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No Peace Without Punishment? Reintegrating Islamic State “Collaborators” in Iraq

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ABSTRACT

How does variation in the severity of punishment affect public opinion toward the reintegration of former enemy “collaborators” after war? We study this question in the context of Iraq where the Islamic State, an armed rebel group, captured and governed a population of more than 5 million Iraqi citizens between 2014 and 2017. Building upon extensive fieldwork and interviews in Iraq, we designed a survey experiment that randomly varied the severity of sentences in hypothetical scenarios of civilians who supported the Islamic State in non-violent roles (e.g., cleaners, cooks, and wives of fighters). The experiment allows us to estimate the causal effects of punishment on attitudes toward reintegration. We find that a long prison sentence (15 years) does not increase the likelihood of participants’ willingness to allow the reintegration of former collaborators; instead, a noncarceral punishment (community service) has a small but statistically significant positive effect. Our most striking findings are that noncarceral and community-based justice mechanisms can significantly increase the likelihood of successful reintegration after punishment. Fifteen percent of respondents who were initially opposed to the return of former collaborators into their communities said that they would be willing to change their judgment and support reintegration if they were asked to do so by a tribal or religious leader, or if the offender completes a noncarceral rehabilitation program. These findings suggest that noncarceral, restorative, and community-based justice mechanisms may be equally or potentially more effective than long-term incarceration for achieving the objectives of rehabilitation and eventual reintegration of former nonviolent offenders. Our study advances the field of comparative empirical legal scholarship by providing an innovative experimental research design that can be replicated by scholars studying other contexts to help answer important questions about the causal effects of criminal justice policies.

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INTRODUCTION

Since the end of the Cold War, civil wars have replaced inter-state wars as the most common type of armed conflict.¹ In many civil wars, illegal armed groups engage not only in military operations and terrorism, but also aspire to establish state-like political entities that control territory and operate complex systems of law, order, control, and service provision. No insurgency can maintain control over territory without achieving a critical threshold of local “collaboration,” which we define as cooperation—either voluntary or involuntary²—against an enemy of one’s country during a war. Such groups have emerged in diverse regional contexts and are motivated by a range of ideologies.³

When insurgent groups that govern large numbers of civilians are defeated,⁴ prevailing governments are faced with the challenge of reasserting state control and sovereignty over these recaptured territories; they must decide how to hold accountable not only rebel fighters who perpetrated violent crimes, but also the large number of civilians who either worked directly for the group in civilian roles (e.g., as tax collectors, teachers, or cooks) or collaborated with the group in other nonviolent ways (e.g., by providing food, shelter, or paying taxes).⁵ Yet in the fog of war’s

¹ Stathis N. Kalyvas & Laia Balcells, *International System and Technologies of Rebellion: How the End of the Cold War Shaped Internal Conflict*, 104 AM. POL. SCI. REV. 415 (2010).

² See, e.g., Stanley Hoffmann, *Collaborationism in France during World War II*, 40 J. Mod. Hist. 375, 379 (1968) (noting, in the context of Nazi-occupied France during World War II, “Involuntary collaboration was a reluctant recognition of necessity; voluntary collaboration for reason of state was a foolhardy attempt at exploiting necessity.”); Shane Darcy, *Coming to Terms with Wartime Collaboration: Post-Conflict Processes & Legal Challenges*, 45 Brook. J. Int’l L. 75, 75 (2019) (“Parties to an armed conflict will seek to gain the upper hand by turning their opponents’ people against them, while individuals may cooperate with the enemy out of conviction, desperation, or under coercion.”).

³ The Islamic State in Iraq and Syria and the Taliban in Afghanistan seek to replace governments that they consider to be un-Islamic with new forms of governance based on their strict and selective interpretation of Islamic law. In eastern Congo, the Mai Mai rebel group follows an ideology that combines elements of nationalism and Christianity and provides services to civilians living in its territory. See: Kasper Hoffmann & Judith Verweijen, *Rebel Rule: A Governmentality Perspective*, 118 AFRICAN AFF. 352 (2019). while the Revolutionary Armed Forces of Colombia (FARC) established a Marxist system of governance. See generally ANA ARJONA, *REBELOCRACY: SOCIAL ORDER IN THE COLOMBIAN CIVIL WAR* (2016).

⁴ BEN CONNABLE & MARTIN C. LIBICKI, *HOW INSURGENCIES END* 14 (2010) (“Most insurgencies fail, since states, no matter how weak or feckless, are typically stronger, better organized, and more professional than nonstate forces.”).

⁵ Kristen Kao & Mara R. Revkin, *Retribution or Reconciliation? Post-Conflict Attitudes Toward Enemy Collaborators*, Am. J. Pol. Sci.

aftermath, it is difficult and labor-intensive for state authorities to try to differentiate between civilian collaborators who were acting voluntarily and those who were coerced, as well as between those who committed serious crimes and those who committed lesser nonviolent offenses or are entirely innocent. Fear of potentially dangerous collaborators and victims' demands for justice often lead to collective stigmatization and punishment of all civilians who lived under enemy rule, regardless of their actual guilt or innocence.⁶

Mass incarceration of large numbers of alleged enemy collaborators is common after wars, despite being costly for the state and harmful for prisoners. In recent years, a growing body of empirical evidence—both quantitative and qualitative—has called into question the effectiveness of incarceration for achieving its purported objectives of deterrence, incapacitation, retribution, rehabilitation, and reintegration. Although most of this research has been conducted in peacetime societies, we argue that the effectiveness of incarceration in post-conflict settings should also be questioned.⁷ Research suggests that experiences with injustice—including arbitrary detention, disproportionately harsh prison sentences, and human rights violations such as torture—generate grievances that increase the likelihood of radicalization and recidivism.⁸ For instance, Jeremy Bentham

(forthcoming 2021).

⁶ GELINADA GRINCHENKO & ELEONORA NARVSELIUS, TRAITORS, COLLABORATORS AND DESERTERS IN CONTEMPORARY EUROPEAN POLITICS OF MEMORY: FORMULAS OF BETRAYAL 22 (2017) (“Throughout history, not only individuals but also ethnic, national, and regional groups have been accused of collaboration and subjected to collective punishment.”). For example, after the defeat of the Nazis in World War II, civilians accused of collaboration in formerly occupied countries were widely stigmatized and collectively punished both by state-led accountability processes (for example, the Soviet Union’s mass prosecutions for the vaguely defined crime of “treason”) or through extra-judicial killings and other acts of revenge (for example, a small number of Jewish survivors formed “hit squads” to take revenge on collaborators). See: ALISTAIR DAVIDSON, MIGRATION IN THE AGE OF GENOCIDE: LAW, FORGIVENESS AND REVENGE 22 (2015). After the Greek Civil War (1945-1950), for instance, the government established mass internment camps where former Communist rebels were collectively punished with forced labor, solitary confinement, and involuntary ideological rehabilitation. See: Polymeris Voglis, *Political Prisoners in the Greek Civil War, 1945—50: Greece in Comparative Perspective*, 37 J. CONTEMP. HIST. 523, 529 (2002).

⁷ See *infra* Section I.B. and Section I.C.

⁸ United Nations Development Programme, *Preventing Violent Extremism Through Promoting Inclusive Development, Tolerance*

warned that prisons may function as “schools of crime” in which inmates learn and adopt new criminal behaviors by learning from each other.⁹ There are many examples of organized criminal groups that originated in prisons including the Aryan Brotherhood, a white supremacist group in the United States,¹⁰ the Brödraskapet, a Swedish prison gang,¹¹ the Primeiro Comando da Capital in Brazil,¹² and the Islamic State in Iraq, many of whose leaders were radicalized during incarceration in U.S.-administered prisons after the 2003 invasion and overthrow of Saddam Hussein—prisons that were later described as “jihadi universities.”¹³

Given growing evidence that incarceration often fails to achieve its intended objectives and in many cases is counter-productive, there is a need for more empirical research on whether these objectives might be better achieved through noncarceral alternatives in post-war settings.¹⁴ Of the different purported objectives of incarceration noted above, this study focuses on one: reintegration.

and Respect for Diversity 21 (2016) (“There appears to be a stronger correlation between political violence and experiences or perceptions of injustice, corruption and systematic discrimination.”); Radicalization Awareness Network, *Approaches to Violent Extremist Offenders and Countering Radicalisation in Prisons and Probation* 6 (2016), https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/networks/radicalisation_awareness_network/about-ran/ran-p-and-p/docs/ran_pp_approaches_to_violent_extremist_en.pdf (“Responses [to terrorist offenses] should be proportionate; otherwise there is a risk of ‘detention damage’ among individuals, of fuelling the radicalisation process through disproportionate measures.”)

⁹ JEREMY BENTHAM, *THE RATIONALE OF PUNISHMENT* 48 (1830) (“[W]hen care is not taken to prevent the indiscriminate association of prisoners; but the juvenile and the hoary delinquent are allowed to meet and live together. Such prisons, instead of places for reform, are schools for crime.”); Dudley & James Bargent, *The Prison Dilemma: Latin America’s incubators of organized crime*, 19 *INSIGHT CRIME* (Jan. 19, 2017), <https://www.insightcrime.org/investigations/prison-dilemma-latin-america-incubators-organized-crime/>.

¹⁰ Anti-Defamation League, *White Supremacist Prison Gangs in the United States: A Preliminary Inventory* (2016), https://www.adl.org/sites/default/files/documents/assets/pdf/combating-hate/CR_4499_WhiteSupremacist-Report_web_vff.pdf.

¹¹ WALTER ROBERTS, *PRISON GANGS: ORGANIZED CRIME BEHIND BARS* (2014).

¹² Leonardo Coutinho, *The Evolution of the Most Lethal Criminal Organization in Brazil—the PCC*, 8 *PRISM* 56 (2019).

¹³ Patrice Taddonio, *How U.S. Prisons in Iraq Became “Jihadi Universities” for ISIS*, PBS *FRONTLINE* (May 17, 2016), <https://www.pbs.org/wgbh/frontline/article/how-u-s-prisons-in-iraq-became-jihadi-universities-for-isis/>.

¹⁴ Allegra M. McLeod, *Prison Abolition and Grounded Justice*, 62 *UCLA L. REV.* 1156 (2015) (“[D]espite persistent and increasing recognition of the deep problems that attend U.S. incarceration and prison-backed policing, criminal law scholarship has largely failed to consider how the goals of criminal law—principally deterrence, incapacitation, rehabilitation, and retributive justice—might be pursued by means entirely apart from criminal law enforcement.”).

Studying the effects of incarceration on reintegration is important because the vast majority of nonviolent offenders who are incarcerated will eventually be released,¹⁵ and will then face the challenge of reintegration into society. Although there has been some quantitative research on how long-term incarceration may affect the likelihood that former nonviolent offenders will be able to successfully return to society after years or decades in prison in peacetime settings, this question has not been well-studied in post-war settings such as Iraq where large numbers of enemy “collaborators” are incarcerated.

Furthermore, the literature on reintegration often fails to seriously consider the importance of public opinion toward former offenders within the communities to which they return. Theories of incarceration often rely on an implicit assumption that long prison sentences are necessary for former offenders to prove to society that they have been successfully rehabilitated and “paid their debt.” However, there is very little empirical evidence to substantiate this belief. There is also a widespread and similarly untested assumption that harsh and carceral punishments are more effective at achieving the objectives of rehabilitation and eventual reintegration than more lenient, restorative, and noncarceral punishments.

¹⁵The U.S. Department of Justice estimates that 95% of all state prisoners in the U.S. will eventually be released. See Bureau of Justice Statistics, *U.S. Department of Justice, Reentry Trends in the U.S.* (Oct. 2002), <https://www.ncjrs.gov/App/abstractdb/AbstractDBDetails.aspx?id=197334>. Currently, there is no comparable data available for Iraq, however, we can infer from Iraq’s large prison population and capital punishment rate that a high percentage of prisoners will eventually be released there. Iraq’s prison population was estimated to be 64,172 in 2017. See *infra* Section II.A, Figure 1. According to Human Rights Watch, Iraqi judges generally interpret a life sentence as 20 years. Human Rights Watch, *Iraq: Change Approach to Foreign Women, Children in ISIS-Linked Trials*, (Jun. 21, 2018), <https://www.hrw.org/node/319356/printable/print>. In 2018, Iraq had the fifth highest capital punishment rate in the world with 52 executions and at least 271 death sentences. Amnesty International, *Global Report: Death Sentences and Executions* 46, 47 (2018), <https://www.amnesty.org/download/Documents/ACT5098702019ENGLISH.PDF>. Despite Iraq’s high capital punishment rate, its large prison population and the customary reduction of life sentences to 20 years suggests a high rate of eventual release.

In this article, we test and ultimately challenge the validity of these presumptions in the post-conflict setting of Iraq by asking and answering three empirical questions. Does incarceration promote perceptions of rehabilitation and increase the willingness of communities to allow the eventual reintegration of civilians who are perceived as enemy collaborators after a war ends? Furthermore, is prolonged incarceration the most effective punishment for facilitating eventual reintegration, or can shorter prison sentences or restorative noncarceral alternatives such as community service be equally or even more effective? Finally, how do the answers to these questions vary among subgroups within the population (e.g. genders, experiences with rebel rule, etc.)?

To study the relationship between punishment and reintegration, we collected original data on Iraqi public opinion toward punishment of hypothetical individuals convicted of nonviolent support for the Islamic State. We employ an experiment embedded in a household survey of 1,458 residents of Mosul. Survey experiments, which randomly assign treatments to respondents in the context of a survey to enable measurement of the causal effects of one or more independent variables on an outcome of interest,¹⁶ have become increasingly common in the social sciences,¹⁷ but are not yet widely used or cited by legal scholars with a few noteworthy exceptions.¹⁸ In this article, we demonstrate how

¹⁶ Yanna Krupnikov & Blake Findley, *Survey Experiments: Managing the Methodological Costs and Benefits*, in THE OXFORD HANDBOOK OF POLLING AND SURVEY METHODS (Lonna Rae Atkeson & R. Michael Alvarez, eds. 2016).

¹⁷ See, e.g., James N. Druckman et al., *The Growth and Development of Experimental Research in Political Science*, 100 AM. POLIT. SCI. REV. 627–635 (2006).

¹⁸ See, e.g., Adam Chilton, *The Influence of International Human Rights Agreements on Public Opinion: An Experimental Study*, 15 CHI. J. INT'L L. 110 (2014) (using a survey experiment to assess whether information about international law changes perceptions of a domestic human rights issue: solitary confinement); Conor Clarke & Edward Fox, *Perceptions of Taxing and Spending: A Survey Experiment*, 124 YALE L.J. 1252, 1279 (2014) (using a survey experiment to measure perceptions of government spending, finding that the public strongly prefers spending through the tax code over direct expenditures); Bert. I. Huang, *Law's Halo and the Moral Machine*, 119 COLUM. L. REV. 1811, 1812 (2019) (using a survey experiment to assess how law influences moral intuitions about artificial intelligence).

survey experiments can be leveraged to answer important empirical questions in legal scholarship, contributing to an emerging field of “experimental jurisprudence.”¹⁹

The survey experiment presented respondents with three hypothetical scenarios of nonviolent Islamic State collaborators who varied in terms of their social intimacy with and physical proximity to rebel fighters. For instance, wives and cooks were closely linked to fighters, interacting with them on a daily basis. In comparison, civilians who worked for non-military institutions of the Islamic State that provided services to civilians, such as janitors working in the municipal department, were more distant from the perpetrators of violent crimes. In the survey experiment, respondents were asked if they would be willing to allow these hypothetical former collaborators to return to their neighborhood after serving a randomly assigned punishment ranging in severity: no punishment, six months of community service, three years in prison, or 15 years in prison. The random assignment of these different punishments to the profiles enables us to estimate the causal effects of punishment on preferences for reintegration of different types of former collaborators.

Overall, the results suggest that long-term incarceration does not increase the likelihood that former Islamic State collaborators will be accepted back into their community of origin. Although a 15-year prison sentence has an insignificant effect on respondents’ willingness to allow the reintegration of a former offender in comparison with no punishment, we find that a restorative punishment, 6 months of community service, has a small but statistically significant positive effect. Additionally, we find that among respondents who initially rejected a hypothetical candidate for reintegration, 15% were willing to change their judgment and allow the former offender to return to

¹⁹ Roseanna Sommers, *Experimental Jurisprudence*, BRIEFLY (2020), <https://lawreviewblog.uchicago.edu/2020/02/26/briefly-3-12-experimental-jurisprudence/> (“Experimental Jurisprudence is ... an emerging field that uses empirical methods, particularly from the cognitive sciences, to clarify important concepts in the law.”).

their community if asked to do so by their religious or tribal leader, or if the former offender successfully completes a rehabilitation program. We also find some noteworthy correlations between individual characteristics of respondents and their preferences for reintegration: those who believe that a given hypothetical collaborator acted voluntarily are less supportive of reintegration, suggesting the importance of intent in determinations of culpability, and women are less supportive of reintegration than men.

These results give reason to question the efficacy of incarceration for achieving the important objective of eventual reintegration and provide support for restorative and community-based justice mechanisms. Although collaboration with the Islamic State in Iraq is a uniquely challenging case for reintegration, we argue that our findings may offer lessons for other post-conflict societies where large numbers of civilians are accused of collaboration with a rebel group. Beyond Iraq, many other countries, including the United States, Great Britain, and the member states of the European Union, are grappling with the question of whether or not to repatriate their citizens who traveled to join the Islamic State and have been stranded in prison-like camps in northeast Syria since the group's military defeat there in 2019.²⁰

This article proceeds as follows. Part I identifies a gap in the literature on reintegration: the important role of public opinion in the communities to which former collaborators return. Part II provides background on the case of the Islamic State in Iraq. Part III discusses the research design and results of our original survey experiment estimating the causal effects of punishment on public opinion toward reintegration in post-conflict Iraq. Part IV discusses the broader policy and legal

²⁰ Elian Peltier & Constant Méheut, *Europe's Dilemma: Take In ISIS Families, or Leave Them in Syria?*, N.Y. Times (May 28, 2021), <https://www.nytimes.com/2021/05/28/world/europe/isis-women-children-repatriation.html>.

implications of these findings for Iraq and beyond in the areas of post-conflict transitional justice, and noncarceral and community-based alternatives to incarceration.

II. THE IMPORTANCE OF STUDYING PUBLIC OPINION TOWARD REINTEGRATION

Public opinion is an important factor in successful reintegration of former offenders for several reasons. First, it is well-established that rebuilding social networks and relationships between former offenders and their communities discourages recidivism.²¹ Negative public attitudes toward former rebels leads to stigmatization and exclusion, which then makes it more difficult for former rebels to obtain safe housing and employment. Scholars have identified three forms of stigmatization: structural, social, and self.²² Negative public opinion toward former offenders may contribute not only to stigmatization and marginalization of individual former offenders but also of their families and neighborhoods.²³

In addition to stigmatization, there are other ways in which public opinion affects reintegration of former offenders. If community members do not feel that a former offender has been sufficiently punished and rehabilitated, there is a risk of retribution or retaliatory violence. Research on transitional justice in post-conflict settings has found that when the state's accountability measures fall short of

²¹ See, e.g., Humphreys, Macartan, and Jeremy M. Weinstein. "Demobilization and reintegration." *Journal of conflict resolution* 51.4 (2007): 531-567.; Mark Berg & Beth M. Huebner. *Reentry and the Ties That Bind: An Examination of Social Ties, Employment, and Recidivism*, 28 JUST. Q. 382 (2011) ("Scholars consistently find that reentering offenders who obtain steady work and maintain social ties to family are less likely to recidivate.").

²² Kelly Moore et al., *Jail Inmates' Perceived and Anticipated Stigma: Implications for Post-release Functioning*, 12 J. INT. SOC. SELF IDENTITY 527, 527 (2013); JOAN PETERSILIA, WHEN PRISONERS COME HOME: PAROLE AND PRISONER REENTRY (2003); Moore et al., *supra* note 82 at 527.

²³ DONALD BRAMAN, DOING TIME ON THE OUTSIDE: INCARCERATION AND FAMILY LIFE IN URBAN AMERICA 187 (2007) ("As families of prisoners confront incarceration, they also confront a widespread set of assumptions about their loved ones and about themselves, not only in the eyes of society at large but also in the communities where they live.").

what victims believe is proportional to the crime committed, the resulting perception of an “injustice gap” may increase the likelihood that victims will seek revenge through extrajudicial violence.²⁴ Failure to consider the opinion of local community members and popular conceptions of mismatches between justice mechanisms and crimes committed could result in vigilante justice²⁵ and further defiance of legal authorities.²⁶

Proponents of incarceration often rely on an untested assumption that long prison sentences are necessary for former offenders to prove to society that they have been successfully rehabilitated and “paid their debt.” The characterization of incarceration as payment of a “debt to society” had become common in the United States and Europe by the late-1800s.²⁷ In 1901, *The Anamosa Prison Press*, a newspaper written and published at the Iowa State Penitentiary, published a “Sunday school” lesson stating, “[E]very modern penitentiary is a reformatory—a chance for the convict to pay the penal debt to society and start anew. The sentence of the court is the debt society has fixed against the prisoner for the crime, and when the prisoner has canceled the debt, then he and society are square again and he begins anew.”²⁸ Judges have invoked the concept of debt in sentencing decisions more recently as well.²⁹ Despite the widespread belief that society expects offenders to repay their debt by

²⁴ EVERETT L. WORTHINGTON, JR. FORGIVENESS AND RECONCILIATION: THEORY AND APPLICATION (2016).

²⁵ Human Rights Watch. *Iraq: Flawed Prosecution of ISIS Suspects Undermines Justice for Victims*, (2017), <https://www.hrw.org/report/2017/12/05/flawed-justice/accountability-isis-crimes-iraq>; Daly, Erin. 2001. “Between Punitive and Reconstructive Justice: The Gacaca Courts in Rwanda.” *NYU Journal of International Law and Politics* 34:355.

²⁶ Tyler, Tom R. 2003. “Procedural Justice, Legitimacy, and the Effective Rule of Law.” *Crime and Justice* 30:283–357.

²⁷ See: Stephen Bonsal, *The Convict System in Siberia*, 97 HARPER’S NEW MONTHLY MAGAZINE 328 (1898), <https://harpers.org/archive/1898/08/the-convict-system-in-siberia/>.

²⁸ Amos Steckel, *Sunday-School Lesson for April 28*, 9 Anamosa PRISON PRESS 26 (1901).

²⁹ In 1974, the United States District Court for the Eastern District of Pennsylvania stated in *United States of America ex rel James Hoey Fear v. Alfred T. Rundle, Superintendent*, “A prisoner pays his debt to society by serving his time in a penal institution.” *United States of America ex rel James Hoey Fear v. Alfred T. Rundle, Superintendent, et al*, 506 F. 2d 331 (1974). See also the 1909 decision of the Supreme Court of Idaho in *In Re Mallon*, “All convicts having completed the [prison] sentence are supposed to have discharged their full debt to society and the state, and upon the discharge of

serving prison sentences, there is very little empirical evidence to support this assumption, which is best tested with public opinion survey data.

Although there has been substantial public opinion research on preferences for criminal sentencing around the world, we know little about what societies view as necessary conditions for reintegration of former offenders in peacetime settings; we know even less about the necessary conditions for successful reintegration of former enemy collaborators in post-conflict settings. Previous studies have been primarily descriptive, presenting evidence of general trends in public opinion toward former offenders and correlations between different variables such as the severity of the offense and preferences for different types of carceral or noncarceral sanctions. In the United States, several state-level studies indicate strong public support for noncarceral sanctions for nonviolent offenders, although support for these alternatives to incarceration—such as community service, compensation, and restitution—declines as the seriousness of the offense increases.³⁰ A cross-national study of the social correlates of public attitudes toward criminal punishment in more than 30 countries in Europe, North America, Asia, Africa, and the Middle East found that survey respondents' individual characteristics (e.g., age, gender, education, and income) were not significant predictors of attitudes (with the exception of the finding that men tend to be more punitive than women), but a stronger predictor was income inequality; people in countries with higher levels of income inequality were more likely to prefer harsher sentences.³¹

such debt they are presumed to all be on an equality in so far as being entitled to the protection of the law.” In re Mallon, 16 Idaho 737, 102 P. 374 (1909).

³⁰ Julian V. Roberts & Loretta J. Stalans, *Restorative Sentencing: Exploring the Views of the Public*, 17 SOC. JUST. RES. 315 (2004).

³¹ John Van Kesteren, *Public Attitudes and Sentencing Policies Across the World*, 15 EUR. J. CRIM. POL. RES. 25, 45 (2009) (“[W]orldwide people in less egalitarian societies are more likely to opt for more severe sentencing options.”).

Some previous studies that use survey experiments to estimate the causal effects of different individual attributes of former offenders (e.g., age, gender, or racial identity) and variation in the severity of the offenses on public opinion concerning reintegration, culpability, or punishment. One study in the United States experimentally manipulated two offender attributes—type of offense and work qualifications—on the perceived employability of a hypothetical job applicant, finding that violent offenders received significantly lower employability ratings than nonviolent offenders.³² Another study in Israel randomized the ethnicity of offenders in crime scenarios and found that when the offender was a member of the same ethnic group as the respondent (either Arab or Israeli), the offense was perceived as significantly less serious than if the same act was committed by a member of the other ethnic group.³³ A third set of studies in Denmark and the United States used survey experiments to estimate the effects of a criminal’s “association value” (the person’s value as a potential social associate) and the seriousness of the crime on preferences for punishment, finding that the former was a more important determinant than the latter.³⁴

Extending these previous studies, we designed an experiment to explore the poorly understood relationship between punishment and reintegration. To our knowledge, the present study is the first to manipulate *severity of punishment* in order to estimate the causal effects of different types and degrees of justice mechanisms on attitudes toward reintegration of former offenders.

II. THE IRAQI CONTEXT

³² Jessica A. Cerda et al., *The Role of Type of Offense and Work Qualifications on Perceived Employability of Former Offenders*, 40 AM. J. CRIM. JUST. 317 (2015).

³³ Sergio Herzog, *Does the Ethnicity of Offenders in Crime Scenarios Affect Public Perceptions of Crime Seriousness? A Randomized Survey Experiment in Israel*, 82 SOC. FORCES 757 (2003).

³⁴ Michael Bang Petersen et al., *To Punish or Repair? Evolutionary Psychology and Lay Intuitions About Modern Criminal Justice*, 33 EVOLUTION HUM. BEHAV. 682, 693 (2012).

A. *The Islamic State's Control of Territory and Governance of Civilians*

The Islamic State is a Sunni Islamist rebel group that captured and governed substantial territory in Iraq between 2014 and 2017. The group's objective was to build a modern-day "caliphate" purportedly based on the original model of Islamic governance developed by the Prophet Mohammed in the sixth century, although the vast majority of the world's Muslims reject its extreme and selective interpretation of Islam.³⁵ At the height of its expansion in 2014, the Islamic State controlled 20 major cities in Iraq, a territory the size of Great Britain with more than 5 million residents—many of whom still seek reintegration back into their communities.³⁶ During its rule, the group functioned as an unrecognized "de facto state"³⁷ and operated a variety of institutions that provided protection, public goods, and basic services for the civilian population living in areas under its control. These institutions employed thousands of civil servants who previously worked for the Iraqi government. When the Islamic State captured cities and towns, the group usually banished or assassinated the heads of local government and service offices but allowed lower-level personnel to keep their jobs. These civilian employees of the Islamic State's bureaucracy were paid salaries by the group, but they did not receive any military training, carry weapons, or directly participate in hostilities as combatants.³⁸

Iraq's Anti-Terrorism Law criminalizes the vague status-based offenses of "membership" in or "association" with a terrorist group without requiring any evidence of a specific criminal or violent

³⁵ Andrew F. March & Mara R. Revkin, *Caliphate of Law: ISIS' Ground Rules*, FOREIGN AFF. (2015), <https://www.foreignaffairs.com/articles/syria/2015-04-15/caliphate-law>.

³⁶ Eric Robinson et al., *When the Islamic State Comes to Town: The Economic Impact of Islamic State Governance in Iraq and Syria*, RAND CORPORATION (2017).

³⁷ A "de facto state" is a political entity that controls territory and engages in some degree of governance of the population therein but lacks international recognition. Harris Mylonas & Ariel Ahram, *De Facto States Unbound*, 374 PONARS Eurasia 1 (2015).

³⁸ Mara R. Revkin, *When Terrorists Govern: Protecting Civilians in Conflicts with State-building Armed Groups*, 9 HARV. NAT'L SEC. J. 100, 127 (2018).

act. As a result, large numbers of nonviolent civilian collaborators accused of providing non-military support to the Islamic State by working as sanitation workers, cooks, clerks, and in many other civilian jobs within the group's administrative bureaucracy are receiving long prison sentences.³⁹ For example, in one case documented by United Nations observers, a woman was sentenced to three years in prison "based on evidence provided by an informant that she used to prepare meals for her husband and fellow ISIL fighters."⁴⁰

In many cases, civilians living in Islamic State-captured areas disagreed with the group's ideology, were victims of its violence, and only cooperated in order to stay alive under conditions of extreme coercion. As one employee of the department of municipal services in Mosul explained why he decided to continue working in his job after the Islamic State captured the city, "Quitting was not an option because it would have been an act of rebellion, which would have put me and my family at risk

³⁹ Article 4 of Iraq's counterterrorism law (no.13/2005) stipulates the same penalty for violent and non-violent affiliates of the Islamic State. *See e.g.*, Human Rights Watch. *Iraq: Flawed Prosecution of ISIS Suspects Undermines Justice for Victims*, (2017), <https://www.hrw.org/report/2017/12/05/flawed-justice/accountability-isis-crimes-iraq> ("The judiciaries of the Iraqi government and the KRG are relying on their respective counterterrorism courts to rapidly prosecute all of these ISIS suspects on charges brought under their counterterrorism laws, primarily and often exclusively on the charge of membership in ISIS, with no distinction made for the severity of the charges brought against suspects and no effort to prioritize the prosecution of the worst offenses." p. 1, also see fn. 74, page 30); United Nations Assistance Mission for Iraq Office of the United Nations High Commissioner for Human Rights, *Human Rights in the Administration of Justice in Iraq: Trials Under the Anti-Terrorism Laws and Implications for Justice, Accountability and Social Cohesion in the Aftermath of ISIL*, (January 2020), https://www.ohchr.org/Documents/Countries/IQ/UNAMI_Report_HRAAdministrationJustice_Iraq_28January2020.pdf, ("Those who incite, plan, finance, or assist terrorists face the same penalty as the main perpetrator of the terrorist act." p. 4); Kristen Kao & Mara Revkin, *How the Iraqi Crackdown on the Islamic State May actually Increase Support for the Islamic State*, Wash. Post (Jan. 7, 2019), <https://www.washingtonpost.com/news/monkey-cage/wp/2019/01/07/is-iraqs-post-islamic-state-justice-strategy-misguided/> ("Iraq's anti-terrorism law criminalizes membership in a terrorist group without requiring proof of a specific criminal act. Anyone with a plausible connection to the Islamic State including family members and unarmed civilian employees can be sentenced to life in prison, the minimum punishment allowed by the law.")

⁴⁰ Page 10. United Nations Assistance Mission for Iraq Office of the United Nations High Commissioner for Human Rights, *Human Rights in the Administration of Justice in Iraq: Trials Under the Anti-Terrorism Laws and Implications for Justice, Accountability and Social Cohesion in the Aftermath of ISIL*, (January 2020), https://www.ohchr.org/Documents/Countries/IQ/UNAMI_Report_HRAAdministrationJustice_Iraq_28January2020.pdf.

for severe punishment.”⁴¹ Nonetheless, there is a widespread belief among Iraqi security forces, prosecutors, and judges that anyone who lived under or worked for the Islamic State is complicit in the group’s crimes, regardless of whether they acted voluntarily or involuntarily.⁴² As another interviewee explained, “People assume that everyone who stayed in Mosul is an Islamic State supporter or member, but many of us were victims.”⁴³ Although Islamic State fighters are usually sentenced to death, civilian collaborators are generally punished with long but still less-than-life sentences of 15 years or less, depending on mitigating circumstances or good behavior, and will eventually be released. Understanding how variation in the severity of punishment affects public opinion toward these former nonviolent offenders is crucial to identifying the determinants of successful reintegration.

The Iraqi government has taken a very harsh approach to individuals accused of supporting the Islamic State. The accused are prosecuted under Iraq’s Anti-Terrorism Law in rapid-fire trials that are often decided by judges in less than 10 minutes with a conviction rate of around 98 percent,⁴⁴ some on the basis of circumstantial evidence or false confessions extracted through torture, which is widespread in terrorism investigations and detention facilities in Iraq.⁴⁵ The United Nations and

⁴¹ Author interview with “Zyad” (35, municipal services) in Mosul, Iraq (April 2017). To ensure anonymity, all interviewees are identified by pseudonyms.

⁴² Mara R. Revkin, *Competitive Governance and Displacement Decisions Under Rebel Rule: Evidence from the Islamic State in Iraq*, J. CONFLICT RESOL. 3 (2020), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3365503.

⁴³ Author interview with “Khaled” (38, accountant) in Mosul, Iraq (April 2017).

⁴⁴ Author observations of trials of alleged Islamic State members in Tel Kaif, Iraq (December 2017); *see also* Margaret Coker & Falih Hassan, *A 10-Minute Trial, a Death Sentence: Iraqi Justice for ISIS Suspects*, N.Y. TIMES (Apr. 17, 2018), <https://www.nytimes.com/2018/04/17/world/middleeast/iraq-isis-trials.html>.

⁴⁵ Human Rights Watch, Submission by Human Rights Watch to the UN Human Rights Committee in advance of its review of Iraq (Aug. 2020), <https://www.hrw.org/news/2020/08/07/submission-human-rights-watch-un-human-rights-committee-advance-its-review-iraq> (“Human Rights Watch has received reports of the widespread use of torture, including of children, by Iraqi and KRG forces to extract confessions. Detainees in Nineveh, where authorities are holding the most ISIS suspects, have shared graphic accounts of torture during interrogations in Mosul’s prisons ... in some cases leading to the deaths of detainees.”); United Nations Assistance Mission for Iraq, *Human Rights in the Administration of Justice in Iraq* 4 (Aug. 2021), https://www.ohchr.org/Documents/Countries/IQ/UNAMI_Report_Administration_of_Justice_EN.pdf. (Interviews with 235 prisoners found that more than half of them provided credible and reliable accounts of torture).

Human Rights Watch have criticized these prosecutions for failing to differentiate between more serious violent crimes and lesser nonviolent offenses or those that were committed voluntarily and those that were committed under extreme duress and coercion.⁴⁶ In some cases, wives and children⁴⁷ of Islamic State members and nonviolent civilian collaborators—such as doctors and cooks—who only provided medical services or other nonviolent aid to the group—have been sentenced to life in prison.⁴⁸ Harsh punishment of perpetrators without adequate differentiation between more serious crimes and lesser offenses may be perceived by the broader population as “victors’ justice,” undermining the legitimacy of transitional justice efforts.⁴⁹

Many of these nonviolent civilian collaborators are serving less-than-life sentences and therefore will eventually return to their former communities. Given the overcrowding of prisons in Iraq and the human rights violations that occur therein, the question of whether such long prison sentences are really necessary—or if some prisoners might be rehabilitated with shorter sentences or noncarceral alternatives—is critically important. The case of Iraq after the defeat of the Islamic State provides an important opportunity to assess the relationship between punishment and public opinion toward reintegration.

Although successful reintegration may not be possible for every non-violent enemy

⁴⁶ See, e.g., United Nations Assistance Mission for Iraq, *Human Rights in the Administration of Justice in Iraq: Trials under the anti-terrorism laws and implications for justice, accountability and social cohesion in the aftermath of ISIL* (2020), https://www.ecoi.net/en/file/local/2025174/Iraq_-_ISIL_trials_under_the_anti-terrorism_laws_and_the_implications_for_justice_28012020.pdf; Human Rights Watch, *Flawed Justice: Accountability for ISIS Crimes in Iraq* (2017), <https://www.hrw.org/report/2017/12/05/flawed-justice/accountability-isis-crimes-iraq>.

⁴⁷ Jane Arraf, *ISIS Wives, With Children on Tow, Are Handed Long Jail Sentences or Death Penalty*, NAT'L PUB. RADIO (2018), <https://www.npr.org/2018/06/09/613067263/isis-wives-with-children-in-tow-are-handed-long-jail-sentences-or-death-penalty>.

⁴⁸ Human Rights Watch, *Flawed Justice: Accountability for ISIS Crimes in Iraq* (2017), <https://www.hrw.org/report/2017/12/05/flawed-justice/accountability-isis-crimes-iraq>.

⁴⁹ Pablo de Greiff, *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence*, United Nations General Assembly, Human Rights Council A/HRC/27/56 (2014).

collaborator, United Nations agencies as well as local and international nongovernmental organizations in Iraq have documented the successful cases. In particular, thousands of Islamic State-affiliated families and other nonviolent civilians have reintegrated back into their Sunni-majority communities of origin. Tribal leaders and “local peace committees” that include respected community members and representatives of different social, religious, and ethnic groups have negotiated written agreements to guarantee the safe return of thousands of displaced persons with family ties to the Islamic State who had previously been at risk for revenge killings or permanent banishment from their communities.⁵⁰ In Fallujah, a formerly Islamic State-controlled city in Anbar governorate, a local peace committee negotiated an agreement to allow the safe return of 27 displaced families with perceived ties to the Islamic State which included the removal of stigmatizing red “X” marks that had been painted on their houses—to identify them as collaborators—in exchange for the families’ renunciation of ties to the Islamic State, their commitment to good behavior, and endorsement by a local sponsor (“kafeel” in Arabic, referring to a respected member of the community who can vouch for their character).⁵¹

Despite examples of successful reintegration, there are some situations in which return and reintegration of former nonviolent Islamic State collaborators is impossible for security or ethical reasons at least in the near-term because the risks of harm to victims as well as the potential for violent retribution against collaborators outweigh the potential benefits and would be counter-productive to reconciliation and peacebuilding efforts. In 2017, we interviewed widows and mothers of Islamic State

⁵⁰ See, e.g., United Nations Development Programme, *Pathways to Reintegration: Iraq Families Formerly Associated with ISIL*, (Mar. 4, 2021), <https://www.iq.undp.org/content/iraq/en/home/library/Stabilization/pathways-to-reintegration.html>.

⁵¹ See, e.g., United Nations Development Programme, *Pathways to Reintegration: Iraq Families Formerly Associated with ISIL*, 22 (Mar. 4, 2021), <https://www.iq.undp.org/content/iraq/en/home/library/Stabilization/pathways-to-reintegration.html>.

fighters who were living in IDP camps at the time, and many said that they hoped to stay in these camps indefinitely because they believed that they and their children would be safer there than in their former homes, where they would be at risk for violent retribution including honor killings. As one woman said, “I am afraid that if I return, my neighbors would kill me in my sleep.”⁵² In Iraq, reintegration of former Islamic State collaborators into their communities of origin is sometimes but not always possible, and must be handled carefully to prevent retaliatory violence and renewal of inter-group conflict.

B. *Iraq’s Legal System*

Iraq has one of the oldest legal traditions in the world dating back to Code of Hammurabi composed around 1755-1750 BC, which governed the Kingdom of Babylon in ancient Mesopotamia and is considered one of the first codified constitutions.⁵³ Iraq’s contemporary legal system is based primarily on civil law and the 2005 Constitution, which incorporates some elements of Islamic law by designating Islam as “the official religion of the state and a foundational source of legislation.”⁵⁴ This constitution governs the internationally recognized state known as “federal Iraq,” which is a founding member of the United Nations.⁵⁵ Within federal Iraq, Kurds have been advocating for self-determination since the early twentieth century. In 1970, the Iraqi government agreed to create an autonomous Kurdish region—later recognized in the 2005 constitution—to allow for self-governance

⁵² Author interview with “Laila” (40, widow of an Islamic State fighter from a village near Hawija) in the Hajj Ali IDP camp in Ninewa, Iraq (December 2017).

⁵³ Luay Al-Khateeb & Omar Al Saadoon, *Iraq’s Rule of Law*, BROOKINGS INSTITUTION (Jul. 26, 2015), <https://www.brookings.edu/opinions/iraqs-rule-of-law/>.

⁵⁴ Constitution of Iraq, art. 2.1 (2015), <https://www.refworld.org/pdfid/454f50804.pdf>.

⁵⁵ United Nations Library, *Founding Member States*, <https://research.un.org/en/unmembers/founders>.

of the Kurdish-majority provinces in northern Iraq, although the boundaries of this region remain in dispute today. Most recently, the Kurdistan Region of Iraq (KRI) attempted and failed to gain international recognition as an independent state in a 2017 referendum.⁵⁶

Although not a *de jure* state, the KRI is considered a *de facto* state with its own president, parliament, and government ministries based in its capital city of Erbil. As a result, Iraq and the KRI have two separate legal systems and judiciaries with some overlapping laws including the 2005 constitution, but also important differences.⁵⁷ Of most relevance to this article, the key elements of federal Iraqi criminal law are the Criminal Procedure Code No. 23 (1971), the Penal Code No. 111 (1969), and the more recent Anti-Terrorism Law No. 13 (2005), which criminalizes terrorism-related offenses. The KRI applies the federal Iraqi Criminal Procedure Code and Penal Code, but amended federal Iraq's Juvenile Welfare Law No. 76 (1983)⁵⁸ to increase the minimum age of criminal responsibility from 9 years in federal Iraq to 11 years in the KRI.⁵⁹ The KRI also enacted its own Anti-Terrorism Law in 2006, which was renewed in 2018.⁶⁰ Although federal Iraq and the KRI have different legal systems, in practice, they are deeply intertwined both in legislation (through KRI's adoption of some but not all elements of federal Iraqi law) and on the ground because their jurisdictions overlap in several disputed territories of northern Iraq, creating a number of problems particularly in terrorism cases that are the focus of this article.

⁵⁶ Kamaran Palani, Jaafar Khidir, Mark Dechesne, & Edwin Bakker, *Strategies to Gain International Recognition: Iraqi Kurdistan's September 2017 Referendum for Independence*, ETHNOPOLITICS (2019): 1-22.

⁵⁷ The 2005 constitution applies to the KRI, but Kurdish authorities have been trying to ratify their own draft constitution since 2008. The Committee for Revising the Draft Constitution of the Iraqi Kurdistan Region, Draft Constitution of the Iraqi Kurdistan Region (2008, amended 2009), <https://collections.lib.utah.edu/details?id=318869>.

⁵⁸ Juvenile Welfare Law No. 67 (1983).

⁵⁹ KRI Law No. 14 (2001).

⁶⁰ KRI Anti-Terrorism Law (No. 3 of 2006).

C. *Punishment in Iraq*

Incarceration is the dominant form of criminal punishment in Iraq. Between 2004 and 2020, the number of persons officially imprisoned in Iraq increased from 7,000 to at least 129,368 according to United Nations reports.⁶¹ Publicly available data on Iraq's criminal justice system is extremely limited, but in 2020, the United Nations obtained official Iraqi government data.⁶² As of November 2020, the prison population of federal Iraq included 11,595 on death row and 1,464 juveniles—a per capita rate of 335 prisoners per 100,000 people out of the total population of 39 million, which is significantly higher than the global average (145 per 100,000).⁶³ The data also indicates that Iraqi prisons are severely overcrowded, housing 200 percent more than their intended capacity of prisoners, on average.⁶⁴

The increase in the number of Iraqi prisons and the size of Iraq's prison population over time is largely due to the United States' significant role in the design and development of new legal institutions after overthrowing Saddam Hussein's dictatorship in 2003.⁶⁵ Since then, the United States has allocated hundreds of million dollars in assistance for the construction and maintenance of Iraqi prisons.⁶⁶ The purpose of this support was to promote rule of law and counter-terrorism objectives in the context

⁶¹ World Prison Brief, "Iraq," <https://www.prisonstudies.org/country/iraq>.

⁶² United Nations Assistance Mission for Iraq, *Human Rights in the Administration of Justice in Iraq* 16 (Aug. 2021), https://www.ohchr.org/Documents/Countries/IQ/UNAMI_Report_Administration_of_Justice_EN.pdf.

⁶³ Roy Walmsley, *World Population Prison List*, Institute for Criminal Policy Research 2 (2018), https://www.prisonstudies.org/sites/default/files/resources/downloads/wppl_12.pdf. The much lower estimate of Iraq's per capita prison population stated in this report (126 per 100,000) appears to be based on incomplete and out-of-date statistics; our estimate of 335 per 100,000 in federal Iraq is the United Nations' latest estimated based on official Iraqi government data.

⁶⁴ United Nations Assistance Mission for Iraq, *Human Rights in the Administration of Justice in Iraq* 16 (Aug. 2021), https://www.ohchr.org/Documents/Countries/IQ/UNAMI_Report_Administration_of_Justice_EN.pdf.

⁶⁵ John Hagan & Anna Hanson, *The Militarization of Mass Incapacitation and Torture during the Sunni Insurgency and American Occupation of Iraq*, 5 SOC. SCI. 78 (2016).

⁶⁶ In 2008 alone, the United States allocated 159 million in assistance for Iraq "to build additional prisons to meet anticipated shortfalls." United States Office of Management and Budget, *Budget of the United States Government: Appendix* 1171 (2008).

of a growing al-Qaeda-led insurgency.⁶⁷ In addition, the United States provided training for Iraqi judges, prosecutors, and police officers, which continues today.⁶⁸

Although the United States' involvement in the reconstruction of Iraq's criminal justice system after 2003 was intended to promote rule of law and respect for human rights, those objectives were not realized. Torture was widespread in U.S.-administered prisons during the occupation, including Abu Ghraib and Camp Bucca,⁶⁹ and remains widespread today, particularly in prisons.⁷⁰ The rapid growth of Iraq's prison population has given rise to additional human rights concerns. The limited available data does not distinguish between different types of crimes committed, but it is likely that some of the sharp increase in the prison population after 2012 is due to an increase in the number of terrorism-related convictions during and since the conflict with the Islamic State. Between 2014 and 2017, at least 19,000 people were detained on terrorism-related charges alone (excluding other types of crimes) as the Iraqi government and U.S.-led international coalition fought a protracted war against the Islamic State.⁷¹

⁶⁷ John Hagan & Anna Hanson, *The Militarization of Mass Incapacitation and Torture during the Sunni Insurgency and American Occupation of Iraq*, 5 SOC. SCI. 78 (2016).

⁶⁸ RICHARD R. BRENNAN, JR., ET AL., ENDING THE US WAR IN IRAQ: THE FINAL TRANSITION, OPERATIONAL MANEUVER, AND DISESTABLISHMENT OF UNITED STATES FORCES-IRAQ 197 (2013)(DoJ ... began training police officers and border security personnel in 2003 ... [and] trained prosecutors and judges.”).

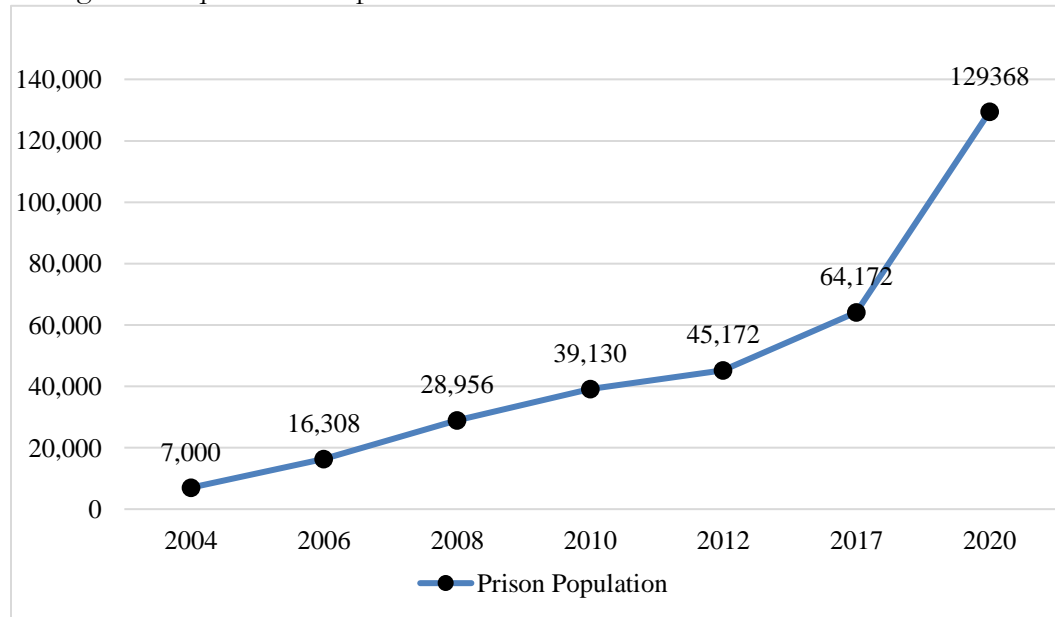
⁶⁹ David Enders, *Camp Bucca: Iraq's Guantánamo Bay*, NATION (Oct. 8, 2008), <https://www.thenation.com/article/archive/camp-bucca-iraqs-guantaacutenamo-bay/>.

⁷⁰ Human Rights Watch, *Iraq: Events of 2019* (2020), <https://www.hrw.org/world-report/2020/country-chapters/iraq>.

⁷¹ Qassim Abdul-Zahra & Susannah George, *Iraq Holding More Than 19,000 Because of IS, Militant Ties*, ASSOC. PRESS (Mar. 21, 2018), <https://apnews.com/aeece6571de54f5dba3543d91deed381/Iraq-holding-more-than-19,000-because-of-IS,-militant-ties>.

Figure 1.

Changes in Iraq's Prison Population: 2004-2017



III. ESTIMATING THE EFFECTS OF PUNISHMENT ON PUBLIC OPINION TOWARD REINTEGRATION

We conducted an original study to estimate the effects of different types of punishments on public opinion toward the reintegration of non-violent offenders accused of collaborating with Islamic State rebels in the context of Iraq. This study focuses on nonviolent collaborators because they are more plausible candidates for reintegration than fighters and other violent offenders who committed severe crimes against Iraqi civilians.⁷²

A. Hypotheses

To address our research questions, we developed three hypotheses and then tested them with original survey data from Mosul, which was the Islamic State's de facto capital city between 2014 and

⁷² Communities that were traumatized by the Islamic State are extremely resistant to the reintegration of violent offenders and in practice, most individuals who are found to have committed violent crimes for the Islamic State are sentenced to death, so asking hypothetical questions about the reintegration of former fighters would have been unrealistic.

2017.⁷³ First, we assess the effects of long prison sentences on attitudes toward reintegration of former collaborators in comparison with shorter sentences and noncarceral restorative sanctions such as community service. Proponents of incarceration often rely on a retributive theory of punishment, arguing that incarceration facilitates the eventual reintegration of former offenders into society after they are released by convincing the public that a former offender has paid his or her “debt to society” by completing a prison sentence, as discussed above.⁷⁴ Despite the widespread belief that society expects offenders to repay their debt by serving prison sentences, there is very little empirical evidence to support this assumption, which is best tested with public opinion survey data. If long-term incarceration does promote support for eventual reintegration among the public, we should expect:

Hypothesis 1. Long Prison Sentences Increase the Community’s Willingness to Allow Reintegration of Former Collaborators:

Respondents will be more likely to accept the reintegration of former collaborators who have received harsher incarceration sentences (i.e. those who received 15) than those who have received lighter sentences (i.e. those who received 3 years imprisonment or 6 months of community service or no punishment).

In contrast with Hypothesis 1, many critics of incarceration argue that rehabilitation is best achieved through “restorative justice” mechanisms. Restorative justice refers to “a variety of different practices, including apologies, restitution, and acknowledgments of harm and injury, as well as to other efforts to provide healing and reintegration of offenders into their communities, with or without additional punishment.”⁷⁵ This approach aims to repair damaged relationships between victims,

⁷³ We pre-registered these hypotheses and plans for heterogeneous analysis of sub-groups prior to the completion of data collection. “Pre-Analysis Plan: ‘Reintegration of Rebel Collaborators: Survey Experiments in Mosul,’” EVIDENCE IN GOVERNANCE AND POLITICS (Mar. 29, 2018), available at <https://egap.org/registration/4395>.

⁷⁴ See *infra* Section II.

⁷⁵ Carrie Menkel-Meadow, *Restorative Justice: What Is It and Does It Work?*, 3 ANNU. REV. LAW SOC. SCI. 161, 162 (2007).

perpetrators, and communities⁷⁶ through active participation of both victims and perpetrators in restorative justice processes.⁷⁷ Whereas incarceration relies heavily on state institutions—judges, courts, and prisons—restorative justice is often associated with “community-based,”⁷⁸ “bottom-up,”⁷⁹ and “informal”⁸⁰ processes. If restorative justice facilitates reintegration, we should expect:

Hypothesis 2. Restorative Justice Increases the Community’s Willingness to Allow Reintegration of Former Collaborators:

Respondents will be more likely to accept the reintegration of former collaborators who have received a restorative punishment (i.e., 6 months of community service) than those who received no punishment.

In addition to our two primary hypotheses concerning the effects of punishment on attitudes toward reintegration, we also test a third hypothesis concerning how variation in the severity of an offense affects attitudes toward reintegration of the former collaborator.

Hypothesis 3. The Severity of the Offense Affects Attitudes Toward Reintegration:

Respondents will be more likely to accept the reintegration of former collaborators who committed less serious transgressions in comparison with those who committed more serious transgressions.

To test these three hypotheses in the context of Iraq, our survey experiment—discussed in more detail below—randomized the attributes of three profiles of hypothetical Islamic State collaborators, enabling us to estimate the causal effects of these different attributes on our dependent variable

⁷⁶ BANKS, *supra* note 66.

⁷⁷ *Id.*

⁷⁸ See, e.g., Leena Kurki, *Restorative and Community Justice in the United States*, 27 CRIME JUSTICE 235–303 (2000); GORDON BAZEMORE & MARA SCHIFF, *RESTORATIVE COMMUNITY JUSTICE: REPAIRING HARM AND TRANSFORMING COMMUNITIES* (2015).

⁷⁹ John Braithwaite, *Setting Standards for Restorative Justice*, 42 BR. J. CRIMINOL. 563, 563 (2002) (“[T]op-down lists motivated by UN instruments or the ruminations of intellectuals are only important for supplying a provisional, revisable agenda for bottom-up deliberation on restorative justice standards appropriate to distinctively local anxieties about injustice.”).

⁸⁰ THEO GAVRIELIDES, *RESTORATIVE JUSTICE: IDEALS AND REALITIES* (2017).

(attitudes toward reintegration). We also expected that the results might vary between different sub-groups within our sample: (1) women, as compared against men; (2) those who perceived acts of collaboration to be involuntary rather than voluntary; (3) those with grievances against the Islamic State as measured by the death or injury of a family member during the Islamic State's rule or the subsequent battle for Mosul; and (4) those who trust the Iraqi courts as a measure of state legitimacy.

B. Survey Administration

This article draws on evidence from a quantitative household survey containing a survey experiment as well as qualitative data from fieldwork in Mosul and other areas of northern Iraq. Conducting fieldwork in conflict-affected areas can pose a number of potentially serious risks to participants and researchers have a professional and moral responsibility to do no harm. Potential participants in research conducted in post-conflict settings are a particularly vulnerable population for several reasons including possible recent exposure to violence, the risk of retraumatization, and unequal power dynamics between international researchers and local populations. To ensure that we took all possible steps to minimize the risk of harm to participants, including a detailed informed consent process and a mechanism for study participants to report adverse events or concerns, and we went through the rigorous process of obtaining ethics approval from Yale University's Institutional Review Board (IRB).⁸¹

We conducted an original survey of a random sample of 1,458 Mosul residents in March-April 2018 working with an experienced Iraqi research firm.⁸² A team of 10 Iraqi enumerators from Mosul

⁸¹ Yale University's Institutional Review Board (IRB) approved the survey instrument including the experimental design on December 14, 2017 (Protocol #2000022022), observations of trials of alleged Islamic State members on September 22, 2017 (Protocol #2000021840), and interviews with Iraqis from Islamic State-controlled areas on June 24, 2015 (Protocol #1506016040).

⁸² The Independent Institute for Administration and Civil Society Studies, an Iraqi research firm.

conducted the face-to-face survey with mobile computer tablets. After our initial pilot survey indicated that the population of Mosul was around 97 percent Sunni Arab at the time of the study, we intentionally limited the survey sample to Sunni Arab Iraqis with a filter question at the beginning of the survey that excluded the very small number of other national, religious, and ethnic groups in the city for both theoretical and practical reasons.

The issue of reintegration of former Islamic State collaborators (who are themselves Sunni Arabs) is primarily relevant for Sunni-majority communities in northern Iraq where these collaborators are originally from, and where they are now seeking to return. At the national level, Iraq has substantial religious and ethnic diversity. According to the most recent census data from 2010, the population is 97 percent Muslim with 3 percent belonging to small religious minority groups: Christians, Yazidis, Sabeen-Mandean, Baha'i, and Kaka'i. Among the Muslim majority, 55 to 60 percent are Shia of different ethnicities (primarily Arabs but also Kurds and Turkmen) and around 40 percent are Sunni of different ethnicities (primarily Arabs but also Kurds, and Turkmen).⁸³ However, Sunni Arabs accounted for the vast majority of the estimated 5 million Iraqi civilians who lived under the Islamic State's rule due to the group's persecution of minorities,⁸⁴ most of whom fled or were killed, and the vast majority of Sunni Arabs who are now stigmatized as Islamic State "collaborators" are attempting to return to their former homes in Sunni Arab communities. In general, Islamic State collaborators are not seeking to reintegrate into Yazidi, Christian, Kurdish, or Shia-majority communities.⁸⁵ Moreover, an important methodological reason for intentionally limiting the sample to Sunni Arabs is

⁸³ United Kingdom Foreign Office, *Iraq: Religious Minorities* 12 (Jun. 15, 2021), https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1006265/Iraq_-_Religious_Minorities_CPIN_v3.0_July_2021.pdf.

⁸⁴ Eric Robinson et al., *When the Islamic State Comes to Town: The Economic Impact of Islamic State Governance in Iraq and Syria*, RAND CORPORATION (2017).

⁸⁵ *Supra*, pp. 22-23.

that, at the time of the survey, fewer than 3% of randomly selected respondents in Mosul belonged to non-Sunni religious groups and the numbers of respondents belonging to these minority groups would have been too small to draw any statistically significant inferences about the larger populations to which they belong.

Islamic State collaborators still face significant barriers to reintegration in Sunni-majority communities including Mosul.⁸⁶ Despite sharing a common ethnic and religious identity as Sunni Arabs, former Islamic State collaborators are still heavily stigmatized and feared in Sunni-majority communities that were controlled for up to three years by the Islamic State and therefore experienced some of its worst violence and repression. Sunni Muslims were killed by the Islamic State at higher rates than any other religious or ethnic group.⁸⁷ Sunni Arabs suffered enormously under the Islamic State's rule and experienced severe crimes including public executions, amputations, torture, being used as human shields to discourage airstrikes,⁸⁸ and mass-executed by the hundreds when they were trying to flee the fierce fighting between the Islamic State and the international military coalition that ultimately defeated the group in 2017.⁸⁹ So although the Sunni Arab participants in our survey share a common religious and ethnic identity with former Islamic State collaborators, they have good reasons to fear, distrust, and oppose their reintegration into society. Given the limitation of our sample to

⁸⁶ Mara R. Revkin & Delair Jabari, *West Mosul: Perceptions on Return and Reintegration Among Stayees, IDPs, and Returnees*, INT'L. ORG. MIGRATION (2019).

⁸⁷ Verini, James, *Surviving the Fall of ISIS*, NAT'L GEOGRAPHIC (Oct. 16, 2016), <https://www.nationalgeographic.com/culture/article/islamic-state-isis-iraq-mosul-syria-offensive>.

⁸⁸ Louisa Loveluck, *U.N. urges pause in Raqqa fighting as humanitarian crisis mounts*, WASH. POST (Aug. 24, 2017), https://www.washingtonpost.com/world/middle_east/un-urges-pause-in-raqqa-fighting-as-humanitarian-crisis-mounts/2017/08/24/2142fd32-88d2-11e7-9ce7-9e175d8953fa_story.html.

⁸⁹ Nick Cummings-Bruce, *ISIS Has Killed Hundreds of Civilians in Mosul, U.N. Says*, N.Y. TIMES (Jun. 8, 2017), <https://www.nytimes.com/2017/06/08/world/middleeast/iraq-mosul-isis.html> (“At least 163 civilians, including women and children, were killed near a Pepsi factory as they headed out of the Shifa neighborhood of Mosul... ‘They were gunned down as they were fleeing.’”).

Sunni Arabs, we do not expect the findings of our study to generalize to other religious or ethnic groups who were more severely victimized by the Islamic State such as Yazidis, Christians and Shias.

The sample of 1,458 respondents was drawn from 47 Primary Sampling Units (PSUs), corresponding to census blocks that were randomly selected from a sampling frame of all 209 of the city's PSUs (Figure 2).⁹⁰ Eight PSUs in West Mosul were excluded from the sampling frame because these areas experienced severe collateral damage during the 2017 battle to recapture Mosul from the Islamic State and remained largely uninhabited at the time of the survey. Within each PSU, streets were randomly selected and from those streets, enumerators selected households using a random-walk procedure.⁹¹ Each PSU was allocated 30 interviews.⁹² The tablets were programmed with a Kish grid that randomly selected a respondent from the pool of adult household members (at least 18 years old).

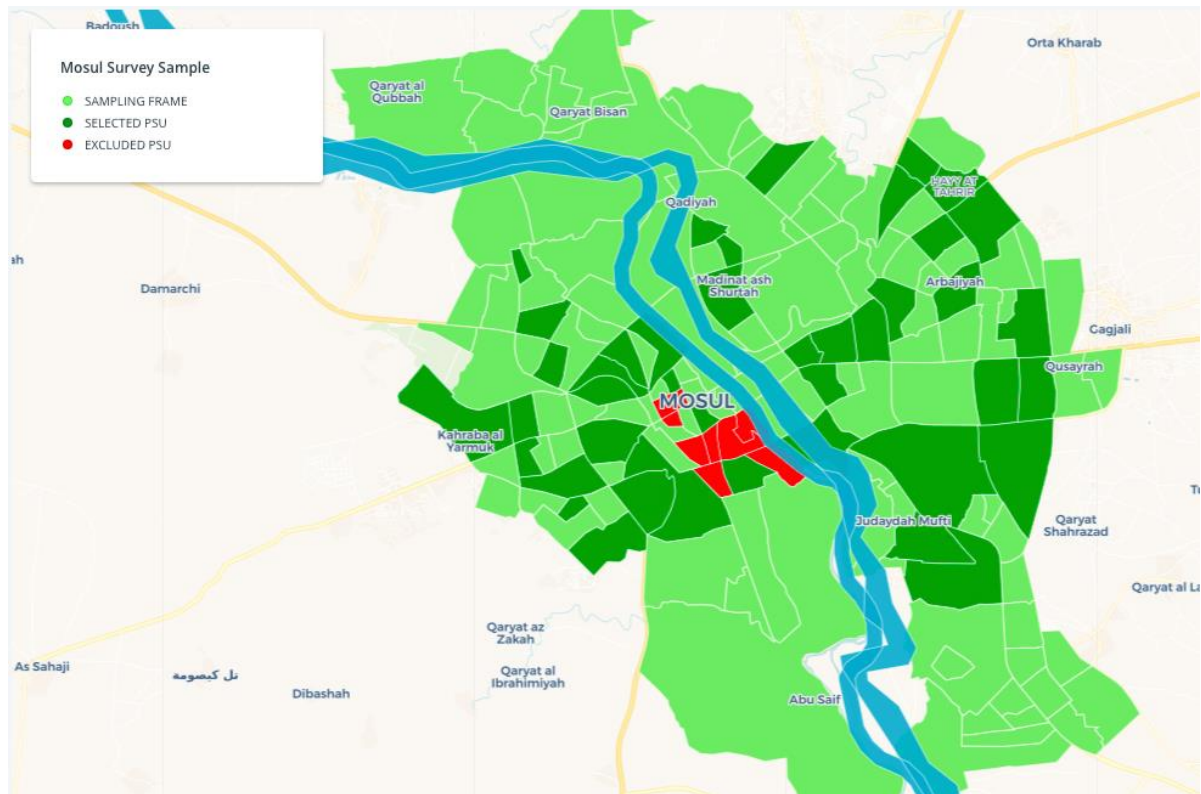
⁹⁰ This map was generated with shapefiles provided by Ivan Thung of the United Nations Human Settlements Programme in Iraq.

⁹¹ Enumerators counted the number of houses on each street and divided by seven to determine the interval of houses skipped between interviews.

⁹² It was not impossible to sample based on probability proportional to size due to conflict-related changes in demography that make it impossible to accurately estimate the true populations of the PSUs. For this reason, we assigned a consistent number of interviews (30) to each PSU.

Figure 2.

Map of the Sampling Frame in Mosul, Iraq



The design of the survey questionnaire was informed by extensive qualitative field research and semi-structured interviews. The field research included visits to public institutions (schools, the department of municipal services, and the main hospital in Mosul) that were previously administered by the Islamic State, as well as observations of trials of alleged Islamic State fighters and civilian collaborators. We conducted interviews with 61 individuals from areas previously controlled by the Islamic State, as well as 17 lawyers, judges and experts involved in prosecuting and defending suspected Islamic State collaborators. These interviews and observations helped us to ensure the cultural and contextual appropriateness of the survey questions as well as the realism of the hypothetical scenarios that were the basis for the two survey experiments discussed below.

C. Experimental Design

To assess the preferences of Mosul residents concerning reconciliation with and reintegration of former Islamic State collaborators, we conducted two survey experiments. Survey experiments attempt to apply the scientific method to the study of social phenomena. They do so by randomly assigning participants in a survey to treatment groups and control groups for comparison and testing whether there are statistically significant differences between the groups, which can be attributed to the treatment(s) applied. This process not only allows for causal inference (i.e. that A actually causes B) when sample sizes of participants are large enough to ensure statistical power to detect differences, but also provides a sizable measure of the effect. Another benefit of experimental methodology is that each step can be transparently reported so as to produce fully replicable results, ensuring that findings are verifiable.

The first experiment, which we discuss more extensively in a related article,⁹³ identified the causal effects of different attributes of hypothetical Islamic State collaborators—including the severity of the offense, age, and gender—on participants preferences for punishment by randomly varying these attributes in a series of hypothetical collaborator profiles. After viewing each profile, participants were asked to choose the punishment that they believed was punishment for the collaborator given their identity traits and the crime they had committed. We find that the type of offense committed matters much more than individual identity traits (e.g. age, gender, and tribe) in determining preferences for

⁹³ *Id.*

punishment, with respondents choosing harsher punishments for and being less willing to forgive more severe offenses.⁹⁴

In the second experiment, which is the subject of this article, we attempted to measure how different punishments affect respondents' willingness to reintegrate hypothetical "collaborators" who were associated with the Islamic State in nonviolent roles. To do this, we randomized the type of punishment that a given Islamic State collaborator receives and then asked if the respondent would be willing to allow this person to become their neighbor—a measure of reintegration.⁹⁵ Since the respondent has no control over the assigned punishment, we can better assess how different types of punishment affect the respondent's willingness to allow a former collaborator back into his or her community.

The experiment displays three profiles of nonviolent Islamic State collaborators: a cook for Islamic State fighters, a woman married to an Islamic State fighter, and a janitor who worked for the Islamic State's department of municipal services. Every respondent was presented with all three profiles, increasing our sample of evaluated profiles to 4,374 from the survey sample of 1,458.⁹⁶ We designed these hypothetical profiles to be highly realistic based on interviews with residents of Mosul. By the time of the survey in March-April 2018, many Iraqis who had been displaced from Mosul

⁹⁴ We also found that perceptions of the volition behind an offense had significant effects on preferences for different punishments. Personal experiences with violence at the hands of the Islamic State also mattered, although these effects diminished after accounting for the severity of the act. [citation removed for blinding].

⁹⁵ We follow other survey-based studies that attempt to measure prejudice against outsiders in terms of whether or not a respondent will accept people of differing backgrounds as their neighbors. See, e.g., Howard Schuman & Lawrence Bobo, *Survey-Based Experiments on White Racial Attitudes Toward Residential Integration*, 94 AM. J. SOC. 273–299 (1988); Zan Strabac & Ola Listhaug, *Anti-Muslim Prejudice in Europe: A Multilevel Analysis of Survey Data from 30 countries*, 37 SOC. SCI. RES. 268–286 (2008).

⁹⁶ In our statistical analysis, robust standard errors are clustered at the respondent level to account for covariances in their responses.

during the conflict with the Islamic State were returning to the city.⁹⁷ Therefore, questions about the return and reintegration of former neighbors including individuals accused of collaborating with the Islamic State were salient and realistic.

The experimental prompt read: “Now I am going to read you some more hypothetical scenarios of Mosul residents who cooperated with the Islamic State. I would like to know if, given the punishment they have received, you would accept these former Islamic State collaborators back into your community.”⁹⁸ Figure 3 shows an example of how candidate descriptions were displayed.

Figure 3.

Randomization of the Hypothetical Collaborator Profiles

Respondents were presented with each of the three profiles below in a random order generated by tablets. Punishments were randomly assigned from among the four options listed:

1. The candidate for reintegration into your community is a 35-year-old man who was a cook for Islamic State fighters.
2. The candidate for reintegration into your community is a 35-year-old woman who was married to an Islamic State fighter.
3. The candidate for reintegration into your community is a 35-year old man who was a janitor for the Islamic State’s department of municipal services

... and will be sentenced to [...]

- 15 years in prison
- three years in prison
- six months of community service (e.g., picking up trash, rebuilding homes)
- will not receive any punishment

⁹⁷ International Organization for Migration, Number of Returns Exceeds Number of Displaced Iraqis: UN Migration Agency, (Jan. 12, 2018), <https://www.iom.int/news/number-returns-exceeds-number-displaced-iraqis-un-migration-agency> (“For the first time since the beginning of the Iraq crisis in December 2013, the number of people returning to their area of origin has surpassed the number of people displaced in the country.”).

⁹⁸ The survey questions referred to the Islamic State with its Arabic acronym pronounced “Daesh.”

After seeing each candidate, respondents are asked: “Given this [punishment/outcome], would you allow this former Islamic State collaborator to become your neighbor?” Respondents could answer either “yes” or “no” and we used these responses to measure our dependent variable: attitudes toward reintegration.

D. Results

The design of the survey experiment allows us to estimate the effects of varying degrees of punishment as well as different types of acts of collaboration on reported willingness to accept a collaborator as a neighbor through the following equation:

$$Acceptance_{ik} = \theta_0 + \theta_1 Punishment_{ik} + \theta_2 ActofCollaboration_{ik} + \varepsilon_{ik}$$

where i denotes the respondent and k denotes which round of three rounds each respondent completes. $Acceptance_{ik}$ is a binary outcome: The respondent is either willing to allow the reintegration of a given collaborator profile or not.

Figure 4 below shows the point estimates from an ordinary least squares (OLS) regression where the cook for Islamic State fighters is the base category of comparison for other types of collaborators and “no punishment” is the base for comparison of other randomized punishments. The dependent variable is acceptance of the collaborator as a neighbor, in which 1 acceptance and 0 is rejection. Overall, about 70% of our sample did not accept collaborators back into their communities.

1. Results for Primary Hypotheses

To test our two primary hypotheses concerning the effects of punishment on attitudes toward reintegration of former Islamic State collaborators, we employ an OLS analysis of the pooled data

across the three collaborator profiles.⁹⁹ We include control variables for standard demographic indicators including age, wealth, and education. The results are depicted in Figure 4 showing coefficient point estimates. This method enables us to examine the effects of a randomized punishment a collaborator has received as well as the type of collaboration on the willingness of the respondent to accept him or her as a neighbor.

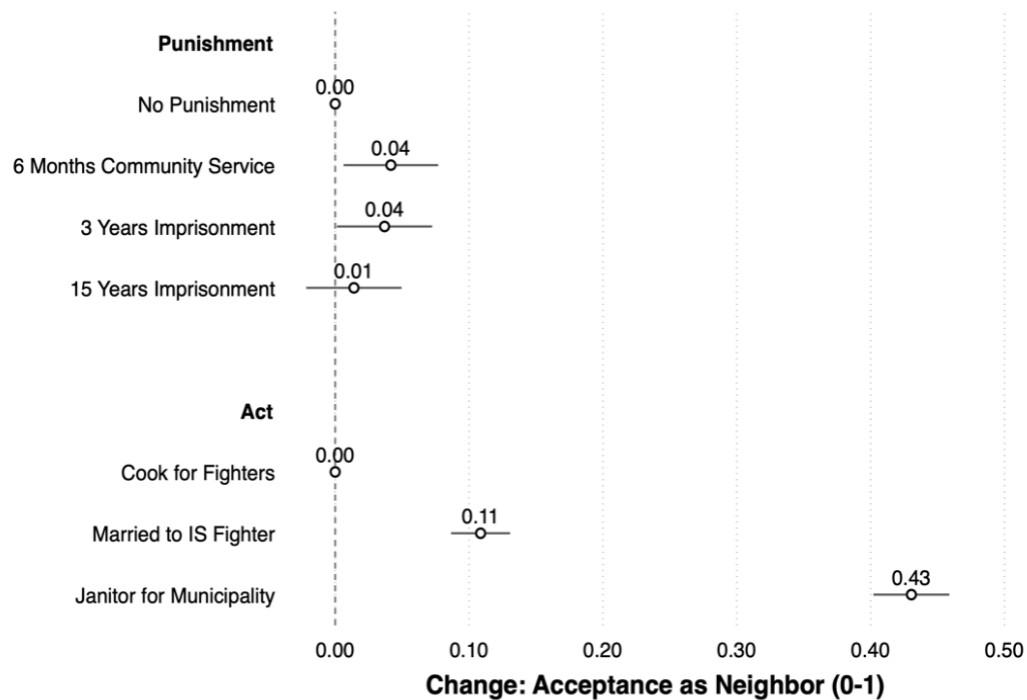
Hypothesis 1: Longer Prison Sentences Increase the Community's Willingness to Allow Reintegration of Former Offenders

Contrary to Hypothesis 1, we find that longer prison sentences do not significantly affect respondents' willingness to allow the reintegration of hypothetical Islamic State collaborators in comparison with more lenient alternatives. Those who serve 15-year prison sentences are not more likely to be reintegrated than those who receive no punishment at all, as indicated by the fact that the confidence intervals surrounding the point estimate crosses the dashed vertical line, representing an effect of zero. A shorter prison sentence of three years appears to have a small but statistically significant positive effect on respondents' willingness to reintegrate former offenders: Respondents are around 4 percentage points more likely to allow the reintegration of collaborators who serve three-year prison sentences in comparison with those who receive no punishment. This result is statistically significant at the conventional level of $p < 0.05$, however, a more basic model without controls reveals that this finding is not very robust and only approaches statistical significance at a level of $p < 0.10$ (Figure 4).

Figure 4:

Effects of Type Punishment and Type of Act on Probability of Reintegration of Former Islamic State Collaborators

⁹⁹ As a robustness check, we also conducted a binary logistic analysis and the results did not differ significantly from that of OLS.



Note: Figure depicts point estimates (circles) with 95% confidence intervals (horizontal lines). Robust standard errors are clustered at the individual level. The circles on the vertical dashed line at 0 denote the reference category for comparison against.

Hypothesis 2: Restorative Justice Increases the Community's Willingness to Allow Reintegration of Former Offenders

Although we did not find support for Hypothesis 1, we find some evidence in support of Hypothesis 2, predicting that restorative justice approaches should increase the community's willingness to allow reintegration of former collaborators. In the experiment, a restorative punishment (six months of community service) has a statistically significant positive effect (4 percentage points) on respondents' willingness to allow the reintegration of collaborators ($p < 0.05$) and this finding is robust to the exclusion of controls (Figure 4).¹⁰⁰ Substantively, the size of the effect of six months of

¹⁰⁰ In experimental research, "control variables" refer to participant characteristics that remain constant over the course of the experiment such as age or gender. Since these characteristics may be associated with the outcome of interest

community service is greater than the effect of a 15-year prison sentence (zero) and similar to the effect of a 3-year prison sentence (4 percentage points) although the latter result loses significance with robustness checks as noted above. Overall, these results suggest that a noncarceral and much less costly sanction of community service may be equally or more conducive to reintegration than incarceration.

Hypothesis 3: The Severity of the Offense Affects Attitudes Toward Reintegration

In addition to our two primary hypotheses concerning the effects of punishment on attitudes toward reintegration, we also tested a third hypothesis predicting that the severity of the offenses committed by former Islamic State collaborators should affect the community's attitudes toward reintegration. To evaluate Hypothesis 3, we employ OLS analysis to assess whether acceptance as a neighbor depends on the type of offense.¹⁰¹ The results indicate that the type of offense—rather than the type of punishment—is the most important driver of public opinion toward reintegration, consistent with Hypothesis 3.

Respondents are least likely to allow the reintegration of collaborators who were physically closest to the Islamic State (those who worked as cooks for fighters) and those with family ties (wives of fighters) in contrast with collaborators in civilian roles who were working for institutions that provided services to other civilians (janitors working in the Islamic State's department of municipal services). Where the base of comparison is a cook for fighters, respondents are 11 percentage points more likely to accept women married to fighters and 43 percentage points more likely to accept janitors

(the dependent variable), they must be included in statistical analysis ("controlled for") to ensure the validity of inferences about the relationship between the independent variable and the dependent variable.

¹⁰¹ As with our analysis for Hypothesis 1, we employed logit analysis as a robustness check on the use of OLS and did not find substantive differences in results.

working for the Islamic State's department of municipal services (Figure 4). These results are robust to controlling for the respondent's age, income, education, and loss of a family member either under the Islamic State's rule or during the battle for Mosul.

Theories of retribution emphasize the importance of individual moral responsibility for wrongdoing as a basis for determining the punishment that an offender deserves ("just deserts"). To explore whether retribution might play a role in preferences for reintegration of the former offenders in our scenario, we asked a follow-up question after the experiment to assess whether respondents associate different types of collaboration with varying degrees of moral condemnation.¹⁰²

Respondents were asked to rank five different types of collaboration (an Islamic State fighter, a cook for fighters, a woman married to a fighter, a janitor who worked in the Islamic State's department of municipal services, and a civilian who paid taxes to the Islamic State) from least to most condemnable (Table 1). Unsurprisingly, respondents overwhelmingly viewed Islamic State fighters as the most morally condemnable (98% of the sample). Cooks for fighters were judged to be the second most condemnable, ranked as such by 77% of the sample. Respondents seemed to view women married to fighters and janitors in the Islamic State's department for municipal services about evenly, between third and fourth most reprehensible among the five types of hypothetical collaborators. Finally, 81% of the sample viewed the civilian taxpayer as least condemnable. The perception of taxpayers as much less blameworthy than the other types of collaborators is likely due to widespread recognition of the coercive nature of the Islamic State's tax system. Refusal to pay zakat (a mandatory charitable contribution that is the functional equivalent of an income tax) was considered an act of

¹⁰² Since these ranking questions are cognitively burdensome, we randomly asked approximately 50% of the sample only one of each of these questions.

apostasy and therefore punishable by death, resulting in widespread compliance with the Islamic State's tax policies.¹⁰³

Although we did not randomize the moral culpability of the different hypothetical collaborator scenarios and therefore cannot estimate the causal effects of this variable on attitudes toward reintegration, these descriptive findings nonetheless indicate that respondents attribute different degrees of moral culpability to different hypothetical collaborators depending on their proximity to the most culpable category of fighters.

Table 1.

Five-Point Ranking of Collaborators from Least (1) to Most Condemnable (5)

Ranking	Type of Collaboration	% of Respondents
(1) Not condemnable at all	An Islamic State [IS] fighter A woman married to an IS fighter A cook for IS fighters A janitor at the IS municipality A taxpayer to IS	1% 1% 0.4% 16% 81%
(2) Not very condemnable	An Islamic State [IS] fighter A woman married to an IS fighter A cook for IS fighters A janitor at the IS municipality A taxpayer to IS	0% 4% 3% 77% 15%
(3) Neutral	An Islamic State [IS] fighter A woman married to an IS fighter A cook for IS fighters A janitor at the IS municipality A taxpayer to IS	0.3% 37% 57% 4% 1%
(4) Somewhat condemnable	An Islamic State [IS] fighter A woman married to an IS fighter A cook for IS fighters A janitor at the IS municipality A taxpayer to IS	1% 57% 39% 2% 1%

¹⁰³ Mara R. Revkin, *What Explains Taxation by Resource-Rich Rebels? Evidence from the Islamic State in Syria*, 82 J. POL. 757, 762 (2020).

(5) Completely condemnable	An Islamic State [IS] fighter	98%
	A woman married to an IS fighter	1%
	A cook for IS fighters	0%
	A janitor at the IS municipality	0%
	A taxpayer to IS	1%

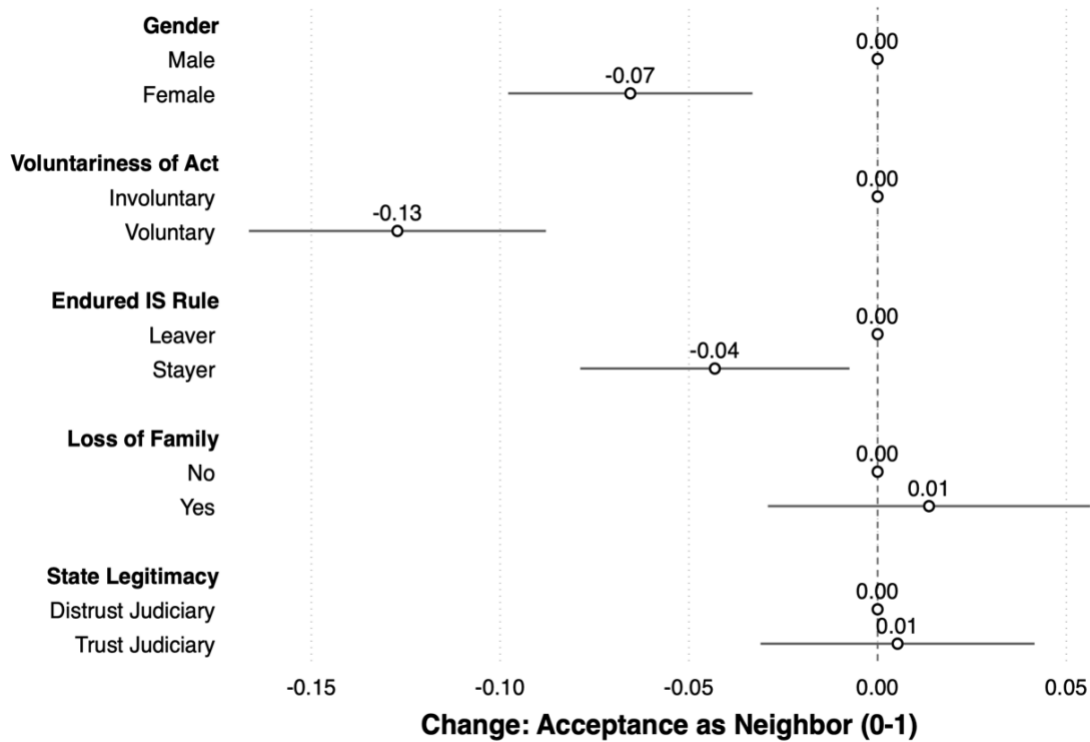
2. Heterogeneous Effects of Individual Respondent Characteristics

In addition to our primary hypotheses, we also examined how the varying individual characteristics and experiences of survey respondents may affect their attitudes toward reintegration (a “heterogeneous effects” analysis). Specifically, we consider associations between: (1) willingness to allow the reintegration of collaborators and the respondent’s gender; (2) whether the respondent stayed in Mosul for the duration of the Islamic State’s three-year rule as opposed to fleeing; (4) the respondent’s perception of the offense as either voluntary or involuntary; (5) whether the respondent lost a family member during the Islamic State’s rule over Mosul or the battle to recapture the city; and (6) whether the respondent perceives the Iraqi government as legitimate or illegitimate.¹⁰⁴ Figure 5 presents the results of this analysis.

¹⁰⁴ In these analyses, we still control for the randomized punishment and type of act.

Figure 5.

Associations Between Respondent Characteristics and the Probability of Reintegration of Former Islamic State Collaborators



Note: Figure depicts point estimates (circles) with 95% confidence intervals (horizontal lines). Robust standard errors are clustered at the individual level. The circles on the vertical dashed line at 0 denote the reference category for comparison against.

Gender

Some studies have found that women are more likely than men to forgive transgressions, suggesting that women might be more willing to allow the reintegration of former offenders.¹⁰⁵

¹⁰⁵ Andrea J. Miller et al., *Gender and Forgiveness: A Meta-Analytic Review and Research Agenda*, 27 J. SOC. CLINICAL PSYCHOL. 843-876 (2008).

However, the results of our study are inconsistent with this expectation. We found that women were in fact *less* likely to allow the reintegration of former Islamic State collaborators by 6 percentage points on average. This finding might be explained by the varying experiences of men and women living in Islamic State-controlled areas. In general, women were more negatively affected by the Islamic State than men given the group's extremely patriarchal ideology, which severely restricted the rights of women—for example, prohibiting them from leaving their homes without a male guardian.¹⁰⁶ If women had more grievances against the Islamic State than men, then women might be less willing to forgive and allow the reintegration of former Islamic State collaborators. Another possible explanation is that women may feel more vulnerable than men and less capable of defending themselves from security threats such as the risk of recidivism by former Islamic State collaborators given the patriarchal context of Iraq, where social norms dictate that women depend on men for protection.

Perceived Voluntariness of Collaboration

Previous research suggests that perceptions of the voluntariness of a transgression affect attitudes toward guilt and preferences for punishment.¹⁰⁷ As noted above, our related experiment in Mosul found that perceptions of the volition behind an offense (whether voluntary or involuntary) had significant effects on preferences for how the offender should be punished.¹⁰⁸ We tested whether this relationship extends to preferences for reintegration of former offenders after punishment. As shown in Table 2, 88% of the sample believed that the cook for Islamic State fighters was acting voluntarily, 84% believed that the woman married to an Islamic State fighter was acting voluntarily,

¹⁰⁶ Mara R. Revkin, *The Legal Foundations of the Islamic State*, 23 THE BROOKINGS PROJECT ON U.S. RELATIONS WITH THE ISLAMIC WORLD 16 (2016), https://www.brookings.edu/wp-content/uploads/2016/07/Brookings-Analysis-Paper_Mara-Revkin_Web.pdf.

¹⁰⁷ Michael E. McCullough et al., *Forgiveness, Forbearance, and Time: The Temporal Unfolding of Transgression-Related Interpersonal Motivations*, 84 J. PERSONALITY SOC. PSYCHOL. 540-557 (2003).

¹⁰⁸ Kao & Revkin, *supra* Section III(D).

and 71% believed that the janitor working in the Islamic State's department of municipal services was acting voluntarily.

Table 2.

Perceptions of Collaborative Acts as Voluntary (Percentage of Sample)

Type of Collaboration	Voluntary	Involuntary
A cook for Islamic State fighters	88%	12%
A wife of an Islamic State fighter	84%	16%
A janitor in the Islamic State's department of municipal services	71%	29%

In a multivariate regression analysis, those who perceive the offense as voluntary are 13 percentage points less likely to accept former collaborators, on average (Figure 5). Perceptions of voluntariness behind the act are mostly insignificant in interactions with the type of act committed, which suggests that voluntariness is an independent driver of respondents' willingness to forgive and allow the reintegration of former offenders.

Personal Experiences and Grievances with the Islamic State

Preferences for punishment of former Islamic State collaborators may be affected by whether or not—and to what extent—an individual was personally affected by the group. Many studies find that personal experiences with violence decrease victims' willingness to forgive, reconcile, and cooperate with offenders and the social groups to which they belong. Studies in the post-conflict settings of Yugoslavia, Bosnia, Herzegovina, and Croatia reveal that experiences with trauma were

significant inhibitors of reconciliation.¹⁰⁹ However, other research finds that personal victimization by crime or violence can increase pro-social emotions and behaviors including empathy,¹¹⁰ collective action,¹¹¹ and political participation through a post-traumatic growth mechanism.¹¹² These two conflicting sets of findings suggest that personal experiences and grievances with the Islamic State could have either a positive or negative effect on victims' willingness to forgive and allow the reintegration of former Islamic State collaborators. The results of our study are consistent with the first expectation but not the latter. We find that survey respondents who experienced the loss of a family member due to the Islamic State (17% of the sample) were not significantly less likely to allow the reintegration of former Islamic State collaborators (Figure 5).

Given previous research on the effects of personal experiences and grievances on attitudes toward forgiveness and reconciliation, we also expected that there might be differences in preferences for reintegration between participants in the experiment who stayed in Mosul for the duration of the Islamic State's more than three-year rule and those who fled soon after the group's capture of the city and therefore experienced less of the group's violence and repression. Those who stayed ("stayers") might be less forgiving of other Mosul residents who supported or joined the Islamic State due to having more grievances than those who left Mosul ("leavers"). However, it is also possible that "stayers" might be more sympathetic to those accused of collaboration with the Islamic State because

¹⁰⁹ See, e.g., Nicholas A. Jones et al., *Dealing with International Crimes in Post-war Bosnia: A look Through the Lens of the Affected Population*, 9 EUR. J. CRIMINOLOGY 553–564 (2020); Miklos Biro et al., *Attitudes Toward Justice and Social Reconstruction in Bosnia and Herzegovina and Croatia*, in MY NEIGHBOR, MY ENEMY: JUSTICE AND COMMUNITY IN THE AFTERMATH OF MASS ATROCITY 183–205 (Eric Stover & Harvey M. Weinstein eds., 2004); Jonathan Hall et al., *Exposure to Violence and Attitudes Towards Transitional Justice*, 39 POL. PSYCH. 345–363 (2018).

¹¹⁰ Michael Gilligan et al., *Civil War and Social Cohesion: Lab in the Field Evidence from Nepal*, 58 AM. J. POL. SCI. 604–619 (2014).

¹¹¹ ELISABETH J. WOOD, *INSURGENT COLLECTIVE ACTION AND CIVIL WAR IN EL SALVADOR* (2003).

¹¹² See, e.g., Christopher Blattman, *From Violence to Voting: War and Political Participation in Uganda*, 103 AM. POL. SCI. REV. 231–247 (2009); Regina Bateson, *Crime Victimization and Political Participation*, 106 AM. POL. SCI. REV. 570–587 (2012).

they personally experienced the full extent of the Islamic State's coercive and authoritarian rule and have a better understanding of how dangerous it was to resist. Comparing "stayers" (who comprise 71% of the sample) against "leavers," we find that "stayers" are 4 percentage points less likely to allow the reintegration of former collaborators, which is consistent with previous research finding that exposure to conflict tends to "harden hearts."¹¹³

Perceptions of State Legitimacy

We also expected that variation in individual perceptions of state legitimacy might affect attitudes toward reintegration of former offenders. If respondents do not believe in the legitimacy of state institutions, they may not view court decisions as fair and they may not trust that criminal justice systems will effectively rehabilitate former offenders. Previous survey-based research has found that low levels of trust in state institutions and particularly law enforcement institutions may contribute to support for vigilante justice in diverse contexts including Mexico,¹¹⁴ Pakistan,¹¹⁵ Ghana,¹¹⁶ and Latin America because citizens do not trust the state to provide justice and security.¹¹⁷ In Iraq, concerns about corruption in Iraqi courts and prisons are believed to have contributed to extra-judicial killings of suspected Islamic State fighters and collaborators in areas recaptured from the group in 2017. Some Iraqi state security forces said that they had participated in extra-judicial executions because they did not trust the Iraqi justice system to punish them fairly. As one Iraqi explained in 2017, "[Corruption]

¹¹³ Sivan Hirsch-Hoefler et al., *Conflict Will Harden your Heart: Exposure to Violence, Psychological Distress, and Peace Barriers in Israel and Palestine*, 46 BRIT. J. POL. SCI. 845–859 (2016).

¹¹⁴ Daniel Zizumbo-Colunga, *Community, Authorities, and Support for Vigilantism: Experimental Evidence*, 39 POL. BEHAVIOR 989 (2017).

¹¹⁵ Justice Tankebe & Muhammad Asif, *Police Legitimacy and Support for Vigilante Violence in Pakistan*, 40 INT'L J. COMP. & APPLIED CRIM. JUST. 343 (2016).

¹¹⁶ Justice Tankebe, *Self-help, Policing, and Procedural Justice: Ghanaian Vigilantism and the Rule of Law*, 43 L. & SOC'Y REV. 245 (2009).

¹¹⁷ Amy E. Nivette, *Institutional Ineffectiveness, Illegitimacy, and Public Support for Vigilantism in Latin America*, 54 CRIMINOLOGY 142 (2016).

is why Iraqi soldiers prefer to shoot them or throw them off high buildings.”¹¹⁸ A resident of Mosul said of individuals currently awaiting trial on Islamic State-related charges, “We don’t want them to go to jail because they will be let out. It’s better for them to be killed.”¹¹⁹ These concerns are not unfounded. Iraqi lawyers have witnessed cases in which judges have offered to alter witness statements in exchange for bribes and others reported that convicted Islamic State fighters have successfully bribed their way out of prison.¹²⁰ For these reasons, we expected that respondents who view the Iraqi government as illegitimate would be more likely to reject the reintegration of former Islamic State collaborators who have completed their sentences than those who view the Iraqi government as legitimate.

To assess the relationship between respondents’ perceptions of state legitimacy and their willingness to allow the return and reintegration of former Islamic State collaborators, we analyze survey questions that asked respondents how much trust they have in the Iraqi courts and judges on a four-point scale ranging from “no trust” to “a lot of trust.” For ease of interpretation, we dichotomized the responses into the binary variables of trust and no trust. Contrary to expectations, we found that trust in courts and judges (a measure of the perceived legitimacy of the state’s legal system) is not significantly associated with our dependent variable, attitudes toward reintegration.

¹¹⁸ Patrick Cockburn, *More Than just revenge: Why Isis Fighters are Being Thrown off Buildings in Mosul*, THE INDEPENDENT (July 17, 2017), <https://www.independent.co.uk/news/world/middle-east/isis-mosul-iraq-fighters-killed-thrown-off-buildings-reasons-corruption-revenge-patrick-cockburn-a7845846.html>.

¹¹⁹ Haley Bobseine, *Mosul and Tel Afar Context Analysis*, RISE FOUNDATION 26 (2017), <http://rise-foundation.org/wp-content/uploads/2017/12/Rise-Mosul-and-Tel-Afar-Context-Analysis-Rise-December-2017.pdf>.

¹²⁰ Mara R. Revkin, *After the Islamic State: Balancing Accountability and Reconciliation in Iraq*, UNITED NATIONS UNIVERSITY CENTRE FOR POLICY RESEARCH 29 (2018), <https://i.unu.edu/media/cpr.unu.edu/attachment/3127/2-LoP-Iraq-final.pdf>.

3. Community-Based and Restorative Justice Mechanisms

In this section, we consider three follow-up questions that were asked only to respondents who initially refused to accept former Islamic State collaborators into their neighborhood in order to explore two potential mechanisms—endorsements by community leaders and noncarceral rehabilitation programs—that might facilitate reintegration. These questions were asked separately after each hypothetical candidate for reintegration that respondents rejected. The first two questions asked if respondents would be willing to change their judgement and allow the person to be reintegrated if their religious or tribal leader asked them to do so. The third question asked if respondents would be willing to change their judgement and allow the person to be reintegrated if he or she successfully completed a rehabilitation program. Although the non-randomized nature of these questions does not allow us to identify the causal effects of community leader endorsements and rehabilitation programs, the results strongly suggest that community-based or restorative approaches to rehabilitation and reintegration may be more effective than prolonged incarceration.

Table 3 presents the results of our questions on these potential facilitating mechanisms for reintegration. Among respondents who initially rejected their hypothetical candidates for reintegration (around 70% of our sample), about 8% are willing to change their judgment and support reintegration if asked to do so by their tribal leader or religious leader. These outcomes are highly correlated ($r = 0.78$)¹²¹ such that if we combine these two groups, the total percentage of the sample who were persuaded either by a tribal or religious leader is around 10%. Another 10% of respondents were willing to change their judgment and support reintegration if the former collaborator completes a rehabilitation program. The results for the rehabilitation question are not as highly correlated with

¹²¹ Pearson's R-squared was used to calculate this statistic.

respondents who said they would be willing to accept former collaborators when asked to do so by a traditional leader ($r = 0.26$); undergoing a rehabilitation program moves an *additional* 5% of the sample in favor of reintegration.

Together, the combined effects of local leader endorsements and rehabilitation programs persuade around 15% of people who were previously opposed to reintegration to change their judgment and allow former collaborators to return to their home communities. For tribal and religious leader endorsements, these outcomes do not vary greatly between types of acts or punishment. However, for the rehabilitation program, cooks were much more likely to benefit than wives of fighters or janitors at the municipality and those who received no punishment were more likely to benefit than those who received other types of punishments.¹²²

Table 3:

The Effects of Different Facilitating Mechanisms on Attitudes Toward Offenders

Mechanisms Facilitating Reintegration	Percent of Respondents Who Change Attitude to Acceptance of Reintegration
Tribal leader endorses reintegration	7.8%
Religious leader endorses reintegration	8.2%
Offender completes rehabilitation program	9.8%

¹²² According to multivariate regression analyses.

F. *Addressing Potential Biases in the Data*

Survey experiments enable researchers to estimate the causal effects of possible causes known as independent variables (in this case, different types of punishment) on outcomes known as dependent variables (in this case, public opinion toward reintegration of former), but they are nonetheless subject to potential biases. Below, we explain these different potential biases and how we addressed them.

First, a common concern in post-conflict settings is that social-desirability bias suppresses the true level of support for a rebel group, due to respondents' fears of punishment or stigmatization.¹²³ To address this concern, we designed a "list experiment" to assess whether a higher percentage of respondents might answer "yes" to sensitive questions if asked indirectly (Appendix). List experiments are a type of survey experiment where respondents are asked to provide the total number of items on a list to which they answer affirmatively rather than to answer each item separately. For the randomly selected control group (approximately 50% of the total number of survey respondents), the list only includes non-sensitive items. For the treatment group (the other 50% of survey respondents, the list contains a sensitive item in addition to these non-sensitive items.¹²⁴ In our survey, we asked the following direct sensitive question: "During the first six months of Islamic State rule, did you believe that the Islamic State was doing a better job governing Mosul than the Iraq government did previously?" to which 16% of respondents answered "yes," suggesting that a substantial minority of the Mosul population viewed the Islamic State's system of governance favorably in comparison with that of the Iraqi state. It is possible that social desirability bias affected responses to this question

¹²³ Graeme Blair et al., *Comparing and Combining List and Endorsement Experiments: Evidence from Afghanistan*, 58 AM. J. POL. SCI. 1043–1063 (2014).

¹²⁴ Graeme Blair & Kosuke Imai, *Statistical Analysis of List experiments*, 20 POL. ANALYSIS 47-77 (2012).

because expressing any approval for anything that the Islamic State did is risky in a context where tens of thousands of Iraqis suspected of supporting the group are being arrested and detained.

To interrogate the possibility of social desirability bias affecting our results, we designed a list experiment in which the wording of the sensitive item mirrored that of the direct sensitive question (Appendix). The results indicate that 11% of the sample agreed with the sensitive item when asked indirectly. The difference in the response rates between these two samples (11% and 16%) was not statistically significant according to a Welch's two-sample t-test ($p=0.12$). In addition, only six respondents declined to answer or did not know when asked the direct question. Together, these findings suggest that social-desirability bias did not significantly affect our results.

A second potential concern is that "order effects," the order in which respondents were presented with the three hypothetical scenarios, may have influenced their responses. It is possible that respondents were beginning to fatigue by the third round of the experiment or that earlier scenarios somehow biased their responses to scenarios presented later.

A third potential concern is that the severity of the punishment that was assigned to the different hypothetical offenders was interpreted by respondents as a signal of the offender's culpability or dangerousness, which would bias our estimate of the effects of punishment—independent of severity of the offense—on preferences for reintegration. Although this is a valid concern, we believe that the severity of punishment was not in fact a credible signal of an offender's culpability given widespread recognition of the corrupt and arbitrary nature of sentencing decisions in Iraq as noted above. For example, many nonviolent Islamic State collaborators such as cooks received the same sentence as

fighters, capital punishment, despite having committed a much less severe offense.¹²⁵ Furthermore, reports of criminal defendants paying bribes to judges in exchange for reduced sentences or to prison guards to help them escape are frequent.¹²⁶ Given that so many Iraqis perceive the judiciary as corrupt and arbitrary, we have reason to believe that respondents' preferences for reintegration of hypothetical collaborators are not conditioned by the severity of their punishments.

Finally, it is possible that punishment affects reintegration differently across the three different types of offenses included in our experiment, which would interfere with our ability to estimate the independent effects of punishment on attitudes toward reintegration. To test for this possibility, we interact punishment with type of collaboration in OLS regression. The results indicate that there is not a statistically significant interaction between punishments and the type of offense as shown by the fact that the confidence intervals of the point estimates for the interactions all cross zero (Appendix Figure 1).

III. IMPLICATIONS FOR LAW AND POLICY IN IRAQ AND BEYOND

A. Post-Conflict Transitional Justice

There is a growing consensus among scholars of post-conflict transitional justice that state-led, top-down accountability processes are ineffective in advancing the goals of enduring peace and reconciliation because they tend to be insufficiently inclusive of diverse perspectives—particularly the voices of victims—and are heavily shaped by the preferences of political elites on the winning side of

¹²⁵ Human Rights Watch, *Flawed Justice: Accountability for ISIS Crimes in Iraq* (2017), <https://www.hrw.org/report/2017/12/05/flawed-justice/accountability-isis-crimes-iraq>.

¹²⁶ Mara R. Revkin, *After the Islamic State: Balancing Accountability and Reconciliation in Iraq*, UNITED NATIONS UNIVERSITY CENTRE FOR POLICY RESEARCH 17, 24 (2018), <https://i.unu.edu/media/cpr.unu.edu/attachment/3127/2-LoP-Iraq-final.pdf>.

the conflict.¹²⁷ Jane Stromseth, David Wippman, and Rosa Brooks have highlighted the importance of “understand[ing] the specific goals and priorities of domestic populations who, after all, are the people who endured the atrocities and must chart a new future.”¹²⁸ Ruti Teitel argues that a necessary condition for successful transitional justice is to promote the dissemination and acceptance of the truth of past crimes and atrocities in the “public sphere” in order for society to reach a shared understanding of the past.¹²⁹ Although public opinion should not be the sole basis for the design of transitional justice policies because of the danger of “mob justice,” research suggests that ignoring public opinion can have adverse consequences for the success of transitional justice processes.¹³⁰ In contrast with top-down approaches to transitional justice, our study uses a bottom-up and victim-centered methodology to illuminate the experiences and attitudes of people directly affected by the conflict for whom the question of how to balance demands for justice with the need for reconciliation is particularly urgent and personal. Survey experiments like those we conducted in Iraq could be utilized in other post-conflict settings to inform evidence-based transitional justice policies that reflect not only the interests of the state and political elites but also victims and marginalized communities.

B. Sentencing Reform

Incarceration has become the dominant form of punishment in the United States and many other countries around the world despite the availability of noncarceral alternatives that are more humane and less costly. Between 2000 and 2016, the global prison population increased by almost

¹²⁷ ROSALIND SHAW ET AL., LOCALIZING TRANSITIONAL JUSTICE: INTERVENTIONS AND PRIORITIES AFTER MASS VIOLENCE (2010).

¹²⁸ JANE STROMSETH ET AL., CAN MIGHT MAKE RIGHTS?: BUILDING THE RULE OF LAW AFTER MILITARY INTERVENTIONS 257 (2006).

¹²⁹ RUTI G. TEITEL, TRANSITIONAL JUSTICE 83 (2000) (“Consensus on the history produced is predicated on the truth’s dissemination and acceptance in the public sphere.”)

¹³⁰ Erin Daly, *Between Punitive and Reconstructive Justice: The Gacaca Courts in Rwanda*, 34 N.Y.U. J. INT’L LAW POL. 383 (2001).

20% to a total of 10.35 million prisoners around the world.¹³¹ This increase was driven largely by the United States, which has by far the largest prison population in the world and the highest per capita incarceration rate: Nearly one out of every 100 American adults are in prison.¹³²

Our finding that long prison sentences of 15 years did not affect the community's willingness to allow the reintegration of former offenders associated with the Islamic State in the case of Iraq is relevant to current debates about sentencing reform there and potentially in other contexts. In the case of Iraq, prolonged incarceration was not a necessary condition for reintegration of former Islamic State collaborators even though this community was directly affected by their offenses and therefore might be expected to have stronger-than-average preferences for retribution.

Our finding that a much shorter prison sentence of three years had a small but statistically significant positive effect on attitudes toward reintegration in comparison with no punishment, suggests that reduced sentences might be more conducive to reintegration than longer ones. One possible explanation for this result is that longer prison sentences are associated with greater stigmatization and difficulty finding employment, so people may be more accepting of former offenders who served shorter sentences because they are perceived as being more likely to successfully reintegrate into the community. Given the heavy costs of prolonged incarceration and evidence of its counterproductive effects on rehabilitation and reintegration, policymakers should consider whether much shorter sentences or noncarceral sanctions (discussed below) would achieve the same or possibly better results for these and other criminal justice objectives.

¹³¹ Roy Walmsley, *World Prison Population List 11th Edition*, 2 (2016), https://grupodeprisiones.uniandes.edu.co/images/stories/relatorias/PRISIONES-OCT2011/OTRASENTIDADES/OTRASINTERNACIONALES/PRISONSTUDIES/WorldPrisionPopulationList_2017.pdf.

¹³² Committee on Causes and Consequences of High Rates of Incarceration, *The Growth of Incarceration in the United States: Exploring Causes and Consequences* (2014).

C. Alternatives to Incarceration

In Iraq, the recent release of more than 16,000 nonviolent offenders to reduce the risk of COVID-19 outbreaks in prisons indicates that decarceration is possible despite continuing political opposition.¹³³ Many empirical studies have already called into question the efficacy of incarceration for achieving its intended objectives, but there is still a need for more research on the causal effects of noncarceral alternatives that may be equally or more effective.

Our study found that a non-carceral punishment (six months of community service) had a small but statistically significant positive effect (4 percentage points) on respondents' willingness to allow the reintegration of former offenders. Substantively, compared to no punishment at all, the effect of six months of community service is greater than that of a 15-year prison sentence (zero percentage points) and similar to the effect of a 3-year prison sentence (4 percentage points). Strikingly, around 15% of respondents who initially rejected a hypothetical candidate for reintegration were willing to change their judgment and allow the former collaborator to return to their home community if asked to do so by their religious or tribal leader or if the former offender successfully completes a rehabilitation program. These results are promising evidence of the potential effectiveness of non-carceral and community-based justice mechanisms for changing public opinion in ways that decrease stigmatization of former offenders and facilitate their successful reintegration.

¹³³ *Supra* note 31.

CONCLUSION

Our findings raise a number of questions that, although beyond the scope of our article, suggest directions for future research. We only evaluated one type of noncarceral sanction (community service) and found that it had positive effects on public opinion toward former Islamic State collaborators among Sunni Arabs in the Iraqi city of Mosul. How do other restorative justice mechanisms—such as public apologies or restitution—affect willingness to allow the reintegration of former collaborators? Additionally, how does physical and social proximity to former offenders affect attitudes toward reintegration? Are individuals who live in communities with large numbers of former collaborators or in communities near prisons more or less likely to support reintegration? Are individuals who personally know a former collaborator more or less likely to support reintegration?

We were also limited to studying reintegration of former rebel collaborators back into their own communities. In communities that experienced particularly severe atrocities—for example, the Yazidi community in northern Iraq—it may be impossible for former collaborators to return to their communities in the near term because the risks of harm to victims as well as the potential for violent retribution against collaborators outweigh the potential benefits and would be counter-productive to reconciliation and peacebuilding efforts. In some cases, those accused of enemy collaboration may never be able to return to their homes. In general, Sunnis perceived as being formerly associated with the Islamic State have no desire to return to communities where they will be at risk for revenge killings and might prefer to be relocated to other Sunni-majority communities where they will be able to live safely, or to major urban centers like Baghdad where they have some anonymity and a chance to rebuild their lives without stigma. In cases where reintegration to communities of origin is not possible, relocation of perceived Islamic State affiliates to other communities where they do not pose a threat

to the population and where they will be safe from revenge is a rights-respecting alternative to keeping these individuals in prisons or long-term displacement camps where freedom of movement and other human rights are severely limited. Further work should be conducted in such places to assess this possibility. Our research design could easily be replicated in other areas of Iraq, as well as other cases in need of post-conflict reintegration and reconciliation.

Many studies have found that providing new information to participants, or varying how the information is framed and presented, can change attitudes and in some cases can change behaviors as well. For example, a survey experiment that randomly provided participants with information about immigrants in the United States found that the treatment group positively updated their prior beliefs about immigrants and were willing to donate more money to a pro-immigration charity.¹³⁴ Another experiment found that a brief “perspective-taking exercise” in which participants were asked to imagine themselves as refugees increased inclusionary behavior toward refugees as measured by the likelihood of sending a letter to the President in support of admitting Syrian refugees.¹³⁵ Could similar informational interventions help to reduce stigmatization of former offenders and increase empathy toward them?

Our findings contribute to a growing empirical consensus that incarceration fails to achieve its intended objectives. We demonstrate how survey experiments, a method developed by social scientists that has not been widely used by legal scholars, can help to address important questions about causal relationships between criminal justice policies and outcomes of great importance such as the

¹³⁴ Alexis Grigorieff et al., *Does Information Change Attitudes Toward Immigrants?*, 18 DEMOGRAPHY 1-27 (2020).

¹³⁵ Claire L. Adida et al., *Perspective Taking Can Promote Short-term Inclusionary Behavior Toward Syrian Refugees*, 115 PROC. NAT'L ACAD. OF SCI. 9521, 9523 (2018).

reintegration of former offenders. We hope that other scholars will replicate and build upon our research design to study other pressing issues in criminal justice and beyond.

APPENDIX

A. List Experiment to Assess Social Desirability Bias

On the survey, 16.1% of respondents answered “yes” to the following direct sensitive question: “During the first six months of Daesh rule, did you believe that Daesh was doing a better job of governing Mosul than the Iraqi government did previously?” To assess whether an even higher percentage of respondents might answer “yes” to this question if asked indirectly, we implemented a list experiment in which the wording of the sensitive item mirrors that of the question above (Appendix Figure 1).

The non-sensitive items in this list experiment are objectively true or false statements based on facts that should have been widely known to Mosul residents during the first six months of the Islamic State’s rule, so we expected that most respondents would be able to correctly identify them as true or false. However, given individual-level differences in exposure to Islamic State governance and information, it is possible that some respondents did not know whether these statements were true/false or had incorrect beliefs. Nonetheless, the distribution of uninformed or misinformed respondents should be unbiased across control and treatment groups.

Appendix Figure 1.

List Experiment Design

“Please tell me how many of the following statements were true during the first six months of the Islamic State’s rule. We are not interested in which statements you think are true, only how many of them:

- During this period, the Iraqi government stopped paying the salaries of government employees in Mosul [FALSE].¹³⁶

¹³⁶ The Iraqi government did not stop paying the salaries of government employees in Mosul (and other Islamic State-controlled areas) until July 2015. Isabel Coles, Despair, hardship as Iraq cuts off wages in Islamic State cities, Reuters (Oct. 2, 2015), <https://www.reuters.com/article/us-mideast-crisis-iraq-salaries/despair-hardship-as-iraq-cuts-off-wages-in-islamic-state-cities-idUSKCN0RW0V620151002>.

- During this period, the Islamic State started collecting zakat [taxes] from the people of Mosul [TRUE].¹³⁷
- During this period, the Islamic State opened a religious police department (known as the “hisba”) in Mosul [TRUE].¹³⁸
- During this period, the Islamic State was doing a better job of governing Mosul than the Iraqi government did previously [TREATMENT: displayed only for 50% of respondents]

If survey respondents had perfect information, we would expect the mean of the control group to be approximately 2, since 2 out of the 3 items on the list are objectively true and the third is objectively false. The difference between the mean of the control group (1.35) and the expected mean under conditions of perfect information (2) suggests that some survey respondents had factually incorrect beliefs about the items that were objectively true or false (Appendix Table 1). One possible explanation for misinformation is that some residents of Mosul avoided leaving their homes as much as possible during the three years that the Islamic State was in control of the city to minimize contact with the group.¹³⁹

Using a Welch’s two-sample t-test, we find that the difference between the mean of the control group (1.35) and the mean of the treatment group (1.45) is not statistically significant ($p=.1231$). This result, together with the fact that only 6 respondents declined to answer or did not know when asked the direct sensitive question, suggests that social desirability bias did not significantly affect the results.

¹³⁷ In August 2014, an Iraqi newspaper published an official Islamic State document announcing instructions for the payment of zakat. *The Iraqi Bulletin*, الزكاة / تعليمات الموصل / صورة الموصل (Photo from Mosul: Zakat Instructions), (Aug. 14, 2014), <https://web.archive.org/web/20180318172323/https://www.facebook.com/Iraqibulletin/photos/a.766232510084131.1073741828.766120606761988/796126887094693/?type=3&theater>.

¹³⁸ The Islamic State had established a “hisba” police department by July 2014. Khalis Jamaa, الموصل تحت عباءة الخليفة / قوانين دولته (Mosul Under the Cloak of the Caliph and the Laws of his State), NIQASH (Jul. 17, 2014), <http://www.niqash.org/ar/articles/security/3497>.

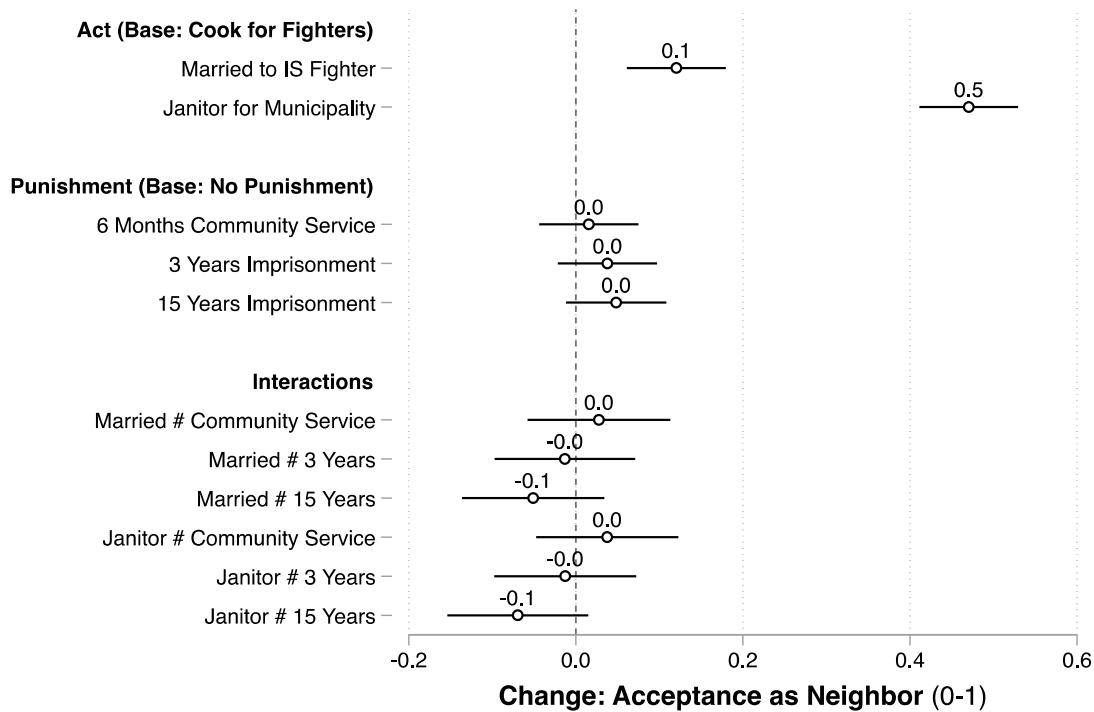
¹³⁹ Florian NeuhoF, *Meet the Woman Who Picked Up the Pen Under ISIL’s Sword*, NAT’L (Apr. 5, 2018), <https://www.thenational.ae/world/mena/meet-the-woman-who-picked-up-the-pen-under-isil-s-sword-1.718978>.

Appendix Table 1.
Analysis of List Experiment

Mean of Control Group (3 non-sensitive items)	1.351931
Mean of Treatment Group (3 non-sensitive + 1 sensitive)	1.452113
Difference in Means	0.100182
t	-1.5429
d.f.	1392.5
p-value	0.1231

B. Interactions Between Type of Collaboration and Punishment

Appendix Figure 1.
Interactive Effects of Type of Act and Punishment on Probability of Reintegration of Former Islamic State Collaborators



Note: Figure depicts point estimates with 95 confidence intervals. Robust standard errors clustered at the individual level. The dots on the vertical line at 0 denote the reference category for each attribute.