



## The question of ‘the political’ in critical geopolitics: Querying the ‘child soldier’ in the ‘war on terror’

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### A B S T R A C T

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After two decades of scholarship on ‘critical geopolitics’, the question of whether it is largely a discursive critique of prevailing knowledge production and geopolitical texts or critique with an implicit, normative politics of its own remains open. These positions are not incommensurate, and much scholarship on critical geopolitics does both. This paper analyzes critical geopoliticians’ concern with this question in the present historical moment and probes the possibility of a post-foundational ethic as the basis for ‘the political’ in critical geopolitics and beyond. Empirically, this paper explores these theoretical tensions within ‘critical geopolitics’ by tracing the disparate fates of two young men, both child soldiers at the time of their capture. ‘Child soldier’ is an unstable category subject to geopolitical valence and stigma during the ‘war on terror’. The deployment of extra-legal tactics and spaces of violence, such as those faced by detainees at Guantanamo Bay, point to the rise of biopolitics combined with geopolitics, illustrating the intersection of sovereignty and governmentality as important political fodder for critical geopolitics two decades after its inception. The stories of Canadian Omar Khadr, one of the youngest prisoners at Guantanamo and the only citizen of a Western state still held there, and Ismael Beah, a rehabilitated soldier who fought as a boy from Sierra Leone, illustrate too how geographical imagination strongly shapes access to provisions of international law and the victimized status of ‘child soldier’ in particular.

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### Introduction

Does critical geopolitics adopt explicitly normative positions to remain critical and politically relevant to the violence of war? Or are its followers more likely to rekindle efforts to destabilize dominant modes of producing geopolitical knowledge and unravel the policies and popular cultures that propagate conflict? Evidence abounds that critical geopolitics does both (Ó Tuathail cited in Jones & Sage, *in press*), but that the purely poststructuralist project of deconstructing the texts of elite political actors and popular players is theoretically incompatible with political positions that oppose violence. As scholars of the ‘critical geopolitics’ project mark twenty years of writing (see *Geopolitics special issue*, 2008), questions of how critical geopoliticians position and see themselves persist.

Simon Dalby asserts that the ‘critical’ in critical geopolitics usually refers to the problematization of discourse rather than a worked out alternative political project (Dalby, 1994; Dalby, 1996). Megoran (2008, p. 473) argues more forcefully that “critical

geopolitics can be criticised for providing a weak normative engagement with the social institutions and practices of warfare.” He asks, under what circumstance, if at all, should a state be considered ‘right’ in making war? In so doing, he exposes a long-standing tension within critical geopolitics between a pure critique of hegemonic geopolitical discourse and the politics of engagement in which scholars tacitly or directly take positions for or against military manoeuvres, social movements, and the use of violence more generally. While Megoran personally opts for “a Christian praxis of nonviolence” (2008, p. 494) and makes the case for taking a normative stance within given geopolitical scripts, this paper explores further the possibility of non-foundational notions of ‘the political’, drawing on the work of Judith Butler (2009, 2004), Geraldine Pratt (2004), and feminist geopolitics (Dowler & Sharp, 2001; Hyndman, 2004, 2001) that wrestles with the conundrum of not wanting to resuscitate a liberal humanism and with its fixed notions of ‘justice’, but also wanting to make political commitments in specific struggles. Both, I contend, are possible.

The second part of the paper employs critical geopolitics in relation to the construct of the ‘child soldier’, empirically examining the failure of states and of international legal provisions to protect some child soldiers but not others. The very constitution of

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child soldier as a subject is fraught and contingent upon certain geographical imaginations of ‘innocence’. It draws upon geographical scholarship to relay the ways in which biopolitics and ‘indefinite detention’ (Butler, 2004) have forcefully emerged as tactics of violence since the inception of the ‘war on terror’. The shift of geopolitics to extra-legal spaces such as Guantanamo Bay illustrates the emergence and intersection of sovereignty and governmentality where prisoners’ bodies become “pure vessels of violence” (Butler, 2004, p. 18) and “war, at the microlevel of the imprisoned body, means torture” (Hannah, 2006, p. 634). Tracing the disparate fates of two young men, both armed children fighting in wars at the time of their capture, I trace the geopolitical instability of the category ‘child soldier’. The story of Canadian citizen, Omar Khadr who remains at Camp Delta in Guantanamo Bay at the time of writing, illustrates how geopolitical location and imagination strongly shape access to provisions of international law and the victimized status of ‘child soldier’ in particular. In contrast, the heroic story of Ishmael Beah, rehabilitated child soldier who was ‘saved’ from war and is now an author, demonstrates how geopolitical imagination shapes the application of law, protection, and rights.

The tactics of extra-legal violence and spaces of incarceration are a reminder that critical geopolitical analysis remains relevant. Its effectiveness in reducing violence without contextually-derived political positions to push back against the biopolitics of dispossession, however, remains questionable (Butler, 2004). “Such dispossession... creates diverse spaces of exception: spaces where people can be controlled, coerced, tortured or even killed with impunity because their geographical location is imagined and administered as somehow *beyond the reach of justice*” (Sparke, 2007, p. 339, emphasis added). As Dittmer and Dodds (2008, p. 449) also ask, “[h]ow do geopolitical imaginations differ as a result of these [local, historicized] positionings?” Where does this leave the field of critical geopolitics after twenty years of scholarship?

### Two decades of critical geopolitics: to oppose, resist or deconstruct?

Critical Geopolitics is no more than a general gathering place for various critiques of the multiple geopolitical discourses and practices that characterize modernity.... It is merely a starting point for a different form of geopolitics, one hopefully burdened less by nationalism and chauvinistic universals and more committed to cosmopolitan justice and self-critical analysis – Gearoid Ó Tuathail in Jones & Sage, *in press*.

The re-militarisation of global politics clearly suggests the continued relevance of Ó Tuathail’s specification of the need for critical geopolitics to grapple with the culture that produces imperial attempts at domination in distant places – Simon Dalby, 2008, p. 413.

Critical geopolitics, as I read it, is not simply about exposing the power-knowledge relationships at the heart of geopolitical reason, and denaturalising the global order by portraying it as socially and historically constructed through an “examination of the geographical assumptions, designation, and understanding that enter into the making of world politics” and how places and people are stitched together to narrate and explain events. It is all of these, but it is more: a political project committed, as Dalby puts it, to challenging the specifications of politics and dangers used to justify violence – Nick Megoran, 2008, p. 493.

The quotations above hint at the range of divergent positions scholars of critical geopolitics take in the present historical

moment. They draw on the work of Jeff Popke (1994), John Agnew (2003), Gearoid Ó Tuathail (aka Gerard Toal) (1996a), Klaus Dodds and James Sidaway (1994), and Simon Dalby (2003). Megoran is at once frustrated by and concerned about the dearth of commentary in critical geopolitics on prospects for resistance (Sparke, 2000), its expression as disembodied critique (Sharp, 2000), and its absence of political engagement beyond such critique (Hyndman, 2004). In short, critical geopolitics can be faulted either for having weak normative engagement with the social institution and practices of warfare (Megoran, 2008) or, being a series of tactical engagements, for becoming too embroiled in the messy projects of geopolitical strategizing that require ontological commitments and norms to ‘do’ politics. And yet, as Ingram and Dodds (2009, p. 3; *emphasis added*) contend, analyses of “geographical imaginations are essential to any critique of the war on terror and emerging landscapes of security, and to the construction of alternatives.” Critique and political change are not incommensurate.

Megoran (2008) shows that much of what passes as critical geopolitics in academia is imbued with clear normative assumptions and political strategy. He traces the scholarship of Ó Tuathail/Toal on Iraq and Bosnia to ascertain when and how he make normative judgements about war. Megoran demonstrates how Ó Tuathail is very much against the US invasion and occupation of Iraq which killed swaths of civilians without legitimate grounds, both in the early 1990s and the 2000s. In contrast, the brutality of a one-sided war in Bosnia-Herzegovina leads Ó Tuathail (2004, p. 500) to argue that “Bosnia needed selfless intervention in the name of universal human rights.” The point of this analysis is to underscore the tacit political positions scholars of critical geopolitics take, even if critique of dominant geopolitical knowledge production is their central aim.

In a similar manner, Ó Tuathail’s political engagement in the Bosnian context (1996b) is taken up by Hyndman (2004) who analyzes his take on the work of Irish journalist, Maggie O’Kane, whose visceral dispatches from the frontlines of the war in Bosnia represent an implicit engagement in the politics she reports.

I propose the notion of an ‘anti-geopolitical eye’ not as a distinct alternative way of seeing Bosnia that transcends the geopolitical...[but] an eye that... persistently transgresses, unravels and exceeds the frameworks of scripting Bosnia in Western geopolitical discourse (Ó Tuathail, 1996b, p. 173).

In Ó Tuathail’s words, O’Kane’s reports are ‘direct’, ‘personal’, ‘moral’, and ‘angry’. Her reports are politically engaged in relation to her audience with whom she “establishes a moral proximity” (Ó Tuathail, 1996b, p. 175). Her dispatches are not simply seen as displacing a dominant gaze, but of engaging politics at strategic moments whereby O’Kane *becomes* part of the script that she creates. Hyndman describes this engagement as a kind of feminist geopolitics at work: embodied, situated, and politicized with a given context.

Ó Tuathail (1996b) published both his key exegesis, *Critical Geopolitics*, and the more feminist article on O’Kane’s reporting in *Gender, Place and Culture* in the same year. Megoran’s take on the *Gender, Place and Culture* chronicles the ways in which Ó Tuathail implicitly adopts a political position. The book, in contrast, provides compelling critiques of Geopolitics within a largely historical enframing. By remaining separate from any alternate epistemological ways of knowing how to ‘geo-graph’ the world or from ontological commitments to it, however, critical geopolitics remains disembodied critical critique, eschewing the political (Sharp, 2000; Sparke, 2000). However, Ó Tuathail is not a theorist alone; his own works tack carefully between theoretically-informed critique and empirically grounded research on the representation and conduct of war, a sensibility that is captured in his 1996 book:

[c]ritical geopolitics is one of many cultures of resistance to Geography as imperial truth, state-capitalized knowledge, and military weapon. It is a small part of a much larger rainbow struggle to decolonize our inherited geographical imagination so that other geo-graphings and other worlds might be possible (Ô Tuathail, 1996a, p. 256).

The 'larger rainbow struggle' has indeed expanded critical geopolitics in all directions. Projects of social and political change as well as decolonization abound under its rubric. As Megoran notes, one simply has to look for normative expressions of 'the political' to find them (see Dalby, 2003; Dodds, 2005; Dowler & Sharp, 2001 to name but a few).

Engaging politically requires adopting a value-laden, normative position that depends upon pre-given notions of the subject or the 'just war'. While Megoran (2008, p. 480) contends that "it [just war theory] does not demand a single foundational metaphysic for its ethic" because it is a set of practices and traditions, those practices and traditions are set within a historical and geopolitical context imbued with cultural assumptions and norms. In committing to counter topographies or resistance to hegemonic geopolitical imaginations, one risks recreating the grand narratives of oppositional, if not dominant, geopolitical discourse. Herein lies the rub: these are the very narratives that critical geopolitics loves to deconstruct.

Critical geopolitics began less as a theory of how space and politics intersect than a taking apart of normalized categories and narratives of geopolitics. It situates power not in the hands of a sovereign state or individual, but in more relational ways that traverse a spectrum of scales of social life (Sparke, 1998). And yet since that inception, critical geopolitics has either tacitly or directly taken political positions, and invoked normative judgements in a range of geographical contexts.

How, then, can dominant scripts of geopolitics be both displaced and re-situated in order to foreground the security of people on the ground, those subjects effaced by realist geopolitics and international relations? Many scholars of critical geopolitics noted above, and of feminist geopolitics (Dalby, 1994; Dowler & Sharp, 2001; Hyndman, 2001; Kofman, 1996; Smith, 2001), have succeeded in taking apart the taken for granted containers into which geopolitics are poured (Weber, 1994), but also in staking positions in actually existing conflicts, violence, and geopolitical imaginations that inhabit our worlds.

Matthew Sparke (1996, 2005) bridged this gap in his analysis of the ways in which a Canadian feminist organization – the National Action Committee (NAC) – contests the public/private divide of social space in the face of trade liberalization and economic restructuring. Highlighting the group's interventions into constitutional and public debates by underscoring women's experience and the material effects of such economic proposals, Sparke documents how masculinist and state-sponsored 'big picture' politics are displaced by the *counter-public* of the NAC. Sparke's analysis of the material, political, and social dimensions of gendered geopolitics go beyond a purely discursive exegesis. His approach does not simply suspend modernist assumptions about political action, but critically engages the ways in which it is waged. Such scholarship falls under the rubric of critical geopolitics, and yet it aims to 'flesh out' a "solely representational and identitarian understanding of academic critical geopolitics" (Sparke, 1996, p. 615, 2005, p. 124). This critical geopolitical analysis, combined with a pro-feminist commitment to embodied vision, provides one response to the shortcomings of critical geopolitics.

In a similar vein, more than a decade ago Paul Routledge (1996) examined social movements in South Asia to examine the ways in which they challenge state-centred notions of geopolitical

hegemony. Telling stories about places as distinct locations, comprising distinct knowledges, histories and theatres of oppositional politics, he grounded an often disembodied critical *practice* as critical *engagement*. Despite or perhaps because of its political investments, Routledge retains the possibility of resistance and action by arguing that such change is scripted in more ways than one. His tales of subversion, conflict, and change permit the players he describes to 'do something' about their situation, without subscribing to a single authoritative narrative.

Ô Tuathail's early argument that 'culture' be the focal point of a new geopolitics is important to this discussion:

a culture of geopolitics is a much sounder ontological position because it does not reify 'the economic' or 'the political' but postulates a dialectical (interconnected) relationship between the two within the historical context of particular signifying practices (cited in Dalby, 2008, p. 417).

Dittmer and Dodds (2008) add to this position, stating that audiences who consume 'culture', specifically popular expressions of it, actively *make* geopolitical meaning. They draw on Judith Butler (1990) to theorize culture as performative, as a series of societal scripts that at once reproduce cultural norms but remain open to change as people challenge and change these scripts, themselves morphed through their daily consumption and encounters (see also Megoran, 2009). Dittmer and Dodds also engage Matt Hills' (2002, p. 123) work on fan cultures in which meaning is made or conveyed through acts of media consumption. Drawing again on Butler, Hills' idea of 'non-volitional volition' approaches the concept of the subject floated in the next section, namely whether critical geopolitics might reconcile its relation to 'the political' through a post-foundational ethic. Post-foundational, in this context, means simply that the normative content of an encounter is not pre-given; such an ethic eschews the essentialism (not to mention ethnocentrism and exclusion) of a single geopolitical narrative. The next section suggests that critical geopolitics can deconstruct dominant modes of knowledge production, and resist or oppose constellations of power that are not pre-given or assumed.

#### *Toward a post-foundational ethic of encounter*

I doubt very much that non-violence can be a principle, if by "principle" we mean a strong rule that can be applied with the same confidence and in the same way to any and all situations. – Judith Butler, 2009, p. 165.

From 2000 onwards, feminist political geographers have made the case for a feminist geopolitics (Dowler & Sharp, 2001; Gilmartin & Kofman, 2004; Hyndman, 2001, 2004; Pain & Smith, 2008; Sharp, 2000) as a critical intervention into dominant geopolitical discourses of fear, statecraft, war, and violence more generally. These arguments are varied and by no means represent a singular body of work. Rather like the 'meeting place' for critique that Ô Tuathail (cited in Jones and Sage, forthcoming) describes in relation to critical geopolitics, feminist geopolitics is starting point for alternative epistemologies, more embodied subjectivities, and a post-foundational ethic of geopolitical encounter. Feminist geopolitics and critical geopolitics are allies in the battle to unsettle dominant scales of analysis and framings of geopolitics. Some have argued that feminist approaches are more reconstructive in their geographical imaginations. While they employ poststructuralist critiques that could just as easily be called critical geopolitics, feminist geopolitical analyses go further to generate more embodied ways of seeing and doing politics on the ground (Hyndman, 2004; Sharp, 2000).

Dittmer and Dodds' (2008) decision to draw on Judith Butler's 1990 notions of 'regulative ideals' to analyze audiences of pop culture is a vital, and arguably, feminist one. As noted, they contend that fan agency is conditioned by regulative ideals [norms] that are part of consumed culture, illustrating *how* to some extent popular culture is both produced and produces audiences. They do not, however, examine the fascinating transformation of Butler's intellectual and political positioning up to 2004, when her earlier attachment to performativity, and "non-volitional volition", ceases to rule out political protests of violence as a central part of her analysis. In *Precarious Life*, Butler is angry, even outraged, by the atrocities committed by humans on other humans. The invention of 'enemy combatants' and indefinite detention at Guantanamo Bay appears to have deeply affected her positioning as a scholar and political person. In *Precarious Life* (2004, p. 93), Butler argues that the exercise of sovereign power is bound up with the extra-legal status of these official acts of speech: "sovereignty trumps established law." The state can manufacture law, in the form of new military tribunals for example, even if such law is considered illegitimate by other governments or international bodies.

Avoiding the discourse of east and west, or of 'civilization', Judith Butler asks (2004, p. 20), "Who counts as human? Whose lives count as lives? And finally, what makes a grievable life?" All of these questions would have been slippery ones for the Butler of 1990 who asserted that human subjects are no more or less than the enactment of the regulative scripts that reproduce dominant social norms. In the newer work, each of us, she argues, is constituted as a political subject by virtue of the social vulnerability of our bodies. Butler could be charged with creating a new form of universal subject, or even a form of humanism, a point she acknowledges

By insisting on a 'common' corporeal vulnerability, I may seem to be positing a new basis for humanism. That might be true, but I am prone to consider this differently. A vulnerability must be perceived and recognized in order to come into play in an ethical encounter, and there is no guarantee this will happen (Butler, 2004, p. 42–43).

In short, Butler is arguing for a common humanity catalyzed by an ethical encounter, a context catalyzed by risk to the social body. The content of that encounter is not yet specified, leaving open any fixed notions of 'just war' or legitimate uses of violence.

Butler is careful not to attribute the violence and exceptionalism of places like Guantanamo to a discourse of dehumanization that produces these effects. Rather, it is a "limit to discourse that establishes the limits of human intelligibility" (Butler, 2004, p. 35).

It is not simply a matter of a simple entry of the excluded into an established ontology, but an insurrection at the level of ontology, a critical opening up of the questions, What is real? Whose lives are real? How might reality be remade? ... Does violence take place on the condition of the unreality? (Butler, 2004, p. 33)

Geographers have picked up on Butler's conception of 'human' as subject to vulnerability. All people may be rendered vulnerable to violence though scored differentially across asymmetrical power relations. Derek Gregory (2007, p. 230) puts it this way, "Our vulnerability is differentially distributed – scored by class, gender, sexuality, 'race' and other markers – but it is also shared." Megoran (2009) notes that Butler shows how a hierarchy of grief can structure the ability to mourn and people's subsequent inclusion or exclusion from the category of human. A parallel notion of shared status is elaborated by Iris Marion Young (2000) in her analysis of 'seriality', a process by which a shared fate grows out of specific historical configurations of place. A bunch of people standing at

a bus stop, she proffers, does not identify as a group until the bus fails to arrive and people begin talking to each other for information or to make alternative arrangements. In such contexts, the group, or subject, is not pre-figured, but is produced in various social encounters.

Put another way by writers commenting on the devastation of 2004 tsunami in the Indian Ocean region:

Struggles over interethnic justice, neo-liberalism, economic distribution, the disempowerment of women, caste bigotry and such have shaped the [Sri] Lankan political landscape in significant ways over the last decades... even the tsunami cannot wipe out the imprint of these fault lines (Nesiah, Nanthikesan, & Kadirgamar, 2005).

Here, the layers of political history embedded in the landscape of an already poor and wartown country score the differential impact of yet another layer of destruction: the tsunami. All of these examples, from Butler and Gregory to Young, Nesiah, Nanthikesan, and Kadirgamar, point to the possibility of commonality forged *in situ* and scored differentially across social and spatial locations.

Feminist geographers have yielded rich insights into engaging 'the political' without essentializing 'the project' (Sharp, 2007). Linda McDowell (1995) argued that 'transformation' is almost always more difficult than transgressive deconstruction of dominant binary oppositions. Without a transformative feminist politics, McDowell implies, critical geopoliticians and other post-structuralists are left with well-interrogated categories, but no clear way forward in practice.

In the opening quotation of this section, Ò Tuathail sets less chauvinistic universalisms and cosmopolitan justice as the ambitious aims of critical geopolitics. Yes, how such universalisms could be forged and what cosmopolitan justice might look like remain ill-defined. Feminist geographer, Gerry Pratt, draws on Butler's analyses, positing a site of 'the political' where poststructuralist perspectives meet material feminisms. Outlining Ernesto Laclau's call for a universalism built upon the 'empty signifier', Pratt aims to flesh out his disembodied philosophical position. Reciting Butler's slogan "Put your body on the line," Pratt (2004, p. 86) recognizes how difficult it is to speak outside of normative discourse. She argues for the necessity of standing on the line between the speakable and unspeakable "in order to make use of power and discourse in ways that 'do not renaturalise the political vernacular of the state and its status as the primary instrument of legitimating effects (Butler, 1990, p. 178)'" (Pratt, 2004, p. 86).

To anchor this free-floating, post-foundational universalism, both Butler and Pratt using the materiality of the body, not fully produced by or absorbed into discourse, to forge a space for a feminist, non-essentialist notion of 'political'. "Concrete struggles become linked, not because their objectives are the same, but because they are equivalent in their confrontation of repressive power" (Pratt, 2004, p. 84). A form of critical geopolitics emerges for protesting the violence of war through shared vulnerability. "To be able to speak and be heard as a social movement already implies being constituted within the field of the political" (2004, p. 86).

So, how might the category of 'child soldier' bring together conceptions of critical geopolitics as, on the one hand, the taking apart of dominant geopolitical narratives, and on the other, the staking of political positions within specified geopolitical struggles? In *The Spaces of Security and Insecurity*, edited by Ingram and Dodds (2009), the spatial vocabulary of political geography and international relations is interrogated as a step towards changing geographical imaginations and framings of war (Agnew, 2003). Terms like 'homeland', 'international community', 'failed/rogue state', and 'terrorist network' are often rendered as already-given and unproblematic. The same can be said of the category 'child

soldier', one imbued with a particular "crusade" character by child rights advocates (Macmillan, 2009) and UNICEF protection officers. "Child soldiers have become an amplified version of Anglophone childhood and its inherent deviance.... The coupling of child soldiers almost exclusively to an African geography lends the discourse a racial element"; "the child soldier discourse has become a new modality where colonial themes can be played out" (Macmillan, 2009, p. 37, 45). Concepts that are supposed to protect 'innocents' or be foundational to global order, such as international law in the case of child soldiers, can be manipulated or ignored in the context of geopolitical conflict (Elden, 2009).

### From legal to extra: tracing the 'child soldier' in law and practice

It is crucial to ask under what conditions some human lives cease to become eligible for basic, if not universal, human rights (Butler, 2004, p. 57)

Like Butler, Derek Gregory (2007) shows how the Bush administration is not simply waging a "war on law" but *through* law (law as a tactic). The Bush administration showed manifest disdain for domestic and international laws, but it neither dismissed nor disregarded them. This matters because it means that "law is a site of political struggle not only in its suspension *but also in its formulation, interpretation, and application*" (Gregory, 2007, p. 207; italics in original). Violence too is waged by authorities in spaces of exception despite law, as we know all too well. Violence is a central tenet of state doctrine and law: "law and violence are not opposed but hold each other in a deadly embrace" (Gregory, 2007, p. 211). Drawing on Agamben, Gregory notes that the sovereign is the point of indistinction between violence and law.

Detention facilities at Guantanamo Bay were construed as a legally constituted space of exception: "Indefinite detention" is an illegitimate exercise of power, but it is part of a broader tactic to neutralize the rule of law in the name of security. 'Indefinite detention' does not signify an exceptional circumstance, but, rather, the means by which the exception becomes established as a naturalized norm" (Butler, 2004, p. 57). As before, sovereignty trumps established law; sovereignty embraces exceptionalism (Reid-Henry, 2007). Rogue governments, like the US, can make or interpret law, in the form of military commissions and definitions of torture, even if such law is considered illegitimate and even 'illegal' by other governments or international bodies. "[T]he postwar prison becomes the continuing site of war" (Butler, 2004, p. 79), a point underscored by Gregory (2004, p. 321) in his analysis of Abu Ghraib:

It was the very gravity of the situation *outside* Abu Ghraib that was used to license the horrors *inside* Abu Ghraib: not because the prison was 'out of place', removed from the surveillant eyes of a high command preoccupied with the armed resistance beyond its perimeter, *but because the US military deliberately folded the prison into its counterinsurgency operations* (emphasis in original).

The violence perpetrated by prisoners, Butler points out, is "somehow constitutive, groundless and infinite" (cited in Hannah, 2006, p. 633). Matthew Hannah (2006) also explores the treatment, and specifically, the torture of 'terrorists' such as those held at Guantanamo Bay. To boil down a highly nuanced argument, Hannah contends that if the threat 'terrorists' pose is high, then torture becomes justified as a modality to extract life-saving information for the greater public good. Hannah's (2006, p. 636) analysis of the 'ticking time bomb' thesis shows how all means of interrogation are allowable "in order to gain access to the bodies holding life-saving

information" from prisoners in the 'war on terror'. Guantanamo detainee, Omar Khadr, is one such prisoner.

### Two boy soldiers, or one? Khadr and Beah

Before delving into the individual biographies of Omar Khadr and fellow former child soldier Ismael Beah, it worth spending a moment comparing their stories and belonging to the category 'child soldier'. The juxtaposition of Khadr and Beah may seem somewhat random, a comparison that serves my argument but describes two vastly different stories. And yet both men are Muslim by faith and boy soldiers at the time of their capture. Beah fought for a government paramilitary in Sierra Leone before he was taken from battle and rehabilitated with help from UNICEF. His book, *A Long Way Gone*, was published in 2007 to critical acclaim; Beah (2007) has toured US campuses, made speeches at Amnesty International meetings and addressed other international groups and governmental bodies. Khadr, by contrast, is a Canadian-born citizen and was a child of fifteen when was captured and charged with killing a US soldier with a grenade in a gunfight in Afghanistan. He is now twenty-three and awaits his fate as one of the remaining 'enemy combatant' detainees at Guantanamo Bay. Beah was born into an educated family in a small, rural village in Sierra Leone whereas Khadr was born into family in Toronto, Canada. The stories of the two boy soldiers, now young men, could not be more distinct, yet by juxtaposing them, one might ask whether geopolitical and neocolonial framings of 'the boy soldier' mean that Khadr, born in Toronto's 'global North' and with living parents at the time of his fighting—should have 'known better' than Beah, the boy who lost his parents and then seemingly himself to civil war in Sierra Leone. I contend that these framings are critical to understanding the disparate outcomes from similar stories of child soldiering.

How, then, is the category 'child soldier' defined in international law, and how is it tempered by geopolitical imagination? Who gets to belong to that category and access the protections it affords? The United Nations Convention of Rights of Child (CRC) was adopted in 1989 and entered into force in 1990. In Article 38, it specifies 15 as the minimum age for recruitment into a State's armed forces and calls on the States to, "take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities". Those children who are over the age of fifteen, however, but still remain under the age of eighteen are still voluntarily able to take part in combat as soldiers. To fill this gap, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict came into force in 2002. It stipulates that State Parties "shall take all feasible measures to ensure that persons below the age of 18 do not take a direct part in hostilities and that they are not compulsorily recruited into their armed forces". The Optional Protocol further obligates states to "take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices." Likewise under the Optional Protocol states are required to demobilize children within their jurisdiction who have been recruited or used in hostilities, and to provide assistance for their physical and psychological recovery and social reintegration (UNHCHR, 2009).

The Paris Principles, signed by 60 states in February 2007, create a practical basis to address the problem of children's recruitment as soldiers (Coalition to Stop the Use of Child Soldiers, 2009), and contend that child soldiers who commit crimes are victims, not criminals, among other pledges to protect children caught in such situations. The Paris principles "reflect experience and knowledge from across the globe and are intended to both foster greater programmatic coherence and support and promote good practice"

(article 1.9). They are complementary to the legal framework of the CRC and the Optional Protocol.

And yet, the very different tactics and treatments employed by authorities who manage these youth attest to and take apart the distinct geopolitical imaginations of what it means to be a 'child soldier' and the spaces in which they dwell. Lorraine Macmillan (2009, p. 37) argues that child soldiers belong to what the Anglophone world considers to be a personal, private sphere, in which they are perceived as vulnerable and under threat. "By discursively situating child soldiers in this sphere rather than the public-political one, child soldiers logically become prey to systems of social regulation such as those over the poor." In the private sphere of childhood, volition is also more likely to be attributed to environment and adults in positions of authority. As Beah writes in his book, youth workers in the rehabilitation centres told him that becoming a killer, an addict, a child soldier was not his fault.

Beah's biography is brief next to Khadr's. He has become a mentor and inspiration to college students across the US as a reformed child soldier-cum-Oberlin College graduate-cum-author. Beah's story is chronicled in his book, which was sold at Starbucks and assigned as required freshman reading at some US universities. He was twelve when he was first touched by war; his village of Mogbwemo was attacked and his parents killed in Sierra Leone. Hungry and alone, he was recruited by a government paramilitary in which he was only fed at first, but eventually he fought as a child soldier for the group, killing many people. Beah was eventually sent to a demobilization camp where he was repeatedly told that being a fighter, being violent, and killing people was 'not his fault'.

Technically, child soldiers cannot be prosecuted for the crimes they commit. Stephanie Nolen and Erin Baines (2008), however, analyze a terrible twist on child soldiering and the relation of age to guilt in their story of Dominic Ongwen. Ongwen became a senior commander in the Lord's Resistance Army (LRA), the rebel group led by Joseph Kony since 1987 in Northern Uganda until Kony fled into hiding recently. The LRA has recruited some 30,000 children into its ranks over the past two decades. Ongwen was captured by the LRA when he was ten and became a child soldier. He is now an adult leader of the rebel group, charged with the rape, torture, and killing of civilians at the International Criminal Court. Ongwen is the first person to be charged with the same war crimes that were committed against him. Legally, children cannot be prosecuted for what they do as underage soldiers, but there is no provision for child soldiers who become adults who are responsible for their crimes.

Beah travelled to the United Nations in New York during the demobilization phase to address the General Assembly on the plight of child soldiers. Eventually, he was adopted by Laura Simms, an American woman whom he met on that trip. He currently lives in New York City and works for an international NGO that works to curb the recruitment of child soldiers.

Khadr, in contrast, may have been a child soldier, but he has more powerfully been tagged 'enemy combatant' and 'terrorist', monikers that appear to carry more geopolitical valence than 'child soldier'. The most glaring evidence that Khadr is considered undeserving of even the basic protections of citizenship is that the Canadian Government (under two different political parties, and over many years) has not repatriated Khadr to the land of his birth and citizenship for trial and/or rehabilitation there. Unlike *all* other nationals of OECD countries, including Australia and Britain, Canada has not sought to bring him home to face charges, despite having the extraterritorial jurisdiction to prosecute certain criminal offences, including those related to terrorism, alleged to have taken place overseas (El Akkad, 2008a). In January 2009, on his first day in office, US President Barack

Obama pledged to close Guantanamo Bay camps within one year. Currently a minority Conservative Government, led by Prime Minister Stephen Harper, holds the seat of Government in Canada. It has refused to repatriate Khadr and try him in Canada, even though the Federal Court of Canada ruled in the spring of 2009 that the Government would have to allow him to return if the US Government sent him back. The Canadian Government has appealed this decision to the Supreme Court of Canada, resulting in a veritable battle – captured by media (see Fig. 1) – between legislative and judicial systems about the rights of a citizen accused of terrorism to return home.

Omar Khadr could be the first child to be tried for a crime of war since the Nuremberg trials and certainly the first child soldier prosecuted for war crimes in US history (Koring, 2009). He is the youngest prisoner held in extrajudicial detention by the US at Guantanamo, one of two men at the facility who were taken in to US custody as juveniles. So what makes Khadr so different from someone like Beah, whose crimes, which include killing many people during his service in the paramilitary, were arguably as heinous?

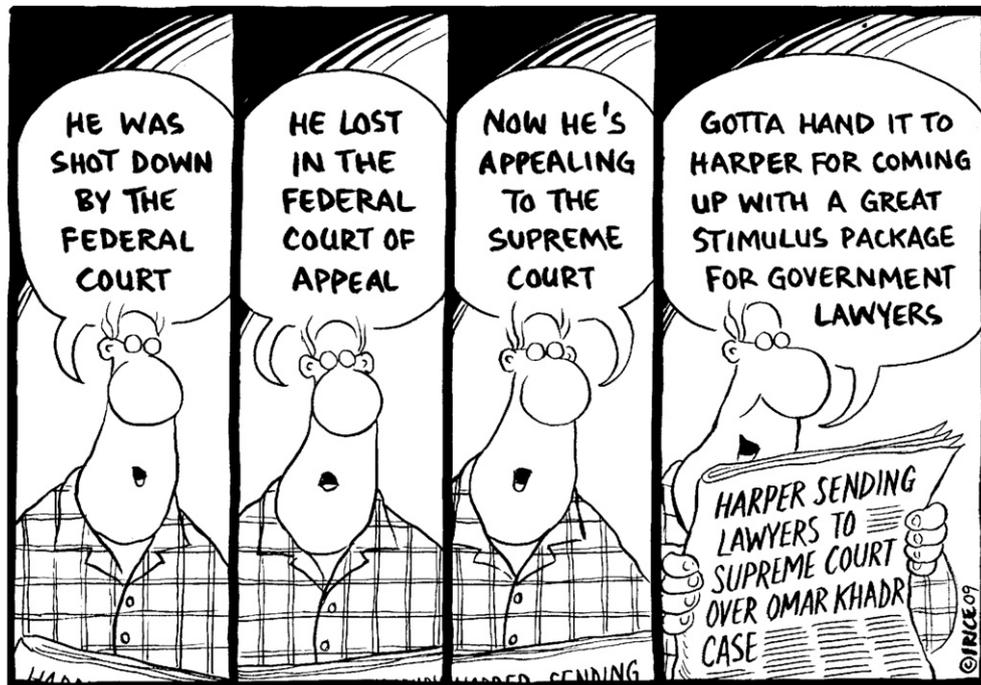
In the mid-1990s, Omar's father, Ahmed Khadr, was arrested following the bombing of the Egyptian Embassy in Pakistan; he was accused of financially aiding conspirators (Tietz, 2006). Then Canadian Prime Minister, Jean Chretien, intervened on the elder Khadr's behalf, and he was released. Only later was it revealed that the senior Khadr had close ties to Osama bin Laden's family. Critics observe that the Canadian Government was horrified by its complicity in the release of the elder Khadr in a post-9/11 context (Macklin, 2008). It has refused to hear requests for repatriation or extradition in the younger Khadr's case.

University of Toronto Law Professor, Audrey Macklin (2008) calls this reaction the "Khadr effect." Trained and coached by his father who had proven ties to Osama bin Laden, Omar Khadr has been framed not as a child or a victim but as a terrorist, like his father. Under international law, he may have been a child in technical terms when the alleged criminal acts took place, but "terrorism is a politicized term, just as terrorism is a political crime" (Coombs cited in Hannah, 2006, p. 626).

[O]ne of the problems' with defending the youth is that he is a member of the Khadr family rather than "a Smith or an Arar" (Humphreys, 2006).

Maher Arar is the Canadian engineer born in Syria and sent back there by US authorities for rendition and torture, while in transit in New York City. He was exonerated by the Canadian government after a public inquiry showed that the Royal Canadian Mounted Police (RCMP) had passed along unverified information to US authorities (Hyndman & Mountz, 2007). Arar received a settlement of over CAD 10 million from the government. He is Muslim, and like Khadr, a Canadian citizen. American authorities continue to refuse him entry to the US.

While children are defined as innocents, and as civilians in international law, Derek Gregory (2006, p. 634) reminds us that such protection is provided "on condition that they are placed outside the political process." Khadr has not followed the script of civilian, as incapable of taking part of hostilities. He has strayed from the private sphere Macmillan (2009) theorizes. His behaviour and family connections seemingly exceed the category 'civilian', and the Canadian government refuses to see him as such. Matthew Hannah (2006, p. 628) adds, "Like discipline, biopower is aimed at normalization" (Hannah, 2006, p. 628). As a child, Khadr did not acquiesce to norms of childhood nor was he 'normalized' within the context of Canadian society. Indeed his family sent him to live with another family in Pakistan so that he could be trained to fight, allegedly with the Taliban.



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Fig. 1. Canadian cartoon on government efforts to keep Khadr in US hands. Permission granted from Ingrid Rice.

Khadr is charged with 'murder' which is not technically possible in circumstances of war under international humanitarian law (a combatant belonging to a warring party is not a murderer, which is a criminal charge). If his actions were criminal, legal scholars argue that he should be subject to the laws of the land in which these are a crime (Macklin, 2008). Defying binaries, he is also called a terrorist. As Jackie Orr (2004, p. 477) notes, "[t]errorism does not only name and condemn specific acts, it also promotes a specific kind of psychological relationship.... As a boundary marker, the terrorist at once unsettles and destabilizes...." Not only a psychological but also a familial link is forged between father and son; "the Khadr effect" effectively condemns the son for the sins of the father.

At least three sets of law apply to Khadr (international, US, and Canadian because he is a citizen), so sovereigns mix and match in their modes of managing Khadr, but to date the Canadians have backed the US process and treatment of him, and only his family, the Canadian Bar Association, and human rights groups, including the American Civil Liberties Union, Amnesty International, Human Rights Watch, Human Rights First, and the Coalition to Stop the Use of Child Soldiers, have lobbied for recognition of his child soldier status in international law (Koring, 2009).

In June 2008, a Canadian House of Commons subcommittee formally recommended that he brought back to Canada, though the vote was split along party lines with the government members voting in opposition to his repatriation. Still, the subcommittee noted that "Mr. Khadr should be considered a 'child involved in armed conflict' and should be afforded special protection under international protocols" (El Akkad & Koring, 2008). Not only was this subcommittee of MPs split, but polls show that the public is divided about whether Khadr should be returned Canada. While fully two-thirds of Canadians believe Khadr will not get a fair trial at Guantanamo, only 43% think that he should be repatriated to Canada to face charges (Shephard, 2008). Omar Khadr is not framed as a child, nor as a victim of war as Beah was, in government statements or in the eyes of the Canadian public. Returning to

Butler (1990) and Hills' (2002) notion of 'non-volitional volition', Canadian popular opinion may be shaped by Khadr's refusal to adhere to the social scripts of 'child' or 'civilian'.

During the same month in 2008, the US Supreme Court ruled 5 to 4 that the US constitution gives detainees a right to challenge their detention in federal court, which means that federal judges will have the power to check the government's claims that the 270 men held are dangerous terrorists (Glaberson, 2008a; Greenhouse, 2008).

Khadr's US government-appointed navy lawyer, Lieutenant Commander William Kuebler, appeared in front of the Canadian parliament in 2008, requesting that Canada repatriate Khadr for a fair trial because he would not get one in Guantanamo in a military commission: "Lies have been told about Omar", he testified (Glaberson, 2008a). Kuebler unearthed a Guantanamo manual that encouraged interrogators to destroy their notes and thus evidence pertinent to Khadr's defense. In February 2008, he also cited a military report that said another enemy fighter was still alive in the compound when a fatal grenade killed US soldier, Sergeant Christopher Speer whom Khadr is accused of killing, back in Afghanistan in 2002.

Surprisingly, Kuebler also said that "Bush administration's war crimes system 'is designed to get criminal convictions' with 'no real evidence'" and that "military prosecutors 'launder evidence derived from torture'" (Glaberson, 2008b). In July, a secret government report was made public; it indicated that Khadr had been abused by military interrogators and not allowed to sleep for more than three hours over a three week period (Austen, 2008). Evidence of torture during his interrogation emerged. In August 2008, Kuebler launched an effort in the US to have Khadr's charges thrown out on grounds that included: the destruction of evidence, cited in the aforementioned manual; and "excessive interference" by outside agencies in the discovery process, and by the military, especially the sudden removal of a the military judge who had been [sympathetically] hearing Khadr's case to date (El Akkad, 2008a). In 2009, Kuebler was fired by his boss, Pentagon chief defence lawyer Colonel Peter Masciola (Wingrove, 2009).

On August, 8, 2008, Omar Khadr's Canadian lawyers filed a lawsuit with the Federal Court of Canada, demanding that the Prime Minister intervene and get Khadr released before his military commission trial was to begin (El Akkad, 2008b).

[Notwithstanding] its affirmative obligation to co-operate in reintegration efforts, Canada (the first country to ratify the Child Soldier Protocol and leader in international efforts to protect children involved in armed conflict) has done nothing except hide behind vague assurances that Omar is being treated 'humanely' – assurances that the Canadian government has known for years to be absolutely false (cited in El-Akkad, 2008b).

Macklin (2008) further traces how the law produces, manages, and alienates the alien (in this case Khadr, who is technically a 'non-immigrant alien' in US parlance). Her observation that all detainees at Guantanamo are not US citizens is perhaps obvious. The terms of detention there would simply not be legally tenable for American citizens; Khadr's treatment and that of the other Guantanamo detainees is exceptional.

Khadr's story loosely follows Gregory's 'death of the civilian thesis' (Gregory, 2006) in which the death of 'their' civilians is clear, but 'theirs' are not necessarily equivalent to 'ours'. Equally, Khadr is not one 'us' in the sense that he is an alien to the US, kept at Guantanamo under conditions prohibited by the US constitution. 'Our' (read: 'US') civilians could not be imprisoned there. Returning to Butler, he is not a 'real' civilian, Canadian citizen, or child. His life does not count as such.

Khadr's public image has been tweaked recently: from 'terrorist' to a "salvageable" and even "a good kid" who risks being radicalized if left imprisoned at Guantanamo (El Akkad, 2008c). This image was also boosted by the public release of Khadr's interrogation by Canadian government officials at Guantanamo, revealing an unsympathetic Canadian government interrogator.

Khadr may yet experience some modest redemption and release from Guantanamo. The new evidence revealing the presence of another fighter with Khadr casts considerable doubt on whether it was Khadr who killed Speer before being shot several times himself. Khadr's fate is an open question, but the distinct geopolitical imagination that locates him outside the category of 'child soldier' and inside Guantanamo Bay is not. While Ishmael Beah works to combat the recruitment of children into war, in between stops touring his book, Omar Khadr is treated as an exception to the protection afforded child soldiers.

## Conclusion

The fact of extra-legal power is not new, but the mechanism by which it achieves its goals under present circumstances is singular (Butler, 2004, p. 92).

The tools of critical geopolitics combined with Butler and Pratt's post-foundational feminist ethic unravel the politics of vilification and exemption from international law in the case of Omar Khadr. Speaking of Abu Ghraib in a related context, Derek Gregory makes this observation:

A space that is at once inside and outside the political-judicial order is a space where these doubled subjects can be conjured into being, paraded, and subjugated (Gregory, 2004, p. 322).

Khadr has been conjured into being as an 'enemy combatant', not a prisoner of war. These extra-legal appellations serve to show how new laws become tactics of war, and create exceptionalism in relation to international protection for child soldiers. In short, the dominant geopolitical framing of Omar Khadr is that he is not human:

If we assume that ... the violence we commit is violence that falls within the realm of the recognizable, but the violence that others commit is unrecognizable as human activity, then we make use of a limited and limiting cultural frame to understand what it is to be human (Butler, 2004, p. 89).

Critical geopolitics can avoid a humanist commitment to pre-figured subjects and normative positions by using the human body's vulnerability to violence as a basis to materialize a non-foundational ethic of encounter that engages 'the political'. Vulnerability to violence is meted out extremely unevenly, in the case of these two child soldiers. Yet an analysis of their contextually-derived stories of child soldiering to adult hero (Beah) and villain (Khadr) respectively illustrates that violence can play a role in the very constitution of the subject. Critical geopolitics can also galvanize a political commitment to contest violence in all its forms. "Geopolitics has a long and bloody history of providing arguments for war – critical geopolitics should reject the temptation to provide more, and place its capabilities and insights in the service of this exciting relatively new and under-resourced project.... It would be deeply ironic if critical geopolitics were to make the same mistake in the twenty-first" (Megoran, 2008, p. 494; Megoran, 2004). Indeed, critical geopolitics is more than a "general gathering place for various critiques of the multiple geopolitical discourses and practices" (Ò Tuathail, cited in Jones and Sage). It is a space for the production of less chauvinistic, and hopefully nonviolent universalisms that do not come with pre-given content, political values, and prescribed outcomes, but that attend to context, history, and vulnerability to violence.

If critical geopolitics is "one of many cultures of resistance to Geography as imperial truth, state-capitalized knowledge, and military weapon," (Ò Tuathail, 1996a, p. 256), then it demands engagement with 'the political' without assuming its subject and struggle. Stopping violence, including torture, rendition, and *refoulement*, perpetrated in the names of 'security' or 'terrorism', remains a battle for critical geopolitics in Geography and beyond. As Anna Secor proffers, "the only way to respond to the violence of the law, and the law of violence... is with loud bells, bright lights, and theatrical gestures that boldly reveal the state of exception for what it is – the everyday dissolution of citizenship, of right, of political life" (2007, p. 51). Critical geopolitics, as scholarship, will survive only if it at once exposes and unravels new laws and tactics of violence, and adopts contextually-derived positions against such violence.

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