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Sex Trafficking in Southeast Asia

How Neo-liberalism has Bolstered the Global Sex Trade

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The phenomenon of globalization has perforated the borders of nations worldwide, influencing and altering the current state of international relations. Economic relations between developed and developing countries have been cemented into the universal adoption of neoliberal capitalist ideology as the foundation for the future of international economic development.[1] Neoliberal policies are instituted on the idea that for the expansion and maturity of social and economic international relations to occur, countries must prioritize capital gaining endeavours and detract from large social welfare investments.[2] Over time, neoliberal globalization has buttressed exploitative and inequitable relationships between nations and has made the gap between the rich and poor expand.[3] Together, the canonization of profitable endeavours and the devaluation of socio-economic factors have made economically vulnerable individuals, such as women in struggling economies, left completely exposed to the inequalities of the market.[4] The subsidization of social services continually dwindles under neoliberal globalization, deconstructing the provisory shelter women have from the constraints of global capitalist patriarchy and the male biases of market competition and individualism. Developing regions have been forced to offer cheap, exploitable and disposable labour and goods as a means to remain economically viable in the world market today. It is in this transformation that women have been coerced to become a nation's more profitable product. The topic of discussion that illustrates this concept is the contemporary sex trafficking trade in Southeast Asia.

This paper will adhere to the following thesis: neo-liberalism is the driving ideological force that preserves and supports the underground sex trafficking industry in the region of Southeast Asia. The sex market commercializes females through the acts of buying, trading, and selling their bodies as a sexual resource. Neoliberal ideology will be defined as a mode of thinking that prescribes to four key tenets that directly bolster the sex market in Southeast Asia. These four tenets are: the promotion of globalisation, the liberalisation of cross-border transactions, the increase of capital flow, and a focus on private enterprise.

In this essay, women's engagement in the sex market within Southeast Asia will be regarded as human trafficking and not an opportunity for female empowerment. Two divergent views on this topic are: 1) that females only become involved in the sex market because they are enslaved in the "double binds of patriarchal subordination and capitalistic exploitation, which deprives them of other income earning options"[5] and 2) that women have the rational ability and right to chose sexual labour as employment.[6] Although both perspectives have strengths and weaknesses, only the first argument is applicable to Southeast Asia. This perspective has been chosen because of the cultural, social, political and economic disadvantages women face under the patriarchal and patrilineal structure present in this region.[7] In general, women within Southeast Asia have limited abilities to become economically independent and successful because of the entrenchment of male supremacy within their culture.[8] It is specious to argue that women in Southeast Asia are able to rationally and independently choose to be trafficked into prostitution because the inherent culture of systematised female oppression would not allow a woman the freedom to make such a decision for herself. It is the pressure of neo-liberalism that demands for women to become profiteering within the daily antagonism of capitalism, causing females in Southeast Asia to be more vulnerable to trafficking. These women have neither chosen the lifestyle of a sex slave nor have they ever condoned it. It is

either through physical force, a decision by the extended family, or through the desperate need to survive that women would choose to be trafficked into the sex industry.

Sex trafficking is the illegal movement of people across borders by which trafficked victims are coerced into sexual slavery.[9] Although men, women, and children are all targeted for sex slavery, women are more predominantly persecuted by traffickers.[10] Women are targeted when they are seen to be vulnerable, isolated, or desperate, such as in regions where they are discriminated against and marginalized on a cultural, political, or economic level.[11] Under these circumstances, the disadvantages and vulnerabilities females experience contribute to their susceptibility to victimization. When women are trafficked into the sex industry they are coerced, abused, abducted, or financially bonded into the system.[12] Many of these women are either convinced or forced to leave their native region with the false promise of reliable and safe employment abroad.[13] However, not all women who are trafficked necessarily leave their country or city. A victim does not have to change their territorial location in order for their forced labouring in the sex market to be considered trafficking.[14] After entering the sex industry, women are commonly exploited, drugged, abused, isolated, impoverished, or denied basic rights by their purveyors and customers as a means to permanently entrap them within the sex market.[15] Many of these women cannot escape after being trafficked because they are systematically denied money, domicile, and skills that would allow them to be self sufficient.[16] The injury inflicted on trafficked women while in the sex trade is detrimental to their present and future physical, sexual, social, and mental well-being.[17] The harmful effects of sex trafficking are pervasive and affect the individual's wellbeing on an ongoing basis.

Every year approximately 2.5 million people are trafficked for the purpose of forced labour around the globe.[18] Of this sum, 800,000 of these individuals are trafficked across national borders,

while the rest remain trafficked within their native country.[19] Of the 2.5 million people trafficked each year, 80 per cent of those individuals are females who have been relocated into the sex trade.[20] With an annual profit of $32 billion dollars, sex trafficking is now the third largest and most profitable organization in the world today.[21] One of the most prevailing sex trade industries exists in Southeast Asia.

Southeast Asia, particularly Malaysia, Thailand and the Philippines currently has one of the largest sex trafficking industries worldwide.[22] Although the exact number of women who have been trafficked in and out of Southeast Aria is unknown due to the underground nature of the sex market, the economic records of these three countries suggest that the sex trade "accounts for 2-14 percent"[23] of each country's Gross Domestic Product (GDP) per annum. Despite sex slavery being illegal, the sex market has become industrialized to the point where it now constitutes a significant portion of Malaysia's, the Philippines', and Thailand's per capita income that these countries have become reluctant to relinquish the profit this industry provides.[24] Moreover, all three countries have been given warnings by the international community for their benign neglect of human trafficking.[25]

In the 2009 US Department of State's *Trafficking in Persons Report,* countries were rated based on their compliance with the Trafficking Victim's Protection Act (TVPA) minimum standards.[26] Tier one countries were in full compliance with the Act, while Thailand and the Philippines were rated as tier two countries (not fully compliant but making efforts to bring themselves to compliance with TVPA), and Malaysia was rated tier three (not compliant and making no efforts to do so).[27] All three nations have uncontrolled and burgeoning sex trade industries that need to be addressed with appropriate international penalties imposed for non-compliance with TVPA.

Neo-liberalism as a global ideology has much to account for with respect to the sex trade industry. It can be argued that neoliberal policies have laid the foundation for the exploitation of economically disadvantaged individuals and women in particular. Neo-liberalism can be described as a market driven ideology that seeks to transfer economic activity and wealth from the public sector to the private.[28] The principles of trade and free markets are seen as the "engine of growth"[29] in capitalist societies and therefore the free movement of resources across borders is promoted. This process is known as globalisation.[30] As a result of globalisation, economically stable countries exploit less developed countries for their cheaper labour and goods. Neo-liberalism offers a "distorted view of reality, how people are living and their agential capacity to improve their lives."[31] Neo-liberalism does not offer the political and economic freedoms promised but rather imprisons poorer countries into "hierarchical relationship[s] that [exist] between the developing countries and dependent countries and between men and women."[32] For example, women from developing countries will often agree to being trafficked abroad with the hopes of opportunity, because the alternative of labour in their home country is unbearable or nonexistent.[33] In recent years, since national policies have adopted neo-liberalism, "social inequality among and between countries [has] risen"[34], increasing the void between the rich and the poor. The 2005 *United Nations World Situation Report* exemplified this. It reported that under globalisation, the "wealthiest 20% of the planet accounted for 86% of all private consumption while the poorest accounted for just above 1%."[35] In addition, this inequality was exacerbated when the world income of developing countries dropped from 2.3% to 1.4%, while the richest countries income grew from 20% to 70% in a mere 30 years.[36] It is clear that neoliberal development efforts have been a driving force in creating an economic environment where human trafficking can flourish.

One example of how neo-liberalism fosters sex trafficking is through the deregulation of borders. The ability for traffickers to

mobilize women to and from destinations is facilitated by border deregulation.[37] The International Labour Organization recently noted that increasing numbers of Filipino women are being immigrated as prostitutes since borders have become more open.[38] As a result, the selling and purchasing of women as a sexual commodity has become "borderless."[39] Ultimately, the process of trafficking women has become a more efficient, fluid, and seamless process since borders have become unfettered. It seems clear that social concerns for women are not a neoliberal priority as long as the sex industry continues to produce substantial profits.[40] In Thailand for example, the consequence of neoliberal development efforts that began in 1981 to improve foreign trade resulted in skyrocketing numbers of women being trafficked through the Thai sex trade.[41] Attempts to improve Thailand's trade deficit with Japan resulted in deep cuts into the social safety net, reallocating resources to economic development and further marginalising the poor, particularly women.[42] Thai women became more susceptible to trafficking and many migrated to Japan to work as sex labourers.[43] Over the years, Thai women have become one of Thailand's most valuable commodities, often being deemed the nation's "new gold."[44]

A second example of how neo-liberalism bolsters sex trafficking is its focus on shifting capital through the privatization of industry. The privatization of business may increase profit, but does so at the expense of security of employment and the maintenance of a viable standard of living. As public enterprises are replaced by private enterprises in Southeast Asia, high levels of unemployment for both men and women have resulted in reduced standards of living, fostering a climate of worker exploitation, forced labour, and sex trade trafficking.[45] The majority of forced labourers are inevitably female since they are the first to lose the ability to access either profitable employment or public social services. Following the 1997 Asian financial crisis, women were the first to be fired from their jobs and have since then continued to have difficulties acquiring employment.[46] Women's participation

in the economic sphere was "deemed economically irrelevant"[47], leaving many women jobless, broke, and desperate for any financial option. As a result, it is no surprise that many women in Southeast Asia were sold by their families or convinced to become sexual labourers.

The socioeconomic status of women in Southeast Asia has never been equal to men. Neo-liberalism only strengthens this gender inequality and as a result, strengthens sex slavery. Historically, women in Southeast Asia have been unable to access capital, property, higher education, and well-paying jobs equal to that of their male counterparts.[48] With neoliberal attempts to privatise education, healthcare, and industry, women only become more detached from the ability to access these resources. The neoliberal transition from collective care to individual care further disadvantages women in an already established patriarchal society.[49] For instance, through a neoliberal economic lens, women become economically extraneous because they have no education or abilities to produce income outside the home. As a result, once a female's role within the household becomes unnecessary, she may be seen as a financial burden to the family and may consequently be sold into the sex trade as a means of offloading the problem. As many as 35% of daughters in economically desperate families may be sold into the sex trade in Thailand and Vietnam.[50] Selling a daughter into the sex trade is seen as an opportunity for the daughter to become employed, an otherwise hopeless endeavour for women in an era of high unemployment and privatization.[51] In turn, women may lose more desirable public sector jobs to men and be left with only low paying, less secure private sector employment.[52] Not only does this exacerbate the gender public-private dichotomy, but it also makes women more vulnerable to becoming trafficked with their limited ability to become financially independent. In recent years, international efforts to address human trafficking and impede illegal cross border transactions, of humans have not been successful.

Introductions of small-scale programs such as awareness campaigns on human trafficking, local education about the reality of human trafficking worldwide, and job training for those in desperate communities, have been important grassroots attempts to prevent human trafficking.[53] However, educating an impoverished community about the harms of human trafficking will be quickly forgotten when families don't have access to basic necessities such as food and water. As the article "Sex Trafficking: Inside the Business of Modern Slavery" explains, when "the need for migration is too great and limited resources [are available]"[54], poverty stricken individuals will see the opportunity for labour abroad as hopeful. In juxtaposition to these current solutions, long term programs to combat poverty need to be introduced. Unlike short-term programs that leave victims vulnerable, permanent facilities offer consistent rehabilitation and the ability to regain confidence and skills to avoid re-victimization.[55] These key elements can help ensure that victims return to a safe and healthy lifestyle. Also, economically stable countries need to recognize the disadvantages of neoliberal globalization within developing countries. With this recognition, future solutions to combat their exploitation can to be established.[56]

Secondly, the implementation of increased border security and indictment of traffickers has also had little impact in solving the illegal transfer of people across borders.[57] These have been unsuccessful attempts for a variety of reasons. It is inherently difficult for guards to successfully patrol a country's border, especially with a "lack of multilateral cooperation."[58] In addition, internal security problems arise from corruption within the policing system where border guards are bribed, threatened, or blackmailed by crime organizations[59]. Furthermore, prosecution of traffickers has been ineffective because trafficking is such an enigmatic and mobile practice that recruiters and traffickers are seldom caught.[60] If suspects are caught trafficking and put on trial, there is often a "corruption in a judiciary [in addition to a] lack of witness protection."[61] This dearth of judicial agreement results in many

hung juries and minimal prosecutions. Therefore, it is necessary to stop focusing on convicting the perpetrator of human trafficking and rather focus on targeting the consumer.[62] For example, there are 5.1 million individuals who travel to Thailand each year to buy sex from males and females, yet very few are ever tried.[63] By prosecuting the consumer rather than the retailer, profits would diminish and sex markets would plummet to a "profit-compromising level."[64]

To address the issue of sex trafficking not only in Southeast Asia, but internationally, major changes need to be made on a universal and communal basis. With a cooperative approach amongst nations, long-term initiatives can be facilitated to address the illegal flow of humans across borders as a resource for the sex market. It is vital that countries become aware of the relationship between neoliberal policies and human trafficking in order to recognize how it systematically aids the process of trafficking. Networking amongst countries has been successful in the past and therefore should continue to be practiced in the future. An example of cooperation between states was the "large-scale, cross-national and cross-agency arrest and rescue mission"[65] that occurred in 2003. With the purpose of seeking out "traffickers and their victims at over 20,000 sites"[66], this rescue mission successfully identified "831 traffickers and 696 trafficking victims."[67] If more rescue missions are funded by the international community and Non Governmental Organization (NGO) programs, this united effort could create long-term change. Targeting both the brothels and the communities systematically and enforcing international sanctions against those countries not complying with the TVPA, would encourage governments within the offending countries to become more vigilant in addressing this important issue.

Neo-liberalism has come to fuel the sex trafficking market in Southeast Asia. The globalization of capitalist ideology that has led to the deregulation of borders, the privatization of industry, and the focus on profit has cemented the occupancy of the global sex trade.

In the developing region of Southeast Asia, women have become a commodity that fuels the engine of capitalist greed. Often with very few options, economically disadvantaged women are forced or deceived to become sex labourers, unknowingly becoming a modern day slave within the international business of sex trafficking. The neoliberal subsidization of social services has left women in Southeast Asia completely vulnerable to victimization, providing little or no ability to escape from the confines of cultural and patriarchal inequalities that entrap women as subservient citizens. As a result, regions such as Southeast Asia have been increasingly tenanting a place for the industry of female sex trafficking to strengthen and grow. As human trafficking is becoming a predominant global issue for both developed and developing countries, international efforts have failed to implement successful intervention. A reason that successful solutions have not yet been realized is that there is a conflicting Neoliberal agenda promoted by many states .[68] This agenda supports global free trade and denies changes that are profit compromising to the capital.[69] In order to address the issue of human trafficking effectively, changes need to be made on an international and communal basis. First, instead of short-term programs and temporary shelters for victims of human trafficking, long-term initiatives need to create permanent programs within afflicted communities.[70] Second, prosecution efforts need to redirect their focus from the trader to the buyer to affect the revenue being gained by the market, making the business unprofitable.[71] Third, NGOs and international efforts need to be combined to produce lasting change. This includes more NGOs focusing their time in underdeveloped communities prone to trafficking, as well as the need for the international community to organize successful rescue missions to liberate trafficked victims and prosecute both traffickers and consumers.[72] Without these efforts, regions such as Southeast Asia will continue to be exploited and the underground business of human trafficking will persist. If universal responses to human trafficking continue to be ineffective, the corruption of the sex market will swell and the 21st century will be remembered as the era of modern female slavery.

Notes

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The Myth of Jessica Lynch:
Gender, Ethnicity, and Neo-imperialism in the War on Terror

Alannah James

The rescue mission to free Pfc. Jessica Lynch from her captivity in an Iraqi hospital in March 2003 enthralled the American public. This small-town, 19-year-old blonde was captured by Iraqis only after she put up a fierce fight, sustaining multiple bullet wounds, resisting capture until she ran out of bullets, and witnessing the death of her comrades. She was taken to a military hospital, where she was purportedly tortured and eventually rescued in a daring feat of American military bravado. For her bravery and determination, Lynch became at once America's sweetheart, its hero, and a household name.[1] A *New York Times* article from a month after her rescue features a quotation from her neighbour Mr. Nelson: "She was smart and gentle, a good country girl," he said. "I think the reason she survived through this is that she is a true angel."[2]

As time went on, however, the story of this "true angel" was revealed to be quite different from initial media portrayals. The dramatization of her search and rescue, plus the original tale of her capture, suited the American military and the administration at the time because it bolstered public resolve and support for the war in Iraq. As Nicolas D. Kristof wrote in an op-ed piece for *The New York Times* later that year, "facts were subordinated to politics, and truth was treated as an endlessly stretchable fabric."[3] This fabric is just one part of the tapestry of truths surrounding the "War on Terror." I will analyze this tapestry in order to pull apart the threads of the narrative.

The Lynch case demonstrates two (of many) ongoing political processes: the tendency to characterize women in the

military (and indeed, in society more broadly) as "gentle" and "angelic," and therefore incapable of violence; and the ability of the media and government to manipulate identity and "truth" to suit their own purposes. An analysis of the intersection of gender and war reveals many important and under-examined points. The US-led War on Terror has transformed the traditional concept of war as military combat between two states. This particular war is carried out with a few key interests in mind: neo-imperialism, and the preservation of American hegemony globally, and especially in the Middle East. The events of 9/11 were the catalyst for more aggressive American nationalist military expansion overseas. In order to justify the wars in Iraq and Afghanistan, the administration under George W. Bush, along with mainstream media, manipulated categories of gender, ethnicity, and imperialism. I will argue that these politicized categories are problematic for women because they give strength and power to certain actors and values while weakening or excluding others.

The scope of my analysis will focus the production and maintenance of the narrative of the War on Terror – not on the "real" intentions or goals of the American administration or military. Instead, I will narrow the scope of my analysis to the evolving construction of the narrative in the United States (US) in the years 2001-2003. The War on Terror relied upon (I) hegemonic masculinity and the prototype of the hyper-masculine American soldier, (II) the maintenance and projection of "White" America, and (III) a modern-day civilizing mission of "female liberation" in Iraq. All three of these conceptualizations impact women negatively domestically and internationally, as they neglect a multiplicity of intersecting genders, ethnicities, and class, leading to inequalities both within and among societies. My case study will feature the saga of Jessica Lynch and her cohorts Shoshana Johnson and Lori Piestewa in order to demonstrate the process of policing gender and racial norms. First, however, I will address the more extensive ongoing nexus involving gender and war.

An analysis of the American military is crucial for men and women globally. The continuing narrative of the War on Terror reveals the complex construction of "truths" – about masculinity, femininity, ethnicity, and class (to name a few). These constructions represent, and reinforce, international relations and society as a whole. In turn, social, economic, and political events provide the context within which stories operate. Lynch is just one case among a plethora of problematic fabrications within the global security narrative. In this instance, women and the feminine are symbols used in the manipulations of facts – be it in their portrayal as victims, as soldiers, or as the exotic Other. This process reflects global politics as a whole, which privileges the masculine, and all norms associated with it, over the feminine. Charlotte Hooper calls these divides "gendered dichotomies," and believes they lead to the devaluation of the feminine, creating a "residual 'other.'"[4]

It becomes even more problematic when these gendered dichotomies intersect with militarism. The hyper-masculine institution of the military serves to reinforce patriarchal systems in society as a whole, further bolstering this (false) gender binary that privileges the masculine over the feminine. As Carol Cohn writes, "gender ideology is used in the service of militarization."[5] The parallel circumstances of the US presence in Iraq, and the presence of women in the military, address a larger historical legacy: "The immediate aftermath of the September 11 attacks [were] a transformative period during which issues of gender were especially salient."[6] War allowed female soldiers like Lynch, Johnson, and Piestewa to escape the traditional locus of the feminine, the private sphere, and assume a role in the public sphere. War permitted them to temporarily inhabit "male roles."

Although "women in the military pose a direct challenge to entrenched gendered norms and structures of power,"[7] the case of Jessica Lynch demonstrates how this challenge is weakened or subverted by the deliberate and unintended actions of those in

power, be they the president, bureaucrats in the administration, the military, or mass media. Lynch and other women in the military challenge the status quo because they call into question conventional conceptions of womanhood. Essentialist conceptualizations of women portray them as submissive, sensitive, emotional, foolish, nonviolent, and weak beings, which are contrasted with those of men as aggressive, strong, rational, intellectual, violent, and combative actors.

This reinforces traditional conceptions of the state as a patriarchal, heteronormative entity responsible for the protection of women. Women are represented by the roles of mother, sister, and wife, and by extension, as the vassal for the state itself through reproduction; they are never valuable in and of themselves. The presence of women in the military destabilizes these gendered norms by placing women in control of their own lives and in traditionally "male" positions of power. The Lynch case is an example of the efforts by those in power to undermine or remove this power by manipulating the female identity and role, both domestically and internationally.

Individual actors stood to gain from Lynch's story (and it was, after all, a very good story). Once she became famous, her name became profitable. She was the focus of films, interviews, dramatized documentaries, newspaper articles, magazine covers, and books. This intense media focus served to reinforce the American military industrial complex that has come to be inextricably linked with the media system itself.[8] Vron Ware is even more explicit, claiming that the media employs "psychological methods of manipulating information. ...The military, the government and the corporate media are committed to a postmodern infowar waged by means of lies, news management, propaganda, spin, distortion, omission, slant and gullibility."[9] Contemporary interconnected technologies such as social media and the internet allow for the instant (re)production of news. Lynch, and all of the propaganda associated with her, can reach

millions of people in a matter of seconds. In this way, the manipulation of information has repercussions for people not just in the US, but also all over the world.

At the centre of this media firestorm sits Jessica Lynch. This sensationalized parable offered the American public not only a tale of rescue and redemption, but also a reassuring maintenance of the gender status quo. Lynch, as a woman in the military, challenges the traditional conception of the military as a bastion of masculinity. However, ultimately, she was just a young girl who had to be rescued (by men) when the going got tough. As time wore on, and more facts were revealed about her case, she came to represent much more than that. She was used as justification for the war in Iraq in particular, and the War on Terror more broadly. Her innocence was juxtaposed with the "evil" of the enemy. Lynch was someone the American public could unequivocally get behind – she was everyone's daughter, sister, or neighbour. "She became at once a cause for the war, a justification for the war, and the human face of the war. The war was no longer a story of the USA conquering Iraq," but rather, one of good versus evil.[10] Lynch provided a pretty face to cover up the nasty and brutish side of war.

Jessica Lynch exists as a person in the "real world," but becomes *Private Jessica* within the fictional narrative of her life. She is both an object and a symbol, denied agency in the manipulation of her identity to serve normative and disciplinary functions. She was categorized as a victim in the media through descriptions of her small size, her youth, her status as a non-combat officer, and the injuries she sustained during the ambush. The media reiterated that she could not take care of herself, and thus had to be rescued by "true" (male) soldiers. This image was compounded by the lack of her voice in the media immediately following her capture and rescue. By denying her a voice, the military and the media denied her agency, while simultaneously crafting a "hero narrative" around her.[11] Military officials said that she suffered from amnesia, that she could not talk, and that she was

still recovering. This allowed a story to be constructed around, but not including her. Her unavailability meant she was not able to contradict the "official" story,[12] allowing for the dissemination and duplication of questionable facts.

In addition, the circumstances of her rescue reaffirmed her status as a woman first, and a soldier second. The two identities could not coexist: she could not be both a strong soldier and a strong woman. "As with most binaries, the value of the first term is dependent upon the devaluation of the second."[13] As a result, a story was constructed around Jessica as a "feminized … victimized, white … body in need of protecting and saving. Her body could then become the terrain upon which to (re)enact American sovereign desires."[14] The portrayal of Lynch as a woman first and a soldier second is important because it allowed for the manipulation of her female identity in ways that her status as a soldier could not be. She could not possess both identities because she could not be characterized as a victim within both. As a soldier she could temporarily inhabit a man's world, but she could never be a part of it as a woman. This reinforces the concept of gender as a performance. Lynch was vehemently pushed back into the "correct" performance of her femininity in order to not upset the delicate gender balance (and binary).

The story of Lynch may be contrasted with the portrayal (or lack thereof) of Shoshana Johnson and Lori Piestewa in the media. Johnson, an African-American soldier taken prisoner at the same time as Lynch, and Piestewa, a Hopi Indian soldier killed in the same attack, were not subject to the intense media attention Lynch was. Why? As Sjoberg puts it, they did not have the right "face" to represent this new breed of female soldier and to serve as a "heroine for a new militarized femininity."[15] While Johnson received a bit of media attention, Piestewa was completely neglected in national media. Lynch was selected to ascend to the level of myth because of her perceived suitability to represent America, as it needed to be in the face of war. "Her race, age, and

background identify her with the American heartland and connote … maximum vulnerability"[16] in ways that neither of the other two women do. The process of "naming" Lynch is tied to the stereotypical and established role of women as "mothers of the nation" responsible for the preservation of national moral and cultural mores. This monolithic portrayal of the female neglects the intersection of race and class. In this conception, "White" America is seen as the only America, when in reality the country comprises a multitude of identities and nationalities.

In the minds of the mass media, Johnson and Piestewa simply did not represent the true face of America, nor the true preservers of national identity. Though the Native American community and her home state of Arizona recognized Piestewa's courage, her story was overshadowed by the search for, and eventual rescue of, Lynch. "Piestewa and Johnson (and perhaps other women) could not be made into the ideal, militarized woman – so their stories were marginalized."[17] Their race and their status (Johnson was a single mother of two) made them unsuitable for the symbolic, mythical nature of representation a nation at war required. As a result, neither of their stories was acknowledged by the mass media.

Indeed, the negligence of Johnson's tale reaffirms the complex nature of American racialized politics. Johnson was unfit as the referent object in the War on Terror because she represents the already problematic Black identity. She could not be sexualized, nor could she be portrayed as an "angel." Her body had already been marked as illegitimate – she already was the racialized Other. As a Black woman, she represented America's uneasy segregated past. She was compared to Lynch and labelled "the Other woman, the Other POW, the black single mother, the Other racialized body not even worth saving."[18] And so, her story was neglected.

As the ideal female soldier, Lynch became the yardstick by which all other female soldiers were measured. They could not help but be labeled inadequate as representing wholesome American heroism. Indeed, to this day, it is nearly impossible to find scholarship on Lori Piestewa. At least Johnson, in an acknowledgement of her bravery, received some media attention. But she is woefully under-represented. Sjolander and Trevenen analyzed six major US newspapers from April 2003 to August 2005 for mention of Lynch. She was referenced in 888 articles. Johnson, in a mere 126.[19] Johnson and Piestewa lacked the supposed purity necessary to represent America and so they could not be the all American soldiers necessary to win hearts and minds domestically. The state needed someone to be contrast with the Arab or Muslim enemy Other, and it had to be someone with certain qualities. Race was a critical marker of identity to be employed as a political weapon. And, as I will argue, the projection of all Americanism was critical to a process of Othering in order to justify the War on Terror.

The US relies on the preservation of a cohesive and solitary "all American" identity in order to maintain their hegemonic and neo-imperial mandate. J. Ann Tickner describes the US as an "empire" – "not in terms of the formal acquisition of territory, but in terms of economic and political control."[20] The American state's overwhelming military and economic might allows them to expand and diffuse neoliberal capitalism and Western democracy, all under the guise of liberating states. This form of neo-imperialism allows the US to pursue empire building, but relies on a carefully constructed process of Othering and Orientalism. Race was used to form politicized categories of identification: America and "the West," opposed to Islam and the Middle East. "In the Lynch narrative, the white angelic hero/victim stands in contrast to the dark uncivilized Iraqi villains."[21] The US projected a superior vision of bringing "democracy," "human rights," and "women's rights" to a supposedly backwards and barbaric society. In the

battle of "us" versus "the other," America and its values reign supreme.

The American identity is bolstered by stories like Lynch's, and the maintenance and replication of treasured values like "democracy." These values justify the occupation of Muslim and Arab nations.

> U.S. Orientalism has legitimated imperial interventions overseas that, unlike older European forms of colonialism, often rest on covert interventions, indirect control, and a discourse of benevolent empire that masks the internal exclusion and violence against native peoples, African Americans, and others.[22]

Contemporary war is characterized not by direct military acquisition, but by more subtle forms of control that disguise the politics of gender and race at play.

In addition, when viewed through a feminist and gendered lens, it is not only the "West" and "Western" women that are seen as needing defending against the threatening male Other, but Muslim women as well. Paternalism is not limited to the domestic realm; it is present in the language of war, in the touting of prototypical American values, and in the imposition of "liberation" internationally. After all, "the civilizing role of Western imperialism [is] in undermining 'Islamic fascism.' Nothing was more symbolic of Islamic tyranny than the plight of Muslim women."[23] This mission to free women could justify the violation of many nations' sovereignty in the interests of the greater good. The Bush administration in particular held up the "liberation" of Afghan and Iraqi women as one of the primary motivations for the war.[24]

Thus, the US was recast as the protector of femininity and as the brave hero rushing in to save the day. And with this, gender was brought to the fore in the War on Terror. By conventional wisdom, men are the typical soldier, and thus, the enemy combatants. Women and children, however, have always been the victims. The War of Terror was no exception: "In the 'clash of civilizations' rhetoric as it appears in the United States, women's oppression is a marker of an inferior society."[25] Thus, just as Lynch was deployed to represent a value worth defending, so too was Arab and Muslim femininity. The politics of invasion were gendered and racialized. The justifications for the war were inherently more complex than they appeared on the surface.

As Maleiha Malik writes, Muslim women's bodies have always been used as "a battleground for European and US imperialism."[26] Lynch's body was manipulated in the same way that Malik describes. Gender intersects with themes of imperialism to facilitate the process of victimization. Muslim women exist merely as victims of a barbaric Other, denied independence and agency, and are relegated to representing their religion, nation, ethnicity, or race. "The case for new forms of imperialist aggression can be made more readily if the evil posed by the enemy is linked to their oppression of women."[27] The irony of the US trumpeting this mandate lies in its hypocrisy. How can the American government justify an attack on another country's sexist policies when equality is seriously lacking at home? Put simply, the public needed a cause to get behind. The mission to save Afghan women from the Taliban regime, or Iraqi women from the repressive policies of Saddam Hussein, was much easier to justify than blatant neo-imperialism.

Another theme emerges to complicate the picture: "The war on terror has been conducted through an extensive exchange of women, albeit primarily at a symbolic level."[28] This symbolic exchange of women represents their absence as independent agents in the war. Muslim women are pawns on an international political

chessboard just as Lynch is on a domestic one. "They are invoked, but never present. The women on whose behalf this war is being waged are not *our* women, but rather *other* women."[29] Yet again, women represent the nation state, the bearers of nationality, and the victims in need of defending. Muslim women are denied a place in the highly politicized category of "hard" politics, and yet, are portrayed as innocent and as deserving of rescue. This presents problems not only for Arab women, but for American women as well. Militarizing women may seem emancipatory on the surface, but just as female soldiers cannot be both *woman* and *soldier*, so too can a female American soldier never be truly free: "American women cannot achieve their liberation on the backs of the victims of US imperialism."[30] It is important to interrogate projects of freedom to identify whom the winners and losers are. Women are never emancipated equally.

The Lynch case is a microcosm for ongoing political processes involving women in the military, and in domestic and international spheres. The American administration and media manipulated the story about Jessica Lynch in order to serve certain actors' needs. She was portrayed as an innocent victim in need of saving by male soldiers from the barbaric, Arabic Other. Lynch was used as justification for the invasion of Iraq to cover up neo-imperialist interests on the part of the US. The military is a problematic institution for women because it privileges the masculine, and all norms associated with it, over the feminine, leading to the subjugation of women. This in turn reinforces patriarchy and sexist standards in society more generally, victimizing women at home and abroad.

Lynch and other female soldiers temporarily escaped the gender binary through their presence in the military, only to be pushed back through the calculated manipulation of their feminine identities, which served normative and disciplinary functions. Lynch was portrayed as a woman first and a soldier second – never both at once. She was also contrasted with Johnson and Piestewa

in order to preserve the image of "White" America. This in turn created and sustained the opposition of the "US" versus "them," in an ongoing process of Othering whereby the United States is compared to Iraq and Afghanistan. The War on Terror fuels neo-imperialism in the Middle East by allowing the US to engage in a paternalistic mission of "liberation" for women. Muslim women's bodies are used without their consent, just as Lynch's was manipulated to preserve certain values of innocence and victimhood. All of these points serve to reinforce the interlocking processes of power and identity construction that characterize international politics more broadly. Categories of gender, race and ethnicity intersect to form a tapestry of contested truths.

Notes

[1] Laura Sjoberg, "Agency, Militarized Femininity and Enemy Others: Observations from the War in Iraq," *International Feminist Journal of Politics* 9, no. 1 (2007): 84.

[2] Douglas Jehl and Jayson Blair, "A Nation at War: The Hometown; Rescue in Iraq and a 'Big Stir' in West Virginia," *The New York Times,* April 3, 2003, para. 24. http://www.nytimes.com/2003/04/03/us/a-nation-at-war-the-hometown-rescue-in-iraq-and-a-big- stir-in-west-virginia.html?ref=jessicalynch.

[3] Nicholas D Kristof, "Saving Private Jessica," *The New York Times,* June 20, 2003, para. 12. http://www.nytimes.com/2003/06/20/opinion/saving-private-jessica.html?src=pm.

[4] Charlotte Hooper, "Masculinities, IR, and the 'Gender Variable': A Cost-benefit Analysis for (Sympathetic) Gender Skeptics," *Review of International Studies*, 25, (1999): 476.

[5] Ibid.

[6] Kevin Coe, David Domke, Meredith Bagley, Sheryl Cunningham and Nancy Van Leuven, "Masculinity as Political Strategy: George W. Bush, the 'War on Terrorism,' and an Echoing Press," *Journal of Women, Politics & Policy*, 29, no. 1 (2007): 33.

[7] Claire Turenne Sjolander and Kathryn Trevenen, "One of the Boys? Gender Disorder in Times of Crisis," *International Feminist Journal of Politics* 12, no. 2 (2010): 159.

[8] Deepa Kumar, "War Propaganda and the (Ab)uses of Women," *Feminist Media Studies* 4, no. 3 (2004): 306.

[9] Vron Ware, "Info-war and the Politics of Feminist Curiosity," *Cultural Studies* 20, no. 6 (2006): 535.
[10] Sjoberg, "Agency, Militarized Femininity and Enemy Others," 92.
[11] Deepa Kumar, "War Propaganda and the (Ab)uses of Women," *Feminist Media Studies* 4, no. 3 (2004): 301.
[12] Kumar, "War Propaganda," 305.
[13] Stacy Takacs, "Jessica Lynch and the Regeneration of American Identity and Power Post- 9/11," *Feminist Media Studies* 5, no. 3 (2005): 298.
[14] Cristina Masters, "Femina Sacra: The 'war on/of terror,' Women and the Feminine," *Security Dialogue* 40, no. 1 (2009): 36.
[15] Sjoberg, "Agency, Militarized Femininity and Enemy Others," 86.
[16] Takacs, "Jessica Lynch," 301.
[17] Laura Sjoberg, "Agency, Militarized Femininity and Enemy Others," 87.
[18] Masters, "Femina Sacra," 37.
[19] Sjolander and Trevenen, "One of the Boys?" 171.
[20] J. Ann Tickner, "On the Frontlines or Sidelines of Knowledge and Power? Feminist Practices of Responsible Scholarship," *International Studies Review* 8, (2006): 384.
[21] Kumar, "War Propaganda," 302.
[22] Sunaina Maira, "'Good' and 'Bad' Muslim Citizens: Feminists, Terrorists, and U.S. Orientalisms," *Feminist Studies* 35, no. 3 (2009): 634.
[23] Salma Yaqoob, "Muslim Women and War on Terror," *Feminist Review* 88, (2008): 150.
[24] Sunera Thobani, "White Wars: Western Feminisms and the 'War on terror,'" *Feminist Theory* 8, no. 2 (2007): 169-170.
[25] Dana Cloud, "'To Veil the Threat of Terror': Afghan Women and the clash of civilizations in the Imagery of the U.S. War on Terrorism," *Quarterly Journal of Speech,* 90, no. 3 (2004): 289.
[26] Salma Yaqoob, "Muslim Women,"151.
[27] Ware, "Info-war," p. 528.
[28] Gargi Bhattacharyya, "Sex, Shopping and Security," *Feminist Media Studies* 11, no. 1 (2011): 15.
[29] Masters, "Feminine Sacra," 29-30.
[30] Kumar, "War Propaganda," p. 309.

Naturalism and the UN Convention on Genocide

Natalie Sands

Naturalism has informed the UN Convention on the Prevention and Punishment of the Crime of Genocide, making it both an effective and ineffective legal instrument for the prohibition of genocide. The implications of employing naturalism can be explored and challenged by analyzing the origins of and use of the Convention. This paper will use a constructivist approach, taking into consideration the legal aspects of the Convention, in order to contrast the epistemologies of these two theories. The Convention has been treated in the international law arena as a 'natural law' or a 'divine law.' Fournet explains that this is problematic because “the idea that international law knows of superior norms, no matter how compelling, sits nonetheless uncomfortably with the very essence of public international law as a law made by and for states."[1] The ascension of the law to universal jurisdiction removed the Convention from the context in which it was developed. While naturalism enabled the Convention to be universalized to more effectively bind all states, its ascension to a universal law hinged on the assumption that this model had identified the true nature of genocide, making the Convention ineffective when it came to applying the universal law to particular situations.

Naturalism

In order to discuss naturalism and its use in political analysis, a brief outline must be given as a base for the discussion. This summary is not meant to be a comprehensive overview of naturalism; it is meant to focus on a few of the important aspects that pertain to the formation and use of the Convention. Naturalism is based on an ontology stating that only one reality exists and that

this reality exists independently of our observation. Building on this way of understanding the world, the epistemology of naturalism answers questions about what constitutes knowledge of that world. Knowledge of reality is understood to be the "capacity *to represent a respective subject matter as it is, on an appropriate basis of thought and/or experience*."[2] According to naturalism, true knowledge is that which "matches up" with reality, while false knowledge is that which fails to "match up" with reality. The question of methodology then arises. One might ask how can one know which claim to truth "matches up" with reality and which does not?

Before tackling this question, it is important to understand that knowledge is not synonymous with the reality that it represents; it is only a model of reality. This distinction is quite important as the question of whether or not reality can be known has intrigued philosophers for millennia. In his critique of naturalism, Willard explains that we cannot "experience such 'truth,' [and] can never directly *find* the fit (or lack of fit) between representations and what they are of or about."[3] If the discussion begins with the ontological statement that reality can never be known, two approaches may be the taken to differentiate between truth and falsity. If knowledge is taken to be false until proven true, then all knowledge would essentially be false. However, if knowledge is taken to be true until proven false, then claims to truth can be made. This statement is not meant to imply that an endless number of claims to knowledge can be made and remain true until proven false. Rather it is intended to explain how, with proper testing, one can remove the "unnecessary clutter; to reduce the world to a simplified model of essential principles" and reveal truth.[4] Even though direct knowledge of reality may never be possible, the naturalist assumes that truth about the nature of reality can exist in carefully constructed models.

This paper will argue that the UN Convention on Genocide has relied on the naturalist assumption that truth can exist in

models. By giving the Convention the status of a 'natural' law, proponents have assumed that the Convention represents the true nature of genocide. In order to conduct this analysis, the implications of naturalism and how it has played out in the Convention and the prohibition of genocide will be explored. Proponents of naturalism would support that if reality exists independently of our observation, then true knowledge of that reality does not change over time or throughout history.[5] This implies that truth, understood as a representation of reality, can be removed from the context in which it was developed and still remain true.

Universalizing the Particular

The UN Convention on Genocide, now treated as a natural law, emerged in a very specific context. Contrary to the first implication of naturalism, it is still very much tied to this context. The Convention was developed in the wake of World War II with the purpose of preventing crimes of the nature of the Holocaust from being repeated.[6] The term "genocide" was coined by a Polish-Jewish lawyer, named Raphael Lemkin, who had lost his entire family in the Holocaust.[7] It was meant to be narrower in definition than "crimes against humanity" so that criminals perpetuating these kinds of crimes could be prosecuted and punished in a different manner. In fact, Lemkin was very open about his concern that the Nuremburg trials had not gone far enough in punishing the Nazis for the atrocities committed against Jews during peacetime. [8] This particular event influenced the convention very deeply, as Article I states that "the Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish".[9] Lemkin wanted the convention to have universal jurisdiction so that violators would be held accountable regardless of where the crime was committed or where they were caught.[10] From the naturalists point of view, Article I was added to allow the convention to represent the true unrestricted nature of genocide.

Either consciously or unconsciously, Lemkin employed the naturalist approach by removing the convention from its context so that it could be applicable across time and space. That is, by identifying the *real* nature of genocide hidden beneath everyday sensory perceptions, the Contracting Parties of the Convention were able to universalize the particular and create an international law.[11] In this way, the Convention marked an attempt to break the historical patterns of genocide that had inflicted great losses upon humanity in the past.[12] By identifying this 'natural' law, the hope was that humankind would be liberated from this historical pattern by preventing genocide in the future. However, from the constructivist point of view, the ascension of the Convention to universal jurisdiction in international law was problematic because the law was not natural; it was constructed "by states and for states" and was very much tied to the time and space in which it came into being.[13]

Despite these problematic assumptions, the Contracting Parties had to interpret the prohibition of genocide as a natural law in order to give it the universal jurisdiction that it would need to be effective. According to Allot, "natural law could, and would necessarily, apply to the lawgivers themselves to regulate their co-existence, since there was no lawgiver to impose law on the lawgivers."[14] The Convention could then be more effective in preventing genocide by modeling the law as a peremptory norm or *jus cogens* norm, which contained within it the identification of a nonderogable norm to which all states had to comply.[15] This is not the case with all international laws, as public international law is seen as a consensual order of state consent. The Convention was unique in that if it was to function as its Contracting Parties had intended it to, it had to be seen as "transcending the will and autonomy of states" in order to prevent "the exoneration of noncontracting states".[16] If the prohibition of genocide was not seen as a natural law, legally binding all states to its adherence, states engaging in genocide would simply opt out.

From the naturalist perspective, universalizing the Convention and removing it from its context was necessary to make it more effective. While this may be true, the constructivist would note that this leap of faith also made the Convention an ineffective tool for the UN to actually halt or prevent genocide. It is useful here to return to the previous explanation of 'true' knowledge as not synonymous with reality, but as a *representation* of reality. Hartman explains that problems with naturalism arise when "would-be scientists begin to take the models too seriously and to believe that they have discovered great truths about human nature."[17] If the model is understood as merely a construction of the world by a subjective observer, then treating that model as a representation of reality is simply a leap of faith. The Convention is then understood as an ineffective tool because it is a model of what genocide looked like in 1948 and cannot necessarily be applied effectively today.

Even though the Convention has universal jurisdiction over all states as a peremptory norm and a 'natural' law in theory, theory does not always translate into substance. The Convention was assumed to exist outside of and separate from state consent because it was a ‘natural’ law. Fournet states that "this assumption [that peremptory norms are ever independent from state consent] is purely and simply wrong."[18] States are still the principal actors in the international system as it is states that brought the Convention into being and it is up to states to apply it. In many instances, states have blatantly prevented the Convention from being applied by voting against UN action to intervene in cases of genocide. Totten and Bartrop argue that since the 1948 establishment of the Convention, genocide has occurred in Bangladesh, Burundi, East Timor, Indonesia, Iraq, Rwanda, Cambodia, Guatemala, the former Yugoslavia and likely many more.[19] During the Cold War, the USA and USSR repeatedly prevented the UN from intervening in many of the states in which genocide was occurring because these states had been designated as having strategic significance.[20] Furthermore, the protection of state sovereignty from the

subordination that accompanies the universal jurisdiction of peremptory norms has generally been favored by the international community. For example, even after the Cold War, when proponents of the Convention were hopeful that it would become more effective, states continued to arm other states engaged in genocide. During the 1990s, in spite of an international arms embargo, Egypt continued to sell massive shipments of weapons to the Hutus in Rwanda, thereby fueling the genocide for its own self-interest.[21] In this sense, although its effectiveness hinged on the ascension of the Convention to having universal jurisdiction over all states, many of these states continued to violate the supposedly 'natural' law.

Particularizing the Universal

The universalizing of the particular cases of genocide that had been experienced prior to 1948, giving special attention to the occurrence of genocide during WWII, led to a very narrow definition of genocide.[22] Contracting Parties and the international courts that interpreted the Convention assumed that their knowledge of genocide was objective and that it could be removed from the context in which it was created and remain true. In this way it could provide a tool for measuring and identifying genocide regardless of when or where it was occurring.[23] Problems arose when the UN was then faced with particularizing the universal law they had constructed. In an analysis of the application of the Convention, Chalk and Jonassohn found that "the wording of the Convention is so restrictive that not one of the genocidal killings committed since its adoption is covered by it."[24] For example, in 1972 when news leaked out of the genocide in Burundi in which the minority Tutsi government tried to eliminate the entire majority class of Hutus, the world did little to intervene or prevent further violence. When the waves of state violence against its own citizens began the following year, it appeared as if "all foreigners had banded together in a conspiracy of silence."[25] Totten and Bartrop have also argued that that "since its establishment in 1948, the

success rate of the United Nations in preventing genocide has been dismal."[26] While there are many factors contributing to the inaction of the International community and the UN in preventing genocide, some of the problems that the UN has faced with actually using and applying the Convention can be related back to the leap of faith made by the naturalist.

If the Convention is understood not as a representation of the reality of genocide, but as a construction of the conceptualization of genocide based on a specific historical context, then it would not hold that the Convention could be removed from its original context and applied across time and space. This narrow definition of genocide developed in 1948 could not be applied to more recent cases in which genocide was thought to have occurred, because the nature of genocide had changed. In contrast to the naturalist, the constructivist approaches history as dynamic as it is constructed by its writers. Allot explains that "there are as many pasts contained in the past as there are those who write its story."[27] This lies in stark contrast to the naturalist view of history, as a pattern that the Convention can liberate us from. Following the constructivist argument, the inaction of the international community in preventing genocide can then be attributed to the restrictive nature of the Convention tied to the historical context of 1948. For example, although Chalk and Jonassohn and other political analysts have classified the violence that erupted in 1971 surrounding the secession movement in Bangladesh as a genocide, the UN failed to do so.[28] Although ethnic groups, such as Bengalis and Hindus, were intentionally targeted by the Pakistani Government, genocide deniers continued to argue that the case did not fit the accepted definition of genocide. Excuses ranged from classifying the violence as a civil war between the government and rebels, to claiming that no mass violence actually occurred. Following this logic, the inaction of the UN in the 1972 and 1973 genocides in Burundi can also be attributed to the difficulty of "matching up" the particular case to the universal model of genocide outlined in the Convention.[29]

Conclusion

The naturalist approach to political analysis can be understood by considering how it has informed the UN Convention on Genocide. By employing a constructivist approach in this analysis, the assumptions were exposed and the epistemologies questioned. This analysis of the Convention is not intended to explain why the convention has failed. Rather, it is intended to show how naturalism has been both effective and ineffective as an approach to political analysis. While the UN has treated the Convention as a model representing the true nature of genocide, it can also be understood as a constructed term that is connected to the temporal and spatial context of its creation in 1948.[30] When one considers the Convention as a constructed term and not a 'natural' law, presenting it as a law that stands alone and above states appears problematic and unwarranted. Naturalism enabled the Convention to be universalized, having legitimate jurisdiction over all states; however, Hartman explains that while models can be useful for understanding the world and providing precision, they are only models.[31] Just as models cannot be treated as limitless and without conditions, genocide cannot be universalized without recognizing the limitations of these assumptions.

Notes

[1] Caroline Fournet, "The Universality of the Prohibition of the Crime of Genocide," *International Criminal Justice Review, 19*(2) (2009): 132 – 149, 132.

[2] Dallas Willard, "Knowledge and Naturalism," in *Naturalism: A Critical Analysis*, ed. William L. Craig & J.P. Moreland (London and New York: Routledge, 2000), 31.

[3] Willard, "Knowledge and Naturalism," 36.

[4] Jonathon Moses and Torborn L. Knutsen, *Ways of Knowing: Competing Methodologies in Social and Political Research* (New York and Hampshire: Palgrave Macmillan, 2007), 32.

[5] Ibid., 29.

[6] William A. Schabas, "Origins of the Genocide Convention: From Nuremburg to Paris," *Case Western Reserve Journal of International Law, 40*(1/2) (2008): 41.
[7] Henry T. King Jr., Benjamin B Ferencz, and Whitney R. Harris, "Origins of the Genocide Convention," *Case Western Reserve Journal of International Law, 40*(1/2) (2008): 13-14.
[8] Ibid., 14.
[9] UN General Assembly, Hundred and seventy-ninth plenary meeting, "Resolution 260 (III) Convention on the Prevention and Punishment of the Crime of Genocide," 9 December 1948, 174.
[10] King et al., "Origins of the Genocide Convention," 15.
[11] Moses and Knutsen, *Ways of* Knowing, 32; Phillip Allot, "International law and the Idea of History," *Journal of the History of International Law, 1*(1) (1999): 14.
[12] UN General Assembly, Resolution 260(III), 174.
[13] Fournet, "Universality of the Crime of Genocide," 132.
[14] Allot, "International Law," 9.
[15] Fournet, "Universality of the Crime of Genocide," 132.
[16] Ibid., 135.
[17] Edwin M. Hartman, "Virtue, Profit, and the Separation Thesis: An Aristotelian view," *Journal of Business Ethics, 99,* (2011): 5.
[18] Fournet, "Universality of the Crime of Genocide," 135.
[19] Samuel Totten and Paul R. Bartrop, "The United Nations and Genocide: Prevention, Intervention, and Prosecution," *Human Rights Review, 5*(4) (2004): 9.
[20] Ibid.
[21] Ibid., 13.
[22] Schabas, "Nuremburg to Paris," 36, 46.
[23] King et al., "Origins of the Genocide Convention," 15.
[24] Frank Chalk and Kurt Jonassohn, *The History and Sociology of Genocide: Analyses and Case Studies. (*New Haven: Yale University Press, 1990): 11.
[25] Ibid., 384-385.
[26] Totten and Bartrop, "United Nations and Genocide," 9.
[27] Allot, "International Law," 16.
[28] Chalk and Jonassohn, *The History of Genocide,* 396-397.
[29] Chalk and Jonassohn, *The History of Genocide,* 384-385; Willard, "Knowledge and Naturalism," 34.
[30] King et al., "Origins of the Genocide Convention,"14.
[31] Hartman, "Virtue, Profit and the Separation Thesis," 5; Fournet, "Universality of the Crime of Genocide," 135.