

The Bio-Zoopolitics of U.S. Military Working Dog Policy in the U.S. “War on Terror”

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Abstract: This paper analyzes the differential positioning of military working dogs in U.S. military policy with particular attention to the period from 2000-2023, during which, among other shifts, these dogs were reclassified within U.S. law and military code from “expendable equipment” to “military animals.” This time also aligns with the time of the U.S. “war on terror.”¹ The paper draws on feminist and postcolonial animal studies to consider the larger cultural contexts under which these shifts emerged, particularly within the biopolitical and racialized contexts of this war. Considering the cultural contexts of these legislative shifts helps illuminate the biopolitical and zoopolitical entanglements of animality, nationalism, and war in determining how military working dogs gain a certain limited “right to life” through U.S. military policy within the racialized sacrificial economies of this war.

Keywords: Military working dogs; US military; biopolitics; zoopolitics; “war on terror”; robot dogs.

1 Introduction

This paper analyzes the differential positioning of military working dogs in U.S. military policy with particular attention to the period from 2000-2023, and within the cultural contexts of the U.S. “war on terror.” During this time, among other shifts, these dogs were reclassified within U.S. law and military code from “expendable equipment” to “military animals.” These shifts occurred within the larger biopolitical and racialized contexts of the U.S. “war on terror.”

2 Histories of Dogs in the U.S. Military: Dogs as “Expendable Equipment”

The U.S. military has the largest military working dog program in the world. In 2016, there were an estimated 1,800 military working dogs deployed within the U.S. military, although this number may be much higher since the military also uses many contract working dogs through private contractors, who are not included in this overall count.² U.S. military working dogs are usually Belgian Malinois and German and Dutch

¹ I use “war on terror” to refer to U.S. military action in the Middle East from 2001-2021, including in Iraq, Afghanistan, and Syria, accompanied by ideologies of Islamophobia and orientalism underpinning broader U.S. security practices and rhetorics staged against those framed as “terrorist others.”

² “Department of Defense: Medical Conditions and Care for End-of Service Military Working Dogs” United States Government Accountability Office, Report to the Committee on Armed Services, House of Representatives (March 2017), Available at: <https://www.gao.gov/assets/gao-17-358.pdf>.

Shepherds. The dogs are used to detect IEDs, to patrol, to attack “enemy others,” and to work in search and rescue efforts.

The U.S. military has a long history of using dogs in war, but only recently have these dogs gained a certain “right to life” in U.S. military policy. In World Wars I and II, dogs were used as messengers, in search and rescue missions, to guard bases, and as “military mascots.” In World War II, the U.S. Army asked families to donate their dogs to support the war effort, with a promise that it would return these dogs when the war was over.³ The Army established the first military working dog program in 1942, called the “K-9 Corps.” These dogs were given value in relation to their status as domestic pets. The dogs, thus, gain value in relation to their proximate intimacy with, and value for, humans.

Since World War II, the dogs have been classified as “expendable equipment,” like a gun, vest, or other tool used by the military. This classification meant that when dogs located in the United States were considered no longer useful to the U.S. military, they were sent to work as K9 dogs for police units, used in training programs for new handlers, or euthanized. When dogs located overseas were deemed no longer useful, the military abandoned or killed them.⁴ The U.S. military used an estimated 4,000-4,900 dogs in the Vietnam War, and only brought 200 back to the United States.⁵ The remaining dogs were either killed or left in Vietnam.⁶ This wanton treatment of dogs reveals the ways in which they are always already positioned as disposable under the logics of war and human exceptionalism.

From the beginning, the U.S. and other nations have instrumentalized dogs as tools and weapons of war. They are granted little to no regard within U.S. military law and policy. Though often individual soldiers form close bonds with the dogs, they have been understood since the beginning of the war dogs program as disposable weapons of war, like guns and ammunition. The dogs are extremely useful for the U.S. military: they help to protect and sustain American life, while their own lives are treated as expendable.

3 From Expendable to Adoptable: Robby’s Law (2000)

Many, including animal rights organizations, veterans who were former dog handlers, politicians, and the general public, criticized the military’s longstanding policy of killing and/or leaving behind military working dogs in foreign countries. They argued that rather than being abandoned or killed, older dogs should be released from service to the military and made available for adoption by former handlers and other U.S. citizens. They claimed that the dogs contributed valuable labor to the nation, and in consequence, deserved the chance for a good life and should “not have to work until their dying day.”⁷

Critics particularly mobilized their efforts around the long career, loyalty, and eventual suffering of one dog in particular: Robby, an 11-year-old Belgian Malinois bomb-sniffing dog. Numerous news media and popular reports emphasized that

³ Janet M. Alger and Steven F. Alger, “Canine Soldiers, Mascots and Stray Dogs in U.S. Wars” in Ryan Hediger (ed), *Animals and War: Studies of Europe and North America* (Brill, 2013, p. 81).

⁴ Ryan Hediger, “Dogs of War: The Biopolitics of Loving and Leaving the U.S. Canine Forces in Vietnam,” *Animal Studies Journal* (2013) 2(1), 55-73.

⁵ Rebecca Frankel, *War Dogs: Tales of Canine Heroism, History, and Love* (London: Palgrave Macmillan, 2014, 236).

⁶ Ryan Hediger, “Dogs of War: The Biopolitics of Loving and Leaving the U.S. Canine Forces in Vietnam,” *Animal Studies Journal* (2013) 2(1), 55-73.

⁷ Lisa Hoffman, “Semper Fido.” *Scripps Howard News Service*, 12 Sept. 2000, Accessed 2 Jun 2013.

Robby suffered from various health problems after his long work for the military, and that he had to continue to work until his “dying day.” These reports particularly emphasized his ill-health, describing him, as for example, a “toothless, lame Marine Corps explosives-sniffing dog...aching with arthritis and a bum hip, a pronounced limp...and weak front shoulders.”⁸

Representations of Robby figured centrally in discourses seeking to garner public support to overturn the military’s policy that rendered dogs as expendable and as having to work even after they were no longer of use to the US military. One source claimed that Robby was the “dog who triggered the concern on Capitol Hill and across the country.”⁹ People for the Ethical Treatment of Animals (PETA) initiated a “Save Robby” campaign to mobilize dog-lovers across the country to protest Robby’s “plight” and work for legislation to protect and respect other military working dogs. The campaign emphasized that he deserved to retire from service work and live out the rest of his life as a pet. PETA wrote a letter to the chief of veterinary services at the U.S. military’s dog training facility as part of this campaign. They wrote: “We hope you will agree that forcing Robby to work despite his deteriorating health until the day he dies, without being able to experience the comfort and joys of normal companionship, would be tragic...We respectfully ask that you do what is in the best interest for Robby by retiring him from duty altogether and granting him a well-deserved reward for his lifelong service to the U.S. military.”¹⁰ Despite the public mobilization around Robby, he was euthanized in January 2000.

In 2000, H.R. 5314—popularly referred to as “Robby’s Law”—was passed, allowing military working dogs, after their usefulness to the military has ended, to be adopted by their former handlers, law enforcement agencies, or other civilians.¹¹ The law originally required the military to keep official count of how many dogs it allows to be adopted and euthanizes per year (although a provision in the 2012 defense authorization repealed this reporting requirement).¹²

While Robby’s Law allowed military working dogs to be adopted after they were released from duty, the dogs were still classified as “excess” and treated as equipment. This made it difficult to transfer the dogs to potential adopters and it also meant that the Department of Defense would not cover any of these transportation expenses, nor would it pay for the dog’s veterinary care. According to military policy, “Once that dog is adopted, it becomes a pet, and therefore loses its MWD [Military Working Dog] status, so it would be fraud, waste and abuse for the Department of Defense to transport that pet.”¹³ The military would not pay to transport these dogs to the United States so people who wanted to adopt the dogs would have to spend thousands of dollars to bring them back from overseas.¹⁴ In addition, adopters had to

⁸ *Ibid.*

⁹ Scripps Howard News Service, “Dog’s Day - Congress Considers Allowing Aging Canines Working for Military to be Adopted” *The Dallas Morning News*, 16 Oct. 2000, 2A.

¹⁰ Lisa Hoffman, “Semper Fido.” *Scripps Howard News Service* (12 Sept. 2000) accessed 2 Jun 2013.

¹¹ Public Law 106-446; 10 U.S.C. Chapter 153 (“Robby’s Law”), available at:

<https://strategicvets.com/wp-content/uploads/2017/09/Robbys-Law-Public-Law-106-446.pdf>.

¹² Public Law 112-81, Dec. 31, 2011, “National Defense Authorization Act for Fiscal Year 2012, available at: <https://www.govinfo.gov/content/pkg/PLAW-112publ81/pdf/PLAW-112publ81.pdf>.

¹³ Hurley, Andi. “Are Military Working Dogs Being Euthanized?” *Military.com* (12 Jan. 2012) www.military.com/spousebuzz/blog/2012/01/are-military-working-dogs-being-euthanized.html accessed 11 October 2018.

¹⁴ “Canine Members of the Armed Forces Act,” Animal Welfare Institute, available at: awionline.org/content/canine-members-armed-forces-act. Accessed 11 Oct. 2018.

pay veterinarian fees associated with any health problems that the dogs had incurred while deployed.¹⁵

Provisions to protect and provide for contract working dogs—dogs the military used through private contractors—are notably absent within Robby’s Law. These dogs, then, may be left behind in combat zones, and the military does not have to use its funds or supplies to care for the dogs. Thus, while helpful for protecting some dogs used within U.S. military endeavors, Robby’s Law does not guarantee fair and humane treatment for all dogs.

Robby’s Law did not necessarily shift the structural underpinnings of the military’s treatment of military working dogs. Although it made the dogs adoptable, it did not remove many of the financial and logistical barriers to adopting and caring for the dogs. No longer fully termed “expendable,” the dogs were considered to be potentially “adoptable”—straddling the boundary between military weaponry and potential family members.¹⁶

Dogs rendered “adoptable” included dogs returned from service as well as other dogs the US military owned and trained at Lackland Airforce Base that had not passed the requisite training courses and could not, therefore, be certified as military working dogs. The Department of Defense categorizes some dogs as adoptable and others as “unfit” for adoption. Those dogs considered to be too dangerous and too much of a liability are euthanized. Former military handlers, families of dog handlers who died during war, and law enforcement agencies are given priority over civilians for adoptions of those dogs deemed suitable.

4 From “Military Equipment” to “Military Animal”: The Canine Members of the Armed Forces Act and the U.S. (2012) and the 2013-2020 U.S. National Defense Authorization Acts

While Robby’s law provided a pathway for dogs to retire and be adopted by their former handlers after their service, it did not shift the classification of these dogs as military “equipment,” which would help with care and transportation for dogs post-service. Advocates wanted these dogs reclassified from equipment to “canine members of the armed forces.”

In 2012, Senator Richard Blumenthal (D-CT) and Rep. Walter B. Jones, Jr. (R-NC) introduced “The Canine Members of the Armed Forces Act” as H.R. 4103 to the U.S. House and as S. 2134 to the U.S. Senate. Parts of the bill were adopted as amendments within The National Defense Authorization Act for FY2013.¹⁷ The adopted amendment within the FY2013 National Defense Authorization Act authorized the military to transport dogs back to the United States for adoption, so long as the dog could not be adopted at the military facility where it was already located. It did not, however, require the military to transport the dogs, merely making this transportation an option. It also did not make the military financially responsible for this transportation or for veterinary care for the dogs. The amendment did allow for the Department of Defense to contract with a private non-profit to create a stream

¹⁵ *Ibid.*

¹⁶ Sid Christenson “He’s a Jolly Good Canine—Working Dog at Lackland AFB will be First to Retire Under New Law” *San Antonio Express-News*, 21 March 2001, p. 1B.

¹⁷ Public Law 112-239, Jan. 2, 2013, “National Defense Authorization Act for Fiscal Year 2013,” available at <https://www.congress.gov/112/plaws/publ239/PLAW-112publ239.pdf>.

for private fundraising to help cover the costs of transportation and veterinary care for the adopted dogs.

Senator Blumenthal emphasized the importance of the reclassification of the dogs from object, or “equipment,” to subject, or “canine member of the armed forces,” because of the way this reclassification would allow the dogs to be treated more humanely after their deployment. Blumenthal wrote: “these dogs are so much more than a rifle or a tank. They are living breathing heroes who have saved the lives of our troops and provided many of our veterans with companionship long after they retire from service.”¹⁸ He justified his appeal for the subjectification of these dogs by framing them through their service to U.S. militarism—as brave heroes who serve U.S. military goals.

The adopted legislation within The National Defense Authorization Act for FY2013 ultimately did not include two other proposals that were part of the Canine Members of the Armed Forces Act, including, 1) re-classifying the dogs from “equipment” and 2) providing for commemoration and dedication to those dogs who died during service or who performed “heroic” feats while on duty. Ron Aiello, President of the United States War Dog Association, claimed that this was because the Senate decided that “to get the bill passed they had to take out a portion of it. That portion was the reclassification of the Military Working Dogs from Equipment to Canine Members of the Armed Forces.”¹⁹ That this reclassification would be difficult is interesting—it indicates that the dogs continued to be positioned as expendable equipment under the sacrificial economies of human exceptionalism and war.

In 2016, the military reclassified military working dogs from “military equipment” to “military animal” under Title 10 of the U.S. Code.²⁰ The reclassification codified in law that the dogs are not merely “objects,” but instead, sentient animals. The bill also stipulated that former handlers of the military working dog would be given priority over civilians for adopting the dogs. While the reclassification of these working dogs from “equipment” to “animal” was an important rhetorical shift through which the dogs were referred, the reclassification did not entirely shift the military’s overall treatment of the dogs. The importance of the dogs being seen as “animal” and not merely “equipment” was to guarantee better treatment for the dogs and an understanding and recognition that the dogs, as living sentient beings, should be afforded care and protection—that their lives *matter*, and the military is responsible for the welfare of these animals.

In a move that did address some of the broader issues around the treatment of military working dogs, the 2019 National Defense Authorization Act required the Department of Defense to provide transport *and* to pay to transport U.S. military working dogs stationed outside the U.S. back to the country after their deployment.²¹ Significantly, the 2019 National Defense Authorization Act extended these and

¹⁸ Richard Blumenthal, “Blumenthal Announces Senate Passage of Amendment to Improve Treatment of Military Working Dogs, Vows to Continue Fight to Reclassify Dogs as Canine Members of The Armed Forces.” 14 December 2012, available at:

www.blumenthal.senate.gov/newsroom/press/release/blumenthal-announces-senate-passage-of-amendment-to-improve-treatment-of-military-working-dogs-vows-to-continue-fight-to-reclassify-dogs-as-canine-members-of-the-armed-forces. Accessed 19 June 2014.

¹⁹ DogTime Staff, “Military Working Dogs Still Considered Equipment.” *Dog Time*, 24 May 2013. Accessed 25 June 2015. Available at: dogtime.com/trending/17767-military-working-dogs-still-considered-equipment.

²⁰ 10 U.S.C. Sec 2583 - Military Animals: Transfer and Adoption. Available at: <https://www.govregs.com/uscode/10/2583>.

²¹ H.R. 515 John S. McCain National Defense Authorization Act for Fiscal Year 2019, available at: <https://www.congress.gov/bill/115th-congress/house-bill/5515>.

previous policies on military working dogs to also apply to contract working dogs—those dogs deployed within the U.S. military, but provided through private companies. These changes in military policy provide important rhetorical and structural shifts that allow for more humane treatment of military working dogs, which many advocated for over the past decades. It is instructive to examine such shifts within the cultural and political contexts of the U.S. “war on terror” and through the lens of critical theory.

5 The Biopolitics and Zoopolitics Surrounding the Shifting Classification of Military Working Dogs

The shifts in policy around military working dogs is part of the larger biopolitics of the “war on terror.” Michel Foucault defines biopower as a formation of power that positions some lives as important and deserving protection, and others as expendable.²² For Foucault, “biopower” refers to a “soft technique” of power—the state’s power to foster life or to “let die.”²³ Dogs as literal animals, and as signifiers, are an important site for theorizing biopolitics. Biopower can work on animals through law (for example, Colin Dayan asks, “at what point are dogs legally recognizable, and when do they cease to count?”²⁴) and through revalorization (“to make men dogs and dogs trash.”²⁵)

Nicole Shukin extends Foucault’s account of biopower to theorize “zoopolitics.” For Shukin, zoopolitics describes how, within biopower, animal life is protected or rendered expendable.²⁶ In her theory of “technobioopower,” Donna Haraway argues that humans, animals, and machines become together in overlapping “naturecultures.”²⁷ She asks under these terms, which animals, and under which conditions, become disposable and killable, and which are given the right to health and life.²⁸ Haraway argues that “it is a misstep to separate the world’s being into those who may be killed and those who may not and a misstep to pretend to live outside killing.”²⁹ For Haraway, it is important to instead focus on questioning the ways in which someone or something is rendered as “killable.” She argues that the way in which certain animals “become with” humans is central to these questions. Dogs, in specific, she claims, “in capitalist technoculture have acquired the ‘right to health,’ and the economic (as well as legal) implications are legion.”³⁰ These theories of power are instructive for analyzing how the law can endow animals, and here, particularly dogs, with a right to life in being recognized as having a valuable life, and how the law can also position them as expendable.

The analysis in this paper thinks with these zoopolitical and technobiopolitical frameworks to consider how, under the terms of human exceptionalism and the sacrificial economy of the “war on terror” in Jacques Derrida’s terms, military working

²² Michel Foucault. *Society Must Be Defended: Lectures at the Collège De France, 1975-1976* (Translated by David Macey, London: Penguin, 2003).

²³ *Ibid.*

²⁴ Colin Dayan, *The Law is a White Dog: How Legal Rituals Make and Unmake Persons* (Princeton UP, 2013, 213).

²⁵ *Ibid.*, 241.

²⁶ Nicole Shukin, *Animal Capital: Rendering Life in Biopolitical Times* (U of Minnesota P, 2009)

²⁷ Donna Haraway, *When Species Meet* (U of Minnesota P, 2008).

²⁸ *Ibid.*, 48.

²⁹ *Ibid.*, 79.

³⁰ *Ibid.*, 49.

dogs may be “killed, but not murdered.”³¹ Derrida argues that Western philosophical, religious, and scientific discourses reproduce an ideology of human exceptionalism—an ideology that creates the illusion of an “abyssal rupture” between man and animal, situating humans and animals as ontologically and epistemologically disparate in terms of ethical and moral questions. Under this framework, Derrida argues that man positions himself as sovereign over animals through what he calls “logocentrism,” an ideology that defines humans as radically distinct from and superior to animals, based on humans’ supposed unique capacity for self-conscious thinking and auto-reference.³² He claims that logocentrism not only excludes animals from humanism’s frames of subjectivity, but also excludes those human subjects positioned as being outside of this logocentrism through what he calls “carnophallogocentrism.” Carnophallogocentrism refers to how animals as well as women, children, people of color, and those who are defined as not being capable of having “logos” are excluded from humanist formulations of subjectivity.

For Derrida, both frameworks produce a “sacrificial economy” that values human and humanized lives differently from those of animal others. The sacrificial economy of human exceptionalism establishes an economy of life that gives different value to human and animal life, permitting the non-criminal killing of animals.³³ According to Derrida, humans as well as animals may be rendered expendable within the sacrificial economy of carnophallogocentrism. He argues that this economy justifies killing humans who are animalized, considered not to have the “logos” that marks man as a superior and rational animal. How do these sacrificial economies map onto the position of dogs in U.S. military policy?

It is notable that these dogs have gained a more protected “right to life” through the recent shifts in military classification. In their shifting position from “military equipment” to “military animal,” there is a shift in what Mel Chen calls the “animacy hierarchy,” a perceptual system that orders life in relation to taxonomized levels of animacy, agency, and worthy life in relation to racialized, gendered, and sexualized systems of power.³⁴ While the dogs are given more of a “right to life” as “military animal” rather than “military equipment,” they continue to be expendable as they are instrumentalized as part of U.S. militarism. Ultimately, the dogs are still regarded under the sacrificial economies of both war and human exceptionalism that Derrida outlines. It is important, then, to examine how the larger cultural contexts of the racialized sacrificial economies of the “war on terror” also inform the shifting position of these dogs in law and policy.

6 The Racialized Bio and Zoopolitics of Military Working Dogs’ Recognition in US Military Policy

The backdrop of the U.S. “war on terror” and the elevated attention given to the role of U.S. military working dogs in this war—both in terms of protecting U.S. soldiers and in capturing and killing those labeled “terrorists” or “enemy targets” of the United States—was a key catalyst for the reclassification of, and shifting military policies

³¹ Jacques Derrida, *The Beast & the Sovereign* (Chicago: U of Chicago P, 2009) & Jacques Derrida, *The Animal That Therefore I Am* (edited by Marie-Louis Mallet, translated by David Wills, Fordham UP, 2008).

³² Jacques Derrida, *The Animal That Therefore I Am* (edited by Marie-Louis Mallet, translated by David Wills, Fordham UP, 2008, 94).

³³ *Ibid.*, 34.

³⁴ Mel Y. Chen, *Animacies: Biopolitics, Racial Mattering, and Queer Affect* (Duke UP, 2012).

towards, military working dogs in the period between 2012-2021. The dogs were hypervisible heroes within U.S. public culture since 2011, in large part because of the role of Cairo, a U.S. military working dog, in the capture and killing of Osama bin Laden in Abbottabad Pakistan in May 2011.³⁵ Various media reports focused on the role of the dog in the killing. One piece reflected, for example, “The identities of all 80 members of the American commando team who thundered into Abbottabad, Pakistan, and killed Osama bin Laden are the subject of intense speculation, but perhaps none more so than the only member with four legs.”³⁶ Another reported: “When it was revealed that one member of the elite commando team that raided Osama bin Laden's compound had four legs and a tail, the contributions of Military Working Dogs (MWDs) were thrust into a new light.³⁷ This increased attention is also reflected, for example, in the statistics around the adoption of these dogs. The number of dogs adopted doubled between 2011-2012 from 267 in 2011 to 557 in 2012.³⁸ It was only after this highly public mission and attention given to military working dogs that they received the kind of hyper-recognition that helped drive public appeals to support the shifting classification of these dogs in U.S. military policy.

Much of the appeals for shifting military policy around these dogs rested on claims about the dogs as “sacrificing heroes” who risk their lives for the military and its nationalist goals.³⁹ These appeals also focused on the way in which military working dogs, especially since 2001 have been central to the military's work to attack, capture, and kill “terrorists.” There was again an increased influence of, and intensified focus on, military working dogs in the aftermath of the role of Conan, another military working dog, in aiding the U.S military in capturing and killing Abu Bakr al-Baghdadi, one of the leaders of ISIS, in Syria in October 2019.⁴⁰

It is important to situate these legal shifts and appeals, then, in the context of the racialized biopolitics and zoopolitics of the U.S. “war on terror.” The biopolitics of the “war on terror” positions not only certain non-human animal life, but also human American lives as important and deserving protection, and human Middle Eastern lives as expendable.⁴¹ These biopolitical formations function through a technique of racialization that groups together Muslim, Arab, and Middle Eastern people together under the sign of “terrorist.”⁴²

Considering these contexts for the construction of “enemy others” in this war along with the bio/zoopolitical shifts around dogs during the “war on terror” helps illuminate the entanglements of animality, nationalism, and war, in determining how

³⁵ Garth Johnston, 2011. Awwww: A War Dog Helped Take Out Osama. *Gothamist*, available at: <https://gothamist.com/news/awww-a-war-dog-helped-take-out-osama> Accessed 12 May 2016.

³⁶ Gardiner Harris, “Who's the Dog Hero of the Raid on Bin Laden?” *The New York Times*. 5 May 2011. Available at: www.nytimes.com/2011/05/05/science/05dog.html. Accessed 29 Dec. 2014.

³⁷ “Canine Members of the Armed Forces Act.” *Animal Welfare Institute*, awionline.org/content/canine-members-armed-forces-act. Accessed 11 Oct. 2018.

³⁸ U.S. Government Accountability Office, Department of Defense: “Medical Conditions and Care for End- of-Service Military Working Dogs,” (GAO-17-358), (Washington, DC March 10, 2017), available at: <https://www.gao.gov/products/GAO-17-358>.

³⁹ For more analysis of this framing, see: Chloe Diamond-Lenow “US Military Nationalism and the Intimate Public Sphere: The Role of the Dog in US Militarism” *Journal of Intercultural Studies* (2020) 41(1) 8-23, DOI: 10.1080/07256868.2019.1617255.

⁴⁰ Ana Redelat, “Courageous K-9 in ISIS Raid Boosts Blumenthal Effort on Military Dogs,” *The CT Mirror*, October 28, 2019; available at: <https://ctmirror.org/2019/10/28/courageous-k-9-boosts-in-isis-raid-boosts-blumenthal-efforts-on-military-dogs/>.

⁴¹ For more analysis of these contexts, see for example, Judith Butler, *Frames of War: When Is Life Grievable?* (Verso, 2010).

⁴² Leti Volpp, “The Citizen and the Terrorist” ed. Edited by Mary L. Dudziak, *September 11 in History: A Watershed Moment?* (Duke UP, 2003, 147–162).

military working dogs gain a certain limited “right to life” through U.S. military policy. These contexts depend on co-constitutive stories and frames of race and species. Animalization and dehumanization are central to the framing of Arab/Muslim/Middle Eastern people as being closer to nature, barbarism and animality in the “war on terror.” This is part of the work of orientalism, which Edward Said argues discursively constructs the “West” as being “civilized and human(e),” the “East” is “sub-human, inhuman(e) and closer to a position of animality.”⁴³ Such racialized formations are central to the biopolitics of Islamophobia, imperialism, and militarism in the U.S. “war on terror.”

It seems that military working dogs emerge as having a “right to life” within U.S. military policy not only because of their individual work and effort, but because of their role in supporting a larger military nationalist project predicated on the discursive and ideological construction of the expendable and killable “terrorist other.” These dogs are framed as having “worthy” lives as they “save” American lives within the sacrificial economies of the racialized biopolitics of the “war on terror” that constructs certain humanized American life as more worthy under frames of Islamophobia and white supremacy and valuable than Middle Eastern life, especially those constructed the “the terrorist other.” This analysis demonstrates the importance of legal approaches to, and analyses of, animals in war should also always attend to questions of race and nation in considering the cultural contexts for bio and zoopolitical entanglements.

While recognizing military working dogs as (animal) “subjects,” rather than “objects” is a productive step towards more humane treatment of the dogs, these dogs are still positioned within what Derrida calls sacrificial economy of human exceptionalism. While the elevation of these dogs from object to (animal) subject in U.S. military law seems to offer a potentially productive fracture of the sacrificial economies of human exceptionalism, this subjectification does not wholly shatter the constructed disposability of these dogs. The dogs continue to be mobilized at the frontlines of war as potentially disposable tools that gain importance because of their role in protecting U.S. soldiers, and by extension, citizens. Training these dogs to kill and be killed—can never be a wholly ethical project with the dogs’ well-being at the forefront.

Examining discourses about dogs, and practices involving them, is instructive for examining how discourses of humanity, public life, war, and law establish which lives, and under which conditions, become disposable and killable, and which are given the right to health and life.

7 No Dog Left Behind: The 2021 U.S. Withdrawal from Afghanistan and Contract Working Dogs

The U.S. military’s August 2021 withdrawal from Afghanistan marked an important moment in the public debate around, and coverage of, the treatment of U.S. military working dogs and the broader contexts of the “war on terror” in which these dogs were deployed. The controversial and chaotic withdrawal marked the end of the United States’ 20-year war and was largely regarded as a failure, with the Taliban regaining control of Afghanistan amidst the military’s evacuation.

Scenes from Hamid Karzai International Airport, where the U.S. military organized its evacuation efforts reverberated across international news. The U.S.

⁴³ Edward Said, *Orientalism* (Vintage, 1978, 109).

military left many Afghan and foreign allies behind. Thousands of Afghans tried to join US military planes leaving the Kabul airport, even running onto the tarmac, and gripping onto the wings and engines of the planes as they departed. Reports about these incidents circulated widely across U.S. news media, with much attention given to the ways in which the U.S. failed to support many of those who had supported and worked with the U.S. military during its time in Afghanistan.

Amidst this context, reports also circulated that the U.S. military left some of its own military working dogs behind at the airport, counter to the policy established under Robby's Law. These reports were largely based on information provided by the Kabul Small Animal Rescue, a rescue organization based in Kabul, Afghanistan, founded by U.S. citizen, Charlotte Maxwell-Jones. Through Kabul Small Animal Rescue, Maxwell-Jones attempted to evacuate about 150 dogs, some of whom were pets and strays, while about 50, she claimed, were contract military working dogs.⁴⁴ Maxwell-Jones said she arranged a private charter plane for the dogs, but that one never arrived, and that she appealed to the U.S. military to have the dogs evacuated on one of their planes, which they were unable to do. After the last U.S. evacuation plane left, the dogs remained at the Kabul airport. The Kabul Small Animal Rescue tweeted an image of crates of these dogs at the Kabul airport appealing for help to transport the dogs out of Afghanistan. The tweet subsequently went viral.

Animal rights organizations, including PETA, the American Humane Society, and the Society for Prevention against Cruelty to Animals International⁴⁵ released statements condemning the U.S. military for leaving these military dogs in Kabul. PETA's petition stated, for example,

Dozens of US military working dogs, numerous animal companions belonging to evacuated Americans, and more than 100 dogs previously rescued from the streets of Afghanistan along with an unknown number of rescued cats and the humans caring for these animals were left behind in Afghanistan after the last US plane left Hamid Karzai International Airport in Kabul.⁴⁶

In response to the increasing attention given to the military dogs allegedly left behind in Afghanistan, the Pentagon released an official statement, claiming that it did not abandon any military working dogs, and that the dogs left were not military working dogs, but rather U.S. military contract working dogs.⁴⁷ They also clarified that they did not leave these dogs in kennels, as some had reported, but instead had

⁴⁴ Philip Walter Wellman, "American Rescue Clinic Founder Stays in Afghanistan to Pursue Evacuation for Staff and Animals Left Behind." *Stars and Stripes*, 1 Sept. 2021. Accessed 14 March 2023.

⁴⁵ "Urgent Update and Action Plan from Charlotte & Kabul Small Animal Rescue (KSAR)," *The Society for the Prevention of Cruelty Against Animals International* (N.D.). Accessed 14 March 2023. Available at: <https://www.spcai.org/news/press/urgent-update-and-action-plan-from-charlotte-kabul-small-animal-rescue-ksar>.

⁴⁶ "Update on Dogs in Afghanistan: U.S. Army Responds to PETA." *People for the Ethical Treatment of Animals* (N.D.). Accessed 14 March 2023. Available at: <https://www.peta.org/action/action-alerts/update/>.

⁴⁷ Elizabeth Howe, "No US Military Dogs Were Left Behind in Afghanistan, DOD Says." *Defense One*, 31 August 2021. Accessed 14 March 2023. Available at: <https://www.defenseone.com/threats/2021/08/no-us-military-dogs-were-left-behind-afghanistan-dod-says/184984/>.

released the dogs in an enclosed area at the Kabul airport.⁴⁸ The Pentagon claimed that Maxwell-Jones brought the dogs to the airport in crates and asked the U.S. military to transport them on military evacuation flights, which they were unable to do. The transportation of these dogs was also complicated by a U.S. ban on transporting dogs internationally because of COVID restrictions.⁴⁹

Importantly, because they claimed the dogs were not the military's property, but rather, belonged to contractors, the military claimed they were not responsible for these dogs, counter to the policies established in 2019. The American Humane Society responded with an appeal to Congress to classify non-military private contractor dogs in the same way military working dogs are classified.⁵⁰

The case again reveals the tenuous position of military working dogs in U.S. law and military policy. The differential treatment and status of these dogs reveals the military's lack of commitment to the overall welfare of the animals it uses. Though respected and celebrated in public discourse, the dogs continue to be rendered through a politics of disposability in their status as animals.

8 Robot Dogs and the Future of Military Working Dogs

The creation and use of “robot dogs” by the U.S. military and private contractors since 2020 provides a fascinating context in which to consider the politics and practices of using working dogs in the U.S. military. “Robot dogs,” officially referred to as Quadrupedal Unmanned Ground Vehicle (QUGV), are four-legged robots that have been recently developed and tested on military bases. The machines are variously referred to as “Semi-autonomous canine[s],”⁵¹ “DroneDog[s]” and “robotic security dog[s].”⁵² They are, as one news article put it, part of the “U.S. military's growing ecosystem of robot dogs.”⁵³

It is notable that at a time when warfare has been increasingly technologized and depersonalized, these new robots have been created in the image and practice, of dogs—sentimental and cute figurations. Various military and security contractors, including Ghost Robotics, ASYLON, and Boston Dynamics developed the dogs. Boston Dynamics calls theirs “Spot,”⁵⁴ drawing on a generic and lovable dog's name. They are generally used for surveillance and patrol.⁵⁵ The deployment of these “robot dogs” in

⁴⁸ Stephen Losey, “Pentagon Denies It Left Military Dogs Behind in Afghanistan.” *Military.com*, 31 Aug. 2021. Available at: <https://www.military.com/daily-news/2021/08/31/pentagon-denies-military-dogs-were-left-behind-afghanistan.html>.

⁴⁹ Melissa Chan, “There's a Travel Ban on Dogs from More Than 100 Countries, and You Can Blame COVID-19.” *Time*, 10 Nov. 2021.

⁵⁰ “American Humane Condemns Death Sentence Delivered to Contract Working Dogs Left Behind in Kabul, Afghanistan” *American Humane*, 30 Aug. 2021. Accessed 14 March 2023.

⁵¹ <https://www.dvidshub.net/image/7652047/semi-autonomous-canine-enhances-security-cape-cod-space-force-station>.

⁵² “Semi-Autonomous Canine Enhances Security at Cape Cod Space Force Station.” *Defense Visual Information Distribution Service*, 24 Feb. 2023, Accessed 14 March 2023. Available at: <https://www.dvidshub.net/image/7652047/semi-autonomous-canine-enhances-security-cape-cod-space-force-station>.

⁵³ Jared Keller, “Robot Dogs are Taking Over the US Military: Who Let the Dogs Out?” *Task and Purpose*, 1 March 2023. Accessed 14 March 2023. Available at: <https://taskandpurpose.com/tech-tactics/robot-dogs/>.

⁵⁴ “Spot for Industrial Inspections” *Boston Dynamics* (N.D.). Accessed 14 March 2023. Available at: <https://www.bostondynamics.com/solutions/inspection>.

⁵⁵ Jared Keller, “Robot Dogs are Taking Over the US Military: Who Let the Dogs Out?” *Task and Purpose*, 1 March 2023. Accessed 14 March 2023. Available at: <https://taskandpurpose.com/tech-tactics/robot-dogs/>.

the US military has broader implications for other U.S. and global security practices. The “robot dogs” were originally developed for use in border patrol.⁵⁶ They have also been used by U.S. police forces.

It is not clear what the robot dogs will mean for the future of the military working dog program in the U.S. or more broadly. It is likely that these machines will be used in concert with, but not as a replacement for, military working dogs. It is clear, however, that these robot dogs will be used within the same militarized project as military working dogs. While, in a generous reading, this may allow for less demand for military working dogs, the use of both robots and dogs should be situated within the broader racialized biopolitical contexts of the “war on terror,” a project dependent on, in Derrida’s words, the sacrificial economies of carnophallogocentrism and war, which is always already structured through an economy of disposability for human and non-human animals. The robot dogs will be used alongside military working dogs for warfare and ultimately in support of state violence.

This analysis of military working dogs and robot dogs has important implications for those interested in legal and political analyses of the use of animals in war as it insists on an intersectional analysis of the politics of war, race, nation, and animal rights. Whether in relation to the newly emerging “drone dogs” or the continued deployment of military working dogs, there is a clear continued dependence on canines within U.S. military endeavors. Intersectional feminist animal studies provide tools to theorize and enact more just multispecies futures for these dogs, and for broader practices in relation to war and the nation.

⁵⁶ Gavin Kenneally, “We Created Robot Dogs to Patrol the Border” *Newsweek*, 27 Jan. 2022. Accessed 14 March 2023. Available at: <https://www.newsweek.com/robot-dogs-patrol-us-border-1681325>.