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Articles

Media Discourse on Jihadist Terrorism in Europe

by Sybille Reinke de Buitrago

Abstract

This article analyses the manner in which European print media discuss jihadist terrorism in Europe. It presents key results from a qualitative analysis of media discourse following three selected attacks in seven European countries in 2010: the attack on the cartoonist Westergaard, the Yemen cargo plane plot, and the Stockholm suicide attack. The article finds that attack type is a factor shaping media discourse across different media in Europe.

Introduction

The article aims to shed light on how European print media discuss jihadist terrorist attacks in Europe. Using a qualitative media analysis, it finds that attack type shapes discourse across different media in Europe: the Westergaard case led to a value-oriented discourse, the Yemen cargo plane plot to a discourse of control, and the Stockholm attack to a broader and less defined discourse. Analysing media reflection of terrorist acts is significant due to media generating attention to these acts (Combs 2013) and news frames impacting interpretation (Entman, 2010, 1993; Goffman, 1974).

Terrorist attacks receive notable media attention, and media have considerable influence in shaping interpretation of such acts and the reactions to them. The media role can be seen in terms of an active and a passive quality, although both also mingle. In a more passive role media reflect respective societal and political views on terrorism. These views are shaped by norms and values and become concrete in the interpretations, reactions and proposed policies. In this light, media discourse illustrates a society's national self-image (see also Boulding, 1996; Scott, 1965). The mingling of the passive and active qualities materializes in the national image providing historical frames for the interpretation and framing of current events (see also Le, 2006: 10-12). Actively then, media communicate about terrorism with the intention to inform, and to sell. Here, we also find media competition, a resulting tendency to sensationalize and a need for resonance (Sutter, 2010: 17).

A constructivist perspective of the creation of social reality via communication and interaction (see also Berger and Luckmann, 1968; Katzenstein, Keohane and Krasner, 1998; Wiener, 2006) allows to further consider language's contribution to our understanding of an issue and the remedies we

find appropriate and necessary. Via a particular coverage of events media contribute to social reality, public opinion and partly policy. The impact of language on interpretation of information in media is found in news frames. Frames refer to the definition of an issue or situation, a process that is shaped by our organizational principles (Goffman, 1974: 10 ff.). Something is thus framed in a specific manner and linked with certain values. News frames in media discourse then facilitate certain interpretations (Entman, 2010, 1993; Goffman, 1974: 21). This framing process is complex (de Vreese, 2005), but also effective due to humans processing information with the least effort possible, by using mental short-cuts and filters (see also Fiske and Taylor, 1991). Framing explains the link of media, public opinion and policy, also shown in numerous studies (for example Entman, 2010; Glaab, 2007a; Linsky, 1986; Lomax Cook et al., 1983; Nacos, Boch-Elkon and Shapiro, 2011; Pritchard, 1992; Puglisi, 2004). Thus, as writers and editors interpret the world as they see it and thereby contribute to public discourse, media become an active player (Sutter: 34, 44). An example of this is media discourse on left-wing terrorism in Europe in the 1970s and 1980s. Regarding the RAF, German media highlighted either the group's political demands or their criminal nature, depending on own political leaning and temporal development (Glaab, 2007b). Media discourse then often exaggerated the ability of left-wing terrorist groups in Germany as well as in Italy to affect the state (Hess, 2006, 1988).

Scope of Article

This article is based on results of a research project in Germany in cooperation with research institutes in France, Italy, Netherlands, Spain, Turkey and the UK (see also author footnote). For the media analysis, three jihadist attacks were selected – all in 2010 for a comparable context. They differ in targets, means and damage: the attack on Danish cartoonist Kurt Westergaard on January 1, 2010, the Yemen cargo plane plot on October 29, 2010, and the Stockholm suicide attack on December 11, 2010. In the Westergaard case, a 28-year old Somali Muslim with a Danish staying permit forcibly entered Westergaard's house and tried to kill him with an axe in revenge for the Muhammad cartoons. Westergaard was already under police protection due to earlier threats and could flee to his 'panic room' and alert police. The attacker was brought into custody. In the Yemen cargo plane plot, printers with pentaerythritol tetranitrate explosives were discovered in U.S.-bound planes during stop-overs in the UK and Dubai. While no explosion occurred, the plot raised great alarm in Europe and beyond; the likely target was an explosion over American soil. Al-Qaeda in the Arabian Peninsula took responsibility. In the Stockholm case, the 28-year old Iraqi offender who had lived in Sweden and then moved to the UK ignited a car bomb and then tried to ignite his explosives belt. It went off early, killed himself and hurt two bystanders. He likely planned to target a large crowd in central Stockholm.

These attacks were analysed in two major national newspapers of each of the seven countries for a period of three weeks after the attack: Germany: Frankfurter Allgemeine Zeitung & Süddeutsche Zeitung; France: Le Monde & Le Parisien; Italy: Corriere della Sera & La Repubblica; Netherlands: Volkskrant & NRC Handelsblad; Spain: El País & El Mundo; Turkey: Hürriyet & Sabah; and UK: Financial Times & The Guardian. Their circulation and standing make the selected papers

representative of and a trendsetter for national print media. The inclusion of seven countries allows a broad comparison and, with Turkey, goes beyond a purely Western European discourse.

The media analysis was conducted as qualitative content analysis. Previous research on terrorist communication and media discourse on terrorist acts led to thematic categories, or news frames, which were sufficiently broad to capture all relevant content and sufficiently specific to allow for nuances. They are: coverage (number of articles overall and front pages); offender motives,[1] messages and causes of jihadist terrorism; evaluation of topics of jihadist interest such as Western troop presence in predominantly Muslim countries (e.g. Afghanistan, Iraq),[2] symbolic offences (e.g. Muhammad cartoons), and relations between Europe/the West and the Muslim world/Islam; and major policy reactions reported (legislation, surveillance, technical measures, social measures and foreign policy).

Due to space limitations, only key results are presented. As national media discourse shows a frequent convergence, the article often gives results at national media level (referring to national media or cooperation partners' reports, e.g. French media, UK Report). Results from specific news sources are presented for illustration or to show minority opinions. For better understanding, the article refers to the term of jihadist terrorist for specific meaning and the term of terrorist for general meaning. This is also grounded in the analysed media discourse not distinguishing between terrorists and jihadist terrorists. Further, the article speaks of attacks and not attempted attacks because of the significant impact on media discourse and partly policy.

Coverage

Regarding the coverage of the attacks in media, the *Westergaard* case received the least attention. The *Yemen* case received the greatest attention, both in the number of articles and cover pages, with the *Stockholm* case a close second. Only in Turkish media, Stockholm clearly came before Yemen. Regarding the use of photographs, all cases were reported with photos, although not all of the direct attack scene. The distribution of articles in the period of analysis was very similar for the attacks: few and short articles in the first two days, as facts are still gathered; then longer and more detailed articles for about two weeks, as facts and policy measures are discussed; finally, subsiding but also reflective coverage that includes a wider context. However, among national newspapers, German newspapers showed the greatest coverage; only regarding Yemen, amount of national coverage was more similar.

What does coverage tell us? The *Westergaard* case received the least attention, possibly because there had been much coverage of Westergaard already for the publication of his and other cartoonists' cartoons, the topic of Westergaard not being entirely new. The *Yemen* case received the most attention, since here we had a terrorist group exploiting security gaps in air cargo transport, the incident both having international impact and calling on international cooperation. Media attention could further be explained by the U.S. having been the target and the UK role in the plot's discovery. In the *Stockholm* case the material damage and human casualties would have been much larger, had the offender succeeded as likely planned. Such damage potential obviously raises much alarm.

The Impact of Attack Type on Discourse in European Print Media

The Westergaard Case

All national media report on the offender motivation and message of revenge for Westergaard's cartoons, which were seen as blasphemous and offensive by many Muslims. Also mentioned is Al Qaeda having called for the killing of such cartoonists. An apparent link between the offender and a terrorist network such as Al Qaeda in East Africa or the Somali terrorist group Al-Shabaab is generally debated though – most media focus on the lone offender (France Report; Germany Report; Netherlands Report; Spain Report). The label that national media give to the offender is mostly that of terrorist, while the label of Islamic extremism also figures in the background. The offender's biographical factors such as upbringing or education are not discussed.

While most national media express some awareness that cartoons portraying the Prophet Muhammad, in particular Westergaard's, are offending to Muslims, the freedom of expression as Western value to be defended clearly comes first. A UK newspaper even sees the offender having attacked both free speech and Western values in general: in "an attack on our open society and our democracy" (Financial Times, 4 January 2010). The offender's aims are enlarged to an attempt to change Western values, and most national media clearly call for their defence. Additionally, Dutch media compare it to other attacks, such as the ones on Dutch politician Hirschi Ali or the film maker Theo Van Gogh, clearly defending freedom of expression. While Turkish media recognize the cartoon's offensive nature, even they speak of freedom of expression by referring to Westergaard's statement on the cartoons being linked to free press. Thus, the dominant frame here is freedom of expression.

A minority is more cautious and raises possible boundaries of freedom of speech, especially when it comes to religion and the question of who can really decide what is insulting to others and what not (Netherlands Report; in particular Trouw, 6 January 2010). A German newspaper argues against unnecessary provocations, as an open debate is only possible with respect and tolerance (Herrmann, 12 January 2010). Some point to the lacking Western understanding of how much Islam influences Muslims, also in Western societies (Die Wertedebatte, 4 January 2010; Hannemann, 4 January 2010). And while Dutch media highlight a Danish survey of 84 per cent of the Danish agreeing with the Danish media's decision not to re-publish the Westergaard cartoons for security concerns, German media also warn against retreating simply for fear of attacks.

Media discourse is framed as a clash of values. For example, UK media see a clash between Islamic law and Western values of freedom and democracy, stating that Western values are right. Italian media see lacking respect for Western values by some immigrants. Also the aspect of rationality/irrationality, only raised in UK media, points to values: while the offender is said to possibly have had a rational motive of anger for a felt offence, he acted irrationally, as in European societies differences are settled non-violently. The relationship between the West/Europe and the Muslim world/Islam finds attention in two ways: the larger focus lies on the Western-Islam divide and the cultural and value contrast. Highlighted is the opposition of free societies and Islamist terrorists, the latter being implicitly linked with Islam. A German newspaper speaks of irreconcilable values: "Freedom and democracy are by no means ways of life that are considered as highest level of

human development in the Islamic world. The separation of church and state is not provided for. Even more emotional is the relationship to freedom of expression" (Die Wertedebatte: 9, translated by author). The smaller focus lies on the value of an open debate and how to best lead it. For example, a German newspaper sees a danger of the West becoming intolerant, when insisting too much on its own values. This source warns that those who criticize Islam can become themselves fundamentalist and that such thinking undermines Western values of democracy and debate (Steinfeld, 14 January 2010). The existence of misinterpretations and antipathies in Western-Muslim relations is mentioned, and some call to differentiate among Muslims, as not all Muslims would act like the offender (Germany Report). Turkish media do not take either side, but simply mention the on-going struggle between the West and religiously-inspired terrorism.

Reactions in this case mostly regard social and some legislative measures. Thus, all national media speak of the need to improve integration of immigrants, via programs and adjusted policy. Additionally, an Italian newspaper argues for fostering ways to counter the spread of salafism in Western societies (Kepel, 3 January 2010). UK media also call to counter attempts by Islamic political parties to influence Western law with Islamic values. Media here call for action, but do not further elaborate.

Overall, the Westergaard case has raised a *value debate* – discourse is framed from the view of Western values of freedom, democracy, openness and, especially, freedom of expression. While also possible limits of these values are discussed, the value of freedom overall was dominant.

The Yemen Cargo Plane Plot

Here, we find an overall frame of control. Media focus on terrorists aiming for ever greater material damage or human casualties. French, German, Italian and Turkish media see the attackers as having tested airport security to find gaps in order to then conduct larger attacks and achieve maximum damage. The offenders and terrorists in general are portrayed as learning damage maximisers. However, German media disagree with the possibility of timing an explosion in terms of a specific time and place, due to the impossibility of exactly tracking packages. Furthermore, Italian media see the offenders as wanting to terrorize the West at large via continuous low-cost attacks. In fact, this case shows that large-scale disturbances can be created at low cost.[3]

French, Spanish and Turkish media report on Al Qaeda's increased threat-making against the West and on Al Qaeda in the Arabian Peninsula's presence in Yemen. Additionally, UK media discuss again offender rationality/irrationality, seeing the goal-oriented proceeding as quite rational. One newspaper though also describes the offenders as irrational when aiming to send a message to the U.S. and its allies in this manner (UK Report; Financial Times, 1 November 2010). National media mostly apply the label of terrorist to offenders here and at times that of jihadist terrorist, but without any systematic differentiation.

Media discourse is marked by measures of control and surveillance as well as respective legislative adjustments. There is no explicit debate on values. Key in all national media is that security gaps in air cargo must be closed and cargo flights more controlled. Also reported are the measures taken immediately after the plot's discovery, with all cargo from Yemen being checked, while normally

most cargo is not checked. Other points refer to new working groups to devise new security measures, meetings of security experts on air cargo handling, and U.S. technicians training airport security staff in Yemen. Linked is the need for increased international cooperation, especially within the EU and with the U.S. Also the possibility of expanded passenger profiling is mentioned, such as no-fly lists for suspected terrorists. However, Dutch media raise the U.S.-EU disagreement on passenger privacy legislation. Furthermore, German media discuss the security officials' dilemma that it is hardly possible to know where and from whom to expect the next attack and thus how to prepare, as well as the existence of different security standards in different cargo companies, all resulting in gaps that can be exploited. More tailored approaches are called for, where strictness of controls could depend on the safety classification of the country of origin. A specific idea refers to controlling packages already at postal stations and focusing on the "unknown small-parcel senders" (Frankfurter Allgemeine Zeitung, 9 November 2010, translated by author. National media also discuss the difficulty of balancing security provision with civil rights, on the one side, and with costs, on the other side. Air cargo is essentially seen as vulnerable and its complete control as too costly (Germany Report; Netherlands Report; UK Report).

This plot has thus resulted in a *discourse of control*. Media clearly emphasize surveillance and control in air cargo transport and, by extension, passenger air travel, as well as needed legislation for stronger control. Difficulties in security provision are also discussed.

The Stockholm Attack

Here, media discourse differs from the others in that it is both more uniformly reported and broader in the range of issues discussed. The former is likely due to the offender having sent a threat letter and email before the attack, which all national media refer to, and the latter is due to contextual factors playing a larger role in this attack. Thus, there is no dominant frame in discourse, but possibly sub-frames relating to various social issues.

Based on the offender's pre-attack communication, national media mention the war in Afghanistan with Swedish participation and the Swedish support for the Muhammad cartoon by the Swede Lars Vilks, as well as the offender aiming to terrorize the West. Dutch news mention Al Qaeda having warned the Swedish government of attacks, and French media see the offender having acted out of instigation by Al Qaeda's Iraqi branch, the leader of which has placed a price on Vilks' head. The attack not being successful, German and Spanish media argue that the set-up indicates the goal of high casualties, with the offender having planned to detonate his explosives belt at a central location into the crowd. National media use variably the labels of Islamist, terrorist or jihadist for the offender, without a discernible systematic differentiation. A UK paper also admits that lone jihadists are difficult to track, but because they are not very tech-savvy, they may more often fail. This source further argues that while radicalized views and political violence would always exist, there are also social and economic facilitators of violence, and governments should work for including everyone in society (Guardian, 14 December 2010). UK media do not specifically highlight the offender living in the UK at the time, unlike some national media following below, but without a larger study it would be speculative to argue that they downplay the threat of lone jihadists here due to the offender's UK link.

German, Spanish and Turkish media also call on not blaming all Muslims for the act of one, pointing out that not all Muslims support terrorism and that the Luton mosque in England attended by the offender publicly denounced him for his abnormal views about Islam (Germany Report; Spain Report; Turkey Report). German news report on failed attempts by Sweden's political right to use the attack for their agenda (Frankfurter Allgemeine Zeitung, 16 December 2010). Italian media also speak of a clash between violence and a free society such as Sweden, and that Sweden has shown its willingness to live with people from various backgrounds.

Regarding reactions, national media focus on social measures. The need to maintain an open society figures highly. For example, German media report on a proposed Swedish wiretap law for internet and telephone connections, but warn against too much state control. While media debate the needed monitoring of Islamist centres and of Al Qaeda communication and internet propaganda, most national media highlight the impossibility of total control or preventing all attacks (Germany Report; France Report; Italy Report; UK Report). Turkish media also report on Swedish politicians reacting cautiously. Furthermore, all national media uniformly mention the need to improve integration. Some specifically speak of many immigrants being unemployed or not good at school and living in immigrant quarters, while the frequent violence there leads to fear among other Swedes. Sweden's open society is seen as value to be further promoted (Germany Report; France Report; Italy Report; UK Report). While Dutch media judge Sweden's immigration policy as too mild, UK media add the need for education about Islam by Muslims to reduce Western Islamophobia. German and French media also see benefit in school and youth campaigns to prevent radicalization as well as in programs for terrorist defectors.

This attack has thus led to a *broader discourse* without a dominant frame. We can possibly speak of various sub-frames, such as an open society, tolerance, the need to improve integration of immigrants, and the importance of differentiation among Muslims.

Conclusions and Implications

Different attack types lead to different media discourses across Europe: the Westergaard case to a value debate, the Yemen cargo plane plot to a discourse of control and the Stockholm case to a more general and less defined discourse.

In the *Westergaard* case media discourse is framed by Western values and the need to defend them. Although possible limits to these freedoms as well as symbolic offences against Muslims are considered, media clearly give priority to Western values, especially freedom of expression. But the discussion of possible limits to these values points to a struggle of ideas, and one on principles, something that can also divide. The analysis thus exposed a possible starting point for initiating a more fundamental debate within the West on values and rights and how far their defence can go.

On the *Yemen* plot, the analysis discovered a tendency of falling into the frame of control. While the balancing with civil liberties and security provision costs also finds attention, emphasis lies on various aspects of control and surveillance in air cargo transport, passenger air travel and needed legislative adjustments. Here, media discourse shows the strong effect of framing. What is problematic about this is that a dominant frame can easily override other aspects of an attack. Thus,

attack types at locations or with means already involving surveillance, such as airports or air cargo, could sooner lead to a discourse that loses sight of civil liberties.

Regarding the *Stockholm* case, a dominant frame was lacking. Rather, discourse was broad and focused on tolerance and the value of an open society, the need to better integrate immigrants, and the importance of differentiating among Muslims. The greater breadth of discourse may be explained by the possible 'reasons' or offender motivations being broader and more abstract, thereby giving media less to engage with.

Each of the three cases is discussed remarkably similar in different national media. Also the phenomenon of jihadism is discussed similarly, although jihadism varies in form in different areas, as shown by the analysed cases' perpetrators. One may be tempted to offer the Western frame of mind as explanation, if it was not for Turkish media. Perhaps it is a common media culture then, driven by freedom of expression being in media's interest. Additional aspects are media's aim of public attention (see also Combs, 2013) and the media-terrorism nexus, with media needing events to cover (Martin, 1985; Nacos, 2002). However, the impact of national myths and values should result in different reporting and framing (Entman, 2010, 1993; Goffman, 1974; Glaab 2007a; Le, 2006). To harden findings and generate more nuanced explanations on discourse convergence and the link of attack type and discourse, further research could consider additional cases and attack types.

Finally, media play an important role in our societies. By covering and thereby selecting particular aspects of a terrorist attack and connecting it with a particular context, they frame our interpretation of events and needed countermeasures. This highlights the need for responsible media coverage. Journalists should focus on comprehensive and inclusive reporting and avoid simplified and inflammatory us-versus-them divisions along cultural, religious or ethnic lines. Coverage should clearly differentiate between perpetrators and a societal group sharing a religious or other background. For example, when statements on terrorists' Muslim background are placed in close context with statements on lacking integration of Muslim immigrants, a dangerous false link may be created and all Muslims may be seen as *potential* terrorists. This can lead to resentment of Muslims and the view of Muslims not making enough efforts to integrate, but rather strengthening their Islamic identity (see for example Pew Research Center, 2005; USA Today, 8 August 2006). Useful may be a journalistic training for appropriately dealing with cultural and religious sensitivities.

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Notes

[1] Nesser (2006) sees ideological and social issues among jihadist terrorists' motivations; see also Nesser (2008, 2010).

[2] Western troops' presence in predominantly Muslim countries appeared to present a key issue for jihadist terrorists, for example the Iraq War (Nesser, 2006: 324) or the war in Afghanistan (Bakker, 2006).

[3] Only 4,200 $ were spent, advertised by Al Qaeda in the Arabian Peninsula on the cover page of its internet magazine *Inspire*.

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Is Militant Islamism a Busted Flush in Indonesia?

by Paul J Carnegie

Abstract

In the late 1990s, Indonesia - the world's most populous Muslim nation - began a transition from authoritarian rule. At the time, many commentators expressed concern about the security threat posed by Islamist militancy in the wake of Suharto's downfall. Initially, Indonesia did witness a proliferation of Islamist paramilitary groups and a heightened security environment. Yet, in the decade and more since then, the dire threat predictions have largely failed to materialise at least strategically. This outcome raises some interesting questions. First, has Indonesia really contained its extremist threat? Secondly, if so, how and what lessons, if any, can we draw? The following article examines the extent to which Indonesia's security concerns have actually diminished.

KEYWORDS: *Indonesia, Islamism, militants, radicalism, security threats, terrorism*

Introduction

I n the late 1990s, Indonesia - the world's most populous Muslim nation - began a transition from authoritarian rule. At the time, many commentators expressed concern about the security threat posed by militant Islamists in the wake of Suharto's downfall.[1] Initially, the archipelago did witness a proliferation of Islamist paramilitary groups.[2] Yet, in the following decade since the transition, the worst-case scenarios have failed to eventuate and proved to be largely unfounded. In fact, Indonesia today in coordination with international partners has reduced its potential threat environment at least strategically. This outcome raises some interesting questions. First, has Indonesia really contained its paramilitary/extremist threat? Secondly, if so, how and what lessons, if any, can we draw? In order to answer these questions, the best thing to do is to take a closer look at the nature of the security threat and responses to it.

Taxonomy and Context

The first thing to note is that militant groups in Indonesia are numerous and a pretty mixed bag.[3] Of course, this is of no great surprise considering the size, diversity and history of the archipelago. For our purposes, the main Islamist ones are broken down here on the proviso that I am not providing an exhaustive list and limit myself to the most visible groupings. These groups usually have either direct or indirect ties to larger hard-line organisations and they are typically factional in character. We can include (in no particular order) the following groups: *Laskar Pembela Islam* (LPI - Defenders of Islam Army) operates as the paramilitary wing of the hardline vigilante organisation *Front Pembela Islam* (FPI - Islamic Defenders Front). There is *Laskar Jihad* (LJ - Army of Jihad) that operates as a militant offshoot of *Forum Komunikasi Ahlus Sunnah wal-Jama'ah* (FKAWJ - Forum for Followers of the Sunna and the Community of the Prophet). Similarly, the

paramilitary *Laskar Mujahidin Indonesia* (LMI - Indonesian Mujahidin Militia) has ties to *Majelis Mujahidin Indonesia* (MMI - Indonesian Mujahidin Assembly).[4]

Somewhat differently, the roots of *Ring Banten*, *Jemaah Islamiyah* (JI - Islamic Congregation) and *Angkatan Mujahideen Islam Nusantara* (AMIN - Nusantara Islamic Jihad Forces) trace back to the *Dar-ul-Islam* movement (DI - Abode of Islam). Both DI and *Tentara Islam Indonesia* (TII - Indonesian Islamic Army) formed out of revolutionary Islamic militias that helped fight the long fight against Dutch colonial rule. In fact, many of the contemporary groups in some ways trace an insurgency connection and their 'repertoires of violence' back to the formation and structures of these anti-colonial militias.[5]

It is also worth noting that in the aftermath of independence, the secular oriented nationalism of both Sukarno and Suharto frustrated the political ambitions of militant Islamic organisations by imposing major restrictions on them. In fact, Sukarno banned both DI and TII but their cadre continued to fight for the establishment of *Negara Islam Indonesia* (NII – Indonesian Islamic State) under the leadership of S.M. Kartosuwiryo between 1948 and 1963.[6] Their numbers peaked in and around the 13,000 mark, primarily in West Java, South Sulawesi and Aceh. They did eventually suffer defeat after a concerted and bloody campaign by the Indonesian military culminating in the capture and execution of Kartosuwiryo in 1962. DI and TII subsequently unraveled but memories, attachments and frustrations from that period still have resonance with sections of the populace in the aforementioned areas.

Contemporary Variants

Of course, a significant difference between now and then is an influx of *hadrami* (Indonesians of Middle Eastern descent). Some of these arrivals fought with the *mujahidin* in Afghanistan in the late 1980s and brought with them substantial combat experience. Many of whom have gone on to provide influential tutelage over the years.[7]

With the rise of a new globally networked terror landscape groups like JI started presenting themselves as a regional franchise of *al-Qaeda* with links across Southeast Asia.[8] It claimed to be pursuing along with its pan-regional partners the establishment of *darul Islam nusantara* (an archipelagic Islamic state) as a core objective. How much of this is actual reality and how much of it illusory propaganda was and is difficult to gauge. What is telling is that in a post-modern age of mediatized conflict and our largely self-generated 'climates of fear', image and perception function as powerful tools of combat.

Although big on rhetoric and the ratcheting of fear, there is no denying that JI did pose a very real security threat as evidenced by its capacity to conduct *jihadist* operations. For instance, the 2002 bombings in Bali and Sulawesi, the 2003 Jakarta JW Marriott Hotel bombing, the 2004 suicide bombings at the Australian Embassy in Jakarta and the 2005 Bali restaurant bombings all bore a substantial JI stamp.[9] However, the most recent Marriot and Ritz Carlton bombings in Jakarta in 2009 are more likely the work of a JI splinter group, probably *Tanzim Qaedat al-Jihad* formerly led by the now deceased Noordin M. Top. The reason for the latter prognosis is that over the past decade, Indonesia's US/Australian backed counter-terrorism squad, *Detasemen Khusus 88* (Special

Detachment 88 -- more commonly known as *Densus 88*) has decimated JI's operational capacity. [10]It is responsible for the incarceration or death of many of JI's leading figures and other Islamist militants.[11]

Other militant groups in the archipelago seem to follow a somewhat different raison d'être. LPI and LJ both publicly deny any links with *al-Qaeda* and claim to focus firmly on domestic concerns. Something evidenced by their significant involvement in internecine and intra-communal sectarian conflicts in Central Sulawesi and the Maluku Islands. In particular, LJ views itself very much as the protector of Muslims in the Maluku where it retains an active presence.[12] But with long histories of localized intra-communal conflict, places like Central Sulawesi also provide fertile recruiting grounds for organisations like JI and the Abu Bakar Ba'asyir inspired *Jama'ah Ansharut Tauhid* (JAT - Partisans of the oneness of God) to further peddle their radical message.[13]

Despite denials, suspicions persist that both LPI and LJ enjoy indirect support from orthodox Islamic organisations, namely *Dewan Dakwah Islamiyah Indonesia* (DDII – Indonesian Council for Islamic Predication) and *Komite Indonesia Untuk Solidaritas dengan Dunia Islam* (KISDI - Indonesian Committee for Solidarity of the Islamic World). It is an ill-kept secret that DDII and KISDI receive substantial funding from the Middle East especially Saudi Arabia and Kuwait.[14] An estimated 15 to 20 percent of all Saudi charity dollars sent to Indonesia end up in the hands of suspect groups.[15] There are also alleged links between *Komite Aksi Penanggulangan Akibat Krisis* (KOMPAK - Crisis Management/Prevention Committee - set up in Central Sulawesi in 1988 to help victims of flood, disaster and conflict) and the indirect channeling of funds to militant groups. Little or no accountability and the lack of discernible paper trails make tracing and then preventing the diversion of donations away from relief operations in to the hands of radicals a hard ask. The practice of turning of a blind eye or not following up investigations by sympathetic factions in the National Police Force (POLRI) and Armed Forces (TNI) alongside endemic corruption also plays a role in the ability of radical groups to maintain toeholds. [16]

Domestic Attitudes and Efforts

Popular sentiment in Indonesia suggests that militant Islamists lack sufficient clout or wide support. The majority of Indonesian Muslims are more interested in organisations that respect the rule of law, help combat corruption and try to address the archipelago's economic problems within a constitutional framework.[17] In fact, the majority of Islamic involvement in politics in Indonesia remains very far from being associated with the coercive institution of an Islamist theocracy.

Of course, given Indonesia's recent authoritarian past dealing with radicalism and militant threats (especially Islamist ones) is still a sensitive political issue. The notorious *UU Anti-Subversi* 1963 (Anti-Subversion Laws) are still fresh in the memories of many Indonesians and there is an understandable aversion towards the potential return of the sort of practices carried out under these laws.[18]The specter of overt security intrusion or meddling in religious affairs simply does not play well domestically especially when accusations of brutality continue to plague both TNI and POLRI in outlying regions.[19] Impinging on hard won civil rights and political freedoms runs the risk of antagonizing or polarizing segments of what is a moderate Islamic majority.

Operational disagreement and tension between POLRI and the TNI over the way to deal with the problem further complicates matters.[20]

Although critics complain of President Susilo Bambang Yudhoyono's overly tentative handling of these issues, his presidential directive in March 2010 did authorize the new National Counterterrorism Agency (BNPT - *Badan Nasional Penanggulangan Terorisme*).[21] It may fall well short of a 'game changing' response but at least it is a step in the right direction for coordinating efforts. To its credit, Indonesia has tried with some success to balance 'hard' and 'soft' approaches in dealing with its radical militant problem. This largely stems from recognition of the often counter-productive tendencies the exclusive reliance on incarceration and prisons elicits. Prisons can act as incubators for extremism by way of radicalisation, training and recruitment.[22]

Rather than merely adopt a traditional 'hard' approach of tactical assaults, punishment and detention, Indonesia's 'smart' program of disengagement and de-radicalisation is similar in some ways to ones run in Malaysia and Singapore.[23] Putting issues of under-resourcing and ad-hoc institutionalisation aside for a moment, the 'soft' approach angle involves a three-pronged strategy. If you can get imprisoned militants to recognize the destructive consequences of their actions, it can open a path to a credible alternative or second chance. There is then a possibility for them to rediscover a different Islamic meaning in their lives, a discursive one that does not include the destructive cycle of extreme thinking, mobilisation and violence.[24] Firstly, breaking this nexus of radicalisation involves a focus on persuasion.[25] Getting militants to turn away from violence and terrorism and reclaiming them for society is crucial for lasting containment. The thinking is that it is more effective in the long-term if you can convince imprisoned militants to renounce violence and sever previous ties rather than incarcerating them indefinitely. Secondly, encouraging inmates to speak out about their experiences as a warning to others and thirdly getting them to use their influence over other inmates to cooperate with authorities are crucial in this approach.[26] The real goal in all of this is to give these people a 'way-back'.[27] Harsh treatment and indefinite incarceration alone simply fuels frustration, resentment and the anger of inmates and by extension their immediate/extended families against an outside world. Persistent punitive dealings with certain sections of a population, no matter how marginal, runs the associative risk of perpetuating a 'ghettoised' sub-culture of hate and alienation amongst them towards state and society.

Having said this, there is a fine line between persuasive prevention and too little state interference. Some worrying currents of religious intolerance are beginning to emerge in Indonesia to the determinant of the human security of minorities.[28] Rather than the much lauded 'unity in diversity', accusations abound that government officials and members of the police are tacitly and in some cases openly complicit in allowing hardline Islamist vigilantes to intimidate and incite discrimination against religious minorities.[29] The reluctance of authorities to curb their hate speech, incitement to violence, intimidation and training activities represents a growing trend. Paying little notice to certain types of intolerance and acts of intimidation is tantamount to condoning the suppression of religious freedom of expression in the eyes of some outside observers.[30] Prosecutions do occur but they are all too infrequent and usually lenient. *Badan Koordinasi Pengawas Aliran Kepercayaan Masyarakat* (Bakor Pakem - Coordinating Board

for Monitoring Mystical Beliefs in Society) further normalises and reinforces the acceptability of intolerant attitudes and practices through its influential role in recommending the banning of certain religious sects/groups to the Attorney General's Office and its active pursuing of prosecutions for blasphemy. [31]

International Cooperation and Regional Efforts

In the wider context of the 'War on Terror' and growing international pressure for more definitive action against extremism, we have witnessed Indonesia issuing *Anti-terrorism Decrees No.1 and No.2/2002*. This move even received widespread domestic support despite the fact that it gave *Badan Intelijens Negara* (BIN—the National Intelligence Agency) greater powers in the identification and detention of suspects. Economic aid incentives and logistical assistance from the US Department of State's Anti-Terrorist Assistance program and from the Australian government have also bolstered threat reduction capacity. The TNI and POLRI especially *Densus 88* have been the main beneficiaries of this largesse. They have received large amounts of equipment, technical support and training. This has even included the construction of multimillion-dollar training facility partly funded by Australia.

In fact, the last decade has brought Indonesia and Australia (an important regional partner of the US) closer together in making inroads against a perceived extremist threat. The Australian government committed AUD$36.8million over 5 years in cooperation with the Indonesian government to establish the Jakarta Centre for Law Enforcement Cooperation (JCLEC) in 2004. Based at Indonesian National Police Academy (AKPOL) in Semarang, this bilateral initiative provides a joint police training program for combatting terrorism. Not all joint efforts have been as successful. The Australian Federal Police also had a hand in helping set up the now defunct Multinational Operation Support Team (MNOST) in Jakarta. It was supposed to provide a locus for countries like Indonesia, Malaysia, Singapore, Thailand and the Philippines to share information and expertise on terrorism issues and de-radicalisation programs. Having said this, the Indonesian government is certainly now better positioned to coordinate its anti-terrorist efforts not only with Australia but also with Malaysia, Singapore and the Philippines.[32] In fact, Indonesia will host the ASEAN plus Eight joint exercises in counter terrorism at the Indonesia Peace and Security Center in Bogor, West Java in September 2014. All of which is especially important in combatting pan-regional threats and enhancing the common security of the strategically vital Malacca Straits.

Despite both the strategic and human security threats posed by militant Islamist groups, a mounting body of evidence suggests that the transnational *jihadist* project is failing in Indonesia.[33] A splintered *jihadist* community simply does not elicit broad-based popular support for its violent tactics. As they descend into factionalism, many radical groups have shifted their emphasis toward a more surreptitious indoctrination of the jihadist message.[34] This involves *dakwah* (proselytization/religious outreach) as an alternative strategy for building support for their project rather than the direct enlistment for indiscriminate terror activities.[35] Regardless of these efforts to build grassroots support for Islamist jihad insurgency especially amongst the youth, mainstream Indonesian society continues to marginalise them. For instance, hard-line organisations like MMI, LMI, FPI and AMIN led renewed recruitment attempts in Aceh after the 2004 tsunami under the

guise of providing humanitarian aid and *dakwah* but met with little community support.[36] The fact that the tsunami had simply wiped out many of their previous support networks in the region further thwarted their efforts. As mentioned, an even starker reality is that *Densus 88* has crippled JI. Many of its leading figures and many other Islamist militants are now languishing in prison or dead. All of this indicates a diminished macro-threat environment and a more manageable strategic security situation.

Conclusion

Please do not think I am being too optimistic here. I am not. Radical organisations like FPI may be slowly realising that politics and bombs do not mix but violent intimidation of so-called 'heretics' and 'deviants' by its associated 'thugs' or the local mobs they help incite still goes on largely unabated.[37] In fact, the human security threat to religious minorities remains a major problem. Intimidation and attacks against local religious minorities and their places of worship is actually increasing as the strategic threat decreases. Groups like FPI appear to be able to carry out their vigilante activities with relative impunity. The unwillingness of authorities to tackle this 'grey area' between radicalism and outright terrorist activity or intervene for whatever political reasons is essentially allowing them to do as they please. It signals an increasing atmosphere of intolerance and a worrying failure of the state to uphold its human rights obligations to protect religious minorities.[38] The seeming legitimation of intolerance by regency and municipality authorities who pass bylaws banning certain religious sects feeds this growing concern. The worry is that this provides fertile conditions for incubating a transformation of intolerance and radical thinking into more homegrown forms of violence and terror. [39]

Although the diminishing appeal and promotion of jihadi ideology is limited to the extreme fringes of Indonesian society, it does continue to metastasise in new ways especially amongst disaffected and impressionable youth who fall into the jihadist orbit via radical *dakwah* groups.[40] A lack of coordinated management of radical organisations, lax money transfer regulation and porous, notoriously difficult to patrol borders facilitate the spread. The movement of funds and personnel to vulnerable conflict prone areas are a less than challenging exercise. Whether the implementation of *Law No. 9/2013 on the Prevention and Eradication of Terrorism Financing* will stem these flows is still an open question. A pressing strategic threat could re-emerge without a financially coordinated and genuine effort to de-radicalise radical groupings and promote tolerance. As such, the management of security threats both strategic and human remains a priority with a continued commitment required to yield meaningful containment. I think the main thing the Indonesian experience highlights is the complex and interlinked character of strategic and human security. There are no simple categorisations or solutions, but rather matters of degree and increments.

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Notes:

[1] See Bandoro, B. (2001). "Indonesia: A 'broken-backed' State?" *Indonesian Quarterly* 29:4, pp. 333-337; Bandoro, B. (2002). "War against Terror: Lessons from Indonesia." *Indonesian Quarterly* 30: 3, pp. 234-236; Crouch, H. (2000). *Indonesia: Democratization and the threat of disintegration*. Singapore, Institute of Southeast Asian Studies, pp. 115-133; Gershman, J. (2002). "Is Southeast Asia the second front?" *Foreign Affairs* 81:4, pp. 60 and Hasan, N. (2002). "Faith and Politics: The rise of Laskar Jihad in the era of transition in Indonesia." *Indonesian Quarterly* 73:2 pp.4-18.

[2] It is wholly inappropriate to confuse Islamism especially its extreme militant variants with Islam as a religion. The former refers to a contemporary and ideological interaction between politics and religion specifically concerned with the modern politicisation of Islamic cultural concepts and symbols in a highly orthodox manner for radical ends.

[3] See Santosa, J. C. (1996). *Modernization, utopia and the rise of Islamic radicalism in Indonesia.* Graduate School. Boston: Boston University and Hefner, R. (2007). *The sword against the crescent: religion and violence in Muslim Southeast Asia*, in Linell Cady and Sheldon Simon (eds.), *Religion and conflict in South and Southeast Asia: Disrupting violence*. London: Routledge.

[4] Other hardline organisations with links to militant vigilante groups include *Negara Islam Indonesia* (NII - Indonesian Islamic State), *Forum Umat Islam* (FUI - the Islamic People's Forum), *Forum Komunikasi Muslim Indonesia* (Forkami - the Indonesian Muslim Communication Forum), *Hizb ut-Tahrir Indonesia* (HTI - Party of Liberation - Indonesia) and *Gerakan Islam Reformis* (Garis - the Islamic Reformist Movement).

[5] See Colombijn, F. and Lindblad, T. (eds.) (2002). *Roots of violence in Indonesia.* Leiden: KILTV. They provide a thorough working through of the idea of 'reservoirs of violence' as a key historical concept for explaining contemporary conflict in Indonesia.

[6] See Dengel, H. (1995). *Darul Islam dan Kartosuwiryo: Angan-angan yang Gagal*. Jakarta: Pustaka Sinar Harapan.

[7] See Abuza, Z. (2002). "Tentacles of Terror: Al Qaeda's Southeast Asian network." *Contemporary Southeast Asia,* vol. 24 no. 3, pp. 427-465 and Cox, D., Falconer, F. and Stackhouse, B. (2009). *Terrorism, instability, and democracy in Asia and Africa.* Hanover, New Hampshire: University Press of New England, p. 94.

[8] See Abuza, Z. (2005), *Al Qaeda comes to Southeast Asia*, in Paul J. Smith (ed.), *Terrorism and violence in Southeast Asia: Transnational challenges to states and regional stability*. New York: M.E. Sharpe, pp.31-61 and Sholeh, B. (2006). *Jihad in Maluku*, in Andrew Tan (ed.), *A handbook of terrorism and insurgency in Southeast Asia*. Cheltenham: Edward Elgar.

[9] The South Jakarta District Court ruled that JI was an illegal organisation in 2008. This ruling brought JI out of the shadows. It could no longer operate as a *tanzim siri* (secret organisation) after having its activities so publicly unmasked in the eyes of the wider populace.

[10] *Densus 88* formed in 2003 in the aftermath of the 2002 Bali bombings with backing from the US and Australia. It is part of the Indonesian National Police Force and estimated to have arrested about 700 militant suspects and killed 60. Since its formation, the last decade has seen the imprisonment, execution or killing of all the major suspects in the 2002 Bali bombing. Former terror mastermind Hambali, a key link between JI and *al-Qaeda* is now languishing in Guantanmo Bay. In 2005, police killed Malaysian bomb-maker Azahari Husin, one of the alleged technical masterminds behind the 2002 Bali bombings. In 2008, there was the execution of Amrozi for his role in the Bali Bombings and in 2009 *Densus 88* killed Azahari's close partner and 'money man' Noordin M. Top. There was also the shooting of Dulmatin (a leading member of JI) in 2010. In 2011, the radical cleric and JI *amir* (spiritual head) Abu Bakar Ba'asyir received a 15 years sentence for his support of a jihadi training camp in Aceh. Mind you, Ba'asyir is no longer really the major driving force of Indonesia's radical movement, if he ever was, given his poor strategic and coordination skills. In 2012, the capture and extradition from Pakistan of bomb maker Umar 'the demolition man' Patek led to a 20 years sentence.

[11] Recently, there have been calls for the dissolution of *Densus 88* over wrongful arrests and extra-judicial killings from, coincidentally, Islamist factions in parliament. See Aritonang, M (2013). "Densus 88 needs to improve: Marzuki." *Jakarta Post*, March 1.

[12] See Hasan, N. (2006). "Laskar Jihad: Islam, militancy, and the quest for identity in post-New Order Indonesia." *Studies on Southeast Asia.* No. 40. Ithaca, New York: Southeast Asia Program Publications, Cornell University, pp.4-18.

[13] These are main regions of concern because of an adjacent long running separatist conflict led by the Moro Islamic Liberation Front (MILF) in Mindanao in the Southern Philippines. Although a tentative peace deal has been brokered there recently, Mindanao is still awash with arms, training camps and trafficking routes. This means that arms and personnel can funnel up and down from Mindanao through a chain of islands across the Celebes Sea and into places like Sulawesi and the Muluku. These areas with their long histories of insurgency and intra-communal tensions provide deep narrative structures of meaning upon which militant Islamist jihad discourses can engraft themselves.

[14] See Thayer, C. (2008). "Radical Islam and political terrorism in Southeast Asia," in Terence Chong, ed., *Globalization and its counter-forces in Southeast Asia.* Singapore: Institute of Southeast Asian Studies, pp. 260-264.

[15] See Bond, C.S. (2005). "Indonesia and the changing front in the War on Terrorism," Lecture, April 28, Heritage Foundation, Washington, D.C.

[16] See Roosa, J. (2003). "Brawling, bombing and backing: The Security Forces as a source of insecurity." *Inside Indonesia*. 73**,** pp**.** 10-11; Atkins, S. (2004). "Laskar Jihad (Militia of the Holy War), Indonesia", in: *Encyclopedia of Modern Worldwide Extremists and Extremist Groups*. Westport, Connecticut: Greenwood Press, p. 174 and Jakarta Post (2011). "Police deny relations with FPI following Wikileaks Release", September 4, Jakarta.

[17] See Asia Foundation (2003). *Democracy in Indonesia: A survey of the Indonesian electorate*. Washington, DC: Asia Foundation.

[18] These former laws gave almost unlimited power to the armed forces to suppress dissent with little or no legal accountability.

[19] Accusations of excessive force have been leveled at units from the national police's Mobile Brigade (Brimob) on their recent 'recovery mission' in Poso, Central Sulawesi to deal with a JAT propaganda campaign and its attempts to establish training camps.

[20] The TNI's Strategic Intelligence Agency (BAIS) favours monitoring radical groups rather than banning them outright. For BAIS, wholesale bans can force groups underground and make tracking their activities even more difficult. This is in some contrast to POLRI's Home Security Intelligence Agency (BIK) that has sought to have organisations such as *Hizb ut-Tahrir Indonesia* (HTI) outlawed for its activities.

[21] The BNPT has sought to establish a multi-institutional de-radicalisation program with religious groups, clerics, NGOs, universities and schools. They include the two Islamic mass organisations *Nahdhlatul Ulama* and *Muhammadiyah* along with the likes of *Al-Hikam* College, the Islamic State University of Surakarta and the Indonesian Institute of Sciences.

[22] See ICG (2007). "'De-radicalisation' and Indonesian prisons." *International Crisis Group, Asia Report,* No. 142, 19th November, Jakarta/Brussels, pp. 3-5.

[23] See Abuza, Z. (2009). "The rehabilitation of Jemaah Islamiyah detainees in South East Asia: A Preliminary Assessment." in Tore Bjørgo and John Horgan (eds.) *Leaving Terrorism Behind: Individual and Collective Disengagement.* New York: Routledge, pp. 193-211; and Teo, L. (2007). "Winning hearts, minds next step in combating terror: Governments agree to promote dialogues within and across different religions." *The Business Times.* Singapore, March 7.

[24] This has even included the organisation of prayer sessions by members of Densus 88 in conjunction with militant detainees as a sign of respect and opportunity for the latter to atone for past deeds. Former Densus 88 chief, Brigadier General Surya Dharma was a prime mover in promoting this approach, as it is an important part of Islamic teaching especially in an Indonesian context to treat someone fairly and give them a second chance if they genuinely seek to repent (*bertobat*).

[25] See Kearney, S. (2006). ''Islamic leaders to help rehabilitate terrorists." *The Australian*, June 5 and Oorjitham, S. (2008). "Persuading Terrorists to 'disengage'." New Straits Times, October 5.

[26] For instance, ex-JI commander Mohammed Nasir Bin Abbas has played a significant role in helping 'de-program' extremist mind-sets especially amongst Indonesian youth. Ex-JI member Ali Imron (brother of Amrozi) also renounced his past mistakes by publishing a book and tapes about his experiences and publicly advocating against terrorism. He and others have worked closely with the authorities and different non-state actors (i.e. socio-religious organisations) in their de-radicalisation efforts with militant detainees. These initiatives have also run in conjunction with ad campaigns on the street and through the media promoting an anti-jihadist message.

[27] See O'Brien, N (2007). "Terrorists who say no to terror," *The Australian*, October 22 and Sheridan, G. (2008). "Jakarta's terrorist rehab." *The Australian*, May 31.

[28] Recently, the SETARA Institute reported 264 such attacks in 2012 up from 244 and 216 in 2011 and 2010 respectively. Local Ahmadiyya, Baha'i, Christian or Shi'a minorities are the main targets of religiously motivated attacks. See SETARA Institute (2012), *Reports on freedom of religion and belief 2012*, December, Jakarta: SETARA, Institute for Democracy and Peace.

http://www.setara-institute.org/en/content/report-freedom-religion-and-belief-2012

[29] See HRW (2013). *Religion's name: Abuses against religious minorities in Indonesia*. New York: Human Rights Watch.

[30] See ICG, (2010). "Indonesia: 'Christianization' and intolerance." *International Crisis Group, Asia Briefing* No. 114, Jakarta/ Brussels, November 24, p. 17. Top ranking officials have all appeared at FPI events in Jakarta that sends a less than mixed message about official attitudes to FPI methods for maintaining so-called 'law and order'.

[31] See HRW (2013). *Religion's Name: Abuses against religious minorities in Indonesia*. New York: Human Rights Watch, pp. 60-66, 71-86.

[32] See Fealy, G. and Thayer, C. (2009). "Problematising 'linkages' between Southeast Asian and International terrorism." In William Tow (ed.), *Security Politics in the Asia-Pacific: A Regional-Global Nexus*, Cambridge: Cambridge University Press, pp. 211-227.

[33] See Hwang J.C. (2012). "Terrorism in perspective: An assessment of 'Jihad Project' trends in Indonesia." *Asia Pacific Issues*, No. 104, September, Honolulu: East-West Center, pp.1-12; Fealy, G. and Borgu, A. (2005). "Local Jihad: Radical Islam and terrorism in Indonesia." September, Canberra: *Australian Strategic Policy Institute*; Fealy, G. (2004), *Islamic radicalism in Indonesia: The faltering revival?* In Daljit Singh and Chin Kin Wah (eds.), *Southeast Asian Affairs 2004*. Singapore: Institute of Southeast Asian Studies, pp.104-121.

[34] See Ramakrishna, K. (2009). *Radical Pathways: Understanding Muslim radicalization in Indonesia*. Westport, CT: Praeger Security International.

[35] The return of Dulmatin (now deceased) from training in Mindanao heavily influenced this shift from indiscriminate terror to a more persistent insurgency. He questioned the effectiveness of suicide bombing as an operational tactic and became a strong advocate of a more co-ordinated coalition between organisations (*lintas tanzim*) in regards activities and longer-term strategic goals. Part of his strategic agenda was to enforce *shari'a* through *jihad* and promote the 'correct' form of Islam by means of *dakwah*. The thinking being that inculcating community support for their aims would assist in the objective of establishing secure bases across different regions and these bases could then further consolidate the Islamist insurgent message and project.

[36] See ICG (2010). "Indonesia: Jihadi surprise in Aceh." *International Crisis Group*, *Asia Report* No. 189, 20 April, Jakarta/ Brussels, pp. 1-27 and Hwang J.C. (2012). Terrorism in perspective: An assessment of 'Jihad Project' trends in Indonesia. *Asia Pacific Issues*, No. 104, September, Honolulu: East-West Center, pp. 1-12.

[37] Having said this, FPI's chairman and founder, Habib Muhammad Riziek Syihab did receive a 1.5 year jail term in 2008 for inciting attacks against a gathering held by the National Alliance for Freedom of Religion and Belief in Jakarta that injured seventy demonstrators.

[38] Indonesia is a party (signed and ratified) to the International Covenant on Civil and Political Rights 1966.

[39] In 2012, Densus 88 arrested 11 suspects accused of planning attacks on several high-profile targets. They were from a relatively new homegrown splinter group, *Hasmi* (the Sunni Movement for Indonesian Society). Even more recently, police arrested several terror suspects supposedly led by the Abu Hanifah cell. The latter also has links to the Abu Omar network that operated in Surakarta and Cirebon, West Java. They were allegedly plotting attacks against the Myanmar Embassy in Jakarta and several US targets in Java in response to the persecution of Rohingya in Myanmar.

[40] There are multiple recruitment paths into Islamist militancy whether it be spiritual, intellectual or kinship based. But the *dakwah* activities of jihadist groups and hardline clerics can often gain an initial surreptitious access to young Indonesians through former links with the wide and complex network of *pesantren* (Islamic boarding schools) that traverse Indonesia. These secretive jihadist

groups can then lure students into joining exclusive prayer groups or religious discussions outside campuses, an entry point for potential radicalisation. Of course, stating this is not to implicate *pesantren* in the spread of a radical Islamist message as the vast majority of these institutions play vital socio-cultural, religious and educational roles in Indonesian society. In fact, given their embeddedness in the social fabric of Indonesia, those *pesantren* with long established credentials are in many ways a bulwark against radicalism.

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Animal Rights and Environmental Terrorism

by Steve Cooke

Abstract

Many paradigmatic forms of animal rights and environmental activism have been classed as terrorism both in popular discourse and in law. This paper argues that the labelling of many violent forms of direct action carried out in the name of animal rights or environmentalism as 'terrorism' is incorrect. Furthermore, the claim is also made that even those acts which are correctly termed as terrorism are not necessarily wrongful acts. The result of this analysis is to call into question the terms of public debate and the legitimacy of anti-terrorism laws targeting and punishing radical activism.

Key words: *terrorism, eco-terrorism, animal rights, environmental activism, direct action, animal*

rights and environmental extremism, single-issue terrorism

In public discourse and in positive law many forms of illegal animal rights and environmental activism have come to be labelled as terrorism. However, analysis of the concept of terrorism, and of the actions of animal and environmental activists, reveals this to be in large part an error. Although there is a great deal of conceptual wrangling over the correct application of the term terrorism, it is often defined either in terms of the intentions of terrorist agents or by reference to the moral status of the victims of terrorist acts. I refer to these two conceptions of terrorism as the non-moralised and moralised accounts of terrorism respectively. Non-moralised accounts tend focus on the intentions of agents carrying out violent acts to strike fear as a strategy for provoking political change. To establish that an act is terrorism does not require that one make an *a priori* judgement about the morality of those acts. Moralised conceptions, on the other hand, include the innocence of its victims as part of the definition of terrorism. Under both moralised and non-moralised conceptions of terrorism, most violent and illegal acts carried-out in the name of non-human animals or the environment should not be labelled as terrorism. The reason for this is that under the non-moralised account most illegal acts carried out by animal and environmental activists carry the wrong intentions to be classed as terrorism. And, under the moralised account, the innocence of the objects of so-called terrorist acts can be shown to be questionable. These conclusions challenge orthodox views of animal rights and environmental 'terrorism'. They also call into question the legitimacy of laws which target animal rights and environmental activism, particularly those which classify violent activism as terrorism,[1] and they should cause us to think again about the terms of public and political discourse. Beyond that, the conclusions also force us to reconsider whether violent animal rights and environmental activism can be classed as morally wrong as a class of acts.

In the United States the Animal Enterprise Terrorism Act covers any intentional damage or interference with the operations of an animal enterprise regardless of whether those acts carry a political motivation or an intention to cause terror.(U.S. Government Printing Office, 2005) Similarly, the UK government (Travis, 2005), and the European Law Enforcement Agency, Europol (Europol, 2011a), all apply expansive classifications of terrorism which can include acts unmotivated by the first-order desire for political change or any terror-causing intent. The ascription of the term 'terrorism' to a wide variety of criminal acts carried out by animal rights and environmental activists is repeated in the rhetoric of state officials.(cf. Lewis, 2005, 2004) Meanwhile, media coverage of animal rights and environmental activists regularly portrays them as terrorists, emphasising the use of violence and failing to distinguish between different classes of acts and the intentions behind them.[2] Such mistakes are also repeated in the academic literature on terrorism where we see the conflation of a spectrum of illegal activities with terrorism, particularly where those activities involve violence against property or person. (cf. Hirschmann, 2000; Humphrey and Stears, 2006; Monaghan, 1999; Vanderheiden, 2005) For example, Kai Hirschmann, in a section devoted to AR and eco-terrorism, does not move beyond labelling 'resort to threats, violence and destruction' as terrorism, including a variety of 'extremist tactics' under the rubric of terrorism.(Hirschmann, 2000, p. 302) Similarly, Rachel Monaghan makes the sufficient conditions for classifying an act as terrorism overly broad by making philosophical convictions synonymous with political motives. She writes: "the activities of those groups willing to use violence against property and persons in the pursuit of animal rights can be viewed as a campaign incorporating the core characteristics of 'terrorism'...those activists...can be seen to possess a political motive, namely a philosophical conviction that animals have rights'".(Monaghan, 1999, p. 166) As I go on to show, the conviction that non-human animals have rights can motivate violent acts carrying a variety of intentions and not necessarily including an overriding intention to bring political change. The problems identified so far in the orthodox understanding of animal rights and environmental 'terrorism' can be addressed by looking at the necessary and sufficient conditions of *terrorism* and establishing whether they are present in various types of activism. This latter aim is aided by a clear taxonomy of different classes of activism.

Non-moralised conceptions of terrorism, as I have outlined, usually describe terrorism in terms of the intentions of the putative terrorist to achieve political goals using intimidation and coercion through violence or its threat. In many cases the threat or use of violence is intended to influence a far wider community than merely the direct objects of that violence by making them fearful of the negative consequences of non-acquiescence to terrorist demands.[3] This broad definition allows us to distinguish between terrorists and terrorism, contains the paradigmatic features of terrorism found in ordinary language usage, and puts clear conceptual water between terrorism and other forms of political and non-political violence.(Anne Schwenkenbecher, 2012) The moralised conception of terrorism differs only in that the object of violence, threat, or fear is innocent.

The first consequence of applying the definition above to the case of animal and environmental activism is that it rules out non-violent acts from classification as terrorism. Many forms of activism, whilst illegal, do not at the same time involve real or intended violence. Following Bufacchi, I define violence as something which infringes upon the integrity of a thing or being.

That is, violence takes away something from its object 'shattering the pre-existing psychological and/or physical unity that was in place before the violence took place'(Bufacchi, 2007). Violence thus applies to physical and psychological attacks directed at both property and living beings, and is distinguished from other senses of the term, such as that used when describing forceful acts like violently slamming a door or a violent verbal outburst. Bufacchi's conception of violence has the benefit of cohering well with the sense usually meant in the context of terrorism and excluding inappropriate ordinary language usage of the term.

Illegal animal rights and environmental activism takes many forms. They include such acts as arson, splashing of paint on fur clothing, vandalism, graffiti, contaminating products, disrupting phone and email communications and hacking websites, assault, threats of violence, trespass, theft, causing nuisance, marches and protest gatherings, spiking trees,[4] sabotage of equipment, obstruction and picketing, and the public dissemination of private data. In one infamous UK case, the remains of the deceased grandmother of a farm owner who bread guinea pigs for supply to laboratories were stolen by activists.(Britten, n.d.) Each of these kinds of acts can be classified according to the intentions, their objects, and the methods used in them into the following taxonomy of radical activism: sabotage, civil disobedience, rescue, and terrorism.[5] The four taxa differ significantly and in ways which exclude most violent acts from being correctly categorised as terrorism. Each is outlined below.

Sabotage involves damage to property intended to prevent, hinder, and disrupt practices that harm non-human animals or damage the environment. Examples include those acts described in Edward Abbey's novel *The Monkey Wrench Gang*. In *The Monkey Wrench Gang* the book's protagonists damage construction vehicles, move survey stakes, and destroy equipment in order to prevent the building of an environmentally damaging damn.(Abbey, 2004) Whilst these kinds of acts may be violent in the sense that property damage infringes upon the integrity of a thing, the intention behind them is the prevention of wider harms or damage deemed more significant than that caused. Sabotage is directly aimed at its object; there is no indirect target or associated communicative aspect, and nor is there any intention to strike fear for the purpose of bringing about political change. Lacking an intention to cause terror and so change beliefs or policies, acts of sabotage intended to prevent particular wrongs should not be thought of as terrorism.

One problem revealed by beginning the taxonomy is that it relies upon knowing the intentions of activists. In the non-ideal world it is very often possible to infer or know the intentions behind the actions of animal rights and environmental activists not only because the actions speak for themselves, but also because activists issue statements explaining their reasons for action. Furthermore, many of activist groups are structured in line with their intentions, so that groups like the Animal Liberation Front operate clandestinely and according to a cell-structure, whereas those like the Sea Shepherd Conservation Society operate transparently. Thus, it is possible to go some way towards inferring intentions from an organisation's structure and historical approach to achieving their aims. Nevertheless, there remains a distinct possibility that third party observers will not know with certainty what the intentions behind an act are and so will be forced to rely upon imperfect knowledge in classifying an act. However, I do not think this represents a significant problem for assessing the moral and conceptual status of the forms of activism discussed here.

Unlike sabotage, civilly disobedient acts are conscientious acts intended to bring about political change or express a viewpoint through deliberate breach of law as a means of communicating moral beliefs and strength of conviction.(Brownlee, 2004) Whether one thinks civil disobedience is by definition non-violent or not, it can be distinguished from terrorism by the absence of any intention induce of fear as the means to bring about political change.[6] Many types of animal and environmental activism are aimed at bringing about political change though illegal, communicative means of protest: marches, sit-down protests, the chaining of activists to railings, graffiti, computer hacking, etc., but in each of these cases the intention is to highlight perceived injustice and communicate strength of conviction. As such, even if we do not exclude violent acts from the definition of civil disobedience these kinds of communicative acts should still not be defined as terrorist.

The communicative aspect of civil disobedience may serve to distinguish civilly disobedient acts from sabotage, rescue, and terrorism in more than purely conceptual terms. Forms of civil disobedience may also express aspects of particular social movements which differentiate them from clandestine forms of radical activism. Although taking this fact into account does not help with conceptualising terrorism, since terrorist acts are not defined by the doctrines or dispositions of the actors performing them, it may nevertheless provide clues as to the intentions of agents and so assist with addressing the epistemic problem discussed above. Having made this point, it would be a mistake to think that acts of rescue and sabotage never carry a communicative aspect with them; activists often film their activities and issue statements in order to make a wider political point. However, when they do so the communicative act should be thought of as secondary to the primary intention of harm prevention.

Along the same lines as sabotage; rescue acts carried out to free animals from laboratories or farms, or obstructive acts intended to prevent environmental damage,[7] have harm prevention as the intention behind them. When activists rescue puppies from vivisection it is not their intention to do so as a means of communicating their convictions or changing beliefs, but for the sake of the individual animal that they rescue. Similarly, when groups such as the charity Sea Shepherd Conservation Society disrupt whaling activities, it is in order to conserve endangered species and not as a means of communicating conviction, striking terror, or affecting political change. Nor is it the case that rescue acts need involve violence of any sort to achieve success. Labelling acts that not only may not be violent, but have harm prevention as their central aim as terrorist acts would constitute a perverse stretching of the concept of terrorism.

One potential response to some of the claims above might be to suggest that what matters is whether illegal violent acts have the consequence of spreading fear or terror regardless of whether that fear was intended as part of the act. So, even if care is taken to avoid harm to persons during an act of sabotage, one might still expect certain kinds of act to generate fear regardless of the intention behind them. For example, when in 2001 members of the Earth Liberation Front burned down the offices of the Superior Logging company in Glendale, Oregon USA, they did so taking care not to cause any harm to humans in the process.(Curry and Cullman, 2011) Nevertheless, it is reasonable to assume that, even if activists took care to avoid harm to persons and carried out the act with the sole intention of preventing logging, those faced with the threat of arson would have

become fearful as a result. Similarly, when the Earth Liberation Front spiked trees in the Robinson-Scott timber harvest site in Oregon in 1997, they placed the spikes high to prevent loggers hitting them and marked trees to identify them as spiked to loggers. Such actions warn loggers that it is dangerous to harvest a tree and reduce their economic value,(Coombs, 2008) but there is no direct intention to cause bodily harm – indeed, clear steps are taken to avoid it. However, given that an earlier tree-spiking in 1987 is believed to have resulted in the accidental serious injury of a mill worker when his saw hit the spike and shattered, one might reasonably think such activities likely to spread fear as a side effect. (Bari, 1994, p. 264–270) Indeed, this is true even though some investigations have pointed the finger at poor safety measures at the mill site where the injury occurred rather than the spike itself; the belief that tree-spiking was the cause of the injury, even if that belief is false or out of proportion to the real risk, means that any acts of tree-spiking following the incident are still likely to cause fear.

The problem with classifying acts which generate unintended fear as terrorism is that it makes the correct ascription of the term *terrorism* dependent upon the emotional response of the object of an act. If two people were the victims of an otherwise identical act, and one felt no fear, whilst the other became fearful, then we would be forced to conclude that the first action was not terrorism but the second one was. Furthermore, even if both acts were intended to cause fear through violence, we would find ourselves in the strange position of declaring that the one that failed to terrify its victim was not terrorism. This same rule would have to apply to acts intended to be terrorism, but which somehow failed, or succeeded but were mistakenly attributed to natural or accidental causes. Such a conception of terrorism would be unable to match ordinary language usage or our intuitions about terrorism. What is more, acts such as making a horror film, which terrify as a matter of intention but are not at the same time meant to bring political change as a result, would also have to be classified as terrorism. Definitions of terrorism that rely upon the emotional effect of the victim, and no not make reference to the intentions of the subject of an act are, as we can see, highly problematic. Nevertheless, the determined critic might reply that acts that use violence as a means of bringing political change, and that can reasonably expected to cause fear in most people as an unintended side effect should be considered terrorism. This approach would deal with the problem of the particularly brave victim above by relying upon a probability-based impartial assessment. Such a definition might exclude tree-spiking and arson as a means of sabotage from the definition because they are not motivated by the desire for political change, but it would make civil disobedience involving property damage, and that made onlookers fearful, into terrorism.

However, such a conception of terrorism continues to carry undesirable consequences with it. For one thing, it would make all soldiers fighting in wars into terrorists. After all, it is reasonable to think that soldiers shooting at one another strike fear, and that they fight for a political cause using violence as their means. To escape this problem requires making implausible claims such as that armed agents of the state cannot be terrorists, or that soldiers cannot commit terrorist acts against one another. Rather than adopting these kinds of implausible conceptions of terrorism and relying on *ad hoc* modifications to address the problems they throw up, it may be better to consider the Doctrine of Double Effect when assessing the status of an act. Thus, if a putative act of environmental or animal rights terrorism causes foreseeable terror in its victims or the wider public,

but this terror is an unintended although known consequence of the act, we should classify the act according to its primary intentions rather than its expected or actual consequences.(cf. Hadley, 2009)

As we can see, many paradigmatic forms of animal and environmental 'extremism', of the sorts carried out by groups such as the Earth Liberation Front, Earth First, the Animal Liberation Front, and Justice Department, do not fall within the definition of terrorism. This is because they carry the wrong intentions, or they lack other essential features of terrorism such as a communicative aspect or the use of violence and terror. Nevertheless, there remain a range of activities which can potentially be classed as animal rights or environmental terrorism. Threats of kidnap or violence, intimidating protests outside of laboratory workers' homes, contamination of products, arson attacks, car bombs etc., could all be intended as a form of fear-inducing coercive technique involving violence and aimed at bringing political and behavioural change. For example, in 2010 there were 24 arson attacks using incendiary or explosive devices connected with animal and environmental groups in the EU.[8] Animal rights groups also used blackmail, sent messages to workers connected with animal research threatening their person, families, and property ((Europol, 2011b)). In 2007 the Animal Rights Militia claimed to have contaminated Salvon antiseptic ((Batty, 2007)), and in 1997 the Animal Liberation Front plotted to contaminate Lucozade drinks ((Eichel, 1991)). In what follows, I demonstrate that under a moralised conception of terrorism, where the victims of terrorist acts are considered innocent by definition, many if not most of these acts should not be considered as terrorism. As an up-shot of this it turns out that there is also a substantial justification for animal and environmental terrorism under a non-moralised account. This is because there are reasons to question the innocence of victims of animal rights and environmental activism connected with their blameworthiness and complicity in harming others.

Moralised conceptions of terrorism include judgements about the victims of terrorist acts. These conceptions define terrorism as acts of the sort described by the non-moralised account, but carried out against innocent targets.(Coady, 1985; Narveson, 1991; Primoratz, 1990; Rodin, 2004; Walzer, 2006) Under the moralised conception, the victims of terrorist acts are innocent because they pose no threat, are non-combatants, or because they do not participate in violence.(Anne Schwenkenbecher, 2012) Because they are innocent, agents are rendered immune from attack. For animal rights and environmental activism to be a form of terrorism it would therefore have to be established that the targets of their threats and violence are innocent. In the case of animal rights extremism, it is certainly true that those targeted pose no threat to activists. However, it is not the case that the innocence of victims of terrorism is established by whether they pose a direct threat to the terrorist themselves, but rather whether they pose a threat to someone or some group the terrorist claims to represent. To say than agent is lacks innocence in the sense above is to say that the agent is morally responsible for wrongdoing. Thus, the animal rights activist can claim that those who harm animals in certain practices are not only acting wrongly but are doing so as moral agents with knowledge of the consequences and the ability to have acted otherwise than they did. Under this standard definition of moral responsibility, an agent who performs a wrongful act is deserving of blame for their actions and liable, *ceteris paribus*, to loss of certain immunities. Whether those immunities include physical harm is discussed below.

Whilst much of the analysis of radical activism under the non-moralised conception of terrorism was focused on the intentions of agents, in the case of moralised conceptions it hinges on potential justifications offered. In some ways this restricts the scope of this latter half of the paper for, whilst it may be relatively straightforward to infer motivations and intentions for paradigm animal rights and environmental 'extremism,' the justifications offered by activists are necessarily complex, varied, and dependent on agents' background political and comprehensive doctrines. For this reason, the arguments in this section of the paper are restricted to the ideal. Instead, I consider whether putative acts of terrorism a) are terrorism at all and, b) whether they can be justified if the argument for animal rights is sound. One complaint might be that this approach has the weakness of not addressing the praxis of radical activists. However, in response I would make the point that asking whether, and under what circumstances, an act might be justified can be as valuable (if not moreso) than asking whether the justifications offered for specific acts are good ones. At the very least this approach creates a standard against which real-world justifications can be measured. Furthermore, it has the added advantage of making the defence of so-called animal rights or eco-terrorism free-standing from any argument for greater moral consideration for non-human animals or the environment.

Presumably, the case for labelling animal rights activists 'terrorists' hinges on the assumption that the targets of potential terrorism pose no threat to human beings. But why should it just be the case that only harms or threats to humans count for the purpose of establishing innocence? We would not consider a person who cruelly kicks a dog for pleasure to be innocent? Indeed, it is likely that we think the dog kicker to be non-innocent because the harms done to the dog are bad for the sake of the dog itself, and not because they illustrate poor character or make the dog-kicker more likely to harm humans.(For a fuller discussion on this issue see Cooke, 2011) The animal rights activist acts on the basis that non-human animals, like humans, have moral rights that place constraints on what it is permissible to do to them in the name of promoting some good. If the argument for animal rights is sound,[9] then those who violate their rights are not innocent and can, in some circumstances, be said to have forfeited their own right to immunity from attack. It is therefore open to activists to challenge the innocence of their targets by reference to their direct blameworthiness or complicity in harms done to non-human animals.[10] In the case of the dog-kicker the loss of immunity to attack springs from the right of a third party to intervene to protect an innocent from urgent and imminent threat. In other cases – where such a threat is not urgent or imminent – the apt response to a rights violation is likely to be quite different. In such cases the literature on just war theory is more relevant than that on self- or other-defence.

The targets of animal rights activism are governments, private individuals (such as people who wear fur), those who cause harm directly (farmers, scientists, breeders), and those with economic interests in systems of animal abuse: company shareholders, suppliers, employees, directors and owners. In each of these cases, a causal link can be established between harms done and the targets of activism. Nevertheless, it is inevitable that ostensibly innocent people will have (or have had) their interests or property harmed by activism. The permissibility of causing harms to these people may be strengthened if complicity in harms to non-human animals can be shown. Comparing the number of people who are vegan or vegetarian (or even conscientious omnivores) to those happy to

consume animal products and enjoy the benefits of animal research, and inferring from the present state of animal protection legislation, indicates that most people approve of harmful, but legal, practices towards non-human animals. Furthermore, they regularly contribute money to receive those benefits and resist proposals for radical change. The numbers of potentially illegitimate victims of harms caused by activism in protest against harms to non-human animals could thus be fairly low, and the majority or targets can be shown to be responsible to some degree for the harms protested against.[11] However, in the case of environmental activism it is hard to see how those who cause ecological damage can be considered to be harming the environment in the morally relevant sense contained within definitions of terrorism. We might think of terrorist actions as carrying justifications couched in terms of rights violations, and whist it is possible to construct a case for ascribing rights to non-human animals,[12] it is hard to show that the environment or an ecosystem has interests or is valuable for its own sake in a way that might ground rights. Nevertheless, there might be cases where environmental destruction threatens humans or other animals in some way. Examples could include rising sea levels caused by harmful emissions, which threaten inhabitants of small islands, or the destruction of tribal lands in forest clearance activities. In such cases the environmental activist could point to the indirect threat to others caused by environmental damage and so cast doubt upon the innocence of their targets.

However, there may be a concern that some sensitivity to the degree of complicity held by an individual needs to feature strongly in any consideration in order to prevent the range of targets for terrorist attack from being overly expansive. One might credibly think that merely standing by in the face of injustice, or simply signalling assent to a wrongful act, is insufficient to constitute a forfeiture of rights against bodily or psychological harm. Borrowing from the literatures on just war, self-defence/other-defence, and punishment theory; the strong *prima facie* wrongness of violence requires that perpetrators not only establish liability, but also act in a way that is proportionate. Proportionality, in this case refers not only to whether the level of force is proportionate in the sense that it is the minimum necessary to achieve the desired outcome, but also that it is sensitive to the degree of harm caused, or threat posed, by the target of violence. Making use of such considerations would restrict the strongest forms of violence to those directly engaged in unjust acts. Thus, we might draw an analogy between an unjust war and the treatment of non-human animals. In an unjust war, targets for lethal violence are standardly[13] thought to be combatants and perhaps also those who directly contribute by producing munitions in support of it.(cf. Anscombe, 1961) In the animals case, this would make vivisectors, farmers, those who work in abattoirs, circus trainers etc. potentially legitimate targets, but would rule out those who merely support harms to animals by voting for particular political parties or enjoying the benefits resulting from those harms. In the environmental case, it would make those who directly pollute or destroy the environment liable to more significant harms than those who merely purchase products created by polluting companies. Additionally, we might ask if those engaged in harmful practices can offer convincing justifications or excuses that would render them non-culpable for their actions. If it is true that non-human animals should be considered rights-bearers, then justifications for rights-violations based on good consequences for humans will be insufficient for this.

One worry here is that the process of establishing liability for harms requires, as in just war theory, that there be a legitimate authority to make judgements of liability. If animals do possess moral rights, then the issue hinges upon whether individual agents are morally permitted to make extra-institutional judgements of liability to harm in cases of non-compliance with the requirements of morality and in the absence of a just legitimate authority. As already discussed, in cases where threats are urgent and immanent, we commonly think that agents are permitted to intervene to prevent harm, but where this is not the case the question remains open. This is a wider question on the limits of duties to bring about a just society and the issue of political violence than the narrow issue of animal rights and ecological protection and cannot be adequately addressed here.

Before concluding, it is worth re-iterating and clarifying the point that the establishment of responsibility for wrong-doing does not lead automatically to the forfeiture of rights against harm. Whether an agent is liable to violence because of wrong-doing depends very-much on features of a particular case. In cases where political reform is the aim the strong *prima facie* case against the use of violence requires that other avenues be exhausted first and that any force used is proportionate and necessary. If we examine the tactics of animal rights and environmental activists, it is clear that they do persistently pursue other, non-violent means of attempting political change. The success of these methods has been limited, and there are reasons to believe that procedural unfairness can make, or has made, democratic channels a dead-end for animal rights activists.(cf. Garner, 1993, p. 230 and 237; Carter, 1998; Nestle, 2007) Furthermore, we can see that the level of force used so far by environmental and animal rights activists has largely been confined to property damage and threat of violence rather than actual violence.

The result of this analysis is not only to show that should we avoid labelling many forms of paradigmatic animal rights and environmental extremism as terrorism, but also to provide a partial justification for them. Of course, many other supporting reasons would need to be given in an all things considered justification. Other such factors might include: whether acts are proportionate responses; whether they have a chance of succeeding in their aims; whether the threat they seek to avert is urgent and immanent; whether non-violent methods have been exhausted; and so forth. Thus, whilst the strong *prima facie* case against violent activism or terrorism is maintained, it is not ruled out *a priori*. The importance of reassessing the moral and legal status of the more extreme forms of animal rights and environmental activism is high. The consequences of infelicitous use the terms 'terrorism' or 'terrorist' can be very grave indeed. As John Hadley points out, terrorists face harsher penalties and longer sentences than criminals convicted of comparably violent non-political offences, and in addition such labelling carries de-legitimising stigma for an ideological movement and social censure for its advocates.(Hadley, 2009) When considering our responses to paradigmatic forms of animal rights and environmental extremism care must be taken in how we describe activists and their acts, and in how the law responds to them. To call all violent activism 'terrorism' is not only often incorrect, but can also, given the consequences of doing so, count as a wrong done against those who engage in radical activism.

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Notes

[1] Examples include the decision to classify animal rights and environmental activism as terrorism by the FBI in the USA (("Animal Rights Extremism and Ecoterrorism," n.d.)), the UK government ((Travis, 2005)), and the European law enforcement agency, Europol ((Europol, 2011a)).

[2] For a full discussion the problems associated with mainstream discourses surrounding animal rights activism see (Sorenson, 2009).

[3] (Anne Schwenkenbecher, 2012; J. Angelo Corlett, 2003) Schwenkenbecher considers acts intended to change behaviour or carried out for purely ideological reasons as a subset of intentions to bring about political change. This is because the use of coercion implies that terrorists consider compliance with their demands to be morally required, and sufficient to permit the use of force to punish or ensure compliance. This separates terrorist claims about the status of their demands from supererogatory acts or morally obligatory acts that are not a matter of political morality.

[4] The act of spiking involves hammering a long nail into a tree destined to be cut down. When a logger or millworker's chain- or band-saw meets the nail the saw breaks with potentially dangerous consequences for the operator.

[5] Although I have separated kinds of activity for conceptual clarity it is clear that some acts will have multiple purposes. A raid on a laboratory to rescue animals might be filmed for the purpose of communicating a moral message, and files might be stolen for the purpose of committing a terrorist act or sabotaging research. Individual cases will need to be assessed according to the different intentions and methods present.

[6]One reason not to separate violent communicative acts of conviction aimed at bringing about political change from non-violent ones is that there doesn't seem to be any fitting term to describe the former kind of act so as to distinguish it from both non-violent and non-communicative acts. The term 'direct action' might be used to describe all types of illegal acts of conviction, but we still need appropriate terms to classify kinds of direct action: sabotage, rescue, civil disobedience etc.

[7]This includes acts such as chaining oneself to a tree to prevent logging, or sit-down protests to prevent road building.

[8]Whilst reports such as those referenced below often fail to distinguish between intentions behind the planting of such devices it is necessary to consider whether they were planted in order to cause damage, strike fear, or communicate conviction before they can be correctly described as terrorist.

[9] For reasons of space and scope I will not present a full defence of animal rights here; see instead: (Cochrane, 2010; DeGrazia, 2002; Donaldson and Kymlicka, 2010; Francione, 2008; Garner, 2002; Regan, 2004; Rowlands, 2002). Whilst this paper sits within a rights-based moral framework, many groups involved in environmental and animal liberationist activities offer non-rights based justifications and ethical frameworks for their actions. See, for example, (Donovan and Adams 2007; Warren 1990; Adams 2010; Bat-Ami Bar On and Ferguson 1998; Callicott 1989; Sessions 1995; Foreman 1991). Many of the arguments I present should also hold, with perhaps minor modifications, if grounded in these alternative approaches.

[10] See, (Hadley, 2009) Consider also that non-human animals, lacking moral agency, could be considered to be a paradigm case of innocent victims themselves.

[11] Indeed, there may be some forms of extremism, such as the contamination of meat products that by nature requires that a target demonstrates their complicity in the harms activists campaign against.

[12]See the interest-bases theories of Joel Feinberg or Alasdair Cochrane for example: (Cochrane, 2010; Feinberg, 1986)

[13] Although not without contestation; see, for example: (Frowe, 2011)

Islamist Groups in the UK and Recruitment

by Mohammed Ilyas

Abstract

Since 2001 and 7/7 the search to find out why and how Muslims born in Europe join political and violence orientated Islamist groups has occupied policy makers and social scientist. The search has produced explanations that suggest social grievance, Islam and physiological problems are the motivations for why some Muslims join and act on behalf of Islamist groups in the UK. However, the approaches tend not to focus on the role played by emotions that are generated from events, which involve Muslim suffering. These events are often experienced vicariously by Muslims living in Europe and are used by Islamist groups as resources to radicalize and recruit.

This paper is based on interviews carried out with Islamists in the UK, and tentatively discusses two processes – uncontrollability and forced choice in order to make sense of how some Muslims become compelled to acquire and act upon extreme ideas (independently or behalf of a group).

Keywords: *Islam, Muslim, Islamist, Islamism, Muslim Against Crusader, Radicalization, Emotions, Europe, Media, and Vicarious humiliation*

I n the last two decades Islamically-orientated groups -apolitical (Salafi), political (Hizb ut Tahrir (HT) and Muslim against Crusaders (MAC) and violence-orientated Al Qaeda type groups have gained prominence in Europe. The groups are often described and defined by using the conjoined terms 'Islamism' and 'Islamist' by academics, policy makers, the media and the general public in debates about immigration, security and identity. The debates have raised a number of questions regarding how to understand Islamism, why and how people are radicalized, and why and how individuals join Islamist groups in Europe. The latter two questions are intertwined and have received much attention, especially in countries that have large Muslim populations such as the United Kingdom, France and Germany. This paper addresses the final question by forwarding two processes that help make sense of how some Muslims may acquire extreme ideas, act upon extreme ideas and join Islamist groups in the UK.

In detailing the processes I provide a different way to understand what is popularly referred to as 'radicalization'. This term has gained considerable academic and media currency, and the concept is employed to identify the movement of an individual from one point (moderate) to another (radical) on a continuum. It is often used in a problematic way because, as Sageman argues, the acquisition of extreme ideas is used interchangeably with engaging in violence, suggesting that they are undifferentiated (Coolsaet 117: 2010). Sageman rightly points out that many may espouse violent ideas but very few act them out. He consequently abandons the term 'radicalization' in favour of two plain English phrases: 'acquisition of extreme ideas' and 'the path to political violence' (Coolsaet 117: 2010). In agreement with Sageman, I also use these terms. According to Sedgwick (2010) the term radicalization has various meanings and uses in arenas of security,

integration and foreign policy. Arguing on similar lines, Gethen-Mazer and Lambert (2010: 890) note, in the context of the UK, that:

> *The media and policy-makers have sought out research that supports an*
> *uncomplicated 'conventional wisdom' about radicalization to deliver easily*
> *understandable sound bites and finite answers that justify their ideas about how*
> *radicalization happens—and to facilitate straightforward policy responses that are*
> *meant to address definitively any threat posed by 'home-grown' terrorist threats in*
> *the post-7/7 environment.*

Sedgwick's (2010) problematization of the term radicalization also raises the question of which continuum is used to define who are the moderates and radicals, as well as at which point the former becomes the latter. This then begs the question of what ideas determine whether one is a moderate or radical, which is difficult to answer in a universal way because it leads to further enquiries. Among these are queries of who defines 'moderate' or 'radical' and in what context the definitions are used. I will therefore use a working definition, which only applies to the UK, regarding 'moderate' Muslims as those who accept that there are many types of Muslims and 'radical' Muslims are those who adhere to what Githens-Mazer terms 'Radical Violent Takfiri Jihadism' (RVTJ) (Eatwell et al, 47, 2010). RVTJ emphasizes the willingness of individuals to engage in violence and declare *takfir* (apostasy) in the belief that both are religious and moral obligations.

However, it would be misleading to argue that radicals are only concerned with one issue. To use Herbert's (2009) term, radicals and radical groups have a 'plasticity of positions'. The concerns of radicals in some instances overlap but advocate different solutions to those espoused by moderate Muslims, such halal food, burqa, blasphemy, the economy and social disorder.

From the points raised by the above authors it is clear that there are problems in how radicalization is defined, what criteria are used to define it, and how and why the term is used the way it is in various arenas. This then poses an important issue for researchers: how to define who is a radical and what the radicalization process is. To this end Sedgewick (2010: 491) advises that:

> *Under these circumstances, the best solution for researchers is probably to abandon*
> *the idea that 'radical' or 'radicalization' are absolute concepts, to recognize the*
> *essentially relative nature of the term 'radical,' and to be careful always to specify*
> *both the continuum being referred to and the location of what is seen as 'moderate'*
> *on that continuum.*

It is at this juncture, adhering to Sedgwick's advice that this paper intervenes. I contend that the evoking and fostering of a range of emotions is central, if not the catalyst, for individuals to begin

to think about acquiring and acting upon extreme ideas, as well as becoming involved with Islamist groups. These emotions are evoked by repeatedly watching videos (not only videos uploaded by Islamist groups but also mainstream news organizations), reading literature, and both online and offline discussions about Muslim suffering in conflict-zones, particularly of women and children, to the point where individuals become 'addicted' to the material. Although in most enquiries into radicalization the evoking and fostering of emotions is not given much credibility, by advancing the processes of uncontrollability and forced choice this paper argues that emotions have greater significance than commonly supposed.

I will discuss what uncontrollability and forced choices are, and how they work, by using observations of, and interviews with members of HT and MAC [1]as well as secondary media material on individuals convicted for terrorism offenses. I have extensively referenced material published by the media because I was unable to secure interviews with individuals affiliated with HT and MAC due to their security concerns. The objections are understandable because I was interviewing between 2011-2012 and during this period MAC was banned, and individuals affiliated with the group were arrested and subsequently charged with terrorism offenses.

The process of uncontrollability

The first process I shall describe is uncontrollability, which I contend can open pathways to facilitate individuals acquiring and acting on extreme ideas – independently or on behalf of a group and becoming involved in Islamist groups. The process is related to, and often works together with, what I call forced choice, which is the second process in my framework, although it can also work independently. For clarity I will discuss them separately.

Uncontrollability is a normative process, in that it occurs when individuals experience some form of loss through structural events, such as 9/11. It can also occur through personal event-crises such as the death of a family member or friend, or separation from a partner (De Zululeta 2003: 178). In attachment theory, this is referred to as 'ambivalence insecurity' among children (Holmes 2004: 105). However, I contend that something similar happens during structural event-crises and leads individuals to develop insecure attachments. Though similar to psychological trauma, this leads to the 'sudden, uncontrollable disruption of affiliative bonds', which opens an opportunity for groups to recruit (De Zululeta 2003: 178). In other words, it creates cognitive openings and makes individuals more receptive to the worldview of the groups.

Uncontrollability among individuals living in non-conflict-zones can take place in three ways. Firstly, through individuals personally endure tragic events, such as the loss of a loved one,[2] secondly, vicariously through the media by watching videos of extreme violence, and thirdly by volunteering as aid workers in conflict-zones. Academics such as Sageman (2008), Khosrokhavar (2005) and Speckhard (2012) have detailed in their works how vicarious humiliation or in the case of the last author secondary trauma can effect or is imparted on potential recruits by Islamist groups with the view of making them cognitively more open to the ideas of the group. In my construction of uncontrollability is similar to what Horgan (2009: 11) refers to as the 'temporary emotional state', which renders the individual more open to using or supporting violence. Additionally, the process generates a range of emotions, which include frustration, revulsion, anger, grief and pain

and which foster conditions that enable the construction of the 'other(s)'[3] in a dehumanized way, compelling individuals to act in order gain both revenge for the loss suffered by their community and personal satisfaction.

As Ahmed (2004: 28) notes:

> *What connects us to this place or that place, to this other or that other is also what*
>
> *we find most touching; it is that which makes us feel. The differentiation between*
>
> *attachments allows us to align ourselves with some others and against other others*
>
> *in the very processes of turning and being turned, or moving towards and away from*
>
> *those we feel have caused our pleasure and pain.*

Individuals' responses to the uncontrollability generated through structural and personal event-crises are to seek a 'secure base' by asking questions about why the event-crises took place, and to find solutions. The answer-seeking and the explanations provided in some cases leads individuals to come in contact with activists from, or the discourses of, Islamist groups – via media platforms, by attending protests, engaging in conversations with peers, or attending religious or non-religious talks organized by various groups.

Although this paper only speaks about Muslims, my argument also applies to other religious and right wing extremist groups, and I contend that the individuals behind the anti-Muslim attacks after the May 2013 killing of British solider Lee Rigby in London went through the processes I describe here. Since the killing there have been various reports in the British media detailing arrests for alleged arson attacks on Mosques and violence against Muslims, as well as online hate speech. It is my belief that these incidents occurred in some cases due to the instant pain, anger and revulsion generated by Rigby's murder, and in others as a result of the incremental effect of these emotions on individuals over a period of time imparted through various media and Internet platforms. This compelled them to gain revenge for their community and relief for their anger in the same manner I describe above with relation to Islamist groups.

In the UK, the 2004 Crevice plot and the case of Roshanara Choudhry illustrate how uncontrollability is generated vicariously, leading the actors to acquire extreme ideas and act on them. Salahuddin Amin, a member of the Crevice plot, took on extreme ideas after his experiences at a refugee camp in Pakistan and, according to a BBC article, Amin initially decided that on his return to Luton he would donate money to the Kashmir cause. This also led him to attend meetings held by an Islamist group that advocated jihad (BBC 30 April 2007). In his trial he stated that during a visit to Pakistan:

> *'There were a lot of stalls on the main road - on the Mall Road', he said. 'The stalls*
>
> *were set up by the Mujahadeen, the fighters fighting in Kashmir. I was walking up*
>
> *and down at one point I heard a lady making an emotional speech about the*
>
> *atrocities that were happening in Kashmir that was under Indian rule - how women*

were raped and kidnapped all the time and they had to move from there to Pakistani Kashmir and were in difficulties. She made a very emotional speech and that affected me.' (BBC 30 April 2007).

For Amin the effect of hearing about the violence experienced by Pakistani Muslim women at the hands of Indian non-Muslims captivated him, such that he decided to donate money, in addition to attending meetings held by Islamists. He identified with the woman speaker and the victims through the registers of ethnicity, the Islamic concepts of mother and sister, and violence. Amin's trajectory suggests that there is a connection between hearing harrowing stories about abuse and violence, giving charity, and finding or coming across an Islamist group that retold the same stories in a group setting. This not only magnified the impact of the violence and encouraged stronger emotions of out-group hate and in-group love but also compelling one to do more to end Muslim suffering. Another member of the plot, Anthony Garcia, recalled during his trial that watching videos detailing the atrocities allegedly committed by Indian soldiers in Kashmir emotionally effected him: 'I still remember it quite clearly'. Garcia added, 'he remembered crying as he watched the video and he decided to do something to help his fellow Muslims in Kashmir' (BBC 30 April 2007). According to the media, Garcia followed his older brother into Islamist circles, where he was introduced to events that involved Muslim suffering. It is not clear what triggered Garcia's involvement, but it cannot be ruled out that he and his brother could have been motivated by the French-backed Algerian civil war of the 1990s. Unlike Amin, Garcia identified with what he had seen on the videos through the registers of Islam and violence. The case of the plotters highlights the emotive power of watching and hearing about violence and abuse inflicted on women and children that one can identify with on a number of registers. The experience of emotions in these cases seems to be such that, it cultivated the internal conditions, which justified violence as being the only possible response. Hence, as Ahmed notes:

> *The sensation of pain is deeply affected by memories: one can feel when reminded of past trauma by an encounter with another. Or if one has pain one might search one's memories for whether one has had it before, differentiating the strange from the familiar (Ahmed 2004: 25).*

The case of Roshanara Choudhry, who attacked Labour MP Stephen Timms in 2010 over his support of the Iraq war, illustrates like the Crevice plotters how emotions generated by watching videos detailing Muslim suffering, and Islamist discourses that call on Muslims to assume responsibility for their brethren, can compel some Muslims to act. Through these videos Islamist groups aim to encourage viewers to make associations between present and past events that have resulted in Muslim suffering. This fosters an atmosphere, which aims to make viewers automatically think about, feel and visualize Muslim suffering every time they see images or hear stories of human suffering. Through this process the groups hope that over time that individuals will embody these discourses, see themselves as part of the bigger Muslim family and as victims of the violence, as well as accepting and acting upon their responsibility to end the suffering. Although it

is not clear when Choudhry started her journey in acquiring extreme ideas, from her trial it is clear that Internet videos detailing the suffering of Muslims in conflict-zones played a central role. As the quote below from the Guardian newspaper indicates, loyalty to, retribution for Muslim suffering, emotional satisfaction, and a sense of fulfilling responsibility, was achieved by stabbing MP Stephen Timms. During her trial she explains her reasons for both actions:

> *They [King's College] gave an award to Shimon Peres [Israeli politician]… I thought that I should have loyalty to my Muslim brothers and sisters in Palestine and so I should leave King's and that would show my loyalty to them…. As Muslims we're all brothers and sisters and we should all look out for each other and we shouldn't sit back and do nothing while others suffer. We shouldn't allow the people who oppress us to get away with it and to think that they can do whatever they want to us and we're just gonna lie down and take it…. I was a bit nervous about what I was gonna do but I felt like it had to be done and it's the right thing to do… I feel like I did my best to fulfill my duty to the other Muslims (The Guardian 3 November 2010).*

We also see the effects of witnessing and watching videos of Muslim suffering in conflict-zones, as well as personal loss, with Abdullah Ahmed, the ringleader of the 2006 transatlantic airline plot. The videos resulted in Ahmed being cognitively more open to embracing and acting on extreme ideas. In his trial it was reported that:

> *He had been interested in politics since the Bosnian war but in late 2002 he travelled to Pakistan to help refugees fleeing the US attack on the Taliban at refugee camps on the Afghan border where his experience in the camps had a harrowing effect on him. 'There were lots of deaths in the camps daily… We had to go to a lot of funerals daily. It was mostly kids that were dying. Children, young children… When I was about 15 or 16 I remember the Bosnian war going on and I remember images of concentration camps, of people looking like skeletons and things like that. I was aware they were Muslims' (The Guardian 8 September 2009)*

What we see in all the above cases is a psychological scare, a trauma that Caruth notes 'is a confrontation with an event that, in its unexpectedness or horror, cannot be placed within the schemes of prior knowledge' (Caruth 1995: 153). The effects of Muslim suffering on Amin, Garcia, Ahmed and Choudhry seem to have ruptured the relationship between them and the Muslims that were suffering, which they have been socialized into by their family and community, therefore evoking feelings of personal loss. An individual affiliated with MAC explains this relationship and

the accompanying responsibility that it brings, which one must have towards other Muslims, during an interview with me in 2011:

> *Look those are really my brothers that are being oppressed in Palestine, I need to support them. The Prophet's hadith says the ummah is like a body, if one-body part hurts, if one part hurts the rest of the body feels it (Interview 1 with male MAC member, 2011).*

These comments reveal how Muslims relate to each other by using metaphors of anatomy and emotions indicating pain. The metaphors are important in the constellation of Islamist discourses because they draw our attention to the types of feelings, experienced as personal, that urge and compel some Muslims to acquire, and in some cases act upon extreme ideas in order to fulfill their Islamic responsibility.

Another individual affiliated with MAC, when discussing why he thinks the actions of Pastor Terry Jones [4], may compel some individuals to engage in violence to gain retribution, stated that:

> *For someone [Pastor Jones] to show the upmost disrespect and burn it [the Quran] is something that will enrage any sincere Muslim, we would, you would probably find irrational actions that Muslims would respond with because this has upset him so much that he becomes so angry that he feels that he can only do something.. I would not be surprised if someone tried to harm the man ... There are many things that a Muslim would find difficult to hold his hand back... it's like this, if someone comes to hit your child, naturally in the instinct of the father, it is to respond and defend the child in any way he can. Even if this means causing harm to the other person. The way a Muslim feels about the Quran burning is ten times more than a father feels about his daughter being hit (Interview 2 with male MAC member, 2011).*

The above quote indicates how acts that are perceived as dishonoring sacred symbols can foster conditions that can result in individuals inciting or engaging in violence.[5] The comments made by the MAC affiliate detail how the Pastor's actions generated in him feelings of pain, anger and a need for some form of revenge. He compares his feelings to those of a father when he hears that his daughter has been attacked, which then compels him to seek retribution. What is important to note in the quotes of the MAC affiliates, and the aforementioned case's is not only that they use family metaphors in detailing how they relate to the suffering of Muslims, but also how they understand and feel the pain of their brethren as their own. In these cases the pain felt by the individuals was such that it compelled them to think about the possibility of acting in violent ways.

So far I have discussed above how secondary trauma imparted through watching videos detailing Muslim suffering has generated uncontrollability and compelled individuals to acquire and act upon extreme ideas. I now move to address how uncontrollability can also occur through personal event-crises, such as the death of a family member or friend, or separation from a partner (De Zululeta 2003: 178).

The case of a female interviewee affiliated with MAC illustrates the point. Her affiliation process began when her father became ill, which resulted in her seeking religious solace. In order to find a solution to her emotional predicament the interviewee turned to her brother, who was already involved with MAC, and asked him to take her where he went to learn about Islam as he seemed to be coping better with their father's illness. She attributed his perceived superior ability to cope both to his practicing of Islam and the Islamic lectures he listened to, which she also found very interesting (Interview 2 with female MAC affiliate 2012). The interviewee's brother took her to a women's Islamic study circle that MAC organized twice a week, which she reported as making her feel welcome and not an outsider (Interview 2 with female MAC affiliate 2012).

However, uncontrollability on its own, whether generated through primary or secondary trauma, is not sufficient for one to acquire and act upon extreme ideas, or to join groups. What is necessitated is a process where a certain amount of 'fermenting' must take place in order to compel individuals to act. I call this process 'forced choice'.

The forced choice process

The forced choice process in my conceptualization is a procedure by which Islamist groups persuade individuals to become involved in the group, or the groups worldviews and persuading affiliates to act to achieve group goals. It usually takes place after uncontrollability, but can also occur independently. The effects of the process include healing the emotional wounds caused by watching videos and witnessing Muslim suffering and urging individuals to acquire and act upon extreme ideas and join an Islamist group. The discourses used during this process detail feelings of pain, shame, suffering, in-group love and out-group hate to emotionally define the 'we' and the 'other', and explain why and how the 'we' needs to be protected and the 'other' not in a militarized sense. By using the term militarized I contend that groups convert what I consider domestic emotions into militarized ones, thus adding a combative edge and military understanding to the feelings and discourses. The aim here is to build and intensify emotional attachments and foster the construction of the 'other'(s), as well as to provide and justify solutions to Muslim suffering. Ultimately, this process works to remove guilt from the choices that the individual will make, and therefore enable individuals to join the group or engage in violent acts, as we see in the cases of Amin, Garcia, Choudhry and Ahmed.

During the forced choice process there is a fostering and intensification of introjective and projective identification between the individual, Muslim suffering, and the perpetrators of violence. Groups aim to replace existing explanations held by individuals regarding issues concerning Muslims and provide new ones that can be used by the individual to explain the problems that Muslims experience. This will be in accordance with the worldviews and goals of the groups.

Forced choice can unfold in two ways. It can be independent, or in some cases the result of a group repeatedly watching videos that detail, or having conversations about, Muslim suffering. This creates a pathway for individuals to at least think about acquiring and acting upon extreme views, although in some cases action takes place independently of groups, as was the case with Roshanara Choudhry. Choudhry's compulsion to act was due to her listening to Anwar al-Awlaki's lectures and watching videos detailing Muslim suffering, which intensified her emotional attachment with her coreligionists. In her trial she stated, 'after like listening to the lectures, I realized my obligation but I didn't wanna like fight myself and just thought other people should fight, like men, but then I found out that even women are supposed to fight as well so I thought I should join in' (The Guardian 3 November 2010). It seems that by watching videos Choudhry became emotionally bound up with Muslim suffering and her individual duty as a Muslim in way that persuaded her to act violently and defend her coreligionists, which for her at the time was more important than the risks. Her actions generated a sense of emotional satisfaction that allowed her to persuade herself to act out her anger, frustration and elation.

The second way that forced choice occurs is through online and offline interactions with individuals affiliated with Islamist groups, where discussions about Muslim suffering take place and questions are raised, such as 'what are you doing to help your suffering Muslim brethren?' This type of question is emotive and forces one to answer in way that suggests that one is doing or will do something. To illustrate my point I will use my experience of such discussions. During these discussions Muslim suffering and solutions to it were the dominant topics.

For me, the striking and pivotal point in the conversations was when someone would say, 'I would do the same if my family was in the same situation', and especially when the issue of women and children being killed by Israeli soldiers/settlers and American soldiers was raised. This would result in gestures of approval from others. The statement is powerful and has an encrypted answer, which is simple to agree with and almost impossible to argue against. It instantly evokes an array of possible events and emotions, whilst requiring an immediate response. This renders the individuals more open to listen to, acquire, and in some cases act upon the extreme ideas. Individuals affiliated with Islamist groups often use emotive statements in order to instantly promote identification with Muslim suffering. The common response is equally emotive, and side steps any notion of legal recourse. Once locked into such discourses, group affiliates will use emotive statements to direct the emotions and thoughts of the individuals they are attempting recruit. I was often placed in this situation, unable to maintain my neutrality. It is difficult to escape the trap – is one to say 'no, I would not defend my family and I will seek legal recourse?' This seems easier to do upon reflection, but it is difficult to comprehend in the moment due to one's own emotions and the invisible emotional pressure, which is maintained by a constant circulation of emotive discourses.

Such situations raise an interesting question of one's ability to undo the emotional intellectual, historical and emotional inscriptions of Muslim-ness, Islam and Muslim suffering that they have been socialized into. Can one avoid these and pretend that emotional inscriptions do not exist? In not acknowledging the emotions and the history that one is invested with and reinvests into, does one become free of the relationships that one is constituted by, and constitutes others by, considering that these relationships are based upon a historically-laden, emotionally-embedded

memory that filters through all religious rituals and invocations of concepts that constitute the basis of one's identity? Additionally, even if one is able to escape the discursive trap of the emotive videos or recruitment strategies, one cannot completely escape emotional appeal of Islamist discourses. It is difficult to reject the emotional reasoning behind Islamist discourses because they tug at the emotional threads that connect Muslims who are suffering with other Muslims, which is hard to put into words but easy to feel.

However, there is no guarantee that the process will unfold successfully. But if the targets of recruitment are to join the groups and individuals act independently or on behalf of group, then the process has to be constantly repeated and continued on different platforms by providing explanations that are emotionally more persuasive than existing explanations.

Conclusion

In this paper I have argued that a range of emotions, which are evoked by events that involve the suffering of Muslims open the possibility among some individuals to compel them to look for explanations that satisfy their desire to understand what has happened and the emotional distress that has been caused. This provides a way to understand how one may acquire, and in some cases act on extreme ideas and/or become involved in Islamist groups.

I have argued that uncontrollability can occur through direct experience of tragic events, vicariously by watching videos that detail Muslim suffering or volunteering as an aid worker in a conflict-zone. In some individuals these experiences have the effect of rupturing the relationships that they have been socialized into through the registers of ethnicity and religion. This then compels them to seek explanations that will satisfy them intellectually and, more importantly, emotionally. This search in some cases may lead to individuals, independently of groups, watching videos detailing Muslim suffering. In other cases, it acts as a catalyst for interaction with individuals affiliated with Islamist groups through both online and offline platforms.

In these engagements, forced choice may unfold. Some individuals, by continuously watching and reading about Muslim suffering, can persuade themselves to acquire, and in some cases act on extreme ideas in violent ways. This type of individual is referred to as a lone wolf. In cases where individuals interact with groups, which appears to be the most common avenue for one to acquire extreme ideas, an atmosphere is created in which in-group love and out-group hate is fostered, as well as the desire to gain some form of retribution. This can result in an individual acquiring extreme ideas, becoming involved in Islamist groups, engaging in protest, and in a few cases engaging in violence.

In putting forward the processes of uncontrollability and forced choice I contend that, central to one acquiring and acting upon extreme ideas are emotions generated from events where individuals can identify with people who are suffering or have suffered. We see the effects of these emotions expressed through martyrdom videos and in court trials of convicted terrorists, as well as in interviews given by Islamists.

About the author: **Mohammed Ilyas** *gained is PhD from the Department of Goldsmiths College, University of London in 2011. The PhD adopting an original and innovative approach to*

investigate why and how some Muslims from Europe join political Islamist groups and some volunteer to become suicide bombers. In December 2012 he completed an International project entitled: Action, creativity, and religious imagination, Muslim experience in Western societies.

Notes

[1] At the time of the interviews, the interviewees were affiliated with HT and MAC.

[2] This can occur through events like 9/11 or the loss of a loved one because of illness or relationship breakup.

[3] Individuals or religious or ethnic groups that have perceived to have brought suffering to oneself or one's group.

[4] Pastor Terry Jones Roberts is an American extremist Christian Pastor and 2011 he burned the Quran in honour of 9/11.

[5] The outrage felt at the publication of the 2006 cartoons depicting Prophet Mohammed as a terrorist by Danish newspaper Jyllands-Posten led to many protests taking place across the world that resulted in protesters chanting anti-Danish and -Western slogans, and in a few cases violence. Four men were imprisoned for inciting violence at one protest in London in 2006, reported by the BBC as holding placards reading 'Bomb, bomb Denmark. Bomb, bomb USA' and 'Annihilate those who insult Islam', as well as chanting '7/7 on its way', 'Europe, you will pay with your blood' and 'Bomb, bomb the UK'.

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Interview 1 with female MAC affiliate 2012

Interview 1 with male MAC affiliate 2012

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The Role of NIA in the War on Terror: An Appraisal of National Investigation Act, 2008

by R. Bhanu Krishna Kiran

Abstract

The National Investigation Act, 2008 (NIA ACT) has been enacted and notified on 31 December 2008 and the National Investigation Agency (NIA) only exclusive counterterrorism agency has been constituted to investigate terrorism and related offences. The NIA is mandated to investigate and prosecute offences under the Acts mentioned in the Schedule which includes offences under the Unlawful Activities (Prevention) Act, 1967 that have inter-state and/or international linkages, which are assigned to it by the Government. Although the NIA Act provide for a comparatively straightforward procedure for investigation of terrorism and related activities, not given the necessary powers to prevent the enumerated offences.

Introduction

By virtue of Indian Constitution public order is in 'State List' and criminal law is in the 'Concurrent list [1].' Even though criminal law is in the concurrent list of' the constitution, the investigation of major crimes is in the purview of the state police since public order is a subject on the State List. The overstrained police of Indian states with its restricted territorial jurisdiction and limited resources and expertise are not able to combat terrorism and its related offences properly. An agency like the Central Bureau of Investigation (CBI) [2] can investigate certain crimes only with the consent of the appropriate state government or by a court order [3]. Therefore, a federal agency that has the authority to look into terrorist cases throughout the country and one that is endowed with greater resources and greater expertise would be better positioned to handle terrorism-related cases. Such idea of a federal agency to investigate terrorism and related offences has been is mooted by many committees and experts [4]. The 26/11 Mumbai attacks in 2008, the reports of committees stimulated India to create a federal agency to investigate terrorism and related offences. The National Investigation Agency Bill 2008 to form the agency was approved by the Cabinet on 16 December 2008 [5] and the National Investigation Act, 2008 (NIA ACT) has been enacted and notified on 31 December 2008 and the National Investigation Agency (NIA) only exclusive counterterrorism agency has been constituted.

This paper seeks to map out provisions of the NIA Act concerning the role of NIA three year old India's first counterterrorism agency and argues that NIA be required to have robust leadership, use of sober investigative methods, apposite coordination with other agencies and need to have it's own intelligence unit. It must adopt technologies that promote communication, coordination and emergency response.

The Role

The agency can take such measures which are necessary for speedy and effective implementation to combat terrorism and other terror related offences. The NIA has to, 'at the national level, investigate

and prosecute offences affecting sovereignty, security and integrity of India, security of states, friendly relation with foreign states and offences under NIA Act enacted to implement international treaties, agreements, conventions and resolutions of the united nations and other international organizations and for matters connected therewith or incidental thereto'[6].

The NIA with all the powers invested in it by the NIA Act and the procedure and punishment prescribed in the Unlawful Activities (Prevention) Act, 1967, as amended in 2008, are supposed to be able to assist the Federal and the State Governments to control terrorism and other terror related activities in India and prevent a replication of the Mumbai attack. NIA operates closely with others in seeking to counter threats to national security. The operational methods of NIA are investigation, prosecution, coordination and prevention.

Executive Authority

The executive authority of NIA is the Director General (DG) [7]. DG is responsible for NIA's corporate direction, leadership and accountability. It is obvious that the operational authority of the NIA is under the control of the Director General (DG).However, the superintendence of the NIA vests in the Government of India and the administration will vest in the officer designated on this behalf by it [8]. But by the rules of National Investigation Agency (Manner of Constitution) Rules, 2008 the officer designated for the administration of the agency is the DG [9]. Therefore it is evident that DG is the supreme of the agency under the superintendence of Government of India.

The interpretation of the Section 4(1) of the NIA Act, which states that, "the superintendence of the Agency shall vest in the Central Government," reveals that the Act fails to define "the superintendence." The Act leaves unclear the extent to which the supervision of Agency is done. It is traceable that the decisions are made by political leader rather than the DG. The Act fails to acknowledge the unique place of the DG to craft key organizational and investigative decisions rather than a political executive. To turn up as a successful organization NIA needs tough leadership in a single, fully empowered executive to direct and coordinate counter terrorism efforts.

Jurisdiction

The NIA is being established in a 'concurrent jurisdiction'[10] framework to envisage as an agency that can both take care of the interests of the states as well as have the powers to *suo motu* take up cases related to terrorist acts. NIA's jurisdiction will be applicable to the whole of India, citizens of India, outside India, in service of the Government, wherever they may be and for persons on ships and aircrafts registered in India wherever they may be [11].

It is evident from the provisions of the NIA Act that it allows the exercise of extraterritorial jurisdiction on the basis of nationality. The NIA Act permits the punishment of offences committed beyond, but which by law may be tried within India. Accordingly, any person liable, by NIA Act to be tried for terrorist activities committed beyond India shall be dealt with according to the provisions of NIA Act for any terrorist act committed beyond India in the same manner as if such act had been committed within India. It seems that terrorist activities and offences in connection with terrorism committed by Indian nationals, or by foreign nationals on ships and aircraft registered in India can be tried in India.

Investigation

Investigation, as defined in Section 2 (h) of the Code Criminal Procedure, 1973 (Cr.P.C) is mainly police work and 'policing' is an item confined to the State List in the Constitution. For that reason Section 6 of the Delhi Special Police Act that administers the operation of the CBI prohibits its jurisdiction in a state without the consent of its government. Unlike the CBI that needs the consensus of the state government, the NIA Act gives the Federal government powers to take over any terrorism-related case from the state police. Officers of the NIA will have all powers, privileges and liabilities which the local police officers have in connection with cases related to terror. Elaborating on the provisions, though law and order being the state subject, officers of the NIA above the rank of sub inspector will have special powers to pursue and investigate any offence related to terror across the country [12]. The police officer in charge of the police station on receipt of the report of the offence forwards it to the state government which in turn will forward the same to the Federal Government. If the Indian Government is of the opinion that the offence is a Scheduled Offence, [13] it shall direct the NIA for investigation of such offence [14]. A state government has to extend complete support to NIA for investigation of terror related offences [15]. Consequently the State Governments are bound down and cannot put any hurdles in the path of the NIA. However, the provisions of the NIA Act with regard to investigation shall not affect powers of the state government to investigate and prosecute any terror crime or other offences [16]. It is promising that no jurisdictional clashes would arise in future as the vision of NIA indicates that it wants to maintain 'professional and cordial relations with the governments of states and union territories and other law enforcement agencies in compliance of the legal provisions of the NIA Act [17].'

The first information as to the commission of the offence will be registered in the police station under section 154 of Cr.P.C [18] and then forwarded to the State government [19]. The State government immediately forwards it to the Federal government, which may, in view of the gravity of the offence and other relevant factors, direct that the case be taken up with the NIA [20]. Otherwise, the case remains with the State agency. The NIA may associate the State agency with the investigation, if it is expedient to do so. The NIA may also return the case to the State for investigation [21].

The NIA has power to investigate nine categories of serious offences including seven under the special legislations and two under the Indian Penal Code (IPC) [22]. They include terrorism and offences related to atomic energy, unlawful activities, anti hijacking, aviation, maritime transport, weapons of mass destruction, obligations of the SAARC Convention and offences against the State, including conspiring or waging war against the Government of India [23] and counterfeiting currency notes under the Indian Penal Code [24]. The NIA may also investigate other offences connected with the Scheduled Offence [25]. However, NIA, particularly in view of current emphasis on terrorism and aforesaid offences has to fill the gaps of such acute lack of expertise and advanced methods by adopting highly sophisticated telecommunications interception, Investigative Data Mining (IDM), advanced forensic techniques, use of biometric methods etc. Telecommunications interception can assist in the apprehension and prosecution of those who are responsible for terrorist acts and otherwise threaten the security of India. The approach to IDM

would give particular emphasis in the identification of terror networks, based on available intelligence and other information. Like FBI, NIA has to incorporate an explosives unit to investigate bomb blasts. So that NIA can investigate the remains of various types of explosive and incendiary devices [26].

Prosecution

One of the critical issues in the battle against terrorism is how terrorists will be prosecuted if they surrender or are apprehended. The prosecution has been instrumental in building the campaign against terrorism. Now the perpetrators could be brought to justice on grounds of criminal prosecution granted by the provisions of NIA Act, which permits the formation of Special Courts to prosecute the terrorists and other offenders in connections with terror related activities [27]. These special courts have all powers of the Court of Sessions under Cr.P.C for trial of any offence under the NIA Act [28]. The state has also authority to make rules in the regard and set up one or more Sessions Courts in compliance with the Indian government [29]. The NIA Act gives more power to the Federal Government to avoid delay in terrorism and related grave offences.

The Government of India constitutes Special Courts for the trial of Scheduled Offences [30]. Special Courts have been notified in 25 States and Union Territories [31]. The Special Courts try the offences committed within its confined jurisdiction and follows the special procedural rules for trials of the Scheduled Offences [32]. The Special Court can take cognizance of offences on receiving a complaint of facts that constitute the offence, even without committal proceedings [33]. Special Courts may sit at any place for any of its proceedings [34]. For speedy and fair trial, the Supreme Court may transfer any case pending with the Special Court to another Special Court in the same state or any other state, and the High Court may transfer such cases to any other special court within the state [35]. Offences punishable with imprisonment for less than three years may be tried summarily [36]. The Chief Justice of the High Court will nominate the special judge, and the case is to be tried on a day-to-day basis. Appeals against the orders of the special court will lie with the Division Bench of the High Court and the appeals should be disposed of within three months [37].

The protection of the concerned witnesses has been taken into consideration. Since media coverage of such trials adversely affects the witnesses as well the procedure of trail, empowering the Special Court to decide whether it should be made public or not can be considered as a precautionary move. The NIA Act authorizes the court to hold all or any proceedings in camera [38].

Coordination

The NIA Act permits NIA's assistance to other intelligence agencies of the Federal and State governments and it can seek assistance from these agencies [39]. It means the coordination between various federal and state intelligence agencies including Intelligence Bureau (IB), [40] the Research and Analysis Wing (RAW)' [41] Defence Intelligence Agency (DIA), [42] Department of Revenue Intelligence (DRI), [43] the National Technical Research Organization (NTRO), [44] and intelligence outfits of State and Union Territories is in the minds of the framers of the statute [45]. On the other hand, the NIA Act is not clear on relationship between agencies and information

sharing between them. The Act is silent on information sharing, the method of acquiring information and intelligence, and on the NIA's relationship with the aforesaid agencies that right now collect information.

Coordination within and between intelligence agencies and security forces is key to counter terrorism, terror threat and terror offences. But bureaucratic rivalry and institutional rivalry hold back such coordination. However, success is dependent not only on type and quality of information collected but its timely decision. It would be achieved by only centralized, cooperative and integrative organization. Such centralized intelligence would allow for efficient and expeditious collection, analysis and dissemination of information regarding terrorist and terror activities. For this purpose the Multi Agency Centre (MAC) is tasked with collecting intelligence in real time, to optimize intelligence flow and to coordinate between different agencies, [46] and the NIA will be linked to the MAC for information sharing among various intelligence agencies [47]. By this the relevant intelligence in connection with terror activities emanating at various police stations in any part of the country would be available to NIA.

The MAC, nodal intelligence cell relating to terrorism became operational, [48] yet it has not been able to fully achieve its objectives. Hence, Indian government decided that a legal color be given to the order establishing MAC [49]. All the information collected by different agencies would be accomplishing the national intelligence grid (NATGRID) [50] and saved in national memory bank. By this way sensitive intelligence about terrorist suspects could be shared NIA with central and state intelligence cells.

The NIA generally is responsible for pursuing counterterrorism investigations by collecting evidence for introduction into a legal proceeding in which the desired end is criminal prosecution. Officers work closely with law enforcement authorities to ensure that intelligence information gathered in a terrorism case may be used as evidence in court. NIA officers, working closely with members of other law enforcement agencies, ensure that operations are properly coordinated with a view to the possible use of the resulting intelligence as evidence in court.

Prevention

Indisputably, terrorists operating from the bordering countries are capable of do a good deal of destruction in India without continuous local support in form of money, material and manpower. The care to prevent such activities could be derived from the Unlawful Activities (Prevention) Act, 1967 as amended in 2008 (UAPA) and other acts mentioned in the schedule. The UAPA included 'terrorist activities' alongside 'unlawful activities', specifying different procedures to deal with each. Use of bombs, dynamite, poisons or noxious gases, biological, radioactive, nuclear substances is included in UAPA [51]. It also includes punishments and penalties for 'terrorist activities', specific procedures including the banning of 'terrorist organizations and interception of telephone and electronic communications were provided under UAPA [52].

With a view to prevent terroristic activities through precautionary measures, NIA can get cooperation from SAARC countries to the extent permitted by their national laws, through consultations between appropriate agencies, exchange of information, intelligence and expertise and

such other cooperative measures as may be appropriate [53]. Whoever attempts to commit, or abets the commission of offences like committing violence on board an aircraft in flight, etc. [54] offence at airport[55], and destruction of, or damage to, air navigation facilities[56] are punished. UAPA provides for punishing the aiding as well as abetting of a terrorist [57], funding terrorist activities [58], organizing training camps [59] and recruiting persons for committing such acts [60]. For instance, NIA filed a charge sheet before the special court at Kochi, Kerala against 37 Students Islamic Movement of India (SIMI) activists who allegedly organized a secret training camp with an intention to train the participants to advocate, incite and abet unlawful and terrorist activities, disrupt communal harmony and cause threat to sovereignty and integrity of the country, there by waging war against lawfully established government [61].

Indian 'Parliament has mandated that the NIA to be not merely a post-incident investigating agency, but also a pre-incident disruption agency' [62]. However, the NIA Act does not address intelligence lapses; by this means NIA has not been given the necessary powers to prevent the enumerated offences mentioned in the Act. The development of an advanced intelligence system is crucial if NIA desires to come out as a pre-incident disruption agency to properly prevent terrorism and terror related activities. This requires not only mere powers of investigation and enforcement but also the provisions for the collection, analysis, sharing, and dissemination of intelligence. Although other intelligences agencies are operating NIA has to develop its own intelligence unit. It has to use their own intelligence officers, both in India or by posting them overseas. Overseas, a foreign intelligence officer may operate under cover as a diplomat, trade official, businessman, journalist or member of a delegation. Alternatively, they can recruit agents who have direct access to the required information, or to the means of acquiring it.

The major challenge lies in developing intelligence to disrupt an attack before it becomes an event. For instance, the Mumbai attacks stand for a failure of intelligence gathering to prevent such attacks. For that reason, in its approach to its work NIA has to aims to achieve a strategic advantage over the 'targets' of its investigations. The NIA has to give attention to its targets like Lashkar-e-Toiba (LeT), Jaish-e-Mohammad (JeM) and Hizb-ul-Mujahiddeen (HuM), Al Qaeda and its affiliates, other international terrorist groups, usually concerned with their own local causes, continue to act in the Indian subcontinent. NIA must also monitor the terror groups of North East, Punjab, other extremist groups and homegrown terrorists who still pose a threat to India. Over time, NIA seeks to build up a detailed body of knowledge about these target organizations, their key personalities, infrastructure, plans and capabilities. This enables NIA to assess the level and nature of the threat they pose which, in turn, informs the further deployment of intelligence resources to counter their activities. This is a cyclical process involving adjustments being made continually on the basis of new intelligence or events. In carrying out these functions NIA must undertake human, technical, electronic intelligence, as well modernization of data processing and dissemination. The principal tactics of secret intelligence including 'Cover Human intelligence Resources' (Agents), 'Directed Surveillance' (following and observing), 'Interception of Communications and 'Intrusive surveillance' could help NIA more rapidly to uncover terrorist plots of any type and aimed at any target[63]. Human intelligence resources i.e. agent operations are to be undertaken by NIA by specially trained officers and can continue for long periods, sometimes for many years. The

operations of NIA by directed surveillance (following and observing) can do the covert monitoring of movements, conversations and other activities of LeT, JeM, HuM and other groups. By Interception of communications i.e. by listening to the calls made on a particular telephone or opening and reading the contents of a target's letters or e-mails, NIA can handle the preventive action successfully. Intrusive surveillance may perhaps be done by means of the eavesdropping, which involves covertly monitoring the speech of targets under investigation. However, use of such methods is subject to a strict control and with permission of Indian Government.

It was accepted that prevention is best served by the acquisition of information and then acting on that information. For that reason NIA has to put off procurement by proliferating terrorist outfits of material, technology or expertise relating to weapons of mass destruction and watch out for new or re-emerging types of threat. The most important thing is to assist the intelligence agencies and security agencies and to build service capability and resilience.

Protection of Human Rights

Human rights are extremely important in the context of the operations of NIA. Proper investigation without throbbing the innocents and their families and a fair trail provided with a competent and qualified lawyer to look for fair dealing and dignity are imperative. An unfair and prejudiced investigation and prosecution gives an insecure environment to people, which would show the way to proliferation of new terrorists. If NIA fails to provide security of Muslims or other people active in North Eastern part of India, in a particular investigation or prosecution, they are much more likely to seek alternative security guarantees from terror group, which anticipate such state of affairs. Majority of the Muslims in India are more resistant to terror activities and terror groups. Even though some major conflicts like incidents of Gujarat and the demolition of Babri Masjid occurred, still majority of the Muslims are in the main stream of the nation. Former Additional Secretary of RAW, B. Raman observes, "The Indian Muslim community, despite feeling hurt because of the large-scale anti-Muslim violence in Gujarat, has remained fiercely loyal, law-abiding and forward-looking. It has kept its distance from Al Qaeda and the International Islamic Front (IIF) and repulsed the approaches of Pakistani *jihadi* organizations aligned with Al Qaeda [64]." Hence, it is the duty of NIA not to disturb such frame of mind in its investigation or prosecution.

After an assessment of NIA Act, it is noticeable that as the NIA as it stands, does not exactly meet those requirements, because gathering and analyzing the intelligence; coordinating the different intelligence and other security agencies and carrying out operations are also important steps for combating terror groups. To fill such gaps Indian government has planned to launch the National Counter Terrorism Centre (NCTC), which will incorporate and survey the intelligence pertaining to terrorism; follow or direct other agencies to pursue the different leads; and coordinate with the existing agencies for a successful feedback [65]. NCTC would therefore have to perform functions relating to intelligence, investigation and operations. As far as investigation is concerned, NIA would have to be brought under the overall control of NCTC. Although, NCTC has not come into existence due to the disagreement of some state governments, the Federal governments is determined to commence NCTC as soon as possible.

Conclusion

The NIA Act has equipped ample power to the investigating officers as well to the Indian government so that no undue hindrances occur in the investigation of terrorism and related offences. It has avoided chaos and given a unanimous approach to the State and the Federal Government to work coherently with the help of judiciary. The NIA is empowered to take over investigation of nine specifically mentioned terror related crimes including hijacking, any terror attack, any violation of the Atomic Energy Act and anything against the law on weapons of mass destruction. UAPA has taken care of punishing the aiding as well as abetting of a terrorist, funding terrorist activities, organizing training camps and recruiting persons for committing such acts. While the NIA Act endows with a reasonably straightforward procedure for investigation of terrorism and related activities, it has not specified the necessary powers to prevent the listed offences. Plugging the loopholes of the NIA is indispensable.

Indian Government has to develop NIA in such a way that balance must be struck between preserving human rights and enabling NIA to operate effectively, and notably NIA must be apolitical.

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Notes

[1] Criminal procedure for prosecution is in the concurrent list under Entry 2. VII Schedule of the Indian Constitution provides for three lists Union List, State List and Concurrent List. Union List consists of 97 items on which the Parliament has exclusive power to legislate. The State List consists of 66 items and individual states have exclusive authority to legislate on items included in this list. Concurrent List consists of 47 subjects of common interest to both the Union and State. The text of the Indian Constitution, Available at: http://aptel.gov.in/pdf/constitutionof%20india%20acts.pdf. Accessed 22 May 2012. For details on Indian Constitution see Basu, D.D. (2008) *Introduction to the Constitution of India*, (Nagpur) Wadhwa Sales Corporation

[2] CBI is the premier investigating police agency and also the nodal police agency which coordinates investigation on behalf of Interpol Member countries. The broad categories of criminal cases handled by the CBI are cases of corruption and fraud committed by public servants of all Central Govt. Departments, Central Public Sector Undertakings and Central Financial Institutions; Economic crimes, including bank frauds, financial frauds, Import Export & Foreign Exchange violations, large-scale smuggling of narcotics, antiques, cultural property and smuggling of other contraband items etc.; Special Crimes, such as cases of terrorism, bomb blasts, sensational homicides, kidnapping for ransom and crimes committed by the mafia/the underworld. More details on the organization available at: http://cbi.nic.in/aboutus/cbiroles.php. Accessed22 May 2012

[3] Entry 8 of the Constitution's Union List permits CBI

[4] The Draft Bill for a Separate Law for the Central Bureau of Investigation (CBI) enabling it to investigate Federal Crimes, the Padmanabhaiah Committee on Police Reforms in 2000, Justice V. S. Malimath Committee on Reforms of Criminal Justice System. In 2003, Justice V. S. Malimath Committee on Reforms of Criminal Justice System has advocated for an independent federal organization. Bu most of the Commissions like the Second Administrative Reforms Commission, the Padmanabhaiah Committee, the Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, etc., had advocated the establishment of a specialized wing in the CBI to deal with federal crimes. Department of Administrative Reforms & Grievances, '5th report of Administrative Reforms Commission on Public Order,' Available at: http://arc.gov.in/5th%20REPORT.pdf. Accessed 22 January 2011

[5] Vinay Kumar, Approval for National Investigation Agency, *The Hindu*, 16 December 2008. Available at: http://www.hindu.com/2008/12/16/stories/2008121657430100.htm. Accessed 22 May 2012

[6]Preamble of the NIA Act, (2008). (NIA Act) Available at: http://nia.gov.in/acts/The_National_Investigation_Agency_Act_2008.pdf 9. Accessed 11 April 2012

[7] The power of DG is equivalent to powers exercisable by a Director-General of Police in respect of the police force in a State. See Section 4, NIA Act

[8] Ibid. Section 4(1)

[9] Section 5, National Investigation Agency (Manner of Constitution) Rules, 2008

[10] Criminal procedure for prosecution is in the Concurrent List, Entry 2 of Indian Constitution

[11] Section 1, NIA Act

[12] Ibid. Section. 3(2)

[13] "Scheduled Offence" means an offence specified in the Schedule. Ibid. Section 2 (10) (g) Section 2 (1) (f) clarifies that "Schedule" means schedule to the of NIA Act

[14] Ibid. Section 6

[15] Ibid. Section 9

[16] Ibid. Section 10

[17] Mission & Vision of NIA. Available at: http://nia.gov.in/mission.aspx. Accessed 6 February 2012

[18] Section 154of the Criminal Procedure, 1973 states: (1) Every information relating to the commission of a cognizable offence, if given orally to an officer in charge of a police station, shall be reduced to writing by him or under his direction, and be read over to the informants and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government may prescribe in this behalf;

(2) A copy of the information as recorded under sub-section (1) shall be given forthwith, free of cost, to the informant;
(3) Any person, aggrieved by a refusal on the part of an officer in charge of a police station to record the information referred to in sub-section (1) may send the substance of such information, in writing and by post, to the Superintendent of Police concerned who, if satisfied that such information discloses the commission of a cognizable offence, shall either investigate the case himself or direct an investigation to be made by any police officer Subordinate to him, in the manner provided by this Code, and such officer shall have all the powers of an officer in charge of the police station in relation to that offence

[19] Section 6 (1), NIA Act

[20] Ibid. Section 6 (3)

[21] Ibid. Section 7

[22] The "Schedule" of the NIA Act provides for them. They are – the Atomic Energy Act, 1962; the Unlawful Activities (Prevention) Act, 1967; the Anti-Hijacking Act, 1982; the Suppression of Unlawful Acts against Safety of Civil Aviation Act, 1982; the SAARC Convention (Suppression of Terrorism) Act, 1993; the Suppression of Unlawful Acts Against Safety of Maritime Navigation and Fixed Platforms on Continental Shelf Act, 2002; the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005 and offences against the State, including conspiring or waging war against the Government of India and counterfeiting currency notes under the Indian Penal Code (IPC)

[23] Sections 121 to 130 of IPC

[24] Ibid. Section 489A to E

[25] Section 8, NIA Act

[26] FBI, About Us. Available at: http://www.fbi.gov/about-us/lab/eu. Accessed 7 February 2012

[27] The Special Court will have all the powers of the Court of Sessions under the Code of Criminal Procedure, 1973 for the purpose of trial of any offence under NIA Act. The trial under this Act by the Special Court shall be held on a day-to-day basis on all working days and shall have precedence over the trial of other offences. For complete details on Special Courts see Sections 11 to 14 of Chapter IV, NIA Act

[28] Ibid. Section 16(3)

[29] Ibid. Section 22

[30] Ibid. Section 11(1)

[31] Ministry of Home Affairs, Government of India, *Annual Report 2010-2011*, Chapter –II, p. 33. Available at: http://mha.nic.in/pdfs/AR(E)1011.pdf. Accessed 24 June 2012

[32] Section 16, NIA Act

[33] Ibid. Section 16 (1)

[34] Ibid. Section 12

[35] Ibid, Section 13(2)

[36] Ibid. Section 16 (2)

[37] Ibid. Section 21

[38] The Special Court authorized to hold in camera proceeding if it deems it is necessary or on an application made by a witness or Public prosecutor. Ibid. Section 17

[39] Section 7 (b), National Investigation Agency (Manner of Constitution) Rules, 2008

[40] IB has offices all over the country and representatives abroad and collects information on trrorist activities

[41] RAW is concerned with India's external intelligence and gets valuable terror related information. Besides, Aviation Research Centre (ARC) attached to RAW is useful for collection and dissemination of data received from the satellites and other installations in space

[42] DIA collects inputs received from the Army, Air Force and Navy and supplies the filtered intelligence to the services.

[43] The DRI gathers intelligence mainly on infringements of economic laws

[44] NTRO is useful for collection and dissemination of data received from the satellites and other installations in space

[45] These State intelligence units could be prolific information collectors since they are close to the people and work in every village, town and city

[46] The Group of Ministers (GoM) had recommended the setting up of MAC as an immediate answer to charges of intelligence failure during the 1999 Kargil conflict. According to the GoM's recommendations, for wider and faster accessibility of intelligence information, it was necessary to set up a National Intelligence Grid along with a National Memory Bank. See Bisheshwar Mishra, 'Multi-agency Centre a dream for North Block,' *The Times of India*, 3 October 2005. Available at: http://timesofindia.indiatimes.com/india/Multi-agency-centre-a-dream-for-North-Block/articleshow/1250055.cms. Accessed 26 April 2012

[47] Vishwa Mohan, 'Ace Investigator Raju Appointed First NIA Boss,' *The Times of India*, 16 January 2009. Available at: http://timesofindia.indiatimes.com/ India/Ace_investigator_Raju_appointed_first_NIA_boss_/. Accessed 8 February 2012

[48] MAC in the Intelligence Bureau (IB) has been functioning on 24X7 basis. An executive order has been issued on December 31, 2008 under which MAC, under the IB, has been obliged to share intelligence with all other agencies, including agencies of the State Governments/Union Territories. Likewise, all other agencies have been obliged to share intelligence with MAC. Ministry of Home Affairs, Government of India, *Annual Report 2009-2010*, Chapter –II, p. 26. Available at: http://www.mha.nic.in/pdfs/AR(E)0910.pdf. Accessed 30 April 2012

[49] 'Thai Indian News, "Chidambaram Chairs First Meeting of Nodal Intelligence Cell.' Available at: http://www.thaindian.com/newsportal/politics/chidambaram-chairs-first-meeting-of-nodal-intelligence-cell_100137332.html. Accessed 28 May 2012

[50] The NATGRID (National Intelligence Grid) has been set up as an attached office of the Ministry of Home Affairs in April, 2010. NATGRID will link data bases for constructing actionable intelligence to combat terrorism. As such, NATGRID has been set up to create a facility that improves India's capability to counter internal security threats. Ministry of Home Affairs, Government of India, *Annual Report 2010-2011*, Chapter –II, p. 32. Available at: http://mha.nic.in/pdfs/AR(E)1011.pdf. Accessed 24 June 2012

[51] Section 15, UAPA

[52] Ibid. Chapter III and Chapter IV

[53] Article VIII of the Schedule to the SAARC Convention (Suppression of Terrorism) Act, 1993

[54] Section 3, the Suppression of Unlawful Acts against Safety of Civil Aviation Act, 1982

[55] Ibid. Section 3A

[56] Ibid. Section 4

[57] Aiding, abetting or committing a terrorist act shall be punishable with imprisonment up to ten years under Section 23, UAPA

[58] Funding terror activities shall be punishable with at least five years' imprisonment. Ibid. Section 17

[59] Ibid. Section 18 A. By virtue of this provision organizing training camps and recruiting persons for committing terror acts shall be punishable with at least five years' imprisonment

[60] Ibid. Section 18B. It provides with at least five years' imprisonment for this act

[61] Press Information Bureau, 'NIA Files Charge-Sheet against SIMI Activists,' 14 January 2011. Available at: http://pib.nic.in/release/release.asp?relid=69065. Accessed 11 February 2012

[62] NIA, 'Message from DGP.' Available at: http://www.nia.gov.in/dgmessage.aspx. Accessed 9 February 2011

[63] Roy Godson (2001) *Dirty Tricks or Trump Cards: US Covert Action and Counter Intelligence* (New Brunswick) Transaction Publishers, pp. 216-19

[64]B. Raman, "India's Counter-Terrorism Strategy", *The Rediff Special*. Available at http://www.rediff.com/news/2003/apr/05spec.htm. Accessed 20 August 23, 2012

[65] Vinay Kumar, "Counter-terror Body to be Operational from March 1," The Hindu, 6 February 2012. Available at http://www.thehindu.com/news/national/article2866230.ece. Accessed 20 August 23, 2012

Book Review

Jeffrey D. Simon, *Lone Wolf Terrorism: Understanding the Growing Threat* (Prometheus Books, New York, 2013)

Reviewed by Tim Wilson

Jeffrey Simon has written an illuminating book. Unfortunately, it illuminates mainly by calling into question its own subject matter as an intellectually-coherent category for analysis. Given the subtitle, this was presumably not the author's intention.

If Simon does not fully succeed in demonstrating the worth of a discrete sub-section of political violence labelled 'lone wolf terrorism', this has much to do with his approach which is eclectically biographical. Constructing a group portrait out of an assemblage of loners naturally brings challenges as Simon implicitly concedes – a 'selective look at a few of the more notable ones in history reveals diversity in their backgrounds and motivations' (page 149). It would have helped the reader here if the reasons for including some 'lone wolves', and not others, had been spelled out more explicitly. At other times discussion broadens out abruptly to include case studies that clearly fall outside any 'lone wolf' framing (for instance, pages 114-127) or, indeed, outside the conventional understanding of terrorism as intrinsically politicised violence (pages 68-74).

Such handfuls of examples nevertheless yield rich harvests of conjecture ('lone wolves are not afraid of failing' – page 103), generalisation ('human interaction [is] a characteristic that appears to be valued more by women than by men' – page 127) and, perhaps most strikingly, some arresting banality ('the most difficult, and therefore least probable, of the weapons of mass destruction that could be used by a lone wolf is a nuclear weapon' -page 111). Many of Simon's insights *are* valuable – that on occasion mavericks can indeed punch above their weight (page 18) but will generally face severe challenges of resources and capacity, and these sometimes around surprisingly 'routine' activities (such as the surveillance of potential targets – page 192). But these remain the insights of intuition rather than systematic dissection.

A more ambitious historical survey might have sought to examine 'lone wolf terrorism' against the broader rise of individualism in western societies as a whole. A more sociologically-informed study might have drawn upon classical debates concerning the relationship between individual behaviour and society to shed light upon the extreme case of political violence conducted by lone operatives. But these are roads resolutely not taken: indeed, Jeffrey Simon's *Lone Wolf Terrorism* remains sublimely innocent of any such possibilities.

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About the reviewer: **Tim Wilson's** *research and teaching focuses upon comparative approaches to the study of inter-communal violence across Europe and the Middle East. He is especially interested in the relationships between group identity and violence in 'identity-based conflicts' and, in particular, in the ways in which communal identities may help structure conflict dynamics at the grassroots. He studied history at Oxford in the early 1990s before working in the community sector in Belfast during the peace process years in Northern Ireland. A return to academia via a master's degree in Comparative Ethnic Conflict at Queen's, Belfast, led to a doctoral thesis at Oxford University under the supervision of Dr Marc Mulholland. This project, an integrated comparative study of the north of Ireland and Upper Silesia the years after 1918, formed the basis of his first book which was nominated for the Royal Historical Society's Whitfield Prize. From 2000 he has taught a wide range of undergraduate and postgraduate courses at Queen's, Belfast and Oxford Brookes. He joins St Andrews from Oxford University where he was a Departmental Lecturer in Modern History from 2009 to 2011.He was elected a Fellow of the Royal Historical Society in 2012.*

About JTR

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