

WORKSHOP FAITH, MEDIA AND SECURITY

BRIEF

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Counter-radicalisation and its impact on freedom of expression.

There is a common Anglo-Saxon view of radicalisation and how to counter it, argues Neumann (2013). This common approach seeks to counter *behavioural* radicalisation, which focuses on intervening at the level of violent action and the intention to break the law, rather than on the level of *beliefs* (Neumann 2013:885). This specifically aims to secure freedom of speech, a fundamental democratic value. Freedom of expression, in this conception, is absolute (Neumann 2013:885). Yet, in the UK, the new counter-extremism bill (2015), may threaten the absoluteness of freedom of expression, as it relocates government intervention against radicalised individuals on extremist beliefs themselves. This proposal is closer to the “European” approach to radicalisation, where radical thinking is seen as a threat and in need of response (Neumann 2013). Further, in the US, the security sector relies on the logic of “expected consequences”¹ when countering terrorism “at home,” which transforms cognitive radicalised subjects into behavioural terrorists (Eroukhmanoff 2015). Therefore, it will be argued that both the European and Anglo-Saxon approaches are problematic for freedom of expression.

This brief examines the ways in which the WoT “at home” impinges on freedom of speech. Whilst governments can and often have limited this right for security (Cohen-Almagor 2001), this brief argues that this is fundamentally contradictory to what is professed by the government in relation to the broader debate on freedom of expression, for instance, following the Charlie Hebdo attacks in Paris last January. Unfortunately, this contradiction is not improving the concept of freedom of speech, nor improving the fight against radicalisation. On the contrary, this highlights a sense of hypocrisy that can fuel the radicalisation of vulnerable individuals. To do demonstrate this argument, this brief draws on the case-study of the US security sector, which has been at the forefront of the War on Terror.² This brief will end by raising a number of questions which may help think of this problem in more creative and non-self-fulfilling ways.

1. Cognitive versus behavioural counter radicalisation

The model of counter-radicalisation in the United States acts on what Neumann (2013) has called “behavioural radicalisation,” a focus on the behaviours

¹ This logic will be explained further in the brief.

² This is the subject of my Phd thesis, defended in 2015.

and the violent action *departing from* extremist beliefs, opposed to “cognitive radicalisation” which acts on the belief/ideology itself. This means that legally, the police are not able to interfere at the level of individual radical beliefs but only on the individual’s intention to commit an illegal crime (Neumann 2013:885). As John Cohen, the lead of the Countering Violent Extremism programme at the Department of Homeland Security (DHS) and DHS’ chief of counterterrorism coordinator, said in an interview, “in this country (the US) you are allowed to have as many extreme thoughts as you want.” The Anglo-Saxon approach views any attempts to change people’s views are an obstruction of freedom of speech and are anti-democratic. Further, these attempts can be misguided and often lead to an increase of illegal means (Neumann 2013:885).

Theoretically therefore, the American model intervenes on the question of *how* extremists beliefs transform individuals into terrorists, rather than on the question of *why* individuals hold these beliefs, which the latter reflects the European model.³ The problem with the European approach is that it puts severe limits on free speech (Neumann 2013:892) when being a radical is not a crime, nor is it necessarily negative (Coolsaet 2011:260, Fraihi 2011:209, Heath-Kelly, Baker-Beall, and Jarvis 2015:5). In effect, it can often be legitimate.⁴ The main concern is thus not “why” extremist beliefs exist and how to counter them, but rather, “how” organisations switch from radical beliefs to violent behaviour and the breaking of law (Alimi, Bosi, and Demetriou 2015). This is a central question that Alimi, Bosi and Demetriou (2015) have recently set out to explore. They ask “why despite the prevalence of extreme ideologies, profound deprivation, and aggressive impulses and motives among opposition movements worldwide, only some of the movements’ member organizations actually engage in political violence?” Likewise, Neumann (2007) has rightly argued that “rather than examining terrorists’ stated ideology, policymakers should examine their thinking on the utility of violence” because “it is terrorists’ violent means rather than their particular political objectives that make them uniquely problematic.” In order to do this, Alimi, Bosi and Demetriou argue that a relational approach to radicalisation is necessary.

Yet, as Neumann (2013:891) observes, in the American case, “the potential risk involved in allowing cognitively radicalised people to roam free, leaves law enforcement with no choice but to ‘create’ illegal behaviours where none had previously existed.” In effect, in the face of threats from “ sleeper cells,” the FBI and the NYPD have mounted many “sting operations” where an undercover officer or an informant enters what is perceived as a suspicious community to “listen” and to “test”

³ Although Neumann (2013, 886) argues that the European model deals with both cognitive *and* behavioural radicalisation.

⁴ Coolsaet (2011a, 260) argues that “most democratic states would not exist but for some radicals who took it upon themselves to organise the revolt against a foreign yoke or an autocratic regime.” Radical thinking has lead often to positive change, i.e. ending slavery, civil rights movement, women’s suffrage.

people to see if they will carry out their intention (Interviewee 1 2013, personal communication). An empirical study – “Radicalisation in the West: the Homegrown Threat” – was conducted by the NYPD in order to gain knowledge of the process of radicalisation and to form a set of “indicators and behaviours” helping intelligence officers on the ground to recognize individuals following this path. According to this report (Silber and Bhatt 2007:6), “an assessment of the various reported models of radicalisation leads to the conclusion that the radicalisation process is composed of four distinct phases: Stage 1: Pre-Radicalisation, Stage 2: Self-Identification, Stage 3: Indoctrination, and Stage 4: Jihadisation.” Although the report (Silber and Bhatt 2007:12) is “not intended to be policy prescriptive for law enforcement,” there has been an increase of “sting operations” to counter radicalisation towards the Muslim community since 9/11 (Ahmed 2013, Interviewee 2 2013). Once it is believed that the actors have chosen a certain pathway, the police intervene with sting operations and give the individuals the capabilities to carry out the attack (Interviewee 1, 2013 personal communication). According to the NYPD Intelligence Office (Interviewee 1, 2013 personal communication), once an individual reaches stage 3 of radicalisation, “the law enforcement agencies will say ‘you know what? This person keeps on saying they want to cross the line to violence, let’s give him a capability to do it or suggest that we give them the capability.’”⁵ So whilst “you can have as many extreme thoughts as you can,” having them may be too dangerous for the security of the state.

One highly publicised sting operation highlighting this strategy occurred in 2004 when two individuals, Shahawar Matin Siraj and James Elshafay were arrested for conspiring to place explosives at the 34th Street Subway station, prior to the start of the Republican National Convention nearby Madison Square Garden. According to the NYPD (2014), “[i]n recorded conversations, Siraj expressed the desire to bomb bridges and subway stations, and cited misdeeds by American forces in Iraq as a motivating factor.” The two individuals were identified as “cognitive radicalised” by the NYPD Intel Office and became part of the NYPD’s illegal “watch list” (Levitt 2013, personal communication), leaked by the *Associated Press* (2011) in the course of 2011. The profiles included details such as the language spoken, the mosque regularly attended, the educational background, and other religious and physical attributes. Siraj and Elshafay were subsequently provided with the means to carry out an attack and arrested before this occurred. According to Leonard Levitt (2013), a NYPD reporter, the well-known facts that Siraj had an “IQ of 78,” and that Elshafay was “depressive and schizophrenic” were omitted from the “watch-list” details. Moreover, the trial revealed that an informant had been paid \$100,000 by the police to gain Siraj’s and Elshafay’s trust to encourage the plot (Levitt 2013). The “Create and

⁵ The capabilities depend on the operation conducted, but in a CT sting operation, this can be in providing the chemicals necessary to build a bomb, or at least assisting in the creation of the bomb. This type of intervention is not exclusive to counter-terrorist operations. This type of intervention are “everyday” police tactics used to counter various crimes, from drug dealing to gang violence, for example by selling guns or drugs directly to individuals who will then be arrested for buying the latter.

Capture” strategy discussed at the trial was about “creating a conversation about Jihad and terrorism, then capturing the response to send to the NYPD” (Goldman and Apuzzo 2012). One informant, Mr. Rahman, recalls the police asking him to “pretend to be one of them” and that this was “street theater” (Goldman and Apuzzo 2012). According to the NYPD CT office (Interviewee 2 2013), informants “are usually crooks, they’re like snitches, they’re people who have access to the community who you have leverage on.” The leverage is often held against a previous “light” crime. According to the NYPD CT officer, “you get them jammed up, you offer to get them a lighter sentence, or a visa extended or whatever... if they don’t play ball, you throw a book at them.” For Ahmed (2013), “entrapment” cases have been created in order to “produce a sense of hysteria,” legitimising and funding surveillance itself.

One of the consequences of the behavioural radicalisation model has thus lead to damning accusations of the FBI and the NYPD as “manufacturers” of illegality by the American Civil Liberties Union (Neumann 2013:890). Senior attorney Rachel Meeropol (2013) notes that there is a lot of work done by the government to make it appear as though terrorists are being identified, caught, and plots being unfolded by the spectacular work of law enforcement agencies, but “without any knowledge, the law enforcements are actually the source of the plots and that doesn’t get a lot of understanding or play in the general public.”

Hence, as this example shows, even departing from a behavioural radicalisation point of view, the police and counter-terrorism methods lead to countering cognitive radicalisation. I argue that this conclusion is reached because counter-radicalisation strategies rely on a rationalist model, or in March and Olsen’s (1998:949) famous words, the “logic of expected consequences.” March and Olsen (1998) explore international political orders and focus on understanding their formation, durability and/or possible changes. Whilst the authors focus on international political orders, this brief seeks to apply their findings to the ways counter-radicalisation discourse is constructed. Following rational choice theory, a consequential frame views the world as consisting of rational actors negotiating their preferences and interests and where individual actions can be fully “explained” by identifying consequential reasons for them (March and Olsen 1998:949-950). According to Fearon and Wendt (2002:54), rationalism is about a pattern of action that can be explained, a set of actors taking steps to fulfil their motivations, and a sequence of choices for the actors in question. As early as 2005/2006, the task of the government “shifted” from intercepting terrorist threats abroad to understanding the *indicators and behaviours* of radicalised Muslims before potential attacks on US soil (Bjelopera 2014). With the help of these indicators and behaviours, the forces on the ground must intervene pre-emptively before the criminal/terrorist act occurs.

In *Radicalisation in the West: the homegrown threat*, the NYPD (Silber and Bhatt 2007) follows this logic by looking for the consequential reasons for radicalisation and by interpreting the outcomes expected from radicalisation. From a

comparative analysis of five different homegrown terrorist groups/plots around the world, the NYPD (2007:15) has “been able to identify common pathways and characteristics among these otherwise different groups and plots.” The NYPD can thus shape the “archetype” of what a radicalised terrorist appears to be, to like and to eat. In addition, according to the NYPD (Silber and Bhatt 2007:82 emphasis added), radicalisation in the West “is a phenomenon that occurs *because* the individual is looking for an identity and a cause and unfortunately, often finds them in the extremist Islam.” Radicalisation is thus “fully explained”: the search for an identity and a cause change Muslim subjects’ interests and preferences in the world, and lead them to the final stage of radicalisation. Moreover, the NYPD (Silber and Bhatt 2007:6) find a common pattern of actions: pre-radicalisation, self-identification, indoctrination, and Jihadization. Although the intelligence officers state that individuals may abandon the process at different points, if an individual has passed through the four stages, it is likely that they will be involved in committing a terrorist act (outcome of the pattern of actions) (Silber and Bhatt 2007:6). Thus, the consequence of passing these four stages is a terrorist act. As a result of these rationalist predictions, individuals must be arrested before the act occurs.

Thus, once the security practitioners (assume to) know the desires of radicalised Muslims and (assume to) understand how these desires can be realised, the security practitioners have thus the ability, and duty, to predict the behaviour of radicalised Muslims (following rational choice). Problematically, the consequence of certain outcomes becomes inevitable. Contingency is removed from the map of possibilities. As Levitt (2013, personal communication) and Ahmed (2013, personal communication) ask, what would happen if the NYPD did not interfere? What if the police did not provide the resources to carry out attacks? And what if the NYPD could not stop the attack before the individual “pressed the button”? Who would be responsible then? To that question, the NYPD Intel officer (Interviewee 1, 2013 personal communication) replied: “we just wouldn’t gear a person whose whereabouts are unknown, we wouldn’t provide something that doesn’t work,” but that “this is the problem in the US, we don’t have any other type of intervention.”

Therefore, terrorist acts by radicalised individuals who have followed a common trajectory become *inevitable* following the consequential logic. So whilst the analysis of radicalisation may be termed “rational,” the only “solution” for security experts using this logic is to monitor “suspicious” individuals and create illegality where none had previously existed. The consequential framework automatically transforms cognitive radicalised subjects into behavioural terrorists leaving no possibilities for contingency for subjects who hold radical beliefs but do not aspire to violent political action. Where Heath-Kelly, Baker-Beall and Jarvis (2015:1) argue that the discursive apparatus of the radicalisation discourse designates that radicalisation always precedes violence, I contend here that the rationalist framework makes violence an *expected consequence* of radicalisation. Concomitantly, both the Anglo-Saxon and the European approaches to counter-radicalisation result in

countering cognitive radicalised individuals. This is a problem, I argue, because a cognitive counter-radicalisation approach affects freedom of expression as government intervention acts on beliefs, rather than on the violence enacted from beliefs. Therefore, if both strategies lead to an obstruction of freedom of expression, other creative ways to think about this problem are necessary. Moreover, in any case, the new counter-extremism bill seems to eradicate the original Anglo-Saxon approach by re-orientating the strategy on countering radicalisation at the level of beliefs, thus emulating the European approach.

2. New counter-extremism bill and freedom of expression

In the UK, the HM Government has now published the new counter-extremism bill. “Suppressing extremist activity” the goal of the bill, will be pursued by measures launched against what has been termed “entreyism,” the infiltration of an extremist agenda in schools, universities, charities and businesses (HM Government 2015). “Entryism,” according to the HM government (2015:19), is “when extremist individuals, groups and organisations consciously seek to gain positions of influence to better enable them to promote their own extremist agendas.” The strategy sets to “carry out a full review to ensure all institutions are safeguarded from the rise posed by entreyism” (2015:19). The new focus of the bill lies in a governmental “partnership” with public institutions such as universities by banning “extremist” speakers and by reporting students and professors with “extremist views”. This means evaluating universities’ speakers to prevent the radicalisation of students and to give a full review of public sector institutions. This is because universities “sometimes fail to see the creeping extremism on their campuses,” according to [David Cameron](#). More than a failure, according to the bill (2015:26 emphasis added), “there are concerns that some supplementary schools may be *teaching* children views which run contrary to our shared values, encouraging hatred of other religions.” To this end, “the Department of Education will introduce a new system to enable intervention in unregulated education settings which teach children intensively” (HM Government 2015:26).

This new proposal is intertwined with a definition of extremism that clamps down on freedom of speech. Since 2011 extremism is defined as a “vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs” (HM Government 2013). If extremism is equated to voicing anti-British values, this poses significant problems for the democratic scene and the accusation of McCarthyism would reveal to be quite relevant. Yet, [David Cameron](#) has reassured the country that “it is not about oppressing free speech or shifting academic freedom, it is about making sure that radical views and ideas are not given the oxygen they need to flourish.” Freedom of expression, according to Cohen-Almagor (2001:xiii) can be “defined broadly as including the right to demonstrate and to picket, the right to compete in elections, and the right to communicate views via the written and electronic media.” But freedom of expression is never absolute. There are often limitations, even in the liberal tradition, on freedom of expression, which may be imposed on society, and may be better self-imposed (Cohen-Almagor 2001, Marshall 2001). The boundaries of freedom of speech ensure the respect for others and the

principle of not harming others (Cohen-Almagor 2001:xiv), and testifies therefore at the particularity and partiality of this concept. The problem, as Cohen-Almagor argues (Cohen-Almagor 2001:xvii), is that the media too often operate on a moral-free conduct as if most of journalist work was neutral, objective and free of normative assumptions.

The main difficulty lies in a discursive contradiction between the new counter-extremism bill and the government's discourse on freedom of expression when it is viewed, for instance, in light of the Charlie Hebdo attacks last January. Following the attacks, [David Cameron](#) has repeatedly backed up and supported the right to publish the cartoons of the prophet Muhammad and in the process, the right to offend. This reflects the success in [reforming](#) Section 5 of the Public Order 1986 earlier in 2014. Originally, "threatening, abusive or insulting words or behaviour" were viewed as an offence and punished by law. Following weeks of campaigning, the Act removed the word "insulting" from Section Five, a success for the [reformers](#), "legalising" the right to offend. The Prime Minister, accompanied by world leaders such as the Prime Minister of Israel, Netanyahu, defended this right during the [Paris rally](#) on January 11, 2015. In this perspective, freedom of expression is associated with a liberal and modern right that should be wholly defended, and not argued with. In this respect, the discourse of the right of liberty of expression is authoritative and absolute. What is hard to come to terms with therefore, is that hate speech, or the right to [insult](#), is granted one way, having the freedom to offend religious Muslims, but not the other, vocalising (anti-) or offending British values. Moreover, freedom of expression was professed *as* a core British value. Would banning speakers who seem to profess anti-British value, then, anti-British? The contradiction exposes a double-standard position of the government on freedom of expression that can alienate society and which makes difficult any serious engagement about countering extremism and freedom of expression.

Further, there is an urgent need not to define identity in such fixed (and honestly meaningless) categories, but perhaps the triviality of these debates highlights that the concept of identity, whether British or French, is an empty signifier, a concept without any agreed-upon meaning. The term freedom of expression is heading towards the same direction. Every time freedom of speech is used as a rhetorical device and used as a tool to advance one's political agenda (at the same time, what isn't?), this can alienate people. Moreover, freedom of speech loses any potential meaning valuable for a constructive dialogue, and becomes an empty signifier. But perhaps this is a good thing, for it is by making this term "bare" that we can start re-constructing it.

Conclusion

Either we must protect freedom of expression and act solely on behavioural radicalisation at the expense of what the security sector and government may profess, or either we should not hold such absolute conception about freedom of expression and allow limits on it, as has been the general consensus in the past. What we cannot have, is an absolute freedom of expression when it comes to offending religious minorities and a "light" freedom of expression when it is for security purposes.

FURTHER QUESTIONS:

- Is the difference between cognitive and behavioural radicalisation essential in this debate? Should the difference between the two be maintained? If no, why?
- What are the reasons given for acting on cognitive radicalised individuals? Are these reasons valid?
- And how do these reasons affect freedom of speech?
- Does counter-radicalisation and the PREVENT bill pose any limits to freedom of speech? Should it?

QUICK HELPING STRATEGIES:

- Avoid supporting freedom of expression only one way.

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