Radicalization Theory: An Imminent Threat

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Abstract

Radicalization theory is a four-step sociological model constructed by American law enforcement to explain how "radical" beliefs propagate in a community and ultimately lead to domestic terror attacks. The theory isolates Salafi Islam as the virulent ideology that inspires Muslims to commit violent acts. Research presented in this thesis demonstrates that this theory, which has traditionally formed the pillar of Western counterterrorism operations, fails to adequately model terrorist behavior and is unsuccessful at accurately predicting terror attacks. Despite this, the theory continues to be highly influential in informing both domestic and foreign policy within the United States.

This thesis examines the cases of two American men accused of terrorism, Tarek Mehanna and Anwar al-Awlaki, to demonstrate how radicalization theory exaggerates the threat posed by religious violence. These cases are used to explore how the theory dissolves the important legal distinctions that are necessary to separate a foundational critique of the state from a terrorist threat. They are also used to analyze how radicalization theory limits the range of what is considered an authentic display of religion. As a conclusion, this thesis examines the social and historical factors that have caused radicalization theory to continue to inform policy, even in light of its inability to effectively conceptualize terrorism.

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Introduction

In 2015, Mohamedou Ould Slahi, a Mauritanian man suspected of involvement in terrorism, published a 466 page memoir from within the confines of the notorious Guantanamo Bay detention camp in Cuba. His book *Guantanamo Diaries* details the horrific abuse he suffered at the hands of US military forces while imprisoned at the facility.[1] While living in Canada, Slahi was detained in the immediate aftermath of the September 11th terrorist attacks, on suspicion that he had ties to the terrorist organization al-Qaeda. He was held by the CIA without charge for nearly a year before being transferred to Guantanamo Bay in 2002. For the next decade and a half, Slahi endured daily beatings, extreme isolation, sexual humiliation, and other forms of torture. Although his interrogators managed to coerce several false confessions, the government refused to file formal criminal charges. After six years at the facility, Slahi's habeas corpus petition was received by the US District Courts in 2008, but it would be another eight years before he was finally granted a hearing in front of the newly established review board.[2] The board recommended his release and on October 17th, 2016 an innocent man was discharged after fourteen years in prison.[3]

While Slahi is perhaps the most well-known victim of America's extraordinary rendition program, he is far from the only person to have been imprisoned and tortured by the government of the United States. As of 2018, of the 780 prisoners that have gone through Guantanamo Bay, 731 have been released without charge, often after several years of detention.[4] And Guantanamo

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[1] See Mohamedou Ould Slahi, *Guantánamo Diary*, Reprint ed. (Bay Back Books, 2015).
[2] Slahi v. Obama, 625 F.3d 745 (DC Cir. 2010).
[3] Charlie Savage, "Board Recommends Releasing Detainee Who Wrote 'Guantanamo Diary'," *The New York Times*, July 20, 2016.
[4] "Guantanamo: Facts and Figures," Human Rights Watch, March 30, 2017, accessed March 2, 2019.

Bay is only one link in the US's vast network of detention facilities, many of which are "black sites" – highly secretive CIA compounds that are not known to the public. It is impossible to calculate how many innocent lives have been affected by America's interrogation and torture programs. Every single one of these stories deserves to be told – but they will not be told here. This thesis is not concerned with the hapless victims of the ill-fated War on Terror; it will not be an investigation of innocent people who stumbled into the crosshairs of US intelligence, or the collateral damage inflicted by US military operations. Instead, this thesis will focus on two men – Tarek Mehanna and Anwar al-Awlaki – who are, by almost any account, despicable. Their language is disgusting, hate-filled and incendiary; their actions were contemptible and their motivations wicked. The story of these individuals will not inspire pity, but they are nonetheless the most salient examples of how misinformed biases regarding religious violence have turned a group of deplorable firebrands into vicious terrorists. This thesis uses the cases of Mehanna and al-Awlaki to demonstrate how the theory of radicalization dissolves important legal distinctions, transforming deplorable religious rhetoric into an imminent threat. It will investigate how decidedly normal language becomes extraordinary, and how an understandable response to American imperialism and militarism has become among the most dangerous and threatening stances one can take. Perhaps most importantly, this thesis will examine how radicalization collapses religious discourses and limits modes of authentic religious expression by demonizing the violent, the critical, and the radical.[5]

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[5] Throughout history, radical religious figures have been important instigators of social change. Revered activists such as Mahatma Gandhi and Martin Luther King Jr. used their religious voices to champion civil rights, self-reliance, and nonviolent resistance. Consider Dr. King's famous "Letter from a Birmingham Jail," in which he embraces the title of "extremist," and likens this extremism to that of Jesus, Amos (a Hebrew prophet), and Paul. The point is not to draw a comparison between men who advocate for peaceful civil resistance and those who advocate for violent jihad, only to note that radicalization theory cannot recognize these important rhetorical distinctions; it characterizes all religious, revolutionary voices as irrational, unreasonable, and exceptionally

First, it is necessary to establish the currents of thought that have led to radicalization theory, and why the radicalization model is exclusively concerned with Islam. Ultimately, the construction of Islam as radical is rooted in how Islam has historically been represented in the West. Over centuries, representations of Muslims as monstrous, terrifying, and incompatible with Western values have borne a dehumanized enemy that is unsympathetic and extraordinarily dangerous. Radicalization theory capitalizes on this caricature by enabling law enforcement to engage in increasingly aggressive actions in order to combat "the Muslim threat." The following is not intended to be a comprehensive history of Muslim representation in the West, but rather to establish the context in which radicalization theory became operational.[6]

In 1990, Bernard Lewis published an article in *The Atlantic* entitled "The Roots of Muslim Rage," in which he attempted to trace the origins of anti-Westernism in the Muslim world. Lewis presents the modern conflict as a continuation of the millenia old clash between the "rival systems" of Islam and Christendom, and argues that Muslim hostility is not a reaction to policy but a repudiation of civilization. According to Lewis, this conflict is intrinsic to Muslim values, which establish both a definite enemy (the unbeliever) and a need for power and domination over that enemy. He continues to refute the commonly cited sources for hostilities, including racism and imperialism, instead focusing on what he calls "a clash of civilizations." Lewis argues that Islam is at war with two fundamentally Western principles, secularism and modernism, and postulates that Muslim humiliation at the hands of Western dominance has engendered a deep sense of resentment and indignation that goes beyond contemporary politics.[7]

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threatening, and in doing so, collapses the space in which social revolutionaries can operate. See Martin Luther King, Jr., "Letter from a Birmingham Jail," The Martin Luther King, Jr. Research and Education Institute, accessed March 31, 2019.

[6] See Edward Said's *Orientalism* (Pantheon Books, 1978).

[7] Bernard Lewis, "The Roots of Muslim Rage." *The Atlantic*, September 1990.

This notion of a clash of civilizations has proved enormously influential. Post-9/11 American foreign policy has largely followed the track laid out in Samuel Huntington's seminal work *The Clash of Civilizations and the Remaking of World Order*, a treatise on foreign affairs that borrows its title and central thesis from Lewis's essay. Huntington divides the world into distinct civilizations, and imagines the primary global geopolitical conflict around what he calls "the West and the Rest."[8] Like Lewis, he argues that "Islamic civilization" has clashed with "Western civilization" due to inextricable ethnic, cultural, and geographic differences – differences that have remained unresolved since the initial era of Islamic expansion in the 7th century. He highlights several Western values that he views as incompatible with Islam, including individualism, human rights, liberty, equality, and the rule of law.[9] Huntington theorizes that the population explosion in Islamic countries, combined with the 20th century Islamic revival and frustrations surrounding Western imperialism, has galvanized the Muslim world into violent conflict with the West.[10] In a related essay published in 1993, he enjoins Western powers to engage in a cultural crusade against the Islamic world, urging:

> "The West must exploit differences and conflicts among Confucian and Islamic states to support in other civilizations groups sympathetic to Western values and interests. To strengthen international institutions that reflect and legitimate western interests and values, and to promote the involvement of nonwestern states in those institutions."[11]

Huntington's contentious thesis has invited a tremendous amount of criticism from scholars in virtually every relevant field. In a 2001 lecture titled "Militarism, Democracy and People's Right to Information," Noam Chomsky repudiated Huntington's theory, noting that

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[8] Samuel P. Huntington. *The Clash of Civilizations and the Remaking of the World Order* (New York: Simon and Schuster, 1996), 183.
[9] Samuel P. Huntington. *The Clash of Civilizations?* (New York: Foreign Affairs, 1993), 40.
[10] Huntington. *The Clash of Civilizations and the Remaking of the World Order*, 58-68.
[11] Huntington. *The Clash of Civilizations?*, 49.

America's strategic alliance with Saudi Arabia, as well as American support for Islamic

fundamentalist organizations, shatters any notion of a division between the West and the East.

He argues that in the post-Cold War Era, terrorism and Islamophobia have simply taken Russia's

place as a pretext to justify atrocities committed by the US government.[12] Edward Said issued a

similar challenge to Huntington in a 2005 lecture, calling him a polemicist and a partisan who

"defines Islamic civilization reductively, as if what most matters about it is its supposed

anti-Westernism." He criticizes Huntington for being unable to understand that Islam contains a

vast range of cultures and identities, and notes that the hysteria surrounding Islamic

fundamentalism and terrorism has largely destroyed such distinctions.[13] This last point is critical,

as whether or not Huntington's worldview is accurate is less important than understanding how

impactful his ideas have been in shaping Western policy.

The consequences of this war on Islam, specifically the deep sense of fear that it has

engendered in the West, is the focus of Sophia Arjana's book *Muslims in the Western

Imagination*. She describes the subject of her research as "the West's *imaginaire* of Islam: the

idea of the Muslim as a frightening adversary, an outside enemy that doesn't belong in

modernity, who, due to an intrinsic alternity, must be excluded from the American and European

landscapes."[14] The book traces the history of the depiction of Muslims as "monsters," beginning

with the Medieval period and eventually arriving in the September 11th "post-human" era.

Arjana argues that the twisted portrayal of Muslims and Islamic values in modern films,

television, and news media has created an utterly dehumanized, fantastical demon who is

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[12] Noam Chomsky, "Militarism, Democracy, and People's Right to Information" (lecture, National Campaign for the People's Right to Information, New Delhi, November 5, 2001).
[13] Edward Said, "The Myth of 'The Clash of Civilizations'" (lecture, University of Massachusetts, Amherst, 2005).
[14] Sophia Rose Arjana, *Muslims in the Western Imagination* (Oxford: Oxford University Press, 2015), 2.

constantly working to undermine American values. The horrifying nature of this imagined enemy, she claims, has contributed to the abhorrent maltreatment of Muslims, both within the United States and overseas.[15]

The intent of providing this background is to establish two points: one, that the imagined "Islamic civilization" is characterized as fundamentally and inextricably different from the West due to a perceived hostility to Western values and interests; and two, that this juxtaposition (and the conflicts that have resulted from it), have created the "Muslim monster," an uniquely dangerous enemy who does not belong in Western society. This "monster" is dangerous precisely because its alleged hostility to liberal principles represents an insidious risk to the republic. Within this framework, any rhetoric that acts as a foundational critique of American institutions or policy becomes an exceptional threat. It is this narrative that leads to the concept of radicalization – a theory that ultimately concludes that it is acceptable to unfairly harass, imprison, and even kill Muslim Americans in the name of national security.

There was a great deal of difficulty in obtaining sources for this topic. As the next chapter will demonstrate, the first step in the radicalization process is the exposure of an otherwise unassuming individual to "radical ideologies," defined in the study as Salafi-jihadism.[16] This study has largely informed domestic counterterrorism operations since 2006, and the laws passed in its wake have given law enforcement agencies broad authority to survey and investigate terror suspects without suspicion of criminal activity. To protect myself, it was necessary to avoid aggressively searching for certain primary source material, such as propaganda disseminated by

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[15] Ibid, 165-183.

[16] United States, The New York City Police Department, NYPD Intelligence Division, *Radicalization in the West: The Homegrown Threat*, by Mitchell D. Silber and Arvin Bhatt (New York, 2007).

designated foreign terrorist organizations, or messages posted on the online hate forums that

Mehanna frequented.

Furthermore, in an effort to combat this ideology, law enforcement and intelligence

agencies have worked to eradicate most of the material published by radical propagandists. Many

of the message boards that Mehanna participated in have since been shut down, while Awlaki's

internet media was subject to a massive, coordinated purge in the years following his death. At

the behest of Congress, nearly all of his sermons and interviews have been removed from

YouTube and other video repositories, and his writings and translations have been removed from

online databases and search engines.[17] As such, the bulk of the primary source documents in this

thesis are from US intelligence and law enforcement reports, studies, internal memos, and court

transcripts. Most of the details regarding Awlaki's life, propaganda and affiliations with

al-Qaeda, and the circumstances surrounding his death, are sourced from news media and

government press conferences.

The first chapter of this thesis will examine radicalization theory itself, a sociological

model constructed by the New York Police Department's intelligence analysts Mitchell Silber

and Arvin Bhatt to explain how domestic terror attacks occur. The model outlines a four-step

process of radicalization, beginning with exposure to Salafi Islam and ending with planning and

ultimately committing a violent attack.[18] This theory will be used to demonstrate how something

called "religious violence" is created by isolating Islam as the primary instigator in terrorist

attacks. It will also establish the ways in which religious violence is seen as exceptionally

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[17] Scott Shane, "In 'Watershed Moment', YouTube Blocks Extremist Cleric's Message," *The New York Times,* November 17, 2007.

[18] NYPD Intelligence Division, *Radicalization in the West: The Homegrown Threat*.

threatening, and how this elevated threat level blurs the legal distinctions between rhetoric that is hateful or critical, and rhetoric that is dangerous.

The next section will investigate the case of Tarek Mehanna, a Muslim American who was convicted in 2012 of providing material support to a terrorist organization and conspiracy to commit murder in a foreign country. Mehanna was a repugnant and truculent critic of American foreign policy; he participated in anti-American hate groups, engaged in religious debates online, and translated jihadist literature. He was never implicated in any terrorist plots, nor was he directly affiliated with any terrorist organizations.[19] Nonetheless, he was arrested and imprisoned due to fear surrounding his dangerous beliefs. This study will serve as an example of the consequences of radicalization theory – of how a man with no audience, no followers, and no influence was considered such a threat that he had to be removed from society. Mehanna's case demonstrates how speech can become dangerous when it is couched in religious language, and how the theory of radicalization does not allow for modes of religious expression that include reasoned critique or justifiable violence.

The final chapter will deal with the infamous propagandist Anwar al-Awlaki, the first American citizen to be specifically targeted for assassination by the US government since the Civil War. Awlaki was a prominent imam who preached in America for six years before fleeing to Yemen in 2004. While in Yemen, Awlaki established ties to al-Qaeda and became increasingly aggressive in his criticism of the United States and his support for terrorist activity. His media was commonly found in the possession of domestic terrorists, and although he had never planned or committed any attacks himself, his threat was considered great enough to have

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[19] Mehanna v. United States of America, 735 F.3d 32 (1st Cir. 2013).

him added to the top of the CIA "Disposition Matrix" in 2010 – a position he occupied until

2011, when he was killed in a drone strike.[20] Unlike Mehanna, Awlaki had a massive following

and was incredibly influential among Western Muslims. Even after his death, his material

continues to be implicated in domestic terror plots in both the US and in Europe. And while

Mehanna was simply arrested for his actions, Awlaki was assassinated. As such, Awlaki's case

will be used to demonstrate how radicalization theory constructs religious violence not only as

exceptional, but as the premier threat to US security – a threat so great that the government felt

it necessary to execute a US citizen without due process.

The ideas discussed in this thesis draw from a wide variety of disciplines, including

sociology, political science, history, and law. However, at its core, radicalization is a theory

about religion – one that is preoccupied with differentiating between "good" and "bad" religious

expression. In this context, "bad" religion is defined as religious practices that are violent,

destructive, and irrational – religion that does not conform to modern sensibilities, Western

values, and social justice. In other words, "bad" religion is precisely what radicalization theory

identifies as the radical. By collapsing a multitude of religious forms into a single verdict, the

theory criminalizes a wide range of religious expression, not all of which are violent or

dangerous. It is this fundamentally flawed discourse that has implicated "bad" religion as one of

the premier threats to US security.

The debate surrounding what constitutes authentic or acceptable religious practice may

be a threadbare topic in religious studies, but it is one that continues to have serious implications.

In his book *Between Heaven and Earth*, Robert Orsi summarizes how this concept of "bad"

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[20] Scott Shane, Charlie Savage, and Mark Mazzetti, "How a US Citizen Came to Be in America's Crosshairs," *The New York Times*, March 9, 2013.

religion became entrenched in the academic study of religion. He argues that, as a product of modernity, higher education necessitated a rational, universal religion that would appeal to as many students as possible. The fruit of this venture was an anodyne, nonsectarian, civic Protestantism that became the bastion of "civilized" and "true" religion.[21] However, what is studied within the academy is not so much a problem as what has been excluded from it. Orsi claims:

> Fear was central to the academic installation of religious studies. Religious difference overlapped with ethnic and racial otherness, and this combination produced and fed upon the pervasive and characteristically American idea that the dangers to the Republic were germinated in the religious practices of dark-skinned or alien peoples.[22]

If this observation sounds familiar, that is because it is exactly the same dichotomy established by Lewis and Huntington's "clash of civilizations," and the same portrayal of the threatening Muslim monster presented by Arjana. Orsi elaborates on this point, arguing, "Sociologists of religion correlated unacceptable religious behaviors with certain environments and 'types' or people...These sociologists emphasized 'religion's' role as the pivot of social stability and solidarity and relegated to categories other than 'religion' any phenomenon that did not serve this consensual function."[23] The idea of a dangerous belief that threatens the stability of American society is the pillar of radicalization theory. It is "bad" not because it is destructive (although that may well be the case), but because it is critical, subversive, and antagonistic. As Orsi observes, the biases that preserve and reinforce these distinctions are just as prevalent within religious studies as they are outside. In other words, this pernicious narrative – one that inhibits critical analysis – has infected the very field that should have been uniquely situated to combat it.

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[21] Robert A. Orsi, *Between Heaven and Earth: The Religious Worlds People Make and the Scholars Who Study Them* (Princeton, NJ: Princeton University Press, 2007), 183-187.
[22] Ibid, 186.
[23] Ibid, 187.

Indeed, while there is no denying that this narrative reaches far beyond the boundaries of religion, and far beyond the protective bulwark of academia, it is the discipline of religious studies that has been betrayed the most by the othering of religious practice. At the end of his critique of the divorce between "good" and "bad" religion, Orsi concludes:

> It is the challenge of the discipline of religious studies not to stop at the border of human practices done in the name of the gods that we scholars find disturbing, dangerous, or even morally repugnant, but rather to enter into the otherness of religious practices in search of an understanding of their human ground.[24]

As such, this thesis can be seen as a confrontation with the biases and deficiencies of the academic study of religion. It is not a defense of the rhetoric employed by men like Mehanna and Awlaki, nor is it a apologia for their vulgar and scornful dogma; rather, it is a call to broaden the definition of authentic religious practice, and to carve out space within which abhorrent or violent ideologies can be analyzed as legitimate and rational forms of religious expression. My hope is that this research might serve to dispel some of the misconceptions that have constricted the limits of acceptable religious discourse, both within the field and outside of it. It is a small contribution to the discipline, but one that is nonetheless critically important.

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[24] Ibid, 191-192.

I

A Failed Model

In the early morning of July 7th, 2005, a series of four coordinated suicide bombs were detonated in London's bus and subway system, killing 52 people and injuring hundreds more. Unlike the masterminds behind the 2001 September 11th terrorist attacks and the 2004 Madrid train bombings, three of the four perpetrators of the London bombings – Hasib Hussain, Mohammad Sidique Khan, and Shehzad Tanweer – were born and raised in the country that they had attacked. The sons of Pakistani immigrants, the young Britons left videotaped statements detailing their extreme and violent religious philosophy. In their recordings, they located their ultimate motivations in Islam and lambasted western foreign policy and the treatment of Muslims abroad.[25]

Due to the actions of high-profile international terrorist organizations such as al-Qaeda, the dangers of Islamic terrorism were already well known in 2005; yet it quickly became clear that the London bombings had exposed a far more terrifying threat – that of domestic, homegrown terrorism. For many, the bombers' attack on their home country was utterly incomprehensible, and an explanation was sought as to how four apparently normal, well-adjusted men could be consumed by violent extremism and motivated to orchestrate a deadly terrorist attack. Intelligence and law enforcement agencies worked to create a model that could not only identify potential domestic terrorists, but also isolate and combat the extreme ideologies that they considered particularly malignant. This effort gave birth to radicalization

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[25] Michael Ray, *Encyclopedia Britannica,* s.v. "London Bombings of 2005"; "London Bomber: Text in Full," *BBC News*, September 1, 2005.

theory, a sociological model that seeks to describe how an otherwise unassuming individual or group could be attracted to radical beliefs and ultimately driven to violence.

It should be noted immediately that radicalization theory is a deeply flawed model – often astonishingly so. It is a framework that is built on a foundation of bias, fear, and misunderstanding; one that has not only failed to effectively stop terrorist attacks, but has in fact manufactured them, and in the process, normalized gross violations of civil liberties. While it is important to document these failings, this chapter is not necessarily concerned with how the radicalization model has been unsuccessful in predicting terrorist behavior, but rather how the discourse surrounding radicalization theory creates something called religious violence by giving undue precedence to religion as the primary motivator in domestic terrorist attacks. The idea that religion has a tendency to produce a particularly dangerous brand of violence is not restricted to the theory of radicalization; however, radicalization utilizes this pernicious ideological construction to criminalize certain types of language, and in doing so reinforces the very misconceptions that underlie it.[26] Because rhetoric is the center of the theory, this discourse evaporates crucial distinctions between disdainful critique and violence, thereby severely limiting the range of what constitutes normal religious expression. It is this inability to accommodate both legal and rhetorical distinctions that elevated dogmatists such as Mehanna and Awlaki to among the most dangerous men in America.

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[26] For a more detailed history, see William T. Cavanaugh, *The Myth of Religious Violence: Secular Ideology and the Roots of Modern Conflict* (New York: Oxford University Press, 2009). The complex history of this phenomenon is beyond the scope of this thesis, however Cavanaugh makes important points regarding how this myth, what he calls on p.181 "an ideological construction that authorizes certain uses of power," has informed Western policy. He notes on p. 182,"In domestic politics, [the myth of religious violence] serves to marginalize certain types of discourse labeled religious...In foreign policy, the myth of religious violence helps to reinforce and justify Western attitudes and policies towards the non-Western world."

There is no commonly agreed upon definition of what radicalization is or what ideas can be considered radical. A 2013 Congressional Research Service report on terrorism describes radicalization variously as "the process of acquiring and holding extremist or jihadist beliefs," "the exposure of individuals to ideological messages and the movement of those individuals from mainstream beliefs to extremist viewpoints," and "changes in belief and behavior to justify intergroup violence and personal or group sacrifice to forward specific, closely held ideas."[27] In that same year, one of the foremost scholars on terrorism, Dr. Alex P. Schmid, described radicalization as follows:

> An individual or collective (group) process whereby, usually in a situation of political polarization, normal practices of dialogue, compromise and tolerance between political actors and groups with diverging interests are abandoned by one or both sides in a conflict dyad in favor of a growing commitment to engage in confrontational tactics of conflict-waging. These can include either (i) the use of (non-violent) pressure and coercion, (ii) various forms of political violence other than terrorism or (iii) acts of violent extremism in the form of terrorism and war crimes.[28]

In a 2016 report commissioned by the National Institute of Justice, the research wing of the US Department of Justice, radicalization was used interchangeably with violent extremism, with the authors noting, "violent extremists are those individuals who support or commit ideologically motivated violence to further political, social, or religious goals. Radicalization is the process by which individuals enter into violent extremism."[29] These reports demonstrate that, although there is no concrete, universal understanding of the process of radicalization, there is a common thread of violent, extreme beliefs associated with an attempt to further political or religious goals.

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[27] United States, Congressional Research Service, *American Jihadist Terrorism: Combating a Complex Threat*, by Jerome P. Bjelopera and Mark A. Randol (Washington, DC: Library of Congress, 2015), 11.
[28] Netherlands, International Centre for Counterterrorism - The Hague, *Radicalisation, De-Radicalisation, Counter-Radicalisation: A Conceptual Discussion and Literature Review*, by Alex P. Schmid (2013), 18.
[29] United States, Department of Justice, National Institute of Justice, *Research and Evaluation on Domestic Radicalization to Violent Extremism: Prevention and Intervention Demonstration Programs* (2016). 5.

However, these characteristics are vague and nonspecific. Therefore, before any practical policy can utilize the concept of radicalization, it must first define a specific ideology (or ideologies) as radical.

With this in mind, we arrive at the seminal work on radicalization: the four-step process outlined by intelligence analysts Mitchell Silber and Arvin Bhatt in 2006. This model, which describes the four distinct phases that a prospective terrorist will go through, has become the single defining theory in the field of radicalization, and has been heavily relied upon by law enforcement and security agencies seeking to pre-empt domestic threats. The first phase, pre-radicalization, is described as life before exposure to radical beliefs. Individuals in this phase are leading unremarkable, ordinary lives – they are considered to be in a "normal" state with respect to their families, finances, hobbies, and employment or education. The second phase, self-identification, is marked by an individual's initial exposure to radical ideology. It is characterized by an exploration of their new identity that is increasingly associated with their newfound beliefs. The third phase, indoctrination, is marked by the calcification of an individual's radical convictions and a push towards violence at the behest of a spiritual sanctioner or influential group. In the final and most decisive phase, action, an individual or group resolves to engage in violence and executes a terrorist attack.[30]

The application of this theory will be examined through the lens of two major reports that were published based on Silber and Bhatt's four-step process: *Radicalization in the West: The Homegrown Threat*, published by the New York Police Department in 2007, and *The Radicalization Process: From Conversion to Jihad*, published by the Federal Bureau of

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[30] United States, The New York City Police Department, NYPD Intelligence Division, *Radicalization in the West: The Homegrown Threat*, by Mitchell D. Silber and Arvin Bhatt (New York, 2007), 6-7.

Investigation in 2006. Both reports (and much of the literature that has followed them)

exclusively examine terrorist attacks by Muslims; the NYPD report examines several case

studies of domestic terrorists that are argued to fit the model of radicalization, while the FBI

report is chiefly concerned with the model in a general sense as it pertains to Muslim converts. It

is worth mentioning that these reports – and the four-step model in general – are highly

contentious, having been criticized by civil rights organizations, security and intelligence

experts, and religious authorities.[31] They will be used to answer three principle questions: how

does this discourse on radicalization create religious violence, how is it treated differently than

other forms of violence, and what are the consequences of this narrative?

     Although an attempt was made above to portray radicalization theory in a neutral tone,

the reports are unabashed in their indictment of Islam and its role in the radicalization process. In

both reports, the authors identify Salafi-jihadism as the radical, and argue that an interest in the

ideology and the accompanying increase in religiosity are part of the "indoctrination" phase. The

NYPD report introduces Salafism as "the driver that motivates young men and women, born or

living in the West, to carry out 'autonomous' jihad acts of terrorism against their host countries.

It guides movements, identifies the issues, drives recruitment and is the basis for action."[32] In

explaining the specific danger posed by Salafism, the authors argue that the interpretation "paves

a path to terrorism by its doctrines, which suggest that violence is a viable and legitimate means

to defend Islam from perceived enemies, even if it means attacking one's own government

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[31] Mike German, "Debunked NYPD Radicalization Report Just Won't Die," ACLU, February 11, 2013; Muslim American Civil Liberties Coalition, "Counterterrorism Policy: MACLC's Critique of the NYPD's Report on Homegrown Radicalism," 2008; Amna A. Akbar, "Policing Radicalization," *UC Irvine Law Review* 3, no. 4 (2013): 810-882.
[32] NYPD Intelligence Division, *Radicalization in the West*, 6.

and/or sacrificing your own life."[33] This analysis should not be understood as a condemnation of sacrifice or self-defense, but rather a claim that the values supported by Salafism are in some way intrinsically anti-American, and that its teachings threaten the state's monopoly on what constitutes legitimate, justifiable violence.[34]

Once the focus on Salafism has been established, the reports claim that "religious-seeking" behavior represents the first signs of radicalization. The authors argue that markers of religious engagement serve as precursors to radicalization by demonstrating a burgeoning interest in Salafi Islam; common practices such as wearing traditional Islamic clothing, growing a beard, and abandoning vices, represent the first major stage in the process of "acceptance of a religious-political worldview that justifies, legitimizes, encourages, or supports violence against anything kufr, or unIslamic."[35] According to the theory, these behaviors typically accompany a higher degree of consumption of Islamic literature and media, including sermons by Muslim clerics.[36]

Along these lines, the authors identify mosques, universities, and other Muslim community centers as "radicalization incubators" that serve to amplify the radicalization process

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[33] Ibid, 18.

[34] Ovamir Anjum, "Salafis and Democracy: Doctrine and Context," *The Muslim World* 106, no. 3 (2016): 448-473. Like radicalization, Salafism is a term that is difficult to define. Government reports often use the term interchangeably with Salafi-Jihadism, or just Jihadism. An explanation of these terms is not offered by any of the reports discussed in this chapter, but what is being referred to as Salafism is likely populist Salafism, a fundamentalist movement that rejects scholarly/institutional authority and hermeneutics in favor of scriptural literalism. It should be noted that this definition only describes a very narrow range of anti-intellectual, puritanical currents within Salafism, and that the reports fail to acknowledge that not all formations of Salafism are dangerous or hostile to American values.

[35] NYPD Intelligence Division, *Radicalization in the West*, 31-36

[36] Allison Pond and Greg Smith, "The "Zeal of the Convert": Is It the Real Deal?" Pew Research Center: Religion and Public Life, October 28, 2009. Research indicates that a heightened level of religiosity is commonly observed in converts to any religion, making this a questionable criteria. Pew dubs this phenomenon "The Zeal of the Convert" and found that "having converted to a faith is consistently linked with higher levels of religious commitment."

and allow an individual to experiment with violent beliefs.[37] The FBI report considers the

mosque, "a place of worship where extremists can observe other Muslims' commitment to the

faith and their reactions to the Islamic message," and likewise accuses universities of providing

"a market of curious individuals who question society as well as their own beliefs...through

Islamic groups on campus, Islamic extremists have the opportunity to gauge anti-American or

pro-extremist attitudes."[38] These incubators also exist any place where a large number of

Muslims may congregate, including hookah bars, cafes, and bookshops. The authors of the

NYPD and FBI reports do not provide a clear line of argument as to how these popular hangouts

begin or accelerate the radicalization process. While these locations are described as "rife with

extremist rhetoric," the role and function of these incubators is not developed further.[39]

  This analysis makes it clear that the authors consider *all* Muslim communities to be

particularly vulnerable to radicalization, as they claim that even Muslims who do not ultimately

engage in terrorist activity still represent a serious threat. The NYPD report argues "Individuals

who have been radicalized but are not jihadists may serve as mentors and agents of influence to

those who might become the terrorists of tomorrow."[40] The FBI report echoes a similar

sentiment, pointing out that while not all Muslim converts are extremists, they can all be

potential targets for radicalization.[41] In order to better understand this threat model, it is helpful

to examine the concept of herd immunity – an analogy that is particularly apt as the authors of

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[37] Christopher P. Salas-Wright, Michael G, Vaughn, and Brandy R. Maynard, "Religiosity and Violence Among Adolescents in the United States: Findings from the National Survey on Drug Use and Health 2006-2010," *Journal of Interpersonal Violence* 29, no. 7 (November 27, 2013): 1178-200; Paul Heaton, "Does Religion Really Reduce Crime?" *The Journal of Law and Economics* 49, no. 1 (2006): 147-72. Studies have demonstrated that high levels of religiosity and regular participation in religious communities are actually a deterrent to violent crime.

[38] United States, Federal Bureau of Investigation, FBI Counterterrorism Division, *The Radicalization Process: From Conversion to Jihad* (Washington, D.C., 2006), 6-7.

[39] NYPD Intelligence Division, *Radicalization in the West*, 20.

[40] Ibid, 10.

[41] FBI Counterterrorism Division, *The Radicalization Process*, 6.

the NYPD report present Salafism as a "virulent ideology."[42] Herd immunity is the process that

prevents the spread of an infectious disease once a large enough portion of a population have

become immune (typically through vaccination), thereby protecting those who would otherwise

be vulnerable. Silber and Bhatt's theory presents radicalization in a similar light, spreading

unimpeded throughout a Muslim community via radical nexuses, and reaching potential terrorists

by means of non-violent radicals. In this model, anyone who has begun the radicalization process

can be considered a serious threat. As part of the process is ordinary religious behavior and

participation in a religious community, this categorization could be (and often is) effectively

extended to all practicing Muslims.

The NYPD report offers several explanations for Muslims' particular weakness to

radicalization. The authors postulate:

> Europe's failure to integrate the 2nd and 3rd generation of its immigrants into society,
> both economically and socially, has left many young Muslims torn between the secular
> West and their religious heritage. This inner conflict makes them especially vulnerable to
> extremism.[43]

They also argue that radical beliefs manifest as a response to the "war on Islam" and as a way to

defend Islam from its enemies. The concept of a religious heritage is worth emphasizing, as the

radicalization process begins with this religious identity. The authors are proposing that Muslims

are at increased risk of radicalization due to an intrinsic, hereditary quality. The report reaffirms

this argument, claiming, "The powerful gravitational pull of an individual's' religious roots and

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[42] NYPD Intelligence Division, *Radicalization in the West*, 8.

[43] Ibid, 8. This argument is a extension of classical secularization theory, i.e. the inexorable trend towards secularism postulated by social theorists such as Durkheim, Weber, and Marx, among others. This theory, which has proven largely untenable in light of 9/11, tends to frame social conflicts as a clash between secularism and religion. For a more detailed analysis of the relationships between religion, secularism, modernity, and the state, see Craig J. Calhoun, Mark Juergensmeyer, and Jonathan VanAntwerpen, eds., *Rethinking Secularism* (Oxford: Oxford University Press, 2011).

identity sometimes supersedes the assimilating nature of American society."[44] The authors not only present this heritage as the chief determinant as to whether an individual will be radicalized, but also again attempt to portray Islam as antithetical to American values and incompatible with Western society. It is claims such as these that represent the most dangerous aspects of the theory, as they have unsurprisingly led to widespread religious and racial profiling based on categories that are too broad to be useful in assessing risk.

Perhaps the most alarming presumption that has been incorporated into the four-step model is the notion that a terrorist's religious beliefs directly lead to their proclivity to violence. The pre-radicalization phase – in which a normal individual leads an ordinary life – gives way to the indoctrination phase only after exposure to Salafism. It is important to note that the individual is not considered violent prior to this exposure; it is the religion itself that instigates violence by infecting unassuming individuals and compelling them towards terrorist activity. The theory unequivocally suggests that while there is nothing remarkable about the domestic terrorist, there is something remarkable about religious violence.

This difference is reflected in the sweeping powers that law enforcement agencies have been given in order to prevent radicalization, suggesting that the threat posed by this phenomenon is seen as far more serious than other types of violence. The most salient example of such is the controversial USA PATRIOT Act, a counterterrorism bill passed in the aftermath of the September 11th attacks aimed at "Providing the Appropriate Tools Required to Intercept and Obstruct Terrorism." The bill, in particular Titles I, II, and V, greatly expanded the ability of law enforcement agencies to survey, coerce, and detain suspects of terrorism related offenses.

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[44] Ibid, 8.

These investigations do not require – and are often conducted in absence of – formal criminal charges.[45] Civil rights organizations, lawmakers, and community outreach groups have argued that the provisions granted by the PATRIOT Act represent an egregious violation of civil rights, and that millions of innocent American have been subject to unconstitutional wiretapping, search and seizures, racial and religious profiling, and illegal detention in the nearly two decades since the bill's induction.[46]

While the PATRIOT Act is principally concerned with the actions of designated Foreign Terrorist Organizations such as al-Qaeda, US lawmakers have drawn up other legislation specifically designed to combat radicalization. One such example, the 2007 Violent Radicalization and Homegrown Terrorism Prevention Act, attempts to address what the bill calls "ideologically based violence." The bill operates on many of the same assumptions as Silber and Bhatt's four-step process, and proposes the establishment of a program "for the purpose of preventing, disrupting, and mitigating the effects of violent radicalization, homegrown terrorism, and ideologically based violence."[47] Its principal goal was to bring the radicalization process under the same legal purview as international and domestic terrorism (as established by the PATRIOT and Homeland Security Acts). Although the bill was ultimately killed in committee, the widespread political support for such a proposal indicates that radicalization is considered a uniquely severe threat to national security.

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[45] U.S. Congress, House, Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001, HR 3162, 107th Cong., 1st sess., introduced in House October 23, 2001.

[46] United States, New York Advisory Committee to the US Commission on Civil Rights, *Civil Rights Implications of Post-September 11 Law Enforcement Practices in New York* (2004); Arshad Ahmed and Farid Senzai, "The USA Patriot Act: Impact on the Arab and Muslim American Community," The Institute for Social Policy and Understanding, January 1, 2004.

[47] Violent Radicalization and Homegrown Terrorism Prevention Act of 2007, October 16, 2007, 110-1 House Report 110-384, Part 1, H.R. 1955, 110th Cong. (2007).

These bills, along with the reports published by the NYPD and FBI, have had a profound impact on practical law enforcement policy. In 2008, a dramatic change to the FBI's operating policy was codified in the updated Attorney General's guidelines. In an effort to preempt radicalization, the investigation procedure was modified to include "assessments" – FBI activities that allow for the investigation of individuals without factual predication.[48] This allows the FBI to access the broad authorities granted by the post-9/11 national security legislation without any suspicion that the suspect has or will commit a crime. The guidelines refer to this investigative practice as "proactive," and argue that the FBI should not be "constrained to wait until information is received indicating that a particular event, activity, or facility has drawn the attention of those who would threaten the national security."[49] The report all but directly acknowledges that these preliminary investigations constitute a serious invasion of privacy, but maintains:

> The FBI shall not hesitate to use any lawful method consistent with these guidelines, even if intrusive, where the degree of intrusiveness is warranted in light of the seriousness of a criminal or national security threat...this point is to be particularly observed in investigations relating to terrorism.[50]

The infringement of civil liberties by law enforcement agencies is one of the many consequences of the fundamentally flawed discourse on religious violence generated by radicalization theory. There are several reasons for why the four-step process, along with the resulting security legislation, has failed to construct an accurate model for predicting terrorist attacks. At the most superficial level, the model is far too broad, unspecific, and unscientific to provide actionable intelligence. The FBI and NYPD reports identify potential targets for

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[48] United States., Department of Justice, Attorney General, *The Attorney General's Guidelines for Domestic FBI Operations* (Washington, D.C., 2008), 19.
[49] Ibid, 17.
[50] Ibid, 13.

radicalization as virtually everyone; radical media is identified as virtually everything, including

books, camps, and online message boards, while radicalization hubs are located virtually

everywhere, from schools and cafes to bookstores and hookah bars. The radicalization process is

argued to begin with exposure to Salafi-jihadism, but the reports give no tangible indication for

what this stage might look like. The markers that are presented, such as growing a beard or

wearing traditional Islamic clothing, are part of the ordinary religious practice of hundreds of

thousands of people throughout the United States and are in no way a precursor to violent or

extreme beliefs. In the penultimate stage, the NYPD report argues that peer bonding activities

such as whitewater rafting and camping serve as a ritual to solidify a terrorist's resolve, without

acknowledging that these are normal, common recreational activities among groups of friends

who do not have terrorist sympathies.[51] In a stunning repudiation of their own theory, the authors

even ultimately acknowledge that certain steps may be accelerated or skipped entirely, and that

the markers of these steps may not be present in all cases.[52]

Furthermore, the theory ignores the myriad of factors that could be influential in

terrorist's actions, instead arbitrarily choosing to emphasize the alleged virulent and dangerous

nature of Salafism. The case studies presented by the NYPD report deal exclusively with

religiously motivated terror and do not account for the many instances of domestic terrorism in

which the perpetrator's religious beliefs were never considered to be an important factor. These

areligious incidents have been among the most lethal terrorist attacks in US history, and include

the Oklahoma City bombing perpetrated by anti-government terrorist Timothy McVeigh, the

Charleston church shooting perpetrated by white supremacist Dylann Roof, and the

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[51] NYPD Intelligence Division, *Radicalization in the West*, 44.
[52] Ibid, 6.

letterbombing campaign perpetrated by anarchist Ted Kaczynski, among others. By any definition, all three of these individuals could have been said to harbor radical beliefs, and yet the theory makes no effort to provide an explanation or working model for their actions. The reports do not provide any compelling evidence for their suggestion that religious motivations should have primacy over political, social, economic, or personal considerations.

The failures of the radicalization model and the law enforcement procedures based upon it have been most clearly demonstrated in the inefficient and imprudent counterterrorism sting operations conducted by law enforcement agencies in the wake of these reports. In many of these cases, the defendants have argued that they were victims of entrapment – a legal defense that claims that an individual has been persuaded or tricked into committing a crime that they would not otherwise have committed. The most notable of such examples was the 2009 Bronx terrorism plot, in which four Muslim men were convicted of plotting to attack a National Guard airbase in New York. As part of a sting operation, the FBI inserted coerced informant Shahed Hussain into a local mosque and instructed him to preach violent jihad to the congregation. After attracting the attention of James Cromitie, Onta Williams, David Williams, and Laguerre Payen, the informant agreed to provide the men with weapons to use in a terrorist attack. Before they could reach their target, the four men were arrested and subsequently charged with conspiracy to use weapons of mass destruction against the United States.[53]

While the men's legal defense proved untenable, the Bronx terrorism plot represents an instance where law enforcement techniques based on radicalization theory not only failed to prevent a crime, but instead created one. In this case, the perpetrators were radicalized by an FBI

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[53] Al Baker and Javier C. Hernandez, "Four Accused of Bombing Plot at Bronx Synagogues," *The New York Times*, May 20, 2009; Paul Harris, "Newburgh Four: Poor, Black, and Jailed under FBI 'Entrapment' Tactics," *The Guardian*, December 12, 2010.

informant who was specifically ordered to inject violent beliefs into the community. The federal

judge presiding over the case issued a scathing rebuke of the government's methods:

> The essence of what occured here is that the government...came upon a man both bigoted
> and suggestable, one who was incapable of committing an act of terrorism on his own,
> created acts of terrorism out of his fantasies of bravado and bigotry, and made those
> fantasies come true...Real terrorists would not have bothered themselves with a person
> who was so utterly inept...Only the government could have made a terrorist out of Mr.
> Cromitie.[54]

Former FBI agent Michael German also summarized the government's ineptitude in this case,

accusing them of "opening a terrorism case against someone who was not a member of a terrorist

group, who had not attempted to acquire weapons, and who did not have the means to obtain

them."[55] While one could argue that this case – and the many others like it – represent a failure of

law enforcement to apply the theory rather than a failure of the theory itself, it is inevitable that a

model which employs vague and nondescript markers of radicalization will see terrorism where

it is not, and will create terrorists where there otherwise were none.

Despite these flaws, and the tragic consequences that have accompanied them,

radicalization theory continues to dominate discourses on terrorism. It has demonized normal

religious practices, devastated communities, and engendered what will likely become generations

of fear and resentment; all while proving ineffective at stopping the very thing it was designed to

predict. By any honest analysis, it is a failed model that has only succeeded in manufacturing an

endless string of injustices – ammunition for what the 2013 CRS report calls "terrorist

intermediaries." These dangerous individuals are argued to be the most insidious components of

the radicalization process; they serve as catalysts for radicalization by spreading Salafi

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[54] Jesse J. Norris, "Estimating the Prevalence of Entrapment in Post-9/11 Terrorism Cases," *Journal of Criminal Law and Criminology* 105, no. 3 (2015): 609.
[55] Ibid, 609.

propaganda and galvanizing potential terrorists.[56] Among the intermediates listed in the report

are both Tarek Mehanna and Anwar al-Awlaki. The next two chapters will focus on the story of

these individuals, and how their perceived role in inciting terrorism (as outlined by radicalization

theory) exaggerated the threat posed by both men.

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[56] Congressional Research Service, *American Jihadist Terrorism*, 14.

II

Legitimate Violence

On April 12th, 2012, the twenty-nine year-old Muslim-American Tarek Mehanna was convicted of conspiracy to provide material support to al-Qaeda, providing material support to terrorists, and conspiracy to commit murder in a foreign country. He was sentenced to seventeen years in prison, and since the beginning of his incarceration in 2012, has unsuccessfully appealed his case to both the First Circuit Court of Appeals – which upheld his conviction – and the Supreme Court – which declined to review the case.[57] Mehanna was an active participant in online Muslim extremist message boards, often posting vulgar messages supporting the killing US soldiers in Iraq and Afghanistan.[58] He was highly critical of US foreign policy, and adamantly defended the right of Muslims in the Middle East and Central Asia to defend themselves from what he considered to be an invading force. Beginning in 2004, he also began translating jihadist literature and other assorted materials for At-Tibyan Publications, a small publishing organization that allegedly had ties to al-Qaeda.[59]

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[57] *United States v. Mehanna*

[58] *United States v. Mehanna* (Government's Motion for Detention), 2009. 33-44. These comments will be addressed later on in this chapter, but some of his posts will be provided here for context. In reference to the September 11th terrorist attacks, Mehanna remarked, "may Allah have mercy on just the buildings...not the kuffar [nonbelievers] who were in it." He then commented, "too bad there was this pizza place next to the towers that got wiped out." Mehanna was fond of commenting on videos of deceased US soldiers, on more than one occasion responding to videos of their mutilated corpses with "who cares...Texas BBQ is the way to go," "this was done in revenge for the rape of that girl...nice juicy BBQ," and "I want more BBQ sauce videos." Mehanna also said of Canadian Congresswoman Farzana Hassan-Shahid, "She needs to be raped with a broomstick" after she expressed her concern with radical Islam.

[59] *United States v. Mehanna* at 4.

Following a failed attempt by the FBI to persuade him to become a government

informant, Mehanna was arrested in 2008 on charges of making false statements to a federal

agent. The government alleged that Mehanna had engaged in translation services at the behest of

al-Qaeda, agreeing to compile and disseminate jihadist propaganda for an officially designated

terrorist organization. They also argued that he had gone abroad to Yemen in an unsuccessful

search for a terrorist training camp run by al-Qaeda, whereby he could learn how to fight and kill

American soldiers in the Middle East.[60] The prosecution characterized Mehanna as a radical

propagandist, a terrorist, and a potential killer, based solely on his rhetoric and his travels. This

study will be used to demonstrate how radicalization theory erodes important legal distinctions,

transforming Mehanna's vulgar and strident critique of US foreign policy into a deadly terrorist

conspiracy. It will also examine how Mehanna's rhetoric threatens the state's monopoly on

legitimate violence, and how this exaggerated threat opened the door for government

prosecution.

First, it is important to examine how Mehanna's ideology maps onto the framework

provided by radicalization theory. For this, we turn to Mehanna's sentencing statement, the most

widely read (and most coherent) piece of material that Mehanna produced. In his lengthy address

to court, Mehanna clearly articulates the foundational critique that lies at the heart of his crass

and offensive language. He writes:

> I learned what America itself was doing to Muslims. I learned about the Gulf War, and
> the depleted uranium bombs that killed thousands and caused cancer rates to skyrocket
> across Iraq. I learned about the American-led sanctions that prevented food, medicine,
> and medical equipment from entering Iraq, and how – according to the United Nations –
> over half a million children perished as a result...I learned about Abeer al-Janabi, a
> fourteen-year old Iraqi girl gang-raped by five American soldiers, who then shot her and
> her family in the head, then set fire to their corpses. I just want to point out, as you can

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[60] Ibid.

see, Muslim women don't even show their hair to unrelated men. So try to imagine this young girl from a conservative village with her dress torn off, as she is being sexually assaulted by not one, not two, not three, not four, but five soldiers. Even today, as I sit in my jail cell, I read about the drone strikes which continue to kill Muslims daily in places like Pakistan, Somalia, and Yemen...These are just the stories that make it to the headlines, but one of the first concepts I learned in Islam is that of loyalty, of brotherhood—that each Muslim woman in the world is my sister, each man is my brother, and together, we are one large body who must protect each other. In other words, I couldn't witness these things beings done to my brothers & sisters – including by America – and remain neutral. My sympathy for the oppressed continued, but was now more personal, as was my respect for those defending them.[61]

He continues on to summarize his beliefs, claiming, "This trial was not about my position on Muslims killing American civilians. It was about my position on Americans killing Muslim civilians, which is that Muslims should defend their lands from foreign invaders – whether they are Soviets, Americans, or Martians. This is what I believe."[62] In support of this position, it is worth noting that in 2004, United Nations Secretary-General Kofi Annan confirmed that the invasion of Iraq was a violation of the UN charter and therefore explicitly illegal under international law.[63] The idea that the peoples of a nation have the right to defend themselves against foreign invaders is not a novel one, and is indeed something that many Americans would likely agree with.[64]

Why then is this form of expression criminalized? Of course, Mehenna's case is considerably more complex than his sentencing statement would indicate. The details of

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[61] Tarek Mehanna, "Tarek Mehanna's Sentencing Statement" (address, Massachusetts), April 12, 2012.
[62] Ibid.
[63] Ewen MacAskill and Julian Borger, "Iraq War Was Illegal and Breached UN Charter, Says Annan," *The Guardian*, September 15, 2004.
[64] David Folkenflik, "Tensions Rise At Fox News Over Coverage And Rhetoric Surrounding Migrant Caravan," *NPR*, October 30, 2018; Dan Lamothe and Nick Miroff, "U. S. Will Deploy 5,200 Additional Troops to the Mexican Border, Officials Say," *The Washington Post*, October 29, 2018. Consider the American response to the Central American migrant caravan in 2018. Conservative pundits referred to the caravan as "a full-scale invasion by a hostile force" and an "invading horde." As a response, President Trump and the Department of Defense deployed 5,200 troops to protect the border. This was a group of several thousand unarmed migrants, including women and children, seeking asylum – as opposed to a coordinated invasion of hundreds of thousands of heavily armed troops during the Iraq War.

Mehanna's conviction will be discussed later, but for now it is worth highlighting how radicalization theory elevates the threat level posed by Mehanna's critique. Mehanna accurately notes that he never once advocated for killing Americans in America, and yet the prosecution was able to successfully cast him as an imminent threat to society.[65] There are two things happening here: one has to do with how the theory of radicalization is entirely focused on rhetoric, and is therefore unable to distinguish between Mehanna's critique and terrorist threats. But there is another layer in which Mehanna's "illegitimate" violence undermines the state's authority. Mehanna's ideology is therefore not just a danger to American security, it is seen as an attack on the foundations of the state itself.

With this overview in mind, we can examine the nature of the charges leveled against Mehanna. This must be prefaced with a definition of the terms used in Mehanna's trial, specifically the concept of a "terrorist organization." One of the charges Mehanna was indicted on, one count of conspiring to provide material support to terrorists, relies on an addendum to the Antiterrorism and Effective Death Penalty Act of 1996 which criminalizes providing "any property, tangible or intangible, or service, including currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, and transportation"[66] to a terrorist organization. It is not clear which of the items listed in this statue the government believed that Mehanna was providing al-Qaeda through his translation services; however, what is more important is that these actions only constitute a crime if they are considered to have benefited an official Foreign Terrorist

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[65] Tarek Mehanna's Sentencing Statement, 2012.
[66] Antiterrorism and Effective Death Penalty Act, S.735, 110th Cong., (1996).

Organization (FTO). These are organizations specifically designated by the US government to

engage or have engaged in terrorist activities, defined by the State Department as "Premeditated,

politically motivated violence perpetrated against noncombatant targets by subnational groups or

clandestine agents, usually intended to influence an audience."[67]

These statutes make it clear that Mehanna's actions were criminalized according to a

specific definition of terrorism, a definition that is based on the same biases and misconceptions

that inform radicalization theory. The US Department of State maintains a list of FTOs, the vast

majority are Islamic organizations based in the Middle East, North Africa, and Central Asia.[68]

This list demonstrates that the US definition of terrorism is almost synonymous with Islamic

fundamentalist organizations. As discussed earlier, the FTO designation criminalizes a wide

range of activities that would not normally be illegal. This is because, according to radicalization

theory, these organizations do more than wage war, violate human rights, and disregard

international law; they "terrorize" and "radicalize," value-laden terms that suggest that their

particular brand of violence is not only more damaging and threatening to western society, but

also more malignant. While these arguments may seem legalistic, it is necessary to establish that

Mehanna's crime was not propagandizing for a dangerous, international criminal syndicate – it

was offering services for the benefit of an organization that, due to its radical nature, had been

designated as such a grave threat that basic civil liberties had to be violated in order to combat it.

Beyond these questionable classifications, the accusation that Mehanna was providing

support for al-Qaeda remains largely untenable. Regarding the actual charge, Mehanna only

provided a single translation at the request of At-Tibyan Publications, and this translation was

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[67] United States, National Counterterrorism Center, *Country Reports on Terrorism 2005, Statistical Annex* (2006).
[68] United States, Department of State Publication, Bureau of Counterterrorism, *Country Reports on Terrorism 2017* (2018).

delivered six months before the publishing organization was accused of having ties to al-Qaeda.[69]

More importantly however, the idea of acting in coordination with al-Qaeda assumes a corporate

structure to the organization that simply does not exist. In the decade since 9/11, multiple studies

have demonstrated the increasingly disparate and decentralized nature of the modern al-Qaeda.[70]

The State Department, in its 2013 annual report on terrorism, confirmed this growing rift

between the leadership and the individual al-Qaeda cells. It notes that al-Qaeda leaders were

experiencing increased difficulties issuing orders to their subordinates, as well as trouble

maintaining cohesion within the organization's vast network.[71]

Identifying the structure of al-Qaeda is critically important because the statute on

"material support" includes the caveat, "individuals who act entirely independently of the foreign

terrorist organization to advance its goals or objectives shall not be considered to be working

under the foreign terrorist organization's direction and control."[72] In the case of Mehanna, where

is the distinction drawn between an individual who acts in support of a terrorist organization's

ideology, and an operative who acts under the direction of the organization itself? And what does

it mean to provide "material support" to an organization as dissociated and decentralized as

al-Qaeda? As the subsequent chapter will demonstrate, these questions are a recurring problem in

cases such as this. The danger is that, in the case of Mehanna, radicalization theory dissolves the

distinction between espousing a "radical ideology" and being an active, operational member of a

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[69] *United States v. Mehanna* at 7.

[70] Marc Sageman, *Leaderless Jihad: Terror Networks in the Twenty-first Century* (Philadelphia: University of Pennsylvania Press, 2008); Nicole Hutchison and Art Pryster, *Al-Qaeda: Study of Decentralized Organization*, report, Stevens Institute of Technology (Hoboken, NJ, 2010); Joel Brinkley. "Islamic Terror: Decentralized, Franchised, Global." *World Affairs* 176, no. 2 (2013): 43-55.

[71] United States, Department of State Publication, Bureau of Counterterrorism, *Country Reports on Terrorism 2013* (2014).

[72] Antiterrorism and Effective Death Penalty Act, 1996.

terrorist organization. It precisely is this failing that turned a blathering firebrand into a serious national security threat.

The second indictment brought against Mehanna was one count of conspiracy to commit murder in a foreign country. There are two components to this charge: one relies on a two-week trip to Yemen that Mehanna took in 2004, during which the government alleged that he was in search of a terrorist training facility run by al-Qaeda. Mehanna did indeed make vague, flippant comments about searching for a camp "with camo jackets an AK-47s" in Yemen, however the defense provided testimony that there was no al-Qaeda presence in Yemen in 2004, a fact that the government eventually acknowledged as well.[73] Therefore, this trip alone was not enough to convict Mehanna of a crime. The second component is the remarks that Mehanna had made delighting in the deaths of US soldiers, as well comments in support of violent jihad.[74] The government found particular issue with the tenets of Mehanna's *39 Ways to Engage in Jihad*, the very translation that was the source of his indictment for material support for terrorism. They also argued that Mehanna participated in online discussion boards where he shared jihadist material and encouraged others to support the mujahideen overseas.[75]

If this evidence gives the impression that the government's argument is veering off topic, that is because it is. The prosecution was unable to prove that Mehanna was actually involved in a conspiracy to kill Americans abroad, and instead chose once again to focus on his vitriolic rhetoric. It should come as no surprise that the government's argument has ended up here once again, as radicalization theory provides for no way of engaging any aspect of Mehanna's character other than his expression. This observation is brought up in this section not to belabor

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[73] *United States v. Mehanna* (Government's Motion for Detention), 45.
[74] Ibid, 50-62.
[75] Ibid, 64-75.

the idea that radicalization is focused on rhetoric, but rather to point out that in Mehanna's case, the government was successful in bridging the gap between critique and killing. In their motion for detention, the government alleged that there is no doubt Mehanna "hates the United States, despises our leaders, takes great pleasure in our defeats, and will continue to work in support of our enemies."[76] The penalty for those opinions, it would seem, is seventeen years in prison.

To elaborate on the unique dangers posed by Mehanna's language, let us turn back to Mehanna's sentencing statement. Mehanna's jihadist beliefs were ultimately central to the government's attempt to portray him as hostile to American values; as the above quote indicates, Mehanna was characterized as the archetypical "Muslim monster" who was seeking to undermine American society from within. Yet the ideas and values expressed in his sentencing statement tell a different story. Born and raised in Boston, Mehanna describes his ideology as the product of his American upbringing. He explains how American literature influenced his understanding of the world, and how he saw his own actions as part of the greater American myth.[77] In an attempt to expose the government's hypocrisy, he compares himself to the early American revolutionaries, and compares the American Revolution to the resistance movements in Iraq and Afghanistan. He argues (with respect to the Battles of Lexington and Concord), "From that battle came the American Revolution. There's an Arabic word to describe what those Minutemen did that day. It was a word repeated many times in this courtroom. That word is: JIHAD."[78] What Mehanna is highlighting here is that it is his evocation of religion (specifically, Islam) that transforms his rhetoric into a uniquely repugnant offense. When the word "jihad" is

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[76] Ibid, 71.
[77] Some of the literature he refers to: Uncle Tom's Cabin, The Autobiography of Malcolm X, and The Catcher in the Rye.
[78] Tarek Mehanna's Sentencing Statement, 2012.

eliminated from Mehanna's ideology, his position is de-fanged in the sense that it not only ceases

to pose a threat to American values, but is in fact recognizable as a product of them. In his essay

On Suicide Bombing, Talal Asad succinctly explains why Mehanna's religious language is seen

as exceptionally threatening. He suggests:

> The violence of Islamic groups, on the other hand, is incomprehensible to many precisely because it is not embedded in a historical narrative - history in the 'proper' sense. As the violence of what is often referred to as totalitarian religious tradition hostile to democratic politics, it is seen to be irrational as well as being an international threat.[79]

This is not to say that Mehanna is irreproachable once his rhetoric has been sanitized of Islamic

influence; far from it, his comments remain just as appalling as they ever were, and his critique

of US military action still threatens the state's monopoly on legitimate violence. Rather, the point

is to emphasize that it is the elevated danger posed by Mehanna's religious language that allows

the state to employ a greater degree of force against him. His insistence on Muslim solidarity

(which is not his own creation, but rather a response to the branding of Islam as the other),

references to Islamic history, and usage of religious terminology, created an enemy that was far

more dangerous than the blustering, acrimonious character of Tarek Mehanna.

However, as established earlier, there is still an aspect of Mehanna's rhetoric that serves

as a threatening, foundational critique of the state. This threat stems from the question of what

constitutes legitimate violence. In other words, why it is that the violence for which Mehanna

advocated was labeled terrorism whereas violence perpetrated by the state is normalized.

Mehenna himself points to this absurdity – his advocacy of the killing of American soldiers is

"conspiracy to commit murder in a foreign country," while hundreds of thousands of civilian

deaths and the hands of US and Allied military forces are considered acceptable collateral

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[79] Talal Asad, *On Suicide Bombing* (New York: Columbia University Press, 2007), 8.

damage.[80] This paradox is precisely the same issue that Talal Asad is attempting to understand.

He argues:

> Legitimate violence exercised in and by the modern progressive state—including the liberal democratic state—possesses a peculiar character that is absent in terrorist violence (absent not because of the latter's virtue but because of the former's capability): a combination of cruelty and compassion that sophisticated social institutions enable and encourage.[81]

As such, the institutions of the state allow it to participate in brutal and ruthless acts of violence,

but defend them as necessary for the greater good. The terrorist, however, acts in opposition to

the state, and is unable to engage in violence on the same scale. He cannot access the

compassionate, humanitarian virtue that resides at the core of legitimate violence; without this

crucial quality, the terrorist is nothing but an odious, unsympathetic monster with no greater goal

than to sow fear and discord throughout society.

To better illustrate this point, consider the highly controversial UAV (drone) program

operated by the US military. The use of drones to target suspected terrorists expanded

dramatically since 9/11. The program has enacted a heavy civilian death toll, with the Bureau of

Investigative Journalism estimating between 769-1725 civilians killed in Pakistan, Yemen,

Somalia, and Afghanistan, and around 300 of them children.[82] As a result of this, critics have

condemned the drone program (and its companion, the "targeted killings" program) as a form of

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[80] Neta C. Crawford, *Human Cost of the Post-9/11 Wars: Lethality and the Need for Transparency*, report, Watson Institute, Brown University (2018). In 2018, Brown University's Cost of War project gave a conservative estimate of 480,000 people (244,000 of which were civilians) directly killed by violence in Iraq, Afghanistan, and Pakistan since 2001. This figure does not include indirect deaths from disease, displacement, and other factors. The number of casualties including indirect deaths is estimated to be in the millions.

[81] Asad, *On Suicide Bombing*, 95.

[82] "Drone Warfare," The Bureau of Investigative Journalism, accessed March 19, 2019; Jo Becker and Scott Shane, "Secret 'Kill List' Proves a Test of Obama's Principles and Will," *The New York Times*, May 29, 2012. These numbers are imprecise for two reasons: one, it is difficult to confirm deaths following a drone strike, as they are often in rural areas and the bodies can be moved, displaced, or otherwise destroyed. Two, the Obama administration utilized a controversial method for counting civilian casualties: all military age males were considered enemy combatants unless there was conclusive intelligence absolving them.

state-sponsored terrorism. They argue that the purpose of the drone program is to terrorize the population, and that the deployment of armed drones fulfils the historical and material definitions of terrorism.[83] The fact that this claim is controversial is precisely what supports Asad's argument. For the supporters of the program, the civilian deaths are argued to be a regrettable sacrifice for the greater good. This "compassion" is what exonerates the government of any wrongdoing, and what is ostensibly lacking when it comes to violence that is designated "terrorism."

This is not to say that Mehanna is not attempting to employ the same techniques that the state uses to legitimize violence, only that he is unable to. This idea is explored further by Faisal Devji in his provocative book *The Terrorist in Search of Humanity* in which he aims to locate what it is that allows terrorism to function in global politics. He concludes, "militant practices are informed by the same search that animates humanitarianism, which from human rights to humanitarian intervention has become the rhetorical aim and the global signature of all politics today."[84] This statement must be read carefully, as to avoid misinterpreting Devji's argument as a defense of the egregious acts of violence perpetrated by terrorist organizations. What Devji is advocating for is an exploration of the space that the type of violence advocated by militants such as Mehanna is seeking to occupy. Consider Mehanna's own comparison of himself to Nelson Mandela, the South African revolutionary who was branded a terrorist due to his association with the militant branch of the African National Congress, but in 1993 won the Nobel

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[83] Marina Espinoza, "State Terrorism: Orientalism and the Drone Programme," *Critical Studies on Terrorism* 11, no. 2 (2018): 376-93; Afxentis Afxentiou, "A History of Drones: Moral(e) Bombing and State Terrorism," *Critical Studies on Terrorism* 11, no. 2 (2018): 301-20; Ruth Blakeley, "Drones, State Terrorism and International Law," *Critical Studies on Terrorism* 11, no. 2 (2018): 321-41.
[84] Faisal Devji, *The Terrorist in Search of Humanity: Militant Islam and Global Politics* (New York: Columbia Univ. Press, 2008), 8.

Peace Prize for his humanitarian efforts. To further this analogy, Mehanna frames his violence as a humanitarian mission – in his words, "siding with the oppressed, and consistently respecting those who stepped up to defend them - regardless of nationality, regardless of religion."[85] It is clear that Mehenna is attempting to engage in the same fusion of "cruelty and compassion" that the state uses the justify its own actions, but he is incapable of bridging this gap. Mehanna's use of religious language further distances himself from the state apparatus. What remains is an abominable ideology that is seen as senseless and irrational, and one that necessitates the use of exceptional force in order to combat.

As a concluding thought, it is worth considering whether the prosecution of Mehanna indicates a greater trend in American society regarding the critique of state violence; if perhaps one of the "American values" that Mehanna's rhetoric threatens is the sanctity of the state's violent techniques. This certainly seems to be the government's position, given how aggressively they pursued a case against a man who had no influence, no following, and who was utterly incapable of orchestrating a violent attack. The state deploys violence via a variety of methods, most obviously through the military and law enforcement, but also through legislation, the courts, and the media. The ability of the people to question the legitimacy of those methods is critical to a functioning liberal society. To imprison Mehanna for his speech is to preclude an enormous range of social critiques, not all of which are dangerous. The question is not whether Mehanna was justified in his vulgar comments, but whether his indictment narrows the range of acceptable public discourse, and collapses the space in which the violence of the state can be challenged.

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[85] Tarek Mehanna's Sentencing Statement, 2012.

III

The Most Dangerous Ideologue in the World

On September 30th, 2011, Yemeni-American cleric Anwar al-Awlaki was killed by a US drone strike in Al Jawf, Yemen. The target of a prolonged search-and-kill operation spearheaded by American and Yemeni intelligence agencies, Awlaki had been placed on a kill list several months prior as a consequence of his affiliation with the terrorist organization al-Qaeda and his alleged role in planning and orchestrating terrorist attacks. In an address given to the Joint Chiefs of Staff on that same day, President Obama described Awlaki as al-Qaeda's most active operational affiliate and a master of violent rhetoric.[86] American intelligence and security officials characterized Awlaki as among the world's most dangerous terrorists, arguing that his preaching had incited terrorist attacks, radicalized young Muslims, and spread violent and hateful beliefs throughout the country.[87]

An extraordinary event, Awlaki's death was the first confirmed case of an American citizen being targeted for assassination in an American military operation. His killing triggered widespread political backlash in the United States, with many legal experts and civil rights advocates questioning whether it was lawful or moral to kill an American citizen without due process. In fact, Awlaki was not killed in spite of his American identity, but because of it. The preceding section on radicalization theory has demonstrated that homegrown, domestic terrorists

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[86] United States, The White House, Office of the Press Secretary, *Remarks by the President at the "Change of Office" Chairman of the Joint Chiefs of Staff Ceremony*, by Barack Obama (2011).

[87] Scott Shane, "U.S. Approves Targeted Killing of American Cleric," *The New York Times*, April 6, 2010; Margaret Coker, "Yemen Ties Alleged Attacker to Al Qaeda and U.S.- Born Cleric," *The Wall Street Journal*, January 8, 2010.

are seen as the premier security threat in the 21st century. Awlaki was targeted because his dual Yemeni-American heritage and native fluency in the English language made him particularly influential among young, disenfranchised American Muslims. However, Awlaki's rhetoric was not unique or exceptional: his ideology had been championed by preachers who were more popular, more charismatic, and more eloquent.[88] While his influence in the west was great, it is questionable whether or not he posed enough of a danger to warrant a summary execution. The United States saw Awlaki as a security risk not only because his violent language was religious in nature, but because, as an American, they believed he possessed a remarkable ability to resonate with a western audience. Fears surrounding radicalization and domestic terrorism exaggerated the threat posed by Awlaki, creating a hysteria that transformed an influential propagandist into one of the most dangerous terrorists in the world.

Anwar al-Awlaki was born in New Mexico in 1971 to two Yemeni parents. An American citizen, he spent most of his childhood in Yemen, returning to the US in 1991 to attend college. Although he was relatively unknown at school, students described him as an impassioned speaker. They characterized him as someone who repudiated violence and jihad, despite his concerns about the plights that Muslims were facing overseas.[89] Awlaki began his career as an imam in 1996, preaching to an extremely small mosque in California. He had no formal education in the Islamic sciences, a missing credential that later served to undermine his credibility in the eyes of his detractors.[90] He first attracted the attention of US counterterrorism forces in the immediate aftermath of the 2001 September 11th attacks, when the FBI received

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[88] See Sayyid Qutb, Abu Qatada al-Filistini, Anjem Choudary

[89] Bruce Finley, "Muslim Cleric Targeted by U.S. Made Little Impression During Colorado Years," *The Denver Post*, April 10, 2010.

[90] Denis MacEoin, "Anwar Al-Awlaki: "I Pray That Allah Destroys America"," *Middle East Quarterly* 17, no. 2 (2010): 13-19.

information that two of the hijackers of American Airlines Flight 77, Nawaf al-Hazmi and

Khalid al-Mihdhar, had previously visited Awlaki's mosque. The 9/11 Commission Report

alleges that the men were close friends with Awlaki and found his sermons influential, although

these claims are not well substantiated. Awlaki soon found himself at the center of the 9/11

investigation due to his communications with other men involved in a the hijackings, such as

Ramzi bin al-Shibh, a key suspect in several other international terrorist attacks.[91]

Despite remaining on the FBI's radar, Awlaki's influence and ambition as a preacher

continued to grow. In 2002, he was officially placed on a list of terrorism suspects. He fled to the

United Kingdom later that year, eventually settling in Yemen in 2004, where he would remain

until his death. After leaving the United States, Awlaki became increasingly strident in both his

criticism of the West and his calls to violence. He established ties to al-Qaeda and continued to

disseminate jihadist sermons and literature over the internet.[92] His media was found in the

possession of the perpetrators of the 2005 London Bombing, who considered him an important

and influential preacher. Between 2007 and 2011, Awlaki was cited as a key figure in inspiring

the men behind several failed terrorist attacks, including the 2007 Fort Dix plot, the 2010

"Operation Arabian Knight" plot, and the 2010 Times Square bombing attempt.[93]

Although Awlaki was considered extremely dangerous, up until 2009 he was not an

active target for US military operations in Yemen. This began to change on November 5th, when

Palestinian American Nidal Hasan killed 13 people and injured 30 others in a shooting at Fort

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[91] National Commission on Terrorist Attacks upon the United States. The 9/11 Commission Report. Executive Summary. [Washington, DC] :[National Commission on Terrorist Attacks upon the United States], 2004, 221

[92] Scott Shane, "The Lessons of Anwar Al-Awlaki," *The New York Times*, April 27, 2015.

[93] Scott Shane, "Born in U.S., A Radical Cleric Inspires Terror," *The New York Times*, November 18, 2006; William K. Rashbaum, "Two Arrested at Kennedy Airport on Terror Charges," *The New York Times*, June 6, 2010; Scott Shane and Souad Mekhennet, "Imam's Path from Condemning Terror to Preaching Jihad," *The New York Times*, May 8, 2010.

Hood, Texas. Awlaki had been in correspondence with Hasan for nearly a year, exchanging

emails and offering spiritual guidance.[94] The 2009 Fort Hood shootings were the deadliest terror

attack in America since September 11th, and although Awlaki was not indicted, his purported

influence on Hasan did not go unnoticed by counterterrorism officials.

Not even two months later, the failed Christmas Day bombing perpetrated by Nigerian

Umar Farouk Abdulmutallab had turned the spotlight on Awlaki once again. Law enforcement

uncovered extensive communications between Awlaki and Abdulmutallab, including several

face-to-face meetings that allegedly occurred while Abdulmutallab was training in Yemen.

Under interrogation, Abdulmutallab said that Awlaki had ordered and sanctioned the suicide

attack. He claimed that Awlaki had preached of martyrdom and jihad and instructed

Abdulmutallab to direct his attack against the United States.[95] US intelligence agencies used this

interrogation to conclude that Awlaki had acted in an operational capacity in directing

Abdulmutallab, a key distinction that gave the CIA the authority to place Awlaki on a kill list in

2010.[96]

Before continuing, it is important to emphasize how absolutely extraordinary it is for the

US government to assassinate one of its own citizens. As of 2019, Awlaki represents the first and

only time that an American citizen has been targeted for assassination since the Civil War.[97] This

includes active combatants such as Zulfi Huxa, an American citizen who traveled to Syria in

2015, where he became a senior officer within the Islamic State and participated in public,

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[94] Sudarsan Raghavan, "Cleric Says He Was Confidant to Hasan," *The Washington Post*, November 16, 2009.
[95] United States, Department of Justice, Office of the Attorney General, *Letter to the Chairman of the Committee on the Judiciary*, by Eric H. Holder, Jr. (Washington D.C., 2013).
[96] Scott Shane, "U.S. Approves Targeted Killing of American Cleric."
[97] Scott Shane, "Anwar Al-Awlaki's Life After Death," *Foreign Policy*, May 10, 2016.

videotaped executions of ISIS prisoners.[98] The targeting of Awlaki was one of the most

contentious national security decisions made by the Obama administration, inviting several

lawsuits and years of public backlash. After adding Awlaki to the "Disposition Matrix" in 2010,

the Obama administration was sued by Awlaki's father, Nasser al-Awlaki, who sought an

injunction against the unlawful authorized targeting of his son.[99] This lawsuit was dismissed for

lack of legal standing, but the government was sued again in 2013 by the New York Times in

order to have documents related to Awlaki's killing released to the public,[100] and again in 2014

by Nasser al-Awlaki, who argued that his son was deprived of his right to due process.[101]

Furthermore, The Obama administration directive to allow the government to target US citizens

was so controversial that the succeeding administration sought to define its public policy in

opposition to it. At a press conference in 2017, when asked about killing American citizens with

ties to terrorist organizations, White House Press Secretary Sean Spicer definitively asserted,

"No American citizen will ever be targeted." This statement was issued in aftermath of a

disastrous raid conducted by US military commandos that resulted in the death of Awlaki's eight

year old daughter, Nawar al-Awlaki.[102]

     The directive to assassinate Awlaki was considered legally sound on the basis that

Awlaki had played a principal role in orchestrating terrorist attacks. In truth, Awlaki's transition

from ideologue to conspirator is not as obvious as the American government would suggest.

Nevertheless, understanding the distinction between propagandist and terrorist leader is critical

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[98] Seamus Hughes, Alexander Meleagrou-Hitchens, and Bennett Clifford, "A New American Leader Rises in ISIS," *The Atlantic*, January 13, 2018.
[99] Al-Aulaqi v. Obama 727 F. Supp. 2d 1 (D.D.Cir. 2010)
[100] N.Y. Times Co. v. U.S. Department of Justice, 72 F. Supp. 2d 309 (S.D.N.Y. 2012)
[101] Al-Aulaqi v. Panetta, 35 F. Supp. 3d 56 (D.D.Cir. 2014)
[102] Zeke J. Miller, "White House Says It Won't Target U.S. Citizens in Anti-Terror Operations," *Time*, January 31, 2017.

to understanding why Awlaki was targeted for assassination. Immediately following his death in 2011, Awlaki's role as an operational leader and orchestrator of terrorist attacks was repeatedly emphasized by Obama administration officials. In his initial address following the drone strike, President Obama described Awlaki as, "al-Qaeda's most active operational affiliate" and claimed, "he took the lead in planning and directing efforts to murder innocent Americans."[103] On the same day, White House Press Secretary Jim Carney referred to Awlaki as, "a principle leader in al-Qaeda...the most operational affiliate" and asserted that he had a direct role in plotting to kill Americans.[104] The Attorney General's office called him, "the group's chief of external operations, intimately involved in detailed planning and putting in place plots against U.S. persons."[105] A 2013 declaration filed by the Director of National Intelligence sought to more clearly outline Awlaki's position within the organization, asserting:

> Anwar al-Awlaki has pledged an oath of loyalty to AQAP emir Nasir al-Wahishi, and is playing a key role in setting the strategic direction for AQAP. Al-Awlaki has also recruited individuals to join AQAP, facilitated training at camps in Yemen in support of acts of terrorism, and helped focus AQAP's attention on planning attacks on US interests.[106]

Awlaki's role in leadership and planning was stressed because, in order for the killing to be legally justifiable, Awlaki must have constituted an imminent threat to the United States, and the situation must have precluded his non-violent restraint, capture, or rendition.[107] However, this designation is highly suspect: Awlaki was in Yemen, with no demonstrated ability to orchestrate

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[103] Office of the Press Secretary, *Remarks by the President at the "Change of Office" Chairman of the Joint Chiefs of Staff Ceremony*

[104] United States, The White House, Office of the Press Secretary, White House Daily Briefing, by Jay Carney, September 30, 2011.

[105] Office of the Attorney General, *Letter to the Chairman of the Committee on the Judiciary*

[106] Robert Chesney, "Who May Be Killed? Anwar Al-Awlaki as a Case Study in the International Legal Regulation of Lethal Force," *Yearbook of International Humanitarian Law* 13 (February 2, 2011): 9.

[107] United States, Department of Justice, Office of Legal Council, *Memorandum for the Attorney General: Applicability of Federal Criminal Laws and the Constitution to Contemplated Lethal Operations Against Shaykh Anwar Al-Aulaqi* (2014).

or carry out terrorist attacks. The descriptions used by the Obama administration to describe him are deliberately vague; they do not cite specific instances of terrorism and they do not back up their assertions with credible intelligence. For example, the claim that Awlaki "helped focus AQAP's attention on planning attacks on US interests" is a nebulous accusation that effectively says nothing about Awlaki's role within the organization. To complicate matters further, the 2010 Justice Department memo that attempts to justify Awlaki's death is heavily redacted to the point of incomprehensibility, in particular the section that deals with the legality of the CIA (as opposed to the military) assassinating an American citizen.[108]

In his briefing, Press Secretary Carney refused to answer questions surrounding the circumstances of Awlaki's death, despite repeatedly being asked by reporters to support his claims that Awlaki was operationally active within al-Qaeda. As of 2019, US intelligence and law enforcement agencies still have not disclosed any evidence suggesting that Awlaki directed and orchestrated terrorist attacks or that he was the principle affiliate of al-Qaeda in the Arabian Peninsula. As a result of this, many intelligence and security analysts have called into question just how influential Awlaki was, in both his role as an al-Qaeda operative and his role as a propagandist. While researching transnational jihadist groups and counterterrorism as a Fulbright Fellow in Yemen, Gregory Johnsen called Awlaki, "a mid level religious functionary who happens to have American citizenship and speak English." He continued to argue that Awlaki was "a decidedly unoriginal thinker in Arabic that isn't that well known in Yemen" and asserts that his only remarkable quality is the fact that he preached in the United States.[109] These observations were echoed by a Yemeni political expert who, speaking on the condition of

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[108] Ibid.

[109] Gregory D. Johnsen, "A False Target in Yemen," *The New York Times*, November 19, 2010.

anonymity, argued that the United States had greatly exaggerated the threat posed by Awlaki for political purposes. He notes that Awlaki's violent, jihadist rhetoric is extremely common in the Middle East, and that Awlaki's propaganda would have been entirely unremarkable from his position in Yemen.[110]

In another questionable accusation by the Obama administration, Press Secretary Carney claimed, "There is no question that [Awlaki] was engaged in inspirational efforts or that he was a recruiter for al-Qaeda."[111] While it is obvious that Awlaki intended to inspire others to engage in violence, the implication that he occupied a formal recruitment role within al-Qaeda leadership is highly suspect. Terrorism expert and security consultant Sajjan Gohel, in a comparison to the death of Osama bin Laden, theorized that Awlaki's death "will have equal ramifications for lone-wolf terrorism. Individuals that independently – they're not necessarily tied to a terrorist group, but are motivated by the ideology of what al-Qaeda inspires."[112] Gohel also considered Awlaki an important recruiter for al-Qaeda, but his description of Awalki's influence raises questions about what that title actually means. Is Awlaki a recruiter by virtue of the fact that his religious ideology shares similarities with that of al-Qaeda? Are the lone-wolf domestic terrorists that he "recruits" members of the organization as well? The distinction between recruiter and ideologue may seem insignificant, but Awlaki's status as a member of al-Qaeda is a critical component of his threat profile. To claim that he served as a recruiter is to claim that he actively worked to increase the size, scope, and power of al-Qaeda, and therefore to increase the threat posed by the organization.

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[110] Hannah Allam, "Is Imam a Terror Recruiter or Just an Incendiary Preacher?" *McClatchy DC Bureau*, November 20, 2009.

[111] Office of the Press Secretary, White House Daily Briefing, September 30, 2011.

[112] Sajjan Gohel, "Al-Awlaki Was Key Al Qaeda Recruiter," interview, CNN, September 30, 2011.

Regardless of his indeterminate status as an operative, Awlaki's influence in inciting

terror attacks is rarely challenged. However, the evidence tying Awlaki to the multitude of

terrorist attacks attempted over the decade following September 11th is, in almost every instance,

entirely circumstantial. The 9/11 Commission Report concluded that Awlaki's encounter with

some of the September 11th hijackers "may not have been coincidental," which is another way of

saying that the meeting may have been coincidental.[113] His involvement in the 2007 Fort Dix plot

is limited to one of the perpetrators having watched one of Awlaki's many lectures. Similarly,

his connection to the 2006 Ontario terrorism case is a single video that the eighteen men watched

six months before they planned their first terrorist attack.[114] None of this is to say that Awlaki's

language was not abhorrent, or that his propaganda was not dangerous. Awlaki was a clear

communicator and he unequivocally intended to inspire others to commit violent attacks against

the West. But the magnitude of his influence among would-be terrorists is worth investigating, as

it was perhaps the single most threatening aspect of Awlaki's character. The question is not

whether Awlaki was a dangerous individual, but whether he was dangerous enough to warrant an

international manhunt and extraordinary assassination.

We have established the questionable nature of Awlaki's role as an operational leader

within al-Qaeda, and that his influence within both western and international Muslim

communities may have been exaggerated. What then made Awlaki so threatening in the eyes of

US intelligence? As per existing theories on radicalization, Awlaki's unusual ability to galvanize

western Muslims was seen as far more terrifying than the distant influence of international

ideologues. His western background gave him access to a shared cultural experience that was

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[113] National Commission on Terrorist Attacks upon the United States. The 9/11 Commission Report, 221
[114] Shane, "Anwar Al-Awlaki's Life After Death."

used to a create a deeper connection with his followers. Furthermore, his fluency in English made his material more accessible and relatable to an American audience. Gohel argues that Awlaki's unique quality is that he "didn't need subtitles to indoctrinate. He spoke English, he understood how to impact the Muslim diaspora in the West."[115] Journalist Scott Shane, whose book *Objective Troy: A President, a Terrorist, and the Rise of the Drone* chronicles the life of Awlaki, makes a similar observation, noting that his "blend of perfect Arabic and colloquial English appealed to Muslims across generations."[116]

As mentioned previously, much of Awlaki's media has been purged from internet archives at the request of Congress. What has survived is now among his famous material, including his 2005 lecture series *Constants on The Path of Jihad*, a translation (and repurposing) of the writings of al-Qaeda leader Yusuf al-Uyayri. In examining the appeal of this work, counterterrorism researcher J.M Bernard notes, "Although al-Awlakqi's lectures had taken on a militant, anti-Western tone during this time, his public work studiously omitted overt incitements to violence, possibly reflection on an evolving ideological stance or simply a desire to avoid prosecution."[117] Indeed, these writings are fairly innocuous, especially compared to Awlaki's later works. Among the "constants" outlined are:

1. Jihad will continue until the Day of Judgement.
2. Jihad does not rely on a specific leader.
3. Jihad is not tied to a specific land.
4. Jihad does not depend on a specific battle.
5. Victory in jihad does not necessarily mean military victory.
6. Defeat in jihad does not necessarily mean military defeat.[118]

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[115] CNN Wire Staff, "U.S. Officials Warn of Possible Retaliation after Al Qaeda Cleric Is Killed," *CNN*, October 1, 2011.
[116] Shane, "Anwar Al-Awlaki's Life After Death."
[117] J. M. Berger, "The Enduring Appeal of Al-`Awlaqi's "Constants on the Path of Jihad"," *Combating Terrorism Center at West Point* 4, no. 10 (October 2011): 12-15.
[118] Ibid.

In many ways, *Constants* is nothing more than banal, unremarkable jihadist propaganda in the

same vein as Mehanna's *39 Ways to Serve and Participate in Jihad*. Bernard hypothesizes that

this work resonated with western audiences not because of its content, but because of Awlaki's

skill as an orator and storyteller.[119]

In contrast to his theological writings, Awlaki's public statements were unabashedly

repugnant, often advocating for unrestricted violence against civilians. Speaking in 2010, Awlaki

justified the killing of innocents (with respect to the failed 2009 Christmas Day bombing),

claiming:

> The American people in its entirety takes part in the way, because they elected this
> administration, and they finance this war...for 50 years, an entire people – the Muslims in
> Palestine – has been strangled, with American aid, support, and weapons. Twenty years
> of siege and then occupation of Iraq, and now, the occupation of Afghanistan. After all
> this, no one should even ask us about targeting a bunch of Americans who would have
> been killed in an airplane. Our unsettled account with America includes, at the very least,
> one million women and children...Those who would have been killed in the plane are a
> drop in the ocean.[120]

This same sentiment is echoed in a later excerpt from one of his only remaining sermons on

YouTube, in which he instructs Muslims:

> Don't consult with anybody in the killing of Americans. Fighting the devil doesn't
> require consultation or prayers seeking divine guidance. They are the party of the devils.
> Fighting them is what is called for at this time. We have reached a point where it is either
> us or them...what they want can only be accomplished by our elimination.[121]

Reading these statements, it is easy to see how Awlaki's propaganda could be seen as

exceptionally dangerous.[122] Even more so when one considers that Awlaki was an extremely

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[119] ibid.
[120] Chesney, "Who May Be Killed?" 10.
[121] The Telegraph. "Anwar al-Awlaki Encouraging Attacks on the US." YouTube video. 00:38. Published [September 2011].
[122] Christopher Hitchens, "An Interview with Christopher Hitchens ('Moral and Political Collapse' of the Left in the US," interview, Free Republic, May 8, 2005. Compare Awlaki's rhetoric to that of acclaimed intellectual Christopher Hitchens, who said of Islamic radicals, "We can't live on the same planet as them and I'm glad because

popular preacher whose material was so easily accessible on public websites that curious

individuals could happen upon his sermons unintentionally. Roshonara Choudhry, a

British-Bengali student who was convicted of stabbing a British MP, admitted upon interrogation

that she accidentally stumbled across Awlaki's material while searching for videos on Islam. She

claims that Awlaki's lectures helped her realize an obligation to help defend Muslims by fighting

back against her government, and that this realization was instrumental in her decision to attack

one of her representatives.[123]

There is no doubt that there are real dangers posed by Awlaki's material. While it is not

likely that Awlaki was personally planning terrorist attacks or serving as a high-ranking officer

within al-Qaeda, his propaganda has undeniably served a role in spreading jihadist beliefs

throughout the West. But were Awlaki's actions so severe that they necessitated his

assassination, without investigation and without due process? Perhaps Awlaki would never have

become a household name if he had not been American. After all, al-Qaeda themselves largely

ignored him until the US added him to the kill list, after which they capitalized on the

opportunity to use the soon-to-be martyr for propaganda purposes.[124] It seems that everything

remarkable about Awlaki is tied to his identity, his nationality, and the notoriety conferred upon

him by American foreign policy.

With this in mind, it is worth examining whether Awlaki's case represents another

instance where the fallacious theory of radicalization and the misconceived fear of religious

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I don't want to. I don't want to breathe the same air as these psychopaths and murders and rapists and torturers and child abusers. It's them or me. I'm very happy about this because I know it will be them. It's a duty and a responsibility to defeat them. But it's also a pleasure. I don't regard it as a grim task at all."
[123] Roshonara Choudhry, "Roshonara Choudhry: Police Interview Extracts," interview, The Guardian, November 3, 2010.
[124] Johnsen, "A False Target in Yemen."

violence may have manufactured a terrorist. Despite his alleged connection to the September

11th hijackers, Alwaki condemned the attacks when interviewed by media outlets; at the time, he

had a reputation as a well-spoken American imam and seemed a likely candidate to be an

ambassador for the American Muslim community.[125] Awlaki was interviewed by the Washington

Post in a 2001 feature on Ramadan, where he expressed some of his views on the events

unfolding in the aftermath of 9/11. He observed, "In general, Islam is presented in a negative

way. There's always this association between Islam and terrorism, when that is not true at all. I

mean, Islam is a religion of peace." While he offered a tepid critique of the War on Terror, he

also expressed concern for those suffering under Saddam Hussein, as well as sympathies for the

victims of 9/11.[126] When Awlaki fled the country in 2002, he cited police intimidation and

harassment as the reason for his departure – an event which coincides with Awlaki's increasingly

violent and uncompromising rhetoric.[127] At this point, criticism of American foreign and

domestic policy, specifically the mistreatment of Muslims and the killing of civilians, became

the focal point of many of his sermons. None of this should be taken as a conclusive statement

on Awlaki's motivations and transformation, rather it is an observation that perhaps the

post-September 11th frenzy surrounding terrorism and radicalization may have played a role in

pushing Awlaki towards militancy.

In any case, Awlaki's influence has not diminished following his assassination. When

Awlaki was added to the CIA kill list in 2010, security officials cautioned against making a

martyr of what was then a relatively low-level affiliate of al-Qaeda. In the years since his death,

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[125] Shane, "The Lessons of Anwar Al-Awlaki."

[126] Anwar Al-Awlaki, "Understanding Ramadan: The Muslim Month of Fasting," interview by Travis Fox, *The Washington Post*, November 19, 2001.

[127] Shane, "The Lessons of Anwar Al-Awlaki."

Awlaki continues to be highly influential among domestic terrorists. The Tsarnaev brothers of

the 2013 Boston Marathon bombings, the Kouachi brothers of the 2015 Charlie Hebdo attack,

and Syed Farook and Tashfeen Malik of the 2015 San Bernardino shooting, were all allegedly

inspired by Awlaki's media.[128] While it is impossible to say whether or not America's imprudent

policies were instrumental in informing Awlaki's ideology, it is clear that they have exacerbated

the influence of such figures by amplifying their moral authority. If Awlaki was considered a

significant threat while alive, his status has not changed in death.

Awlaki's case bears some similarities to that of Tarek Mehanna. Both were considered to

be radical al-Qaeda propagandists whose rhetoric was considered dangerous enough to attract the

attention of law enforcement. However, there are several key differences between the

circumstances of these men. Mehanna was a nobody – most of his writings were slavering,

hate-filled posts on online message boards. His audience was small, if not nonexistent, and his

influence was negligible. Mehanna's was an exceptional case precisely because he was so

inconsequential. He is an example of how concerns about religious violence and radicalization

can exaggerate the threat of even the most minor of extremists.

On the other hand, Awlaki was (and still is) one of the most well known radical preachers

in the West. His influence is pervasive, and unlike Mehanna, his materials have been directly

implicated in inciting terrorist attacks. Although his role within al-Qaeda was questionable, his

connections to the organization were not. By all accounts, Awlaki was a far more dangerous

individual than Mehanna. His case was serious, but not extraordinary, until the US made it so.

Awlaki is an example of the most extreme end of religious violence – a man whose rhetoric was

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[128] Shane, "Anwar Al-Awlaki's Life After Death."

so threatening that the US saw it necessary to eliminate him with full knowledge of the inevitable

political fallout, and with full knowledge that his influence would not subside with his death.

The purpose of this section is not to argue that the US government intentionally

misrepresented the dangers posed by Awlaki; on the contrary, Awlaki's case is the clearest

example of how the fears surrounding religious violence can affect policy at the highest level.

Intelligence officials did not lie about Awlaki's operational role within al-Qaeda, rather they

interpreted his influence as a propagandist as fulfilling a integral, "operational" stage in the

radicalization process. They did not lie about his role as a leader; they understood, from a

western perspective, that Awlaki was an ideological and spiritual link between aspiring

lone-wolf terrorists and legitimate terrorist organizations. This was not a campaign of

misdirection, but a campaign of fear and misunderstanding, based on the same flawed notions of

religious violence that created radicalization in the first place.

Conclusion

If there is a single word that describes the atmosphere of the 21st century, it is "terror." The events of September 11th shook the pillars of American society, and the response to those attacks forever changed the nature of war, security, and diplomacy. Ideology and rhetoric became the focal point of the government's efforts to secure the homeland and project American power. Military targets changed from industrial hubs and vital infrastructure, to ideologues and propagandists. Torture, a practice once considered too barbaric and ineffective to have a place in modern society, was revitalized as a legitimate interrogation method. Police efforts were refocused in order to preempt violent attacks; surveillance and data collection increased dramatically, blurring the legal lines between investigation and abuse. All the while, terrorism continued, unimpeded by the dramatic changes in society that were engineered to prevent it.

Why is this the case? Why has every effort to combat terrorism and radicalization failed? This thesis has presented the numerous shortcomings of America's ill-fated War on Terror: from imprisoning firebrands and assassinating ideologues, to violating civil liberties, to manufacturing terrorism itself. And it has demonstrated that at the heart of this war is a war on religion. Not just a war on Islam, but a war on any religious beliefs that attempt to affect radical social change. But many questions still remain, one of which is why radical beliefs are so tenacious, and why a theory that is demonstrably ineffective continues to be deployed to combat them.

First, it is important to address the critique that the studies used in this thesis are "outdated." Indeed, in the decade following onset of domestic terrorism, the NYPD and FBI have both withdrawn from their initial theories on radicalization. The NYPD has since removed

the *Radicalization in the West* study from their website after a 2016 lawsuit that accused them of

illegal surveillance of Muslim communities.[129] The FBI likewise disavowed the tenets of the

NYPD study in a 2015 internal memo regarding the "Strategic Plan to Curb Violent Extremism."

They yield:

> There is neither one path or personality type, which is prone to adopting extremist views
> or exhibiting violent tendencies, nor is there a singular path or personality that leaves an
> individual vulnerable to others who may seek to impress these views or tendencies upon
> them. There are no individually unique behavioral changes for those who mobilize to
> violent extremism.[130]

These would appear to be positive developments for the American Muslim community, yet the

reality is that the misconceptions surrounding radicalization continue to influence government

policy at the highest level. In 2016, President Obama updated the "National Strategy for

Empowering Local Partners to Prevent Violent Extremism in the United States" (CVE) Plan.

This plan, aimed at providing outreach to local communities targeted by violent extremists, relies

on the exact same species assumptions as Silber and Bhatt's 2007 theory. A 2017 report by the

Brennan Center for Justice summarizes these misconceptions:

> CVE programs are built on two shaky premises. The first is that extremist ideology is a
> precursor to, and driver of, terrorism. While this proposition has some intuitive appeal, it
> has been disproven by decades of empirical research. Many people hold views that can be
> described as "extreme" and never act violently; the reverse is also true. The second
> premise is that there is a predictable path toward terrorism with clear markers that can be
> used to identify potential terrorists. This notion has also been repeatedly debunked by
> empirical research.[131]

The use of the plural "programs" in their assessment is in reference to the fact that CVE plans

have exported to other countries and institutions, such as the UN Human Rights Council.[132] As

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[129] Raza v. City of New York, 998 F. Supp. 2d 70 (E.D.N.Y. 2013)
[130] United States, Federal Bureau of Investigation, Countering Violent Extremism, *FBI Strategic Plan to Curb Violent Extremism* (2015).
[131] Faiza Patel and Meghan Koushik, *Countering Violent Extremism*, report, Brennan Center for Justice (2017), 9.
[132] Ibid, 7.

an example of just how closely these CVE programs parallel the foundations of the NYPD's

report, President Trump's counterterrorism and homeland security teams proposed renaming the

program to the "Countering Radical Islam" or "Countering Violent Jihad" plan.[133]

The failings of the CVE plan will not be discussed here out of concern for redundancy;

they are largely identical to those outlined in the chapter on radicalization theory. But it is

important to understand that these community programs continue to propagate, even in the face

of an overwhelming (and quickly growing) body of research disproving the the radicalization

model.[134] The principle conclusions of this research are that radical beliefs do not lead to

terrorism, and that there is no standard terrorist profile that can be used to predict behaviors.

Some of this research dates back to 2008, but the debunked theory has nonetheless maintained an

enduring appeal for over a decade. Why has the concept of radicalization become such a deeply

entrenched part of Western theory?

Radicalization theory is an example of something that is not "real" becoming a social

concept in response to a need. The need, in the post-9/11 world, was an explanation as to how a

person could commit an act that was so sickening, monstrous, and ostensibly irrational.

Returning once again to Talal Asad's *On Suicide Bombing*, he identifies the horror of 9/11 with

the image of the suicide bomber, arguing, "suicide bombing is seen as a violent expression either

of a perverted, totalitarian Islam or of a primordial (and therefore irrational) religious urge that

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[133] Michael Crowley, "Trump's Terror-fighting Team Yet to Take Shape," *Politico*, December 20, 2016.

[134] Europol Pub. Information, Changes in Modus Operandi of Islamic State Terrorist Attacks 8 (Jan. 25, 2016); Clark McCauley & Sophia Moskalenko, *Individual and Group Mechanisms of Radicalization*, in Topical Strategic Multi-Disciplinary White Papers in Support of Counter-Terrorism and Counter-WMD 88 (Laurie Fenstermacher ed., 2010); Clark McCauley & Sophia Moskalenko, *Mechanisms of Political Radicalization: Pathways Toward Terrorism*, 20 Terrorism & Pol. Violence 415, 418, 429 (2008); Richard English, Terrorism: How to Respond 52 (2009); Jamie Bartlett, Jonathan Birdwell and Michael King, DEMOS, The Edge of Violence: A Radical Approach to Extremism 37-38 (2010); Andrew Gilligan, *Hizb Ut Tahrir is Not a Gateway To Terrorism, Claims Whitehall Report*, Telegraph, July 25, 2010; Alan Travis, *M15 Report Challenges Views on Terrorism in Britain*, Guardian, Aug. 20, 2008. As cited in Patel and Koushik, *Countering Violent Extremism*, 61.

secularism has overcome."[135] It is this perceived irrationality that is the key characteristic of

terrorism, and the ultimate source of radicalization theory. Terrorism needed to be rationalized

within the framework provided by the secular state – a framework that is based on a inoffensive,

private religion that cannot have primacy in people's decision making.[136] But the influence of

Islam among the 9/11 hijackers was too conspicuous to be ignored. Therefore, a malignant form

of "bad" religion became the centerpiece of the theory.

This raises the question of why the state cannot acknowledge "bad" religion as a

legitimate form of religious expression. The answer lies within the framework of the nation-state

mentioned above. In researching the connection between secularism and religious violence,

Mark Juergensmeyer observes:

> "The two inventions of modernity – secular nationalism and religion – both serve the
> ethical function of providing an overarching framework of moral order, a framework that
> commands ultimate loyalty from those who subscribe to it. And although the modern
> assumption is that nationalism is a moral order for the public realm and religion for the
> private realm, both provide moral sanction to martyrdom and violence. As a result, the
> modern idea of religion is a potential revolutionary construct, for it can provide a
> justification for the violence that would challenge the power of the secular state."[137]

As secularism and religion are defined in opposition to each other, the modern state cannot but

force religion to eschew its role as a producer of violence if it is to fit within the system provided

by liberalism.[138] What is left is a sanitized, dispassionate, docile form of religion that operates

exclusively within the private sphere and is seen as the only authentic mode of religious

expression in Western society; anything outside of this becomes what radicalization theory is

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[135] Asad, *On Suicide Bombing*, 95.
[136] See notes 21 and 23.
[137] Craig J. Calhoun, *Rethinking Secularism*, 198. Note that this is not necessarily an argument in support of classical theories on secularism, only an observation that on how the modern state has defined itself.
[138] For a more detailed history of secularism, see Charles Taylor, *A Secular Age*, Reprint ed. (Cambridge, MA: Belknap Press of Harvard University Press, 2018); Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford, CA: Stanford Univ. Press, 2010).

able to define as "radical." The theory itself becomes a tool that empowers the state to employ its techniques with greater force against what it has identified as an exceptional threat.

The stranglehold that the state has established over religious discourse is perhaps the most lamentable consequence of modernity. It has turned one of the most creative and effervescent forms of human expression into a bludgeon – one that the state has wielded forcefully in its efforts to reinforce its own legitimacy. These efforts have borne an interminable War on Terror that has perpetrated extreme acts of violence against religious actors, both guilty and innocent alike; a war that has precluded any attempt to understand religions that do not fit the Western mold, and has effectively doomed the West's relationship with the Muslim world (and beyond). This war has been unsuccessful in combating terrorism, in large part because radicalization theory is an attempt to explain a behavior that already has an explanation. Radical rhetoric is in fact a normal response to the reality of American imperialism and militarism.[139] Radicalization theory attempts to portray this reaction as irrational and extraordinary, when in fact it is not only understandable, but inevitable. When laid bare, the foundational critique that lies at the core of the radical ideology is one that is immediately familiar to any American: it is the language of defense, of protecting one's own, and of fighting to preserve a way of life. That is not to say that this rhetoric cannot be dangerous; on the contrary, the pernicious effect of Awlaki's propaganda is perhaps the premier example of how this type of language can be weaponized. But the true danger of radicalization theory is that it obfuscates the rational explanation for Mehanna and Awlaki's rhetoric with a model that is entirely based on bias and

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[139] See notes 60, 61, and 119.

fear. This mistake has left the West impotent and unable to recognize, let alone address, this critically important critique.

With this, we arrive once again at the concept of terror, an idea which all of the topics in this thesis – Mehanna, Awlaki, radicalization theory, religious violence, "bad" religion – are a product of. It is indeed a vicious cycle; however, the purpose of this research is not to make trite observations, but to draw meaningful conclusions. And the truth is that these topics are critically important because they have single-handedly shaped the political and social climate of the modern era. They govern what forms of discourse are lawful, and what forms are proscribed; they dictate the boundaries of authentic forms of expression; they legitimize acts of violence, and criminalize acts of speech. The answers to the questions posed in this thesis are among the most important questions that this generation will face. And their answers will determine whether we remain in a world dominated by terror, or rise above the failings of our society, and build a world that has no need for "radical" beliefs at all.

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