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Women's Rights Law Reporter 40th Anniversary Symposium
The Gender Dimensions of Terrorism: How Terrorism Impacts the Lives of Women

Women and Terrorism
Keynote Address
By Susan N. Herman

I. Introduction

One essential topic that the first panel in today's symposium will address is how we are to define "terrorism," since it is difficult to talk about women and terrorism without defining what we are discussing. I want to start by taking a non-rigorous approach to that definitional question and asking you to close your eyes and visualize a terrorist – the first face that comes into your mind. Odds are good that the picture you have in your mind is specifically of Mohammed Atta or Osama bin Laden, more generally of someone else dark-skinned, probably a Muslim or Arab, and most generally, of a man. Those mental images are an important part of what I want to talk about.

When I have mentioned to people over the past few weeks that I would be speaking at a conference on Women and Terrorism, their first thought was consistently of the dreadful impact of terrorism on women – another of the topics of today's symposium. Women do suffer terribly from acts of terrorism, however we define the term. One person I spoke with, for example, is connected with the Women's Refugee Commission, which is currently responding to the ravages of the Lord's Resistance Army, a group that has terrorized the northeast Congo and displaced some 250,000 people since August.¹ Many of those displaced people, of course, are women. You don't have to be a woman to suffer from acts of violence, or from lack of food and shelter.

¹Women's Refugee Commission, "Focus on Congo" <http://www.womensrefugeecommission.org/programs/country-focus/104-congo>.

But women are also uniquely vulnerable during times of social upheaval: to sexual exploitation and abuse, and to the consequences of lack of access to reproductive health care.

During the forty years of the Women's Rights Law Reporter and almost 40 years of the ACLU Women's Rights Project, we have learned to be skeptical of stories constructed so as to portray women only as victims and not as agents. While there is certainly critically important work to be done in helping women to avoid and recover from the impact of acts of terrorism and the actions of would-be terrorists, I want to resist portraying women only as victims – as the frequently forgotten objects of collateral damage rather than as subjects who command the center of our attention. So I will leave the fuller discussion of women as victims of terrorism to the panel later today, although with one caveat: Since we are in New Jersey, I do want to recognize that victimhood does not always equate with powerlessness and passivity. The 9/11 Widows dubbed “the Jersey Girls” have transformed their victim status into a powerful voice, successfully lobbying for more public testimony as part of the 9/11 Commission.² But it is rare for victims to make themselves so clearly heard. With that said, I want to turn to the question of what role women play other than as victims of terrorism.

I will begin with an anecdote. When I was a child, still young enough to be brought along while my mother did her errands, I especially liked visiting our local post office because I was fascinated by the “Wanted” posters on the wall. Those posters usually featured bank robbery suspects and, as I looked at them week after week, I began to notice with an increasing sense of puzzlement that the photos on the posters were always only of men. I found this gender disparity educational, but also confusing – should I be proud that my gender was more law-abiding and evidently did not rob banks, or should I be somehow embarrassed that my gender

² Sheryl Gay Stolberg, *9/11 Widows Skillfully Applied the Power of a Question: Why?*, NY Times, Apr. 1, 2004, <http://query.nytimes.com/gst/fullpage.html?res=9C04E2DC1539F932A35757C0A9629C8B63>.

was less assertive, less willing to defy the law to take what they wanted or needed? It did not occur to me at the time to wonder whether women actually did rob banks but, for one reason or another, were not reflected in the Wanted posters. I was intrigued quite recently to read of an FBI report showing that the incidence of reported bank robberies by women has increased significantly since 2002 – from 4.9 to 6.2 percent of robberies. This may be a small numerical increase, but it is quite a large percentage increase: 25 percent,³ helping to erode yet another stereotyped assumption about women. The vast majority of bank robbers still seem to be men. But women rob banks too and there are consequences to not realizing that.⁴ And some women are terrorists, however we define that term.

I want to argue that the myths and misperceptions surrounding our ideas about who terrorists are, and what terrorism is, are harmful in many different ways. First, the idea that women are always the victims, never the terrorists, plays into classic gender stereotyping, a harm in and of itself. Second, on a more pragmatic level, anti-terrorism efforts cannot be effective if they are based on false assumptions about who terrorists are. Finally, predicating definitions of terrorism on our assumption that terrorists are male tends to masculinize our approach to terrorism and feeds into the dangerous and destructive idea that we are at “war” with terror.

II. Women as Terrorists

So is it true that women are not only victims, but also terrorists? Another panel today will explore this question more fully, but, putting issues of definition aside for the moment, the simple answer clearly is yes. Women do act as terrorists – and as guerrillas, insurgents,

³ Deb Feyerick and Sheila Steffen, *Robbing Banks No Longer Just for Guys, FBI Statistics Show*, CNN News, Feb. 20, 2009, <http://www.cnn.com/2009/CRIME/02/20/women.bank.robbers/index.html>.

⁴ See Susan N. Herman, *Thelma and Louise and Bonnie and Jean: Images of Women as Criminals*, 2 R. L. & WOMEN'S STUD. 53 (1992) (discussing the discrepancy between perceptions of women as criminals and the crimes women actually commit).

revolutionaries, combatants, and militants. Women have been suicide bombers. In 2002, for example, on four separate occasions, Palestinian women, starting with Wafa Idris, committed suicide bombings against Israeli targets.⁵ In October 2003, a law student from Jenin named Hanadi Jeradati detonated herself in a sea-side restaurant in Haifa, killing at least nineteen people.⁶ Other examples of women engaging in violent conflict, potentially within whatever definition of terrorism we might craft, can be found in the so-called “Black Widows” of Chechnya,⁷ and in Sri Lanka, where approximately thirty percent of the attacks attributed to the Tamil Tigers are allegedly committed by women.⁸ The terrorist wanted posters decorating the walls in our minds are filled with faces of men, not women. But as with the bank robbers, it is only most and not all terrorists who are men.

While conventional wisdom tends to ignore the role of women as central actors, there is little dispute that women play supportive roles for terrorist groups.⁹ Women are presumed to be in a better position to provide and maintain safe houses, serve as decoys, or act as lookouts or

⁵ Frances S. Hasso, *Discursive and Political Deployment by/of the 2002 Palestinian Women Suicide Bombers/Martyrs*, 81 FEMINIST REVIEW 23, 24 (2005). These were the first of their kind during the Aqsa Intifada of the Palestinian-Israeli Conflict. The bombing committed by Idris, the first, and most widely publicized of these bombings was committed on behalf of the Aqsa Martyrs Brigade. Sectarian violence in the wake of the U.S. invasion of Iraq includes several examples of women fighters. In September 2005, an unknown woman killed herself with explosives in Tal Afar, killing five men at an army recruitment station. In February 2007, a woman detonated herself in a suicide attack at a business school at Mustanshiryah University in Baghdad, killing forty-six people. *Attacks by Female Suicide Bomber in Iraq*, ASSOCIATED PRESS, Feb. 1, 2008, <http://www.iht.com/articles/ap/2008/02/01/news/Iraq-Women-Bombers-Glance.php>.

⁶ John F. Burns and Greg Myer, *Suicide Attacker Kills at least Nineteen in North Israel*, NY TIMES, Oct. 5, 2003, http://query.nytimes.com/gst/fullpage.html?res=9E0CE2D6123CF936A35753C1A9659C8B63&sec=&spon=&page_wanted=2.

⁷ The brutal conflict in Chechnya has claimed the lives of over 100,000 people. In October 2000, women were among the armed Chechen militants who took several hundred civilians hostage at a theater in Moscow. These women, later dubbed the “Black Widows” by Russian authorities, have had an ongoing role in Chechen rebel attacks, including taking part in the Beslan school tragedy. See Anne Speckhard and Khapata Akhmedova, *Black Widows and Beyond: Understanding the Motivations and Life Trajectories of Chechen Female Terrorists*, in FEMALE TERRORISM AND MILITANCY: AGENCY, UTILITY, AND ORGANIZATION 100 (Cindy D. Ness ed., 2008).

⁸ Ashley Nicole Reynolds, Note, *So You Think a Woman Can't Carry out a Suicide Bombing? Terrorism, Homeland Security, and Gender Profiling: Legal Discrimination for National Security*, 13 WILLIAM AND MARY L. R. 667, 700-01 (2007)

⁹ Carolyn Nordstrom, *(Gendered) War, in*, FEMALE TERRORISM AND MILITANCY *supra* note 7, at 72.

runners, for example, precisely because women generally raise less suspicion.¹⁰ One of the iconic opening scenes of the 1966 film, *The Battle of Algiers*, follows a woman dressed in westernized clothing passing easily through checkpoints and planting bombs in colonial Algiers. The film offers a stunning depiction of a terrorist organization, and one in which women play an active role.

The myth that women are only supporting and not principal actors in terrorist planning is based on gender stereotyping that seeks to separate women from conflict, whether that conflict takes the form of war or of terrorism, and to maintain women's position as custodians of civilian life. Comments by militant leaders discussing the role of women in conflict reveal several familiar sexist stereotypes which have led to the perpetuation of this myth: first, that women are apolitical; second, that division of labor between men and women is based on physical differences in the ability of men and women to undertake certain acts; and third, that a woman's primary purpose and function is to be a mother and a wife rather than having an individual identity of her own.¹¹

Here are several examples. In 2002, Shaykh Ahman Yassin, the now-deceased spiritual leader of Hamas, commented unfavorably on the suicide bombing of Wafa Idris, not because he disagreed with the tactic, but because the perpetrator was a woman. "The woman is the second defense line in the resistance to occupation. She shelters the fugitive, loses the son, husband and brother, bears the consequences of this, and faces starvation and blockade."¹² So the role of women is to bear the brunt of conflict, while yielding the front lines to the men. Women are the

¹⁰ Linda L. Reif, *Women in Latin American Guerrilla Movements: A Comparative Perspective*, 18 *COMPARATIVE POLITICS* 147, 153-54 (1986).

¹¹ Linda L. Reif, *Women in Latin American Guerrilla Movements*, *supra* note 10, at 148.

¹² Hasso, *Discursive and Political Deployment by/of the 2002 Palestinian Women Suicide Bombers/Martyrs*, *supra* note 5, at 31. Yassin's views on women taking active part in conflict loosened considerably as the intifada continued. *Id.* For more on debate between Muslim religious and militant figures see David Cook, *Women Fighting in Jihad? in FEMALE TERRORISM AND MILITANCY*, *supra* note 7, at 37.

guardians of civilian life, providing a means for men to return from conflict. In this view, women are apolitical and lack ideology, or perhaps their political ideology is restricted to their purpose in safeguarding civilian life.

Che Guevara's handbook on guerrilla warfare states "But also in this stage . . . a woman can perform her habitual tasks of peacetime . . . it is easier to keep her in these domestic tasks . . . [such duties] are scorned by [men] who perform them; they are constantly trying to get out of those tasks in order to enter into forces that are actively in combat."¹³ Fidel Castro accepted the notion of women in combat, writing of them as a civilizing force. "Even when a woman goes around the mountains with a rifle in hand, she always makes our men tidier, more decent, more gentlemanly."¹⁴

And more locally, Stokely Carmichael, then head of the antiwar SNCC (Student Non-Violent Coordinating Committee) during the 1960s, responded to a 1964 publication written by a woman, entitled *The Position of Women in SNCC*, by famously declaring, "The only position for women in SNCC is prone."¹⁵

General views on the role of women in conflict have evolved over time, just as statistics on women bank robbers have changed. Attitudes in the Middle East have shifted even since 2002. Shaykh Yassin's 2002 criticism of the actions of Wafa Idris led many to argue for greater gender equality in terrorism, contending that women too have a duty to take up arms in national self-defense.¹⁶ Eventually Yassin relented, and came to extol the strategic potential of utilizing women. He noted, for example, that women may have more freedom of movement (precisely

¹³ Linda L. Reif, *Women in Latin American Guerrilla Movements*, *supra* note 10, at 153.

¹⁴ *Id.* at 46-47.

¹⁵ See *America in Ferment: The Tumultuous 1960s*, http://www.digitalhistory.uh.edu/database/article_display.cfm?HHID=381. Carmichael later claimed to have been joking.

¹⁶ Hasso, *Discursive and Political Deployment by/of the 2002 Palestinian Women Suicide Bombers/Martyrs*, *supra* note 5, at 31.

because they are not generally suspected of being terrorists).¹⁷ In the midst of sectarian violence in Iraq, Abu Musab Al-Zarqawi, the head of al-Qaeda in Iraq, strongly endorsed the participation of women in attacks.¹⁸ Interestingly, the central organization of al-Qaeda, headed by Osama Bin Laden, has remained silent as to the role of women in combat and has not, to our knowledge, employed women as fighters.¹⁹

It is not surprising that patriarchal societies resist the idea of women as active participants in any form of conflict. Acts of violence committed by women can represent a direct challenge to male patriarchal authority. Women's participation in terrorism is certainly contrary to traditional notions of women's secondary role, but may also be seen as an indictment of the impotence of male leadership.²⁰ A Palestinian woman named Ayat Akhras declared, in a video message she prepared in anticipation of her suicide bombing, "I say to the Arab leaders, stop sleeping. Stop failing to fulfill your duty. Shame on the Arab armies who are sitting and watching the girls of Palestine fighting while they are asleep."²¹ Often the response to women committing terrorist acts is to presume that they were acting under the pressure or direction of male relatives, or that acts of violence are indicative of mental unbalance, suggesting again that there is a qualitative difference when a woman rather than a man acts in violence. Why should it be such a surprise that women, like men, might resort to violence in order to send a message, regardless of whether one approves or condemns that violent action?

A significant consequence of failing to recognize women's participation in terrorism, whether direct or supportive, is a masculinization of the conflict. We conceptualize war as a

¹⁷ Cook, *Women Fighting in Jihad?*, *supra* note 7, at 45.

¹⁸ Cindy D. Ness, *Introduction*, in *FEMALE TERRORISM AND MILITANCY*, *supra* note 7, at 6.

¹⁹ Cook, *Women Fighting in Jihad?*, *supra* note 7, at 46-47.

²⁰ Hasso, *Discursive and Political Deployment by/of the 2002 Palestinian Women Suicide Bombers/Martyrs*, *supra* note 5, at 29.

²¹ *Id.*

transaction among men. Women's involvement is viewed as collateral or accidental, rather than as an intentional or inherent consequence of war. Our failure to recognize war and conflict as situations that not only affect women, but involve women, perpetuates decision-making that fails to account accurately for the gendered ramifications of conflict. We presume that conflict improperly crosses a boundary when it involves women.²² One danger of clinging to this assumption is that it perpetuates a myth of boundaried, civilized conflict instead of recognizing that conflict, regardless of the rules we impose on ourselves, entails moral compromise.²³ The term "rules of war" has always sounded like an oxymoron to me. But countries have adopted such rules. There are consequences for violating the laws of war; there are aspirational rules protecting civilians in time of war. Nevertheless, there is a marked difference between recognizing that war inherently involves and burdens women, and lamenting them as collateral damage or as an accident of war.

III. The Impact of Counter-Terrorism Measures on Women

I want to change gears now and talk briefly about the impact of counter-terrorism measures on women. As the ACLU has been arguing for the past seven and a half years, the Bush Administration "War on Terror" has had a devastating and inexcusable impact on the lives

²² This is reflected in former President George W. Bush's comments following the suicide bombing of eighteen-year-old Ayat al-Akhras in 2002. New accounts of the bombing described the ramifications of the bombing this way:

The teenagers' deaths were invoked today by President Bush as he described the horrors of the escalating conflict here. "When an 18-year-old Palestinian girl is induced to blow herself up and in the process kills a 17-year-old Israeli girl, the future itself is dying, the future of the Palestinian people and the future of the Israeli people," Mr. Bush said.

Joel Greenberg, *Mideast Turmoil: The Dead; 2 Girls, Divided by War, Joined in Carnage*, NY TIMES, Apr. 5, 2002, <http://query.nytimes.com/gst/fullpage.html?res=9E03EEDC163DF936A35757C0A9649C8B63>.

²³ Carolyn Nordstrom, *(Gendered) War, in, FEMALE TERRORISM AND MILITANCY*, *supra* note 7, at 73. Nordstrom succinctly states this point: "A war cannot be just if any non-combatant group is intentionally targeted. Thus, the generalized category 'non-combatant deaths' evolved as an undistinguished mass. This mass hid a multitude of military sins." *Id.*

of so many. Men who were suspected of being or affiliating with terrorists have suffered prolonged detention without trial, incarceration under deplorable conditions, torture, deportation, and prosecution. The faces of the Guantanamo detainees, the victims of extraordinary renditions, and those alleging that they were subjected to harsh interrogation techniques, are all male, in the pictures in our minds and evidently also in reality.²⁴ Here too, women have certainly suffered collateral damage: wives and mothers have suffered when their husbands or sons disappeared into custody or when they remained incarcerated year after year without trial; women have followed male family members who were deported. Some women have been affected more directly by anti-terrorism measures. Women have been prosecuted for providing material support to designated terrorist groups like the MEK, a group opposing the current regime in Iran.²⁵ And women must certainly be among those whose privacy has been compromised by Bush Administration surveillance programs, whether they were aware of the surveillance or not. But by and large, women escaped the brunt of the Bush Administration's attention.

The fact that counter-terrorism efforts seem to be premised on the assumption that terrorists are male can certainly undermine their effectiveness. Limiting the pool only to men

²⁴ It is important to acknowledge that women have been detained by the U.S. forces in Iraq and subjected to harsh interrogation techniques. However, this issue has received comparatively less coverage. Among the reasons is that former women detainees are reluctant to discuss their detention for fear of the stigma attached. *See e.g.* Luke Harding, *After Abu Ghraib*, THE GUARDIAN, Sept. 20, 2004, available at <http://www.guardian.co.uk/world/2004/sep/20/usa.iraq>; Luke Harding, *Focus Shifts to Jail Abuse of Women*, THE GUARDIAN, May 12, 2004, available at <http://www.guardian.co.uk/world/2004/may/12/iraq.usa>; Annia Ciezadlo, *For Iraqi Women, Abu Ghraib's Taint*, CS MONITOR, May 28, 2004, available at <http://www.csmonitor.com/2004/0528/p01s02-woiq.html>. Moreover, there have been several reports of U.S. forces in Iraq taking women hostage in order to flush out male relatives who are suspected members of insurgent groups. Dr. Nadjé al-Ali, *Iraqi Women--Four years after the Invasion*, FOREIGN POLICY, Mar. 14 2007.

²⁵ *See* U.S. v. Afshari, 446 F.3d 915 (9th Cir. 2006). One of the named defendants in this case, Roya Rahmani, was indicted for providing material support to the Mujahhaden el-Khal (MEK). According to court filings, she was granted political asylum in the U.S. She was among a group who were fundraising for the PMOI (an affiliated MEK group). *See also* U.S. v. Taleb-Jedi, 566 F.Supp.2d 157 (E.D.N.Y.2008).

leaves a significant gap in counterterrorism strategy.²⁶ If we profile men, this may actually lead to increased pressure on women to assume a more active role as a means of circumventing myopic anti-terrorism strategies, as Shaykh Yassin came to realize.²⁷

If counter-terrorism programs were not to discount women, attempts at profiling might lead to overcorrection and to different forms of discrimination. In their traditional dress and veils, Muslim women are more visible and easily identifiable than Muslim men. There have already been problems with discrimination against Muslim women in the wake of 9/11, many of which center on their dress. The ACLU Women's Rights Project has litigated a case involving a woman who was forced to remove her hijab while detained in a county jail for a day,²⁸ for example, and another on behalf of Muslim women police officers who were forced to remove their hijabs while at work.²⁹ Muslim women have been improperly strip searched at airports in Florida³⁰ and Chicago.³¹ Overcorrection could render women more vulnerable to counterterrorism policies. New forms of profiling provide ongoing opportunities for terrorist groups to learn to circumvent the prevailing profiles.

IV. Defining Terrorism

Because I have not provided a definition of terrorism, some of the examples I have offered so far could be contested. Are the women displaced or abused by the Congolese Lord's

²⁶ See e.g., Steven Eke *Chechnya's Female Bombers*, BBC News, Jul. 7, 2003, <http://news.bbc.co.uk/2/hi/europe/3052934.stm> (reporting that "'Women as potential fighters have been largely left out of Moscow's strategic thinking.'")

²⁷ Hasso, *Discursive and Political Deployment by/of the 2002 Palestinian Women Suicide Bombers/Martyrs*, *supra* note 5, at 29.

²⁸ *Medina v. San Bernadino County*, No. 07-01600.

²⁹ See <http://www.aclu.org/womensrights/gen/35300res20071206.html>; <http://blog.aclu.org/2008/11/03/my-hijab-my-right/>.

³⁰ See *Feds Apologize For Women's Strip Search*, Associated Press, Dec. 28, 2006, http://www.usatoday.com/travel/news/2006-12-28-homeland-security-apologizes-florida-woman-strip-searched_x.htm.

³¹ <http://www.aclu.org/racialjustice/racialprofiling/15783prs20020116.html>.

Resistance Army victims of “terrorism” or of a civil war? We all know the saying “One man’s freedom fighter is another man’s terrorist.” Are the women participating in conflicts in Iraq or Sri Lanka “terrorists,” freedom fighters, or members of some other category? What is at issue in these definitional questions is in some respects only numbers and percentages. We may not be able to ascertain how many women suffer the impact of acts of terrorism until we define terrorism – but we do know that there are some who do, no matter what our definitions. We may not be able to pinpoint how many women are “terrorists” without a definition, but we know that some are. So how important is definition?

When I told my friend that another topic at the symposium today would be discussing women as terrorists, he raised the interesting question of why our examples of women terrorists are always foreign, and usually Middle Eastern. He has a point. This does seem to be another example of stereotyping myth-creation. The examples I offer here conform to this pattern, and so I have to examine my own assumptions and sympathies. In my generation, some women who opposed the war in Vietnam became members of the Weather Underground, participating in and planning acts of violence to oppose government policies. Should women like Bernadine Dohrn and Kathy Boudin be counted prominently among our examples of terrorists for purposes of our discussion? I will leave that topic to later panels.

Conclusion

I will conclude by observing that our confusion about defining terrorism, along with our confusion about whether terrorism is exclusively or essentially a male occupation, are important components of what drives our misbegotten “War on Terror.” Terrorism is a tactic, not an enemy. The idea that we are waging war on terrorism is itself a masculinization of the problem.

Actions like invasion and war, seen as more decisive, are regarded as masculine and appropriate responses to acts of terrorism,³² while efforts that are more reflective, and likely more peaceful, are dismissed as feminine.³³ By gendering our understanding of the problem and of our solution, we not only fail to understand how terrorism involves and affects women. We fail to understand terrorism itself.

³² *Id.*

³³ Hilary Charlesworth, *The Missing Voice: Women and the War in Iraq*, 7 OR. REV. INT'L LAW 5 (2005).