

Gendering terrorism in the courtroom

An investigation of the ostensible reproduction of gender stereotypes in the trial against Carla-Josephine S.

Carlotta Sallach

6824978

Utrecht University

1st August, 2020

A Thesis submitted to the Board of Examiners
in partial fulfilment of the requirements of the degree of
Master of Arts in Conflict Studies & Human Rights

Name of Supervisor: Dr. Lauren M. Gould

Date of Submission: 1st August, 2020

Internship and thesis writing (15 ECTS)

Word count: 14,993

Declaration of Originality/Plagiarism Declaration

MA Thesis in Conflict Studies & Human Rights

Utrecht University

(course module GK MV 16028)

I hereby declare:

- that the content of this submission is entirely my own work, except for quotations from published and unpublished sources. These are clearly indicated and acknowledged as such, with a reference to their sources provided in the thesis text, and a full reference provided in the bibliography;
- that the sources of all paraphrased texts, pictures, maps, or other illustrations not resulting from my own experimentation, observation, or data collection have been correctly referenced in the thesis, and in the bibliography;
- that this Master of Arts thesis in Conflict Studies & Human Rights does not contain material from unreferenced external sources (including the work of other students, academic personnel, or professional agencies);
- that this thesis, in whole or in part, has never been submitted elsewhere for academic credit;
- that I have read and understood Utrecht University's definition of plagiarism, as stated on the University's information website on "Fraud and Plagiarism":

"Plagiarism is the appropriation of another author's works, thoughts, or ideas and the representation of such as one's own work." (Emphasis added.)¹

Similarly, the University of Cambridge defines "plagiarism" as "*... submitting as one's own work, irrespective of intent to deceive, that which derives in part or in its entirety from the work of others without due acknowledgement. It is both poor scholarship and a breach of academic integrity.*" (Emphasis added.)²

- that I am aware of the sanction applied by the Examination Committee when instances of plagiarism have been detected;
- that I am aware that every effort will be made to detect plagiarism in my thesis, including the standard use of plagiarism detection software such as Turnitin.

Name and Surname of Student: Carlotta Sallach

Title of MA thesis in Conflict Studies & Human Rights: Governing terrorism in the courtroom: An investigation of the ostensible reproduction of gender stereotypes in the trial against Carla-Josephine S.

Signature 	Date of Submission 1 st August, 2020
--	---

¹ <https://students.uu.nl/en/practical-information/policies-and-procedures/fraud-and-plagiarism>

² <http://www.plagiarism.admin.cam.ac.uk/what-plagiarism/universitys-definition-plagiarism>

Acknowledgments

I would like to thank Dr. Lauren Gould for being such a supportive and engaging supervisor. It was a privilege to work under your mentorship. Your feedback and enthusiasm never failed to renew my motivation in this research process.

I am thankful to my classmates in the MA program and especially my fellow students in Team Lauren; I am proud that we persevered and supported each other in these extraordinary circumstances. A big shout out also to Neil Wilson. I have rarely enjoyed peer-reviewing more, and I am very fortunate to have had you by my side in these final weeks.

Thanks also to the entire Conflict Transformation Research team at Berghof Foundation. Your interest in and support of my research has given me confidence in pursuing this endeavour and I consider myself lucky to have benefitted from your expertise and experiences. I particularly want to thank Dr. Evelyn Pauls for always taking time to answer my questions, sharing your knowledge and providing feedback and critical thoughts on my work. I am humbled to have worked with you all.

I am also indebted to Sofia Koller and Wiebke Ewering to provide feedback on this thesis and enriching my perspectives.

Finally, thanks mum, dad and Vincent. For bearing with me, even in my more stressful moments during this research project and supporting me throughout. I know you all became more entangled with this process than any of us had planned – thank you for all that you have given to this. Without you, I could not have done any of it.

Abstract

This thesis scrutinizes the effect of gendered discourses of political violence on the adjudication of terrorism-related charges. Applying Butler's gender performativity theory, this work investigates how gender-stereotypical notions surrounding political violence are drawn on by different actors in the legal interrogation of (acts of) terrorism and the material consequences thereof. The thesis thereby contributes to larger empirical debates that problematize the persistence of a masculinized understanding of violence and the ways it comes to be reflected in legal text. Analysing current academic discourses on female (political) violence, the Beautiful Soul is identified as the historical and contemporary ideal of femininity with reference to which women in both state-sanctioned and extra-legal violence are described. As the assumed naturally peaceful other to men's aggression, women's violence is, thus, attributed to either feminine qualities such as passivity and submission or a violation of their womanhood. The comprehensive observational analysis of the trial against the German national Carla-Josephine S., reveals that different actors draw on stereotypical notions surrounding female political violence. Thereby positioning her at different points on a continuum between the ideal-typical Beautiful and the Broken Soul. In tracing how gendered identity emerged out of a negotiation between these two identities, this thesis provides a nuanced account of how gendered discourses of political violence produce material effects. In light of the persistence of our masculinized understanding of violence and a likely rise of returns of Islamic State (female) foreign fighters to their Western countries of origin, such nuance is urgently needed.

Abbreviations

CAT	Convention Against Torture
FFTF	Female Foreign Terrorist Fighter
ICC	International Criminal Court
IS	Islamic State
UNSCR	United Nations Security Council Resolution

Table of contents

1. Introduction	1
2. Theory	4
2.1. Research at the intersection of nexuses: The debates on gender, political violence, and the law	4
2.1.1. Violence is a man’s world: The gender-(political) violence nexus	4
2.1.2. Ius est ars boni et aequi: The gender-law nexus	6
2.2. Gender performativity	7
2.2.1. Gender, constraints and performances	8
2.2.2. Spatiality and resistance	10
2.3. Research gap and questions	10
3. Methodology	12
3.1. Research design	12
3.2. Research method	14
3.3. Limitations	16
4. Boys will be boys, girls will be...? Gender stereotypes surrounding female political violence	18
4.1. Contemporary Western ideas about femininity in contexts of political violence	18
4.2. Contemporary Western ideas about femininity in contexts of violent conflict	20
4.3. Historical Western ideas about femininity in contexts of political violence and violent conflict	22
5. The Beautiful and the Broken: Gendering terrorism in the courtroom	24
5.1. The Beautiful Soul	24
5.2. The Broken Soul	27
5.3. “The worst mistake of my life”: Negotiating re-integration and redemption through gender	30
5.4. Same same but different: Contextualizing the findings with regard to other German trials against IS returnees	34
6. Conclusion	37
6.1. Research findings	37
6.2. Implications	39
6.3. Further research	39

Bibliography	41
Appendices	48
Overview of secondary sources for documentary analysis	48
Overview of hearings in the trial against Carla-Josephine S.	49
Overview of interviews	50
Codes	50
Glossary	51

The consequences of our refusal to concede female contributions to violence are manifold. It affects our capacity to promote ourselves as autonomous and responsible beings. It affects our ability to develop literature about ourselves that encompasses the full array of human emotions and experience. It demeans the right our victims have to be valued.... Perhaps above all, the denial of women's aggression profoundly undermines our attempt as a culture to understand violence, to trace its causes and to quell them. (Pearson, 1997, p. 243).

1 Introduction

In January 2020, the Norwegian authorities repatriated an unnamed 29-year-old woman, who had left her Scandinavian home to join the so-called Islamic State (IS) with her two children several years earlier (Dworkin, 2020). Her son was reportedly fatally ill (*idem.*). Two days after her arrival in Norway, the populist right-wing Progress Party pulled out of the ruling coalition to protest the repatriation – collapsing the country's government (Reuters, 2020). While this undoubtedly constitutes one of the rather extreme outcomes of disputes over the (assisted) return of female foreign terrorist³ fighters (FFTFs), it is reflective of a dynamic that goes far beyond Norway.

Since IS's military defeat in early 2019, the potential return of FFTFs to their Western countries of origin has caused controversies among policy makers, conflict analysts and publics alike (ICG, 2019, p. 17f.; ICCT Live Briefing, 2020). One major point of contention concerns Western legal systems' capacity to effectively prosecute crimes committed in a complex and geographically distant conflict (ICG, 2019, p. 12). Regarding women in particular, this worry seems to be at least partially justified as European legal response towards female returnees have been found to be less 'muscular' than towards their male counterparts (Gaub & Lisiecka, 2016, p. 3). In the analysis of specific cases held in countries like the US, Sweden and Belgium, authors attributed this tendency towards more lenient judgments for the accused women to a perpetuation of gender stereotypes (Alexander & Turingkton, 2018, pp. 24 & 28; Strømmen, 2017). These examples echo more general debates on gender biases inherent not only in discourses surrounding terrorism, within which women are generally perceived as less capable, or even incapable of perpetrating political violence (Banks, 2019; Gentry & Sjoberg, 2015; Schraut, 2012), but also in the textual underpinnings and practice of law (Charlesworth et al.,

³ It should be noted that the definition and delimitation of 'terrorism' constitutes a major point of contention within and beyond academia. A problematization of the term is beyond the scope and focus of this thesis. For more detailed discussions of the topic see e.g. Ganor, B. (2002). Defining Terrorism: Is One Man's Terrorist another Man's Freedom Fighter?, *Police Practice and Research: An International Journal* 3(4), pp. 287-304); Greene, A. (2017). Defining Terrorism: One size fits all?, *International and Comparative Law Quarterly* 66(2), pp. 411-440.

1991; Charlesworth, 2008; Shepherd, 2008). These boarder debates and the investigations of trials against female IS returnees specifically already shed some light on the dynamics underlying and implications of a potential reproduction of gender stereotypes in trials against IS-FFTFs. However, while this points to the significant role of gender in the adjudication of terrorism charges brought against IS-FFTFs, there has been no theoretically informed analysis thereof yet. This thesis aims to fill this gap by investigating the adjudication of terrorism charges brought against the German national Carla-Josephine S. through the lens of gender performativity theory. Accordingly, it answers the following research question:

How is gender performed by the defence, the prosecution, the witnesses and the judges in the theatre of the courtroom during the hearings of the trial against Carla-Josephine S.?

This will be done by following a two-step approach. First, a documentary analysis of secondary sources is applied to identify dominant ideas surrounding female political violence. Second, and at the heart of this thesis, the ways in which these ideas are made recourse to is examined by means of an observational analysis of one of the most prominent German cases against a FFTF to date. Carla-Josephine S. left Germany in 2015 with her three children and against the will of her husband, to live under and allegedly work for IS for several years (OLG Düsseldorf, 2020a). She became the first German national to be repatriated by the Federal Republic in 2019 (dpa, 2019). Based on the observations of the trial held against her between the 6th of March and 29th of April 2020, this thesis offers much needed in-depth insight into the ways in which gender impacts the legal interrogation of (acts of) political violence. Specifically, it uncovers how gender stereotypes are drawn on by different actors during the trial and the material consequences thereof.

To this end, this study applies Judith Butler's (1988, 2002, 2011) conceptualization of gender not as a natural essence of people but as itself performative. That is, gender as emerging out of repeated discursive and physical acts, or performances, which are historically and culturally coded as feminine or masculine (1988, pp. 522 & 527f.). It thereby provides a comprehensive analysis of how gendered subjects are constituted by and within discourses on terrorism.

Furthering our understanding of the way in which political violence is perceived differently based on the (assumed) gender of the perpetrator in a purportedly neutral setting, i.e. the courtroom, is of legal and social scientific as well as practical relevance. Legally, a (potential) bias resulting in more lenient sentencing for women charged with terrorism-related

crimes goes against the fundamental legal principles of impartiality and non-discrimination. Therefore, seeking to eradicate such prejudice requires a thorough understanding of how gender affects legal interrogations of political violence.

Social scientifically, this investigation contributes to the larger quest of understanding how “stereotypical notions about who can and cannot be a terrorist” (Bhattacharya, 2019, p. 1080) continue to inhibit our grasp of the phenomenon of political violence more generally (Gentry & Sjoberg, 2015, pp. 135f.; Banks, 2019, p. 186). As will be laid out in more detail in the subsequent chapter, much of the current work on this issue is centred around identifying narratives and patterns of behaviour that expose the persistence of a masculinized understanding of violence. While different authors point to the broader consequences of this persistence, this thesis offers a detailed analysis of how gendered conceptions of violence are made recourse to in a concrete interrogation of political violence. It thereby investigates how such discourses produce material effects, e.g. lighter sentences.

Practically, such an analysis is timely as it seems reasonable to expect an imminent increase in returns – and, by extension, prosecutions - of IS-FFTFs. In the wake of the deterioration of the already dire conditions in the detention camps in Northern Syria and Iraq due to outbreak of the coronavirus pandemic, academics, practitioners and elected officials have mounted pressure on Western governments to repatriate their nationals (ICCT Live Briefing, 2020; Steinberg, 2020). The campaign has been at least partially successful, as several countries, e.g., France and the Netherlands, signalled their increased willingness to do so (“Intel brief”, 2020). Against this backdrop, the insight this thesis seeks to deliver is urgently needed.

The thesis is structured as follows: the subsequent chapter situates the present investigation in the academic debates surrounding (political) violence and gender as well as gender the law before introducing gender performativity theory as the analytical frame applied in this thesis. Chapter three lays out the methodological approach taken in this research project and addresses several limitations thereof. Chapter four opens up the stage for the analysis at the heart of this thesis by mapping gender norms in contexts of political violence and violent conflict as well as their historical underpinnings. In chapter five the focus will be laid on the gender performances as they evolved during the lawsuit against Carla-Josephine S.. In doing so, characterizations of the defendant as a Beautiful and a Broken Soul are analysed prior to examining how these two identities were negotiated in the trial and ultimately produced material effects. These findings are subsequently contextualized with regard to other trials against German (female and male) IS returnees. The thesis concludes with a discussion of the empirical contribution of this work and points to several avenues for future research.

2 Theory

2.1 Research at the intersections of nexuses: The debates on gender, political violence, and the law

Seeking to uncover the ways in which gender is performed in the adjudication of terrorism charges, this research is positioned at the conjunction of two fields of academic debate and inquiry, namely the nexus between gender and (political) violence as well as the one between gender and the law. The following sections outline the major debates on both nexuses.

2.1.1 Violence is a man's world: The gender-(political) violence nexus

The two decades since 9/11 saw phenomenal growth in the research and study of terrorism (Banks, 2019, p. 181). Defined as a “specific form of political violence carried out by a sub-state groups which plan and execute their politically-motivated violent actions from a semi-legal or illegal milieu against civilians and state institutions” (Schraut & Weinbauer, 2014, p. 7), terrorism's direct targets of violence are not the main targets. Rather, as Juergensmeyer (2003) observes, terrorist organizations select their targets based on the symbolic significance associated with them by the societies they seek to attack (p. 110). Attacks such as the 9/11 aerial assault on American soil, he argues, are conducted not primarily for strategic reasons but are intended to make “a dramatic show so powerful as to change people's perception of the world” (p. 105), thereby potentially kick-starting an actual change in behaviour of the perceived enemy. In line with this, Juergensmeyer conceptualizes terrorist acts as “*performance events*, in that they make a symbolic statement, and *performative acts*, insofar as they try to change things” (idem., emphasis in the original).

While this already highlights the recognition of performativity in current theorizing of terrorism, many scholars have problematized the gender-silence and essentialism thereof. As Banks (2019) laments, “gender has been largely erased from terrorism's past” (p. 181) which is most prominently seen in the fact that “women have been written out of terrorism studies altogether” (p. 182). However, many recent studies point not only to the long-standing engagement but also the various roles of women in terrorist organizations. Von Knop (2007) notes that beyond perpetrating direct violence, women's contribution as ideological supporters of and operational facilitators to Jihadi⁴ causes are essential to the survival of many terrorist organizations, such as Al-Qaeda (pp. 397f.). Similarly, a study by Weinberg and Eubank (2011)

⁴ The emphasis on Islamist terrorism here is motivated merely by the focus of this thesis on a trial against a female IS returnee. I naturally recognize, however, that there are many different types of terrorist organizations beyond Jihadi groups.

not only finds “few meaningful gender-differences” (p. 40) in terrorist involvement but also debunks the widely held belief that women’s engagement in terrorism is a recent phenomenon (pp. 39f.). Other studies on contemporary and particularly Islam-inspired terrorism confirm the diversity of roles in and long-established participation of women in terrorism and also take note of the rising number of especially Western females following the call of Jihadist organizations (Banks, 2019, p. 186; Bhattacharya, 2019, pp. 1077f.).

Yet, despite overwhelming evidence to the contrary, gender stereotypes surrounding political violence persist. As a comprehensive study by some of the fields most prominent scholars, Gentry and Sjoberg (2015), reveals current scholarly, policy and public discussions around female engagement in political violence are characterized by gender tropes that alienate violent women not only from ‘normal’ womanhood but also political agency. Specifically, they identify three narratives that are used to explain (away) women’s violence. Firstly, the mother narrative, which attributes women’s violence either to their maternal instincts or their rage caused by the loss and/or failure of their motherhood (p. 75). Secondly, the monster narrative ascribes violent women “pathological deviance from prescribed feminine norms [which] is identified as the primary cause of their violence” (Berrington & Honkatukia, as quoted in p. 93). Lastly, the whore narrative “characterizes women’s extra-legal violence [...] as sexually deviant” (p. 113) and driven by erotomania and erotic dysfunction due to their inability to please men or resulting from sexual slavery (pp. 113ff.). By thus systematically divorcing women’s violent choices from political motives, these narratives maintain the idea that technically women are no terrorists to begin with (p. 87).

Sustaining the idea that terrorism is, hence, a fully male-dominated arena not only ignores the outlined engagement of women in political violence but arguably also continues to undermine our understanding of the greater phenomenon of (political) violence. In fact, much of the work presented above builds on the argument that it is our masculinized understanding of violence that requires examination rather than the assumed peculiarities of female engagement therein (idem., pp. 138f.; Banks, 2019, p. 181; Bhattacharya, 2019, p. 1079). In other words, to start to understand *female* violence – political and otherwise – *as violence*, we need to comprehend why their violence continues to be *perceived differently*. If we accept that terrorism is performative, i.e. that it induces an actual change in that it changes perceptions, then the way we talk about (women’s involvement in) it does have real-world consequences. One context where such a difference in thinking about violence is particularly consequential is in the courtroom. Courtrooms are (Western) societies’ ultimate theatre within which (an act of) violence is interrogated and ultimately punished – ostensibly in an impartial and non-

discriminatory way. But are (Western) legal systems really gender-neutral? This question brings us to the consideration of the gender-law nexus.

2.1.2 *Ius est ars boni et aequi*: The gender-law nexus

The title of this sub-section translates to: Law is the art of the just and equitable.⁵ In line with this maxim, the principles of impartiality of and equality before the law constitute cornerstones of both the German domestic and the international legal system. Yet, feminist scholars have identified numerous gender biases in these putatively “neutral system[s] of rules” (Charlesworth et al., 1991, p. 613). Two aspects of this are particularly worth mentioning here.

On the one hand, Charlesworth et al.’s (1991) analysis of international legal texts and practice reveals the structural gender biases in the normative and organizational structure of international law. The international legal order, they argue, “rests on and reproduces various dichotomies between the public and the private sphere” (p. 625), where only the former is regarded as within the purview of international law. Drawing on the Convention against Torture (CAT), they demonstrate that solely acts that are committed in the public sphere, i.e. at the hand of the state, are considered as infringing upon the rights protected under the CAT (pp. 627ff.) This leaves the private sphere, within which women and, more broadly, femininity is thought to reside, essentially uncontrolled (p. 627). By reproducing these dichotomies, international practice thus, perpetually favours the public, typically male-dominated sphere, and not only largely fails to address injuries endured primarily by women but also promotes a “very limited form of equality: equality is defined as being like a man” (p. 632). In sharp contrast to the idea of law as “an autonomous entity, distinct from the society it regulates” (p. 613), Charlesworth et al. ultimately expose that law is a “thoroughly gendered system” (p. 615).

Focusing on the content of legal documents, on the other hand, Charlesworth (2008) and Shepherd (2008) show how these texts explicitly invoke and thereby sustain essentialist and gendered notions about women. Charlesworth’s (2008) review of United Nation (UN) peacekeeping documents, points to the repeated reference to women’s assumed natural affinity to peace (p. 357), the underlying assumption that “women always suffer more in conflict” (p. 358) and the systematic “elision of the term gender with women” (p. 359). Re-enforcing such narrow views of both women’s as well as men’s experiences during and post-conflict not only upholds the stereotyping of women as the vulnerable and/or the victim of war but also naturalizes socially constructed female and male identities (pp. 358f.). As a result, this

⁵ My translation.

“obscures the way in which gender shapes our understanding of the world” (p. 359) and leaves unaddressed the role of power relations underlying and shaping conflicts and peacebuilding (p. 360).

Similarly, but arguably more striking, Shepherd (2008) detects the gender-essentialism in United Nations Security Council Resolution (UNSCR) 1325, which mandates the mainstreaming of a gender perspective in all peace and security efforts. Specifically, she argues that in UNSCR 1325, “[w]omen-in-need-of-protection is the centralized signifier around which other articulations of femininity are articulated” (pp. 119f.). Women are described strictly as civilians and, thus, in armed conflict “violence is still something that happens to women” (p. 122). Similarly, by postulating the particular need to protect women and girls from gender-based violence, gender violence is fixed solely with reference to female bodies, which not only conflates women and gender but also seemingly relegates other forms of both structural and direct violence threatening both men and women in conflict (pp. 123f.). As such, rather than transforming the UN approach to gender in (international) security, UNSCR 1325 reflects and perpetuates essentialist notions about gender.

Gender biases are, hence, clearly not restricted to discourses around (political) violence but stereotypical notions about both women and violence find their way into legal texts. Capturing the performative, and indeed gender performative (seeing the important role of gender traced so far) nature of discourses around political violence, however, requires us to go beyond the tracing of gender stereotypes and to look at how these notions are drawn on and thereby produce material effects. Doing so necessitates a thorough understanding of gender performativity as such. Therefore, the next section introduces gender performativity theory in more detail. This leads to a discussion of how this thesis contributes to our existing empirical and theoretical knowledge on gender performativity and/in political violence.

2.2 Gender performativity

This section lays out the basic tenets of gender performativity theory, which functions as the analytical framework for the present investigative endeavour. Specifically, the conceptualization of (i) gender, (ii) constraints and (iii) performances will be elaborated on as cardinal aspects to the complex concept of gender performativity. Furthermore, the spatiality of gender performances and Butler’s notion of resistance will be worked out as essential aspects in informing this research. The chapter closes by outlining how the present study contributes to our overall knowledge of the debates traced out here.

2.2.1 Gender, constraints and performances

Initially formulated by Butler in *Gender Trouble* (1990/2002), gender performativity theory constitutes one of the most enduringly influential contributions to feminist scholarship (Jenkins & Finneman, 2018, p. 157; Morison & Macleod, 2013, p. 566) and most of Butler's work has since centred around elaborating on different aspects of the complex concept (Butler, 2002, p. xiv).

At the heart of the theory lies the constructivist assertion that gendered traits and behaviours are not expressive of a natural essence of gender identity but that such an identity is performative, i.e. it is itself the 'product' of performances that posit the subject as sexed and gendered (Butler, 2002, p. 173). Performative in nature, gender is thus "not a noun, [...]nor]is it a set of free-floating attributes" (p. 33) but "a verb, a doing" (Jackson, 2004, p. 680) that emerges out of a "repeated stylization of the body, a set of repeated acts within a highly regulatory frame that congeal over time to produce the appearance of substance, of a natural sort of being" (Butler, 2002, pp. 43f.). As clarified by Morison and Macleod (2013), performativity is hence a "constitutive process in which the performance itself constitutes that subject" (p. 569). Congealing over time, "performative "acts" must be *repeated* to be efficacious" (Butler, 2011, p. 70, emphasis in the original). This process, Butler argues, already starts at birth, when an infant is shifted "from an "it" to a "she" or "he"" (p. xvii). Through the repeated "where is my little girl/boy?" and other discursive gender performances, the infant over time 'realizes' its own gendered identity. As such, a seemingly natural gender identity is 'attained' only through a "ritualized production, a ritual reiterated under and through constraint" (p. 60).

This assertion indicates the significance of constraints within the framework of gender performativity. Broadly speaking, a constraint "impels and sustains performativity" (idem.). While this seems rather vague upon first sight, it points to two distinct mechanisms underlying performativity. On the one hand, gender performances are compelled by social norms, "under and through the force of prohibition and taboo, with the threat of ostracism and even death controlling and compelling the shape of production" (idem.). As such, performing gender is "not an act by a voluntarist subject who simply chooses which sex or gender to be" (Allen, 1998, p. 463) but a strategy of survival, which "'humanizes' individuals within contemporary society" (Butler, 1988, p. 522). Non-compliance and non-conformity in turn, is not only discouraged but carries clearly punitive consequences (Butler, 2002, p. 178). These can include social humiliation, like mocking, but also physical acts of violence (Eves, 2010, p. 10).

On the other hand, gender is sustained by a framework of cultural intelligibility, i.e. a historically and culturally contingent set of norms, delineating what will or will not be considered 'real' (Butler, 2011, p. xxiii). In *Bodies that Matter* (1993/2011), Butler reformulated her understanding of performativity as a not merely repetitious but citational practice (pp. xviii ff.). Specifically, she argues that solely acts that cite, i.e. draw on, historically established and culturally coded ideas of what is feminine, or masculine can ultimately produce sexed and gendered subjects (pp. xxi & 70). That is to say, gender performing individuals do not live in a vacuum, but historical and cultural norms shape their performances. While wearing a skirt, for instance, might be coded as feminine in contemporary Western societies, wearing long gowns might very well be coded masculine in other cultural circumstances.

Underlying these both impelling and sustaining constraints on gender performances is a heteronormative system. This normative framework, which Butler (1988) calls a system of "compulsory heterosexuality" (p. 524), is grounded in the idea that there are "two (and only two) opposite and complementary sexes/gender" (Morison & Macleod, 2013, p. 566). In line with this normative structure, abiding gendered individuals seek to approximate the ideals of femininity and masculinity and thus, "although there are individual bodies that enact these significations [...] this "action" is a public action" (Butler, 2002, p. 178). Again, there is nothing particularly feminine about a skirt in and of itself. Rather it is the association of skirts with femininity in contemporary Western society that makes it a 'valid' expression/performance of female identity. In this sense, gender performances are not only structured and constraint by the heteronormative system but also fundamentally interactional.

Finally, Butler perceives performances as both discursive and corporeal. Whereas gender performativity theory has often been read primarily as a theory on the discursive constitution of subjects (Morison & Macleod, 2013), her earlier work in particular conveys a more comprehensive understanding of the acts through which gender emerges. In the preface to the 10th-anniversary edition of *Gender Trouble*, she addresses this conundrum by stating that "speech itself is a bodily act [...]. Thus speech belongs exclusively neither to corporeal presentations nor to language" (Butler, 2002, p. xxv). Fortunately, others, who have applied Butler's notoriously abstract theory, are more straightforward in their conceptualization of bodily performances as including conduct, behaviours and gestures as well as aesthetics and appearance (Fuist, 2013, pp. 429f.). Whereas this leaves us with a good understanding of the cardinal concepts upon which the theory is built, the following sub-section works out two further aspects, which often figure less prominently in discussions of gender performativity theory: namely, spatiality and resistance.

2.2.2 Spatiality and resistance

Despite its complexity, gender performativity theory has been applied by scholars from various disciplines and to a multitude of different contexts. Two applications are particularly worth mentioning here as they highlight different aspects of the performative nature of gender that were important in informing the research for this thesis. Investigating the physical dimension of gender performativity, Tyler and Cohen (2011) found that female university employees actively adapted their conduct when in their workplace. As such, the organizational space of the university was perceived as imposing an ‘extra layer’ of norms specific to the spatial context, which further restricted what would be deemed appropriate (p. 192). By pointing to the impact of a given space on gender performativity, this offers valuable insight to the present study as the courtroom can be considered a highly regulated space, thereby presumably shaping how gender is performed to a considerable degree.

Equally important to this research endeavour, Morison and Macleod (2013) elaborated on Butler’s notion of resistance towards heteronormative discourses as having to be “articulated from within existing discourse [...] [and thereby potentially] inadvertently reinforc[ing] the heterosexual matrix” (p. 569). Asking their interviewees to reflect on personal decision-making processes about parenthood, they found that people, who held more deviant stances, like sharing parenting tasks equally between partners, justified their stance with reference to other stereotypical notions about womanhood, such as the mother as central parenting figure, e.g. by emphasizing her role model function (p. 574). Thus, traditional gender norms can be ‘troubled’ by “slowly bending citations” (van Lenning as quoted in p. 567) of heteronormative ideas. This points to the “entrenchment of norms [...] [as well as] their instability and permeability” (p. 567) and alerts researchers to the vast ‘grey area’ between a reproduction and no-reproduction of thereof.

2.3 Research gap and sub-questions

The application of gender performativity to the adjudication of terrorism charges expands on this present state of knowledge in several ways. Empirically, the present study moves beyond simply tracing gendered notions of (political) violence in discourses and legal texts. It investigates how the way in which actors make recourse to such ideas produce real-world consequences. In this case, the determination of a prison sentence. Taking stock of the performative, and indeed gender performative, nature of discourses around terrorism, it thus investigates how such discourses engender material effects. Theoretically, the application of the framework to the courtroom is not only novel but uniquely reflective of the assumptions

that the theory was originally based on. In fact, beyond Foucault's (1975) *Discipline and Punish*, which Butler heavily relies on, her initial formulation of performativity was explicitly inspired by "Derrida's reading of Kafka's "Before the Law"" (2002, p. xiv), making the courtroom a highly suitable theatre within which to investigate how gender is performed. Moreover, in focusing on both the discursive and physical gender performances, the thesis does justice to Butler's comprehensive understanding thereof and, in contrast to Tyler and Cohen (2011), does so by directly observing behaviour within a particular space rather than relying on accounts of interviewees or focus group participants (pp. 182f.). Against this backdrop, the following sub-questions were devised to answer this thesis' guiding research question:

Gender norms

1. *What are contemporary dominant ideas about female political violence in the West?*
2. *How are these ideas informed by and grounded in Western ideas about femininity in contexts of violent conflict?*
3. *What are the historical underpinnings of the above?*

Constitutive practices

4. *How are dominant contemporary norms about female political violence cited/reiterated by the actors in the courtroom?*
5. *How is gender embodied and enacted by the actors in the courtroom?*

Constraints

6. *How are demands, social sanctions, prohibitions and taboos, with the threat of ostracism formulated towards the defendant?*

3 Methodology

This chapter lays out the exact research strategy, design and methods applied in the present study. Ontologically, this research takes a post-structuralist and, thus, holistic stance in line with the analytical frame. Gender performativity theory posits gender as compelled by institutional heterosexuality (Butler, 2011, p. xxi). It is, thus, the assumed naturalness of binary genders that structures gender performances. Yet, this heteronormative system is not ontologically prior to but contingent on the active performance of ‘femininity’ and ‘masculinity’ (idem., p. 71). As Butler (2011) herself states, a gender performance is “a ritualized production, [...] reiterated under and through constraint, [...] controlling and compelling the shape of the production, but not, [...] determining it fully in advance” (p. 60). Within this post-structural understanding of the social world, structures and agents are, hence, mutually constitutive, i.e. they “stand in dialectical relationship to one another” (Demmers, 2017, p. 127).

Epistemologically, the present study takes an interpretivist stance. Assuming that “action derives meaning from shared ideas of social life” (idem., p. 17), the social world can only be *understood* (rather than explained) from within, i.e. by inserting the researcher into the situations in which (inter)action takes place (Mason, 2018, p. 8). In conjunction with the ontological stance, this advises a qualitative research strategy, “directed at providing an in-depth and interpreted understanding of the social world” (Richtie & Lewis, 2003, p. 3).

In light of this highly interpretative strategy, a note on positionality should be made. I am a female-identifying person of German nationality and lived mainly in Germany so far. While I consider my familiarity with German notions around femininity an asset in looking at the discourse in the courtroom it is important to note that analysis presented in chapter 5 is based on my observation of the statements and events in the publicly held trial. The claims made throughout this thesis, thus, do not speak for the experience of any other actor in the courtroom and should be read as my informed interpretation. With that said, the following section lays out the exact research design employed in the course of this research.

3.1 Research design

In the investigation of gender performances in the courtroom, this thesis employed a three-dimensional approach centred around (i) identifying prevailing gender norms surrounding female political violence, (ii) observing how gender is performed by the different actors in the courtroom and (iii) contextualizing the findings with regard to similar trials.

In the first step, aimed at answering sub-questions one to three, secondary sources from the fields of gender, terrorism and conflict studies were selected and analysed to elucidate dominant ideas about femininity in (political) violence. Following a saturation point sampling strategy, the selection process was completed upon repeatedly detecting already identified patterns (Mason, 2018, p. 70). Overall, this strategy yielded 14 academic articles and four books for analysis. Sources addressing gender and violent conflict were included as most scholars concerned with the arguably narrower nexus between gender and terrorism heavily draw on insights from the broader field of conflict studies.

To study gender performances in the adjudication of terrorism-related charges, the lawsuit against Carla-Josephine S. was chosen for observation. Besides the practical restrictions in terms of resources, there are theoretical and empirical reasons underlying the choice of not only a single but also this trial specifically. Theoretically, this research is based on an understanding of gender as congealing through repeated performances over time (Butler, 2002, pp. 43f.), suggesting a continuous rather than punctual analysis. In relation to the empirical footing underlying this research, it is inspired by Enloe's (1994/2014) now-iconic proclamation that "The International Is Personal; The Personal Is International" (p. 195/p. 343). In line with this, the in-depth analysis of an individual case aims to contribute more nuance to our understanding of how gender might affect the way in which political violence is understood more broadly.

Based on this understanding of gender and the interconnections between individual lives and global phenomena, the current study employed an evocative sampling strategy and a thick description approach. According to the latter, it is based on a "detailed observation [which aims] to develop contextual interpretations, analyses and explanations of what is going on" (Mason, 2018, p. 13) in the courtroom. In line with the former, the case was selected due to its particular potency to offer insight into the phenomenon in question (*idem.*, p. 61).

Specifically, the case of Carla-Josephine S. was chosen due to the vast media attention it had generated in Germany and the charges that were brought against her. Regarding the media coverage, the case stood out as Carla-Josephine S. was the first German IS member that was repatriated by the German government (dpa, 2019). This step by the authorities was likely induced by the strong media presence of her (ex-)husband and her mother, who both remained in Germany, during her detention in Syria (see among others: Spiegel Panorama, 2019; ZDF, 2019). As expected, the court proceedings against her were widely discussed by major German newspapers and broadcasting stations (see among others: Ramelsberger, 2020; Stern, 2020). In

light of the broad reception of the case, it can be expected that the trial will influence public opinion about the issue of trying IS-FFTFs in Germany beyond the courtroom itself.

In terms of the charges that were brought against Carla-Josephine S.,⁶ the proceedings were of particular interest. She was not only portrayed as a woman, who was accused of having been a member of an all-female fighting brigade of IS but also as a mother that deliberately took her three small children into a war (OLG Düsseldorf, 2020a). This highly complicated a ‘female-terrorist-housekeeper’ defence, which is prominent in discourses around female political violence (Weinberg & Eubank, 2011, p. 30). It also opened up another alley to investigate a potential reproduction of gender stereotypes around her role as a mother. In fact, the alleged enlisting of her son into a group participating in a non-international conflict and her alleged parental abduction of three minors, resulting in the death of her son, were the charges carrying the highest sentence of up to 15 years each (OLG Düsseldorf, 2020a). This moved her role not only as a woman but a mother to the centre of the adjudication process, making it all the more instructive in the examination of an ostensible reproduction of gender stereotypes.

Finally, in an attempt to contextualize the findings from this specific trial, semi-structured expert interviews with Annette Ramelsberger and Sigrid Herrmann-Marschall were conducted. Annette Ramelsberger is a renowned journalist for the *Süddeutsche Zeitung*, a major German news outlet. She has been covering trials against extremists from different groups for years and has closely followed lawsuits against other German FFTFs. Sigrid Herrmann-Marschall is an Islamist extremism expert and regular observer of trials against both male and female IS returnees. They were, thus, chosen for the interviews to identify whether the patterns that have been observed in this trial are (at least to a degree) detectable in similar lawsuits.

3.2 Research methods

In line with the three-fold design outlined above, this research employed three distinct methods. Regarding the academic sources drawn on to identify prevailing gender norms around female political violence, a document analysis of the sampled scholarly texts was conducted. Document analyses “study [...] existing documents, either to understand their substantive content or illuminate deeper meaning” (Richtie & Lewis, 2003, p. 35). As such, the selected

⁶ Carla-Josephine S. was indicted for the following crimes: Membership in a terrorist organization abroad in violation of §129a & §129b of the German Penal Code. Possession of a hand grenade in violation of §22a of the German War Weapons Control Act. Joint battery in violation of §§223 & 25 subparagraph 2 of the German Penal Code. Enlisting a child under the age of fifteen into a group participating in a non-international conflict in violation §8 of the German Code of Crimes Against International Law. A violation of her duty of care in violation of §171 of the German Penal Code. A grave case of parental child abduction of three minors resulting in death on one count in violation of §235 of the German Penal Code. (OLG Düsseldorf, 2020a).

secondary sources were analysed and coded in NVivo 12. The codes were developed along the lines of the sub-question one to three as laid out above (see appendix 4). In observational research, “events, actions [...] and so on [...] [are] ‘seen’ through the eyes of the researcher” (idem.), requiring researchers to have “open but not empty minds” (idem., p. 49). In that sense, the documentary analysis not only provided answers to the first set of sub-questions but also ‘filled’ my mind and guided the observation of gender performances in the courtroom.

Secondly, all hearings in the trial against Carla-Josephine S. were observed. As a method in qualitative research, observations “record and analyse behaviour and interactions as they occur” (idem.), which makes them particularly apt in investigating consequential events (idem.), such as the determination of a criminal sentence. Six hearings in the case took place between 6th of March and 29th of April 2020. The length of the individual sessions varied from two and a half to close to seven hours, excluding breaks. Data on the gender performances was gathered mainly in the form of hand-written note taking. Both discursive and physical gender performances by the different actors actively partaking in the courtroom proceedings were recorded. The records from the hearings themselves were further supplemented with fieldnotes prior and after individual sessions as well as personal reflections in the days following a hearing in order to take note of the specific themes and issues that were most memorable about individual sessions. The collected information was transcribed, amounting to 42 pages of observational notes and nine pages of personal reflective notes, and coded in NVivo12.⁷ The codes for the analysis were derived from the sub-questions four to six as formulated above.

Thirdly, for the contextualization of the findings as described above, two semi-structured interviews were conducted. Interviews are a particularly suitable method in this context as they offer an opportunity for clarification in seeking to understand complex and delicate phenomena, such as gender performances (idem., pp. 36f.). Several questions were devised prior on the basis of the observational data analysis. The interviews took around half an hour each, were recorded, transcribed and analysed in NVivo 12 with the main goal to compare and contrast whether the gender performance patterns identified are observable beyond Carla-Josephine S.. In conjunction with the observations and the documentary analysis, the interviews hence served to triangulate the gathered data (idem., p. 41).

⁷ While the following analysis will only present excerpts from the notes on the trial, access to the data can be gained upon request. Seeing as the hearings were held in German, the excerpts included in this thesis are my translation of the notes. The original notes in German will be included in footnotes so as to not interrupt the reading flow. If requested, the data will be made available in German only. Moreover, whereas excerpts presented in the following were fully anonymized, acronyms or other descriptors were used in the transcripts. Therefore, gaining access to the data does not authorize the distribution or other usage thereof without my explicit permission.

3.3 Limitations

Before we dive into the presentation of the findings, several theory and method-related limitations of the present study should be addressed. In terms of the theoretically related limitations, the non-normative and non-legal character of this analysis should be pointed out. This research is centred around a process of determining the defendant's culpability for the alleged crimes. It does not make any judgement as to her culpability nor the veracity of the allegations in question. What is at stake in this investigation is the way(s) in which the defendant's (assumed) gender impacts how her acts are perceived. Focusing on the discourse in the courtroom, it, hence, does not seek to address the legal assessment of the charges. In line with Åhäll's (2012a) operationalization of Butler, this thesis hence is not about analysing legal validity, "political subjectivity [or agency] as such, but the *subject position of 'female'* in discourses of political violence" (p. 107, emphasis added).

Methodologically, the sampling strategy for the document analysis as well as the focus on a single case restrict the contribution of the present work. In terms of the former, sampling academic rather than media documents to identify prevailing gender stereotypes surrounding female (political) violence, arguably gives the analysis presented below the resemblance of (a continuation of) a literature review. In certain ways, this is even accurate as some of the sources cited above were included in the sample for the document analysis. Yet, while these works were drawn on in the preceding chapter to sketch out the broader debates within which this research is placed, the following seeks to elucidate the more concrete insight they offer on the specific gender stereotypical notions around terrorism and violent conflict. Academic sources were, thus, chosen to stand on the shoulders of giants – as it is sometimes said – to gain a comprehensive understanding of discourses around (non-)violent women.

Similarly, and despite the justifications offered above, the focus on one single case limits this thesis' contribution. Focusing on a single trial against a single woman, this discussion of gender remains within and, by extension, implicitly upholds the – linguistic and otherwise – binary female/male distinction. Challenging the very concepts of femininity and/or women, however, is beyond the scope of this thesis. Therefore, in the following elaboration the term 'women' is primarily meant to denote a stereotypically delineated societal category. Again, this study seeks to make no statement as to how or who people *are* but as who and how they are *perceived*.

Additionally, contextualizing the findings by conducting semi-structured interviews offered only limited new insight. This is mainly due to my attempt to maintain objectivity in these interviews. Seeking to avoid a bias in the answers of the interviewees, they were given

only limited information about the specific research focus of and conceptualizations underlying my research. Similarly, in formulating the questions, gender performances were asked about in more general rather than concrete terms to avoid confirmation biases. This approach arguably led the interviewees to explain the different cases based on their expertise, i.e. as a journalist and an Islamist extremism expert, rather than the way in which different defendants were perceived and the role of gender (performances) therein. Upon experiencing problems in this regard in the first interview, slightly more detailed insight from the present study was shared with the second interviewee, though only limited success.

Most likely, a larger sample of interviews could have remedied this shortcoming. They would have allowed for more diversity of opinions and information, and on a methodological level, for an adaption of the interviewing strategy more tailored to the focus of this study while also maintaining objectivity. Yet, in light of the advanced stage in the overall research process, during which the interviews were conducted, and the fact that they were meant to merely supplement the documentary and observational analyses, no additional interviews were conducted. The limited contextualization of the findings with regard to other German trials against IS returnees as presented in section 5.4, thus, ought to be read in this light.

These limitations, whereas important to keep in mind, should not take away from the contribution this study hopes to make to the theoretical and empirical debates it is situated in. Presenting these insights constitutes the main goal of the subsequent chapters.

4 Boys will be boys, girls will be...? Gender norms surrounding political violence

Any examination of an ostensible reproduction of gender stereotypes, i.e. the Butlerian norms, surrounding female political violence requires a thorough understanding of the prevailing ideas thereof. Working towards this end, this chapter examines the dominant notions around femininity and (political) violence with reference to gender performativity, chronicles their historical underpinnings, and thus opens the stage for the investigation of gender performances in the lawsuit against Carla-Josephine S..

4.1 Contemporary Western ideas about femininity and political violence

Answering the first sub-question, which guided this study, the following section addresses relevant dominant ideas about femininity in political violence. At the centre of the discussion will be the roles and modes of behaviour of women in contexts of political violence as well as their motivations (or the lack thereof) to engage therein.

A consideration of the rise of the term ‘Jihadi brides’, which has become the default descriptor of female IS members (Sjoberg, 2018, pp. 298f.) indicates that the roles women are thought of as having in terrorist organizations do not significantly diverge from the roles “they are asked to play in society more generally” (Sjoberg et al., 2011, p. 5). Women are, thus, often seen primarily as wives and more importantly (to-be) mothers of terrorists (Gentry, 2009, p. 244). As the guardian of the home, they are seen as removed from the scene of direct violence and preserve the group structure in a decidedly maternal manner, offering ideological and emotional support to their sons, husbands and other members of their ‘terrorist family’ (idem., p. 241; Sjoberg et al., 2011, p. 5). This extends to their perceived operational roles which are similarly understood to evolve mainly around providing logistical support, e.g. in handling “administrative tasks as keeping the books, laundering money, opening bank accounts and distributing messages” (Sjoberg et al., 2011, p. 5). Overall, the roles that women are thought to have are centred around ideas of motherhood, markedly characterized by their impulses to care for, nurture and support life rather than taking it (Krulisova, 2020, p. 21).

Similarly, ideas about culturally viable modes of behaviour are aligned with what is thought of as typically motherly conduct. Generally grounded in an assumption of a ‘maternal self-sacrifice code’, women are perceived of as acting instinctively, rather than rationally, self-less rather than self-realizing and responding to others’ needs, i.e. reactive, rather than being proactive and individualist (Gentry, 2009, pp. 236ff.). It is this sacrifice for others which is considered as the only rationale that can explain a woman’s violence: she is violent only to

protect her (real or perceived) terrorist family (Krulisova, 2020, pp. 25f.). In their loyalty to others and fundamental naivety about the horrors of conflict (idem., p. 30), women might, thus, get caught in extra-legal violence but whether or not they do is generally seen as out of their direct control (Gentry & Sjoberg, 2015, pp. 12 & 142).

Most importantly, in the discussion of female political violence, however, are the motivations underlying women's turn towards such violence. The general assumption in face of a woman's willingness to kill (herself) is that there must be both specific and grave conditions lying beneath it (Herschinger, 2014, p. 53). Two main explanations are drawn on in this context. One the one hand, with regard to the large female fellowship of IS, in particular, women are presented as having been lured into joining the caliphate (Sjoberg, 2018, p. 299). Emphasizing their young age and presumed gullibility, many of these female IS members are depicted as having been wooed and manipulated into joining and lacked the ability to leave after their arrival (idem., pp. 300f.). It is primarily their "relational need to belong and the participation of family and friends" (Gentry, 2009, p. 240) that is seen as driving women into the arms of terrorists. They are, hence, overwhelmingly perceived as following and controlled by powerful (usually male) counterparts, themselves lacking agency (Herschinger, 2014, p. 54).

If women are accorded a choice in engaging in political violence, on the other hand, the reasons for them doing so are thought of as decidedly personal instead of political. By and large, female terrorists are characterized as having "a large amount of personal baggage" (Israeli Ministry of Foreign Affairs as quoted in Sjoberg et al., 2011, p. 1). It is, thus, often a personal trauma that is suspected of motivating female terrorist engagement (Gentry & Sjoberg, 2015, pp. 81f.). These traumatic experiences are depicted as highly gender-specific. Typically, these involve the destruction of the women's "dreams for marriage and children" (Gentry, 2009, p. 235), e.g. due to maternal losses (Krulisova, 2020, p. 21), gendered humiliation (Gentry, 2009, p. 240) or disappointment in and frustration with love (Gentry & Sjoberg, 2015, p. 75). Importantly, such 'damages' to their person can be so severe that women are driven insane and come to be regarded as monstrous (idem., p. 12). As such, female political violence is generally explained with reference to personal and emotional rather than political motives and ultimately attributed to a perversion of the private realm.

About the performative nature of gender, two lessons can be drawn from the above. On the one hand, gender norms not only denote what women *are* but also *what* they do, *how* they do it and *why* they do it. The rulebook of gender performances is, hence, not only very detailed but also utterly comprehensive. On the other hand, the degradation to a monster illustrates a materialization of a threat of ostracism for non-conformity with prevailing gender norms

(Butler, 2011, p. 60). Reversing the humanizing aspect of gender performances, women's violence is, thus, not only seen as a denial of their femininity but as a loss of their humanity altogether (Gentry & Sjoberg, 2015, p. 12). This echoes perceptions of terrorism in Western societies more broadly, as their violence is characterized as monstrous and epitomizing the inappropriate use of violence by states in the Global North. Yet, just as ideas of what constitutes (in)appropriate uses of violence are culturally shaped, so are the ideas about femininity in such contexts (Butler, 2011, p. 70). Both are then articulated with reference to what is considered appropriate (femininity in) violence (idem., p. xi). Aiming to deepen our understanding of dominant ideas surrounding terrorism, the next section, therefore, situates them in discourses on violent conflict, i.e. state-sanctioned violence.

4.2 Contemporary Western ideas about femininity in contexts of violent conflict

In the era of the global 'war on terror', terrorism, i.e. political violence, has been posited as one of the greatest threats to modern nation-states. Both the geographical and identarian boundaries of these states are produced through and by war. As Jabri (1996) puts it "war and society and mutually constitutive and institutional continuities defining society come from a central aspect of our understanding of violent conflict" (p. 30). Discourse on war, thus, narrates not only the nation but also the (gendered) identities of its people. Against this backdrop, a comprehensive analysis of gender stereotypical understandings of female political violence necessitates an investigation of the gendered notions surrounding violent conflict more generally. This section, thus, situates the findings presented above within broader discourses on war, thereby addressing the second sub-question.

Just as the description of IS women as 'Jihadi brides' is instructive in uncovering dominant ideas about them in the context of political violence, so is the generic 'women and children' with regard to war (Sjoberg, 2013, p. 141). Specifically, it points to both concrete and more abstract notions about femininity in contexts of violent conflict.

On the concrete level, this associates women with dependency, passivity, weakness and vulnerability in the face of violence. Within this construction, women are, hence, never agents of war but rather they get caught up in and are ultimately innocent of it (Sjoberg, 2018, pp. 301ff.). This then positions women as "the metaphor for [the] vulnerable/victim in war" (Charlesworth, 2008, p. 358) and postulates them as having more to gain from peace, making them more interested in it (idem., pp. 351 & 358). Female dependency is then juxtaposed with "masculine characteristics such as [...] agency, autonomy, strength" (Hall, 2020, p. 80) in the protector/protected dichotomy around which war is narrated. These notions clearly echo ideas

about female political violence, which position violent women as victimized by, lured into and essentially passive, i.e. lacking agency, in terrorism.

Additionally, ‘women and children’ ties female identity to maternity, invoking a seemingly “natural, self-evident link between women (as mothers) and children” (idem.). While the specific motherly qualities of women have already been alluded to above, in the context of war – as a form of violence officially sanctioned by the state – women’s ability for procreation allows them indirect agency and even heroism in producing the soldiers/children for the nation (Åhäll, 2012b, pp. 290f.). In contexts of war women’s (as mothers) behaviour is thus seen as characterized by either active or passive maternalism. Within the former, their longing to ‘keep’ their children drives women to lobby for peace (Åhäll, 2012a, p. 108), while the latter places them within the confines of the maternal sacrificial code, offering their sons as warriors while themselves not actively partaking in war (idem.). Again, conceiving of women, their nature and modes of behaviour primarily in terms of their (real or potential) motherhood is a theme clearly shared by discourses on political violence and violent conflict.

On the more abstract level, women as a collective become the epitome of the vulnerable nation itself. As bearer of (potential) fighters they are seen primarily as mothers of the nation - physically and discursively removed, as it were, from the public war-making (Bielby, 2012, p. 7). Thought of in collective terms, which render the individual woman invisible (Sjoberg, 2020, p. 96), the women and children ultimately come to symbolize the vulnerable nation that “justifies and selects for the state as a masculine (apparent) protector” (Sjoberg, 2013, p. 141). As such, “gender tropes as key to the identity of state and/or nation create a narrative of that which states defend – femininity, purity, their capacities as masculine protectors; and that which states must be to defend – masculine, tough, protecting, militaristic and nationalistic” (idem., p. 145). This resounds the public/private divide outlined above, where femininity as residing in the latter is thought of encapsulating the collective other of violence.

While the above already indicates the firm grounding of gender-stereotypes around female political violence in general ideas about women in contexts of violent conflict, it also offers distinct insight into the heteronormative assumptions underlying these dominant notions. This institutionalized system of heteronormativity “requires and regulates gender as a binary relation in which the masculine term is differentiated from a feminine term” (Butler, 2002, p. 30) and, hence, women in violent conflict, and by extension political violence, are constructed in juxtaposition to what men are thought of. As Butler reminds us, however, this framework and the dominant ideas, i.e. gender norms, specified within it, is not static but historically

contingent (p. 178). The final section of this chapter, thus, addresses the historical underpinnings of the gender norms traced so far.

4.3 Historical ideas about femininity in contexts of political violence and violent conflict

Maybe rather unsurprisingly given the nuance and comprehensiveness of gender stereotypes surrounding the political violence and violent conflict, these notions “did not come from nowhere [...] [but] are deeply entrenched in early literature about how and why women participate in terrorism” (Gentry & Sjoberg, 2011, p. 71). In fact, media accounts and academic analyses of terrorism since the nineteenth century are characterized by a link between “male=active=fighting and female=passive=peaceful” (Schraut & Weinbauer, 2014, p. 18). Interestingly, it is exactly this formulation that hints at the fact that contemporary analyses of gender in (political) violence themselves draw on and thus are perpetually informed by a ‘historic’ analysis thereof. Specifically, virtually all of the sources cited above either explicitly or implicitly draw on Elshtain’s (1987) conceptualization of the Just Warrior and the Beautiful Soul (amongst others: Åhäll, 2012b, p. 291; Charlesworth, 2008, p. 357; Gentry & Sjoberg, 2015, p. 2 ; Krulisova, 2020, p. 20). Therefore, in the following these apparently still so influential concepts will be introduced before considering what this teaches us in terms of the Butlerian norms.

As the “total sum of their war stories” (Elshtain, 1987, p. 166), Western societies are structured around a “traditional dichotomy whereby women are seen as life givers, men as life takers” (p. xiii). Against that backdrop, during war, the “noncombatant female [...] becomes history’s Beautiful Soul, a collective being embodying values and virtues at odds with war’s destructiveness, representing home and hearth and the humble verities of everyday life” (idem.). Exterior to war and generally located ‘at home’, women are “required to observe, suffer, cope, mourn, honour, adore, witness, work” (p. 164) in wartime and ultimately collectively signify the innocence of the nation itself (p. 140). The protection of this innocence, then, becomes the *raison d’être* of the Just Warrior. As the “male par excellence” (p. 196), his identity as a life-taker leaves the Just Warrior with the prerogative to both war and, by extension, nation-making (pp. 194f.). War is, thus, structured around and perpetuates the public/private, active/passive, rational/emotional divides, within which the Beautiful Soul mirrors the Just Warrior, i.e. she *is* everything that he *is not*.

This not only poignantly points to the historical origins of heterosexist ideas surrounding violent conflict but also instructively shows how (politically) violent women are described with

reference to the ideal of the Beautiful Soul. As the above elaborations indicate, even violent women are ascribed decidedly maternal and relational qualities. It is only when these are disturbed that women turn to violence, rendering them even monstrous in the most extreme cases. Hence, within discourses around female (political) violence, the idea of the Beautiful Soul, functions as the Butlerian “regulatory ideal” (2011, p. xi) of the feminine. In determining what women are, this ideal “requires the simultaneous production of a domain of abject beings, those, [...] who form the constitutive outside to the domain of the subject” (idem., p. xiii). Thus, if women’s violence seemingly cannot be explained (away) with reference to ‘normal’ female qualities, e.g. passivity, submission or a need to care, their violence is generally attributed to an abjection of their femininity, e.g. gendered humiliation, maternal loss or other perversions of their private life, whereby the historic ideal of the Beautiful Soul can be maintained.

This leaves us with a comprehensive understanding of the prevailing dominant ideas surrounding female political violence. But how are these made recourse to, i.e. how are these cited, in actual interrogations of (acts of) political violence? And, by extension, what consequences can these discourses have for the life of a woman accused of (acts of) terrorism? These next chapter addresses these questions.

5 The Beautiful and the Broken: Gendering terrorism in the courtroom

After having laid out the specific gender norms surrounding female political violence, this chapter shifts the focus towards the courtroom to examine how these notions were drawn on. That is, how gender was performed, in the adjudication of terrorism-related charges in the trial against Carla-Josephine S. (hereafter the defendant). In light of the interactional character of gender performances explained above, the gender performances here are understood primarily in relation to the defendant's gendered identity. With that said, the following will thus look at the way(s) in which gender norms were made recourse to in characterizing the defendant and explaining her (in)actions. Specifically, it will be argued that different actors positioned the defendant at different points on a continuum between the ideal typical Beautiful Soul, as described above, and what I will coin the 'Broken Soul'. As such, in the recounting of her (in)actions, the defendant was depicted as having been and being both a Beautiful and a Broken Soul – albeit to very different extents. Accordingly, the different sub-sections trace depictions of the defendant as a Beautiful Soul and a Broken Soul before addressing the performative nature thereof, i.e. the way in which these speech and corporal acts ultimately produced material effects. These findings are subsequently contextualized with regard to other trials against German IS returnees.

5.1 The Beautiful Soul

Throughout the trial, the defence characterized the defendant as an essentially Beautiful Soul. While they conceded that she had previously been led astray from this identity, as will be addressed in the next section, their argumentation sought to establish her as a (i) good mother, (ii) who was fundamentally unaware of the evils of the civil war in Syria and (iii) lacked agency in and, hence, culpability for, the crimes she was accused of.

Besides the defence attorneys, the defendant herself and her mother emphasized her motherly love and self-sacrificial nature. Her mother described her as “very familial, very close to the children, very loving”⁸, a mother who had always sought to enable her children to live a somewhat normal and sheltered life under IS⁹. Similarly, the defence argued that the defendant's love for her children was of major significance in looking at the allegations brought

⁸ „Sehr familiär, sehr an die Kinder gebunden, sehr liebevoll“. (31/3/2020; mother testimony).

⁹ „[Die Angeklagte] hat ja versucht ihnen das [Leben] zu erleichtern, sie zu beruhigen. [Die Angeklagte] hat sich bemüht eine Struktur in den Tag zu bringen.“ (31/3/2020; mother testimony).

against her.¹⁰ As such, they rejected the allegations that she had handed over her son to IS's religious police for punishment and deliberately attended an execution with her kids as irreconcilable with a mother's care.¹¹

The defendant herself also repeatedly emphasized her deep love for her children and her remorse over the hardship they had to endure.¹² Additionally, her physical gender performances were closely aligned with a Beautiful Soul woman and mother. She was always dressed in a modest and distinctly Western feminine style, spoke with a calm and gentle voice and often lowered her head, avoiding the gaze of the all-male bench.¹³ Furthermore, during her testimony, she was often very emotional and started to cry whenever the topic of her children and her son, in particular, was discussed.¹⁴ Most strikingly, during the screening of two IS propaganda videos promoting their use of child soldiers, she cried intensely and held her head in her hands, so it would disappear behind her long hair as if she was hiding from the horrors she and her kids - but especially her son - had seen, as would be expected of an affectionate mother.¹⁵ This impression of her was underscored by the composed and tranquil behaviour of the defence attorneys.¹⁶ All of the above, hence, clearly falls in line with what an ideal-typical, Beautiful Soul mother does and is: namely, caring, nurturing and emotional.

Her initial decision to take her children into the midst of a civil war to live under the brutal regime of IS, in turn, was explained with her sweeping unawareness of the danger and violence that she would encounter. The defendant herself was most vocal in this context, repeatedly emphasizing her naivety in believing her best friend's accounts of life in Raqqa as peaceful and not posing any danger to her and her children.¹⁷ She also claimed to have been unaware of the terror regime that IS had established, as her husband had prohibited her from

¹⁰ „[Ihre] Liebe zu den Kindern [ist hier] von [besonderer] Bedeutung.“ (22/4/2020, defence pleading).

¹¹ „[Ihren] sechsjährigen Sohn [...] an [die] Hisba [zu übergeben ist] nicht in Einklang mit [der] Liebe [einer] Mutter [zu bringen]. [Auch die] zielgerichtete Führung zu [einer] Hinrichtung [kann deshalb] nicht wahr [sein].“ (22/4/2020, defence pleading).

¹² „[Ich] bereue es zutiefst, dass ich meine Kinder [und] insbesondere meinen Sohn nicht besser schützen konnte.“ (22/4/2020, defendant closing statement).

¹³ „[Defendant] with hair bun, wearing make-up but in a way that looks 'natural,' Blazer, in tone with her outfit overall, a wisp of hair to each side“ (30/3/2020, defendant testimony).

¹⁴ „Die Angeklagte wirkt insgesamt eher gefasst. [Sie zeigt ein] ähnliches Verhalten wie [während der] anderen Verhandlung[stage] auch: sobald die Sprache auf die Kinder kommt, fängt sie [...] an zu weinen, hat sich aber [...] immer relativ schnell wieder gefasst. Sie schluchzt nicht übertrieben laut oder sonderlich krass, wirkt nicht hysterisch. Ihr Blick geht oft nach unten.“ (20/4/2020; personal observation).

¹⁵ „Während der Sichtung der Videos, hat sie wiederholt angefangen heftiger zu weinen, den Kopf abgewandt und den Kopf in die Hände gestützt, sich die Tränen abgewischt.“ (20/4/2020, personal observation); „[Die Angeklagte] stützt Kopf in Hand, versteckt [ihr] Gesicht hinter Haaren“ (20/4/2020, defendant testimony).

¹⁶ „Very composed [defence attorney one], who does not move much but solely types on his computer.“ (20/4/2020, personal reflection).

¹⁷ „Andere haben erzählt [sic] leben dort ganz normal“ (6/3/2020, defendant testimony); „Mir wurde versprochen, dass man das Kriegsgeschehen nicht mitbekommt.“ (idem.); „Mir ist klar, Unwissenheit schützt nicht vor Strafe, aber ich wusste nicht wie gefährlich [es dort] ist.“ (20/4/2020, defendant testimony).

accessing information about the organization, which he disapproved of.¹⁸ Ultimately, her journey to IS was depicted as a spontaneous decision following a conversation with her best friend and in the belief that she could simply leave IS again, if she did not like living there.¹⁹ Her naivety about the horrors of war and the system of IS itself, her defence attorneys argued in their pleading, were of major importance in her determination to take her children with her to Syria, whose protection was always her first priority.²⁰

A third and final theme reminiscent of the idea of the Beautiful Soul emerged in the discussion of her (lack of) choices while being in Syria. Essentially, the defence argued that a host of allegations against the defendant could not be established as her wrongdoing as she was entirely under the dictate of the patriarchy characterizing life under IS.²¹ This was specifically emphasized with regard to the overall three different occasions, in which she allegedly sent her son (at the time between the ages of six and eight) into an IS training camp – an international war crime. Responding to these allegations, both the defence attorneys and the defendant herself contended that it was various men around her, such as the husband of a friend or the uncle of her first IS husband, who decided to send off the son.²² Despite her best efforts to protect her son from being sent to the camp, she as a woman could do nothing to prevent it.²³ Instead, as a loving mother, she had to endure the hardship of being separated from her child.²⁴ This poignantly paints the picture of a Beautiful Soul, who is somehow caught up in violence, fundamentally passive and even victimized by it.

In this depiction of the defendant, she is thus characterized in a highly maternal way. Clearly drawing on, i.e. citing, dominant ideas of what and how women and/as mothers are, she is described as peaceful, nurturing, naïve towards the evils of war and incessantly unable to circumvent the continuation of suffering. Furthermore, she herself is in need of protection as she can only be passive in the infliction of pain on her and her loved ones – a Beautiful Soul.

¹⁸ „Ich durfte mich nicht über den IS informieren“ (6/03/2020; defendant testimony); „[Die] Ideologie des IS habe ich erst in Rakka kennengelernt.“ (idem.).

¹⁹ „[Die Freundin der Angeklagten] macht [den] „Weg frei““ (30/3/2020, defendant testimony); „Ich habe keine Sorgen gehabt, dass ich nicht wieder raus darf.“ (idem.).

²⁰ „Bei aller Ideologisierung [hat sie] die Kinder immer als wichtiger angesehen. Das ist für mich ein Fakt.“ (22/4/2020, defence pleading).

²¹ „[Sie war] dem Diktat des Patriarchats unterlegen.“ (22/4/2020, defence pleading).

²² „[Der Ehemann Freundin der Angeklagten] schickt Sohn zu Trainingseinheit. [Die Angeklagte] muss sich an die Regel des [Ehemanns der Freundin der Angeklagten] halten“ (6/3/2020, defendant testimony); „Beim dritten [Mal] hat [der] Onkel [ihres ersten IS-Ehemanns] einfach beschlossen, [dass ihr Sohn in das Camp muss]. [Sie] konnte nichts tun.“ (defendant testimony, 30/3/2020).

²³ „[Ich glaube ihr,] dass sie alles in dem IS als Frau mögliche getan [hat, um] dies zu verhindern.“ (22/4/2020, defence pleading).

²⁴ „„Allein [schon] von meinem Sohn getrennt zu sein [damit] ging [es] [mir] nicht gut“ (6/3/2020, defendant testimony).

This is contrasted with different accusations made against her. As can be seen instructively in relation to the accusation that she had handed over her son to the religious police to be punished for misbehaviour, i.e. joint battery, different charges are dismissed as, in Butler's terms, unintelligible due to their incompatibility with a Beautiful Soul mother's love and, thus, not possibly true. Yet, while these depictions already contain some explanations for why this arguable Beautiful Soul got radicalized and ultimately decided to join IS, these aspects were justified with reference to her as a Broken Soul, as will be shown in the following section.

5.2 The Broken Soul

Both in their opening statement and in their final pleading, the defence promoted taking a comprehensive stance in looking at the defendant's personal circumstances in assessing the criminal charges brought against her. This section argues that in doing so, both the defence and the prosecution put forth their understanding of the reasons underlying the defendant's decisions by painting her as Broken Soul – albeit to a very distinct extent. To demonstrate the contrast between these depictions, in the following, the defence's argumentation will be laid out before examining the prosecution's conceptualization.

Against the backdrop of the presentation of the defendant in line with the Beautiful Soul described above, the defence drew on her personal trauma and her constitution in relation to others to explain (away) her path towards and alleged behaviour under IS. Regarding her traumatic experiences, two distinct episodes in the defendant's personal life were emphasized in particular. On the one hand, her initial orientation towards radical Islam was ascribed to her lack of familial love and care during her childhood. Traumatized by the divorce of her parents, she grew up lacking fatherly contact and love and in the grips of a mother figure that was described as alcoholic, selfish and narcissistic by her defence attorneys²⁵ and overly dominant by the defendant herself²⁶. In search for stability and clear rules to live by but more importantly companionship she followed her best friend in converting to Islam.²⁷ Coming from a 'broken home', it was in Islam that she saw the way towards the happy family life that she so desperately longed for.²⁸

²⁵ „[Sie wuchs in einer] zerrütteten Ehe [auf]. [Mit einer] selbstsüchtigen, von Alkoholproblemen geplagten, narzisstischen Mutter und [einem] abwesenden Vater.“ (22/4/2020, defence pleading).

²⁶ „[Meine] Mutters dominante Art hat [ihr das] Glück verbaut.“ (6/3/2020, defendant testimony).

²⁷ „[Sie war auf der] Suche nach Orientierung, klarer Einfachheit [und] sehnte sich nach [einem] festen Wegweiser und Sicherheit.“ (22/4/2020, defence pleading).

²⁸ „Damals dachte ich [...] dass der Islam der richtige Weg ist für eine glückliche Familie.“ (30/3/2020, defendant testimony).

The defence further argued that it was the failure of attaining this family life and the eventual destruction of her dream to live in an Islamic country, which fostered her radicalization and ultimately prompted her to go to Syria. The defendant reported having endured marital problems, including domestic abuse, in the hope that she and her husband would one day move to Tunisia to live under Islam²⁹ – which she envisioned to solve their problems and bring her closer to becoming the perfect mother and wife in the sense of her religion.³⁰ It was after the collapse of this dream, the defence argued, that she decided to go to Syria.³¹ As such, not only the defendant's path towards extremism but also her turn to IS are clearly depicted in light of an extreme disturbance of her personal, i.e. private life rather than being motivated by political reasons. In fact, it was her incessant trauma that ultimately drove her to Raqqa.

In a similar vein, descriptions of the defendant's actions in Syria as testified to by her husband, who remained in Germany, were discredited as unrepresentative of her actual behaviour (which was presented along the lines of the Beautiful Soul image addressed above). Her actions were rather cast in the light of her personal feud with her husband due to her disappointment in their love. The defendant herself argued along these lines most prominently. As such, she contended that she had taken the children with her to pressure her husband into coming to Syria as they were a family and belonged together.³² Furthermore, she stated that her rage and disappointment at his refusal to come to Syria to rescue her and the kids induced her to portray instances, such as the punishment of the son by the religious police, his stays in the trainings camps and her and the children's attendance of an execution, not only more dramatically but also in a way suggesting her approval thereof.³³ Presented in this light, none of these actions, hence, seem politically motivated or in support of IS but rather are token in a personal vendetta of a woman against her husband, reflections of emotion rather than reality and emerging out of despair rather than radical ideas.

²⁹ „[Ich hatte] immer vor Augen, [dass] er der Vater meiner Kinder ist und ich [...] mit [ihm nach] nach Tunesien gehen [werde].“ (6/3/2020, defendant testimony).

³⁰ „[Sie] wollte die Position als Frau und Mutter erfüllen. In der Ehe und im Sinne des Islam.“ (22/4/2020, defence pleading).

³¹ „[Die Angeklagte] hat sich [aufgrund einer] Mischung [von] islamistischer Ideologie und schweren Beziehungsproblemen nach Syrien [begeben].“ (22/4/2020, defence pleading); „[Sie war zu dem] Zeitpunkt [in einer] extreme[n] emotional[en] Ausnahmesituation. [Ihr] lang gehegter Plan [und] großer Lebenstraum [nach Tunesien zu ziehen, platze. Das setzte einen] inner[en] psychisch[en] Prozess und [eine] Eigendynamik [in Gang].“ (idem.).

³² „[Ich] wollte ihn unter Druck setzen mit den Kindern, dass er dann auch kommt.“ (6/3/2020; defendant testimony); „Wir sind eine Familie, wir haben zusammengehört.“ (30/3/2020, defendant testimony).

³³ „[Ich habe] es extra schlimm geschildert, um [meinen] Mann zu verletzen“ (6/3/2020, defendant testimony); „[Ich] weiß nicht mehr warum; [die] Ablehnung von [meinem deutschen Ehemann] [hat mich] verletzt und wütend [gemacht].“ (20/4/2020, defendant testimony).

Interestingly, this instrumentalization of the children to pressure her husband into coming to Syria constitutes a shared argument of the otherwise very distinct depiction of the defendant by the defence and the prosecution. While conceding that convincing her husband to come to IS was an integral aspect in the defendant's actions³⁴, the prosecution depicted her not as a traumatized and desperate woman but as a bigoted extremist, who recklessly instrumentalized her children for her own radical beliefs. In her pleading, the prosecutor clearly dismissed the notion of the defendant as a victim of the men around her but instead highlighted her heightened degree of irresponsibility and culpability in willingly risking the lives of her children.³⁵

Seeking to portray the gravity of the alleged crimes, the prosecution, thus, explicitly emphasized the suffering of the defendant's children and her failure as a mother. The discussion of the son's fate is particularly instructive here. On the one hand, the prosecution postulated the heightened culpability of the defendant as a mother of a potential future mujahedin.³⁶ On the other hand, the charge of enlisting her son into a group participating in a non-international conflict was put into stark contrast with the love and care that his mother should have awarded him.³⁷ Such a crime, the prosecution underscored, concerned the entire international community according to the International Criminal Court (ICC).³⁸ The unnaturalness of her behaviour as mother, hence, was reiterated to establish not only her guilt but also the danger she posed to society at large.

In closing her pleading, the prosecutor further stated that the unlikelihood of a swift reunion with her daughters and the already severed ties with her own mother pointed to the high probability of a flight attempt by the defendant, thus, requiring an internment.³⁹ This clearly posited the defendant not as a merely traumatized Broken Soul but rather as a dangerously

³⁴ „[Mit ihrer] Darstellung [der Ausreise als] unversehens [und] spontan [will] [die Angeklagte] [den] Eindruck vermeiden, dass sie bewusst und gezielt zum IS ging, um ihrem Mann zu beweisen, dass er [das] Kalifat gebaut hatte“ (22/4/2020, prosecution pleading).

³⁵ „Dies ist zu kontrastieren mit der Selbst-Darstellung der Angeklagten als naive, wankelmütige und unentschlossene Frau, deren Einstellungen sich häufig ändert[en] und die letzten Endes vollkommen den sie umgeben[de] Männern ausgesetzt [war]. Diesem Opfer-Narrativ zu glauben wäre verfehlt.“ (22/4/2020, prosecution pleading); „Die potenzielle Gefahr für [ihre] Kinder nahm sie billigend in Kauf.“ (idem.).

³⁶ „Frauen und Mütter [führen] nicht nur [den] Haushalt, [betätigen sich als] Spione oder [sind] in der Hisba, sondern haben [auch ihre] Söhne als Kämpfer übergeben. [Und sie haben als] Mütter der Mujaheddin Kämpfer [Verantwortung] zu tragen.“ (22/4/2020, prosecution pleading).

³⁷ „[Die] Eingliederung [eines] Kindes [ist nach der] Aussage des ICC eines der schwersten Verbrechen, dass die ganze [Welt]gemeinschaft betrifft. [Ein Verbrechen, dass sie] an [ihrem] eigenen Sohn [beging], der von ihr Fürsorge und [Schutz] erwarten durfte.“ (22/4/2020, prosecution pleading).

³⁸ Idem.

³⁹ „[Die] Fluchtgefahr [ist] gegeben. [Sie] kann nicht damit rechnen bald mit ihren Töchtern vereint zu werden [und] die emotionale Bindung an ihre Mutter hatte sie auch vorher nicht [davon] abgehalten das Land zu verlassen.“ (22/4/2020; prosecution pleading).

deranged Broken Soul, so far removed from her family and the ideal of the Beautiful Soul, as to become seemingly monstrous, hence, posing a continuous threat to society.

Overall, these distinct depictions of her actions and her as a person point to the fundamental fluidity of how gendered subjects are perceived. Even within the continuum of the Broken Soul, the defendant's (in)actions are interpreted in a vastly distinct and yet thoroughly gendered way. In the narrative postulated by the defence, her radicalization and turn towards IS are described as resulting from punctual and importantly personal trauma, ultimately attributing any violent choices to a lamentable but still somewhat intelligible pervasion of the private sphere. Here, the defendant is thus only slightly removed from the "regulatory ideal" (Butler, 2011, p. xi) of the Beautiful Soul.

Focusing on the suffering inflicted on the children, in contrast, the prosecutor presented the defendant as having failed in her motherhood and ultimately lost her maternal – and arguably female – qualities, clearly positing her outside 'acceptable' female behaviour. The prosecution's justification of the demanded seven-year sentence, which – if passed – would amount to one of the longest sentences a female IS returnee has received by a German court to date, hence, relies on depicting the defendant as having adjected her 'natural' Beautiful Soul identity. Characterizing her as having disavowed this identity, she is a "threatening spectre" (p. xiii) to society, which must be jailed.

Read in conjunction with the characterizations of the defendant presented in the last section, the trial, thus, became a negotiation of these two gendered identities. In looking at how this negotiation congealed over time, the following section shifts the focus towards the "productive capacity of discourse" (p. 70), i.e. the way in which gender performances produced material effects.

5.3 "The worst mistake of my life": Negotiating re-integration and redemption through gender

While the last section already encapsulates the main arguments presented by the prosecution and the defence, the ways in which her gendered identity was negotiated with reference to the past ultimately materialized in a future-directed outcome, i.e. a verdict. This section, thus, looks at the dynamic underlying the gender performances that pertained to the future of the defendant as well as the future that the verdict ultimately offered her.

As can be seen from the elaborations above, the defence's strategy was based on a characterization of the defendant as an essentially Beautiful Soul, who had been led astray from this identity by external circumstances in chasing a 'wrong' path towards mother- and

wifehood. Presenting herself as ultimately reformed, the defendant attributed her transformation to her role as a mother and woman. As such, it was her reflection of the role and treatment of women under IS, that was depicted as a major driver of her aversion from radical Islam.⁴⁰ The veracity of her abandonment of extremist beliefs, in turn, was sought to be established with reference to her appearance⁴¹: not only had she discarded her veil, she also wore make-up and consistently appeared in a Western modest but distinctly feminine manner.⁴² As such, she often wore a combination of slim but not too tight trousers with a blazer, giving her outfit the resemblance of a lady suit.⁴³ Combined with her repeated apology whenever she interrupted the judges, her appearance and conduct, thus, suggested her awareness of and arguably (re-)submission to both the authority of the male bench as well as contemporary Western customs more generally.⁴⁴ Ultimately, the defendant argued, her experiences and realizations as to her prior faulty behaviour had now made her the perfect wife for her husband.⁴⁵

More importantly, however, the defendant tied her transformation closely to her role as a mother. As such, she argued that while she had initially seen Islam as the path towards a happy family, she soon realized that she did not want her kids to grow up under IS – even if, as she thought at the time, it reflected the rules of Islamic law.⁴⁶ The guilt and suffering caused by the loss of her son and the trauma caused to her children as well as the separation from her remaining three kids were further pointed to as a particular torment to the defendant.⁴⁷ Irrespective of the verdict to be reached by the judges, the defence underlined that what had happened was a tragedy for her.⁴⁸ In fact, her heightened sensitivity to being in prison and thus potentially becoming alienated from her children was an argument brought forth not only in the

⁴⁰ „[Es ist auch] besser in Deutschland [...], auch wegen Behandlung von Frauen.“ (30/3/2020, defendant testimony); „[Sie] reflektiert [den] muslimischen Glauben kritisch, zum Beispiel [hinsichtlich] Dogmen wie [der] Unterordnung der Frau unter den Mann“ (22/4/2020, defence pleading).

⁴¹ „[Sie] hat unverständlich dargestellt [den] Ideen des IS nicht mehr zu folgen. [Es gibt] keinen Zweifel. [Auch die] optische Sichtbarkeit der Abkehr [ist deutlich].“ (22/4/2020, defence pleading).

⁴² „[Angeklagte trägt einen] Blazer [in] grün, [sie hat] lange Haare, [die sie] halboffen [trägt]. [Sie trägt eine] weiße Bluse“ (6/3/2020, defendant testimony); „[Die] Angeklagte trägt: [einen] weißen Rollkragenpulli, schwarze Slim-Jeans, [jeweils eine] Haarsträhne an beiden Seiten des Gesichts. [Sie] trägt Make-Up, einschließlich dezenter Lippenstiftes [und] Sneakers.“ (31/3/2020, witness testimony).

⁴³ „Schicke Schuhe, rosa/durchsichtiges Oberteil, grauer Blazer, graue Hose (>> wie Kostüm) nicht eng aber figurnah.“ (30/3/2020, defendant testimony).

⁴⁴ „[Die Angeklagte ist] „eloquent“. [Manchmal korrigiert sie den] Richter und entschuldigt sich bei Unterbrechungen.“ (30/3/2020, defendant testimony).

⁴⁵ „Ich erkläre das [meinem deutschen Ehemann] und sage ihm, dass ich jetzt gelernt habe und jetzt die perfekte Frau bin.“ (6/3/2020, defendant testimony).

⁴⁶ „Ich möchte nicht, dass meine Kinder da aufwachsen.“ (6/3/2020, defendant testimony); „Auch wenn das [die] Scharia ist, will ich das nicht für meine Kinder.“ (30/3/2020, defendant testimony).

⁴⁷ „[Das] Geschehene [ist eine] Tragödie für [die Angeklagte]: [der] Schmerz und [die] Schuld für [den Tod ihres Sohns] wird sie ihr Leben lang begleiten.“ (22/4/2020, defence pleading);

⁴⁸ „Ungeachtet der Strafe durch dieses Gericht wird [die Angeklagte] alles verlieren, was sie bisher hatte.“ (idem.).

pleadings of the defence and the prosecution but in the justification of the ultimate verdict.⁴⁹ Further emphasizing her will to reclaim her ideal-typical maternal identity, in her closing statement the defendant herself begged the judges under tears to have mercy with her and that she would do anything they wanted to be reunited with her children.⁵⁰ This clearly points to a strategy postulating her attempt to reclaim her Beautiful Soul identity, which while temporarily broken, had always been her true self.

Yet, importantly, it was not only the defendant herself who sought to justify her call for leniency with reference to her Beautiful Soul identity. In fact, reclaiming said identity was formulated as a path of redemption and possible re-integration into society by both her husband and the judges themselves. As such, her husband tied his potential forgiveness to her “becoming a good mother. That is all I ever wanted: that you are a good mother”⁵¹. By the same token, the preceding judge not only cited her apology towards her husband during the trial as an indication of her remorse⁵² but also directed some personal words towards the defendant after the official justification of the verdict. In this, he justified the sentence of five years and three months, which stayed clearly below the seven years demanded by the prosecution with their hope that not all was lost in her case.⁵³ He explicitly wished her to make use of her detention to strengthen herself on her path back to her children.⁵⁴ The (re-)transformation of the defendant into a Beautiful Soul was, thus, not only depicted as already underway but, importantly, as worthy of shortening her prison sentence – despite her having been found guilty of, among other charges, a war crime and membership in a terrorist organization abroad.⁵⁵

⁴⁹ „[Die Angeklagte ist in] gesteigertem Maße haftempfindlich, [da sie] von [ihren] Kindern getrennt [ist].“ (22/4/2020, prosecution pleading); „[Die] besondere Haftempfindlichkeit [aufgrund der] Entfremdung von den Kindern und [der] Tod des Sohnes betrifft die Angeklagte selbst stark. [Sie hat] besonders unter den Folgen zu leiden.“ (29/4/2020, verdict justification).

⁵⁰ „[Ich weiß nicht, ob es sowas hier gibt, aber] ich bitte um Ihre Barmherzigkeit und Gnade [und,] dass Sie mich nicht weiter wegsperren. [...] Ich mache alles, nur bitte lassen Sie mich wieder zu meinen Kindern.“ (22/4/2020, defendant closing statement).

⁵¹ “Verzeihen kann ich nicht sagen. Aber ich kann dir wünschen, dass du eine gute Mutter wirst. Das ist alles, was ich jemals wollte: dass du eine gute Mutter bist.“ (31/3/2020, husband testimony).

⁵² „[Sie hat] Reue gezeigt und bei [ihrem deutschen Ehemann] um Entschuldigung gebeten“ (29/4/2020, verdict justification).

⁵³ „[Ich will jetzt nicht zynisch klingen, 5 Jahre und 3 Monate sind eine lange Zeit aber] da hätte auch eine ganz andere Zahl stehen können. Sie haben ja die Staatsanwaltschaft gehört. [Wir hielten eine] andere Zahl [für] angemessen [...]. [Der Senat hofft,] dass hier noch nicht ganz Hopf und Malz verloren sind. [Wir] wollten Ihnen die Zukunft nicht allzu sehr verbauen.“ (29/4/2020, verdict justification).

⁵⁴ „Ich will Ihnen mitgeben, dass Sie die Zeit in der Haft nutzen für eine Ausbildung und sich festigen, damit sich dieser Weg zu Ihren Kindern lohnt.“ (29/4/2020, verdict justification).

⁵⁵ On the 29th of April, Carla-Josephine S. was found guilty of the following crimes. Membership in a terrorist organization abroad in violation of §129a & §129b of the German Penal Code. Enlisting a child under the age of fifteen into a group participating in a non-international conflict in violation §8 of the German Code of Crimes Against International Law Co-possession of a hand grenade in violation of §22a of the German War Weapons Control Act. A violation of her duty of care in violation of §171 of the German Penal Code. A grave case of

Two inferences can be drawn from the above. First, while the characterization of the defendant as a dangerously deranged Broken Soul was drawn on by the prosecution to justify her demand for internment, the (materialization of the) discourse in the courtroom was marked by the notions of repair and re-integration rather than formulations of “threats of ostracism” (Butler, 2011, p. 60). This indicates that gender performances in this instance were not strictly *compelled* but also *motivated* by a wish to be a part of contemporary society (Butler, 2002, p. 178f.). Moreover, the judges tied their verdict to the assumed transformation of the defendant and framed their verdict as opening up a “possibilit[y] for [a] rematerialization” (Butler, 2011, p. xii) of her Beautiful Soul identity. This shows the continued strength of this ideal-typical understanding of femininity and how performances in accordance with it induce ‘positive’ material effects.

Second, the expressed belief in the defendant’s ability to reclaim her Beautiful Soul identity points to the fundamental instability of such identities. Echoing the fluidity of gendered characterizations of the defendant that was pointed out in the preceding section, there was an apparent conviction that the defendant could ‘move’ on the continuum between the Broken and the Beautiful Soul. Emerging out of a negotiation between the two ‘sides’, the defendant’s identity, thus, is seen as encapsulating both to a certain degree and alterations of this identity are possible by altering (future) gender performances. This underscores the assertion that gender “ought not to be conceived as a noun or a substantial thing or a static cultural marker, but rather as an incessant and repeated action of some sort” (Butler, 2002, p. 143). As such, in the context of this trial, gendered identity emerged out of a negotiation of two seemingly opposite ideas of (female) personhood, never fully accomplished but in need of constant reproduction and construction.

Before we move to the contextualization of the findings, we should take stock of the answers the above provides to three of the guiding sub-questions of this research. In terms of the discursive performances, the characterizations of the defendant oscillated between the ideas of the Beautiful and the Broken Soul. While the prosecution sought to establish the defendant’s ‘Broken Souldom’ mainly with reference to her abandonment of her maternal qualities, the defence and the defendant herself argued that she was a Beautiful Soul at heart. While they conceded that her identity as a Beautiful Soul had been corrupted, i.e. broken, at times, they maintained that she was on a path to reclaiming this identity. The physical gender performances of the defendant and also her attorneys underscored this view by remaining within ‘appropriate’

parental child abduction of three minors resulting in death on one count in violation of §235 of the German Penal Code. She was sentenced to five years and three months in prison (OLG Düsseldorf, 2020b).

Western feminine appearance and behaviour. Ultimately, the trial, thus, became a negotiation of these two identities, within which the emphasis on re-integration and arguably re-humanization emerged as the dominant themes in the (self-)characterization of the defendant as well as the justification of the verdict. In light of the rather lenient sentence the defendant received, this points to the power of discourse, as it evolved in the courtroom. Against that backdrop, the following sub-section seeks to preliminary ‘test’ the findings presented here.

5.4 Same same but different: Contextualizing the findings with regard to other German trials against IS returnees

In the interviews, conducted to contextualize the findings presented above, three major themes emerged. Firstly, the significance of seeing women as mothers in the domestic trials against female foreign fighters was pointed out. While women were perceived as generally receiving a somewhat more lenient treatment in court⁵⁶, it was particularly their role as mothers that was not only often emphasized in their defence, both to humanize them and to argue for a lower sentence,⁵⁷ but also had a significant impact on the determination of their prison sentence⁵⁸. Yet, as Sigrid Herrmann-Marschall pointed out, such strategies are not always successful, especially in cases where there is clear evidence contradicting the postulated motherly love.⁵⁹ Being a mother, thus, is not sufficient in and of itself to induce leniency. This is particularly interesting seeing as the defence in the trial under investigation here arguably managed to showcase the defendant as a loving mother in the face of ‘objective’ facts to the contrary, e.g. the trauma and even death she had brought on her children by taking them into a civil war. As such, the recognition of a defendant as a ‘good mother’ is contingent on appropriately performing maternal love and care during the trial, pointing to the importance of gender performances in the courtroom itself.

Secondly, with regard to the trial under investigation here, both interviewees pointed to the positive impact that the behaviour of the defendant’s attorneys had on the way she was

⁵⁶ „Ich sehe das schon so, dass Richter mit Frauen, meiner Ansicht nach, schon ein bisschen behutsamer umgehen.“ (Interview with Sigrid Herrmann-Marschall, 18/6/2020); „Ja, es gibt schon ein Frauenprivileg vor Gericht.“ (Interview with Annette Ramelsberger, 10/6/2020).

⁵⁷ „Es wird zumindest angeführt, weil die Vorstellung, dass man eine gute Mutter und keine Rabenmutter vor sich sitzen habe, natürlich bei den Richtern positive Assoziationen wecken soll. Also, verfahrenstechnisch würde ich das schon als eine schlaue Herangehensweise von Anwälten [...] halten, dann zu sagen „naja, wenigstens war sie eine gute Mutter.“ (Interview with Sigrid Herrmann-Marschall, 18/6/2020).

⁵⁸ „Frauen kommen meistens ein bisschen besser weg und meistens wegen den Kindern. Also diese Haftempfindlichkeit [...] wird auch in die Strafbemessung mit eingerechnet und ist bei Frauen, also vor allem Frauen mit kleinen Kindern, da, die gilt.“ (Interview with Annette Ramelsberger, 10/6/2020).

⁵⁹ „Also sie hat versucht, sich als gute Mutter darzustellen, das hat aber nicht so ganz funktioniert.“ (Interview with Sigrid Herrmann-Marschall, 18/6/2020).

regarded. Specifically, the calm and non-confrontational style of her defence attorneys was contrasted with the aggressive behaviour of attorneys in other cases⁶⁰ and depicted as having had a positive impact on the judges' perception of the defendant herself⁶¹. This underscores that gender performances are not individual but decidedly interactional, public and social (Butler, 2002, p. 173). Gender is, hence, not only performed *by* subjects but also *for* them.

Finally, the self-characterization as a victim was identified as narrative common to most terrorism trials against IS returnees. Women often emphasized their fundamental lack of agency and subjugation to men in defending their (in)actions.⁶² Interestingly, such narratives were brought forward also by men. Sigrid Herrmann-Marschall, for instance, recounted the extensive closing statement of a male defendant, in which he lamented his victimization by German society, ultimately attributing his violent actions to discrimination from the state rather than his own political convictions.⁶³ Similarly, many argued that they had romanticized living under IS and unsuccessfully sought to leave the regime upon realizing its gruesomeness shortly after their arrival.⁶⁴ Emphasizing the own naivety about and actual opposition to violence clearly falls within the realm of the Beautiful Soul depictions. This indicates that gender tropes surrounding political violence are applied to terrorists more generally, rather than just women, to pathologize and de-politicize their actions (Brunner, 2012, pp. 42f.). Hence, terrorism as such is “‘feminized’ or ‘devalorized’. [...] [W]hile terrorist leaders are calculating, followers are often emotionally weaker [...] thus implying that the majority of terrorists are ‘irrational’” (Gentry & Sjoberg, 2015, p. 98).

⁶⁰ “Wenn es um die Atmosphäre geht, in diesem speziellen Verfahren, also das war eine sehr wohltemperierte Atmosphäre, also es ging da sehr höflich und freundlich ab und ohne irgendwelche Schärpen – das kenne ich auch anders.” (Interview with Annette Ramelsberger, 10/6/2020); „Ja die waren da nicht so konfrontativ. [...] Das ist anders gewesen als in vielen anderen Verfahren, die ich gesehen habe.“ (Interview with Sigrid Herrmann-Marschall, 18/6/2020).

⁶¹ “Das heißt, sie haben im Sinne, in einem rechtsstaatlichen Sinne, für ihre Mandantin gewirkt. [...] Also ich glaube schon, dass das Wirken der Anwälte eine wesentliche Rolle spielt, auch in der Wahrnehmung des Gerichts des Angeklagten.“ (Interview with Sigrid Herrmann-Marschall, 18/6/2020).

⁶² “Das hat man auch bei [einem anderen Verfahren, welches momentan vor dem OLG München verhandelt wird] gesehen, die in München vor Gericht steht, die auch so einen Kämpfer geheiratet hat und da verteidigt sie sich auch damit, dass sie ja gar nichts tun konnte als ihr Mann da ein kleines jesidisches Sklavenmädchen verdursten hat lassen. Was hätte sie tun sollen? Sie war ja nur die Frau.“ (Interview with Annette Ramelsberger, 10/6/2020); „Also bei Frauen bietet sich das geradezu an, dann also zu sagen, dass man da als Frau nur die zweite Reihe besetzen kann.“ (Interview with Sigrid Herrmann-Marschall, 18/6/2020).

⁶³ „Also die Opferdarstellung von [einem männlichen Angeklagten, dessen Fall vor dem OLG Düsseldorf verhandelt wurde] zielte darauf ab, dass er von dem Staat in seinen normalen Glaubensbetätigungen eingeschränkt worden sei.[...] [B]ei Männern ist häufiger Mal der Staat schuldig.“ (idem.).

⁶⁴ „Also es ist dann halt doch nicht so romantisch [...] und dann erzählen sie, sie wollten schnell weg. Und dann sind sie quasi von dem Moment, wo sie angekommen sind und die Erkenntnis hatten, bis zu dem Moment wo sie zurückkommen, sind sie, in ihren eigenen Erzählungen, doch eigentlich eher Opfer.“ (Interview with Annette Ramelsberger, 10/6/2020).

In conclusion it can be said that gender performances pertaining to the Beautiful Soul can be found in other trials against IS returnees. Yet, as the above also indicates, the mere fact of being a woman or mother does not establish a defendant as a Beautiful Soul. Furthermore, the victimization narratives of men also indicate that at least some aspects of ‘Beautiful Souldom’ and/or ‘Broken Souldom’ are not restricted to female defendants, further emphasizing the fact that gender(ed identity) is neither a natural essence nor a “simple fact or static condition of a body” (Butler, 2011, p. xii) but fundamentally constructed.

6 Conclusion

This thesis sought to uncover the ways in which gendered discourses around political violence are drawn on in an ostensibly neutral setting, namely, the courtroom, and thus produce material effects. It thereby aimed to contribute to larger empirical debates that problematize masculinized understandings of political violence as well as the gendered assumptions about violence and women inherent in legal texts and structures. On the basis of a comprehensive analysis of prevailing gender stereotypes surrounding female political violence, one of the most prominent German lawsuits against an IS-FFTF to date was observed to contribute much-needed nuance to our understanding of the way(s) in which gender affects legal interrogations of (acts of) political violence. In doing so, the present study answered the following research question: *How is gender performed by the defence, the prosecution, the witnesses and the judges in the theatre of the courtroom during the hearings of the trial against Carla-Josephine S.?* This conclusion provides a reflection on the main findings of this research, situates them in the broader empirical debate it seeks to contribute to and outlines several avenues for future research.

6.1 Research findings

This thesis focused on understanding how the different actors in the courtroom made recourse to dominant ideas surrounding female political violence in their characterizations of the defendant as well as the implications of this recourse. As such, chapter four examined prevailing gender stereotypes in discourses around (politically) violent women and traced their origins with reference to general contemporary and historical notions about femininity in/and violence. The analysis revealed not only the vastness and pervasiveness of stereotypical perception of violent women but also showed that women – violent and otherwise – are depicted with reference to the ideal-typical Beautiful Soul. As the regulatory ideal of femininity in contexts of violence, even women that are violent are described in decidedly maternal, self-sacrificing and nurturing ways. At the same time, however, when women’s violence stands in seemingly too stark contrast with their assumed ‘Beautiful Souldom’, this violence is explained (away) with the abjection of not only their woman- but their personhood, which is reflected most prominently in their description as monsters. In line with Butler’s conceptualization of gender identity, this points to the way in which seemingly stable identities require the definition of a constitutive outside to be maintained.

In chapter five, we then turned our view to the courtroom to understand how the identified discourses on violence and the conceptualization of women primarily as Beautiful

Souls therein were drawn on in the adjudication of terrorism-related charges. The chapter showcased the different depictions of the defendant by different actors in the courtroom along the continuum between the ideal-typical Beautiful Soul and what I have coined the Broken Soul. As such, while the different actors in the courtroom all agreed on the said continuum, the prosecution, the defence, as well as the witnesses positioned her at very different places thereon. The defence's argumentation postulated her as only punctually having been moved towards the Broken Soul in explaining (away) her violent choices but that her true self was actually a caring and mourning mother, who after realizing her victimization by IS was on the quest to regain her whole Beautiful Soul identity. The prosecution, on the other hand, depicted her as significantly further down on the continuum towards the Broken Soul, by emphasizing the suffering she had inflicted on her children to argue her apparent loss and abjection of her Beautiful Soul identity.

Furthermore, in the third section of that chapter, we took a broader view on how these two identities were negotiated throughout the trial. This section found that the defendant's (re-)transformation into the Beautiful Soul was offered as a path to redemption and the verdict ultimately was depicted as providing her with a possibility to rematerialize this identity. By implicitly tying the verdict to the assumed ability to and even already started (re-)transformation of the defendant, the judges' justification of the reduced sentence powerfully shows how gender performances produce material outcomes. Additionally, the negotiation of these seemingly conflicting gendered identities of the defendant illustrated that such identities are not only fluid but also fundamentally unstable and in need of continual (re-)construction.

The final sub-section of this chapter put the findings in context with other German trials against IS returnees. It found that while references to the idea of the Beautiful Soul were widespread in trials against female IS returnees, this strategy was not always successful, which poignantly points to the significance of gender performances in the courtroom itself. Additionally, the interactional character of the gender performances was emphasized with regard to the impact of defendant's attorneys conduct on the way she was perceived. Finally, the (self-)depiction as a victim also by male defendants indicates that gendered tropes typically associated with femininity are not actually restricted to women's defences.

Overall, this study showed how terrorism is indeed gendered in the courtroom. Providing an in-depth account of the ways in which gender norms (or stereotypes) are drawn on in the adjudication process against Carla-Josephine S., thus gives more nuance to our understanding of why women are more likely to receive lenient sentences. While this thesis will refrain from making any legal recommendations, seeing its focus on the discourse within the courtroom

rather than on the legal assessment of the alleged acts of terrorism, several contributions to the larger empirical debate it is placed in can be highlighted.

6.2 Implications

As stated above, this research aimed to deepen our insight into the role of gender in our understanding, and by extension, adjudication of political violence. In conceptualizing the continuum between the Beautiful and the Broken Soul, this research not only benefited from but also contributed to existing analyses of gendered discourses surrounding (female) political violence. In pointing to the continuity between two seemingly opposite gendered identities constructed to describe one individual, the present study captured the fluidity of not only gendered identity but also stereotypical understandings of political violence. Current scholarly work focused on how political violence is explained (away) with reference to women's "maladjusted femininity" (Gentry & Sjoberg, 2015, p. 142), "twisted motherhood" (Gentry, 2009, pp. 242ff.) or their assumed deviant or vacant womb (Åhäll, 2012a, p. 105). This hints at the underlying assumption that violent women's femininity has to be broken- or abject, as it were - somehow if they turn to violence. The conceptualization of the Broken Soul, thus, can serve as a sort of meta-concept to subsume already identified narratives used to describe violent women, such as the mother, monster or whore narratives (Gentry & Sjoberg, 2015). These narratives then place the women they describe on different points of the identified continuum between the Beautiful and the Broken Soul.

More importantly, however, the analysis of the discourse in the courtroom and the self-characterization of the defendant, in particular, indicated that violent women are not depicted as solely Beautiful Souls (or mothers) *or* Broken Souls (or whores or monsters), but that gendered identity encapsulates *both* and emerges out of an incessant negotiation of the two. Conceptualizing said continuum then serves better to highlight the fluidity of how violent women are talked about and, in some cases, also describe themselves. Recognizing and tracing this instability of discourses on political violence and gendered identity therein, as done in this thesis, then arguably lays the groundwork to causing 'trouble', i.e. problematize such discourses.

6.3 Further research

Building on this, several pathways for future research can be pointed out. Specifically, seeing as the results presented in this work are based on the observation of a single case against a single woman, the comprehensive observation of similar cases would offer particular value to

expand our knowledge on how gender is performed beyond the trial under observation here. As such, observing trials against other female IS returnees could offer more robust evidence as to whether characterizations of the defendants as Beautiful and/or Broken Souls are reoccurring themes. Seeing as there is already a rich amount of literature on ‘Beautiful Souldom’, especially descriptions pertaining to ostensible ‘Broken Souldom’ seem to be a worthy subject of future investigations. Similarly, the observation of trials against male IS returnees can help to answer the question if and how gender tropes around the Broken Soul are applied to male perpetrators of political and extra-legal violence and how these depictions differ depending on the (assumed gender of the perpetrator. Investigating how terrorists – both male and female – are arguably seen as emotionally weaker or irrational and what that tells us about our understanding of the greater phenomenon of terrorism, can then foster “our attempt as a culture to understand violence, to trace its causes and to quell them” (Pearson, 1997, p. 243). A quest to which this thesis hopes to make a humble contribution.

Bibliography

- Åhäll, L. (2012a). Motherhood, Myth and Gendered Agency in Political Violence, *International Feminist Journal of Politics* 14(1), pp. 103-120.
- Åhäll, L. (2012b). The writing of heroines: Motherhood and female agency in political violence, *Security Dialogue* 43(4), pp. 287-303.
- Alexander, A. & Turkington, R. (September 2018). Treatment of Terrorists: How Does Gender Affect Justice? *CTC Sentinel* 11(8), pp. 24-29.
- Allen, A. (1998). Power Trouble: Performativity as Critical Theory, *Constellations* 5(4), pp. 456-471.
- Banks, C. (2019). Introduction: Women, Gender, and Terrorism: Gendering Terrorism, *Women & Criminal Justice* 29(4-5), pp. 181-187.
- Bhattacharya, S. (2019). Gender, insurgency, and terrorism: introduction to the special issue, *Small Wars & Insurgencies* 30(6-7), pp. 1077-1088.
- Bielby, C. (2012). *Violent Women in Print: Representations in the West German Print Media of the 1960s and 1970s*. Woodbridge: Boydell & Brewer.
- Brunner, C. (2012). Unsterbliche Jungfrauen und paradiesische Zustände: Zur Historisierung von Selbstmordattentaten am Beispiel der Assassinen-Legende. In Hikel, C. & Schraut, S. (Eds.) *Terrorismus und Geschlecht: Politische Gewalt in Europa seit dem 19. Jahrhundert* (pp. 37-60). Frankfurt/New York: Campus.
- Butler, J. (1988). Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory, *Theatre Journal* 40(4), pp. 519-531.
- Butler, J. (2002). *Gender trouble: Tenth anniversary edition*. Retrieved from <https://ebookcentral.proquest.com>
- Butler, J. (2011). *Bodies that matter: On the discursive limits of sex*. Retrieved from

<https://ebookcentral.proquest.com>

- Charlesworth, H. (2008). Are Women Peaceful? Reflections on the Role of Women in Peace-Building, *Feminist Legal Studies* 16, pp. 347-361.
- Charlesworth, H., Chikin, C., Wright, S. (1991). Feminist Approaches to International Law, *The American Journal of International Law* 85(4), pp. 613-645.
- Demmers, J. (2017). *Theories of Violent Conflict: An Introduction*, London & New York: Routledge.
- Dworkin, A. (2020, January 24). How a dispute over European ISIS members split a ruling coalition, European Council on Foreign Relations, retrieved from: https://www.ecfr.eu/article/commentary_how_a_dispute_over_european_isis_members_split_a_ruling_coalition (last accessed: June 23, 2020).
- Elshtain, J.B. (1987). *Women and War*. Chicago: Chicago University Press.
- Enloe, C. (1990/2014). Conclusion: The Personal Is International; The International Is Personal, *Bananas, Beaches and Bases* (pp. 343-359), Berkley: University of California Press.
- Eves, R. (2010). Engendering Gesture: Gender Performativity and Bodily Regimes from New Ireland, *The Asian Pacific Journal of Anthropology* 11(1), pp. 1-16.
- Foucault, M. (1995). *Discipline and Punish: The Birth of the Prison* (2nd ed.), New York: Vintage Books.
- Fuist, T.N. (2013). The Dramatization of Beliefs, Values, and Allegiances: Ideological Performances Among Social Movement Groups and Religious Organizations, *Social Movement Studies: Journal of Social, Cultural and Political Protest* 13(4), pp. 427-442.
- Gaub, F. & Lisiecka, J. (October 2016). Women in Daesh: Jihadist ,cheerleaders', active

operatives? (EUISS Brief 27). Retrieved from:
https://www.iss.europa.eu/sites/default/files/EUISSFiles/Brief_27_Women_in_Daesh.pdf

Gentry, C.E. (2009). Twisted maternalism: From Peace to Violence, *International Feminist Journal of Politics* 11(2), pp. 235-252.

Gentry, C.E. & Sjoberg, L. (2011). The Gendering of Women's Terrorism. In Gentry & Sjoberg (eds.) *Women, Gender, and Terrorism* (pp. 57-80). Athens: University of Georgia Press.

Gentry, C.E. & Sjoberg, L. (2015). *Beyond Mothers, Monsters, Whores: Thinking About Women's Violence in Global Politics*. London: Zed Books.

Hall, L. B. (2020). Logics of Protection and the Discursive Construction of Refugee Fathers, In Hall, Weissman, Shepherd (eds.) *Troubling Motherhood* (pp. 67-83). Oxford: Oxford University Press.

Herschinger, E. (2014). Political Science, Terrorism and Gender, *Historical Social Research* 39(3), Special Issue: Terrorism, Gender, and History. State of Research, Concepts, Case Studies, pp. 46-66.

International Crisis Group (2019, November 18). Women and Children First: Repatriating the Westerners Affiliated with ISIS, *Middle East Report* 208. Retrieved from:
<https://www.crisisgroup.org/middle-east-north-africa/eastern-mediterranean/syria/208-women-and-children-first-repatriating-westerners-affiliated-isis>

Jabri, V. (1996). *Discourses on violence: conflict analysis reconsidered*, Manchester & New York: Manchester University Press.

Jackson, A.Y. (2004). Performativity Identified, *Qualitative Inquiry* 10(5), pp. 673-690.

Jenkins, J. & Finneman, T. (2018). Gender trouble in the workplace: applying Judith Butler's theory of performativity to news organizations, *Feminist Media Studies* 18(2), pp. 157-172.

- Juergensmeyer, M. (2003). *Terror in the Mind of God: The Global Rise of Religious Violence*. Retrieved from <https://ebookcentral.proquest.com>
- Krulisova, K. (2020). A Mother's Violence in Global Politics. In Hall, Weissman, Shepherd (eds.) *Troubling Motherhood* (pp. 17-35). Oxford: Oxford University Press.
- Mason, J. (2018). *Qualitative Researching* (3rd Ed.). New Delhi: SAGE.
- Morison, T. & Macleod, C. (2013). A Performative-Performance Analytical Approach: Infusing Butlerian Theory Into the Narrative-Discursive Method, *Qualitative Inquiry* 19(8), pp. 566-577.
- Pearson, P. (1997). *When She Was Bad: Violent Women and the Myth of Innocence*. New York: Viking.
- Richtie, J. & Lewis, J. (2003). *Qualitative Research Practice*. London: Sage.
- Schraut, S. (2012). Terrorismus -Geschlecht-Erinnerung: Eine Einführung, In Hikel, C. & Schraut, S. (Eds.) *Terrorismus und Geschlecht: Politische Gewalt in Europa seit dem 19. Jahrhundert* (pp. 7-23). Frankfurt/New York: Campus.
- Schraut, S. & Weinbauer, K. (2014). Terrorism, gender, and history-introduction, *Historical Science Research* 39(3), pp. 7-45.
- Shepherd, L. (2008). United Nations Security Council Resolution 1325. In Shepherd, *Gender, Violence and Security: Discourse as Practice*, London: Zed Books.
- Sjoberg, L. (2013). Gender, States, and War(s), In Sjoberg, *Gendering global conflict: Toward a feminist theory of war* (pp. 133-156). New York: Columbia University Press.
- Sjoberg, L. (2018). Jihadi brides and female volunteers: Reading the Islamic State's war to see gender and agency conflict dynamics, *Conflict Management and Peace Science* 35(3), pp. 296-311.

Sjoberg, L. (2020). Bearing Peace and War: Sex, Motherhood, and the Treaty of the Pyrenees, In Hall, Weissman, Shepherd (eds.) *Troubling Motherhood* (pp. 87-102). Oxford: Oxford University Press.

Sjoberg, L., Cooke, G.D. & Reiter Neal, S. (2011). Introduction: Women, Gender, and Terrorism, In Sjoberg & Gentry (eds.) *Women, Gender, and Terrorism* (pp. 1-25). Athens: University of Georgia Press.

Strømmen, E.E.J. (2017). Jihadi Brides or Female Foreign Fighters? Women in Da'esh – from Recruitment to Sentencing (GPS Policy Brief 01). Retrieved from: <https://www.prio.org/Publications/Publication/?x=10546>

Tyler, M. & Cohen, L. (2010). Spaces that Matter: Gender Performativity and Organizational Space, *Organization Studies* 31(2), pp. 175-198.

Von Knop, K. (2007). The Female Jihad: Al Qaeda's Women, *Studies in Conflict & Terrorism* 30, pp. 397-414.

Weinberg, L. & Eubank, E. (2011). Women's Involvement in Terrorism, *Gender Issues* 28, pp. 22-49.

Further sources

Deutsche Presse Agentur (2019, November 23). Germany takes back ,Islamic State' mother and three children from Syria, *Deutsche Welle*, retrieved from: <https://www.dw.com/en/germany-takes-back-islamic-state-mother-and-her-three-children-from-syria/a-51378413> (last accessed June 29, 2020).

ICCT Live Briefing (2020, June 23). *The Repatriation of Foreign Terrorist Fighters and Their Families: Why Not?*, retrieved from: <https://icct.nl/event/icct-live-briefing-the-repatriation-of-foreign-fighters-and-their-families-why-not/>

Intelbrief: Will Western Nations Ever Repatriate Their Citizens in Syria and Iraq? (June 23,

- 2020). Retrieved from: <https://thesoufancenter.org/intelbrief-will-western-nations-ever-repatriate-their-citizens-in-syria-and-iraq/> (last accessed: June 25, 2020).
- Oberlandesgericht Düsseldorf (2020a, February 05). *Hauptverhandlungstermine in dem Staatsschutzverfahren gegen Carla-Josephine S.* [Press release]. Retrieved from: https://www.olg-duesseldorf.nrw.de/behoerde/presse/archiv/Pressemitteilungen_aus_2020/20200205_PM_Carla-S/index.php
- Oberlandesgericht Düsseldorf (2020b, April 30). *Urteil im Staatsschutzverfahren gegen Carla-Josephine S.* [Press release]. Retrieved from: https://www.olg-duesseldorf.nrw.de/behoerde/presse/Presse_aktuell/20200430_PM_Carla_S/index.php
- Ramelsberger, A. (2020, April 29). Der Krieg der Mutter, *Süddeutsche Zeitung*, p. 3.
- Reuters (2020, January 20). Norway government collapses over IS spouse repatriation spat, *Deutsche Welle*, retrieved from: <https://www.dw.com/en/norway-government-collapses-over-is-spouse-repatriation-spat/a-52069541> (last accessed: June 23, 2020).
- Spiegel Panorama (2019, February 27). *Deutsche IS Kämpfer und ihre Kinder: Mit Mama im syrischen Knast.* Retrieved from: <https://www.spiegel.de/video/zurueck-in-die-heimat-tauziehen-um-deutsche-is-kaempfer-video-99025251.html>
- Steinberg, G. (2020, June 16). Neue Stärke aus dem Untergrund, *Zeit Online*, retrieved from: <https://www.zeit.de/politik/ausland/2020-06/islamischer-staat-irak-syrien-teilrueckzug-us-truppen-coronavirus> (last accessed: June 25, 2020).
- Stern (2020, April 29). *IS-Anhängerin verurteilt: Mutter ließ ihren Sohn zum Kindersoldaten ausbilden,* retrieved from: <https://www.stern.de/politik/deutschland/is-anhaengerin-verurteilt--mutter-liess-ihren-sohn-zum-kindersoldaten-ausbilden-9244942.html>
- ZDF (2019, March 6). *dunja hayali: Der Streit ums Abtreibungsrecht und die Debatte um IS-Rückkehrer,* retrieved from: <https://www.zdf.de/politik/dunja-hayali/dunja-hayali-060319-100.html>

ZDF (2020, March 6). *Mehr von heute – in Deutschland*, retrieved from:

<https://www.zdf.de/nachrichten/heute-in-deutschland/deutsche-is-kaempferin-vor-gericht-102.html>

Appendices

Appendix 1: Secondary sources for document analysis

Articles & book chapters

- Åhäll, L. (2012a). Motherhood, Myth and Gendered Agency in Political Violence, *International Feminist Journal of Politics* 14(1), pp. 103-120.
- Åhäll, L. (2012b). The writing of heroines: Motherhood and female agency in political violence, *Security Dialogue* 43(4), pp. 287-303.
- Charlesworth, H. (2008). Are Women Peaceful? Reflections on the Role of Women in Peace-Building, *Feminist Legal Studies* 16, pp. 347-361.
- Gentry, C.E. (2009). Twister maternalism: From Peace to Violence, *International Feminist Journal of Politics* 11(2), pp. 235-252.
- Gentry, C.E. & Sjoberg, L. (2011). The Gendering of Women's Terrorism. In Gentry & Sjoberg (eds.) *Women, Gender, and Terrorism* (pp. 57-80). Athens: University of Georgia Press.
- Hall, L. B. (2020). Logics of Protection and the Discursive Construction of Refugee Fathers, In Hall, Weissman, Shepherd (eds.) *Troubling Motherhood* (pp. 67-83). Oxford: Oxford University Press.
- Herschinger, E. (2014). Political Science, Terrorism and Gender, *Historical Social Research* 39(3), Special Issue: Terrorism, Gender, and History. State of Research, Concepts, Case Studies, pp. 46-66.
- Kouvo, S. & Levine, C. (2008). Calling a Spade a Spade: Tackling the 'Women and Peace' Orthodoxy, *Feminist Legal Studies* 16, pp. 363-367.
- Krulisova, K. (2020). A Mother's Violence in Global Politics. In Hall, Weissman, Shepherd (eds.) *Troubling Motherhood* (pp. 17-35). Oxford: Oxford University Press.
- Schraut, S. & Weinbauer, K. (2014). Terrorism, gender, and history-introduction, *Historical*

Science Research 39(3), pp. 7-45.

Sjoberg, L. (2013). Gender, States, and War(s), In Sjoberg, *Gendering global conflict: Toward a feminist theory of war* (pp. 133-156). New York: Colombia University Press.

Sjoberg, L. (2018). Jihadi brides and female volunteers: Reading the Islamic State's war to see gender and agency conflict dynamics, *Conflict Management and Peace Science* 35(3), pp. 296-311.

Sjoberg, L. (2020). Bearing Peace and War: Sex, Motherhood, and the Treaty of the Pyrenees, In Hall, Weissman, Shepherd (eds.) *Troubling Motherhood* (pp. 87-102). Oxford: Oxford University Press.

Sjoberg, L., Cooke, G.D. & Reiter Neal, S. (2011). Introduction: Women, Gender, and Terrorism, In Sjoberg & Gentry (eds.) *Women, Gender, and Terrorism* (pp. 1-25). Athens: University of Georgia Press.

Books

Bielby, C. (2012). *Violent Women in Print: Representations in the West German Print Media of the 1960s and 1970s*. Woodbridge: Boydell & Brewer.

Elshtain, J.B. (1987). *Women and War*. Chicago: Chicago University Press.

Gentry, C.E. & Sjoberg, L. (2015). *Beyond Mothers, Monsters, Whores: Thinking About Women's Violence in Global Politics*. London: Zed Books.

Hikel, C. & Schraut, S. (Eds.) *Terrorismus und Geschlecht: Politische Gewalt in Europa seit dem 19. Jahrhundert*. Frankfurt/New York: Campus.

Appendix 2: Overview of observations

Testimony of the defendant, 6/3/2020, 9:35 am until 3:30 pm.

Testimony of the defendant, 30/3/2020, 1:36 pm until 5:48 pm.

Testimony of the mother and the husband of the defendant, 31/3/2020, 9:30 am until 3:45 pm.

Testimony of the expert witness and the defendant, 20/4/2020, 10 am until 4:42 pm.

Pleadings, 22/4/2020, 9:30 am until 4:40 pm.

Verdict announcement, 29/4/2020, 11:30 am until 12:40 pm.

Appendix 3: Overview of interviews

Interview with Annette Ramelsberger, 10/6/2020, 2:30 pm.

Interview with Sigrid Herrmann-Marschall, 18/6/2020, 10:30 am.

Appendix 4: Codes

Codes for document analysis

Gender Norms

Femininity Political Violence

Roles

Motivations

Modes of Behaviour

Femininity Violent Conflict

Historical Ideas Femininity

Historical Ideas Political Violence

Historical Ideas Violent Conflict

Codes for analysis of observational data⁶⁵

Discursive Practices

Constitution in Relation to Men/Others

Citation/Reiteration of Dominant Ideas

Physical Practices

Embodiment

Behaviour and Enactment

Constraints

Structural

Cultural Intelligibility

Promotion Unintelligibility

Promotion Intelligibility

⁶⁵ This overview only presents the codes that occurred most in the analysis.

Formulations of Threats of Ostracism

Codes for analysis of interview transcripts

Victim Narrative
SHM (Acronym for Sigrid Herrmann-Marschall)
Nature
Naivety
Mother Role
Broken Soul
Behaviour
Beautiful Soul
AR (Acronym for Annette Ramelsberger)

Appendix 5: Glossary

Performativity is defined as a “constitutive process in which the performance itself constitutes the subject” (Morison & Macleod, 2013, p. 569), a “reiterative and citational practice through which discourse produces material effects” (Jenkins & Finneman, 2018, p. 159).

Citatoriality refers to the “[reiteration of] hegemonic cultural definitions that govern the production of sexuality” (Allen, 1998, p. 462).

A gender performance is “not a singular “act” or event, but a ritualized production, a ritual reiterated under and through constraint, under and through the force of prohibition and taboo, with the threat of ostracism and even death controlling and compelling the shape of production, but not [...] determining it fully in advance” (Butler, 2011, p. 60). As such, it is „not an act by a voluntarist subject who simply chooses which sex or gender to be, but a compelled reiteration of norms that constructs the individuals as sexed and gendered” (Allen, 1998, p. 463).

An act is “that which constitutes meaning and that through which meaning is performed and enacted” (Butler, 1988, p. 521).

A constraint “impels and sustains performativity” (Butler, 2011, p. 60). Most importantly, gender performances are constrained by a heteronormative system (idem.) based on the assumption that there are “two (and only two) opposite and complementary sexes/gender”

(Morison & Macleod, 2013, p. 566). Ultimately, it is these normative structures that dictate and thereby constrain whether gender performances will be societally intelligible (Butler, 2011, p. xxiii).

The body is “an active process of embodying certain cultural and historical possibilities, a complicated process of appropriation” (idem.), “a historical idea, [...] gain[ing] its meaning through concrete and historically mediated expressions in the world” (idem., p. 512).

Gender is “a verb, a doing” (Jackson, 2004, p. 680), a “repeated stylization of the body, a set of repeated acts within a highly rigid regulatory frame” (Butler, 2011, pp. 43f.).

Discrete genders are “a strategy of survival” (Butler, 1998, p. 522) and a fundamental “part of what ‘humanizes’ individuals within contemporary culture” (idem.).

At the interactional level, a performance is, a “mode of conduct” (Fuist, 2013, p. 429) and a discursive practice that draws upon and conforms with cultural and historical background knowledge of the audience to render the ‘performer’ socially intelligible and authentic to said audience (idem., pp. 429f.; Jackson, 2004, p. 677).

Modes of conduct refer to behaviour and practices (Fuist, 2013, p. 428), including “gestures, movements and enactments” (Jenkins & Finneman, 2018, p. 164) as well as “clothing [and] aesthetics” (Fuist, 2013, p. 428).