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## Review of Women as War Criminals: Gender, Agency, and Justice

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***Women as War Criminals: Gender, Agency, and Justice.* Izabela Steflja and Jessica Trisko Darden. Stanford, CA: Stanford University Press, 2020 (paper), 180 pp., \$14.00, ISBN 978-1-5036-1343-0.**

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The United Nations has long been committed to promoting gender equality during conflicts; UN Security Council Resolution 1325, which notes the importance of including gender in all aspects of conflict resolution, celebrated its twentieth anniversary in 2020 (UN Women, n.d.). However, international efforts to champion women's leadership and promote gender equality have overlooked women's participation as combatants in conflicts and particularly women who commit war crimes. Izabela Steflja and Jessica Trisko Darden help address this gap through their important book, *Women As War Criminals: Gender, Agency, and Justice* (2020). This book, by providing four case studies of women who have faced justice for their crimes, illustrates the role of gender in their prosecution and defenses. Steflja and Darden also note important variables that have been left out of previous analyses, including race and colonialism.

*Women as War Criminals* illustrates the double bind that women face when being tried for war crimes – women often are not charged for committing war crimes, but when they are their prosecution is often influenced by the sense that they have violated both the law and gender expectations. Drawing on the framework presented in Sjoberg and Gentry (2007), Steflja and Darden illustrate how gender expectations color the prosecutions' cases and how women also use these expectations as defenses. The case studies illustrate how gender plays out in the legal proceedings and identifies complicating factors that give some women greater access to gendered defenses than others.

First, through these case studies, Steflja and Darden illustrate how gender influences the prosecution of women that commit war crimes. Few women face prosecution because there is an assumption that women are not capable of violence. While all military-aged men are seen as potential combatants, women are often depicted as innocent civilians. In the first two cases that the authors examine, the women hold high level leadership positions and order those under their command to use violence. Biljana Plavsic, co-founder of the Serb Democratic Party, was the elected president of Bosnia-Herzegovina (at the time still part of Yugoslavia) (p. 19). She was indicted at the International Criminal Tribunal for the former Yugoslavia (ICTY) for crimes ranging from genocide, persecution, willful killing, and crimes against humanity (p. 20). Pauline Nyiramasuhuko, who worked as the Minister of Family and Women's Development in Rwanda just prior to the genocide, was part of the interim government running the country in the immediate aftermath of the death of President Habyarimana (which marked the beginning of the genocide). She was indicted by the International Criminal Tribunal for Rwanda (ICTR) for promoting the genocide and mass rape of Tutsi women (pp. 47-48). While it is probable that other women in leadership roles during these conflicts also committed war crimes, the evidence against these women demonstrated their direct responsibility in behavior that defied gendered assumptions.

The second set of case studies focus on lower-level women and their role in promoting war crimes. Lyndie England, known for her iconic poses in photos from the Abu Ghraib prison during the

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2003 Iraq War, shocked observers for her seeming glee at the humiliation of Iraqi prisoners. She was court martialed on a range of charges that included assault, indecency, and disobeying orders (p. 76). However, rather than being portrayed as a mastermind of the abuse, England was instead characterized as a woman blinded by her own lust and desire to please her romantic partner. Even as she was charged with crimes, she was also characterized as uneducated and promiscuous (p. 74). Hoda Muthana, a young woman who travelled from the United States to join ISIS, although not tried for war crimes, has been stripped of her U.S. citizenship. Although part of the justification for stripping her of citizenship relies on a re-interpretation of her father's status in the United States, her legal team has stipulated that she travelled to Syria to join ISIS and participated in ISIS activity, both violations of the USA Patriot Act (p. 109). Unlike England, who was portrayed as immoral for engaging in sexual activity outside of marriage as part of her actions at Abu Ghraib, Muthana's supporters have argued that her youth and ISIS propaganda led to Muthana's calls for terrorist actions against the United States (p. 105). In both cases, possible explanations for these women's behavior focused on their intelligence or their age, denying that women could possibly have the agency to commit such crimes.

The second contribution that Steflja and Darden's book makes is to illustrate how these women use their gender to try to defend themselves from these charges. Plavsic, who is arguably the most successful in evading justice, portrayed herself as the lone member of the Serb government trying to restrain other rogue leaders and find peace. She used her participation in the Dayton Peace Accords to illustrate her role as a peace maker. As Steflja and Darden argue, "she exploited the gendered construction of the female peacemaker to distance herself from the role of perpetrator at the Hague" (p. 42). Of course, in her own memoir, later published only in the Serb language, she vilified the victims that testified against her and returned to her more extremist positions in favor of the Serb actions (p. 35).

Nyiramasuhuko similarly attempted to use her gender as a defense against her charges. While she played on the patriarchy common in Rwandan culture, her relationship with her son, which was allegedly sexual, violated assumptions about the "pious and devoted mother" (p. 46). She was also tried as part of a group of other male leaders, which blunted her ability to draw attention to her gender. Steflja and Darden note that the trial, held in the context of international legal institutions, was infused with assumptions about race and colonialism as well as gender. They argue "Analysts are often too quick to label African conflicts as tribal, ignoring that the racial and ethnic hierarchies constructed during colonialism still shape the international system" (p. 52). Although Nyiramasuhuko tried to portray herself as modest and pious, she was eventually convicted and sentenced to the same punishment as her fellow male defendants.

In the cases of England and Muthana, class and age played important roles in addition to gender. While England was vilified for her violation of gender norms for both her personal behavior and her role in the abuses, she was also depicted as uneducated and unsophisticated; her defense portrayed her as "overly compliant" due to her intellectual disabilities and other mental health issues (pp. 82-83). Muthana has similarly argued that she was duped into joining ISIS and that the hardships she has endured, along with motherhood, have helped her learn the error of her ways. In these cases, women are denied agency for their actions based on variables that are rarely applied to men that find themselves in similar situations. Steflja and Darden note that "concerns about

parental pressure, online grooming, or brainwashing are rarely extended to the thousands of young men who joined the group [ISIS] voluntarily or through coercion” (p. 107).

A final main point, which has already been alluded to, that Steflja and Darden bring forward is that women with intersectional identities have less access to gendered defenses than white women. While Plavsic was effectively able to portray herself as the “mother of the Serb nation,” the other women featured had additional identity attributes that weakened their ability to make such a case. Nyiramasuhuko could not escape racialized assumptions about African conflict and unspoken colonial tropes about the ability of the continent to contain violence. England was depicted as a “hillbilly” who too easily acceded to the wishes of those in authority. Muthana has been seen as a young girl victimized by religious extremists bent on making war with the West. Although gendered assumptions can serve both the accuser and the accused in cases related to war crimes, some women have greater vulnerability to the power of gender violations and less ability to utilize their identity as a defense.

Steflja and Darden’s important book contributes to a larger conversation about gender and conflict. While UN Security Council Resolution 1325 has focused greater attention on gender in conflict, that attention has to a large degree reinforced assumptions that women are solely victims of conflict rather than perpetrators. The authors note, “Using only a gendered lens to understand female perpetrators denies their social, political, ideological, and material motives” (p. 131). While violence against women continues to be an urgent concern, until women are seen as capable of being full agents, both as peace makers and war fighters, then gendered assumptions will continue to distort efforts at lasting justice.

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