

# MISUSING THE FIGHT AGAINST TERRORISM – THE ANALOGY BETWEEN THE “WITCH-HUNT” AND THE “GLOBAL WAR ON TERROR”

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## *Purpose*

In the scholarly literature, it is not uncommon for scholars to illustrate certain etymological and phenomenological aspects of contemporary crimes by relating them to the social phenomena that marked different historical eras. In this sense, some authors make analogies among different social phenomena (even those phenomena that do not belong to the same time period), with which they can indirectly conclude about one or more mutual characteristics. Therefore, the purpose of making the analogy is not aimed at exploring and presenting a certain phenomenon in its all aspects, but only in certain but very significant ones. Therefore, it is necessary to emphasize this limitation of analogy as a methodological tool. But despite that, it is not a rare case that authors who deal with the topic of terrorism and the fight against terrorism after September 11, 2001, do so in a way that links these topics to “witch-hunts” (Zulaika, 1991; 2016; 2018; Mahmood, 2001; Terkel, 2003; Thomas, 2003; Purdy, 2007; Rapley, 2007; Spens, 2014). With this analogy, they are practically trying to point out the possibilities or concrete examples of misuse of the fight against terrorism after September 11.

This position was further actualized by the United Nations Security Council Resolutions 2178 (2014) and 2396 (2017), which established a completely new category – foreign terrorist fighters (FTFs). With the introduction of the term FTFs, the paradigm of “global war on terror” has shifted, making analogy with “witch-hunt” even more significant and illustrative and primarily in the sense that it refers to the possibility of misuse of the fight against terrorism.

Some scholars point out that witches and witchcraft, coupled with wars, diseases, poverty and famine, represented one of the most dangerous threats in the Middle Ages and at the beginning of the New Century in Europe (Bartholomew & Wessely, 2002; Bailey, 2010). Witches and witchcraft were certainly something that people in the Middle Ages were very afraid of. A little later, even regulations were passed on the basis of which the ecclesiastical and, often, the secular authorities conducted trials and executions on accusations of witchcraft. If the authorities learned that there were witches in a town, they would form commissions and send their representatives (investigators/inquisitors) who conducted investigations, tried, and convicted people for witchcraft and almost as a rule carried out the death penalty in a very cruel way. Some of the most famous trials took place in the Spanish city of Seville in 1482, St Osyth in England in 1582, the German city of Trier between 1581 and 1593, the German town of Fulda between 1603 and 1606, and in several places in Basque between 1609 and

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1611,<sup>2</sup> the German cities of Bamber and Würzburg between 1626 and 1631,<sup>3</sup> and the American town of Salem, in 1692.<sup>4</sup> It is believed that in various trials during the Middle Ages in Europe, mainly in the territory of the Holy Roman Empire (present day Germany, parts of present day France, Switzerland, Austria, the Czech Republic), including Spain, Portugal, Italy, France, Great Britain, present day Hungary, Poland, and other European countries, between 40,000 and 60,000 people, mainly women, and in some cases children, were accused and executed for witchcraft (Levack, 1995). According to other sources, about 35,000 people were convicted and executed for witchcraft in the Middle Ages in Europe, and a total of 80,000 people were prosecuted (Monter, 2002). In contrast to this, Emily Oster reports an unbelievable fact that “about a million people were executed for witchcraft in Europe from the 13th to the 19th century” (Oster, 2004: 2015).

In the early 1950s, a play called *The Crucible* was performed in U.S. theaters, which is a dramatized story of a series of hearings and prosecutions of more than 200 people accused of witchcraft and 19 of whom were executed by hanging for being witches that took place in Salem, Massachusetts, between February 1692 and May 1693. The play is set during a period known in American history as the Second Red Scare or the McCarthyism, a period in which Republican Senator Joseph McCarthy led a wave of demagogic and unsubstantiated accusations that discredited political opponents by discrediting their real or invented left-wing views exaggerated, and they themselves labeled as traitors, supporters of communism and “Soviet spies”. During this anti-Communist persecution, thousands of American citizens were subjected to aggressive hearings by various congressional and/or senatorial committees. A large number of them lost their jobs, their careers were destroyed, and a number of people were detained.

Probably owing to this, the phrase “witch-hunt” is used today in the political discourse as a metaphor for the state of society when common sense and human rights and freedoms are overcome primarily by fear, including hatred, greed, ignorance, superstition, and the interests of the authorities and readiness to preserve the existing order at any cost (even by inventing enemies and planting evidence), while certain interest groups achieve their particular interests.

Contrary to this, terrorism has substantially changed modern societies, especially following the attack of September 11, 2001 on the United States by Al-Qaida. Responses to terrorism open up questions of proportionality, legality and ethics of counter-terrorism policies, which is why the ways in which the great powers fight against terrorism are linked to “witch-hunt”.

The topic of this paper is related to the analogy between “global war on terror” (with a special emphasis on foreign terrorist fighters) and “witch-hunt”, which as a social phenomenon shaped European medieval and early modern history. The idea of making this analogy may seem controversial considering that “witch-hunt” from a modern point of view implies the persecution of innocents as opposed to terrorists who are responsible for serious acts of violence. Terrorism and terrorists in the public discourse are considered the ultimate social evil, which often leads to misinterpretations and practices of human rights violations. However, the main idea of the work is to compare these two different phenomena from different historical and social contexts and to identify possible common characteristics. Therefore, the aim of the paper is not to shed light on all relevant aspects of counter-terrorism, but to primarily emphasize those related to the (possibility of) misuse of the fight against terrorism.

2 It is described as the largest trial against “witches”, in which the Inquisition detained and often tortured about 7,000 people during a 3-year period, of whom about 1,500 were children aged between 7 and 14.

3 Where probably the cruelest witch trials were held, in which a total of about 2000 people were executed.

4 Salem is probably the most famous trial owing to Arthur Miller’s 1953 play *The Crucible*, including numerous novels and films inspired by the events of this American town. For more details on these medieval witchcraft trials and the toll, see (Russell, 1972; 1981; Scot, 1989; Bailey, 2010).



### *Design/Methods/Approach*

The research approach is tailored to the assumption that the analogy between “global war on terror” (with special reference to foreign terrorist fighters) and “witch-hunt” can be useful in identifying and understanding of some of key phenomenological aspects of counter- terrorism. That is why the research approach included a few different techniques from literature review to analysis of documents and official announcements. The paper highlights the main features and key controversies related to counter-terrorism, but it also presents certain trends of contemporary terrorism and interprets it through the prism of the “witch hunt” to highlight the common traits of these two phenomena. A literature review was used in addition to identify the existing similarities between “witch-hunt” and “global war on terror” recognized by various authors, while other techniques were used in addition to identify some new similarities with the “witch-hunt” after the establishment of foreign terrorist fighters as a new form of this contemporary crime and the consequential paradigm shift.

The authors of the paper are of the opinion that the establishment of FTFs as a broadly defined contemporary crime additionally reinforces the need for making an analogy between “witch-hunt” and “global war on terror”. The analogy can be useful in the recognition of similarities between these two phenomena, which in general facilitates the understanding of some phenomenological aspects of FTFs.

### *Findings*

#### *Foreign Terrorist Fighters (FTFs)*

Since 2014, the “Global war on terror” has acquired a new dimension since the escalation of the crisis in Iraq and Syria and since the militant Islamic group called “Daesh” (Arab. داعش [dā' ish]), that is, the “Islamic state of Iraq and Levant/Syria” (ISIL/ISIS) managed to attract about 30,000 fighters from at least 85 countries who have joined the Islamic State of Iraq and Syria (ISIS) as of December 2015 (Benmelech and Klor, 2016: 1). While according to United Nations data, by 2015 approximately 40,000 individuals from over 120 countries had traveled to Iraq and the Syrian Arab Republic as fighters. An estimated 80 per cent of those migrated to join ISIS and live in the Caliphate, creating a combined force with local Syrians and Iraqis assessed at around 100,000 fighters (UNODC, 2019:15-6). Benmelech and Klor point out that although the great majority of ISIS recruits come from the Middle East and the Arab world, many foreign fighters also come from Western nations, including most members of the European Union, as well as the United States, Canada, Australia, and New Zealand, thousands of fighters from Russia and hundreds from Indonesia and Tajikistan have joined ISIS (Benmelech & Klor, 2016: 1).<sup>5</sup>

World’s most developed countries have recognized a great danger in this recruitment of foreign fighters to join ISIS, because it has been estimated that these ISIS fighters, after returning to their state of residence/nationality, could pose a serious threat to the national security of their state of residence/nationality. As a result, the more powerful countries of the world, such as the United States of America, Great Britain, France, Germany, the Russian Federation and many others have undertaken a series of military, political, and legal activities to prevent possible later/subsequent negative implications for the existence of the Islamic State (ISIS). Only a certain number of these activities pertained to the

<sup>5</sup> For more details on the transformation of the phenomenon of terrorism: from traditional to modern understanding of terrorism and understanding terrorism as a “global Jihadist movement” (as could be the case with Islamic States), see Šikman and Lalić, 2018.



political-legal paradigm shift where the Islamic State is designated as a terrorist organization,<sup>6</sup> while foreign fighters who fight on the side of the Islamic State are designated as “foreign terrorist fighters.”

Such a paradigm shift in “global war on terror”, where a completely new contemporary crime is actually constituted, was articulated through two resolutions of the United Nations Security Council. Resolution 2178 of September 24, 2014, with the aim to address the “acute and growing threat posed by foreign terrorist fighters recruited by or joining ISIL, ANF and all groups, undertakings and entities associated with Al-Qaida” (Resolution 2178 SC UN), defines “foreign terrorist fighters” as “individuals who travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training, including in connection with armed conflict (UNSC Resolution 2178). This definition of “foreign terrorist fighters” was expanded by Resolution 2396, which was adopted by the UN Security Council in December 2017, to include “individuals of more than one nationality who travel abroad for the purpose of...” (UNSC Resolution 2396). In this way, individuals of more than one nationality, one of which is Iraqi or Syrian, are included, which can still make them “foreign terrorist fighters.”

Specifically, FTFs go beyond the phenomenon of foreign fighters (individuals who participate in an armed conflict but are not of nationality of any warring party) because they also include “individuals of more than one nationality”, one of which may be connected to the territory where terrorist acts are carried out (e.g., in the case of ISIS it can be the nationality/citizenship of Iraq or Syria). Also, FTFs go beyond the phenomenon of terrorists because, among other things, it does not only involve attending terrorist training, but also the training in connection with armed conflict. Given that this formulation “the training in connection with armed conflict” has not been operationalized in the UN resolutions, it remains unclear what else it could encompass – education at military and police academies, regular military service, training in sports shooting with firearms, training for responding to emergency situations, that is, evacuation and rescue in case of earthquakes, floods, etc., then training in first aid, which is all linked to the training in connection with armed conflict. It is also not clear whether this could also include trainings conducted in peacetime conditions, which may very well be of importance in armed conflict, such as radio amateurs in terms of communication (who were particularly important during the NATO bombing of the FRY in 1999), drone photographers who can also operate combat drones in the event of armed conflict, different types of engineering knowledge and skills, that is, training important for the maintenance and repair of tools, weapons and military engineering machines, including other trainings (in)directly connected with armed conflict.

What is also questionable regarding the definition of FTFs contained in the UNSC Resolutions 2178 and 2396 is the circumstance that it is not necessary for certain individuals to actually carry out any terrorism-related acts; it is sufficient that only they “travel” abroad with “the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training, including in connection with armed conflict. In this regard, there is another questionable circumstance – the person accused of being an FTF not only does not have to carry out terrorism-related offenses (perpetration, planning or participating in terrorist act), but does not even have to stay in the country where a terrorist organization operates (e.g., ISIS in certain areas in Iraq and Syria), because, according to the definition contained in Resolutions 2178 and 2396, it is sufficient only to “travel” to a foreign country, whereby the act of “travelling” is not operationalized in the two UN Resolutions at all. Therefore, it remains unclear when the travel would formally begin – does it begin when an individual leaves the apartment in his or her country of origin, buys a ticket or enters a passenger transport vehicle (a bus, a plane, or a ship), when he or she leaves his or her country of ori-

<sup>6</sup> This is also a novelty in the fight against terrorism, since terrorist organizations are usually non-state organizations.



gin and enters the territory of a transit country or just enters the territory of a country where a specific terrorist organization operates!?”<sup>7</sup>

It has already been noted that the world’s most developed countries, which lead the “global war on terror” through the Security Council of the United Nations, constitute the phenomenon of foreign terrorist fighters as a contemporary crime, with the purpose of suppressing the travel of large numbers of individuals to foreign countries to fight alongside terrorist organizations and, even more importantly, subsequent problems for the national security of countries, when their citizens who participated in those “terrorist activities” return to their countries of origin. However, this overly broad definition of foreign terrorist fighters additionally reinforces the already elaborated analogy between the “global war on terror” and “witch-hunt”, which is why in recent years parallels between these two phenomena have often been drawn in the statements given by politicians and media reports.

However, before looking more closely at the analogy between “witch-hunt” and “global war on terror” in the light of the newly established crime of foreign terrorist fighters, it would be useful to review the more specific effects of these two resolutions of the United Nations Security Council in line with “global war on terror.”

#### *The Effects of Constituting FTFs in Line with “Global War on Terror”*

Although the global war on terror is an ongoing and complex process that can vary across different regions and countries it is possible to determine some specific activities encouraged by the UNSC Resolutions 2178 and 2396 in counter-terrorist fight on a global scale:

- *Raising Awareness and Cooperation* – by reaffirming that “terrorism in all forms and manifestations constitutes one of the most serious threats to international peace and security and that any acts of terrorism are criminal” and “that countering this threat requires collective efforts on national, regional and international levels” (Resolutions 2396).
- *Criminalization of FTFs in national legislation*. Regarding Resolutions 2178 and 2396, a large number of countries introduced or amended legislation to criminalize the activities of FTFs. That has enabled the prosecution and punishment of individuals involved in traveling to conflict zones to join or support terrorist organizations.<sup>8</sup>

Resolution 2396 states that FTFs “may be travelling with family members they brought with them to conflict zones, with families they have formed or family members who were born while in conflict zones”, and the United Nations are “underscoring the need for Member States to assess and investigate these individuals for any potential involvement in criminal or terrorist activities, including by employing evidence – based risk assessments, and to take appropriate action in compliance with relevant domestic and international law, including by considering appropriate prosecution, rehabilitation, and reintegration measures” (UNSC Resolution 2396, 2017). Since this provision of Resolution 2396 primarily refers to women and children, encouragement, that is, the “UN underscoring the need for MS to assess and investigate (...) including the prosecution of” women and children, this segment of the fight against FTFs is often linked to “witch hunt”, which is discussed below.

<sup>7</sup> All of the above represents only a segment of legal ambiguities and uncertainties related to contemporary crime of foreign terrorist fighters. (For more details on the status, dilemmas and controversies regarding the definition of FTFs in the UNSC Resolutions 2178 and 2396, see Lalić & Lipovac, 2023).

<sup>8</sup> It is important to note that many states that have amended their national criminal legislation on this contemporary crime, did not do so in full accordance with the extensive and undetermined formulation of FTFs from UN Resolutions. Rather, they specified certain terrorism-related offenses and prescribed new criminal offenses related to “participation in war or armed conflict in a foreign country” (in cases in which “foreign fighters” had not previously been prescribed as a crime).



All these activities in the “global war on terror” that are encouraged by the Security Council of the United Nations through these two resolutions really managed to achieve the key goal – to reduce, and later completely stop, the travel of individuals to the conflict zones where terrorist organizations operate (especially Iraq and Syria), since they can be prosecuted as foreign terrorist fighters and since members of their families (including their women and children) can be prosecuted as someone who is involved in criminal or terrorist activities. However, this key goal is not primarily aimed at establishing peace in the conflict zone where terrorist organizations operate but at preventing the return of foreign terrorist fighters to their countries of origin and consequently causing a threat to their national security. In addition to this, countries that lead the “global war on terror” have succeeded in achieving other goals in addition to this key goal, which is why counter-terrorism, especially the fight against foreign terrorist fighters, is associated with “witch hunts.”

### *Foreign Terrorist Fighters and “Witch-Hunt”*

In the already highlighted analogy between counter-terrorism and witch-hunt, numerous similarities have been observed that facilitate the understanding of certain phenomenological aspects of this contemporary crime. Numerous scholars have dealt with this analogy and drawn conclusions about terrorism and the fight against terrorism based on the similarities between this contemporary phenomenon and the historical phenomenon of “witch-hunt”. The first and most general similarity between these two phenomena is certainly conceptual vagueness observed by Cynthia Mahmood, who stated that terrorism like witchcraft is characterized by “a lack of concreteness in its definition” (Mahmood, 2001: 521). This vagueness of the concept of terrorism is the basis for determining the similarity between terrorists and witches, that is, between counter-terrorism and witch-hunt. Because the vagueness of the concept of terrorism suits policymakers, that is, the most powerful states, because they have the possibility to arbitrarily (and in accordance with their needs) define terrorists, similar to how church authorities arbitrarily labeled some women as witches and conducted witch-hunts in the Middle Ages in Europe ( Zulaika, 1991). Following 9/11 and the attacks on New York and Washington, the U.S. launched a “global war on terror”, which many scholars also recognize as a modern version of “witch-hunt”, because when they hear of accusations (false or not) that the governments of certain countries supported terrorism, the U.S. started wars in Iraq, Libya, Syria... the countries that are rich in oil and natural gas deposits, unlike, for example, the countries in Sub-Saharan Africa that do not have large natural resources, and which, according to the index values, traditionally have large problems with terrorism, and which, however, are not covered by direct military interventions within the framework of the “global war on terror.” This tendency points to the similarity between counter-terrorism and a witch-hunt because those who have managed or now manage these processes (primarily) achieve their particular interests,<sup>9</sup> rather than exclusively and systematically suppressing the phenomenon in itself (once witchcraft, today modern terrorism).

The analogy between a witch-hunt and a “global war on terror” was also drawn in relation to the special measures taken by the US Government at the internal level. Based on the set of special measures applied on the basis of the USA PATRIOT Act against American citizens since 2001<sup>10</sup>, which have gen-

9 The possibility that a political or other elite hides its particular interests behind some other phenomenon or social process is not a specific feature of any specific security threat, much less terrorism. These particular interests of political elites can often be hidden behind publicly proclaimed values, even behind something labeled as a national interest. There is also the possibility that the fight against terrorism, organized crime, and other security problems can be subsumed under national interests. For more details on the relationship between national interests and values and goals that can be achieved within them, see Lipovac and Dimitrijević, 2015; Dimitrijević and Lipovac, 2017).

10 Although the USA PATRIOT Act officially expired in March, 2020 without being reauthorized, federal law enforcement agencies in the US retain most of the authorities granted by this act until this day.



erated numerous controversies and accusations of violating privacy and constitutional rights of U.S. citizens, scholars have drawn an analogy between counter-terrorism and a witch-hunt (Purdy, 2007).

The adoption of Security Council United Nations Resolutions 2178 and 2396 and the introduction of the term foreign terrorist fighters not only strengthened and raised to a global level some existing similarities between counter-terrorism and witch-hunt, but it also created new ones. In particular, the special measures that have been implemented against U.S. citizens in the US since 2001 are now applied in almost all countries of the world. The UNSC Resolutions 2178 and 2396 created the obligation of UN member states to cooperate and exchange intelligence data in the fight against FTFs. Thus, through the G7, G20, the European Union, The International Monetary Fund and The Financial Action Task Force (FATF), the U.S. reaffirmed its support for the strategic priorities in policies to combat money laundering and terrorist financing and these standards are binding for all countries that belong to the so-called modern world. For example, certain special measures that have been prescribed by the PATRIOT Act in the U.S. since 2001 have become binding in Europe since 2015 on the basis of Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 (the so-called Fourth Anti-Money Laundering Directive), which are fully in line with the Financial Action Task Force’s (FATF) international anti-money laundering (AML) and counter-terrorist financing (CTF) standards.

This EU Fourth Directive imposes, among other things, an obligation to store data on all transactions conducted by legal and natural persons for a five-year period, to the extent that, for example, the data from natural persons’ ID cards, who exchange U.S. dollars in the Exchange office, is read and serial numbers from fifty-dollar and one-hundred-dollar bills are entered to record all transactions in U.S. dollars in Europe. Such measures certainly encourage numerous controversies and accusations of privacy and other human rights violations, which generally reinforces the analogy between counter-terrorism and witch-hunt and points to the similarity according to which fear of witches and fear of terrorists actually introduce and legitimize special measures which would probably not be possible under normal conditions.

The establishment of foreign terrorist fighters in accordance with UNSC resolutions widens the circle of individuals who can be suspected and prosecuted. However, this expansion of FTFs beyond the phenomenon of terrorists and foreign fighters opens up two new controversies and parallels that can be drawn in relation to witches and witch-hunts. The first similarity has already been discussed in detail in this paper and refers to the overly broad definition of FTFs, according to which individuals that are not connected with terrorist organizations but only travel to foreign countries and countries where terrorist organizations operate or can be linked to “the providing or receiving training in connection with armed conflict.” According to already quoted United Nations data, by 2015 approximately 40,000 individuals traveled to Iraq and Syria as fighters (UNODC, 2019:15). Unfortunately, in open sources there are no exact data about the number of individuals that are accused of and/or convicted as FTFs; however, it is unquestionable that in this way almost everyone who set out on a journey or actually stayed in the countries in question could indeed be charged and convicted as FTF, just like anyone who lived in Europe in the Middle Ages could be accused of witchcraft. Another important similarity arising from the UN definition of this contemporary crime is a view according to which FTFs “may be traveling with family members they brought with them to conflict zones, with families they have formed or family members who were born while in conflict zones” and that the United Nations are “underscoring the need for Member States” to assess, investigate and prosecute these individuals for any potential involvement in criminal or terrorist activities (UNSC Resolution 2396, 2017). This tendency, according to which women and children are investigated and prosecuted for crime, just because their husbands and/or fathers were also investigated/prosecuted as foreign terrorist fighters, in



many ways resembles medieval witch-hunts, where almost anyone who had any connection with the individual who was accused of or executed as a witch, was later accused of or executed for witchcraft.

This analogy was recognized by some authors and illustrated with concrete examples when women and children were placed in prisons in Syria, Iraq, including European and American prisons, and investigative actions were taken against them and criminal proceedings were initiated just because their husbands and /or fathers were accused of joining or merely supporting ISIS.

The most famous case took place in early 2021 when information that there were six Danish-related mothers and 19 children in the two Kurdish led imprisonment camps Al-Hol and Roj in Syria (between 1 and 14 years old), whose fathers allegedly have ties to the Islamic State appeared in the Danish media. Given that the Danish Government deprived some of them of their Danish citizenship administratively and while others had been cut off from assistance from the foreign service, some commentators used this case to draw an analogy between the fight against terrorism and the witch-hunt to explain the legitimization of such harsh measures undertaken: “What drives the anti-radicalization industry is the states’ construction of some people (including children!), as ultimate evil-doers having witchcraft-like possessions” (Christensen, 2022: 14). In late 2021, some of these mothers and children were repatriated (together with German mothers and children<sup>11</sup>) from the Al-Roj imprisonment camp and all three Danish mothers were immediately arrested and charged for “promotion of terrorist activities”, as well as “entry and residence in a conflict zone” (Middle East Eye, 2021).

This case became famous because it was widely exploited in the Danish media in 2021 (even in the context of political elections). However, this case represents only “a drop in the ocean,” since even today years after the declared victories over ISIS in Iraq and Syria, numerous international organizations have reported that tens of thousands of women and children are still in prisons in Syria and Iraq. According to the report published under Human Rights Watch, as of January 23, 2023, nearly 37.000 foreign nationals have been detained in two biggest Syrian imprisonment camps (Al-Hol and Roj) primarily holding the wives, other adult female relatives, and children of male ISIS suspects. Nearly 27.000 foreigners in the camps are from neighboring Iraq, while nearly 10.000 others are from about 60 other countries. More than 60 percent of the camp detainees are children and nearly 80 percent of the children are under the age of 12, and 30 percent are 5 years old or younger (HRW, 2022; Becker & Tayler, 2023). The Kurdish Red Crescent reports on the conditions in these prison camps and that just in al-Hol prison camp at least 371 children died in 2019 (Becker & Tayler, 2023).

The criminalization of FTFs in Denmark and the resulting atmosphere of persecution of Muslims and even women and children are unfortunately not an isolated case in Europe. Various cases of the persecution of Muslims were also recorded in the most developed countries in Europe. For example, in 2015 in Great Britain, precisely in the light of this paradigm shift in the “global war on terror” and the criminalization of FTFs, the new Counter-Terrorism and Security Act was adopted (the 11th law regulating the fight against terrorism since 2000), and to which numerous Imams, sheikhs, advocates, activists, community leaders and other representatives of the Muslim community in the United Kingdom reacted violently with the Joint UK Muslim statement to condemn “the ongoing demonisation of Muslims in Britain.” In this statement, they strongly oppose “the exploitation of Muslim issues and the ‘terror threat’ for political capital, in particular in the run up to a general election” and “deflect attention from crises in the economy and health service, but are crude and divisive tactics, where the big parties inevitably try to outdo each other in their nastiness” (Joint UK Muslim statement, 2015). Given that the signing of this Joint statement was a reaction to the adoption of the new Counter-Ter-

<sup>11</sup> Germany brought home eight women and 23 children, while Denmark repatriated three women and 14 children as part of the same operation, which was carried out with US military support. Six of the women were arrested immediately upon their return over alleged terrorism offences (Middle East Eye, 2021).





rorism and Security Act, which gives broad powers to state bodies and introduces completely new measures in the fight against terrorism, specifically in relation to early warning signs and the prevention of radicalization, the statement states, among other things, that: “The latest Act of Parliament, the Counter-Terrorism and Security Act, threatens to create a ‘McCarthyite’ witch-hunt against Muslims, with nursery workers, schoolteachers and Universities expected to look out for signs of increased Islamic practice as signs of ‘radicalisation’. Such a narrative will only further damage social cohesion as it incites suspicion and ill feeling in the broader community” (Joint UK Muslim statement, 2015).

Regarding this public statement, Jahangir Mohammed, director of the Center for Muslim Affairs, told the famous British magazine *Guardian* that “counter-terrorism policies are flawed and alienating. This approach is not working and is actually backfiring. The entire Muslim community is being blamed for the actions of a violent few and as a result Muslims in Britain feel marginalized” (The *Guardian*, 2015). The words of this Muslim activist very clearly illustrate the atmosphere in which fear-mongering, the creation of media hysteria and legitimization of special measures can lead to the stigmatization of an entire minority group and its systematic persecution – the atmosphere in which cohesion will be broken and almost no one will feel safe in the end. The possibility of imposing special measures against almost anyone in Britain just because he or she is a Muslim is reminiscent in many ways of the 17th century when almost all inhabitants of some towns were eventually accused of witchcraft (such as several small towns in Basque between 1609 and 1611 and the German cities of Bamberg and Würzburg between 1626 and 1631).

Similarly, a petition called “France’s Islamophobic Witch Hunt” was launched in France in November 2021, which was signed by 34 civil society organizations, which requires the “EU Leaders to take a stand” because “France is engaging in a full-blown Islamophobic Witch-Hunt by targeting racialised communities and organisations in Europe. Over the past months, the French government has launched countless administrative procedures to shut down Muslim-led organisations, mosques, schools, and even Muslim-owned “snack bars”. Despite a complete lack of evidence or judicial process, it did so by claiming “Muslim Brotherhood affiliations” (France’s Islamophobic Witch Hunt, 2021).

Taking into account these two cases, it may be concluded that in the fight against terrorism, similar to the witch hunt in the past, it is possible to lose focus and things can get out of control or, as Mohammed says, “counter-terrorism policies are flawed and alienating” and even “backfiring”, which can result in the Muslim community being equated with terrorist threat, that is, equating a town from the Early modern period with witchcraft (The *Guardian*, 2015). Contrary to this tendency, there are cases when the fight against terrorism can be used with a precisely defined goal which maintains the focus and targets a defined opponent, which some commentators use to draw an analogy with witch-hunts. It could be a policy in which the fight against terrorism is actually used to deal with and eliminate political enemies at home.

Accusations aimed at the domestic policy of Egyptian President Abdel Fattah El-Sisi point to this possibility. Egyptian coup d’état that took place on July 3, 2013, when general El-Sisi (as Egyptian army chief) arrested (the democratically elected) Mohamed Morsi and Muslim Brotherhood (MB) leaders and proclaimed himself as a leader of Egypt. Then El-Sisi gave a famous speech urging people to take to the streets and call en masse for police and army powers to fight terrorism. Since then, according to critics, President El-Sisi has “continued to use this to legitimize abusive laws, and as Narratives portraying the MB as anti-Egyptian and as a terrorist group have generated a climate of intense political polarization, resulting in extreme mistrust and fear among the Egyptian population. This divisive approach has served to justify a witch-hunt against the MB and other political opposition, facilitated by large-scale rights abuses and a climate of lawlessness” (Saferworld, 2017).



## *Originality/Value*

### *Towards the Analogy*

**Although not infrequently used in the papers of authors who dealt with topics related to terrorism and counter-terrorism**, the analogy between “witch-hunt” and **fight against terrorism** may seem strange at first glance. However, when one looks at numerous examples of misuse of the fight against terrorism, the need to draw this analogy becomes more than logical and justified, because it enables the determination of relevant similarities, which sheds additional light on certain aspects of counter-terrorism in general, particularly regarding foreign terrorist fighters.

Even before terrorist attacks on New York and Washington in 2001, numerous **authors** emphasized the importance of drawing an analogy between the “witch-hunt” and counter-terrorism. However, it was not until the post 9/11 explosion of interest in terrorism that this analogy became almost commonplace. The reason for this should not be sought only in a large body of terrorism and counter-terrorism literature, but primarily due to frequent news regarding various forms of misuse of the fight against terrorism, meaning the expansion of the scope of investigative actions, human rights violations, the closure and torture of people without evidence, accusing and convicting innocent people, and even killing them. In some respects, this is similar to “witch-hunt” in the past.

When George W. Bush declared a “global war on terror” in 2001 and as the wars in Afghanistan, Iraq, Libya and Syria took place, what became more than obvious was the inconsistency of the great powers in the fight against terrorism, because, as a rule, great powers fight terrorism in countries that have huge natural resources (mainly oil and natural gas), as opposed to sub-Saharan African countries that do not have such natural resources but they have the highest index values in terms of threats posed by terrorism.

On the domestic front, the US Congress adopted the USA PATRIOT Act in 2001, which significantly expanded government surveillance power and enhanced data collection without adequate checks and balances and which encroach upon privacy rights and constitutional rights of US citizens. These activities were especially linked to the “witch-hunt” when in 2013 Edward Snowden leaked to the media classified NSA documents about intelligence activities and secret data collection on almost all Internet users in the US.

Furthermore, in accordance with the PATRIOT Act, it is possible to charge with terrorism and prosecute individuals who in fact have no connection with terrorism. One of the most famous cases is the Dr. Rafil A. Dhafir case, in which this US citizen of Iraqi origin was eventually sentenced to 22 years in prison, but not for financing terrorism (as he was initially charged with), but for several other crimes (money laundering, fraud, tax evasion and so on). This case was regularly labeled a “witch-hunt” in the U.S. media.

At that time, another important event took place, on the basis of which parallels were drawn and similarities were found between witchcraft and the “global war on terror”. This event is related to U.S. Secretary of State Colin Powell’s address to the UN Security Council, which contained half-information and serious but unfounded accusations against the regime of Iraqi President Hussein regarding alleged support for terrorism and the development of weapons of mass destruction, and pointing to the conclusion that the Iraqi regime is planning a terrorist attack with WMD. Given that in such statements given by the highest state officials there is a tendency to spread the fear of a great threat that can destroy innocent people based on manipulation and construal based on half-truths, some commentators use this example to draw parallels and highlight similarities between the spread of fear of witchcraft and fear of terrorism.



Probably the most indicative similarity between a “witch-hunt” and a “global war on terror” related to the treatment of individuals accused of terrorism, who were held or are still held in U.S. prisons outside the U.S. When reports about the systematic use of torture were published, including other cruel, inhuman or degrading treatment against hundreds of people, many of whom were unjustly accused of terrorism, in the American prisons in Guantanamo Bay (Cuba) and Abu Ghraib (Iraq), an analogy with investigative methods, torture, and coerced statement during “witch-hunts” imposed itself.

However, an analogy between analogies between “witch-hunts” and counter-terrorism, that is, “global war on terror”, unfortunately, does not end here. Since 2014, when the crisis in Iraq and Syria escalated and when Da’ish, that is, the Islamic State, succeeded in gathering several tens of thousands of foreign fighters in a relatively short time, great powers led by the U.S. have taken a series of measures to raise the fight against terrorism, that is, the “global war on terror” to another level. Through two resolutions of the UN Security Council (Resolutions 2178 and 2396), a completely new contemporary crime is actually constituted: “foreign terrorist fighters.” With this definition, the phenomenon of FTFs significantly surpasses both the phenomenon of terrorists and the phenomenon of foreign fighters, which is why the analysis of the etymological connection between these concepts cannot be particularly useful.

On the contrary, the establishment of FTFs unfortunately further reinforces the analogy between witch-hunt and counter-terrorism, which makes it possible to better understand certain aspects of the questionable concept of FTFs. In addition to the already established similarities between “witch-hunt” and the “global war on terror”, by constituting the phenomenon of foreign terrorist fighters it is possible to make five more key similarities.

First, by constituting FTFs as “one of the most serious threats to international peace and security (...) that requires collective efforts on national, regional and international levels,” which means “raising awareness and cooperation, and counterterrorism capacity building” (Resolutions 2178 and 2396), which in reality means, among other things, special measures at the global level, similar to the measures prescribed in the U.S. by the PATRIOT Act of 2001. For example, in Europe, only in the part related to trade and finance, Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 (the so-called Fourth Anti-Money Laundering Directive) imposes, among other things, an obligation to store data on all transactions of legal and natural persons for a five-year period. In this way, not only individual countries get the opportunity to monitor all financial transactions of their citizens, but also great powers that lead the “global war on terror” get the opportunity to monitor all financial transactions in other countries on the global scale through “counterterrorism capacity building, cooperation and intelligence sharing.” Thus, special measures that would otherwise be unthinkable are introduced and accusations of privacy and other human rights violations are additionally strengthened, which overall strengthens the analogy between counter-terrorism and “witch-hunt.”

Secondly, accordance to the UN Security Council’s definition, not only can individuals linked to terrorism be accused of this crime, but also those linked to armed conflict in general, that is, who participate in armed conflict, and even to have “the training in connection with armed conflict” (Resolutions 2178 and 2396). The circle of potential suspected/convicted individuals for this contemporary crime is expanding due to the fact that, according to the UN Security Council’s definition, FTFs also comprise individuals who have not actually committed any terrorism-related criminal acts, but it is sufficient that they “travel” abroad with “the purpose of” joining a terrorist organization or armed forces. In this way, almost anyone can be accused of being a terrorist, similar to accusations of witchcraft in the Middle Ages and the early modern period in Europe.

Thirdly, Resolution 2396 points out that the United Nations are underscoring the need for Member States to assess and investigate the family members (of individuals suspected of being FTFs) for any



potential involvement in criminal or terrorist activities. In countries where this provision of Resolution 2396 has been incorporated into national criminal legislation, there have been serious human rights violations, the prosecution and imprisonment of large numbers of women and children whose husbands or fathers have been accused of being FTFs. According to the data of relevant international organizations, tens of thousands of women and children (under the age of 14) from around 60 countries, whose husbands/fathers are linked to ISIS, are still imprisoned in two biggest Syrian imprisonment camps, namely Al-Hol and Roj. However, in Europe there are far more well-known examples of European citizens who have been deprived of their human rights on these grounds, have had their citizenship revoked, or have been imprisoned and prosecuted for terrorism. The most famous case refers to six Danish-related mothers and 19 children – some mothers were stripped of their Danish citizenship and are still imprisoned at these camps, while three mothers were repatriated, but immediately upon entering Denmark they were arrested and charged with the “promotion of terrorist activities”, as well as “entry and residence in a conflict zone.”

Fourthly, the amendment of national criminal legislation and the criminalization of FTFs in some European countries, at least according to critics, created an environment of moral panic, the breakdown of social cohesion, and even the “demonization of Muslims” in general. As a result, the Muslim community in the United Kingdom reacted in 2015 with a Joint statement to condemn the adoption of the new Counter-Terrorism and Security Act because it provides for new special measures, whose implementation “threatens to create a ‘McCarthyite’ witch-hunt against Muslims” in UK. Similarly, in France, in 2021, 34 civil society organizations signed a petition called “France’s Islamophobic Witch Hunt” to condemn “the French government countless administrative procedures to shut down Muslim-led organizations, mosques, schools... by claiming “Muslim Brotherhood” affiliations.”

Finally, the fifth key similarity between a “witch-hunt” and a “global war on terror” does not represent a complete novelty that arises as a consequence of the establishment of foreign terrorist fighters as a contemporary crime. However, the paradigm shift in the “global war on terror” brought about by the criminalization of FTFs gives this tendency far greater opportunities for the misuse of counter-terrorism for the sake of settling internal political enemies. Similarly, from the 11th to the 19th century, The Tribunal of the Holy Office of the Inquisition (Spanish Inquisition) conducted “witch hunts” in Spain, whose goals were also related to dealing with internal enemies, that is, preserving the existing ruling structures, strengthening the influence of the church, preserving political stability in accordance with Roman Catholic principles and weakening the influence of Jews and Muslims in Spain, thus counter-terrorism has been misused in different parts of the world to deal with political opponents on the domestic front. Except that now there arise new possibilities when calling for the “global war on terror” and the fight against FTFs. Calling for a “global war on terror” makes it easier to get international support, while calling for the fight against FTFs enables the expansion of the circle of potential political enemies who are dehumanized in this way and takes away any legitimacy and approves the most brutal means.

Such an example is related to the 2013 Egyptian coup d'état when general Abdel Fattah El-Sisi has arrested (the democratically elected) Mohamed Morsi and Muslim Brotherhood leaders and proclaimed himself as a leader of Egypt. Opponents of the current Egyptian regime often stress that President El-Sisi cultivates a narrative in which he labels the Muslim Brotherhood as terrorists, polarizes society, seeks international support, adopts laws that legitimize special powers and measures and provokes political opponents to use force, so that the army may use it as a reason to use brutal force against his political opponents. Opponents of El-Sisi’s regime describe this as measures aimed at justifying the “witch-hunt against the MB and other political opposition.”



## Conclusion

The analogy between “witch-hunt” and counter-terrorism, that is, “global war on terror” not only allows for determining the similarities between the two phenomena and seeing more clearly certain aspects of foreign terrorist fighters as a contemporary crime, but it also allows for better understanding why today the phrase “witch hunt” is used in the political discourse as a metaphor to denote a special state in society. A state in which common sense and human liberties are overcome primarily by fear, including hatred, greed, ignorance, superstition, the interest of the government and willingness to preserve the existing order at any cost (even by inventing enemies and planting “evidence”), while some elites achieve their particular interests. It is a state in which some “witches” are constantly persecuted, that is, some traitors, internal enemies or others who should be blamed for all problems that occur in that society and/or to achieve a particular interest, in this case those who lead fight against terrorism. This is the reason why the analogy drawn is primarily focused on presenting possibilities and highlighting examples related to the misuse of counter-terrorism, that is, the “global war on terror.” In addition to previously identified similarities in the literature between “witch-hunts” and counter-terrorism, special emphasis is placed on FTFs and counter-terrorism policies related to them. In this regard and in addition to the previously observed selectivity of the great powers in the “global war on terror”, we identified five more mutual characteristics between “witch-hunts” and FTFs: 1) the expansion of state powers and introduction of special measures that can be used indiscriminately; 2) a wide and insufficiently defined circle of persons who can be accused; 3) the investigation of family members due to a possible connection with terrorism, the imprisonment of women and children, a denial of family members’ fundamental human rights; 4) the dehumanization of the enemy and justification of the use of inhumane methods, and 5) the misuse of counter-terrorism for the sake of settling internal political enemies.

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