THE WOMEN OF ISIS: THEORIZING JUSTICE, GENDER, AND TERRORISM

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Shamima Begum and Hoda Muthana are among the thousands of western Muslims who travelled to Syria and Iraq to pledge allegiance to the Islamic State and live under the caliphate’s rule. Since the collapse of ISIS, these women are living in refugee camps in Syria and have professed regret for their actions and desire to return to their home countries of the United Kingdom and the United States, respectively. Their governments have stripped them of their citizenship, refusing their re-entry and denying them access to due process. This course of action, or inaction, is obviously a major security threat; however, the conundrum of former ISIS women also exposes the inability of the western justice paradigm to provide fair and just due process to women, people of color, religious minorities, and other marginalized groups. Because western judicial-criminal systems are founded on imperialism, racism, and patriarchy, we need a new framework to repatriate and reintegrate former female members of ISIS into their home societies, rather than leaving them stateless. In this thesis, I present the notion of alternative justice, a framework based on restorative justice, post/decolonial feminist, TWAIL, and queer readings of terrorism, reconciliation, and peacebuilding as a useful lens through which to view the case of former female members of ISIS from the west. I apply critical analysis of both “traditional” western justice theories and alternative justice theories to case studies of Hoda Muthana and Shamima Begum, not as a policy proposal but as a theoretical exploration with important implications not only for these women’s situations, but also for Western notions of justice, gender, and terrorism more broadly.
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# Table of Contents

Introduction and Methods ................................................................. 1

Chapter 1: Theoretical Foundations ................................................. 13

Chapter 2: Understanding ISIS and its Women .............................. 59

Chapter 3: Hoda Muthana and Shamima Begum ............................ 88

Conclusion ....................................................................................... 125

Works Cited .................................................................................... 131
Introduction and Methods

In the final days of the Islamic State’s reign over Syria and Iraq, and after the Islamic State lost its last territorial holds in Syria in 2018, former members and individuals living under its rule escaped and made their way into Syrian camps administered by the United Nations and the Syrian Defense Forces, or elsewhere across the region. Although ISIS lacks territorial holds and does not currently represent a military threat to the United States or its allies, Salafi-jihadism and fundamental Islamist terrorism have proven to be cyclical phenomena, meaning its supporters and ideologies will likely find footing in a new incarnation of the organization. In the years following ISIS’s collapse, women from western states who had travelled to the region to join ISIS resurfaced in camps across northern Syria and began appearing in mainstream media across the west with calls to return home.

Western countries with citizens living in the aftermath of the collapse of the Islamic State have not identified any sort of comprehensive plan or policy approach to manage these individuals; rather than building a framework for prosecution, rehabilitation, and reintegration, several states have opted instead to simply denaturalize individuals who left their countries to join ISIS. This policy of denaturalization has major impacts on the lives of these individuals, as well as implications for understanding citizenship and justice in the western world, twenty years into the war on terror. As I will discuss below, most mainstream discussions of what should be done about these women, their children, and the men who fought for ISIS are framed in terms of punishment and retribution, rather than rehabilitation and reconciliation. These narratives of punishment are rooted in western, settler-colonial understandings of rationality and morality that
purport universal applicability, but are really efforts to (re)produce a civilizationist discourse that frames the west as the benevolent global protector of peace, freedom, and the future. Therefore, I propose a new justice paradigm, rooted instead in feminism, post/decolonialism, queer theory, and restorative justice, for understanding women associated with ISIS as political actors.

Why is justice an appropriate and important lens through which to understand ISIS women? I propose we view justice as both a structural force which shapes individuals’ lives and as a normativizing and moralizing force which shapes populations, communities, and collective understandings of reality. The “justice paradigm” refers not only to the criminal-legal structures that create and enforce laws, punish individuals, and regulate behavior; it also refers to a collective sense of what it means to commit a crime, talk about and remember harms done to a community, correct those harms, and create conditions for peace. In this sense the justice paradigm is an institutional legal structure, but also a more abstract, communal sense of morality and punishment.

In the post-World War II international political climate, ideas about justice and morality crystallized in the creation of the United Nations and the expansion of human rights discourse. The proliferation of transitional justice and peacebuilding efforts in the post-Cold War and post-9/11 international political arena reflects the internationalization of justice and morality, particularly through the establishment of international tribunals and United Nations resolutions. Questions about justice inform the way the western world thinks about conflict resolution, but there is ongoing debate about what form that justice should take – retributive or restorative (Llewelyn and Philpot 2014).
In order to pursue a truly restorative justice framework in the western-dominated international political system, we have to rethink the notion of justice itself, illuminating its roots in racist, settler-colonial ideals about rationality and morality. Former female members of ISIS serve as an example of the failure of the criminal-legal (justice) systems to treat individuals fairly and promote peace and freedom, like they promise to do. The case of ISIS women reveals that “justice” is much more concerned with exclusion and inclusion, controlling populations, and eliminating threats to the legitimacy of the system, than it is with promoting fairness and healing.

Understanding ISIS women in the full social, political, and historical context of the war on terror requires understanding that effort as the latest incarnation of a centuries-long effort by “western civilization” to extend its political, cultural, religious, racial, territorial, and ideological grasp on power at the expense of certain human lives. The justice paradigm fails to read “terrorists” as legitimate legal and political subjects because “terrorism” is a moral, racial, sexualized, and Orientalist state of being, not an empirical category of analysis. This illegibility is especially the case for women associated with terrorism, because Orientalist readings of Muslim women and gender and sexuality in the Middle East/Islamic world are paradoxical, contradictory, and racist (Schotten 2018; Puar 2017). We need an alternative justice paradigm that is rooted in understanding, solidarity, resistance to oppression, and challenging the settler-colonial norms. I propose an alternative justice framework rooted in and informed by postcolonial/decolonial feminism, feminist political theory, queer theory, Third World Approaches to International Law, and restorative justice. Llewelyn and Philpot (2014) assert that although “restorative justice gained prominence in the 1970s as an approach to criminal
justice…its significance as a general concept of justice for nations and communities has not been fully realized” (8). This thesis is an attempt to point out the potentialities for restorative justice-informed thinking as it relates to ISIS, ISIS women, and fundamental Islamist terrorism.

A study of ISIS women is particularly important because growing research on women in armed conflict calls for more nuanced understandings of their roles that extend beyond typical victimhood stereotypes (Gentry and Sjoberg 2015; Sjoberg 2018; Steflja and Trisko Darden 2020). Western conceptualizations of the war on terror, ISIS, and fundamental Islamist terrorism are informed by gendered and sexualized stereotypes, and racialized understandings of the “Muslim.” The production of the “terrorist” in the western imaginary has been a fundamentally androcentric project; a theorization of female terrorists is sorely needed, not only for general political-legal research about terrorism broadly, but also for understanding the urgent and contemporary cases of former female members of ISIS.

This project has several different limitations. Due to the ongoing nature of the conflict in the Middle East and dominant western conceptualizations of women associated with terrorism, there is a paucity of information about female members of ISIS. I use a variety of sources to construct my case studies and theoretical analysis, including government documents, books and articles, newspaper articles, social media, and more. However, a main point of my argument is that the western justice paradigm fails to see women associated with ISIS clearly, and I recognize that this limitation

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1 C. Heike Schotten (2018) provides a thorough analysis of how the category “Muslim” has been produced as a racialized collapse of varied ethnicities, races, religions, and other identifications within the Middle East, the Arab world, and the Muslim world.
applies to my project as well. Despite my best efforts to unsettle and critique the implicit and unconscious assumptions about gender and sexuality in the Middle East and Muslim world, I recognize the impossibility of seeing my subject clearly because of my own implicit biases and positionality within western academia.

I discuss the failures of western liberal feminism to see Muslim women clearly, and although feminism is an integral portion of my alternative justice framework, I want to recognize the limitations of a feminist project in the west to try to understand subjects elsewhere. I also recognize that queer theory has been critiqued at length by Indigenous and decolonial scholars for failing to interrogate settler-colonialisms ongoing efforts to displace and erase Indigenous peoples across the world (Morgensen 2010; Driskill 2010). I aim to be especially attentive to the colonial/post-colonial realities in the international political system, and raise the question: what are the uses of feminism and queer theory for examining the sexualization of citizenship, nationhood, justice, and terrorism?

Shamima Begum and Hoda Muthana are two young women from the United Kingdom and the United States, respectively, who left their home states to travel to Syria and live under ISIS rule, and who have been stripped of their citizenship since the group’s collapse and their calls to return home. In comparing Muthana and Begum’s cases, I work to recognize the “varied colonial histories, distinct migratory trajectories, and class differences between European and US Muslims” (Puar 2017, 11). When I use generalizing terms like the west, the western empire, and western civilization, I see the United States as the representation and leader of the western civilizationist-empire project, but I recognize the importance of understanding individual cases in their particular regional or local context. This project raises important questions about the
practice of naming and the importance of preserving difference while attending to the political reality that western states have consolidated themselves under the alliance of “democratic civilization.” A wide variety of legal processes, histories, and lived experiences unite as rooted in the same geopolitical goals, even as localized histories, cultures, and politics produce unique contexts.

In Chapter 1, I trace the intellectual genealogies of justice, citizenship, and terrorism as interrelated logics of settler-colonialism of “western civilization” which aim to consolidate an alliance based on democracy, “human rights,” and opposition to the threat of fundamental Islamic terrorism. Using Heike Schotten’s 2018 book, *Queer Terror*, I analyze how “terrorism” has been produced as a moralizing imperative rather than a category of political violence, and how terrorism discourses are deeply wedded to US imperial efforts to expand and maintain its hold on legitimacy and international hegemony. I also use Jasbir Puar’s 2007 book, reprinted in 2017, *Terrorist Assemblages*, to identify how the western world has rendered the “Muslim” terrorist a target for necropolitical anxiety, surveillance, and control.

In Chapter 2, I present a historical and political context of the Islamic State and the women associated with it, and I argue that association with ISIS for women has not been as straightforward as either member or non-member because ISIS engaged in a nation-state building project, whereas Al Qaeda and other precedent/peer groups operated more as loosely affiliated networks. However, I also argue that dominant conceptions of ISIS as categorically different from its predecessors is a logic of the settler-colonial

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2 Schotten uses scare quotes around “terrorism” to call attention to the constructed nature of the term and its highly politicized, racialized, and gendered implications. I use scare quotes around “terrorism” intentionally throughout this thesis to echo her argument, but I do not use them universally.
expansionist effort to promulgate war against an increasingly evil, monstrous, and dangerous enemy. ISIS exists in a point of tension, as both a unique project when compared to its peer groups, but also as an outgrowth of local political, economic, and social realities which is not the exceptional threat the United States presents it as.

In Chapter 3, I present case studies of two women associated with ISIS who are perhaps the most symbolized and hypervisible in the western world, Hoda Muthana and Shamima Begum. I explore the legal and political dimensions of their denaturalization from the United States and the United Kingdom, respectively. I argue that citizenship, as a construct and function of homonationalism, has been weaponized to punish, alienate, and destroy those individuals deemed “security threats.” I elaborate and apply queer theory, feminist political theory, and post/decolonialism to their cases to reveal how ISIS’s women are unimaginable and illegible in the western settler-colonial imaginary, and, consequently, judicial structures. I explore potential alternative justice practices and methodologies that might create space for ISIS women to be seen and heard not only as political actors, but as full human beings.

My aim is not to propose a certain policy, structure, or institution to “deal with” the thousands of former ISIS members living in displaced persons camps or elsewhere overseas. Mainstream academic and media propositions like those of Brian Jenkins and Matthew Parris reveal why solutions within the existing national and international structures of justice are untenable. My aim is to propose a rethinking of justice, “terrorism,” and western hegemony more broadly as unspoken but omnipresent features of the contemporary political consciousness in the west (and specifically the United States).
My goal is not to determine whether Shamima Begum, Hoda Muthana, and hundreds of women like them are guilty or innocent of committing any crimes or violence on behalf of ISIS. As I will show, the moralistic construction of “terrorism” makes it impossible to define clearly in academic and political discourse, let alone in legal proceedings. Schotten (2018) argues that the label “terrorist” simultaneously says too much and too little; its definitional evasiveness stems from its development within moral debates of twentieth century politics. Questions of good and evil turn terrorism into a moral epithet rather than an empirical category or categorical identity, a categorization of humanity which can only function ideologically. Terrorist violence is not evil because of its tactics or motivations, but because “it targets and threatens people and places that otherwise ought rightfully to be protected” (Schotten 2018, 131). Western judicial systems intricately bound up with the nation-state's settler-colonialist project of futurity are unable to read “terrorists” as legitimate legal subjects worthy of time or attention, because they are presented as inherently evil, opposed to any legitimate sense of “life” or future as defined by the settler-state. My goal is to attempt to articulate the ways in which Western judicial systems misread and misconstrue Hoda Muthana and Shamima Begum as queer terrorist subjects, and present an alternative project of framing and understanding.

Jasbir Puar’s 2017 work on homonationalism and terrorist assemblages proposes that we “keep our senses open to emergent and unknown forms of belonging, connectivity, and intimacy” (xxxvi). We must move beyond and away from western liberal feminist framings of Middle Eastern and Muslim women as innocent, vulnerable victims, and interrogate the sexualized and racialized West/Islam binary. Puar calls for a
“theory of proximity” in understanding terrorism, grounded in an acknowledgment of interconnectedness and interdependence. I propose alternative justice as that theory of proximity, a way to unsettle dominant, normative conceptualizations of terrorism and investigate women associated with ISIS as full political, legal, and social agents.

Mainstream efforts by political pundits and academics to present solutions or options for handling the ISIS-associated women and children detained overseas emphasize national security, punishment, and geopolitical military strategy. These propositions also misrepresent and misunderstand the women of ISIS as simply wives of fighters, rather than participants in efforts to bolster the legitimacy and reach of the Islamic State through reproduction, propagandizing, and recruitment. For example, Brian Jenkins’s (2019) article proposes returning fighters to western countries as a strategic, rather than humanitarian objective to try to de-radicalize individuals and put a stop to the cycle of fundamental Islamist terrorism.

Jenkins (2019) suggests a multinational agreement for screening, which “can be done in SDF-held territory under the auspices of the same governments that participated in the coalition's campaign against the Islamic State and should be seen as a necessary component of their mission” (20). There are numerous issues with a proposal for an occupying military to label, sort, and determine the fates of their detainees, regardless of the extent of their involvement in the conflict. Jenkins (2019) also frames women and children associated with ISIS as “a messaging opportunity not to be missed,” discourse which works to commodify and dehumanize these individuals while downplaying their involvement with ISIS. Jenkins (2019) suggestion to try to weed out the repentant from
the unrepentant, the guilty from the innocent, and the perpetrators from the victims relies on misguided notions of the nature of ISIS and women’s participation in the group.

In a similar discourse, Matthew Paris (2020) suggests that deterrence should be the primary motivating factor in dealing with women like Shamima Begum. Paris’s discussion of retribution argues that the desire for revenge is a primal, instinctual human urge that should be considered natural and legitimate. This is a problematic characterization of western values of justice as universal. The temptation to “throw them up and lock away the key” is a conservative argument in Paris’ estimation, (though I would argue this mindset has been put into place under ostensibly liberal or progressive administrations) and appeals to a public consciousness that is hyperfocused on personal safety and national security (as it has been primed to be in the wake of the 9/11 attacks).

Parris writes, in a discussion of Shamima Begum,

I have no doubt that what fuels public and media clamour that [Begum] should face justice is not really a wish to see her reformed, still less a lively belief that, at liberty, she's likely to prove a major future threat to homeland security. No, what people instinctively want is retributive justice: there is anger against people like her and a desire to see she gets her just deserts. To see someone suffer who many have caused great suffering to others would provide a great measure of satisfaction to many (n.p.).

I disagree that this is a natural or normal human instinct; I find it likely that the instinct for revenge has been nurtured by capitalist and imperialist notions of independence, competition, and survival. We should be interrogating this impulse and where it comes from rather than legitimating or normalizing claims that fairness and peace can be established through punishment. Paris argues that the most important function of the law is to create examples out of those individuals who transgress norms, creating symbols of morality and punishment for the national consciousness. My research asks, is this really
the most important undertaking of justice? Should the law function to frighten individuals into behaving a particular way? Restorative justice is a fundamentally different approach, which sees justice and the law as a mechanism to repair harm and restore and support peace, prioritizing individuals’ stakes in the claim equally alongside institutional factors.

According to Paris and Jenkins, fairness and humanity are secondary concerns. Jenkins (2020) writes, “bringing back captured jihadi volunteers is not a humanitarian obligation; it serves the long-term goal of defeating the jihadi enterprise and ensuring that it does not easily rise again. The foreigners in Syria should be returned and cleared or prosecuted and incarcerated; if that is not possible in every case, they must at least be monitored.” But it is a humanitarian obligation, because a disregard for humanity has led states to commit horrible violences in the name of a pursuit of some universal, spiritual, and transcendent notion of “justice.” The proposition to “monitor” individuals repatriated from ISIS also raises questions about the racial, gendered, and sexual implications of surveillance as a form of population control.

Questions of prosecution, incarceration, and surveillance are rooted in humanitarian questions, especially as concerning the bodies of Muslim, Arab, immigrant, people (particularly women), and questions of fundamental human rights. We cannot disconnect the ideals of empathy, justice, healing, forgiveness, and peace; this point of tension is where a feminist framework allows us to see how colonialism, patriarchy, and racism have twisted justice, and how we can reclaim the concept. There can be no objective or just understanding of human rights that is built upon ideologies of oppression and domination. A critical take on justice reveals how much fairness and humanity have been missing, stamped out, and washed away from discussions on terrorism. Shouldn’t
the judicial apparatus of a community serve to empower people, repair harm, and strengthen bonds? What would such a system, rather than a system rooted in notions of deterrence and revenge, reveal about the nature of and our capacity for harm, forgiveness, reconciliation, and peace?
Chapter 1: Theoretical Foundations

I Ideological Roots of Western Justice and Citizenship

The western justice paradigm – or those collectively-held beliefs that define national sentiments about how crime should be defined and punished – is deeply wedded to notions of property, rationality, and revenge that serve to justify colonial domination and racial-gender hierarchies. Justice informs our understandings of belonging and futurity by designating certain types of behaviors (and people) as necessary to punish and/or segregate, and then either reincorporate into the nation or remove permanently. Justice also defines and is defined by our collective, imagined national morals, which are necessarily informed by settler-colonial definitions of “life” which demarcate certain populations associated with “death.” Collective understandings of justice, particularly in the context of the war on terror, are also related to understandings of citizenship as a mechanism to instill emotional and legal loyalty to the nation-state, and understandings of terrorism as an existential threat to the security of the nation-state. Whereas Western conceptions of justice are typically based on utilitarianism, libertarianism, liberalism, or some combination of these political theories, an alternative, post/decolonial, queer, and feminist conception of justice acknowledges the huge inequality between the Global South and Global North rooted in decades of imperialism, and seeks restoration of social relationships and interdependence, rather than retribution, punishment, and division.

The lineage of the twenty-first century western conceptualization of justice traces back to classical mythology and ancient literature, deeply ingrained cultural products that center men rather than women, property rather than personal fulfillment, the individual rather than the community, and punishment rather than reconciliation. These early,
fundamental ideas have served as tools of Western colonizers to dominate and destroy existing indigenous justice practices, and to rationalize this domination as the inevitable and just evolution in the progression of human civilization. Ideals from Sophocles, Euripides, Homer, Plato, Aristotle, and Socrates identify the divine infliction of justice, the importance of protecting property, and the deep commitment to the “social contract.” Implicit in Socrates' definition of justice is that breaking a law constitutes a crime, and that people who commit crimes should be punished in order to deter future crime, bring order to society, and keep hierarchies intact. These ideals have served as the foundation of justice systems and philosophies in the Western world for hundreds of years and continue to do so today (Arrigo 2010).

Modern thinkers such as Thomas Hobbes, Jean-Jacques Rousseau, and John Locke elucidated the general understanding of what justice means and what its role should be in society. Hobbes, Rousseau, and Locke wrote about the social contract, which defines political judicial institutions as a requirement for any society to function and situates property as the key defining feature of a “civilized” society. Modernist philosophy utilizes a conception of the “rational man,” a supposedly universal individual who makes decisions based on their personal needs and desires and is free to pursue the accumulation of personal wealth. John Rawls, the foremost philosopher on justice in the western world, based his conception of justice on the ideals of a liberal society, in which all citizens have free and fair access to resources and opportunities. His conceptualization of justice is based on a rejection of utilitarianism and draws on social contract theory: individuals are rationally self-interested in their personal, individual gains, so in a truly fair society, people would make choices without any understanding of their own standing
in society. Rawls suggests that society should be interested in fairness, and that institutions should only reproduce inequalities when they restrict the opportunities of the most privileged group in a society.

Thomas Hobbes’s claims about the rational character of self-preservation formed the basis for rational choice theory, which has served as the foundation for the social sciences for centuries. Rational choice theory and Hobbes’s philosophy are deeply wedded to capitalism, and has implications for western philosophy, politics, and ideals about justice. Despite its imperialist proclamations to apply universally to “human nature,” rational choice theory is narrow and nonuniversal, and relies on an “explicitly moralizing characterization of life, the value of life, and the absurd and hostile threat posed by all those who do not accede to its mandates” (Schotten 2018, 63). Caron Gentry and Laura Sjoberg (2015) outline relational autonomy as an alternative paradigm for understanding how individuals make choices, and to critique the notion of “agency” as an entry point into the realm of the legitimately political.

Where western justice ostensibly aims to protect and cultivate life for the nation-state, it actually relies on a “savage” other, stuck in nonlinear time and lacking rationality, as a threat to that life. Hobbes defines a “savage” as anyone who refuses the legitimacy of the sovereign, or anyone opposed to the “civilizing mission” of the settler-colonial state (Schotten 2018, 63). Schotten (2018) draws a direct line from Hobbes’s “savage” to the terrorist of the twenty-first century as a manufactured and ideological threat to the nation-state. In fact, the idea of “rationality itself is caught up in the logic of conquest, or civilizationist hierarchies of biopolitical determination” (Schotten 2018, 63). This conceptualization of “savagery” mobilizes death as the inevitable and moral
alternative to “life,” producing populations alienated from social and political relevance and bound for destruction. Schotten (2018) refers to this production as the “death drive” of imperialism, the necessary and indefinite need to identify and annihilate threats to the settler-state’s legitimacy.

Understanding rational choice theory as inevitably tied to capitalism and colonialism reveals an understanding of the United States (and its western allies) as an empire, collapsed into an alliance on a civilizational mission committed to futurity, or the preservation of life for a select few (Schotten 2018; Mbembe 2003). Schotten defines futurism as a biopolitical project that perpetuates “civilization” through the moralized privileging of settlers over the lives of the “savages” it seeks to erase. This construction of western “civilization” requires the construction of an Other, which articulates itself oppositionally through images of “the Orient” (Schotten 2018, Said 1978). Orientalist readings of Islam and the Middle East frame Muslim sexuality paradoxically as both perverse and repressed, excessive and exotic, contrasting with the west’s proposed “sexual exceptionalism” and Christian morality (Puar 2017). Through this reading, it becomes possible to see constant war as a necessity for the empire to sustain its grasp on hegemony, because it produces a sense of vulnerability, or a “state of exception,” that justifies defensive militarized posturing and territorial expansion.

Of course, dominant ideals about justice were produced by and for white men, leaving women, people of color, Indigenous populations, and the Global South out of conceptualizations of legality and morality (Carpenter 2008). Plenty of feminist philosophers, economists, and political scientists have disavowed the idea of the rational man, but it still foregrounds judicial institutions which place blame on individuals for
their actions without taking into account their socio-political contexts (Arrigo 2010). Additionally, Sjoberg (2016) explains how justice and war are fundamentally gendered and argues that a feminist rejection of top-down power and universal rationality allows us to better understand who fights wars, who is victimized by wars, and how justice can and should function in the aftermath. Theories written by and for white men not only exclude all other types of people, they dehumanize these people by positioning them outside of the universal rationality and morality that defines justice.

Dominant theories of justice also espouse “toxic individualism,” a phrase used today in the United States to describe how late-stage capitalism has bred a lack of empathy, extreme greed, and an emphasis on competition. Conceptions of justice that serve personal property and wealth further entrench toxic individualism by prioritizing property over personal welfare and ignoring the interdependence and relationality that defines human existence. In the post-9/11 context of the United States and Europe, a world which considers the proliferation of Islam and the migration of Middle Easterners to be an existential threat, toxic individualism also colors our perception of these actors as irrational, under-developed, and in need of western enlightenment. The diffusion of responsibility coupled with western supremacy dehumanizes ISIS women in the eyes of the US and Europe: our conceptualization of justice is incompatible with our going role in the imperialist subordination and domination of the Global South.

Puar (2017) discusses the fantasy of western secularism, particularly in the United States, which purports a democratic separation of church and state while invisibilizing the hegemony of Christianity within the west. This fantasy also misrepresents Islam as fundamentally opposed to gender equality and sexual difference while bolstering western
claims to democracy, freedom, and moral superiority. The fantasy of western secularism contributes to pathological understandings of terrorism that identify religion, rather than political or economic grievances, as the primary motivation of terrorist violence. Religion (specifically Islam) is “cast, in relation to other factors fueling terrorism, as the overflow, the final excess that impels monstrosity” (Puar 2017, 55). Puar argues that “in the liberal-secular imaginary, religion is…always already pathological” (2017, 55, emphasis in original). Religion is also racialized and sexualized through parallel, neo-Orientalist discourses about Islam.

Puar defines homonationalism as a regulatory force which homogenizes populations by rewarding individuals’ efforts to approximate the ideal, heterosexual, patriotic citizen. Homonationalism allows nation-states to celebrate “difference” through the form of multiculturalism or neoliberal reforms that grant rights to non-normative populations which mimic the image of the good patriot and support the nation-state. This strategy relies on sexual exceptionalism, which posits the west as the freest, the most equitable, and the most democratic space in the world by virtue of its liberalism, secularism, and commitment to human rights. Production of the national community requires segregation and disqualification of sexual and racial others and relies on citizenship as a mechanism to legalize national identity under a single, homogenous qualifier. Homonationalism represents the nation-state’s efforts to assimilate that which is unassimilable through approximation and performance of white, heterosexual, patriotic norms. Legal structures that enforce homonationalism aim to bolster the “ascendancy of whiteness” and the paralleled racialization of the Muslim (Puar 2017).
Citizenship represents the legalizing of national identity, which necessitates an “Other” and designates subjects deserving of access to certain rights, including due process and justice (Manta and Robertson 2020). Citizenship produces and regulates national identity through the legal and emotional embodiment of belonging, and by delineating a population which must be excluded. This cognitive framing of group identity reinforces (perceived) uniformity; citizenship can be read as a tactic of homonationalism which consolidates the population by erasing difference and alienating certain individuals from civic and community participation.

Citizenship confers upon individuals access not only to economic benefits and income, but also to legal protection of certain rights. The lack of citizenship, or the condition of statelessness, has such intense consequences on individuals and communities that citizenship can be considered a fundamental human right (Manta and Robertson 2020). Donald Trump’s 2016 presidential campaign was founded on a platform of immigration law and policy, paralleling a transnational growth in denaturalization as a counterterrorism strategy. This shift from reactive to proactive efforts (which I will discuss at greater length below) has implications for conceptualizations of security and justice. Despite its importance for individual protections, citizenship within the west, and particularly in the United States, is a tenuous status for many people; western countries rely more and more on denaturalization as a tactic to remove certain types of people from the body politic. Just as citizenship is deeply intertwined with notions of race, class, sexuality, gender, and religion, denaturalization is a racialized, classed, and gendered project which targets certain individuals. The Department of Justice released a statement on prosecutorial discretion in denaturalization cases which explicitly articulates
“terrorists and national security threats” as the population to be targeted by
denaturalization campaigns (Manta and Robertson 2020). I discuss the implications of
designating individuals as “national security threats” in chapter 3, but it is clear that
citizenship is not a guarantee for populations outside the white, heterosexual, patriotic
normative ideal.

Morality, and by extension, the law and justice, purport to be premised on a
discourse of truth, a fundamental understanding of human nature. Destabilizing the
assumptions of morality as universal reveals that western justice exists as a political tool
to segregate populations according to manufactured ideas of worth and humanity, in
order to stigmatize, demean, and punish those deemed undeserving of full citizenship
rights (Schotten 2018, 120). Readings of the law as a tool to punish individuals who
commit moral transgressions, as presented by Paris (2019), reveals the imperialist urge to
apply narrowly constructed moral ideals to entire communities. Abstract and coercive
ideals like the notion of the common good, law and order, security, and the protection of
children construct a vague moral foundation for justice that allows the law to confer
privileges on certain groups while excluding and punishing others deemed to be
antithetical to those ideals.

The necessary “other” of the western civilizing mission has changed over time,
and Schotten (2018) argues that there is a direct line between the production of the
“terrorist” as an amoral, inhuman threat to the production of “savage natives” as threats
to the very foundation of the state. This shift has roots in the geopolitics of the twentieth
century, specifically the post-World War, Cold War, and post-Cold War political and
social contexts.
Post-WWII, Cold War, and Post-Cold War Politics and the Production of the “Terrorist”

As countries struggled to make sense of the atrocities of World War II and the Holocaust, which came to be canonized in western political consciousness as the primary example of terrorism and evil\(^3\), exclusionary and male supremacist thinking about property, rationality, and retribution came to define Western understandings of international relations. Hans Morgenthau’s political theory would grow into the school of realism: relationships between states are like a zero-sum game, wherein states pursue their individual interests above all else without the presence of an international moderating force and at the expense of other states’ interests. While some realist thinkers such as Kenneth Waltz emphasize the presence of power as the most important force behind international relations, Morgenthau considered national interests to be of foremost importance. Implicit in this conceptualization of national interest is the importance of personal property: protecting a state's wealth (which lies in the hands mostly of upper-class, white men) is the national interest, rather than protecting human rights such as due process.

These Western theories of power and justice informed the post-war tribunals, which in turn internationalized these ideals, imposing them as the “correct” way to seek justice in the aftermath of conflict. While the post-World War II Nuremberg and Tokyo tribunals were not the first war crimes tribunals, they were the first to become so internationally famous, and were instrumental in producing precedent to institutionalize

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\(^3\) Schotten (2018) defines this phenomenon as “Holocaust Exceptionalism,” and describes “the view that the Holocaust was the most enormous or most efficient or most monstrous (or some other adjectival superlative) ever to have taken place, and that its occurrence is a dire warning for humanity and an unmistakable turning point in modern political history” (26). Holocaust Exceptionalism functions to downplay or demote other historical injustices, particularly those which have been foundational to western sovereignty and domination.
international justice theory (Bass 2000). During this time, thinkers applied theories about justice and society to try to make sense of the large-scale wars which had devastated what they previously considered perfectly “civilized” countries. These tribunals, however, completely ignored any discussion of gender or race, further entrenching the dominant, unspoken understanding that laws written by white men govern white men, and that international war (and justice) is an arena open only to white men.

Ultimately, Nuremberg was defined by discourse around punishment and vengeance rather than justice for the victims of the war and the Holocaust. Nuremberg was largely a creation of the US, but the Truman administration did not agree at first that an international tribunal would be the best course of action to punish Germany for their actions during the war. The debate in the cabinet mostly revolved around whether to carry out summary execution of top Nazi officials, rather than holding a tribunal. It raised the question of whether Nazi crimes were so heinous that a tribunal would not accurately capture their nature and that no punishment could adequately address them, and the assertion that summary executions are antithetical to the United States’ deeply held beliefs about justice and human rights (Bass 2000). It is important to note that the majority of this debate was framed in terms of punishing Germany for occupying Europe, not for the genocidal murder of the Holocaust (Bass 2000, 173).

The post-war period also marks the proliferation of subversive theory within the western canon, which would eventually grow to inform the foundations of queer theory. Michel Foucault (1976) and Giles Deleuze (alongside Félix Guattari, in 1972) particularly worked to re-conceptualize long-standing ideals about justice, morality, and power. Foucault took power out of a binary context, complicating the idea that justice is a
top-down action imposed upon an individual and suggesting that identity is a discursive and contingent construct. Deleuze writes about ethics as a constraining set of rules that governs our behavior and writes that contemporary understandings of justice are entrenched in the concept of “transcendence,” or the idea that power comes from somewhere higher than human beings. Indeed, Deleuze writes that because morals are socially constructed, justice is not a universal value ruled by objective self-interest.

Poststructuralism laid the foundation for post/decolonial and post/decolonial feminist thinking that articulated the power relations between the colonizers and the colonized. Foucault and Deleuze’s reconceptualization of power and the individual’s relationship to the world also influenced queer theory, which emerged parallel to the global rise of militant decolonial and anticolonial efforts.5

The geopolitical climate of the Cold War framed the western justice paradigm in more urgent questions about nuclear power, sovereignty and self-determination, and neo-colonialism. This period also saw efforts to compare the Soviet Union under Stalin to Nazi Germany, efforts which functioned to produce an imaged existential, “savage” threat to western hegemony (Schotten 2018). Realism informed US Cold War foreign policy, which prioritized the protection of property and wealth above all else. US foreign policy turned its civilizing mission outward with a pattern of imperialist expansion into Latin America and the Middle East (Schotten 2018). Black-and-white conceptions of the

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4 Postcolonialism, decolonialism, and Third World critical theory all differ in their understanding and treatment of colonialism and its temporality and spatiality. I use “post/decolonialism” as an umbrella term not to erase difference among the theories, but to refer to a unified school of thought that opposes colonialism and imperialism generally. The term “post/decolonial” serves to underscore the overlapping yet distinct natures of the two schools of thought.

5 Despite his importance to the foundations of queer theory, however, post/decolonial queer theorists would go on to critique Foucault for leaving unexamined his positionality within France, and Europe’s history of brutal colonial domination and genocide of Indigenous populations across the Global South.
nation and a strong public emphasis on American exceptionalism activated binary conceptualizations of a good vs. evil fight for the future in the western public consciousness. This thinking worked alongside long-held understandings of the world as a lawless place, of justice as necessary to punish, and of the preservation of the social contract.

In the Cold War and post-Cold War world, post/decolonial thinkers and feminists flourished alongside the intensification of colonialist, capitalist sentiment by building upon earlier post-structuralist work and applying lenses of gender, sexuality, race, colonialism, immigration, and capitalism. This period also saw the proliferation of anti-colonial, independence, and nationalist movements across the Global South as nations fought to free themselves from their imperial oppressors. Third World Approaches to International Law (TWAIL) and decolonial scholars insist upon an analysis of international politics that takes into consideration the very real consequences of ongoing colonialism and separation between the Global North and the Global South, positing that we are not, in fact, living in a post-colonial world. Bruce Arrigo (2010) explains that modernist understandings of justice assume that individuals are logical, calculating, independent actors with free will over their thoughts and actions, whereas the postmodernist framework decenters the individual subject, traces non-linear paths of development, and highlights the collective nature of human existence (774). Postcolonial theorists drew upon this postmodern distinction, Marxism, and the struggles for independence and self-determination happening all around the world, and the field has adapted to rapidly evolving practices of neocolonialism in the twenty-first century.

Emergence of “terrorist” discourse and terrorism studies
In the late twentieth century, western academic and political institutions began developing “terrorism” as a moral and ideological term for a certain type of violence. Academic notions of terrorism and counterterrorism are intimately connected to the state and its methods of control, and Tyler Wall (2016) describes how the technologies of the war on terror have been intimately bound up with domestic ideologies and methodologies of violent and racist policing. The US State Department understands terrorism as existing in either a pyramid structure or a network structure: that which is phallic and castratable opposed to that which is uncontrollable and anxiety-inducing. Academic counterterrorism aims to delineate a “causality” of terrorism, pathologizing religion and sexuality without the participation of their subjects and ignoring or downplaying the role of decolonial and anti-imperialist politics in inspiring so-called terrorism. Academic and political terrorism studies also reflect Orientalist imaginings of Islam as exceptionally patriarchal and oppressive and Muslim and Arab women as exceptionally victimized (Schotten 2018; Puar 2017). This assumption means that through the androcentric, Orientalist perspective of western terrorism studies, women as women can never be identified as agents of terrorist violence.

Western notions of terrorism developed as part of a larger international political conversation on insurgency and counterinsurgency. Initially, terrorism was applied to tactics that actors in conflicts, including states, deploy. Terrorism was also closely aligned with the notion of “terror” as the signature political tactic of totalitarianism. This development paralleled the global rise of decolonial movements and western attempts to

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*I discuss the network v. pyramid structure understandings of terrorism at greater length in chapters 2 and 3, suggesting Deleuze and Guattari’s framework of the rhizome as a useful framework to explain terrorist and counterterrorist efforts.*
link Stalin’s Soviet Union to Hitler’s Nazi Germany of the 1940s and identify it as the source of violence, poverty, and depravity in the world. Tensions arose in efforts to define who can be considered an actor of terrorism as a certain moralized type of political violence, and who can be considered a victim of terror and terrorist violence.

In 1974, Benzion Netanyahu, father of Israeli Prime Minister Benjamin Netanyahu, Israeli historian, and Zionist activist, held an international conference to attempt to define terrorism and consolidate an alliance against it. At a second conference in 1984, Netanyahu Jr. explicitly shifted the treat of “terrorism” from the Soviet Union to the threat of Arab nationalism and Islamic fundamentalism, again using the language of totalitarianism to sustain the rhetorical link of these movements with Nazi Germany (Schotten 2018). Netanyahu Jr. defined terrorists as individuals with a “disposition toward unbridled violence,” already marking terrorist actors as more dangerous and pathological than those “acceptable” or “rational” actors in violent conflict (qtd in Schotten 2018, 135).

Moaveni (2020) speaks of the “Al Qaeda Narrative,” a mindset in policy circles that frames political violence as a form of self-defense against occupation. This narrative tells of western invasion of Middle Eastern countries, cultivation of corrupt dictators, and overthrow of popular leaders hostile to western interests as events which laid the foundation for political violence, rather than violence driven by pathological religious beliefs. In the west, terrorism is never presented as an act of self-defense. Terrorism is

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7 Schotten (2018) discusses at length the phenomenon of “Holocaust Exceptionalism” which identifies the Holocaust as the most monstrous, most violent, most destructive example of totalitarianism and terrorism in human history.

8 Schotten (2018) examines Israel’s unique role in the genealogy of “terrorist” discourse and the shift of the subject toward framing Arab nationalist movements as terrorist.
stripped of any rational or legitimate motivation and is associated culturally with Islam and racially with Muslims (Moaveni 2020). Western definitions and understandings of terrorism are inherently racialized, gendered, and sexualized as they pass through cultural narratives of Orientalism and ethnocentrism.

“Terrorism studies” emerged as an academic discipline in the late 1960s, and immediately was associated with state power (Puar 2017). Terrorism studies takes the psyche as the primary point of analysis, aiming to investigate violence as the result of compulsion or psychopathy, rather than understanding violence as a political instrument (Puar 2017). This pathologizing discourse is constituted by gendered and racialized images of the “Orient” as simultaneously harshly patriarchal and sexually perverse. By the 1970s, “terrorism” became used as a term to define nonstate actors committing political violence, who were referred to in earlier conflict in the Middle East as “insurgents” (Schotten 2018). Amid gendered, sexualized, and racialized imaginations of Muslims and the Middle East and post-9/11 white supremacist anxieties, “terrorist” has become a label to designate those actors who are outside the confines of “acceptable” or normative behavior, not only in the political sphere but also in private. This broadening of the idea of terrorism promotes the narrative that “western civilization” is facing existential and evil enemies, that it is pointless to make any effort to understand their causes or motivations, and that virtually any action that security states take to combat them is justified (Moaveni 2020).

1990s and International Justice

With the end of the Cold War and the emergence of a new international political hierarchy, international relations entered a new era, characterized by Gary Bass (2000) as
a “new effort at international justice” (4). In response to civil wars, decolonial and independence struggles, and violence in the Global South, the United Nations deployed “human rights” discourse internationally through resolutions and tribunals, discourse which implies universalist understandings of human nature and human rights, and which postcolonial and TWAIL scholars have argued are part and parcel of imperialism. Seeds of conflict planted by the US and the USSR in proxy wars in Global South countries turned overtly violent in the aftermath of the Cold War, and the United Nations greatly expanded its legal and political mandate in creating international tribunals, the International Court of Justice, and the International Criminal Court. War broke out in, among other places, the Balkans, Rwanda, Algeria, and Somalia, and the International Criminal Tribunals for the Former Yugoslavia and Rwanda (ICTY, ICTR, respectively) gained international attention as the United Nations attempted to help states transition out of conflict and into peace.

The international justice efforts also worked to reckon with women’s situation in armed conflict, bringing to light a truth which had long been ignored: women are disproportionately affected by armed conflict, but they are also autonomous agents within conflict. International tribunals worked to define gender-based violence and prosecute gender-based crimes against women. The ICTY and ICTR were instrumental in defining rape as a war crime and a tool of genocide and acknowledging the individual and societal ramifications of widespread rape in war. However, women still remain vulnerable to violence both during and after armed conflict and transitional justice mechanisms such as tribunals, truth commissions, war crimes hearings, and reparations still neglect or overlook women's particular needs (Manjoo and McRaith 2011; Carpenter 2008).
Feminist political science scholars have pointed out that simply adding women to dominant analyses of war, what is generally called the “add women and stir” approach, is not adequate to understanding their unique experiences and needs, and have called for a more nuanced and holistic approach to studying women in armed conflict and international justice (Gentry and Sjoberg 2015).

The ICTY and ICTR laid down fundamental precedents that continue to govern justice after warfare in the 21st century. The United Nations, for the first time, took a major interest in the application of universal human rights and solidifying norms about war into formal (yet non-binding) resolutions. International tribunals worked at the same time as local efforts not sponsored by the UN, such as gacaca processes in post-genocide Rwanda and the Truth and Reconciliation Commission in post-apartheid South Africa. This period also saw a shift in the conceptualization of sovereignty, as these international institutions brought inter-state or civil conflicts into the international arena. This development mirrors the universalization of human rights that the west pursued in the post-Cold War era, a process that post/decolonial and other critical scholars argue was a technique of domination meant to uphold western hegemony over morality and the realm of justice (Chimni 2006; Okafor 2005; Li 2018).

These international judicial institutions also worked to uphold long-standing colonialisit legacies. For example, Ba (2017) points out that in 2018, all but one case in the International Criminal Court were located in Africa with African defendants, indicating that international legal institutions disenfranchise the Global South by making them subjects of the law, rather than its beneficiaries. The colonial realities inscribed in international law make international courts responsible for prosecuting those same people
the west has sought to control (Ba 2017, 52). These international tribunals ignore uneven
global development by attempting to apply universal standards across the globe.
(Mendeloff 2009; Olsen et. al. 2010).

Izabela Steflja and Jessica Trisko Darden (2020) also explore how the ICTR and
ICTY are fundamentally gendered, tending to skew treatment of women perpetrators by
either giving them much harsher or much more lenient sentences than their male
counterparts. This bias is also compounded and influenced by other factors like race,
ethnicity, nationality, status as a mother or wife, religion, class, etc. A feminist analysis
of the treatment of female perpetrators suggests that settler-colonial heteropatriarchy
cannot conceptualize women outside of their normative role of the caring, nurturing
mother of the family and the nation. There is mixed empirical evidence of the
psychological benefits of truth-telling processes and tribunals for victims, and their
impact on human rights. Ultimately, scholars still debate the efficacy and purpose of
transitional justice mechanisms, particularly war crimes tribunals, truth commissions, and
amnesties (Olsen et. al. 2010).

The United Nations institutionalized the acknowledgement of gender-based
violence through a variety of conventions, resolutions, and action plans, most famously
including the 1979 Convention on the Elimination of All Forms of Discrimination
Against Women (CEDAW), the 1994 Declaration on the Elimination of Violence Against
Women (DEVAW), the 1995 Beijing Platform of Action, and the Security Council
Resolutions 1325 (passed in 2000) and 1820 (passed in 2008) (Manjoo and McRaith
2011). Despite these interventions, gender-based violence continues to proliferate in
conflict and post-conflict situations, because UN resolutions are only as binding as its
member states take them to be, and their sentiments are not always carried out on the
ground. International justice mechanisms with great symbolic importance may have little
to no material impact on the people they purport to address.

Post-9/11 Politics and Discourses of the War on Terror

Most dominant narratives of the September 11, 2001 attacks on the United States
present the attacks as a breaking point and a major shift in global politics. I follow
scholars’ calls for a rethinking of the temporality of 9/11 as instead a catalyst which
intensified existing politics and discourses of western exceptionalism in the face of an
existential threat (Puar 2017; Okafor 2005). The government, the media, and politicians
presented the 9/11 attacks as an exceptional show of Islam’s “hatred” of the west in an
effort to foster collective national approval for the extreme militarized violence that
marked the invasion and occupation of Iraq and Afghanistan. Post-9/11 politics and
discourses also crystalized “terrorism” discourse, which traces its roots to the Cold War
era and has solidified around racist and pathological imaginings of Islam and jihad.

Schotten (2018) points out that western imperialist, expansionist attention on the
Middle East began well before the post-9/11 invasion of Afghanistan with Presidents
Reagan and Nixon’s expansion into the Middle East and imperial policies in Latin
America, and Cold War uses of the Middle East as a theater for proxy conflicts with the
Soviet Union. However, Obiora Chinedu Okafor (2005) argues through a Third World
Approaches to International Law framework that post-9/11 policies ushered in a new era
of international law reform and imperialism. Okafor calls for a re-conceptualization of
the post-9/11 world from a Global South perspective, which can provide new insights
into international jurisprudence and legal theory. Although the 9/11 attacks and
subsequent wars did not constitute a breaking point in international politics, efforts by western media pundits and politicians to present 9/11 as exceptional made terrorism a household topic of discussion and fear, considered through Orientalized and racialized images of the radical Islamist terrorist.

Western understandings of terrorism have shifted over time; the fundamental, radical Islamic terrorist associated with Al Qaeda and ISIS emerged from a much longer international debate about what constitutes terrorism and who constitutes agents or victims of its violence. President George W. Bush’s 2001 speech given days after the September 11 attacks explicitly identify fundamentalist Islamic terrorism as the ideological descendant and inheritor of “all the murderous ideologies of the twentieth century” (qtd in Schotten 2018, 139). Bush describes these terrorists as “sacrificing human life to serve their radical visions, abandoning every value except the will to power” (qtd in Schotten 2018, 139). His designation of fundamental Islamic terrorism as a barbaric, savage will towards destruction and power dehumanizes and moralizes the so-called war on terror as a fight for humanity and the future, not an ideological or geopolitical fight. The rhetoric in Bush’s speech is the result of decades of conservative attacks on decolonization, communism, and the New Left that dehumanize any efforts to oppose the hegemonic power of the settler-state (Schotten 2018). Terrorism is identified as primitive, prehistoric, premoral, and pre-civilizational, necessitating the formation of an imperial alliance to counter the threat to modernity and futurity. Where the terrorist refuses to follow “civilized” rules for engagement in conflict and respect human life, the United States and its allies are identified as the global savior of civilization, the protector of life and democracy, and the guarantor of a civilized future.
The shift of the targeted “other” from Indigenous populations to Arab, Muslim, and Middle Eastern populations represents the settler-state’s anxious desire for biopolitical sovereignty turned outward, turning the state into an expansionist, imperialist security state with enemies abroad (Schotten 2018, 57). The transformation of the empire’s “queer” threat, which had originally been the “savage” Indigenous nations of North America, into the terrorist, was thus catalyzed in the war on terror. ⁹ Puar (2017) points out that the rhetorical and metaphorical use of “Indian war” in conflicts in the Middle East in the early twenty-first century positions the contemporary western empire as inevitably victorious in a worldwide battle against “savagery” in the form of Islam and terrorism. The moralized definition of terrorism today equates it with a fictive, Orientalist understanding of Islam, Arab countries, and the Middle East and removes it from the realm of political legitimacy, resulting in an imagined “terrorism” as the ultimate threat to the survival of the western “way of life.”

Schotten (2018) argues that “from the very beginning of its explicit emergence into American and international political rights discourse, ‘terrorism’ has functioned as a crucial arbiter of the line between savagery and civilization” (134). Within the lexicons of contagion and theology, “terrorist” subjects are always racialized and sexualized as pathological (Puar 2017; Schotten 2018). A lack of theorizing about women and terrorism (and women in conflict more generally) results in the failure of western liberal feminism to articulate an understanding of terrorism without relying on settler-colonial, Islamophobic, and Orientalist assumptions about its subject. Schotten (2018) identifies an

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⁹ Reading the United States as an empire reveals the outward-facing impulse to segregate and neutralize certain populations in order to build a moral civilization. This reformulation of the threat to sovereignty also parallels the transformation of settler-societies into security states.
ongoing, elaborate, and well-funded international effort to discursively produce radical Islamist terrorism as the evil threat to western civilization’s morality and futurity. Via narratives of Islamophobia, western states commit themselves to “purposeful attempts at containment and pacification in order to preserve the existing futurist order” (158).

As post-9/11 politics solidified the image of the threat as “terrorism,” the construction of a new racial category collapsed Muslim, Arab, and Middle Eastern bodies into a population identified as always-already a threat to the legitimacy of the nation-state, always-already terrorists (Puar 2017).10 The very determination of who, or what, is identifies as “terrorist” is inherently political and bound up with Orientalist, Islamophobic understandings of race, sexuality, gender, and religion; this determination is also necropolitical because it delineates a population destined for destruction (Schotten 2018, 64; Mbembe 2003). The construction of Islam and terrorism as a “nihilistic death cult...[justifies its] necropolitical elimination” (Schotten 2018, 64). As individuals are racialized, they are also marked for destruction.

The post-9/11 western discourse presented the attacks as a national sexual trauma, and reinvigorated patriotism as expressed through allegiance to heterosexual norms. The United States expanded its rhetoric of sexual exceptionalism and modernity in this period to situate itself as oppositional to a perverse, backwards, and amoral “Orient” (Puar 2017).11 This civilizationist moral discourse caught widespread fervor within the United States. Post-9/11 legislation also accelerated the blurring of the boundaries between law

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10 Puar (2008) examines the post-9/11 rise in violence and hate crimes directed towards Sikh men wearing turbans, and argues that the racialized category of “terrorist” erased any differences between different races, ethnicities, religions, political affiliations, etc. in favor of a homogenous subject, a “brown” and dangerous threat.

11 Puar (2008) discusses at length the Lawrence v. Texas case in the Supreme Court which decriminalized sodomy as a function of homonationalism as it sought to further regulate queer sexuality and incorporate certain individuals into the supposed multicultural, accepting nation.
enforcement and intelligence, shifting counterterrorism strategies from a reactive to proactive stance. Strategies of punishment blur with strategies of containment and prevention in the denaturalization and detention of individuals associated with terrorism. This policy, along with civilizationist discourses of modernity, blurred the temporality of both the threat of “terrorism” and the fight against it, situating it as an urgent, contemporary, distinctly new problem, and simultaneously an age-old, prehistoric, ancient battle of good versus evil. This temporality serves the indefinite nature of the war on terror, as a project with no fixed end point, or even a fixed enemy.

Inherent to this temporal shift is the weaponization of justice as a retributive, punitive, and essential tool to fight the threat to the nation-state and protect “civilization” from the evil, “savage” terrorists. Donald Trump’s widespread use of executive power to control the population has been presented by liberal critics as a brand-new, un-American perversion of the very ideals the nation holds dear. However, an analysis of Obama-era expansion of security and military power reveals that denaturalization, deportation, and detention strategies of population control are inherent in the very foundations of western political thought which purport and imperialist and racist understanding of rationality and morality (Wilcox 2016; Wall 2016; Allinson 2015). Obama’s liberal use of drone strikes to target suspected terrorists is a necropolitical tool of racialized and gendered population control, and is intimately tied to legacies and logics of policing and state-sanctioned killing (Allinson 2015; Wall 2016).

The 1990s and post-Cold War political strategy of (sexual) exceptionalism aided in the almost seamless transfer of enemy subjecthood from Nazi Germany, to the communist Soviet Union, to totalitarian Middle Eastern governments and Islamic
fundamentalist terrorism. This shift represents the civilizationist nature of the western production of the enemy as wedded to logics of settler colonialism that identify any threat to the project of futurity as existential and deadly, as “uncivilized.” President Bush’s 2001 speech relied on “with us or against us” rhetoric that divided the world into two groups – the good guys, aligned with western “civilization,” morality, and life, against the bad guys, aligned with evil, nihilism, and “death” (Schotten 2018).

Post-Cold War international politics also saw the emergence of a normativizing human rights framework, which liberal western feminists adopted. The claim to define and protect human rights worldwide was taken up by the United Nations, a body identified in Third World and post/decolonial theory as a figurehead and symbol of western hegemony. Human rights were defined and legalized through UN legislation/resolutions, international tribunals, and the rise of “peacebuilding” and transitional justice in academia. These purportedly universal human rights depend on notions of futurity and moralism as opposed to “savageness,” notions which are intimately bound up with the logic of settler-colonialism (Schotten 2018).

Postcolonial theorist Oumar Ba (2017) argues that the theory and practice of international justice rests on “foundations that consecrated the West as the sole trustees of law, justice, and morality” (45). By the start of World War II, almost all of Africa, Asia, and the Middle East had been brought under colonial possession of Europe and the United States. Ba (2017) describes a shift in the first half of the 20th century from naturalism to positivism in thinking about justice and law: “whereas naturalism asserted that...law emanated from human reason and applied to all peoples, positivist international law distinguished between civilized and uncivilized states” (50). Foucauldian thinking
about power and law that emerged after World War II acknowledged that law is socially constructed, but ignored the colonial realities that states constructed to uphold their own power. Thus, according to postcolonial thinking, international law serves to legitimize colonial domination.

Today, the international justice framework is defined by several qualities that indeed trace their roots to Morgenthau, Locke, and Rousseau. In today's framework, “might makes right,” meaning that the most powerful states determine norms, and winners of wars are almost never the ones on trial for crimes they committed during the conflict (what is called victor’s justice) (Bass 2000). This picture of the current justice paradigm closely aligns with realist depictions of international politics and law, and focuses on democratic, western countries and their political theory. Since the aftermath of the Cold War, international tribunals and resolutions sponsored and created by the United Nations have become the predominant methods for adjudicating post-conflict disputes and imposing peace.

Queering the (Female) Terrorist

Contemporary readings of terrorism assume and imply a male subject, relying on Islamophobic and Orientalist imaginings of Muslim women as the ultimate victims of patriarchy. Feminist political theory (Steflja and Trisko Darden 2020; Gentry and Sjoberg 2015) critique mainstream sources which read violent women through mother, monster, and whore narratives, and call instead for a nuanced and individualized approach which sees violent women as complex political subjects with agency and motivations beyond sexuality and motherhood. Queer theory (specifically Puar, Schotten, Achille Mbembe, and Deleuze and Guattari) provide a framework for understanding terrorism through the
languages of assemblages and homonationalism, rhizomes and trees, and biopolitics and necropolitics. Post/decolonialism (specifically Said and Spivak) reveal the Orientalist and imperialist assumptions at play in definitions, understandings, and readings of (female) terrorists.

Indeed, Gentry and Sjoberg (2015) show how theories that aim to explain people’s violence are gendered: they tend to either ignore women completely or explain their violence through gendered terms (43). Male subjects are considered rational decision-makers, whereas “much sex-specific analysis of women’s violence characterizes violent women as having been incapable of choosing their violence” (Gentry and Sjoberg 2015, 44). They point out that terrorism studies especially have relied on gendered notions of Arab and Muslim women:

Motherhood and the duty (honor) women have to their families and communities in the Middle East – these are resonating images, images that the Western media can easily grasp in order to either deny the true capability of [female terrorists] or to perpetuate Western images of what it means to be a woman in the Middle East. In fact, terrorism is itself devalorized as it is feminized through discourses of irrationality which associate terrorist violence with racialized, perverse, and pathological religious belief, ignoring its political implications.

Gentry and Sjoberg (2015) theorize relational autonomy to understand the extent to which women choose to participate in violence, pointing out the problematic nature of the “agent versus structure” binary. They argue that all individuals’ choices are constrained by social and cultural context, and that gender is one of these axes of containment. Gentry and Sjoberg (2015) also, however, question the usefulness of “agency” as an inherently masculinized concept which relies on the binary construction of the public and political sphere as opposed to the feminized private. They point out that
agency functions as “a masculinized currency of legitimate entry into the political sphere” and the “currency by which political subjects are often recognized in Western, liberal thought” (Gentry and Sjoberg 2015, 149). Gentry and Sjoberg, then, are interested in moving beyond the binary of agency vs. subjecthood and even the binary of political/public versus personal/private, and understanding the nuances and complexities of women’s lived experiences as agents constrained by their social contexts, but agents nonetheless.

Puar (2017) proposes reading the terrorist as queer – not as a demarcation of a sexual or gender identity, but as a subject marked as oppositional to the civilizing mission of the settler-empire and associated with death, nihilism, and evil. In the imperialist western imagination, the “terrorist” is the personification of monstrosity, excess, savagery, and perversion. Thus, marking individuals as “terrorists” is not only a process of racialization and sexual perversion, but also a production of “civilizationist moralizing” that sets up an absolute binary between good and evil (Schotten 2018, 128). The language of terrorism in western discourse relies on languages of contagion and theology; presenting the terrorist threat as dangerous and containable, but also as representative of “a nihilism so baffling it can be described by its detractors in the supernatural language of evil” (Schotten 2018, 128).

Queer theory’s signification of “terrorism” as a discourse produced by settler-empire reveals that “terrorism is not the name of a particular form of political violence so much as a premiere ideological tool by which resistance to empire and colonization is illegitimated out of existence” (Schotten 2018, 129). Importantly, designation as a “terrorist” in the eyes of the nation-state does not require any connection to violence at
all: mere association with anti-west ideologies renders individuals a threat, a rendering which is always informed by logics of race, sexuality, ethnicity, gender, and religion. Puar (2017) suggests a queer reading of terrorism as rhizomic “assemblages,” drawing on work from Giles Deleuze and Félix Guattari, in order to highlight those phenomena “that are unknown or not cogently knowable, that are in the midst of becoming, that do not immediately and visibly signal themselves as insurgent, oppositional, or transcendent” (204). Puar’s articulation of terrorist assemblages resists binary thinking and instead foregrounds embodiment, affect, and contextualization in reading and understanding people’s experiences with political violence and armed conflict.

Schotten (2018) argues that potentially well-meaning liberal attempts to demarcate “good Muslims” versus “bad Muslims” uphold the logic of imperialist futurism and homonationalism. This logic concedes that Islam is always, by definition, a potential problem or threat to “life as we know it,” and erases the distinctions between “normal” Muslims and “radical” Muslims by situating Islam itself as perverse and dangerous. Designating certain Muslims as “not like the others” shores up the moralizing parameters of life and death inherent in colonialism which determine that certain subjects are not worthy of “life” or a future.

Queer theory provides tools for understanding “terrorism” outside the war on terror and the moral-civilizationist language of the west, but falls short in its failures to demarcate how “terrorism” is understood differently (or not understood at all) when the gender of the agent of violence is questioned. In fact, queer destabilization of dominant “terrorism” discourse reveals that female terrorists are illegible through this discourse, because Muslim women are always perceived as innocent victims of patriarchy and male
violence in need of rescuing from the west. The competing and paradoxical understandings of Orientalist imperialism of Muslims, Arabs, and Middle Easterners as perverse, monstrous, and dangerous and Muslim women as innocent victims render female terrorists not only invisible, but impossible within western justice structures. Puar (2017) proposes a conceptualization of the “circular economy of violence” whereby women are both agents and subjects (88). Gentry and Sjoberg’s (2015; Sjoberg 2018) work on women perpetrators of terrorist women presents the mother/monster/whore narrative framework: ideological categorizations of women which makes certain claims about their femininity, elaborated through motherhood and maternity, mental illness and pathology, and (hyper)sexuality, in relation to Islam and violence.

Within western terrorism discourses, the male body is figured as the bearer of cultural and national transmission. This conceptualization begs a critical analysis of women’s role in the nation-building project of the Islamic State, both through recruitment and propaganda efforts and reproductive efforts to create a new generation of ISIS subjects and fighters. Because of the paradoxical framing of Muslim women and “terrorists,” liberal western feminist discourses fail to understand the agency of female terrorists, as Steflja and Trisko-Darden (2020) show with their examination of Hoda Muthana and other female war criminals. It is critical to understand terrorism as a construction of and as constitutive of gender and sexuality, just as it is inherently intertwined with race and colonialism, because women are still the unspoken and

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12 I would like to emphasize that while these women are illegible to the western justice paradigm, they are not invisible. In fact, certain women associated with ISIS are hypervisibilized in the western world, which Sjoberg (2018) argues leads to their distortion and misrepresentation. Their hypervisibility is actually necessary to the discursive production of an existential threat to the nation-state. These women are not presented as legal, political, or even moral actors, and are stripped of their agency through narratives that seek to explain their association with ISIS through brainwashing, manipulation by men, or naïve longing for adventure.
invisible subjects and agents of the war on terror – only visible through certain lenses such as (neo)liberalism, (neo)Orientalism, and missionary-Christian evangelism.

**An Alternative Justice Paradigm**

This analysis of the settler-colonial foundations of the western justice paradigm reveals the need for an alternative construction of justice that not only moves beyond notions of punishment, retribution, and control, but also opposes the settler-colonialist, racist, and patriarchal assumptions that are foundational to western justice. Alternative justice, as I propose it, finds its intellectual, philosophical, and political foundations in post/decolonial feminism, queer theory, Third World Approaches to International Law (TWAIL), and restorative justice. Post/decolonial analyses of Islamophobia position it, and its attendant political logic, as the outgrowth of historical Orientalism, while decolonial theory works to recognize the ongoing efforts and impacts of settler-colonialism. Queer theory provides the tools to see the United States and its western allies as an empire, producing the “terrorist” as a queer threat to western hegemony, and to articulate alternative, subversive mechanisms of political alignment.

Schotten (2018) writes that no language exists within the western terrorism discourse to unsettle or challenge assumptions of the terrorist as constitutive of and fundamentally linked to Islam. Schotten presents the “terrorist” as a manufactured ideological category meant to stifle anticolonial and anti-imperial dissent. This language is meant to constrain and prevent political affiliations and naturalize this dissent out of existence (Schotten 2018, 152). Therefore, alternative justice recognizes the limitations and near impossibility of attempts to articulate a politics of “terrorism” that is not mired in racist, Islamophobic, and Orientalist logics. Schotten (2018) and Puar (2017) advocate
a leaning-in to the queerness and nihilism of the population designated as “terrorist” by the state as a disavowal of the states’ purported need to destroy those populations. Alternative justice also draws upon Deleuze and Guattari’s (1972) framework of the rhizome to recognize the ever-changing and unpredictable nature of both radical fundamentalist terrorism and western efforts to define and contain it. Rhizomatic structures are unpredictable, constantly in motion, always changing, and impossible to control, compared to trees, which are fixed, hierarchical, and aim to reproduce through genetics and law.

An understanding of the construction of retributive justice in the west and understandings and narratives of terrorism reveals the impossibility of prosecuting terrorists. Schotten (2018) argues that the moral construction of “terrorism” empties oppositional politics of any legitimate content, becoming a synonym for “savagery” and nihilism, which is necessarily outside the realm of the legal. To recognize an actor as a terrorist is to uniformly condemn them; there is no room for a nuanced understanding of terrorism’s motivations or goals that neither exonerates nor excuses violence. In order to regain entry to the nation-state, former female members of ISIS would need to align themselves with the homonationalist, settler-colonialist project which identifies them as monstrous, inhuman, and amoral agents. Puar calls for a “theory of proximity” which, rather than foregrounding difference and identity, roots itself in notions of solidarity and coalitions-across-difference (Puar 2017, 61). Alternative justice is one such theory of proximity which aims to reveal the settler-colonial impulses of the nation state and re-humanize subjects that have been associated with nihilism, death, and destruction.
Post/decolonialism and Post/decolonial Feminism(s)

Post/decolonialism and other theories that have built upon the twentieth-century theories like post-structuralism and post-modernism speak to shortcomings in the current international justice framework and in transitional justice as it currently stands. A plethora of post/decolonial scholars have worked to illuminate the ongoing destructive nature of colonialism and its impacts on every avenue of life. Post/decolonialism also acknowledges that although the formal discipline expanded greatly in the post-Cold War context, indigenous and Global South thinkers have been producing under-valued knowledge about colonialism for as long as the practice has existed. Post/decolonial theory is well-suited to questions of international justice because the two fields share common concerns about global inequalities, injustices, and domination (Kohn 2013).

Frantz Fanon (1961), Edward Said (1978), Gayatri Spivak (1988), and Homi K. Bhabha (1994) in particular introduced important theories that push back against the androcentric, racist, and capitalist assumptions of those classical assumptions that undergird our reality. Fanon wrote about the process of subjugation, and the dehumanizing and destructive nature of colonialism. He drew upon Marxism and critical theory to argue that colonialism seeks to dominate its subjects’ bodies and minds (Fanon 1961). Edward Said, a Palestinian American, popularized the term “Orientalism,” which refers to the socially constructed binary relationship between the Global South and the Global North (1978). According to Said, the west created a cultural image of “the Orient” in order to invisibilize the diversity of history and culture across North Africa, the Middle East, and Asia and conceptualize them as intellectually and economically backwards. Orientalism is at work today in the discursive and moral construction of the
image of the radical Islamic “terrorist” and the image of victimized Muslim women, both of which served important functions in rallying support for the invasions of Afghanistan and Iraq and the proclamation of the war on terror.

Gayatri Spivak, an Indian feminist, builds upon the idea of Orientalism to theorize the subaltern, the space of that particular type of oppression wrought upon the subjects of imperialism (1988). She argues that the subaltern exists in a space outside of hegemonic discourse, outside of the hierarchy of political power. Spivak explores the desire of the West to constitute itself as “Subject” by ignoring its own role in creating conditions of oppression. Spivak linked postcolonialism, feminism, deconstructionism, and Marxism to theorize the voice of the subaltern. Spivak argues that knowledge is a commodity exported from the Global North to the Global South, presented as objective but constructed for the political and economic interests of the colonizers (1988). Spivak critiqued Foucault, Deleuze, and their contemporaries for presenting ostensibly objective analyses of colonialism while refusing to acknowledge the privileges it bestowed upon them as members of western academia.

Similarly, Homi K. Bhabha, an Indian English theorist, argued that the process of hybridization results in completely unique individuals, influenced by their own culture and identity and those which the colonial power attempted to transmit onto them. These hybridized people exist in a “third space,” the liminal space created in the mixing between the colonizer and the colonized and their cultural norms. Bhabha’s hybridization is an important notion for many post/decolonial and Third World feminists, who articulate experiences of border-crossing, navigating complex identities, and the particular advantages and privileges of these experiences in an imperialist world.
Bhabha’s work also rejects essentialist arguments of culture and identity and assumptions about universal, rational human nature which undergird the western justice paradigm. Bhabha argues that the third space holds a discursive opportunity because it provides a framework to move beyond colonial binary thinking and to express conflicting and nuanced identity and experiences (1994; Kalua 2009). Thus, Bhabha’s notion of the third space might inform alternative justice thinking which aims to disrupt binary constructions of human experience.

Many influential women thinkers and writers such as Spivak have shaped the field of post/decolonialism and applied its theories to new strands of feminism: postcolonial, decolonial, transnational, and Third World feminisms. These frameworks differ slightly, but each aims to analyze gender inequality through the lens of ongoing colonial domination, globalization, and the concerns of the Global South (Herr 2010). Post/decolonial feminism is not only a critique of the general invisibilization of Global South struggles within the global political arena, but also the tendency of mainstream feminists to overlook, fetishize, or minimize Global South women (Lorde 1987; Narayan 1997). Post/decolonial feminists insist upon the acknowledgment that colonialism and imperialism are ongoing processes which continue to structure global capitalism, that we are not living in a “post”-colonial world.

Chandra Talpade Mohanty (1986; 2003), Cherrie Moraga (1981), Gloria Anzaldúa (1981; 1987), Maria Lugones (2007; 2010), bell hooks (1994), and Nawal El Sa’adawi (1989; 1982) produced important theories that serve as alternatives to the binary thinking of western colonialism. Post/decolonial feminism reveals how women have been excluded from or overlooked in post-
conflict jurisprudence, and how these mainstream processes are founded to uphold patriarchal, colonial domination, and espouses an alternative to dominant conceptions of justice by shifting the lens of analysis and adjusting the end goal to that of reconciliation rather than revenge.

Mohanty theorizes cross-border solidarity and transnationalism and argued for the definition of a “Third World woman” without input from white, Western feminists (1986; 2003). Anzaldúa built upon this work with her writing on border-crossing and the fluidity of space (1987; Moraga and Anzaldúa 1981). Lugones also theorized gender itself as an imperial imposition, rejecting “atomic, homogenous, separable categories” as constructed by colonizers to uphold their own power (2010, 742). Gender and race intersect, because hyper-masculine patriarchy is essential to the project of colonization (Lugones 2007, 17). El Sa’adawi, an Egyptian feminist author and scholar, wrote about the particular violence wrought upon women’s bodies in the Middle East and Islamic world, emphasizing the overlapping nature of national oppression, colonial oppression, and sexual oppression in Arab women’s lives (Golley 2003). Sa’adawi argues that an intersectional approach allows feminists to integrate their concerns into larger political movements, and that solidarity is built on the real liberation of all women. (Sa’adawi and Beall 1989).

Post/decolonial feminist theories like world-travelling, solidarity, and the social construction of gender, along with post/decolonial theories like border-crossing and hybridity, the subaltern, third space, and Orientalism, can serve as tools for rethinking dominant conceptions of justice and western liberal feminisms that misread female
members of ISIS and female terrorists more broadly. Post/decolonial feminists question the very nature of power, laws, and jurisprudence as Western colonial constructions, and insist upon a nuanced and complete understanding of women’s role and experiences in armed conflict. Post/decolonialism and post/decolonial feminism serve as important foundations of an alternative justice paradigm that aims to unsettle entrenched norms of colonialism, racism, and patriarchy by illuminating alternative ways of being and resisting oppression.

*Third World Approaches to International Law*

Just as post/decolonial thinking works to apply an analysis of colonialism's consequences to social structures, politics, culture, and history, Third World Approaches to International Law (TWAIL) seeks to “address the material and ethical concerns of third world peoples” (Chimni 2006). TWAIL is a coalition of scholars employing the discursive function of their location in the Global South or diaspora which “generally reflects an intellectual (and political) commitment to address the situation of the marginalized Third World peoples through various fields of international law” (Fagbongbe 2008, 401). TWAIL argues that international law was created by Christian Europeans, and thus does not align with the assertion of universality (Ba 2017). Because TWAIL scholarship emphasizes a critical stance, the need for historical connection, and the importance of dialogue, this school is closely tied to alternative justice’s roots in restorative justice (Mickelson 2008). TWAIL provides important insights about ISIS and terrorist women because it allows us to examine the full, colonial context of the global war on terror and the historical, social, and political roots of fundamentalist Islamist jihad. Like post/decolonialism and post/decolonial feminism, TWAIL reminds us that
colonialism is an ongoing political and economic phenomenon which continues to impact how justice functions and circulates throughout the world.

Chimni (2006) writes that the development of globalization and the international legal system mirrors the development of capitalism, which inserted itself into pre-existing structures of power and asserted its authority. This works through the “internationalization of property rights,” through which international law strives to regulate property, market access, and currency to the benefit of Global North corporations (Chimni 2006, 9). The universalization of capitalism and human rights serve the same goal; the conception of the right to property as an inalienable, universal human right under capitalism. These co-constitutive processes all serve to deteriorate standards of living across the Global South, giving Global North corporations new ways to exploit and control colonized countries’ labor force, ecological resources, and cultural production for profit. Thus, although western scholars might argue that globalism has increased access to human rights across the world and lifted Global South citizens out of terrible conditions, TWAIL scholars would assert that globalization has had the opposite effect by prioritizing profit over people.

Fagbonde (2018) also discusses how the heavy increase in militarization following the 9/11 terrorist attacks and the subsequent war on terror has subverted the international application of human rights. Those dominant discourses that have emphasized “rationality, neutrality, objectivity, and justice” tend to “disparage, exaggerate, or misrepresent the inadequacies and limitations” of Global South human rights struggles (Chimni 2006, 15; Fagbognde 2008, 403). In the post 9/11 world, the west situates the Global South as a development project in need of western benevolence,
as well as a lawless place where human rights play a contradictory role in international politics.

Collective resistance also defines the Third World, embodied since the 1980s in women’s rights, environmental, pacifist, anti-colonial, and pro-LGBTQ movements (Chimni 2006). The proliferation of liberation and resistance ideologies represents an opportunity to develop “coherent and comprehensive alternatives to mainstream Northern scholarship,” redefine the language of human rights, unify people across borders, and ensure sustainable and equitable development (Chimni 2006, 22). Thus, alternative justice rooted in Third World Approaches to International Law is inherently devoted to resistance and liberation, through an alignment with subaltern subjects and their voices.

Where western philosophies of justice purport to be based on some sort of universal, innate human nature and desire for “freedom,” post/decolonial and TWAIL philosophers argue that the western nation-state twists the language of human nature to emphasize property rights and profit. This serves to ideologically dominate the Global South, upsetting existing philosophies that have developed in resistance to capitalism’s domination. TWAIL scholars are thus suspicious of the sincerity of the proliferation of human rights discourses in the Global North because they see how global economic injustice persists as neoliberal policies dominate. James Hughes and Denisa Kostovicova (2018) also point out that because transitional justice is often conceptualized through the lens of development, Western countries excuse themselves from it, a discursive practice which entrenches postcolonial power structures into international law.

Mosopoe Fagbongde (2008) writes TWAIL scholars must be attentive to the concerns and experiences of certain marginalized groups, specifically women, Indigenous
people, and people with disabilities. Global South women are particularly impacted by neocolonialism, as environmental degradation, Structural Adjustment Programs and privatization, and shifting divisions of labor “result in heavier burdens to women who often have to feed and care for the family” (Fagbongde 2008, 408). Scholarship about the subordination of women in the Global South has a tendency to fetishize their victimization, by focusing on veiling, genital mutilation, and domestic violence, rather than questions of economic redistribution or political power. TWAIL feminist approaches, like post/decolonial and Third World feminisms, address not only the impact of colonialism, but the very nature of identity and power through an investigation of individuals’ lived experiences.

Central to this thinking is the rejection of preconceived notions of identity. Fangbonde (2008) argues that TWAIL feminist scholars should reformulate human rights norms to include women’s rights and work to overhaul international laws that don’t serve Global South women. Nesiah explores how TWAIL and feminist scholars “show how the naturalization of the given binary...enables dominant actors and agendas to travel under the sign of the universal” (2018, 314). Of course, the private/public distinction is not natural, but rather socially and politically constructed, and feminists have long pointed out that the ostensibly private, personal, and domestic realm cannot be separated from the public, the political, and the social. Again, as alternative justice aims to propose oppositional notions of peace and accountability, Third World Approaches to International Law provides a theoretical framework for understanding how the western justice paradigm upholds legacies and practices of colonialism by naturalizing binary constructions of identity.
Restorative and Alternative Justice

Jurisprudence based on postcolonial and TWAIL ideals should preserve the dignity, security, and freedom of the Global South rather than uphold existing systems of domination. Based on these goals, alternative justice frameworks outside of the existing contemporary models of international and western justice might better suit the needs of the Global South in international justice. When I say “alternative justice,” I refer to the multiple practices and modalities of restorative justice based on principles of reconciliation and rehabilitation, and rooted in postcolonial, postcolonial feminist, queer, and TWAIL theories. I use “alternative justice” to acknowledge that restorative justice practices, as they currently exist, are not quite suited for international politics, but that the collection of these practices and theories could be, and have been, applied in an international political-legal context to resist the domination of hetero-patriarchal colonialism and address harms caused by widespread violence.

Restorative justice (RJ) in the United States originated as an alternative to the punitive justice system that incarcerates Black, Indigenous, and people of color at disproportionate rates and traumatizes individuals. RJ aims to understand people’s motivations for committing crimes, reconcile harm caused by the perpetrator, and rehabilitate the perpetrator so that they can reintegrate into their community. Restorative justice recognizes that the notion of “crime” is socially constructed, and that people commit crimes to fulfill some kind of need, usually material or economic. RJ also assumes that the majority of people are capable of remorse and rehabilitation, and that incarceration perpetuates social harm rather than healing it. In these ways, RJ can be considered a post/decolonial framework in how it investigates and disrupts legal
prejudices rooted in colonialism. Of course, RJ emerged out of the west and is not outside of or oppositional to western logics of justice, but rather aims to critique these logics from its position of proximity to them.

Methods of restorative justice depend on the crime, the willingness of the victim and perpetrator to participate, and the institutional context; RJ is malleable and adaptable. David Karp (2015) defines RJ’s four guiding principles: inclusive decision-making, active accountability, repairing harm, and rebuilding trust, and writes that RJ is an ongoing, cyclical, and horizontal process whereas traditional justice mechanisms are top-down and static (9). Restorative justice is holistic in that it attempts to bring all parties to a conflict into conversation, and understand their complex and contradictory experiences as both victims and perpetrators of harm. Daniel Van Ness (2014) points out that international restorative justice or reconciliation processes should emphasize the state as an actor. Restorative justice practices address two temporal concerns: acknowledging past harms and building a peaceful society (Llewelyn and Philpot 2014).

Llewellyn and Philpot (2014) define restorative justice as a relational approach tied to reconciliation that sees people as fundamentally connected to others and defined by those relationships. Whereas dominant western conceptions of justice co-constitute toxic individualism, restorative justice examines the social, economic, political, gendered, classed, and racial factors behind conflict. Llewelyn and Philpot (2014) describe a fundamental tension that has risen since the 1990s between peace and justice, and argue that restorative justice actually brings these two ideals together rather than maintaining the opposition by foregrounding the ideal of reconciliation. Reconciliation asserts that the
reparation of right relationship between individuals and groups can serve to bridge the supposed divide between justice and peace.

Restorative justice has been applied to international political thought in two main areas: transitioning from violent conflict based on some deep societal schism, and transition to a democratic system from one in which human rights were systemic, including in the aftermath of South African apartheid, the Rwandan genocide, and the Balkan wars (Hughes and Kostovicova 2018). Institutional limitations and historical legacies can impede the application of restorative justice theories; hegemonic discourses, segregation, and the consolidation of political power all work at odds with an open, reconciliatory dialogue. Restorative justice, however, has not been widely applied to cases of terrorism, despite the war on terror’s particularly grave human rights abuses committed by all parties to the conflict.

David Mendeloff (2009) argues that there is a lack of empirical evidence to support the claim that the tribunals of the 1990s promoted psychological healing for victims. The lack of empirical evidence leaves in question what exactly about these tribunals is not satisfying victims’ needs, particularly because responses to war crimes tribunals are highly individual. On the other hand, Tricia Olsen et. al. (2010) find that a combination of truth commissions, trials, and amnesties together promote accountability, stability, and human rights conditions in post-conflict contexts. Mendeloff (2009) suggests that peacebuilding efforts should recognize the resiliency of victims and differentiate between individual and societal healing. Alternative justice practices founded on postcolonialism should be well equipped to promote the agency of victims and handle the nuanced realities of post-conflict societies.
Bruce Arrigo (2010) examines Hamas and Palestinian terrorists through the lens of critical restorative justice, which centers on the mediation and reconciliation process, aims to build individual integrity and character, and promote healing. According to Arrigo, critical restorative justice could be applied to terrorist studies by applying a postmodern analytical lens that rejects dominant Western assumptions about justice. A restorative justice approach to terrorism should acknowledge and assume that political conditions and actors will always be instable and unpredictable, that “terrorism” is a socially constructed label, and that knowledge claims about injury, injustice, reparation, peace, identity, etc. are fragmented and incomplete (Arrigo 2010, 775-777). This approach will tend towards an analysis of terrorists that carefully explains their motivations, priorities, and strategies in their local and international political context, and attempts to extricate itself from Orientalist and Islamophobic assumptions.

A main critique and concern of alternative and transitional justice practices is whether processes envisioned in theory can translate to real, tangible practices that improve conditions for individuals and communities. Another concern is that because judicial processes are inherently political, actors might manipulate them to prolong or manipulate conflict rather than to end it. An analysis of historical and contemporary examples of restorative justice practices reveals that the flexibility of alternative justice allows practices to change and adapt to changing circumstances, but that these processes are inextricable from global, national, and local systems of power, politics, and oppression. Alternative justice is an essential opposition to contemporary hegemonic jurisprudence because it disrupts assumptions about rationality and morality, contextualizes victims and perpetrators, and acknowledges the inherently political nature
of reconciliation. Although restorative justice has not been applied to terrorism, it provides a useful framework for understanding the context and causes of violence and for imagining paths forward to building positive peace.

Vasuki Nesiah writes about alternative histories and their importance in rethinking international jurisprudence: a historical examination of anti-imperial and anti-capitalist international law reveals often-ignored collectivist and pacifist norms in the Global South (2018; 316). Nesiah writes that studying examples of justice practices outside the colonial west, particularly in Indigenous communities, serves not to fetishize or romanticize them, but is rather a “forward-looking project of rebel imagination” (2018, 317). This rebel imagination is central to a post/decolonial feminist analysis of international justice because it unsettles norms that we have largely taken as natural and proposes potential judicial alternatives that can better serve Global South communities in the aftermath of conflict.

Gentry and Sjoberg (2015) call for subversive resignification of women’s violence and political violence more broadly, an alternative narrative project which might “transgress the dichotomized and essentialized notions” of gender and political violence. Their call for an embodied reading of political violence which focuses on individuals’ experience of war as it is seen, heard, and felt in the body is decidedly aligned with queer theory, and should be integrated into an alternative justice framework which would elide an objective, cold, and detached recounting of a crime. Gentry and Sjoberg (2015) suggest that this subversive resignification should be interested in counternarratives of political violence, what they call perpetrator narratives, to challenge the scope of traditional analyses and to subvert the perpetrator/victim dichotomy. They argue,
For subversive resignification, the implication of paying discursive and policy attention to perpetrators self-identification as victims is that it interrupts the signification that there are people (and classes of people) that are good and those that are evil, ones that are perpetrators and ones that are victims, ones that have agency in their violence and ones that do not, and ones that should be treated as rational, politically-motivated actors and ones that should be treated as without a clear choice structure (Gentry and Sjoberg 2015, 154).

Alternative justice engages in subversive resignification, and my analysis of ISIS women exposes how that dichotomous thinking which Gentry and Sjoberg aim to interrupt is integral to western political and legal thinking and the discourses of the war on terror. Restorative justice practices might provide a space or framework by which actors might move through, take part in, and deploy this subversive resignification. Perpetrator narratives allow for the understanding of contradictions, layers, overlaps, and complications inherent in individuals’ experiences with violence and armed conflict. Gentry and Sjoberg (2015) write that

In contrast to the presentation of violent women as incapable of thought and/or choice, in possession of a broken sort of femininity, and apolitical, perpetrator narratives often portray the perpetrators as intensely political, thinking beings who make (deeply constrained) choices and who have complex relationships with gendered social contexts. (157).

Gentry and Sjoberg (2015) underscore the fact that subversive resignification would not present a coherent, unified picture of women’s political violence, but would instead present a “number of alternative frameworks” to question dominant narratives. Along similar lines, there is no one, rigid, fixed alternative justice method or framework because it takes on different meaning in different contexts and is meant to be adaptable, malleable, and flexible. As justice is one arena in which dominant narratives about violence are told, justice is one social and political space in which these dominant
narratives, significations, and understandings might be unsettled, but the manner and form of that unsettling will vary across contexts.

Post/decolonial feminism and feminist political theory remind us that women act as perpetrators, and our current justice framework has no way to understand these perpetrators outside of Orientalist, hetero-sexist stereotypes. Steflja and Trisko Darden (2020), Sjoberg (2007; 2009; 2018), bell hooks (1995), and Margaret Gonzalez-Perez (2010) all examine these stereotypes and call for a new understanding of women terrorists/perpetrators as self-realized, autonomous agents acting within their individual social, political, and economic constraints. An alternative justice framework in the case of ISIS women might deploy amnesties, perpetrator narratives, and a re-articulation of victimhood and agency to understand the west’s responsibility in fomenting political, social, and economic contexts that gave rise to ISIS. In the next chapter, I examine ISIS’s history and philosophy on women, as well as women’s roles in the group, to try to illuminate how the group is misrepresented within the western world and explore women’s particular experiences in the caliphate.
Chapter 2: Understanding ISIS and its Women

Understanding ISIS

The Islamic State of Iraq and Syria (ISIS)\(^{13}\) is a Sunni Islamist revivalist movement that sought to establish a Muslim state, or caliphate, across the Middle East to empower Muslim communities against external and internal enemies. Scholars argue that the group’s abrupt rise to power and prominence was fueled by its strict ideology, extreme performative violence, and promises of idealized life under the caliphate (Steflja and Trisko Darden 2020, 95). Although ISIS is geopolitically, ideologically, and methodologically unique from its peers and predecessors, we must be careful not to exceptionalize ISIS as a break in the development of radical fundamentalism or a brand new phenomenon; the group was much more malleable, permeable, and unstable than western narratives made it out to be and functioned as one piece of a larger cycle of fundamentalist, radical, and insurgent violence.

The group's ideology is\(^{14}\) based on a strictly literalist interpretation of the Quran and projects a fantasy vision of renewed power and glory of the Muslim world, crystallized in the establishment of a caliphate, or a state governed by Islamic doctrine, and ideology. ISIS uses apocalyptic narratives about the global decline of Islam’s political power, and privileges armed struggle as a means to accomplish their goals (Haykel 2016). This discourse echoes and mirrors civilizationist narratives of the west that frame ISIS as both a new and unique form of terrorism, and the next iteration in an

\(^{13}\) ISIS has also been referred to as ISIL (The Islamic State of Syria and the Levant), IS (The Islamic State), and Daesh; I use the term “ISIS” unless quoting another author.

\(^{14}\) I use different and sometimes contradictory tenses when referring to ISIS to reflect the fact that although it has no territorial holds and makes no claims to be a caliphate, ISIS ideology still exists, and some of its members are likely to be integrated into subsequent groups and projects.
increasingly dangerous and monstrous phenomenon of fundamental Islamism. ISIS emerged out of a broad landscape of diverse Salafi-jihadist groups, and became unique because of its vision to establish a state before seeking to abolish its enemies, and for its unprecedented brutality. ISIS leadership and ideologues identified these enemies as, first, “apostate” or nominal Muslims and Shiites, and second, the West, represented by the United States. The group’s horrific acts of violence constitute war crimes, crimes against humanity, and genocide under international law, and targeted women, minoritized Muslims, and other ethnic and religious minorities including Yazidis and Kurds (Steflja and Trisko Darden 2020). The group relied on religious narratives to manipulate young Muslims from all over the globe to join: “ISIS ideology, identity, and political belonging were to be defined in purely religious terms, and it constructed a fantasy work of virtuous and godly rule through cultural products” (Haykel 2016, 77).

ISIS arose from specific material realities across the Middle East with deep roots in history; it is part of a larger cycle of Salafi-jihadism and militant Islamism. The Middle East suffered under decades of failed and brutal authoritarian regimes, and the roots of Salafi-jihadism can be traced back to the Cold War (Haykel 2016). The Soviet invasion of Afghanistan and the subsequent creation of a generation of mujahideen, or guerilla fighters, is often credited as the beginning of Salafi-jihadism, but the historical reality is more complicated. A string of military defeats and political turmoil across the region in the 1970s led to a renewed invigoration of suppressed Islamist ideas, alongside the proliferation of decolonial and anti-colonial Arab nationalist ideologies. The 1973 Arab oil embargo and 1979 Iranian Revolution further destabilized the region’s economic and political reality (Haykel 2016). After the Cold War, the United States and its Western
allies encountered and conflated diverse transnational movements across the Middle East, all operating under the banner of Islam (Li 2010). In the 1990s, Osama Bin Laden shifted Al Qaeda’s strategic attention to the United States following the United States’ 1990 invasion of Iraq. This shift coincided with a crisis of legitimacy in US-backed client states in the Middle East, such as Egypt and Saudi Arabia, and a crisis of legitimacy in the US-dominated United Nations system (Li 2010). Decades of political and economic unrest, the introduction of a plethora of weapons, and the cultivation of insurgent militias by the United States to fight communism, all contributed to the conditions for extremist Islamist groups to emerge and rally around a common experience of subordination at the hands of the west, particularly the United States.

Two of the most important events in creating conditions for ISIS to take root in the Middle East are the 2003 US invasion and occupation of Iraq and the 2011 outbreak of civil war in Syria amid the Arab Spring. When the United States invaded Iraq and ousted Sadaam Hussein’s government, the dismantled state left a power vacuum for extremist groups to fill. The United States also encountered a large population of non-Iraqi Sunni Muslims, whom the US worked quickly to deport or detain in third-party countries. What was once a sizable portion of Iraq’s population became a disenfranchised minority, a large group of potential ISIS recruits. Abu Musab al-Zarqawi’s faction of Al Qaeda participated in the Iraqi insurgency following the 2003 invasion and took root as Al Qaeda in Iraq (AQI). AQI eventually split with Bin Laden and became ISIS. When the Syrian civil war broke out in 2011 between Bashar al-Assad’s Alawite regime and the majority Sunni population, the country quickly descended into confusion, making it a prime location for AQI to establish an offshoot and recruit angry and fearful Syrians. Abu
Bakr al-Baghdadi, Zarqawi’s predecessor, sent a group of extremists that eventually split with Al Qaeda and joined ISIS in open defiance of Bin Laden. In 2014, Baghdadi officially proclaimed the existence of the caliphate, proclaiming religious, military, and political authority of Muslims worldwide, and began calling his group the Islamic State (Haykel 2016; Li 2010; Lister 2015; Cockburn 2015).

The rise of ISIS parallels the rise of Islamophobia, xenophobia, and Orientalism in the Western world. Neocolonialism and political propaganda have worked to situate radical Islamism as the primary existential threat to not only the United States, but to the entire Western political order. In doing so, the United States situates itself as the “universal,” the representative of the sentiments, norms, and wishes of the western world. In its propaganda, ISIS taps into and twists these sentiments of superiority and division to recruit young Muslims living in the West who have experienced paternalism, oppression, microaggressions, identity struggles, loneliness, anger, or outright violence due to Islamophobia. Western countries could have enacted policies to alleviate the conditions that led so many young people, especially women, to be susceptible to radicalization by the group; however, most countries instead treated these potential ISIS recruits as dangerous threats, subjecting them to surveillance, monitoring, and control (Nuraniyah 2018; Haykel 2016). The west’s inability or refusal to enact real, anti-radicalization measures targeting Muslim youth shows that colonialism is at the core of our western identity, informing our ideas of the “Other” in ways we do not even realize, because the assumption of universality is so deeply embedded into western politics (Peresin 2015).

The uniqueness of ISIS makes it difficult for western academics to study because it does not fit into existing political theoretical frameworks, and in fact poses a material
and theoretical threat to the long-standing international political system. ISIS had ideological and strategic differences with other Salafi-jihadist groups, particularly Al Qaeda, and grew out of specific and material political, social, and economic realities. ISIS was willing to go to much more extreme, brutal, and spectacular lengths to punish its enemies than its predecessors, and ISIS targeted Shiite Muslims as their primary enemy, unlike Al Qaeda, which saw the west and the United States as its primary enemy. The mythical nature of the leaders’ identities — Zarqawi and Baghdadi — makes it hard to find concrete, truthful information about their history and role in the group. ISIS was also a non-state actor, meaning it had no legitimacy in international institutions and no responsibility towards international laws or norms. ISIS is transnational, and although it currently has no territorial holds, its supporters still exist all over the world. The fluid, global, and adaptable nature of the group makes it hard to discern exactly where it begins and ends, and to employ western theories to try to understand its motivations and consequences. Despite its uniqueness, however, as it relates to its peer groups and ideologies, ISIS is not the exceptional phenomenon that mainstream western discourses have framed it to be.

ISIS no longer represents an existential threat to the United States, and some experts would argue that it never did (Haykel 2010, Peresin 2015). However, Salafi-jihadism did not die with the group, and many of its members remain committed to the ideology. At the height of its power in June 2014, after the capture of Mosul, ISIS controlled 80-million people in a territory the size of Great Britain (Haykel 2010). Between June 2014 and December 2018, the group controlled swaths of territory in Libya, Syria, and Iraq, and employed between 35,000 and 100,000 fighters and a
professional media and PR apparatus (Steflja and Trisko Darden 2020). A long string of military failures, combined with the group’s inability to deliver social services to civilians under its control, led to ISIS’s eventual downfall. However, despite former President Donald Trump’s assertions that he “destroyed ISIS,” Salafi-jihadism is a cyclical force that emerged from other groups, so we should assume that ISIS will be replaced by a predecessor (Haykel 2016). It will take a generation or more to destroy the ideology, just as it will take a generation or more to destroy the Orientalist, colonialist view of Islam in the west.

**ISIS’s Ideology of Women and Gender**

A manifesto released by the group in 2015 outlines the group’s beliefs and norms about how women should operate in society (Abdul-Alim 2015; Winters 2015; Steflja and Trisko Darden 2020). The document identifies marriage and motherhood as paramount goals for young girls, and as the divine duty of Muslim women. The document describes women as the “behind-the-scenes guardian of society,” fulfilling the most difficult and important societal role (Steflja and Trisko Darden 2020, 103). According to the manifesto, women begin marrying as young as age twelve, and are expected to be married by age eighteen. The manifesto encourages women’s religious education, but suggests it should be completed by age fifteen and discourages higher education. Women follow strict guidelines for women and movement outside the home, which is restricted unless absolutely necessary. The manifesto rails against western society as materialistic, godless, and keeping women from fulfilling their god-given roles and suggests that feminism and the emasculation of men are to blame for society’s ills (Winters 2015). The document also includes case studies, portraits of women’s lives under ISIS (a popular
propaganda tool for the group), which emphasize women's access to money, divorce, and inheritance rights. Distributed only in Arabic with specific language targeting Saudi women, the document serves primarily as a propaganda tool, but provides important insights into how ISIS conceptualizes women’s roles in society.

Women’s movement in ISIS-controlled territory was strictly restricted, and their behavior heavily controlled. The group was not concerned with a discourse of equality because it saw no sense in encouraging women to express or even seek personal agency (Lahoud 2017, Abdul-Alim 2015). For one thing, pride should be based on a sense of belonging to the group, and ISIS also expressed that women’s lives would be harder if they did not live under strict patriarchal guidelines and norms. Marriage represented an important, perhaps the most important, source of social capital for women under the group. Upon arrival, women were given a home if they came with a family and a husband, or were settled in an all-female hostel until they married, which was expected to happen quickly. Marriage under the caliphate’s rule was not technically required, but it was practically impossible for women to survive without a husband, and in practice, many women found themselves heavily pressured by officials to marry a fighter, even after being widowed (Moaveni 2020). A combination of social forces and structural factors rooted in strict patriarchy dictated everything from women’s education, jobs, and movement outside the home under the caliphate's rule.

The group and its thinkers worked to maintain a careful balance of contradictions inherent in its ideology and actions related to women. ISIS lacked an explicit policy on women’s participation in the group’s violent acts and military campaigns, but the group’s strategy was guided by its concern with the mixing of men and women, so any
participation by women was strictly separated from men’s (Lahoud 2015, 61). ISIS ideologues argued that women would be required to participate in jihad if the efforts of men proved insufficient, twisting legal doctrine to call upon women to fight (Steflja and Trisko Darden 2020, 103). The group used stories of Muslim female warriors who fought alongside the Prophet, mudjahidat, to encourage women to join their efforts, but encouraged them to be happy and fulfilled with their “behind the scenes” roles that kept them from directly participating in the violence (Peresin 2015). ISIS’s patriarchal and oppressive understanding of women’s roles in society as the bearers of the next generation of jihadis often contrasted with their urgent and material need for bodies to fight. The group used inconsistent interpretations of religious doctrine to maintain its ability to claim legitimacy and recruit followers.

**Recruiting Women**

Women’s motivations to join the group are varied and each circumstance of radicalization is unique, but there are certain patterns that researchers see in foreign and western women’s motivations to travel to the Middle East and join ISIS (Nuraniyah 2018). Like all types of migration, women associated with ISIS were motivated by a combination of push and pull factors, which can be emotional, religious, political, or ideological. However, mainstream discourses tend to emphasize women’s gender and sexuality as motivating factors by framing them as “jihadi brides,” using language of adventure, marriage, and naivety, and identifying the desire for a jihadi husband as what drove many women to travel to ISIS territory (Gentry and Sjoberg 2015, 115-116). Western liberal feminist discourses operate within the framework of the mainstream counterterrorism ideals that permeate western academia, meaning they often rely on
either pathologizing language or Orientalist assumptions to determine women’s motivations for joining terrorist organizations. These discourses serve to de-politicize women’s motivations in order to frame their motivations in terms of family strife, emotional turmoil, or peer pressure. Gentry and Sjoberg (2015) argue that the monster and whore narratives are primarily at play in describing ISIS women, which describe them as either mentally ill and pathologically devoted to Islam, or as sexual slaves of ISIS ideology and men and/or sex-crazed young women who would do anything for a husband.

Women may join terrorist groups because of the feeling of acceptance and community they find, their disapproval and anger with their home country’s treatment of Muslims, identity struggles or feeling caught between two cultures, or the potential of stability and acceptance. Women may also be motivated by political ideals: they may believe faithfully in the necessity of a caliphate to protect Islam or may identity with the worldwide suffering of Muslims at the hands of the west. Women may be motivated by the religious call from Islamic leaders to fulfill their god-given duty, or by the sense that the west is waging a war on Islam (Peresin 2015; Nuraniyah 2018). There is also a collective nature to the radicalization process, because ISIS emphasized jihad as a communal duty for all Muslims (Steflja and Trisko Darden 2020, 106). Indeed, peer groups and interpersonal relationships were a major factor in most women’s decisions to join ISIS (Moaveni 2020; Franz 2015). These push and pull factors manifest on individual, societal, and organizational levels, and overlap with each other as they interact with individual circumstance.
Despite stereotypes that suggest women were brainwashed into joining the group, or join for romance or a husband, there is much evidence that suggests that the majority of foreign women joined the group of their own free will, motivated by political ideals (Nuraniyah 2018). In its propaganda and military efforts, “ISIS created an ideological space and a physical place for women to express their commitment to the group,” making it an attractive opinion for women guided by a genuine belief in the legitimacy of ISIS and a desire to be part of its project (Steflja and Trisko Darden 2020, 103). Many women joined for a chance to participate in the state-building process because they genuinely believed that society should be built in contrast to western norms. These women saw ISIS as a political project, rather than a terrorist group, and had expectations that they would be given security and privileges in the eventual state (Peresin 2015). Counterterrorism agencies should abandon the binary view of women as victims or as monsters in order to understand the complexity of the radicalization process and the factors that led people (and particularly women) to join ISIS.

There is significant diversity among the foreign women who joined ISIS, and in fact no other extremist group has been able to attract as many female Western recruits. Some women came with their families, and some came alone with the expectation of establishing a new family (Steflja and Trisko Darden 2020; Nuraniyah 2018). It is impossible to create a single profile of the “western ISIS woman” based on location, age, ethnicity, family, religious background, or any other factor (Peresin 2015). The women who joined from the West were mostly between the ages of sixteen and twenty-four, but some were younger. They were mostly second or third generation Muslim immigrants, but the group saw growing numbers of converts in its later years. The population also
includes a high number of girls or women who left school or were educated prior to their leaving home (Peresin 2015). Overall, there is a lack of socio-demographic information about the women of ISIS, just as scholars lack so much data about the group in general.

Some argue that men and women joined ISIS for different reasons, but gender is really only one factor among many in the radicalization process (Peresin 2015; Nuraniyah 2018). The group’s propaganda tapped into feelings of disaffection and isolation that existed in both male and female recruits, although gendered religious ideology required different messaging for men and women (Steflja and Trisko Darden, 2020). Anita Peresin (2015) writes, “carefully-formulated propaganda is framed in order to maximize the international community’s abhorrence of ISIS actions, to keep them in western headlines and to be attractive to would-be followers,” highlighting how precariously balanced ISIS’s propaganda strategy was to recruit a wide variety of people (and women) while projecting an extremely brutal, violent, and patriarchal self-image (27). Moaveni writes that gender was not the determining factor in women’s experiences in radicalization, recruitment, and membership in ISIS, but that gender particularized their experiences (2020, 329). Women joined ISIS for many of the same reasons that men did, although their gender certainly particularized their goals, ideals, and experiences.

Social media played an unprecedented role in ISIS’s ability to recruit followers globally, but social media was only one part of the complex web of motivations for joining ISIS. Steflja and Trisko Darden (2020) caution against a reductive understanding of ISIS radicalization as happening only online; they write that “while online recruitment was a core strategy of ISIS, overemphasizing the power of recruiters erases women’s agency and ideological commitment to the group” (105). Additionally, researchers have
found that peer groups and personal relationships with extremists played just as, if not more, important a role in radicalization as social media (Franz 2015). The United States underestimated the efficacy of social media and ISIS’s ability to harness its offensive power; their strategy revealed the power of the potential of the “offensive strategy of psychological warfare” which ISIS exploited (Peresin 2015, 27). Global recruitment via social media represented a new development in Salafi-jihadism, allowing ISIS to promote its goals quickly and easily to a population that already spends a lot of time on the internet (Peresin 2015). However, narratives that portray social media as a brainwashing force, luring victims against their will to the group diminish the agency and planning required for women to migrate ISIS territory. Additionally, counterterrorism tactics that focused (and continue to focus) on social media tend to ignore those individuals who came to know and sympathize with ISIS through other means.

Recruitment materials on social media presented an idealized vision of life under ISIS, while outlining the importance of women to the project and their religious study. As is typical, ISIS carefully balanced the promise of fighting with a “focus on religious studies, with some discussion of training women...to assist in ISIS’s online empire” (Lahoud 2017, 65). The main goal of online propaganda was to frame joining ISIS as the solution to western women’s frustrations and dissatisfaction with their lives by demonstrating the quality of living conditions, both tangible and intangible, for women under ISIS rule (Peresin 2015). The messages empowered women to take up the cause for themselves and promised the emotional support of a strong sisterhood upon entry. Connections with individuals on social media prepared recruits for different roles under the caliphate and provided recruits with tangible support on the journey to ISIS-held
territory. These idealized accounts of day-to-day life also served to lend the group a sense of legitimacy, as they strived to prove the existence of a fully functioning state apparatus. ISIS weaponized the promise of empowerment as a recruiting tool and a propaganda strategy at the same time as they promoted and encouraged brutal violence against women and oppressive, patriarchal social norms.

Anti-west propaganda made up a large portion of ISIS’s messaging and ideology, tapping into a deep vein of fear, anger, and shame among young Muslims living in the United States and western Europe. This vitriol was directly especially towards the US and was deeply embedded into the group’s ideology. Moaveni (2020) points out that the rise of ISIS paralleled the rise of Islamophobia rhetoric and violence in western countries, calling upon Donald Trump’s efforts to shut down immigration into the United States from certain Muslim-majority countries and the rise of anti-immigrant, Islamophobic far-right politicians in western Europe. For young Muslims experiencing unemployment, religious discrimination, or cultural racism, ISIS presented the west’s Islamophobia as a compelling enemy for recruits to rally around. Initiatives to promote the integration of immigrants in the US and Europe have been mostly regional and small-scale; despite high levels of immigration, Western societies are experiencing disintegrating multiculturalism and fragmentation (Franz 2015; Pooley 2015). Franz (2015) refers to young Muslims living in the west as existing in a state of “transnational and transgenerational ‘in-betweenness,’” searching for identity and community (18). Moaveni (2020) writes that for young Muslims in the west, it was “as though some window had opened up in the middle of their twenty-first century lives, offering a glimpse of a way out, a glimpse of some kind of homeland, a future, a nation, a realm that fit” (332).
Some efforts to understand the motivations behind joining ISIS emphasize the ostensibly repressive or harsh nature of immigrant families, positing that young people caught between the more traditional space of the family and the more modern space of the western society around them might find an escape in ISIS. Jasbir Puar (2017), however, explains how the framing of immigrant families and communities of color as exceptionally oppressive and culturally backward is heteronormative and racist (29). Certainly, the online world of ISIS propaganda and the imagined possibility of leaving might have been comforting to Muslims from immigrant families struggling to fit in and discover their identity in western societies. However, we should be careful not to overemphasize the supposed “backwardness” of immigrant families or frame the decision to join ISIS as some juvenile, naïve act of resistance to strict parents.

Reading ISIS’s ideology, especially as it relates to women, from the western settler-colonial perspective positions it as an irretrievably evil threat to life, morality, and the future of the western world’s “way of life.” Liberal feminist discourses that purport to save or liberate Muslim women from patriarchy and sexual repression are embedded in colonial-missionary assumptions about women in the Global South, in the Arab and Muslim world particularly (Spivak 1988). Secular liberal human rights discourses rearticulate western sexual exceptionalism through a framing of Islam as sexually repressive, intensely patriarchal, and culturally backward (Puar 2017, 14). Western readings of Islam’s sexuality are inherently paradoxical, articulating Orientalist fantasies of repression, backwardness, and pre-modernity against imaginings of sexual excess, perversion, and fetishization, all against the ostensible “secularism” of western politics. ISIS demonstrated a remarkable ability to reflect these discourses back onto the United
States and the west, using settler-colonialism, Islamophobia, and the racist nature of western liberal feminist to identify a pain point around which young, international Muslims could collectively identify.

*Women's Roles in ISIS*

Terrorist groups must have a strategic reason to spend time and energy recruiting women from abroad; ISIS needed women to bolster their political legitimacy, contribute to their state-building project, and act as recruiters, police, and propagandists. Up to sixty percent of minors associated with ISIS were born while the conflict was ongoing, a statistic that represents just how important it was to ISIS's followers to create and indoctrinate a new generation of jihadi fighters and ISIS citizens (Steflja and Trisko Darden 2020, 103). Terrorist organizations generally are increasingly incorporating women into their ranks, both in support roles and as perpetrators, indicating that the long-standing gender order in Salafi-jihadism might be shifting (Sjoberg 2009). ISIS used women in two strategic roles: in domestic roles as wives and mothers, and in professional positions left open by men, including recruiting, policing, and otherwise supporting fighters (Peresin 2015). Women also fulfilled the important role of training the “Cubs of the Caliphate,” the group of child soldiers which featured prominently in ISIS’s propaganda videos (Steflja and Trisko Darden 2020).

A common experience among foreign women who joined ISIS is that the reality of daily life on the ground did not match their expectations based on what they saw on social media. Many women who expected to fight found themselves dissatisfied with their roles as mothers and wives (Peresin 2015). ISIS provided fighters with a job, house, family, and wife to ensure they would remain committed to the group, but many women
experienced harsh treatment or violence from their husbands, boredom and loneliness in their realities of day-to-day life, and a sense of deep regret upon seeing the reality of life under ISIS rule (Moaveni 2020). Also, the difference in living conditions for foreigners and natives, and the preferential treatment of foreigners by ISIS leadership, caused resentment and divides in communities. Western women were privileged to better access to goods and services and better treatment by ISIS officials, but faced outright resentment from their local neighbors (Moaveni 2020). Women who decided to leave the group found it was much more difficult to find a way out than it had been to find a way in, as the group destroyed new members’ passports and other identifying documents upon arrival, and would kill anyone they caught trying to escape (Peresin 2015).

However, this experience of dissatisfaction was not universal, and women occupied a variety of roles in ISIS; it would be impractical and impossible to try to categorize women as either victims or perpetrators. Many women likely had satisfying and fulfilling lives in the group, depending on their interpretation of its ideology and their unique situation (Peresin 2015). Because every post on social media, every first-person narrative, and every report of women in ISIS is colored by bias, scholars have no way of coming to a conclusion about how to judge women for their roles in ISIS. According to the group’s ideology, women had to follow a strict and gendered division of labor, but women’s subordination in jihadist groups is not absolute (Lahoud 2017, Nuraniyah 2018). Nuraniyah (2018) writes, “extremist women exercise their agency in different ways; some do so by honing docility, others by angling for less traditional roles which they believe to engender more benefits to the movement” (906).
ISIS women’s most important role was spreading and building the ideology and nationalist consciousness of the group. This materialized in efforts to recruit other women, raise children, and train the next generation of fighters. Social policy mostly provided for women through monthly financial support for women, creating a social and economic incentive for women to have children (Stefija and Trisko Darden 2020). In addition to training and teaching children, women created social media content, connected with potential recruits, and provided emotional assistance to new members. Women took on the emotional work of ISIS in several capacities, and also created strong relationships with other women, speaking of the sisterhood, mutual support, and family ties they experienced (Lahoud 2017). ISIS uniquely weaponized women:

Instead of using women on the battlefield, jihadis, including the Islamic State, have chosen to celebrate women who have served to enable jihad by promoting a culture of male militancy. Accordingly, mothers, wives, sisters, and daughters are all expected to bear children, bring up boys to love jihad, spur men to embrace it and shame them if they do not (Lahoud 2017, 70).

Again, a strange blend of empowerment and oppression dictates women’s roles and experiences, all under the brutal patriarchy of ISIS.

The extent to which foreign female members of ISIS participated in violence is debated, but women have occupied various military roles in the group, albeit separately from male fighters. Many women expressed frustration with their lack of access to combat roles, and women’s participation in violence seems to be limited and somewhat rare (Peresin 2015). The Al-Khanssa Brigade is the most well-known example of female ISIS fighters; it was an all-female military unit comprised of young, mostly British women between ages eighteen and twenty-five, which helped police ISIS-controlled
territory (Steflja and Trisko Darden 2020; Peresin 2015). On social media, women showed wide-ranging attitudes toward violence, from posts that glorify ISIS’s brutal actions in a theoretical sense to posts that project a desire to take part (Peresin 2015). Of course, statements on social media must be understood in their political context as pieces of political propaganda; women’s attitudes towards violence and desires to fulfill a military role are another piece of the diverse, complex, and contradictory nature of women’s life under ISIS.

Women played an important role in perpetrating ISIS’s violence against other women through institutionalized sexual violence and slavery, and through policing. ISIS repeatedly formally approved brutalities committed against women accused of being nonbelievers and boasted about its use of physical and sexual violence and sexual slavery (Peresin 2015). As an authoritarian, extremist group, ISIS relied on fear and compliance to manage people under their control and promote obedience; it used women to surveille and control communities on a local scale. Peresin (2015) writes; “ISIS wanted women to fill these roles instead of men, because women could help ISIS control civilian populations in ways that men could not” (31). Under harsh patriarchy, women have better, perhaps the only, access to engage and recruit women, and ensure they remain compliant with the group’s ideology.

One example is the hisbah, or religious police, which used violence, intimidation, and torture against women to enforce ISIS's interpretation of shari’ah law. These women were trained to use weapons, patrol streets, accompany male fighters at checkpoints and home raids to search for men
disguised as women. The Al-Khansaa Brigade was also responsible for policing women and enforcing brutal consequences for women who did not follow strict moral rules (Peresin 2015; Steflja and Trisko Darden 2020). ISIS also acknowledged the practice of taking sabaya (female captives in war) and jariyat (slave girls) to provide sexual access for fighters (Lahoud 2017, 71). Accounts of life under ISIS reveal that wives often abused slave girls in the household (Steflja and Trisko Darden 2020).

Women’s roles and participation in ISIS’s violence shifted in its later years as the group loosened restrictions on women’s labor. In 2017, ISIS announced that women were to be included in the obligation to participate in jihad, reiterating earlier calls for women to join the group but emphasizing the importance of military efforts (Steflja and Trisko Darden 2020). It is possible that with further military losses, women would have been given more military roles such as gathering intelligence, participating in small operations, or acting as suicide bombers (Peresin 2015). As the group lost territory and supporters, it became desperate for fighters, and “as ISIS control collapsed, women were depicted as taking up arms, although women’s participation in armed combat...has yet to be confirmed” (Steflja and Trisko Darden 2020, 96). It is still unclear how the tension between ISIS’s religious ideology and strict separation of the sexes and its desperation in the face of defeat contributed to women's participation.

Ultimately, the difference between a woman living in ISIS-controlled territory and a woman who was a member of ISIS is extremely tricky to distinguish, because women experienced such a wide diversity of participation in
violence, belief in ideology, motivations for joining, and experiences living under the caliphate’s rule. The concept of “membership” in the group is amorphous and undefined, making it impossible to apply a universal judgment of guilt or innocence on the women of ISIS. Azadeh Moaveni (2020) explains that for locals living under ISIS rule, life as a private citizen who stayed home and didn’t participate in the conflict and nation-state building process was impossible. ISIS promulgated a culture of fear and surveillance that coerced individuals reliant upon ISIS for basic services into the project. Additionally, individuals living under ISIS may have travelled there voluntarily, but changed their mind and renounced their belief in its goals while being unable to leave. Moaveni writes, “whether these ISIS women are civilian wives or female jihadists in their own right is a question no one feels ready to answer” (2020, 300). Indeed, the civilian-jihadist binary itself does not seem to hold up in the case of ISIS and obscures the complex reality of women’s experiences.

*Women After ISIS*

Since the collapse of ISIS in 2018, debates now center on what should happen to women who left the group and disavowed any allegiance to it. Upon leaving, women were thrust into statelessness, signifying a loss of identity and personhood, a loss of access to resources, and a loss of community. Whether they surrendered to enemy forces, attempted to join their husbands in another group, or join a new group alone, the majority of these women have not been repatriated, and still face a wide range of barriers to access to basic services and rights (CTED Analytical Brief 2020; Cook and Vale 2019). Although most women who have
left the group, for one reason or another, are disillusioned with the lifestyle of extreme terrorism, “some women remain committed to the group’s ideology” (Steflja and Trisko Darden 2020, 107). Even after the group’s collapse, women have publicly displayed shows of support and violence towards non-believers within displaced persons camps across Syria. Moaveni (2020) also points out the difficulty of identifying who is being truthful in their disavowal of support to ISIS, explaining that “it is the hard work of time to tell whose tales of regret are genuine and whose are contrived” (300).

Joana Cook and Gina Vale’s 2019 report on women and minors’ situation after the fall of the caliphate outlines the global responses to foreign women who had travelled to ISIS. They outline the various responses countries have had to women including prosecution, rehabilitation, and denaturalization; most women who have returned to their country of origin have returned to South Asia and Western Europe. They write that although multiple pathways might be possible for ISIS women, “repatriation, prosecution, rehabilitation, and reintegration (as appropriate) remain the most feasible for their successful long-term monitoring” (Cook and Vale 2019, 32). I am interested in this point of “appropriateness,” in who decides which individuals are fit for rehabilitation and reintegration, and which individuals are not. I also wonder about Cook and Vale’s implicit argument that “long-term monitoring” should be the measure against which we would define the success of those programs. Finally, I wonder what alternative process

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15 Theirs is one of the most comprehensive data sets about women returnees, but as of this writing is almost two years old; their project highlights the difficulty of researching these women and maintaining up-to-date information in such a rapidly-changing situation.
or outcome Cook and Vale would propose for those women who are deemed unfit (and whose situations are deemed inappropriate) for repatriation, prosecution, rehabilitation, and reintegration.

Politicians, scholars, journalists, and ordinary people across the West struggle with how to frame these women: Intimidated victims of patriarchy and extremism? Morally irredeemable and inhuman perpetrators? Potential allies in the struggle for de-radicalization? These complicated images are colored by Orientalist perceptions of Muslim women as weak, fragile, and victims of a sexist religion and culture, along with twenty years of collective exposure to the narratives of the war on terror. Western attempts to make sense of female jihadists reflect the “clash of civilizations” logic at work that suggests Middle Eastern societies are backward, uncivilized, and abusive towards women, in contrast to western liberalism, democracy, and multiculturalism. President Bush’s 2002 assertion that the invasion of Afghanistan would serve to liberate women living under Islam’s patriarchal rule highlights the “white men saving brown women from brown men” logic outlined by Gayatri Spivak in her theorization of the subaltern (Sjoberg 2018; Spivak 1988). The subaltern women of ISIS, in their complicated roles as both perpetrators and victims of patriarchal violence, are both silenced and hypervisibilized in western media and the western justice paradigm. The fixation on women’s identities as either perpetrators or victims of violence forecloses any opportunity to address their actions, motivations, and consequences.
International media groups began finding Western women in IDP camps across Syria as the group started to collapse, and different countries have spent years making decisions about what to do with these women. This “hypervisibility” in Western media representations leads to a distortion of reality (Sjoberg 2018). Hoda Muthana and Shamima Begum, two young Muslim women from the United States and the United Kingdom, respectively, are two of the most sensationalized and hypervizibilized western women associated with ISIS, and I explore their cases in greater detail in chapter three. Their cases have catalyzed discussions about whether and how to prosecute and punish individuals associated with ISIS. The decisions and narratives surrounding legal, political, and social responsibility for former ISIS members are colored by western settler-civilizationist and Orientalist narratives of female terrorists, Salafi-jihadism, and Islam and the Arab world more generally.

*Understanding the women of ISIS: Terrorists or Victims?*

The United States has a long history of categorizing certain Muslims as “out of place” while enforcing impunity for Americans in the Middle East; with the rise of Salafi-jihadism, the idea of the “foreign fighter” began to take root in the Western consciousness. The US claims to speak from the position of the universal (a colonialist strategy) against the existential, diametrically opposed threat of extreme Islamist terrorism. The hypocrisy and unfair treatment of Muslims and American soldiers in the Middle East has had a corrosive effect on the rule of law and legitimacy of US projects in the Middle East (Li 2010). In addition, the differentiation between “good” and “bad” Muslims fixates on the act
of border crossing which makes a Muslim into “a hybrid between a rebel and an invader with no fixed source of accountability” (Li 2010, 366).

The threat (real or perceived) of terrorism to the West, particularly the United States, has justified extreme measures to police transnational Muslim mobility and identify potential security threats, measures which are a part of neocolonialism. The post 9/11 extraordinary rendition program, detention at Guantanamo Bay, and CIA black sites are all exemplary of US efforts to push “out-of-place” (foreign) Muslims outside the realm of legal protection. These efforts also identify the foreign Muslim as a “categorized object that must be known and dealt with,” a masculinized security threat (Li 2010, 375). The United States employs two general strategies to deal with these “threats:” send them back to their “rightful” place or perpetuate their outsider status, radicalizing their condition as “out-of-place” and suspending Muslims in a “zone of legal ambiguity” (Li 2010, 375). The United States and other western countries are employing these strategies to handle the former ISIS women in IDP camps across Syria: stripping individuals of their citizenship to create a condition of de facto detention, indefinitely and/or infinitely, and to isolate women from legal protections and human rights.

The west lacks an understanding of female foreign fighters because terrorists have consistently been presented through gendered, masculinist terms, despite the fact that female terrorists have existed for centuries (Gentry and Sjoberg 2015; Sjoberg 2018; Steflja and Trisko Darden 2020). Indeed, the term “foreign fighter” is itself implicitly coded and gendered as male. Sjoberg (2009)
argues that racist assumptions about Muslims and sexist assumptions about women overlap in the language of the US’s war on terror: ideal images of western fighters and western women as just and pure are contrasted with images of Islamist jihadis as “evil, corrupt, [and] perverse” (69). “Terrorist” discourse is gendered, presenting the terrorist as a masculine subject and the foreign fighter as the most fanatical, uncontrollable, and illegitimate of all terrorists (Steflja 2009, 69; Li 2010). When this framework is applied to the western image of Muslim women, the culture lacks a vocabulary to understand them. In recent years, western media created the label “jihadi bride” as an archetype for the women of ISIS, collapsing the diversity of experiences into a narrative of women tricked into joining by men, or enticed by the promise of a husband and the desire for adventure (Gentry and Sjoberg 2015; Sjoberg 2018). This label “attaches a woman's project to a man’s agenda and acknowledges women's agency only within the framework of marriage” (Steflja and Trisko Darden 2020, 102).

In fact, the “gender gap” in terrorism is not as large as typically believed; women are not secondary actors in armed conflict, although they are “among the greatest victims of armed conflict” (Steflja and Trisko Darden 2020, 122). In western framings, female terrorists are distinguished from both their male peers and from other women, and their choices are seen as either non-choices or as apolitical. The “jihadi bride” label draws upon three archetypes employed to understand the motivations and experiences of terrorist women: the mother, the monster, and the whore (Gentry and Sjoberg 2015). The mother label describes a violent woman protecting symbolic or real sons, or who has lost sons; the monster
label describes a woman who is psychologically unstable and becomes violent because of an insane version of femininity; the whore label describes a woman whose violence is driven by inappropriate, non-feminine sexuality (Steflja and Trisko Darden 2020, 8-9). The mythological narratives of the mother, monster, and whore draw on images of violent women as transgressive, anomalous, and irrational, and ignores the role of other factors like race, religion, nationality, etc. in their experiences and motivations for violence.

In the media and in courts, female terrorists are almost always depicted as belonging to one of these gendered stereotypes; these depictions represent a widespread, Orientalist fascination with non-white, non-Christian women. Sjoberg (2009) argues that we have a tendency to place gender at the forefront of our analysis of women in terrorism, but that scholars should rather understand gender in context. Sjoberg writes, “women’s agency in their political (or even criminal) violence is denied even by those claiming to study women as women because women’s incapacity to commit acts of terror is essential to maintaining our current idealized notions of women and femininity” (2009, 69, emphasis in original). In other words, even in efforts to bring visibility to female terrorists, scholars have reinforced notions of women as fragile, always victims, and incapable of exercising agency to commit violence. The fetishization of female terrorists also reinforces the gendered binary of rationality vs. emotional, which excludes women from political consciousness. Steflja and Trisko Darden write, “women war criminals are...presented as unique cases of ‘deviance’ and
‘monstrosity’ — the exceptions that prove the rule that women are the gentle and peaceful sex” (2020, 121).

However, the mother/monster/whore framework is not sufficient to examine the role that race, religion, class, age, nationality, and citizenship status all play in how violent women are depicted and portrayed. Indeed, Steflja and Trisko Darden (2020) assert that “focusing solely on these frames neglects other important identities and constructed categories” (9). The women of ISIS do not fit neatly into any of these stereotypical categories in mainstream media narratives, because their femininity is always-already informed by Orientalist, racist, xenophobic, and imperialist assumptions about Islam, Arab women, and Muslim bodies. Mother, monster, and whore narratives serve to distance their subjects both from men who commit ostensibly justified violence, and from “normal” women, women embodying hegemonic femininity (Schippers 2007). Muslim and Arab women are always already subordinated to white, domestic, middle-class femininity, especially those who live in the western world. My goal is to extend, elaborate, and apply Sjoberg and Gentry's mother/monster/whore framework to see how female members of ISIS or women associated with ISIS are illegible as agents of violence, and are thus illegible to a western justice paradigm that can only ever see Muslim/Arab women as ultimate, inherent, and inevitable victims.

16 Schippers (2007) defines hegemonic femininity as consisting of “the characteristics defined as womanly that establish and legitimate a hierarchical and complementary relationship to hegemonic masculinity and that, by doing so, guarantee the dominant position of men and the subordination of women” (94). Schippers emphasizes the role that race, class, religion, and other constructed identity markers play in constructing femininity, and argues that hegemonic femininity discursively ascends “pariah femininities” in legitimating the gender order.
These labels and stereotypes diminish the agency that Muslim women exercise in choosing to join ISIS and distort the historical reality of their participation in the group. Narratives of entrapment and subjugation are often contradicted by women’s public statements and their own accounts of joining, although some women may strategically employ mother/monster/whore narratives to minimize their involvement and belief in the group. Female terrorists systematically receive more lenient sentences than men in the United States, despite the fact that they tend to commit similar crimes (Steflja and Trisko Darden 2020). Narratives emphasize the age and gender of ISIS women, touching on ideas of vulnerability. Male terrorists exist completely outside of this mental gymnastics; scholars and observers rarely raise concerns about online grooming and brainwashing in the process of radicalizing men because violence is naturalized as masculine and therefore a natural option for men seeking to exercise their political agency (Steflja and Trisko Darden 2020).

Understanding female terrorists as political actors with agency, although constrained by social structures, gives us a better understanding of women’s roles in armed conflict, and leads to fair and just consequences for perpetrators of harm. Feminist and restorative methodologies like solidarity, truth-telling, accountability, and harm reparation, provide the room to understand all the contradictions, diversities, and paradoxes in ISIS women’s experiences. Solidarity brings together parties with common interests and values and evaluates harm in context, with attention to power imbalances (Li 2010, 427). Alternative justice is one perspective that feminist international relations scholars can employ to
explain terrorism by unsettling western claims to rationality, morality, and political agency. The aim of exploring women’s variety of roles and beliefs in ISIS through alternative justice is not to cast judgment on the level of their guilt or innocence, but rather to illuminate the complexity of women’s experiences. Rather than alienating, othering, and stereotyping these women, alternative justice studies the entire context of their experiences. In the next chapter, I present case studies of two women, Hoda Muthana and Shamima Begum, in an effort to contextualize their experiences and examine how justice functions, or fails to function, in their cases, and outline potential alternative justice practices that might open up space to see them as fully human.
Chapter 3: Hoda Muthana and Shamima Begum

The United Nations Security Council Counterterrorism Committee Executive Directorate published an analytical brief in July 2020 about the prosecution of ISIS-associated women (CTED Analytical Brief 2020). The report asserts that according to UN Security Council Resolution 1373 (2011), UN Member States have an obligation to bring terrorists to justice, ensure that terrorist acts are regarded as serious criminal offenses in domestic law, and guarantee a punishment which reflects the seriousness of these terrorist acts. Women are the demographic group with the lowest rate of return from the conflict zone in Syria and Iraq. Seldin (2020) cites research that as of July 2019, only 609 women who traveled to ISIS were estimated to have returned to the country of origin, while 18,000 women remained in displaced-persons camps in northeastern Syria.

The UN CTED report cites UNSCR 2396, which recognizes the diverse roles played by women in terrorism and calls upon Member States to develop comprehensive, gender-specific prosecution, rehabilitation, and reintegration strategies (CTED Analytical Brief 2020). It has been difficult to translate our growing understanding of ISIS and women of the organization into policy that can bring them home and hold them accountable for their involvement with the group’s violence and human rights abuses. The longer women stay overseas, the harder it becomes to gather evidence related to their cases, evidence which already presents several problems for prosecutors in domestic courts. It is clear, then, that if states wish to prosecute their women who left to join ISIS, they must act quickly not only for the interest of justice, but also because of humanitarian concerns about their living conditions.
Amid the proliferation of academic, political, and mainstream conversations and debates about what states should do with their citizens who travelled to Syria to join ISIS, Azadeh Moaveni (2020) reminds us that “most policy papers, public discussions, and security initiatives dealing with gender and extremism seem wholly disconnected from the lived experiences of women in the Middle East” (326). Debates swirl about the nature of justice, the extent of women’s participation in ISIS, and the particulars of prosecuting terrorists, but the west seems unable to look these women head-on or let their stories speak for themselves. This chapter presents a close reading of two western, Muslim, young women who travelled from the west to join ISIS in an effort to discern how their stories are misrepresented and misunderstood in western discourse.

A comparison of Shamima Begum and Hoda Muthana’s cases reveals a variety of differences between the United Kingdom and the United States’s understandings of citizenship and protections under the law, strategies to block re-entrance, and public opinion and understanding of terrorism and the war on terror. I present case studies of these two women because their experiences have been relatively similar, and their cases are the most public and well-documented of the hundreds of Western women who joined ISIS. They each also frame particular aspects of the problem: Muthana’s case raises the questions of citizenship and executive power in the United States, and Begum’s case raises questions about the surveillance state and the failure of authorities to grasp the true nature of radicalization into violent Islamism. Both cases represent questions about the misreading of female terrorists and radical Islamism, and also the long-enduring power of western meddling in Middle Eastern geopolitics.
Saul Elbein (2020) writes, “in the broader discourse around the terror wars, the US government and much of the media treat any involvement with ISIS as a mark of Cain — a fatal sign that a recruit or sympathizer had not just broken with the American social compact but has surrendered the designation of American altogether” (39, emphasis in original). This discourse ignores people’s reasons for choosing to join ISIS in the first place, as well as the fluid and undefined nature of membership. The tendency to view membership in ISIS as an either/or, in or out, situation is common in Western understandings of ISIS and it leads to a flawed and problematic understanding of the group and its members. The fact is, association with ISIS was often a matter of survival for locals, and also for foreign recruits who changed their minds and wanted to leave but were unable to. Furthermore, under this national discourse, those who were non-combatants or indirectly involved in the violence are viewed as enormous security threats to the country, threats which outweigh the importance of individual rights.

**Hoda Muthana**

*Upbringing and Journey to ISIS*

Hoda Muthana was born in October 1994 in New Jersey to Yemeni parents: her father was a former diplomat to the United Nations but had decided to stay in the United States after the outbreak of civil war in Yemen. The Muthana family moved to Alabama, where Hoda was raised and eventually enrolled in university. Muthana described her upbringing as strict and traditionalist, with her father travelling often and a “strained” relationship with her mother (qtd in Steflja and Trisko Darden 2020, 99). Muthana rarely socialized with her peers outside of school and had few friends. When she began studying at the University of Alabama, however, her parents gave her a cell phone, which became
a “portal into the online world of extreme Islam” (Callimachi and Porter 2020, n.p.). Her parents, Yemeni immigrants from a culture with a strong emphasis on honor, were excited to see her dive into religion in an attempt to find herself as she became involved at a local mosque, began wearing the veil, and tried to organize Muslim students at her high school. It is easy to see, however, how isolated she must have felt watching her peers leave for college while she stayed home.

Muthana later identified her home life and her exposure to jihadist propaganda on social media as two major motivating factors in her decision to join the Islamic State. After she left, her father tried to piece together how she was able to fall into online radicalization without her family realizing (Elbein 2020). He points to unfiltered access to the internet during a boom time of radicalization as a recipe for disaster. Elbein writes,

> During her first year at the University of Alabama at Birmingham, Hoda lived with her parents and siblings, fighting her own kind of irregular conflict, which had now — like the one on the outside — gone on for years. The battle lines were simple: Hoda was an American girl in the suburban South whose parents wanted to raise her like a proper old-country Yemeni (2020, 36).

However, to suggest that her parents’ strict nature or an obsession with social media led her to run away and join ISIS would be a vast oversimplification of the degree of planning and dedication required to do so; her home life, relationship with her parents, and social media use were factors among many others.

> Ultimately, the state failed to protect Muthana, and hundreds of young women like her, from the dangers of joining ISIS. Elbein writes,

As the FBI chased made-up plots in suburban mosques, forums on the dark web hummed with impassioned outbursts from young jihadists and fangirls of holy war. Like other congregations of the young, lost, and pissed-off — incels, white nationalists, the alt-right — these Western-raised Islamic militants-in-the-making were trying on a revolutionary identity out of range of the prying eyes of the state, or their elders (2020, 37).
The United States, just like the United Kingdom and other Western governments (as we will see below), was blind to the realities of socio-economic, cultural, and political grievances of young Muslims facing widespread, culturally-inscribed Islamophobia and xenophobia.

In November 2014, Muthana withdrew money saved for her tuition to purchase a plane ticket to Turkey, where she crossed the border into Syria. She later claimed that she had spent a year preparing for the trip, aided by women of ISIS who had already travelled to Syria (Steflja and Trisko Darden 2020). Upon her arrival, she was placed in a guest house for young women waiting to be matched with husbands. Her first husband was killed less than three months into their marriage, and after a period of mourning, she married again. Her second husband was killed when she was seven months pregnant with her first child, a son. Her third husband has not been publicly identified, but they are no longer together.

*Experience in ISIS*

Upon her arrival in Syria, Muthana adopted the social media name “Umm Jihad,” meaning Mother (of) Jihad, and posted on her social media feeds encouraging Western women to carry out attacks against Americans and travel to the Middle East to live under the caliphate (Elbein 2020). She developed a close circle of friends, but slowly began to realize that life under ISIS did not live up to her expectations, based on what she saw on social media. In her second year, she reports, she started to feel disillusioned with the caliphate while she was stuck in bed, sick and pregnant with her second child. Muthana told reporters she felt very emotional and missed her family during this time (Callimachi and Porter 2020). During the siege on Raqqa in late 2017, where Muthana lived, her
water broke and she had to walk over a mile to the nearest clinic. She learned it was much harder to leave the caliphate than to join it, because ISIS planted land mines and posted snipers to shoot anyone who tried to leave.

As Muthana saw conditions rapidly deteriorating in the crumbling caliphate, she made contact with her father, Ahmed Ali Muthana, who worked with attorneys and the FBI to help her formulate a plan to escape. Her fear of dying in exile was greater than the fear of facing imprisonment back in the United States that had kept her from leaving for so long (Elbein 2020). Muthana moved around ISIS territory as it shrank, seeing widespread famine and supply shortages. She eventually escaped in December 2018, surrendering to Kurdish forces in January 2019. After she was picked up by Kurdish forces, she and her father expected that the FBI would make an attempt to bring her back to the States to charge and prosecute her, but after several weeks, she reached out to the Red Cross for help (Callimachi and Porter 2020). Muthana has spent years in refugee camps with “other Western women whose governments suddenly seemed to have no interest in them,” despite repeated pleas to be allowed to return home (Elbein 2020, n.p.).

Muthana was “discovered” in 2019 by an American journalist in Al Hol camp, a displaced persons camp in northeastern Syria maintained by Kurdish security forces. After the defeat of ISIS in Baghouz in March 2019, the population of the camp exploded to over 68,600 individuals, 94 percent of whom were women and children (Steflja and Trisko Darden 2020, 101). Muthana and her son were later transferred to the nearby Al Roj camp, where she remains as of this writing. Muthana has told reporters that she regrets joining ISIS, but that she believed at the time she was doing the right thing by
sacrificing the comforts of her life at home with her family. In a handwritten letter to her lawyer, she wrote,

I realized how I didn't appreciate or maybe even really understand how important the freedoms that we have in America are. I do now. To say that I regret my past words, any pain that I caused my family and any concerns I would cause my country would be hard for me to really express properly (qtd in Callimachi and Porter 2020, n.p.).

*Muthana’s Denaturalization and Fight to Return Home*

After the publication of her 2019 interview with American journalists, in which she expressed regret for her actions and asserted that she was led by a misguided and incorrect interpretation of her religion, President Donald Trump tweeted that he had instructed Secretary of State Mike Pompeo to disallow her from re-entering the country. This proclamation mirrored actions that the Obama State Department took in 2016, sending her family a letter claiming that not only was Muthana barred from re-entering the country, but also that she had never been a citizen in the first place, due to her father’s diplomatic status at the time of her birth.

Ahmed Ali hired lawyers to appeal the decision, which has resulted in a debate about diplomatic immunity and birthright citizenship: if Hoda had been born while her father was still a diplomat and subject to diplomatic immunity, she would not have been eligible for citizenship status because she was not under the jurisdiction of the United States, according to the Fourteenth Amendment. Muthana argues that because he was relieved of his diplomatic post before Hoda’s birth, she should be a citizen; the State argues that they were not informed of his leaving his post until months after her birth. Muthana’s counsel argued that diplomatic immunity expires at the time of the diplomat’s termination, not when the government is notified of it, and two months passed between
Muthana’s termination and Hoda’s birth (Shaub 2019). Ahmed Ali also calls upon the prior issuance of two passports to Hoda as evidence of her citizenship, in 2005 and again in 2016, when she renewed her passport before leaving the country. Ahmed Ali asserts that he never applied for naturalization for Hoda, like he did for his two younger children, because he assumed after the 2005 issuance of her passport that she was a citizen.

Muthana’s attorneys have also called for equitable estoppel, arguing that the State Department acted in bad faith by revoking her citizenship after affirming it via issuance and renewal of her passport in 2005 and 2013. Her lawyers argue that the government knew all the relevant facts about her birth in 2005 and waited to raise objections to her citizenship until a year after she left the country to join ISIS (Manta and Robertson 2020).

In November 2019, an appeals judge sided in a ruling with the State Department, deferring to the lower court’s judgment without questioning its internal deliberations, “something no court has ever done in a case of revoking citizenship” (Elbein 2020, n.p.). Judge Reggie Walton argued that Muthana should have filed an appeal within 60 days of receiving the initial letter in 2016, an action that would have been impossible as she was living across the globe, away from her family, in a war zone when the letter was issued. Decisions about Muthana’s case have rested more on the technicalities of her citizenship than the extent and nature of her involvement with ISIS. Shaub (2019) interprets this strategy as an effort to kick the can down the road, putting off the difficulty, or near impossibility, of prosecuting alleged terrorists in domestic courts.

In January 2021, the DC Circuit Court of Appeals again ruled in favor of the State Department, upholding the lower court’s ruling that denied Muthana her citizenship claim (Manta 2021). Judge Rao argued that despite the fact that Muthana held a passport from
2005, which was later renewed in 2013, she did not qualify for birthright citizenship because the US government was not informed of her father’s loss of diplomatic immunity until after her birth. Manta (2021) writes that the current makeup of the Supreme Court makes it unlikely that Muthana’s case will be granted certiorari. There is no Supreme Court precedent for a case like Muthana’s, although the Supreme Court has ruled that US citizens cannot be denied entry for any reason, and that banishment is a form of cruel and unusual punishment (Shaub 2019).

Both the Obama and Trump administrations stuck to the strategy of denying that Muthana had ever had access to citizenship in the first place, making her someone else’s problem and effectively exiling her in a foreign detention camp. These women’s cases represent not just a question of their individual rights, but a fundamental question about who has the right to due process and citizenship and, importantly, who should get to decide. Elbein (2020) argues that by refusing to repatriate Muthana and take responsibility for its citizens who joined ISIS, the US government is refusing to allow the war in the Middle East and the larger war on terror to end. Hyper-militarization, demonization of an outsider, Other group, and grand shows of force are the lifeblood of the American state since the Cold War; an understanding of the US as a nation that needs to be at war to survive reveals a strong incentive for the state to drag out conflict in the Middle East. In ignoring Muthana and refusing her any path to repatriation, the United States is effectively using her as a pawn in its larger geo-political strategy of domination.

Elbein (2020) writes that there is no precedent for a situation like Muthana’s. The Trump administration vehemently opposed any path that would lead to her citizenship and repatriation, and it’s unlikely that the Biden administration will take any action in
Muthana’s favor. With drone strikes in the first month of his presidency, it seems reasonable to predict that Biden's foreign policy will stick closely to that of the Obama administration.

If the Trump administration has its way, Hoda will remain in a detention camp, and her son will grow up stateless in a warming, darkening world—a frustrated kid with no prospects, raised by an embittered mother in a dead-end refugee camp. The boy will be one more seed in fertile soil, ready to be swept up in some whirlwind to come (Elbein 2020, 39).

**Shamima Begum**

**Journey to ISIS**

Shamima Begum became widely known across the United Kingdom and the rest of Europe as one of the “Bethnal Green Girls,” a group of young friends who left the UK in February 2017 to join ISIS. Shamima and her friends are typically presented in the media as a trio, but a fourth young girl, Sharmeena Begum (no relation), left the United Kingdom about a year before her friends. After Sharmeena's disappearance, the Bethnal Green Academy administrators called Shamima Begum and her two friends in to speak with counterterrorism police. The girls’ parents were not present, and they were given letters to pass along to their parents to sign. Their parents never saw these letters, and just a few weeks later, in February 2015, Begum, at fifteen years old, and her friends boarded a flight to Turkey where they crossed the border into Syria.

Begum has claimed that online propaganda portraying a utopic vision of life under ISIS was a major factor in her radicalization. She told the BBC, “the way they showed family life in IS was pretty nice. Like the perfect family life, saying they’d take care of you and take care of your family” (qtd in Brown 2020, 146). Her decision to join ISIS was also heavily influenced by her friends, with whom she flew to Turkey and was
smuggled across the border into Syria (Moaveni 2020). Begum’s narrative of radicalization echoes Muthana’s in that she found Islam in an attempt to build an identity in a society where she felt like an outsider, but she was younger than Muthana, and potentially more influenced by her peers.

Like Hoda Muthana, Shamima Begum and her friends slipped through the cracks of her state’s security and surveillance measures meant to catch young, radicalized Muslims before they left the country. Once the girls were gone, their families had to press police for information about them, even as the police combed through the families looking for any intelligence they could find. Rather than trying to find the girls and bring them home or get to the root of how they could have been radicalized without any adults in their lives noticing, the police and the school engaged in back-and-forth attempts to blame any responsible party for the girls’ disappearance — their mosques, their parents, their peers — without any deeper analysis of widespread Islamophobia and xenophobia within the UK (Moaveni 2020).

*Experience in ISIS*

Amanda Brown (2020) points out that Begum was a child when she left the United Kingdom at age fifteen and became a child bride when she married an ISIS fighter almost immediately after arriving in Syria. Begum had three children, all of whom died as infants. She has maintained that during her time with the group, she did not participate in its violence and only performed domestic duties as a housewife and mother. Begum claims that she did not act as a propagandist or recruiter, although she had no moral qualms with the group’s violent propaganda showing beheadings and executions when she made the decision to join (Brown 2020). Unlike Muthana, Begum did not take on a
social media presence, and so there is no publicly available evidence of her avowals of ISIS ideology and belief.

The British police encouraged the girls’ families to publicize their disappearance as much as possible, meaning that Begum was subject to a media frenzy before she even resurfaced after the collapse of ISIS. Moaveni quotes an article that was published in a liberal UK newspaper after Begum was found to have joined ISIS: “Which image of a future life excited her the most? Submissive jihadi bride with a big strong executioner boyfriend? Machine-gun-toting trained killer? And all this without her teddy bear?” (qtd in Moaveni 2020, 205). Despite the fact that she ran away at age fifteen, the UK press and public drew upon cultural stereotypes about Islam to frame her decision to leave as incomprehensible and irredeemably immoral.

**Leaving ISIS**

Like many other foreign women who left their homes to join ISIS, Begum quickly became disillusioned with the group after realizing that her expectations did not match with the reality of her new life. Begum made the decision to leave when she was pregnant with her third child; the death of her young son (her second-born child) catalyzed the decision to leave after four years of living under ISIS rule. Her young daughter (her first-born) died before they reached Al Hol camp in late 2018 (Moaveni 2020). The media frenzy only continued after Begum resurfaced in a refugee camp in 2019 and was not sympathetic to her calls to return home. Moaveni writes,

> The fact that she had been groomed and recruited as a fifteen-year-old, primed and indoctrinated by the Islamic State, evaporated from the national conversation about her. That she had been a child bride, married before legal age, that two of her children had recently died, did not deter reports from interrogating her for dispatches read voraciously back home (2020, 320).
After Begum left ISIS, she was picked up by Kurdish forces and transported to Al Hol camp, the same camp where Hoda Muthana lived for years. Here, Begum was “discovered” and interviewed by a British journalist in 2019, and her story later ran on the front page of the London Times. At the time, she was nineteen years old and nine months pregnant, and asked to be allowed to return home with her baby. Just five days after the story was published, the UK Home Secretary, Sajid Javid, stripped her of her citizenship rights, citing British law that gives the state the right to denationalize any individual deemed to be a threat to public safety. International law forbids states from making individuals stateless, but the British Nationality Act of 1981 provides a provision that allows for denaturalization if there is a possibility for the individual to gain citizenship elsewhere. The UK reasons that since Begum is of mixed Bangladeshi descent, she could feasibly gain citizenship there. However, Begum has never been to Bangladesh, does not speak the language, and the state of Bangladesh has stated that she is not a citizen and will not be allowed in the country (Knight 2020).

Begum’s Denaturalization and Fight to Return Home

Because Begum is not a citizen of Bangladesh and has no prospects of becoming one, the UK’s decision to strip her of her British citizenship rendered her stateless. Her third child died shortly after birth, and Begum has stated multiple times in interviews that she wants to return to the United Kingdom to go through rehabilitation and reintegrate into society (Hanoush 2019; Chappell 2021). She has also asserted that she was only ever a housewife and mother, and never participated in any ISIS attacks or recruiting, but that she excused ISIS’s extreme violence because in her warped interpretation of Islam, their executions and beheadings were permissible (Shaub 2019).
It remains unclear what Muthana and Begum’s options are. Their best-case scenario outcome at this point looks like a long sentence in prison, while Muthana’s son is raised by family members, but it remains unclear whether she will ever be able to re-enter their home states to stand trial. There is no real precedent for any type of reintegration program. In their current situation, living in a displaced persons camp in Syria, Muthana and Begum have no real opportunity to spend time questioning her actions and motivations, to experience regret, or to seek reintegration into society.

Muthana and Begum’s calls to be allowed to return home reveal their awareness of their transgression of norms and the grave threat they have posed to the nation-state. Both women have publicly expressed their desire to be rehabilitated, to taken back into the community, and to be seen as not a threat. Both women have also expressed their willingness to face prosecution and incarceration, reflecting an acknowledgement of the need to submit to the power structures of the nation-state in order to be folded (back?) into the homonationalist body politic. Their calls to come home and assertions that they acknowledge their mistakes are fundamentally at odds with readings of the terrorist as a non-human monstrosity incapable of repentance or change.

Schotten reveals the impossibility for Muslims (or any racialized person considered a “terrorist”) to denounce or affirm terrorism, because both options affirm the hegemony of the settler state and invisibilize the moralizing and highly subjective definitions of terrorism. This might explain why, despite multiple examples of Begum and Muthana refuting ISIS ideology and proclaiming their willingness and desire to change, western audiences are not receptive.
Securitized Citizenship, Weaponized Denationalization

The United States and the United Kingdom are among a multiplicity of Western states cobbling together some sort of strategy for dealing with their nationals who travelled to Syria and Iraq to join ISIS. Most states are doing nothing at all, leaving their nationals to face trial in the Iraqi or other regional judicial systems, or to languish indefinitely in detention, displaced-persons, and refugee camps (Cook and Vale 2019). Western states’ policies toward women are even less robust than their minimal policies regarding men. The strategy of avoidance makes former female members of ISIS some other country’s problem by rendering them stateless. This strategy might also represent an effort at deterrence, making an example out of these women the same way that show trials have made examples out of their male subjects. By stripping their citizenship and removing them from the national community, the state displays its power not only to punish and control individuals’ behavior, but to shape and define the contours of the body politic itself. Indeed, Matthew Paris’s 2019 article, “Make an Example out of Shamima Begum” proposes using the force of the law to punish ISIS women, enact revenge for the group’s subversion of western hegemony, and deter others from following in their path.¹⁷

Elbein (2020) discusses the fact that the Trump administration’s attitudes and policies towards the war on terror, citizenship, and immigration served to build upon foundations built by the Obama administration. President Obama greatly expanded the boundaries of executive power not only through his liberal use of drone strikes, but also by emboldening the FBI to plot and carry out fake terrorist schemes on domestic soil to try to draw out radicalized Muslims living in the US. This culture of hyper-militarization

¹⁷ Interestingly, show trials have not emerged as a possible option for dealing with women associated with ISIS (or even men associated with ISIS, for that matter).
and domestic surveillance has been paralleled in the UK, where security officials have implemented widespread anti-radicalization campaigns aimed at Muslim individuals and communities. Yet despite the great lengths these western governments have gone to, they proved unable to intercept thousands of young people from leaving the country for Syria to join the caliphate.

As I elaborated in chapter 1, citizenship is a regulatory tool of homonationalism that aims to consolidate a homogenous national body politic by erasing difference and sowing emotional and legal loyalty to the state. Because citizenship provides individuals access not only to income and economic benefits, but also to legal protection for certain fundamental rights, states have wielded denaturalization as a weapon to ensure individuals’ loyalty to the futurist project of the settler-empire. The discourse of the “state of exception” and the war on terror produces the presence of an “exceptional threat,” which justifies “exceptional” counterterrorism policies to contain the threat and protect the nation (Li 2018). This state of exception discourse explains, in part, the rise of denaturalization cases in the last several decades, and the transnational strategy of western states to denaturalize citizens associated with ISIS.

The proliferation of denaturalization relies on fantasies about national security that demarcate certain groups of people as inherently threatening and allow the state enormous power to punish and deny individuals access to the nation (and, by extension, life) with impunity. The Department of Justice released a statement on prosecutorial discretion in denaturalization cases, explicitly identifying terrorists and individuals who pose a threat to national security as targets of denaturalization (Manta and Roberston 2020). The lack of a consensus on a legal definition on terrorism and the difficulty (or
impossibility) of procuring evidence of terrorism make this national security rational “tenuous,” at best (Manta and Roberston 2020, 29).

In addition to its deep tie with homonationalism, denaturalization serves as an enforcement mechanism of biopolitics/necropolitics, providing states with a legal mechanism to manage illegible, uncontainable, and unsavable bodies. Such bodies are deemed antithetical and non-conducive to imperial expansionism and futurity. Stripped of political legitimacy, these bodies are relegated to sites of indefinite/infinite detention, neither dead nor fully “alive” (Schotten 2018). Subjects who lose access to political legitimacy lose access to that which makes them a subject in the first place. Manta and Roberston (2020) cite legal decisions which argue that the “boundless discretion” of widespread denaturalization “means that second-class citizens can never feel entirely secure” (35). Legalized citizenship organizes and stratifies populations according to how closely they approximate the ideal patriotic citizen (an always imagined, necessarily imitated ideal), and denaturalization disciplines the actions and sentiments of those second-class groups by threatening loss of citizenship at any time.

The logic of the war on terror makes the annihilation of its civilizational enemy, radical Islam, the primary and absolute military, political, and social objective. Schotten (2018) describes an elaborate, well-funded international effort to maintain the definition of terrorism as an existential threat to western civilization, which attempts to pacify populations and preserve the existing futurist order that designates certain populations as marked for “life” and others as marked for “death.” Denaturalization is part of this effort because it relies upon a symbolic categorization of certain individuals as inevitably terrorists, inherently threatening, and necessitating alienation and destruction.
Denaturalization, through this reading, is one tactic of a necropolitical regime, a sovereign power exercising their self-proclaimed right to manage life and death (Mbembe 2003).

States use multiple legal methods to challenge individuals’ citizenship; aside from formal denial, Manta and Roberston (2020) describe effective denial, which are the actions a state takes to curtail, derogate, or interfere with the exercise of full citizenship rights. Within the United States, civil denaturalization proceedings involve a lower burden of proof, no statute of limitations, and no right to a jury or to counsel. Denaturalization proceedings in the US and the UK also lack safeguards for individuals (Manta and Robertson 2020; Brown 2020). Denaturalization is also inherently discriminatory, because governments are not required to articulate any justification for their actions. The threat of terrorism is presumed to be obvious and universally reviled, the unspoken reasoning for the expansive powers of the security state in the war on terror. As Hoda Muthana's case reveals, it is relatively easy for the US to declare that someone was never a citizen at all without providing any justification, and individuals have very limited pathways to challenge that declaration. The inherent inequity in denaturalization proceedings make it very difficult for individuals to fight the power of the state and reveals the ability of the security state to mask the extent of its power.

Manta and Roberston (2020) show that the consequences of denaturalization on an individual and a community often outweigh the harm of the “crimes” used to justify it (25). Because citizenship in a western country is tied to accessing financial benefits and protection of certain rights, the impacts of denaturalization often rival those of incarceration and can be permanent. In the case of denaturalized former female ISIS
members, the consequence of denaturalization is indefinite/infinite detention and exile. Manta and Robertson write that “under the current circumstances, it is impossible to say that denaturalization is no longer intended as a punishment” (2020, 41).

Denaturalization, not only as punishment but generally speaking, is antithetical to notions of democratic, liberal justice. For one thing, denaturalization functions as both a symbolic and material punishment for some transgression against the state and the imagined national community, rather than prioritizing compensation to the victim (Manta and Roberston 2020). As such, denaturalization is also antithetical to and forecloses any possibility of reconciliation, reparation of harm, healing, or peacebuilding.

Denaturalization also fails to fulfill requirements of substantive due process and legal standards of arbitrariness (Manta and Roberston 2020; Brown 2020). Substantive due process asks where there is sufficient, substantive justification for the deprivation of liberty and is intended to protect individuals from the arbitrary loss of fundamental rights. The language of the war on terror and terrorism as existential, obvious, and urgent threats to the west means that even an association with “terrorism” is adequate justification for deprivation of liberty. Brown’s (2020) application of Anudo v. Tanzania to Shamima Begum’s case shows that her denaturalization fails to fulfill the requirements that make denaturalization non-arbitrary.

Denaturalization also denies the state-individual relationship rooted in “the consent of the governed” and which undergirds the US political identity. Manta and Robertson (2020) ask, “what does it mean for a government to be able to cancel the very root of its own legitimacy?” (52) This ability goes hand-in-hand with the state’s power to define and eradicate any external threats to its legitimacy, threats defined in the
The contemporary moment as terrorism. Denaturalization’s anti-democratic nature reveals the ruse of the US settler-empire as a liberal, rational, democratic state; membership within the national body politic is always contingent on individuals’ ability to approximate heteronormativity and subsume themselves to homonationalism. Citizenship can be revoked at any time for any critique of western hegemony and is never guaranteed for anyone besides the (imagined) ideal patriotic citizen.

Britain has stripped several individuals associated with ISIS of their citizenship, but United States law and Supreme Court precedent make it more difficult for United States government to denaturalize or expatriate individuals (Shaub 2019). However, many states including Australia, Canada, and the Netherlands have increasingly used denationalization and expatriation as counterterrorism strategies, despite the fact that denationalization can actually have adverse effects on rates of terrorist violence (Brown 2020). In the wake of 9/11 and the inauguration of the war on terror, western governments have used denationalization to strip known and suspected foreign terrorist fighters of their citizenship to remove them from the state and/or forbid their re-entry. States have turned denaturalization into a counterterrorism policy despite research that shows the action tends to be “more symbolic than functional when it comes to actually preventing terrorism” (Brown 2020, 138). Denaturalization allows states to remove individuals they do not want inside their borders through the language of “national security threats,” treating citizenship as a privilege rather than a right (Brown 2020). Widespread denaturalization and the securitization of citizenship also serve to uphold a system of second-class citizenship that subjects certain groups to surveillance and the constant threat of physical, legal, and symbolic alienation.
Donald Trump’s 2016 campaign was founded on a xenophobic and racist promise to curtail immigration, paralleling a growing use of denaturalization as a counterterrorism strategy. Elbein (2020) writes that the Trump State Department’s denaturalization of Hoda Muthana was not an isolated incident or a new era in counterterrorism strategy, but rather a continuation of decades of expanding executive power to define and shape citizenship. The Obama presidency heightened war on terror-fueled citizenship challenges by inaugurating hardline immigration policies that resulted in unprecedented numbers of deportations and naturalization delays of South Asians, Muslims, and Middle Easterners. President Obama also expanded Guantánamo despite his lip service to closing the detention center, increasing the “legal dead zone in which the US president could exercise the broadest range of unilateral, unaccountable power” (Elbein 2020, 38). The strategy of the Obama and Trump State Departments of informing Muthana’s family of her status via letter points to efforts to avoid revealing their policies to judicial review and challenge in court. “The letter to the Muthanas disputing their daughter’s claim to citizenship took for granted that it was simply the right of the executive branch to decide, without hearing, due process, or trial, that a woman born in the United States, the recipient of two US passports, wasn’t a US citizen” (Elbein 2020, 38).

Muthana and Begum’s cases, if they are allowed to return to the US and UK to face trial, will set important precedent about the powers of the state to revoke individuals’ citizenship and define the concept. In the US, it is unconstitutional for the government to revoke individuals’ citizenship, but there is legal precedent for certain allowable scenarios. Trump doubled down on and greatly expanded upon Obama’s efforts to limit immigration with attempts to end birthright citizenship and revoke the naturalization of
those who it deemed to be ineligible for the privilege of living in the US: sex offenders, terrorists, war criminals, and the like. Of course, Muthana’s case is unique from other denaturalization cases because rather than argue that her citizenship was procured illegally, the state is arguing that she was never a citizen in the first place. This strategy allows the state to avoid Supreme Court precedent that states that “naturalization procured unlawfully” is an exception to the general rule against stripping individuals of their citizenship (Manta and Robertson 2020).

Trump’s 2019 tweet about Hoda Muthana “shone a light through the fog of executive privilege,” exposing the long-standing, unchallenged reach of executive impunity in the United States. (Elbein 2020, 39). Muthana’s case raises questions not only of the rights of these individual women associated with ISIS, but also much broader questions about what kinds of people have the right to citizenship and due process and what kinds of people get to decide. Donald Trump’s campaign and presidency revealed widespread American sentiments of xenophobia and racism, beliefs that those who are deemed terrorists, criminals, and sex offenders have no right to American citizenship. Public conversations around Muthana’s case, along with other national conversations in Western countries, reflect a disdain for Muthana and an unwillingness to understand her motivations for joining ISIS. Elbein writes, “in the broader discourse around the terror wars, the US government and much of the media treat any involvement with ISIS as a mark of Cain — a fatal sign that a recruit or sympathizer had not just broken with the American social compact but has surrendered the designation of American altogether” (Elbein 2020, 39). ISIS is situated as so monstrous, so evil, and so un-western that it appears in the western consciousness across an unbridgeable ideological gap.
The policy of ignoring these women and stranding them in camps denies them access to any opportunity to reckon with their decisions, to experience and express regret for the harm they caused, or to learn how to move forward and seek re-integration into their community. It also denies the western publics any chance to reckon with their complicity in the war on terror and their unquestioned adoption of Orientalist, xenophobic, and Islamophobic beliefs. In short, this policy forecloses any opportunity for alternative justice. It is easier, according to this policy, to ignore the reasons why women decided to join ISIS in the first place, a line of questioning which would reveal uncomfortable truths about racism, imperialism, and injustice in the United States. It is easier to lump any individual associated with ISIS under the label of “security threat” than it is to reckon with the complex nature of membership in ISIS that often stemmed from survival needs. However, to ignore these women is not only to ignore the state’s responsibility to provide due process, but it is also to ignore counterterrorism research that suggests that denaturalization is not an effective deterrent to terrorism, and may actually be counterproductive (Brown 2020). To give these women a chance to stand trial would be opening up the US, the UK, and the western world for a dialogue about how this so-called civilization grounded in democracy, liberty, and fairness turned into a prison from which young Muslims felt the need to escape to find a new community.

Amanda Brown (2020) writes that denationalization is illegal under international law when it is arbitrary, discriminatory, and fails to respect international human rights obligations. Brown applies Begum’s case to the 2018 African Court on Human and Peoples’ Rights Anudo v. United Republic of Tanzania, which outlined an arbitrariness test for states’ decisions to denationalize individuals. Begum's denaturalization fails to
meet Brown’s criteria for non-arbitrary nationalization because it lacks a clear legal basis and a legitimate purpose, and is not proportional to the interest protected (Brown 2020, p. 168). Because her case is still ongoing, Brown writes that it is too soon to conclude whether Begum's case meets the standard of procedural safeguards necessary for acceptable denationalization, but the context of Begum's appeal has been so problematic that Brown argues it is unlikely that any denationalization case within the UK could meet a standard of procedural safeguards.

Manta and Robertson (2020) propose eliminating all civil and criminal avenues of denaturalization as a clean-cut solution to its anti-democratic nature. However, this proposition misses the fact that citizenship is itself constructed and predicated upon notions of exclusion and control. The power of the state to strip individuals of citizenship (and the right to futurity and “life”) with impunity is an essential power of the settler-empire to maintain its grasp on legitimacy and sovereignty. Therefore, what we need is a critical examination of citizenship and how denaturalization has been weaponized as symbolic punishment against those who oppose the civilizing mission of the empire.

*Denaturalization and Indefinite/Infinite Detention*

Although the United States Supreme Court prohibits the government from using denaturalization to enforce “exile,” the temporality and spatiality of camps in northern Syria reveal that denaturalization has resulted in a condition of indefinite/infinite detention. Puar (2017) describes death camps as sites of the “living dead,” spaces where de-politicized bodies exist outside the logics of modernity and futurity (33). Biopolitical determinations of certain lives as not politically relevant renders their indefinite detention inconsequential. Schotten (2018) argues that Guantánamo detainees of the war on terror
became “exceptional entities” viewed distinctly from human subjects of the law. There are deep resonances between detainees and former female members of ISIS who have been stripped of their citizenship by their home countries; both populations are “un-legal” rather than legal or illegal, they exist outside the realm of the political altogether, denying their subjection as individuals with rights to be respected (Schotten 2018).

Denaturalization and detention can be read as enforcement mechanisms of biopolitics and necropolitics, segregating and demarcating groups identified as worthy of life and groups associated with death. Achille Mbembe’s (2003) elucidation of necropolitics reveals its nature as an explicitly colonial tool, used by imperial powers to demarcate “savage” Indigenous communities as primed for death and destruction. Necropolitics is distinguished from racism because it utilizes biopolitical mechanisms of control such as surveillance to define a population, while it simultaneously marks that population as the “potential object of the sovereign power of death” (Allinson 2015, 114). Drawing on notions of sovereignty, biopower, and the state of exception, Mbembe (2003) argues that the contemporary war on terror is necropolitical because it “makes the murder of the enemy its primary and absolute objective” through civilizationist logic (12). The removal of individuals from the general political and social context of human existence marks them as exceptional, unreadable, and incomprehensible. Denaturalization is thus a self-fulfilling mechanism which positions unreadable and invisible subjects in the realm of the non-political, non-social, and non-legal.

*ISIS Children - Futurity, Biopolitics, Necropolitics*

Puar (2017) and Schotten (2018) explains how the symbol of the Child serves as the marker of the civilizationist project of reproductive futurity and the desire of the
settler-state to preserve itself beyond the present moment. Of course, this symbol is heavily racialized and assumes a white subject. Muthana and Begum have both presented themselves as mothers, calling for justice on behalf of their children. However, their motherhood is not readable in the west as acceptable, because their reproduction was intended to contribute to an oppositional project that challenged western hegemony. Their children, therefore, are antithetical to the symbolic Child of futurity; they represent a threat which must be annihilated if the settler-state is to survive. The deaths of all three of Shamima Begum’s children, one within the Al Hol camp in Syria, are inconsequential to the western consciousness and judicial system because these children were never part of a western effort to transfer nationalist sentiment to a next generation.

The treatment of Muthana and Begum and the silence of the US and UK governments towards their children reflect a necropolitical designation of certain populations as associated with death. The death of their children, and all the children born under ISIS rule, are seen as collateral damage in the pursuit of fostering life for privileged subjects (Puar 2017, 32). Despite western framings of “universal human rights” and morality that rely on the symbolism of the innocence, vulnerability, importance of the child, ISIS children are obviously not seen as privileged subjects worthy of protection by the state. Cook and Vale (2019) provide estimates as to the number of children born under ISIS rule, and the number of children remaining in detention spaces across Syria and Iraq. They point out that anxieties about these children’s potential status as security threats has pushed states to denaturalize them rather than provide rehabilitation and counseling services. Despite international norms that purport to protect children impacted by armed conflict, securitized and militaristic responses to children born and raised under
ISIS rule treat them more as perpetrators than victims. Responses which lump women and children in as one homogenous group with homogenous needs would be inappropriate, but any responses to women associated with ISIS must take into account their particular experience as mothers and must take care to address the needs and rights of their children.

*The Impossibility of Prosecution*

This reading of Muthana and Begum’s cases reveals the mutual unintelligibility of female terrorists and western judicial systems; women in terrorism threaten to destabilize triumphant conquest narratives and dissolve settler biopolitics. Their very existence threatens to render western justice structure illegible. At the same time, western feminists, academics, and politicians fail to properly read the motivations and actions of women associated with ISIS because they rely on contradictory, Orientalist assumptions about Islam, gender, and sexuality. Of course, the prosecution of individuals associated with ISIS also raises serious logistical and procedural questions because of the sheer number of individuals associated with the group who never actually fought. Moaveni (2020) discusses the difficulty inherent in attempting to devise a system or procedure for dealing with women associated with ISIS:

The fact is, no country wants its ISIS citizens back. To afford them due process is costly and time-consuming; evidence is often inadmissible or hard to come by. This makes it difficult to prosecute every ISIS woman or fighter who has committed atrocities, and the risk is that courts will have to allow many to go free or to impose light sentences. But equally there is no mechanism to account for the violence and coercion many members endured themselves at the hands of the group. *How to sieve out the regretters and the dissenters, those who were appalled at what they found in the Islamic State and tried to escape but could not?* Most Western countries have been content to make their ISIS citizens the problems of others — the Syrian Kurds, the Iraqi Kurds, the Iraqi criminal justice system. To inflict this on fragile countries already deeply securitized and
struggling to recover from years of war is immoral; *it also runs the risk of allowing ISIS members, men and women alike, to receive vengeance-as-justice or perhaps even worse, no justice at all. It was perhaps clear from early on in the conflict that Western nations had ceased viewing their ISIS citizens as their citizens at all* (310, emphasis mine).

Moaveni emphasizes the various logistical and theoretical challenges that would accompany trials of women associated with ISIS, including the problems with collecting evidence and the risk states would take that some women might be acquitted. Moaveni also emphasizes that western states stopped considering their ISIS-affiliated nationals to be members of the body politic early on in the conflict; their ongoing material separation from the state is simply following the symbolic and psychological separation that has been taking place for years.

The United Nations CTED brief argues that trials in absentia held by states raise serious concerns about access to fair treatment, information, and effective counsel (CTED Analytical Brief 2020). There are also concerns about evidentiary standards of evidence collected online or from the military, including highly sensitive data like biometrics. Evidence from social media has been successfully used in cases against women returnees who were shown to be inciting violence online. The CTED brief writes, “while women were often active as online propagandists and recruiters, their involvement in other types of activities, including violence, was less prominently documented online because of ISIL’s restrictive gender norms” (CTED Analytical Brief 2020, 3). The broad interpretation of membership is also problematic, not only because specific acts may be difficult to prove, but because “membership” in ISIS was amorphous and meant different things to different people. Women have been prosecuted and convicted simply for being family members of alleged ISIS fighters, or performing basic tasks like household chores.
Thus, a nuanced and critical understanding of ISIS’s treatment of and ideology about women and their rights is imperative in determining women’s extent of participation, especially because actual perpetration of violence is not necessary in defining an individual as a terrorist (Schotten 2018).

The CTED brief (2020) reports that a prosecutorial strategy has been to bring war crimes charges against ISIS returnees, resulting in longer sentences. These war crimes include outrages upon personal dignity (inhumane and degrading treatment of persons); child recruitment into an armed group; the killing of a protected person under international humanitarian law; and pillage. This strategy often lacks adequate analysis of women’s agency under ISIS. The CTED brief (2020) also reports that there has been an uneven treatment of women as mothers and men as fathers, wherein parental charges such as neglect and abduction have been brought almost exclusively against women. This pattern aligns with assertions by Gentry and Sjoberg (2015) and Steflja and Trisko-Darden (2020) that violent women tend to face disproportionately lighter and harsher sentences than their male counterparts because justice systems tend to read violent women through narratives of the mother, monster, or whore to ascribe their violence to femininity gone awry rather than political or social agency.

Initially, the CTED brief reports that women seemed to be receiving more lenient sentences based on gender stereotypes relating to the notion of female victimhood. The CTED brief details a shifting conceptualization of women in conflict: “it appears that evolving threat perceptions and a fuller understanding of women’s diverse roles in terrorist groups are beginning to influence criminal justice responses to female returnees in [Western Europe and North America]” (5). In some regions, women associated with
ISIS receive shorter sentences and face a lower rate of conviction, but in others, they receive disproportionately harsh sentences compared to men. Seldin (2020), in his interpretation of the CTED brief, reports that countries including Britain, Germany, Denmark, Australia, and Indonesia have gone as far as to strip their ISIS-associated nationals of citizenship, barring re-entry. As the CTED brief argues, an alternative framework which allows for a fuller understanding of women’s participation in ISIS would ameliorate this disparity in sentencing.

Research shows that although justice processes tend to either overestimate or underestimate the extent violent women’s guilt, violent women have highly contextualized roles within terrorist groups and highly contextualized motivations for participating in terrorist violence. The United Nations CTED brief argues,

[Gender bias] can lead to the infantilization of women as well as to the vilification of female support for terrorism, which is seen as a supposed transgression of gender norms. It is therefore essential that criminal justice responses, including sentencing practices, take a tailored, case-by-case and gender-sensitive approach. Such an approach must take seriously the different roles that women can play in terrorist groups, including any violent roles, as well as take into account any mitigating circumstances (CTED Analytical Brief 2020, 5).

The brief identifies a spectrum, at the ends of which are states who do not prosecute women based on the assumption that all are victims, and states which have imposed the death penalty for mere association with ISIS. Some states are refusing prosecution not because they see these women as victims, but because they refuse to take responsibility for them. This strategy reflects the analysis of states’ policies of denaturalization as functioning to sever individuals’ material and symbolic ties to the nation.

The lack of a unified definition of terrorism, or even of a “national security threat,” is another barrier to equitable and fair prosecution. Schotten (2018) points out
that “‘terrorism’ requires no actual connection with violence at all in order to qualify as evil or credibly threaten civilization. To be a ‘terrorist,’ one need not commit an act of violence – political or apolitical, legitimate or not – but rather...be (perceived as) Arab or Muslim, or mount some explicit or forthright challenge to the civilizationist valuing of settler lives” (130). Because “terrorism” has no real legal or political definition, it makes no difference whether terrorists are found guilty or innocent of some crime. Their very association with ISIS renders them irredeemably and irretrievably guilty, and therefore legitimate targets of destruction.

Western countries have proven incapable of coming to a consensus around a definition of terrorism. Terrorism has been constructed as a moral and racial identity category, rather than a designator of a certain type of political violence. Prosecuting individuals associated with terrorism would thus require prosecution of individuals based on who they are, rather than what they have done. Schotten (2018) also examines the problematic efforts to differentiate “good” Muslims from “bad Muslims” which concede moralizing and Islamophobic assumptions of Islam as always a potential danger. It is impossible to categorize women associated with ISIS as victims or perpetrators or violence not only because of the amorphous and complex reality of “membership in ISIS” and the difficulty of procuring evidence related to terrorism, but also because any attempt to do so would necessitate the creation of some image of an evil, inhuman “guilty” party. As the “with us or against us” rhetoric of President Bush’s post-9/11 speech dictates, there is no nuance to be had in discerning the actions and motivations of women associated with ISIS.
The Possibility of Repatriation, Rehabilitation, and Accountability

The 2020 United Nations CTED brief suggests that the absence of accountability mechanisms in Syria and Iraq has been an important argument in favor of repatriation, but progress remains slow. Because women have not been able to return home, they have been unable to access rehabilitation or reintegration programs, which puts them at a greater risk of recidivism. The report argues, “reintegration into families and communities is key to the success and sustainability of such [programs], especially with respect to women, who can experience particular barriers to reintegration (such as stigmatization)” (CTED Analytical Brief 2020, 6). Many reintegration and rehabilitation programs fail to address women’s specific needs and rights, and there is no oversight or regulation of these programs’ efficacy. Seldin (2020) cites expert opinion that prison and rehabilitation programs designed for men fail to address the underlying causes of women’s radicalization and particulars of their experiences, and fail to provide training in livelihood skills that could help women support themselves and their children. Thus, not only are prosecutorial strategies inadequate and unfair, alternatives to prosecution also fail to meet women’s needs.

The CTED report argues that “there is a continued need to improve the design and implementation of tailored, gender-sensitive, and human rights-compliant rehabilitation and reintegration [programs] — both as a complement and an alternative to prosecution” (CTED Analytical Brief 2020, 7) The gendered dimensions of prosecution are not limited to whether and how women are prosecuted, but also concerns of the gendered nature of certain crimes and accountability for those crimes.
Brian Jenkins’s 2019 article, “Options for Dealing with Islamic State Foreign Fighters Currently Detained in Syria,” presents eight courses of actions that national governments and the international community could plausibly take to deal with former members of ISIS, including foreign fighters (implicitly coded male) and their wives and children. Jenkins’s proposed strategies range from turning foreign fighters loose for the Kurds, Syrians, or Iraqis to deal with, to utilizing the ICC or a new tribunal to try foreign fighters, to stripping them of their citizenship and forgetting about them. As of now, it appears that Western governments are adopting what Jenkins calls a “bluster and muddle” “policy by default” of working to make foreign fighters someone else's problem (Jenkins 2021, n.p.).

Some of the options on Jenkin’s list are untenable for obvious reasons, but some of them do provide a point of departure for theorizing a path forward. Jenkins suggests a combination of approaches, based on the need to “inventory and disaggregate the populations” (20). Foreign fighters would be sorted according to their role in ISIS, desire to return, and willingness to face prosecution and assist authorities. The same criteria should apply to women, and children should be rescued. Jenkins points out the difficulty of unrepentant mothers with children: “Separation may be inevitable in some cases, as it is when a child’s only parent is a convicted felon being sent to prison, but it cannot be a matter of policy. These decisions will have to be made on a case-by-case basis” (20). Clearly, there are problems with an approach that would involve an occupying military power interviewing and making judgments about traumatized women who have spent years living in active armed conflict and displaced persons camps, but Jenkins is right
that authorities must devise some mechanism for accounting for these women and
discerning what should be done with them.

Of course, discerning the extent of women’s association with and belief in the
values of ISIS will not be as easy as simply taking them at their word. Moaveni (2020)
points out that women in displaced-persons camps struggling to survive have a high
incentive to lie in order to be let back into their home countries. She writes that

Nearly all of the ISIS women detained in [Ain Issa Refugee Camp] claim to be
victims, dissenters at heart who were forced to stay in Islamic State territory
because getting out was impossible…They admit they were originally true
believers in the state-building project, but maintain that they quickly lost faith
when they saw it was a miserable, vicious lie (Moaveni 2020, 302).

In this context, Moaveni writes, “it is the hard work of time to tell whose tales of regret
are genuine and whose contrived” (2020, 302).

However, restorative justice theory and policy suggest that amnesties, which can
be implemented in a wide variety of ways, might expedite the truth-telling process and
make individuals more comfortable sharing their experiences (Mallinder 2014).
Amnesties do not necessarily look like blanket protection from accountability; amnesties
might also include the promise of access to services and rehabilitation, protection from
retaliation, and safeguards against excessively long sentences (Mallinder 2014). Gentry
and Sjoberg (2015) argue that perpetrator narratives can serve to reveal the political
motivations of violent actors, and also to unsettle dominant gendered notions of violence.

Restorative justice’s analysis and understanding of the communal nature of harm
and victimhood are also useful in understanding the case of former ISIS women.
Restorative justice rejects the victim-perpetrator binary and instead proposes a multi-
layered approach to understanding the impact of crime, by looking at primary, secondary,
communal, and national levels of victimhood (Van Ness 2014). Restorative justice illuminates both individuals’ complex motivations for committing violence, but also the complexity of violence’s consequences, allowing space for individuals to be both perpetrators and victims of harm. In the case of ISIS women, restorative justice might allow us to understand these women as both victims of patriarchal oppression, abuse at the hands of men, and manipulation by a powerful non-state actor, as well as autonomous agents of violence who chose to materially, symbolically, and discursively support a violent and hateful group.

**Alternative Justice for ISIS Women**

What does this alternative reading of female terrorists and “terrorism” in general offer for justice, both as a structural force that shapes individuals’ lives and as a normativizing and moralizing force which shapes populations, communities, and collective understandings of reality? Returning to Deleuze and Guattari's (1972) metaphor of rhizomes versus trees, I propose an understanding of punitive western justice mechanisms as arborescent as opposed to alternative justice as rhizomatic. Retributive justice in the west is fixed and unmoving, defines strict boundaries around behaviors and individuals, is concerned with reproducing the good patriot (always an imitation of some imagined ideal), and relies on transmission of ideals and wealth through genetics and law. Deleuze and Guattari (1972) see arborescence as deeply entwined with political and social consciousness in the United States and the western world. On the other hand, rhizomatic structures of justice are non-linear, fluid and adaptable, defined by connections and changes, and unpredictable.
Alternative justice demands an alignment with the queer, the subversive, and the illegible as “terrorists” opposed to the moral futurist logic of settler-colonialism that upholds and protects the ideal of “life” for a privileged few. Alternative justice represents a “line of flight” (in Deleuze and Guattari’s language) from President Bush’s declaration that one can either be “with us [the west] or with the terrorists.” Alternative justice resists and rejects racist, civilization ideologies which underpin the structural and ideological positionality of life and death, of good and evil. This alternative reading of terrorism does not seek to exonerate, excuse, or justify the acts of brutal violence enacted by ISIS. Schotten (2018) proposes that,

Rather than avoid or evade the association of Islam with ‘terrorism’ and the associations of ‘terrorism’ with nihilism, evil, and death in an attempt to secure a place at the table of rationality, liberty, and the American way, the only possible option for any truly dissident opposition to settler-empire is to affirm a position outside this stultifying social order, a position that is impossible to affirm as such because its only meaning and existence are antimeaning and antiexistence. Dissidence is effected by embracing precisely what is determined to be unembracable, unthinkable, unreasonable, or immoral — the refusal of settler colonialism and the War on Terror. Only this constitutes an actual threat to the social order that declares you are either with it or against it. In being against it, one necessarily declares oneself a “terrorist.” (161, emphasis mine)

Alternative justice aligns itself with death and terrorism not as an alignment with the tactics or goals of ISIS and its peer groups, but as an act of choosing queerness, of choosing solidarity with those populations demarcated as unworthy of life and future.

Alternative justice acknowledges that “[the western empire led by the US] is not a benevolent protector securing life and futurity for all, a global regime of security and freedom. It is a civilizationist project that weeds out those ineligible for its protections and deserving of its violence in the name of the civilized ‘life’ it protects and all those who value it...There is no choice worth choosing” (Schotten 2018, 167). This constricting
framework necessitates a “line of flight” (to use Deleuze and Guattari’s language) away from the either-or binary, and towards an embrace of death: death of the empire and its settler-colonialist logics and policies. This alliance with death is an “affirmation of the survival of the presumptively dead, the always-already disappeared, and those who allegedly never were because their existence is too terrifying to confront, in the name of decolonization and dismantling empire” (Schotten 2018, 168). Through amnesties, truth-telling and perpetrator narratives, and holistic approaches to understanding ISIS women, alternative justice practices and ideologies may carve out space for understanding these women as fully human, actors of political violence who are nevertheless constrained, influenced, and motivated by their social, cultural, and economic contexts.
Conclusion

Not all women associated with ISIS have been handled by western governments in the same way as Hoda Muthana and Shamima Begum have been. Samantha Elhassani is another example of a woman who travelled from the United States to Syria, but her story differs markedly from those of Muthana and Begum. Elhassani is a white Christian woman from Indiana, who travelled to Syria with her young son and husband in early 2015. She claimed that she was tricked into going to Syria by her husband, who told her they were going on a family vacation in Europe, and that she never believed in ISIS’s mission or doctrine (Steflja and Trisko Darden 2020). A new podcast from BBC Panorama and PBS Frontline follows a journalist, Josh Baker, and his journey to find Elhassani and her children in Syria and help them return home (Baker 2021).

After escaping the caliphate as it collapsed, Elhassani and her children made their way to a displaced persons camp. However, they were brought back to the United States, and Elhassani eventually pled guilty to charges of financing terrorism and was sentenced to six years in prison. As part of the plea, Elhassani admitted to making multiple trips to Hong Kong between November 2014 and April 2015 with undeclared cash and gold, knowing that the funds would be used to support ISIS (Department of Justice 2020). Her guilty plea complicates her claims that she was duped into traveling to Syria, and that she had no idea that her husband and brother-in-law were becoming indoctrinated. In interviews with Baker (2021), she seems unsatisfied with the result, pointing out that she took the plea bargain not because she felt it represented her association with ISIS (or lack thereof), but because she wanted to avoid putting her family through more trauma. Her anxieties about the emotional toll a trial would have taken on her and her family reveals
the potential and history of the criminal-legal system in the United States, and the west
more broadly, to re-traumatize individuals it claims to serve.

In a press release, Jill Sanborn, Assistant Director of the FBI’s Counterterrorism
Division, claims that Elhassani’s sentencing demonstrates “demonstrates our resolve to
diligently go after anyone who makes the fateful choice to provide material support to
any terrorist organization” (Department of Justice 2020, n.p.). However, Muthana and
Begum’s cases reveal that in certain instances, it might be more prudent for the state to
simply denaturalize individuals and move on. Samantha Elhassani had the opportunity to
move through the criminal-legal system, but the legal process seemed to raise more
questions than it answered about her relationship to and belief in ISIS. Baker (2021)
points out that she exists in multiple spaces at once, the space of the victim, the
perpetrator, the abuse survivor, and the negligent mother. But her plea bargain fails to
illuminate any of the nuance of her situation, and in fact foreclosed any opportunity for
dialogue or testimony. The press release from the Department of Justice stresses their
commitment to prosecuting individuals associated with ISIS and to holding their citizens
accountable; however, neither Elhassani’s guilty plea nor Muthana and Begum’s
denaturalization have opened any space for a dialogue about accountability and
reparation of harm.

Elhassani’s whiteness and Christian upbringing may make the narrative of
coercion by her husband plausible, whereas both Muthana and Begum have admitted
outright that they supported the group, and their status as Muslim Arab women
complicates readings of their agency. Elhassani’s defense emphasized the abuse and
manipulation that her husband put her through, whereas the prosecution focused on her
history of lying to friends and family and her complicity in her son’s participation in
violent propaganda videos and the enslavement of Yazidi children, and characterized her
as a member of a conspiracy to support ISIS (Baker 2021). Elhassani was also older than
Muthana and Begum when she travelled to Syria and took her young child with her. Her
eldest son was used in multiple propaganda videos alongside assault rifles and homemade
bombs, and Elhassani admits to helping film those videos (Baker 2021). Elhassani also
helped her husband buy young Yazidi children, who he kept as slaves and sexually
abused. Elhassani is also a survivor of abuse herself; she endured physical, emotional,
and sexual abuse at the hands of her husband, and claims to have been imprisoned and
tortured in an ISIS prison for two months (Baker 2021).

Elhassani defies a clear label of criminal or victim, of a sociopathic monster or a
helpless object of abuse and manipulation. Baker says,

For me there is no one reason why Sam went to Syria. No single tidy explanation.
Do I think she was an ISIS ideologue? From everything I’ve heard, no. Did some
of her choices mean she helped ISIS? Absolutely. And she clearly put her kids in
danger and caused them harm. Do I think she was in an abusive relationship and
this might have played a part in how she got to Syria? Yes. Do I think she has a
desire for excitement and she might have been drawn to the thrill of her husband's
plan? It’s possible. She could have wanted the adventure, but hated the reality.
*Sam is complex, she can be both the manipulator and the manipulated. All of
these seemingly contradictory things can be true with her.* And it’s not for me to
put Sam’s story neatly into a box. (2021, emphasis mine).

Her case reveals the failure of the criminal-legal system to explore the nuances of
her experience and account for her trauma; even when women associated with ISIS do
move through the criminal-legal system, the process fails to read them accurately. The
process flattened her complexity in order to make her legible as an agent of terrorism; in
doing so, it removed from view her other experiences as an abuse survivor and a mother trying to take care of her child in impossible circumstances.

The policy that western governments have undertaken of ignoring women associated with ISIS and stranding them in Syria reflects the west’s desire to symbolically and materially remove those women from the body politic. In a displaced persons camp, these women struggle to access basic goods and services, let alone any opportunity to reckon with their decisions, to experience and express regret for the harm they caused, or to learn how to move forward and seek re-integration into their community. In short, this policy forecloses any opportunity for alternative justice. To interrogate the reasons that these women would join ISIS in the first place would open an uncomfortable line of questioning about racism, Islamophobia, and injustice in the United States, the United Kingdom, and the broader western world. Rather than reckon with the complex nature of and motivations for membership in ISIS, western states designate any individual associated with ISIS a “national security threat,” sanctioning their punishment and removal from the nation.

However, to deny these women a chance for due process is not only to ignore the state’s responsibility for them, but also to ignore counterterrorism research that suggests that denaturalization may be counterproductive as a counterterrorism strategy. (Brown 2020). To give these women a chance to stand trial would be opening up the US, the UK, and the western world for a dialogue about how this so-called civilization grounded in democracy, liberty, and fairness produced young people willing to fight and die for ISIS, and about the west’s role in the emergence of ISIS more generally. Instead, the western justice paradigm relies on moralized, symbolic notions of the “terrorist” to justify its
never-ending war on terror and the systematic human rights abuses inherent in that war. In this context, women associated with ISIS are illegible as political, legal subjects who made autonomous choices to join a deeply violent, misogynistic, and racist organization.

The case of women associated with ISIS, particularly Hoda Muthana and Shamima Begum, reveals the necessity for an alternative justice paradigm which recognizes the role of colonialism and imperialism in structuring the international political order and which emphasizes truth-telling, accountability, and reconciliation. An alternative justice paradigm queers dominant notions of community, interpersonal relationships, crime, terrorism, and justice and draws upon restorative justice. Alternative justice is based in reparation of harm, rehabilitation of offenders, amelioration of social and political inequality, and the construction of positive peace and strengthened interpersonal relationships.

In the case of Muthana and Begum, and other women associated with ISIS, there is no singular, rigid framework that can or should be applied across contexts. Rather, alternative justice methodologies are fluid and adaptable. I propose that amnesties, truth-telling and perpetrator narratives, and a holistic approach to understanding ISIS might all serve to carve out space to understand the complex realities of each woman’s situation. The disruption of the victim-offender binary and emphasis on a contextualized approach allow us to move beyond stereotypical mother, monster, and whore images of women who commit violence, and instead understand identity and agency as nuanced, fluid, and shifting. Alternative justice may also provide a space for healing and reconciliation, and a pathway for women to be reintegrated into society in order to contribute to conditions of positive peace and interdependence.
Two decades after the 9/11 attacks and the declaration of the war on terror, western troops remain embroiled in the Middle East, thousands of individuals remain stranded in Syria and Iraq, and ISIS supporters and its peers are finding footing in the aftermath of the caliphate’s collapse. Clearly, the west’s counter-terrorism policies have not succeeded in stamping out radical Islamist fundamentalist violence, despite proclamations to the contrary by President Trump. An alternative justice paradigm highlights and illuminates the connections between racist immigration policy, violent policing, imperialist foreign policy, and hyper-incarceration as all elements of a hyper-securitized, hyper-militarist imperialist nation-state in the age of the war on terror. Muthana and Begum deserve a chance to face accountability for their support for ISIS, to rehabilitate and reconcile their belief in the group’s teachings and the trauma they have undergone, and to reintegrate themselves (and their children, in Muthana’s case), into society. But their cases also represent the imperialist, racist, and sexist assumptions at the heart of justice in the western world, and reveal the need for a new way of thinking about not only women who commit violence, but of thinking about harm, crime, and accountability more broadly.


Cook, Joana, and Gina Vale. “From Daesh to Diaspora II: The Challenges Posed by Women and Minors After the Fall of the Caliphate.” CTC Sentinel 12, no. 6 (July 2019): 30–45.


______. “Witnessing the Protection Racket: Rethinking Justice in/of Wars through Gender Lenses.” *International Politics* 53, no. 3 (May 1, 2016): 361–84. [https://doi.org/10.1057/ip.2016.5](https://doi.org/10.1057/ip.2016.5).


