

The arrest of Hayam El Gamal and her five children

## Trump administration revives medieval “kin punishment”

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The Trump administration’s arrest and attempt to deport the wife and children of Mohamed Sabry Soliman, the Egypt-born man accused of attacking a pro-Israel demonstration in Boulder, Colorado on June 1, marks a new and ominous stage in the American ruling class’ descent into lawlessness.

Hayam El Gamal and her five children, who range in age from 4 to 17, were seized at their Colorado Springs home early Tuesday morning and spirited away “in the dark of night” to the Dilley family detention center in Texas, a distance of 900 miles. Only a desperate search by the family’s attorneys revealed their whereabouts.

An emergency lawsuit has prevented the family’s immediate deportation under the Trump administration’s “expedited removal” policy after US District Judge Gordon Gallagher issued a temporary restraining order. A hearing is scheduled for June 13.

There is no public record of any prominent Democratic lawmaker or party official speaking up in defense of El Gamal or her children.

In legal filings, Trump administration lawyers argue that the family members are all in violation of their temporary visa statuses. But El Gamal and her children are being punished not for alleged visa violations, but for the crimes of the family’s father. The White House has itself made this clear.

On Tuesday, an official social media post from the White House, written in Trump’s trademark gangster style, boasted of the family’s arrest and planned deportation: ‘Wife and Kids of Illegal Alien Behind Antisemitic Firebombing COULD DEPORT AS EARLY AS TONIGHT.’ This was accompanied by an image of Soliman and a caption with an airplane emoji: “Six One-Way Tickets for Mohamed’s Wife and Five Kids. Final Boarding Call Coming Soon.”

After the White House post, Homeland Security Secretary Kristi Noem made her own announcement on X, confirming that Soliman’s family had been taken into ICE custody. “We are investigating to what extent his family knew about this heinous attack, if they had knowledge of it, or if they provided support to it,” Noem said.

Attorneys for El Gamal say that she did not know anything of her husband’s plans to attack the Zionist rally in Boulder. Noem’s claim that small children, among them a four-year-old, could have been involved in plotting the attack is preposterous on its face.

Yet the implications of the attack on El Gamal and her children go beyond even the wanton trampling of due process that is the daily fare of the Trump administration.

“Punishing individuals for the alleged actions of their relatives is a feature of premodern justice systems or police state dictatorships, not democracies,” the family’s attorney, Eric Lee, told the *New York Times*. “The detention and attempted removal of this family is an assault on core democratic principles and should provoke widespread opposition in the population, immigrant and nonimmigrant alike.”

Lee is correct. As in so many other areas of the Trump administration’s trampling of democratic rights, the move to wield family punishment as a political weapon is by design. It is aimed at gutting the most fundamental principles of democratic rights and constitutional law.

Indeed, the entire American legal system is founded on the concept that the individual, not the family or a kin group, is responsible for his or her own actions. Only an adult person who allegedly breaks the law, and not intermediary layers of society such as the family or community, is answerable before the state in court. Children bear no responsibility whatsoever for the crimes of their parents.

The significance of these ideas, historical achievements of the Enlightenment and the American Revolution, becomes clear when measured against what came before. In the tithing system of medieval England, for example, extended kin networks were held collectively responsible for individuals’ conduct, a code upheld by a bond of reciprocity called “the frankpledge.” If one member of the tithing committed a crime or was accused of breaking the law, the entire group could be fined or otherwise punished by the authorities.

Under the *seigneurie banale* of medieval France, lords exercised local justice and could impose fines or other penalties on communities for failing to fulfill obligations or for disturbances within their jurisdiction. Nobles held the right to demand various payments, rents and services from the peasantry. These dues could be collected in coin or labor, and nobles often enforced them with displays of authority—sometimes arriving on horseback, sabers drawn, to assert their rights and collect what was owed.

Overturning this feudal system of crime and punishment—really a system of retribution that flowed downward from the king to lesser

stations, from lord to vassal, in a long train of subordination and humiliation—was the work of the entire Enlightenment. But decisive in its influence on the Founding Fathers was Cesare Beccaria's *On Crimes and Punishments* (1764). Beccaria insisted that punishment should be rational, proportionate, and applied only to the individual responsible for the crime. The legitimacy of punishment rested on both its rationality and its focus on the individual offender. "The dignity of human nature requires that man should be punished for his own actions," Beccaria concluded.

According to the legal scholar John Bessler, "the first four US Presidents—George Washington, John Adams, Thomas Jefferson and James Madison—were inspired by Beccaria's treatise and, in some cases, read it in the original Italian." Following Beccaria, the American Revolution enshrined the principle that the crimes of the parent, which could only be established through a trial, cannot implicate the child. Neither debts nor crimes could be inherited. As historian Michael Grossberg notes, "beginning in Virginia in the 1780s"—that is, the Virginia of Washington, Jefferson and Madison, "state after state rewrote its laws to express the new conviction that children should not be punished for the sins of their parents."

Trump's policies recall not only ancient systems of retributive justice, but the methods of political terror of modern police states. Lee noted in an interview with Colorado Public Radio that Trump's actions bear a striking resemblance to the Nazi policy of *Sippenhaft*, by which "authorities inflicted family punishment to intimidate the population."

Historian Robert Loeffel, in his *Family Punishment in Nazi Germany: Sippenhaft, Terror and Myth*, addresses the regime's reaction to the failed July 20, 1944 assassination attempt on Hitler, led by Claus von Stauffenberg. After the plot failed, Heinrich Himmler and other Nazi leaders ordered the arrest and punishment of the conspirators' families, regardless of their personal involvement or knowledge of the plot. Wives, children and extended relatives were arrested, imprisoned or sent to camps, even when they had no knowledge of or involvement in the plot.

The *Sippenhaft* policy's effectiveness, Loeffel argues, lay in the terror it generated in the population. In justifying such forms of terror and retribution, Himmler favorably cited the Dark Ages:

If a man in this Reich is untrue, then he and his family will be punished. This is an old Germanic law. The Sippenhaftet for every individual. The Sippe has to educate itself. Nobody shall come to us and say: But what you are doing is Bolshevik. Read the old sagas! If one perjured, or was disloyal, then the Sippe was punished, one says they have bad blood. A man has committed treason, the blood is bad, there is traitor blood in it, and it will be exterminated.

Perhaps the most infamous examples of family punishment in the last century come from Stalin's political genocide waged against the men and women who had led the Russian Revolution. Stalin murdered Lenin's entire cadre in the purges of the late

1930s. But he did not stop there, ordering the abduction and killing of socialists' extended families.

The children of Leon Trotsky, Stalin's greatest opponent, were all murdered or destroyed—even those who were not involved in politics, including Sergei Sedov, a talented scientist and engineer, who was executed in 1937. "Sergei Sedov was not a politician, he was a loyal and honest engineer," Trotsky wrote. "His only crime was being my son. Stalin could not forgive him for that."

Historian Golfo Alexopoulos describes Stalin's policy:

It was the collective punishment of kin that made political repression under Stalin truly a mass phenomenon. In the Soviet Union, political enemies were rounded up in groups of kin, family ties marked people as disloyal, and "counterrevolutionary" charges against one person threatened also his or her relatives. The Soviet security police or OGPU-NKVD issued detailed instructions regarding the punishment that should be assigned to the spouses, children, siblings, parents, and even ex-wives of state enemies. Campaigns against anti-Soviet elements rounded up kinship groups, whether these counterrevolutionaries were identified as so-called kulaks, enemies of the people, or traitors to the motherland.

Today, kin punishment is most associated with the policies of the Israeli state. Human Rights Watch, Amnesty International and multiple UN human rights bodies and experts have all condemned Israel's use of collective punishment against Palestinians, particularly in relation to its punitive home demolitions, Apartheid restrictions on the movement of Palestinian towns and villages and its deportation of the families of alleged terrorists. Now, in its genocidal war on Gaza, the Israel Defense Forces regularly annihilates the extended families of its Palestinian opponents.

In this sense, the punishment of Soliman's family both marks the extension of Israeli methods of kin punishment to the US and underscores why socialists must oppose individual acts of violence like Soliman's attack on the Boulder Zionist demonstration. Such actions only demoralize and confuse workers and youth, while giving the capitalist state a pretext to intensify police repression against all political opposition.



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