. Foreign policy doctrines emphasized the superiority of US values and the necessity to impose them on other societies, even by preventive military interventions. In the context of this doctrine, gender equality served as a symbol of the USA’s moral superiority and at the same time women’s military participation was dissociated from equality and civil rights issues. Under these conditions, the favourable recruitment environment did not translate into more equality for women in the services and some impediments to women’s status were even introduced. But, despite frequent demands by conservative interest groups, integration was not reversed. Foreign policy imperatives thus ultimately triumphed over the conservative, anti-feminist agenda in domestic politics. The Obama administration has redefined the objectives of US foreign policy. In this context, gender equality was reframed as a security issue in its own right rather than a justification for the use of military force. The empowerment of women became a concrete objective, pursued by concrete foreign and domestic measures. Initiatives since Obama’s inauguration suggest that this emphasis on gender equality in the global context is also paralleled by measures to enhance the rights and status of women and sexual minorities in the armed forces. New approaches in the peacebuilding process have also led to a revaluation of female service members in the war zone. However, trends towards the privatization of military tasks and power gains for the far right within the Republican Party could countervail these trends towards more equality. Foreign policy concepts and practice are inherently gendered, make use of gendered discourses and ideologies, and mirror the gendered assumptions that an administration holds on the international order, the nation’s role within it, sources of conflict, and acceptable and efficient ways to solve them. As such, foreign policy not only reflects but also influences gender relations at home and abroad. By defining what US global power means and how it is to be pursued, it identifies the function of the armed forces and the role that women are supposed to play within them. While personnel shortages account for increased female participation in the military, foreign policy rationales and the relevance of military force within them have made a difference to women’s concrete status and function in the armed forces. While war has generally led to more integration, women’s participation differed according to how a specific intervention was conceptualized and in what foreign policy concepts it was embedded. Women’s status and gender equality in the armed forces are thus not only an outcome of recruitment conditions or domestic power relations, but also linked to a nation’s position in the global order and its interpretations of that position. Military gender relations are closely connected to the gendered notions of national identity constructed in and through foreign policy. Feminist international relations enables this broader understanding of military gender integration as interrelated with both the gendered dynamics of global politics and domestic power relations. It advocates engagement with the connections between gendered discourses, social power relations, and women’s status in national and international institutions. This study contributes to understanding how women’s equality and gender-specific inclusions and exclusions at the state level are interrelated with the gendered structures and discourses of international politics. As the analysis shows, gender-critical inquiry into state institutions helps account for state behaviour in the global arena. Vice versa, examining the gendered dynamics in international politics contributes to the understanding of inner-state gender relations. The study also highlights some of the processes through which both are connected: the inclusion/exclusion of gender issues in/from foreign policy doctrines, the gendering of foreign policy discourses, and the instrumentalization of gender equality as a justification for foreign intervention. Through scrutiny of these different levels of interaction, comparative research on the relationship between national and international gender regimes can be conducted beyond the study period and the US case.

#### Statutory action is key to shift the military culture and allow individuals to collect damages

Stoddard 97Thomas B. Stoddard, attorney and adjunct professor at the New York University School of Law

New York University Law Review November, 1997 72 N.Y.U.L. Rev. 967 ESSAY: BLEEDING HEART: REFLECTIONS ON USING THE LAW TO MAKE SOCIAL CHANGE

D. Enforcing Change¶ The fourth prerequisite for legal change that accomplishes "culture-shifting" as well as "rule-shifting" is overall and continuous enforcement of the new rule by the government. Rules that are not enforced, particularly if they are dramatic or controversial, will simply be disregarded by all or part of the public.¶ I use the word "enforcement" in its broadest possible sense. "Enforcement" to me is not simply the imposition of penalties, civil or criminal. It is also the systematic notification - or lack of notification - of the new rule, and the provision of civil remedies to aggrieved individuals. Effective enforcement of a new law ought to incorporate mechanisms to promote public awareness and adherence as well as provide appropriate punishment; "culture-shifting" may be impossible without multiple systems of enforcement.¶ Consider again the New York City Clean Indoor Air Act of 1988. The drafters of the Act recognized that their ordinance would never accomplish its purpose without the dissemination throughout New York City of the news of the new law, and some opportunity for ordinary New Yorkers to understand its precise provisions. The ordinance therefore incorporated a range of methods of enforcement, some punitive and some merely instructive or informative; it provided for penalties and for a special "administrative tribunal" to consider alleged violations, but it did much more, in recognition of the reality that penalties by themselves do not assure compliance. The ordinance required each employer with more than fifteen workers to adopt and "make known" a written smoking policy implementing the new ordinance, a policy that was then to be posted in a prominent place and distributed within three weeks to all employees. It directed the "prominent" and "conspicuous" posting of "no smoking" signs in public places where smoking was now prohibited. And it instructed the city's department of health to engage in a "continuing program" of public education on the new law and, more broadly, on the dangers of smoking generally, and also to report back to the City Council within twelve months on the effectiveness of the new law.¶ These nontraditional methods of enforcement made more likely the "culture-shifting" impact of the New York City Clean Indoor Air Act. The Act became more than a set of new rules, obeyed on most occasions by well mannered citizens but ignored at other times by the ignorant or recalcitrant. The Act not only established a new standard **[\*987]** of conduct for New Yorkers, it also put in place mechanisms to make the change genuine as well as universal.¶ "Culture-shifting" cannot come about without enforcement - enforcement that is multifaceted, realistic, and continuous. Enforcement does not ensure "culture-shifting," of course, but it greatly enhances the likelihood.

#### Political action is key to feminist actualization – discourse and epistemology are insufficient

Zerilli 8 Linda Zerilli, professor of political science @ University of Chicago, 2008, Judith Butler’s Precarious Politics, ed. Terrell Carver and Samuel A. Chambers, p.43-44.

Castoriadis’s account of radical imagination and Wittgenstein’s critique of rule-following are valuable resources for developing a freedom-centred feminism that would take leave of the false security of epistemology and venture out into the world of action, where we simply cannot know what we do, at least not in the ways required by a means-end conception of politics. Such feminism would be based on the faculty of presentation (imagination) and the creation of figures of the newly thinkable rather than the faculty of concepts (understanding) and the ability to subsume particulars under rules. Most important, such feminism would emerge as a historically situated and collective exercise of freedom, an exercise through which we change the conditions under which things are given to us; alter, that is, the relationship of the necessary and the contingent. ¶ This alteration neither involves nor requires attaining an external standpoint from which everything might seem non-necessary, contingent. Rather, it rests on the factical character of human freedom, the capacity to wrest something new from an objective state of affairs without being compelled to do so by a norm or rule. Changes in the meaning of gender, in other words, emerge not through the skeptical insight that gender as such is contingent and can therefore be changed (for example, we have the theory, now we can act), but through the projection of word like women into a new context, where it is taken up by others in ways we can neither predict nor control. It is this act, and not any intrinsic stability (realism) or instability (deconstruction) in language itself, which has the potential power to change every political, worldly constellation. ¶ As important as it is to dismantle the political pretensions of epistemology that have a way of creeping back into our thinking after the linguistic turn, then, a freedom-centered feminism needs more than that. It needs also to affirm the transformative character of human practice in the absence of any external guarantees. To yield the armour of epistemology to the uncertainties of action, Arendt might say, is to find oneself face to face with the abyss of freedom. There is no objectively correct way of acting politically – say, speaking in the name of women any more than there is of following a rule. There are no ‘rules laid out to infinity,’ no ‘line in space’ and no theory that could trace it, which, if only we would follow them, lead from the oppression of the past to the liberation of the present and into the freedom of the future. Terms of political discourse like women are not fixed by something that transcends their use in actual contexts, as the gender realist would have it, but neither are they intrinsically uncertain by virtue of the ever-present possibility of failure that supposedly inheres in language as the very condition of language itself, as Butler suggests. Rather, they are created as meaningful (or not) in and through political action – that is, what we hold, we say*.* This insight suggests a less speculative and skeptical approach to feminist politics and a rather different way of thinking about claims to women as an irreducible element in such a politics. A freedom-centred feminism, after all, is concerned not with knowing (that there are women) as such, but with doing – with world-building, beginning anew.

Military service is the KEY marker of civic membership – exclusion of women from this process structures the entire civic identity of the nation around gendered identity

Novkov, 8 (Julie Novkov, Chair, Department of Political Science, University at Albany, SUNY, Sacrifice and Civic Membership: Who Earns Rights, and When?, Maryland/Georgetown Discussion Group on Constitutionalism, University of Maryland School of Law, March 7-8, 2008, http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1097&context=schmooze\_papers)

Holmes was tapping into an important dynamic that has operated through the span of American history – the dynamic link between military service and sacrifice and citizenship. In light of the US’s current engagement in warfare, many scholars have turned to re-examine this dynamic, thinking through the significance of an all-volunteer military and the nature of the National Guard’s citizen-soldiers (see, in particular, Feldman 2008). This focus on citizenship and its meaning has been productive in advancing our theorizing on the factors that contribute to state actors’ and individuals’ attributions of citizenship in times of war. But at the same time, civil libertarians have cautioned about the tendency of the government to restrict rights during wartime. Focusing on abuses in Guantanamo Bay, domestic surveillance, and the creeping use of torture by the US military and other individuals acting through or for the United States, academics and lawyers have raised consciousness about the erosion of rights and ethical and humane standards of conduct in this war, but by extension in wartime generally. This extension encompasses the severe limits on freedom of speech and expression cropping up at various points when the US was involved in wars, but particularly during and after the Civil War and World Wars I and II, and also highlights the restrictions on due process pursued by Lincoln during the Civil War. Historical institutionalist scholars, however, have noted an interesting anomaly. While generally scholars correctly perceive wartime as a time of rights curtailment, in the wake of at least some military conflicts, people of color have seen advances in their rights and in their access to full citizenship. Mary Dudziak presented a comprehensive historical argument for her claim that African Americans saw significant gains in their access to rights because of their crucial rhetorical and political situation in the Cold War ideological struggles (Dudziak 2000). Daniel Kryder has built off of that argument, showing that the political and military imperatives of building up the United States’ arsenal and securing reelection led Roosevelt to embrace racial reform during World War II (Kryder 2001). Philip Klinkner and Rogers Smith have argued that African Americans have generally gained rights in the context of their civic participation as key contributors in moments of crisis in the United States, identifying the advances of Reconstruction and of the post World War II era as the primary examples (Klinkner and Smith 1999). And Mark Graber has developed this insight further in a piece arguing explicitly that wars have generally provided opportunities for extending equality rights to racial minorities (Graber 2006). While these scholars disagree on the precise mechanism and the causal chains that have led to the expansion and extension of rights to people of color during wartime, they agree that some relationship exists. They also agree that, whether the relationship between service and sacrifice in times of crisis and the granting of rights is based in ethics, political pragmatism, or power relations, it is the service and sacrifice that set the dynamic into motion. In a sense, they argue Holmes’ position in reverse: rather than citizenship’s receiving its highest and noblest expression through military service and sacrifice, serving as a crucial component in a time of military crisis provides the groundwork for extending the scope of citizenship. Reading race into the discussions of civic membership thus provides a useful opportunity to reexamine the common belief that national crises generally produce curtailments in civil liberties and rights. But how far does this revision extend? In particular, what happens if gender is read into the analysis? Cynthia Enloe (2001) has argued that masculinity, particularly as expressed through military ideology, is related to civic membership. Carl Stychin (1998) likewise articulates a vision of ideal citizenship that strongly privileges heterosexual and masculine service to the state through the military, drawing connections between this ideal and the American military’s intermittent efforts to frame homosexuals as security threats. And Gretchen Ritter has highlighted how, despite women’s expanded opportunities in the workplace during the military mobilization of World War II, women generally experienced constrictions of their social and civic capacities to act as public members of the state in the wake of the war (Ritter 2006). This paper considers two moments that scholars generally agree featured advances for African Americans’ citizenship – the end of the Civil War and Reconstruction, and World War II and its immediate aftermath – and reads these moments through lenses of race and gender. I consider the conjunction of acknowledged sacrifices and contributions to the state, the rights advances achieved, and the gendered and racialized conceptions of citizen service emerging out of both post-war periods. This conjunction suggests that the kind of citizenship that people of color gained during and after wartime crises depended upon gendered and racialized hierarchies that valued the masculine service of soldiering by African American men but provided no parallel framework for valuing feminine service – because the path of producing and rearing children for the state was closed to women of color as a form of valued and desired civic service. Both in the Civil War and post-Civil War period and in the World War II and post-WWII period, the expansion of citizenship rights to incorporate African Americans took place at the intersection of race and gender through their connection to civic service.