

Feminism as Counter-terrorism: The Seduction of Power¹

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“So here in one word is my new counter-terrorism strategy: feminism.”

Barbara Ehrenreich (2005)

INTRODUCTION

In 2000, the United Nations Security Council unanimously passed UNSC Resolution 1325, highlighting the gendered impact of war and urging the incorporation of women into peacekeeping processes and post-conflict reconstruction (UNSC 2000). It was that moment which marked the “arrival” of what I term “International Conflict Feminism” (ICF) as a player in global power politics.² In 2010, the U.S. Government explicitly incorporated UNSC Resolution 1325 into its national security strategy. This was perhaps an equally symptomatic moment underscoring how ICF had become so deeply embedded in American foreign policy in the intervening decade.³

For many women’s rights activists, the passage of UNSC Resolution 1325 was the culmination of many years of activism aimed at international action addressing women’s experience of war and conflict.⁴ This work itself built on the labor of a range of other international networks of women’s rights groups, dealing with issues of development, environment, health, population, indigenous rights, and more.⁵ However, in the post-Cold War era, the key issue that catapulted an agenda onto the Security Council stage was conflict⁶ — if you wanted to be invited to the party, so to speak, your calling card was ICF.

This paper seeks to map the ICF landscape and its fault lines in relation to the “War on Terror.” ICF and counter-terrorism have been companion projects in some instances, in tension in others.

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² By ICF I refer to feminist initiatives that are aimed at strengthening the international law and policy arena’s response to women’s experience of war through measures that expand recognition and redress for harms suffered, and increase inclusion of women in justice and peace measures addressing contexts of conflict and war (Nesiah 2012).

³ A trend that has been emphatically empowered in the Hillary Clinton-led State Department (Bunting 2011).

⁴ The most immediate precedent to the passage of UNSC Resolution 1325 was the work that different local and transnational groups had done on women and war in relation to the ad hoc tribunals in the Hague and Arusha: raising awareness of women’s experience of violence, collecting data, providing victim/witness support, developing cases, brain storming the legal arguments, monitoring the court, submitting amicus curiae briefs.

⁵ Some of these were meetings such as the September 1995 World Conference on Women (Beijing Declaration and Platform for Action 1995), which were led by UN bodies tasked with gender issues such as UNIFEM and the Committee on the Status of Women; others were networks that emerged because issues such as development were also seen as key priorities for feminist networks and there were concerted efforts to ensure that gendered analysis were on the table in venues such as the Cairo meeting on population (ICPD 1994), the Rio meeting on the environment (UNCED 1992), and so on.

⁶ If we take money as one window into the prioritization of conflict in the global public sphere, the March 2009 OEC study reports that “in 2007 USD 37.2 billion of ODA went to fragile and conflict-affected states, i.e. 38.4% of total ODA.” (OECD 2009)

Thus while the 2000 Security Council Resolution was evidence that ICF had “arrived” – the post-9/11 trajectory of ICF also meant that even as ICF has become more powerful, it also has developed internal fissures.⁷ The political clarity and sense of purpose that marked the ICF vision in the decade leading to UNSC Resolution 1325 has been gradually but markedly eroded in the decade that followed. In the next section of the chapter, I briefly describe ICF and situate its currency in the contemporary global landscape. In the following section, I describe the converging dynamics that have accompanied its trajectory in the current post-9/11 era of counter-terrorism. In the final section, I briefly address some of the challenges to the ICF counter-terrorism marriage and offer some concluding reflections on the tasks that confront feminism today.

INTERNATIONAL CONFLICT FEMINISM IN A POST-9/11 ERA

In retrospect, the timing is striking. UNSC Resolution 1325 passed in 2000, the Twin Towers were hit in 2001, and ICF became the *lingua franca* of feminists engaging in the post-9/11 world. There has been massive payoff in multiple domains for ICF. Heads of the most powerful countries routinely call attention to war’s impact on women. New international institutions, such as the International Criminal Court operate under mandates that address sexual violence and require appointments of personnel with expertise in the investigation and prosecution of gendered crimes.⁸ Donor governments trip over themselves to require “gender mainstreaming” of the projects they fund. Finally, by the end of the decade, the Security Council passed five more resolutions that addressed the situation of women and war and require states to take action on issues such as ending impunity for sexual violence in the context of conflict.⁹

The political and military scripts of counter-terrorism have dominated the world stage in the post-9/11 era. The groundwork for this theater was laid by a range of parallel developments—from a post-Cold War military industrial complex seeking new enemies, to the consolidation of an international intervention apparatus. The military-industrial complex was all suited up in armaments and hungry for new targets in the hot peace that followed the cold war; at the same time, some parts of the world were increasingly constituted as presenting a landscape of failed states that required a permanent intervention readiness to exercise a “responsibility to protect.”¹⁰

⁷ It is important to clarify that while this paper refers to the last decade as the decade where ICF and counter-terrorism achieved the greatest success, both have long and complex histories. For instance, one may see the inter-war Women’s International League for Peace and Freedom (WILPF 2012) as an older-form of ICF on the international stage. Similarly, counter-terrorism (sometimes under the nomenclature of counter-insurgency) has been with us in different forms too. In Vietnam, the Philippines, and elsewhere, it was often framed through the ideological reference points of the Cold War just as today’s counter-terrorism is sometimes framed through reference to “clash of civilizations” rhetoric.

⁸ In a remarkable crossover victory from the feminist movement to feminists in governance, Catherine MacKinnon, arguably the doyen of ICF, was appointed the Gender Legal Advisor to the ICC prosecutor. In some ways this victory emerged from the enormous influence that feminist groups wielded in creating the ICC (ICC 2008). As Janet Halley notes, extraordinarily, at various points in the treaty drafting process of the Rome Statute, government delegations negotiated directly with women’s rights groups on the language of the statute (Halley 2009).

⁹ UNSC (2009), UNSC (2009a), UNSC (2009b) and UNSC (2012).

¹⁰ With the NATO strikes in Kosovo, the critique of non-intervention in Rwanda, and the debate on US responsibility vis-a-vis the Kurds in the first Iraq War, we saw a huge push for the development of the doctrinal and policy rationale for external intervention. In April 2006 the Security Council adopted UNSC Resolution 1674

Such intervention has now come to involve an array of intertwined governance projects including the “War on Terror,” “democracy promotion” programs, the creation of international “free” trade regimes, establishing the rule of law—and, most important for ICF, measures to protect women. When terror and counter-terror dominate the stage, women are rendered perennially insecure, and the need for intervention is rendered even more pressing and the promise of liberal governance emerges as all the more seductive. Thus we arrive at one of the most striking dimensions of geo-politics today; namely, a nexus between ICF, humanitarian intervention, the “War on Terror,” and the political, military, and economic agendas of powerful states.

From 9/11 to the Clinton state department, we have seen the steady strengthening of this nexus over the past decade.¹¹ While there are many divergent feminist groups, programs and ideologies that have fed into ICF,¹² one of the most striking dimensions of ICF is that these plural strands have converged in their use of a shared grammar of gender and violence. For instance, this grammar has informed a transnational vocabulary of “women, peace and security” that is mobilized in describing women’s role in the peace process in Liberia, sedimented into mainstream news reporting of rape in the conflicts in the DRC and informs the knowledge categories of gender jurisprudence at the ICTY, ICTR and now the ICC. The technologies of governance empowered by these vocabularies and knowledge categories assimilate local initiatives into a discourse of global reach and render them internationally audible in women’s rights networks, multi-national organizations, donor budget lines and Security Council corridors. The power of ICF as evidenced in the mainstreaming of feminist initiatives such as UNSC Resolution 1325 within realms such as donor conditionalities and criminal law codes is captured by what Janet Halley and others describe as “governance feminisms” (Halley 2006). In elaborating on “governance feminism,” Halley has described feminism’s will to power, and its infusion into statecraft, law and culture in ways that have enormous reach. In particular, she notes that the “international legal order is increasingly receiving feminists into its power elites and that feminist law reform is emerging as a formidable new source of legal ideas.” (Halley *Ibid.*; p. 419). If the passage of Resolution 1325 and its subsequent mainstreaming into the international policy-making apparatus described above is one manifestation of this dynamic, the incorporation of ICF as a counter-terrorism strategy underscores this even more emphatically.

ICF AND COUNTER-TERRORISM: CONVERGING DYNAMICS

reaffirming “the responsibility to protect” and committing the Security Council to take action to protect civilians. Nesiah (2004) and Gordon (1997)

¹¹ Humanitarian aid has increased dramatically in this period. There was an old peacenik button that said some variation of, “Looking for the days when the military holds bake sales and humanitarian needs got big budget allocations” – the military is not holding bake sales yet, but by all accounts bake sales are obsolete for humanitarian operations as well. Donor funding for humanitarian aid catapulted 345% from 2001 to 2007. See OECD Statistics: <http://stats.oecd.org/Index.aspx>

¹² One of the most prominent internal debates about vision and strategy was the debate between Rhonda Copelon and Catherine MacKinnon on how to understand genocidal rape in the former Yugoslavia - contra MacKinnon, Copelon argued that we shouldn’t start from the assumption that Serbian genocidal rape was somehow more profoundly traumatic; rape could be an instrument of genocide, but rape in that context is not necessarily worse than rape in other contexts. Copelon (1994) and Totten (2009),

The ICF counter-terrorism marriage has been cemented through many different converging forces. My particular interest in this paper is in examining the work done by the adaptation and appropriation of international human rights by diverse interests—those contesting the abuse of power as well as the most powerful actors in international policy-making. Over the last decades, we saw the center of gravity of human rights agendas and initiatives programs expand from being a globally mobile vehicle of resistance to also be a vehicle empowering governance of post-conflict contexts by international institutions, laws and norms. It is this Esperanto-like quality of human rights discourse that helps forge common cause between ICF and counter-terrorism. I want to highlight two windows into this dynamic: security on the one hand and the rule of law on the other. These provide particularly important windows into the complex web of associations linking ICF and counter-terrorism. Even as terror and the threat of terror have been mobilized as ever-present, security and the rule of law have been invoked as always necessary, as both strategies and goals in fighting terror.

The Security Framework

One of the most striking dimensions of post-9/11 political discourse is that the security framework has emerged as a central policy platform in both domestic and international terrains. On the domestic front, a number of states have invoked the threat of terror to enact emergency laws and institutionalize a range of draconian measures in the name of homeland security.¹³ On the international front, we have seen states press the idea of a “War on Terror” that is both ever-present and present everywhere (“a security threat anywhere is a security threat everywhere”) to connect the dots between different national jurisdictions in the name of a transnational fight against “terrorism.”¹⁴ Thus we have a “War on Terror” waving the security flag to press for a war which is potentially infinite in scope and reach, to fight an enemy that is portrayed as undefined but nevertheless threatening. The most striking change in the global institutional framework over the last two decades that reflects this new crusade is the unprecedented expansion of the Security Council’s role in supporting political and military interventions in the name of international peace and security.

The security paradigm is, crucially, not just a discourse about militarization. It is also a discourse about vulnerability—and particularly, about insecurity caused by the abuse of power through violence or other means. It is in this context that the security paradigm also articulates itself through the language of human rights. For instance, the responsibility to protect is activated by the notion that individuals have the right to security, and that the international community has an obligation to ensure that the right is protected. Thus, in her effort to reframe security concerns as internal to human rights and state obligations, Karima Bennouna argues that “security should be understood not in opposition to human rights, but rather as a human rights value.” (Bennouna 2008; p. 9). In fact, post-9/11 invocations of the “right to security” have become increasingly commonplace. Daniel Goldstein, focusing on Bolivia as an instance of this dynamic, shows how

¹³ In a range of states, these kinds of measures predated 9/11; however, 9/11, the passage of the PATRIOT Act, and attendant developments in the United States universalized and legitimized these efforts in the name of a transnational fight against “terrorism” (USA 2001).

¹⁴ See UNSC Resolution 1624 adopted unanimously in 2005 affirming the Security Council’s commitment “to combat terrorism in all its forms”, its view that terrorism poses a threat to human rights, and its call on “all countries to become party to international conventions regarding counter-terrorism”, prohibit incitement to terrorism or providing a safe haven to those involved in acts of terror, to coordinate with other states and the Counter-Terrorism Committee on the adoption of these and a range of other counter-terrorism and security measures UNSC (2005).

the notion of “citizen security as a human right” gets such force that “security provision becomes the singular activity of the state, its key discourse and preoccupation, and principle source of legitimation,” (Goldstein 2007; p. 61, 54). In fact, Bennoune and others are keen that states and the human rights movement recognize that, “in the face of terrorism, the double burden of respecting and ensuring rights requires states to take active steps to safeguard their populations from violent attack by non-state armed groups as, *inter alia*, a matter of human rights law.” (Bennoune, op. cit.,; p. 10¹).

The national-level discussion of the rights/security dynamic and ensuing state obligations is symbiotic with the international-level discourse legitimizing the Security Council military action. The most potent indicator of these dynamics is how the security paradigm provided a platform for military intervention in Iraq and Afghanistan. The “regulative ideal” of the threat to security frames the work of the Security Council and its interpretation of its Chapter VII mandate to maintain peace and security (Schott 2007). Thus we have seen a range of humanitarian and human rights initiatives that see their task as monitoring insecurity,¹⁵ a variety of policy initiatives that describe their goals as the protection of people from insecurity, and a number of legal initiatives recognizing the right to that protection and the accompanying rights and obligations of states to provide such protection. In many cases the rights-security dynamic has brought to the fore tensions and contradictions between different rights with the right to free speech, freedom of conscience and other civil liberties running up against security talk. As Goldstein notes, implicit in this expansion of “security talk” and security-making activity is the notion that certain other rights may have to be sacrificed for the right to security; thus counter-terrorism measures that suspend human and constitutional rights become normalized through the intertwining of rights and security (Goldstein op. cit; p. 54).

ICF enters the terrain of counter-terrorism and human rights by foregrounding women’s insecurity and the gendered dimensions of violence. The meta-narrative of victimhood has brought women onto the international post-conflict radar screen and allowed them to participate in the “promise” of the international law and policy interventions of tribunals and Security Council resolutions.¹⁶ Bennoune argues that violence against women should be taken as a “warning sign” for terrorism because, in her view, “groups that engage in these sorts of attacks on civilians as a whole often pursue misogynist agendas and carry out, or advocate, severe forms of violence against women.” (Bennoune op. cit., p. 49). Dubbing violence against women in conflict as itself a form of “sexual terrorism,” the International Crisis Group and others have called on donors, the United Nations and the international community more generally to take action to “deal with and curb sexual terrorism.”(Engwete 2011). Mark Schneider, the Vice President of the International Crisis Group sees the security framework as critical to dealing with “sexual terrorism”; for instance, in the context of the DRC, Schneider “urged the US... to set up clear-cut ‘*fundamental security plan benchmarks*’ that would determine the continuance or discontinuance of military assistance to the FARDC.” (Sneider in Engwete Ibid). Thus the ICF focus, perhaps embodied by UNSC Resolution 1325’s call for international action to address the

¹⁵ Insecurity Insight’s development of “data on people in danger” is an example of this kind of project (*Insecurity Insight* 2012).

¹⁶ For a discussion of the regulative reach of the human rights framework’s construction of violence see Nesiah 2009.

intersection of “women, peace, and security,” has ready traction with the articulation of the security paradigm through the vocabulary of rights and protection.

Some scholars have argued that there is considerable overlap in the key arguments of feminists and counter-terrorism experts (Choudhury 2010 and Thobani 2007). One register for these synergies is the deployment of the analytic framework contesting the public-private distinction in international law to urge that states be held responsible for security omissions—even if it were private actors who were responsible for violence against women or acts of terror. Rachael Johnstone, in an article titled “Unlikely Bedfellows: Feminist Theory and the ‘War on Terror,’” argues that “the attacks on the United States on September 11, 2001 (9/11), and perhaps even more significantly, the perceived need for a military response, have complicated traditional assumptions about state responsibility for the actions of non-state terrorists in ways reminiscent of ..feminist discourse.” (Johnstone 2009). In seeking to expand legal arguments buttressing an expanded ambit for counter-terrorism measures, such scholars urge, in line with feminist arguments by Rebecca Cook and others, that for security concerns to be addressed adequately, state responsibility doctrine should give greater legal emphasis to “indirect responsibility (for the failure of due diligence to prevent non-state violations of international law).” (Johnston Ibid.; 27) For instance, in his book *Terrorism and the State*, Tal Becker, legal advisor to Israel's permanent mission to the UN, makes the argument that non state actors can engage in “state like violence without bearing the burden of state like responsibility” and indeed that “private individuals .. undermine human security ..like never before.” (Becker 2006 p.1). Becker himself recognizes the work of feminists such as Christine Chinkin and Celina Romany in this area and argues that their argument “ can be harnessed persuasively in the context of private terrorist activity.” (Becker Ibid.; p. 273-275). Johnstone offers an even more ambitious exploration of these normative and legal resonances and argues that “Similar to the feminist scholarship, one can see two main shifts of perspective in the area (of counter terrorism work). One works within the classical framework with a greater focus on the positive obligations of states to prevent terrorism and a higher degree of due diligence. The other questions the entire basis of the public/private dichotomy, insists that terrorists cannot be distinguished from the states in which they are permitted to operate, and that state responsibility for terrorist activities should be direct.” (Johnstone op. cit.; 31).. With a foregrounding of security threats as emerging everywhere from the bedroom to the battlefield, it should not surprise us that feminist analysis of insecurity is echoed in arguments made by counter-terrorism experts.¹⁷

Thus from the focus on vulnerable populations to the approach to state responsibility, the security paradigm has thrown up a platform for ICF counter-terrorism convergence on multiple fronts. Post-9/11 there was an uptake in ICF discourse lacing military intervention and state-building initiatives of powerful states.¹⁸ The most prominent and unequivocal public articulation of this alliance of ICF and counter-terrorism came at the dawn of the Afghanistan intervention,

¹⁷ Significantly, Johnstone concludes that despite these resonances, the counter-terrorism folk did not contribute to feminist challenges to the public private for a range of reasons (such as internal inconsistencies in different elements of the counter-terrorism policy package adopted by the US and others over the last decade, the masculinization of counter-terrorism rhetoric and so on) perhaps best captured in her concluding remark that for women, insecurity is even more pervasive than for victims of terror: “Ultimately, being conceived female constitutes a much greater threat to one’s survival and level of well-being than the threat of terrorist attacks.” Johnstone op. cit. pp. 45

¹⁸ The military intervention in Afghanistan found strange bedfellows; the US administration was quoting feminists and prominent feminists called for intervention in the name of women. (Engle 2007 and Nesiah 2004).

when Laura Bush argued that “the fight against terrorism is a fight for the rights and dignity of women.” (Bush 2001).¹⁹ Today, humanitarian and human rights agendas such as those represented by ICF have been “muscle” up and framed in ways that could be assimilated into militarized agendas. In some cases, advocates of these issues did that work in an effort to empower their agendas with the power of military intervention; in other cases, military interventionists invoked humanitarian and human rights issues to empower their agenda with the power of normative rationalization. Isaac Kfir of the Syracuse University Institute for National Security and Counter-terrorism urges that “UNWomen [sic], gender advocates, donor states and emerging countries . . . must challenge governments that fail to see gender as a national security issue.” (Kfir 2011). In fact, he argues, rather than focus on women’s rights “as a basic right” we should be “changing the discourse and using national security” language “to advance gender equality.”(Kfir Ibid.) What is important to note here is that at this point it is really not a conversation about which was the underlying agenda—ICF or counter-terrorism—what is most remarkable about the post-9/11/post-1325 global landscape is an omnipresent security vocabulary that interpolates different interventions within the terrain of ICF and counter-terrorism in ways that render them deeply intertwined.

The Rule-of-Law Framework

ICF has been allied not only with intervention but also with the post-intervention push for nation-building institutional arrangements that paid homage to the intervening powers and/or served the interests of those powers. The political purchase of ICF as part of the normative framework guiding and legitimating intervention is matched by claims about its practical significance as a precondition for development, peace, and political society as such.²⁰ Thus ICF entered its alliance with “counter-terrorism” interventions as both rationale and remedy: i.e., on the one hand ICF provided a women’s rights rationale for military intervention; on the other, ICF called for gender mainstreaming into post-conflict nation building initiatives as a necessary component of constructing liberal political society. Afghanistan presented an exemplary instance of the conjoining of these goals, with gender issues cited in the rationale for military interventions then returning as components of the post-intervention “nation-building” package.

With counter-terrorism increasingly defined in ways that slide into nation-building projects, ICF situates itself in relation to a governance package that involves elections, the rule of law, and the creation of markets as the logical framework for women’s rights in contexts of conflict. Thus with a focus on rule of law programs as a window into this broader governance package, I now turn to these so-called “soft” counter-terrorism strategies: “hearts and minds” approaches that embed ICF within the broader “conflict industry” agenda of the “War on Terror,” rescuing failed states, establishing liberal governance, etc.—approaches that Hillary Clinton, speaking at a 9.11 memorial event, described as the “smart power” approach to fighting terrorism. (Clinton 2011).

¹⁹Echoing his wife’s claim that “because of our recent military gains in Afghanistan, women are no longer imprisoned in their homes,” George Bush welcomed the Minister of Women’s Affairs for Afghanistan to the United States Congress during his 2002 State of the Union address, saying that “the last time we met in this chamber, the mothers and daughters of Afghanistan were captives in their own homes, forbidden from working or going to school. Today women are free, and are part of Afghanistan’s new government.” (Bush 2002)

²⁰ If the contrast between imperial intervention and humanitarian intervention was eroded in the 1990s, the following decade further eroded the contrast between military intervention and non-military intervention through state-building interventions such as democracy promotion, establishing the rule of law, and creating markets.

In the wake of the human rights abuses that accompanied the American wars in Iraq and Afghanistan, military intervention has come under widespread critical scrutiny across the political spectrum. In contrast, nation-building interventions undertaken by powerful states and international institutions continue to be normalized and legitimated; indeed, they have been represented as the preferred mode of international engagement and incorporated as a signature initiative of UN reform through the establishment of the peace-building commission. Michael Ignatieff advocates nation-building initiatives as a salubrious dimension of American empire; referring to this approach as “Empire lite”, Ignatieff celebrates “a global hegemony whose grace notes are free markets, human rights and democracy.” (Ignatieff 2003a. and 2003b.). The championing of women’s rights is embedded in this vision of empire, and the linkages between ICF and non-military interventions such as rule of law projects have been seen as an organic extension of feminist law reform projects on the domestic front.²¹ Concomitantly, promotion of the rule of law has been a central anchor for counter-terrorism not only in the aftermath of military intervention but also as an alternative to military intervention. Thus ICF and counter-terrorism initiatives find common cause in the promotion and advocacy of rule of law programs as interventions that have shaken off the taint of empire that envelops military intervention. At the very least the push of these forces is for ‘empire’ to rid itself of the taint of the ‘imperial’ to transform into what Ignatieff welcomes as “humanitarian empire” (Ignatieff 2003b).

The rule-of-law agenda can run the gamut from formalizing of legal titles for property to domestic violence legislation, increasing legal sanctions against trafficking to modernizing evidence rules for sexual violence cases. Any of these agendas can be given legal legs in ways that have widely varying political implications. Advocacy of the rule of law has been an important priority for the UN, the donor community, and international non-governmental organizations (INGOS) working within a counter-terrorism framework. For instance, the report emerging from the 2007 OSCE meeting of NGOs and INGOs recommended that rule of law promotion was a key strategy for civil society groups could undertake rule of law promotion as a key strategy in contributing to counterterrorism efforts (OSCE 2007). The United Nations Global Counter-Terrorism Strategy adopted by member states in 2006 declared that the rule of law was fundamental to the fight against terrorism (UNGA 2006). This echoed the importance placed by the Office of the Secretary General on UN programs promoting rule-of-law as central to a counter-terrorism strategy (UNSG 2006). Moreover, the UN has underscored the particular significance it places on rule-of-law programs for pursuing women’s rights and advancing gender equality (UNROL 2002). Agencies such as the Bureau of Crisis Prevention (BCPR) have emphasized that they see the rule of law as critical for women in conflict situations (UNDP 2009). The US Office of Counter-terrorism has also placed rule-of-law as central to the “War on

²¹ As exemplified in the title of her 2006 article “*Women's September 11th: Rethinking the International Law of Conflict*” (MacKinnon 2006a.) and elaborated in her book that same year, Catherine MacKinnon has long been the most prominent voice linking ICF and domestic law reform to counter terrorism. In effect, she suggests that feminist legal activism is itself a kind of counter-terrorism given that “it is violence against women that qualifies as a *casus belli* and a form of terrorism every bit as much as the events of September 11 do” (Mackinnon 2006b; p. 266). Mackinnon is not alone in making these linkages. Rosa Brooks sees the post-9.11 moment as a particularly important opportunity to link law reform at home and abroad to a transnational feminist project (Brooks 2002). An American Society of International Law program on the rule of law speaks to this potential, urging that “Women can be agents of change, advocates for justice and peace, and leaders in reestablishing rule of law.” (ASIL 2009)

Terror,” with mention of its links with issues such as trafficking (WWS 2003). This triad – women’s rights, counter-terrorism, and the rule of law—has been echoed by the World Bank, the International Commission of Jurists and numerous other bodies in shaping their programs’ priorities (Samuels 2006). Within this framework, these rule of law initiatives are often perceived as efforts that move a country from the realm of violence and war to the realm of democracy and law, from one where women are trapped in custom and insecurity to ones where they are given opportunities and security. Thus one consortium linking activists and scholars working on this issues suggests a rubric titled “‘Securitising’ women’s empowerment” to capture how women’s rights work should prioritize insecurity (Hossian 2011). Concomitantly, many propose rule of law promotion as the solution,²² and highlight the nexus between terrorism and insecurity as rendering the commitment to rule of law promotion all the more compelling and urgent. Speaking at an American Bar Association session on gender and the rule of law former OHCHR head Mary Robinson urges continued commitment to rule of law promotion “‘Not just because it’s the right thing to do, but because it is the most effective strategy in countering the forces which fuel terrorism.” (Farmer 2007). Speaking on a related theme in another context, Robinson argues that “For women, gender is itself a risk factor threatening human security... (and, moreover,) Women are particularly vulnerable in zones of conflict and in post-conflict situations where many are terrorized on a daily basis. We need to go much further in addressing this widespread form of terrorism.” (Robinson 2004). Establishing accountability for such ‘terror’ goes beyond punishment, to “establishing the rule of law and a just social and political order.” (Robinson Ibid.)

Rule-of-law advocacy typically treats the rule of law as a cohesive policy package anchoring a range of agendas, including counter-terrorism and women’s rights (OHCHR 2008). To some extent, this approach is critical for the rule of law to have uptake as an element of technocratic nation-building, to be seen as aiding those diverse agendas rather than as a political intervention with distributive implications.²³ Accordingly, many rule of law programs focused on women have long defined the problem of building local capacity as involving a technical question of building local expertise—of training women to be lawyers and judges, making local bar associations and rights-oriented NGOs more “gender sensitive,” etc. One way to understand the thrust of the agenda linking counter-terrorism and ICF in rule of law programs is in terms of a thrust towards a new global subjectivity, where those links are constituted as seamless rather than counterintuitive. This project is captured in a U.S. State Department description of the work of rights- and democracy-promotion as creating subjects who will make different kinds of choices about the very fabric of their society (Bhuta 2008). Thus technical assistance programs dealing with the rule of law will translate the justice priorities of the international legal

²² The political scientist Seung-Whan Choi presents statistical support employing “a cross-sectional, time-series data analysis of 131 countries during the period from 1984 to 2004”; he concludes “that, *ceteris paribus*... the rule of law instantiated in democratic institutions provides a formidable bulwark against terrorism.” (Choi 2010).

²³ Even the most preliminary investigations would suggest that the rule of law is hardly cohesive; For instance, to take an example close to home, Tensions between the legal framework of the PATRIOT Act and due process challenges to that framework suggests that different legal regimes will have different consequences for those differently placed viz. the “War on Terror” as currently conducted. Yet if our only concern is enforcing the rule of law, we do not unpack the differential consequences of alternative legal regimes. Rather, the allure of a neutral policy package is evident - if we are framing what is at stake as technical expertise in nation-building, delving into these distinctions and their relationship to the winners and losers of the war on terror, women’s rights, and their attendant political visions will cloud the agenda of those advocating a counterterrorism legal regime.

community (such as the counter-terrorism strategies of powerful states) into local justice priorities. Rather than illuminating the differential interests that legal regimes may advance when situated in relation to global governance processes, the treatment of the rule of law as a good in itself anchors and empowers this filter.²⁴

CHALLENGES TO THE ICF-COUNTER-TERRORISM MARRIAGE

The imbrication of ICF and global governance processes has catalyzed important debates within feminist communities globally (Engle 2007 and Nesiah 2004). As noted earlier, ICF was remarkably cohesive in the 1990s, with feminists of different ideological stripes coming together to address recognition of, and accountability for, conflict-related sexual violence. This cohesion contributed to the success of ICF on the international law and policy agenda such as through the passage of UNSC Resolution 1325 and the gender provisions of the Rome Statute. However, over the past decade this cohesion has begun to unravel. The most visible face of this unraveling is among those who draw a distinction between military intervention and nation-building intervention; perhaps what one might describe as the “hawks and doves” of Team ICF. For the “doves,” the alliance between ICF and military counter-terrorism initiatives was often experienced as counterintuitive and in fact a violation of feminist precepts. For many, the way out of the embarrassment of this alliance is a narrative of co-optation with an underscoring of how ICF was advanced “originally for protection of women in conflict situations (but) has been co-opted by powerful states as (a) tool to justify military intervention that hurts women.”²⁵ Thus prominent U.S. feminists critical of U.S. militarism have sought to distinguish a “sustained and serious” feminism-informed counter-terrorism strategy from “opportunistic references to women, like those that accompanied the war on the Taliban and [which] were quietly dropped by the Bush administration when that war was abandoned and Afghan women were locked back into their burqas.” (Ehrenreich op. cit.). In a sense, the argument is that a genuine and sustained ICF commitment would be something any feminist can support. For instance, such commitment may mean more investment of foreign aid in girls’ education, reproductive freedom, and indeed, to ensure “a thorough foreign policy makeover” in feminist terms, because “you can’t play the gender card with dirty hands.” (Ehrenreich op.cit).

Many difficulties arise from this framing of the gender politics at stake in counter-terrorism. Most significantly, the marriage of feminism and intervention is not merely a recent, opportunistic cover; rather, this particular round of tension and convergences emerge from a deeper and long-term imbrication of feminism and intervention. For instance, long before 9/11, many feminist groups had long been critical of the international community’s inaction to protect Afghan women, and groups such as the Feminist Majority Foundation had been campaigning to pressure the American government and the U.N. “to do everything in their power to restore the

²⁴ After the fall of the Berlin wall, facing many international and regional interventions focused on the rule of law in Eastern Europe, the East German political activist Barbel Bohley noted, “we expected justice and we got the rule of law.” Quoted in Shriver (2001). Bohley’s statement is a reminder that justice and the rule of law are distinct, even if related; there can sometimes be a gap between justice and the rule of law. This is a banal claim, but one that is often forgotten when we promote the rule of law as an unquestioned good, as if the rule of law was itself a neutral and apolitical tool.

²⁵ This was the response of a reader of the first draft of this paper. Comments forwarded by Meg Satterthwaite and Jayne Huckerby, 9 November 2011.

human rights of Afghan women and girls.” (Nesiah 2004). A month before 9/11, *Human Rights Quarterly* carried an article condemning the U.N. Security Council “for failing to adopt more pressing measures against sexual apartheid in Afghanistan.” (Verdirame 2001).²⁶ Thus, arguably, feminists sought to tie ICF agendas to intervention before the counter-terrorism interventionists adopted the normative grounding of ICF. In fact, some urge that if ICF had succeeded in catalyzing intervention in Afghanistan, then 9/11 might have been prevented. For instance, Bennoune raises the possibility “that had effective action been taken to end the Taliban’s gender apartheid, such action could well have disrupted the activities of Al Qaeda or brought them to light, and conceivably September 11 might have been avoided.” (Bennoune op cit.; p. 49)²⁷ Echoing Ehrenrich, she concludes that “empowering women” can be “a vital way of combating terrorism” and ignoring this link can lead to “to disastrous effect,” as exemplified by the events of 9/11 (Bennoune op. cit).

If feminism is to undertake a critical analysis of the opportunities and constraints that attend feminism in a global plane today, it needs to go beyond self-affirming laments about co-optation to more self-reflective probing of the adhesive glue linking ICF and counter-terrorism. For instance, if the frameworks of security and the rule of law thrust forward shared ground for ICF and counter-terrorism, we need to unpack the political vocabularies and institutional arrangements entailed by those frameworks. Thus in this concluding section, I want to trouble “security” and “the rule of law” as two crucial platforms through which ICF constitutes a universal feminist agenda in the era of counter-terrorism.

The Security Framework

Today, there are many voices within feminism urging a security framing of gender issues. As quoted above, one advocate argues for a framing of feminist agendas by foregrounding “gender as a national security issue. . . . By changing the discourse and using national security, it would be possible to advance gender equality.” (Kfir op. cit.). In other words, it is not just counter-terrorism folk playing the gender card, but, as noted in the preceding section, it is also feminists playing the security card, the proposal is that we adopt “a National Security Approach” to advance “Women’s Rights and Empowerment.” (Kfir op. cit.). What is at stake here is heightened visibility and significance in the hallowed corridors of international law and policy, but also very specific material gains with arguments for greater funding for women’s groups as “an important counter-movement to terrorism.”²⁸ Thus, if there was a worry about the opportunistic invocation of feminism as a Trojan horse hiding counter-terrorism hordes, here we see the Trojan horse has been turned inside out.

In some cases, feminists have sought to develop a critical distance from the security paradigm by seeking to expand or revise it. The argument is that what is needed is the adoption of a more complex and holistic security framework that links military security to traditionally gendered issues such as access to food, housing, and welfare. For instance, feminists were early advocates of the concept of “human security,” arguing that the traditional approach to security is too narrow and reflects an inadequate grasp of the multiple and interconnected sources of

²⁶ Guglielmo Verdirame, Testing the Effectiveness of International Norms: UN Humanitarian Assistance and Sexual Apartheid in Afghanistan, *Human Rights Quarterly*, Vol. 23, pp. 733-768, 2001

²⁷ Here Bennoune invokes the arguments presented by Amy Caiazza (2001).

²⁸ Valentine Moghadam, head of the gender unit at UNESCO quoted in Bennoune op.cit., p. 49.

insecurity.²⁹ The argument here is that “freedom from want” is intertwined with “freedom from fear” such that addressing the former would profit the latter (UNDP 1994). For instance, the understanding of conditions of scarcity and resource depletion as security threats had traction with feminist insights regarding the relational dimensions of socio-political life and arguments that the intensification of resource competition is an enabling condition for conflict and insecurity. This is in effect the argument of Fiona Robinson, who argues that the relational normative ontology entailed by a feminist ethics of care should be central to the notion of human security (Robinson 2011). On the same lines, the human security framework’s focus on the individual rather than the state made it more hospitable to the notion of a female victim. Laura Sjoberg’s language of “empathetic war-fighting” to describe the foregrounding of individual responsibility and impact of war captures this convergence; she notes that she derives this concept “from feminist security theory” with its focus “on responsibility and human security.” (Sjoberg 2005-06). She describes the value of this feminism inspired turn towards the individual as follows: “Empathetic war-fighting could revitalize *jus in bello* (to) provide a new way of looking and thinking at war-making and targeting decisions that focuses on the security and welfare of individual lives. A focus on individual human security will strengthen just war’s effectiveness, increase its relevance to modern warfare, and decrease its insidious abstraction and gender bias.” (Sjoberg op.cit).

However, the gendered dimensions of insecurity are quite complex. The female victim is not the only victim and not all females are victims. If UNSC Resolution 1325 marks advocacy for gender-inclusive peace building policies, there has long been an equally powerful push for gender-inclusive war making strategies.³⁰ Significantly, however, in many conflicts around the world, the latter push may have achieved the most visible success not in national armies but in militant groups labeled as terrorist organizations. Even reports on Al Qaeda suggest there have been “a growing number of Islamic radical feminists who demand to be allowed to join the fight.” (The Strategy Page 2011). From women making petrol bombs in their homes in Northern Ireland (Tabak 2011) to female suicide cadre in Northern Sri Lanka (Rajasingham-Senanayake 2001), many female combatants have found themselves on the wrong side of the counter-terrorism strategies of states. Coming to terms with the widespread reality of female combatants requires a recalibration of our assumptions regarding gender, victimhood, and security. This recalibration will also help us better understand the political vocabularies that marry counter-terrorism to ICF.

Equally, or more significantly, such a recalibration entails situating the security paradigm in relation to the structures and ideologies of the global landscape. Analyzing the security paradigm

²⁹ Cynthia Enloe and other feminist international relations theorists have long argued that there is a synergy between conditions of insecurity and patriarchal power, such that “Masculinity is a foreign policy issue.” (Enloe 1989 and 2002). Mary Kaldor argues that the concept of human security seeks to address the “security gap” that has resulted from the limitations of conventional military thinking and the post WWII world view (Kaldor 2007). Reveron and Mahoney-Norris see the limitations of conventional security being further accentuated post cold war. In their view human security as the all encompassing paradigm that should frame how we understand globalization, define problems and develop policy responses in a post cold-war world (Reveron and Mahoney-Norris 2011). My thanks to Meg Satterthwaite for suggestions regarding both these latter suggestions.

³⁰ In fact, it looks like the final barrier in the US army, the prohibition on women serving in combat (not just in combat support) may also be conquered. A military advisory commission recommended that that the policy banning women from combat units be changed (Jelinick 2011).

in this way entails examining what is empowered and what is disempowered by the foregrounding of gendered victimhood and women's insecurity. As suggested by the preceding discussion of the Afghanistan intervention, one thing that was empowered was the rationale for international intervention. The threat of violence functions as "a translation machine" (Nesiah 2004) to make those interventions and their attendant ideologies legible and legitimate—they are interpolated into a global template for states that have failed their women and failed states, failures that could be identified and corrected by international action (Nesiah 2009 and 2012). The upshot of this analysis is that ICF operates on fraught terrain, carrying different opportunities and constraints for different men and women. The focus on conflict is so deeply embedded in the politics of empire that "dirty hands" are unavoidable when gender and security are conjoined, when the "female victim" and pervasive insecurity are combined.³¹ The highlighting of terror threats everywhere merges with claims of gendered insecurity everywhere to distract from the fact that it is marginalized communities that are most adversely impacted by counter-terrorism efforts. At the same time it empowers the conjuncture between security and intervention. As underscored by post-colonial feminist theorists, these dual paths of distraction and conjuncture bring contemporary resonances of the old colonial trope of "saving brown women from brown men."³² Thus as Bhattacharyya argues the discursive economy of the war on terror operationalizes a binary currency of "free and unfree femininity and barbaric and civilized masculinity" that profits the conjoining of security and intervention (Bhattachariya 2008; p. 73).

The Rule of Law Framework

If the security framework invokes the grand landscapes of empire, the rule of law framework invokes the small-bore policy choices and institutional arrangements that accompany ICF and counter-terrorism. Rule of law promotion projects are often framed in subtle and ideologically "neutral" terms such as "best practices" and "lessons learned" regarding good governance with a normative rights foundation that runs the gamut from women's rights to the right to security.³³ In assessing the implications of the merger of ICF and counter-terrorism in specific rule of law promotion programs, we need to examine what ideas of justice, distribution, and redress are embodied in different legal regimes. For instance, in analyzing the Sri Lankan experience with gender, counter-terrorism, and the rule of law, it is evident that violence and militarism articulate through law, rather than against it. From the regulation of sex workers near military camps, to the censorship of films that are seen to challenge the military, to the Prevention of Terrorism Act, law has legitimated majoritarian state violence to persecute minorities by prosecuting them. Indeed, the constitutional history of Sri Lanka suggests that rather than provide a bulwark against

³¹ For further discussion of the category of victim in international feminism see Kapur 2002. For further discussion of failed states see Gordon 1997 op.cit. Recall Ehrenreich's instruction quoted above that "You can't play the gender card with dirty hands." <http://www.alternet.org/rights/21973/>

³² The politics of empire critique emerges from different traditions of postcolonial, feminist scholarship. The advance guard for this tradition were scholars such as Chandra Mohanty, Jacqui Alexander, Gayatri Spivak, and others in the humanities. By the 1990s, this tradition gained traction in the legal field alongside cross-learning from critical race feminism. The 1999 publication of Adrien Wing's *Global Critical Race Feminism* is an important marker of this moment (Wing 1999).

³³ Nesiah 2012, op. cit. As noted in that article, from the halls of the UN to negotiations within donor agencies, the foregrounding of Resolution 1325 has become a central dimension of what counts as a 'progressive' response to a conflict situation in the international law and policy world. Interestingly, even as Resolution 1325 becomes mainstreamed into international policy making, Resolution 1325 advocates still perceive their work as fighting against a sexist mainstream and Resolution 1325-referenced policy decisions are advanced as ones that subvert establishment policy priorities. This exemplifying the arguments of Halley 2006 op. cit

abuse, liberal constitutionalism in fact engaged in the conferring of political legitimacy on specific zones of abuse, distinguishing between terror opposed by the government and terror unleashed by the government (Nesiah 2012 op. cit.). In the United States and elsewhere, we have seen counter-terrorism function through the arsenal of legal regulation determining what are the rights and legitimate expectations of a citizen, who is or isn't a legal resident, who is or isn't an enemy combatant and a complex legal regime of rights and vulnerabilities triggered through that classification.³⁴

The majoritarian legalism that has undergirded the counter-terrorism legal regime in Sri Lanka and the United States is symptomatic of a much wider association of the dominant with the universal path to progress. For instance, rule of law promotion internationally has accompanied the projection of a particular notion of modernity (democratic, liberal, tolerant, invested in gender equality, ensuring peace and progress) that it contrasts with a notion of tradition that is then associated with terrorism (undemocratic, illiberal, intolerant, sexist and violently militant).³⁵ The dominant rule of law paradigm is constituted by such hegemonic conceptions of time and progress; investment in a political trajectory associated with a historically specific neo-liberal order as carrying the promise of emancipation, a vision (to use Judith Butler's language) "of what it means to unfold a future of freedom in time." (Butler 2008). These hegemonic conceptions saturate the work done by rule of law promotion in ICF and counter-terrorism. Here particular invocations of legal regulation, reform and progress regarding sexual politics render "Europe and its state apparatus into the avatar of both freedom and modernity" that need to be protected from a misogynist, atavistic threat of terror (Butler Ibid.); here women's rights and the right to security are all on the same side with the rule of law functioning as both sword and shield in the "War on Terror."

It is worth noting that this is not only a generalized discourse regarding the non-European or non-Western but also a specific manifestation of Islamophobia as part of the connective tissue between some dominant strands of women's rights discourse and counter-terrorism in such legal mechanisms. Cyra Chaudhury argues that feminist legalism performs a particularly problematic "two-fold" function on this terrain. On the one hand, it "calls into question as subordinating any alternatives to the Liberal order and its elevation of individual rights and formal legal equality," and on the other, when legal systems fail the individual rights and formal equality test, it "provides Liberal feminists the justification for leveraging U.S. economic and military power and its global supremacy to save Muslim women and cloak these positions with a mantle of virtue." (Chaudhury op. cit. pp. 27-8). It may well be the case that like security and the rule of law, Islamophobia is also another platform for the convergence between certain strands of ICF and certain strands of counter-terrorism (Bhattacharya et. Al. 2006). It is the case that law invariably refracts social dynamics of prejudice, hierarchy, and exclusion into supportive legal

³⁴ For instance, even the rights and responsibilities that attend citizenship have been redefined through the counterterrorism framework. The Obama administration has argued that it has a right to kill its own citizens if it deems that they are 'terrorists' (Johnson 2012).

³⁵ This dichotomy presents in more and less crude extension of Samuel Huntington's "Clash of Civilizations" thesis that seemed to have emerged as the ambient common sense of Bush era foreign policy (Huntington 1993 and 1996). As The United States defines its global "war on terrorism" as a defensive effort to protect its way of life, beyond attacks from enemies with alien cultural and religious motives, to attacks from those who reject modernity itself" (Liu, The abduction of modernity," *Asia Times*, 9 July 2003 to 12 August 2003). Maximiliano Korstanje has explored the continuities from Huntington to post 9.11 counter-terrorism strategies (Korstanje 2011).

technologies. The argument is not against the rule of law as such; but it is against the contrast between law and war, and what that contrast is expected to yield. I argue that to understand the stakes of law, the contrast between law and war is not helpful; instead we need to examine but the distributive and ideological implications of different legal architectures. We need deeper engagement with the politics of the rule of law, to open up to the plurality of legal regimes that are possible at any historical juncture, probe the work they do, and contest the idea of the rule of law as apolitical.

International efforts supporting national legal capacity have been shaped by what some see as the twin rationales of rule-of-law promotion, namely liberal governance mechanisms on the one hand, and neo-liberal market mechanisms on the other.³⁶ The former translates into constitutions and election rules and the latter into laws guaranteeing property and contract to facilitate international trade and “open” markets. These twin foundations of legal architecture have tended towards politco-economic structures that advance deregulation and the weakening of a state’s capacity to uphold or enforce rights and interests of marginalized populations against the market. Thus there is a potential tension between the vision of the state embodied in these processes and the vision of the state required for robust efforts to combat impunity; the latter calls for a strengthening of the state’s capacity to administer justice.

Moreover, a legal regime that promotes a neoliberal economic agenda may be one that has very different consequences for different women in terms of how it distributes entitlements, which vision of property it embodies, how it sees freedom of association, etc. Advocacy of the rule of law is always advocacy of a specific set of laws, and necessarily therefore, contesting alternative legal rules. Thus such advocacy should be informed by analysis of how specific laws and legal institutions are imbricated in, and impact, different dimensions of the gendered experience of conflict and its aftermath. Rule of law advocacy that is not informed by such analysis may further entrench the background structural factors that exacerbate adverse impacts on marginalized communities. It can mask the politics of legal interventions, and obscure the political and distributive stakes of alternative legal architectures.

CONCLUSION

In many ways feminism is at a crossroads on the international plane. While ICF’s synergies with counter-terrorism has ensured extraordinary power and influence in the realm of international law and policy, feminist communities have engaged and fractured on different approaches to counter-terrorism. A non-comprehensive global snapshot of these robust debates may cite the heated controversies that have attended the Dutch government’s sexual politics citizenship test,³⁷

³⁶ A range of scholars have tied rule of law promotion to economic development on the one hand, and human rights on the other (Brett Miller 2003 and de Soto 2000). For an intervention that sees rule of law promotion as a particularly important focus for women’s rights see (Ikdahl et. Al. 2005).

³⁷ For an exploration of the linkages between liberalism and counter-terrorism in the invocation of sexual politics see Butler ,op. cit., and Paur 2007. Here too the language of ‘appropriation’ recurs. Note how Jim Haritaworn describes it: ‘ “We are progressives against the war, united by our critique of the state, which has appropriated our struggle for sexual expression and misdirected it against those to whom we have allied ourselves: the migrants tested on their views on homosexuality in the Dutch civic integration examination, the Iraqi prisoners in Abu Ghraib violated by

the French ban on the veil in the public sphere in the name of women's rights, on Jin Haritaworn, et. al's charges regarding militant Islamophobia in "Gay Imperialism," and Sarah Shulman's charges regarding the Israeli government's "pinkwashing" campaigns against Palestinians (Haritaworn Ibid. and Shulman 2011). The issues at stake in these diverse debates are sharply captured in the prominent controversy over ICF and the politics of the "War on Terror" in Amnesty International (AI), the Center for Constitutional Rights (CCR) and the American Civil Liberties Union (ACLU) (Oza 2011).³⁸ Some feminists argued against the work of these organizations contesting counter-terrorism initiatives such as extraordinary rendition, illegal detention, and extrajudicial executions on the theory that the cases taken up by AI and CCR were cases involving "misogynist individuals with jihadist leanings." (Oza Ibid.)³⁹ Thus in effect, the position of some feminists was that ICF would help distinguish between different approaches to counter-terrorism strategies, and perhaps would blunt our critique of counter-terrorism cases against sexist men. In contrast, other feminists have argued that what needs to be problematized in the current conjuncture is "liberal feminism's own will to power." (Chaudhury op, cit; p. 29). Others have argued that an "explicitly anti-racist discourse" and an unlearning of privilege needs to be central to feminist and queer community on the global plane (Haritaworn op. cit). Yet others foreground the politics of empire in troubling universalist feminist agendas.

On many fronts this debate is rich, productive and long overdue. While some of these discussions had been taking place for many years, the Amnesty International controversy moved these issues to center stage. The task of the moment is not to find new progressive grounds for shared feminist community, but to look at how different communities are situated in relation to hegemonic global structures. In the age of "governance feminism," the priority is not formulating a common agenda but foregrounding the stakes of competing agendas. We need to unpack the background assumptions and assess the distributive consequences of security, the rule of law, and a range of attendant political vocabularies and policy agendas that have shaped the normative common sense that brokered the marriage of ICF and counter-terrorism. Tomorrow, we may have to confront different imperatives and revisit our priorities; today, working for the dissolution of ICF's marriage with counter-terrorism is a central starting point for a critical and self-reflective feminist praxis on the global stage.

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torture methods purported to 'sexually liberate' them, the growing populations in West and Central Asia whose deaths and disenfranchisement are legitimated with their 'backward', 'barbaric' gender regimes" (Haritaworn 2008).. Haritaworn analyzes how an assemblage of racialized and gendered discourses and institutional arrangements have "constituted these subjectivities so that (quoting Puar) "terrorist bodies' are produced 'against properly queer subjects'." (Haritaworn Ibid.).

³⁸ See Oza and Akbar in this volume.

³⁹ Oza discusses "two public cases in which members of prominent human rights organizations expressed grave concerns that their organizations were supporting what they have termed 'misogynist individuals with jihadist leanings'. In the first case, Gita Sahgal publicly criticized Amnesty International's (AI) support of Moazzam Begg; in the second, Karima Bennoune expressed grave concerns that the Center for Constitutional Rights (CCR) and the American Civil Liberties Union (ACLU).

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