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SYMPOSIUM ON J. BENTON HEATH, "MAKING SENSE OF SECURITY"

MAKING SENSE OF VIOLENT EXTREMISM

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In "Making Sense of Security," J. Benton Heath convincingly argues that the concept of security should be understood as a struggle for epistemic authority. Heath develops a comprehensive typology that helps to understand the processes through which people make sense of the term security, while it also helps identifying the legal and political practices involved. However, as he rightly observes, these approaches to security are "not stable equilibria but rather more like quantum states, in which each type contains the potential for the others."[1] Global counterterrorism law powerfully illustrates this evolution. In particular, the growing field of preventing and countering violent extremism (P/CVE) reveals a flow of security conceptions, including realist, widened, and discursive security. Applying Heath's typology to this field shows that evolving rationales have set in motion normative practices, which are difficult to trace from within a traditional international security law framework. In their relational modes, such practices aim at turning risks into opportunities, thus denoting that one's security is the other's perpetuation of insecurities. The recourse to resilience as a technique of counterterrorism governance that instrumentalizes shared and emerging social identities and practices in order to prevent extremism, contributes to the entrenchment of an ever-expanding security apparatus. But it is precisely by resorting to social life—unpredictable as it is—that resilience becomes a quantum state itself, which bears potential for disruption.

"Fighting Violent Extremism": From Rhetoric to Expertise

The catchphrase "fighting violent extremism" is usually attributed to the Obama administration and its efforts to change the rhetoric of the government of George W. Bush. However, it was already used during the second term of the latter, replacing the "War on Terror" slogan, with all its negative associations, including those triggered by the war against Iraq, in 2003.[2] Almost a decade later and spurred by the rise of the Islamic State (ISIS), the global counterterrorism establishment in and around the United Nations Security Council started to fill the catchphrase with meaning translatable into innovative measures to counter the newly conceived threat.

By 2013, the foreign terrorist fighter (FTF) phenomenon had turned into a pressing concern for the international community, and in particular for Western states. ISIS was successful in conducting online propaganda campaigns and in attracting mostly young people, often from marginalized areas in Western cities, to travel to Syria or Iraq in order to join the terrorist organization. There, they would receive training in connection with armed conflict or in the preparation of future attacks when returning to their hometowns in the West (Returning Foreign Terrorist

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[1] J. Benton Heath, *Making Sense of Security*, 116 AJIL 289, 314 (2022).

[2] *See* Eric Schmitt & Thom Shanker, *U.S. Officials Retool Slogan for Terror War*, N.Y. TIMES (July 27, 2005); *see also* RONALD R. KREBS, NARRATIVE AND THE MAKING OF NATIONAL SECURITY 157 (2015).

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Fighters).[3] Hence, the prevention of the radicalization of individuals, their recruitment by terrorist organizations, and the crossing of borders of those already radicalized, became a priority. The unanimous adoption of Resolution 2178, during a UN Security Council summit held on September 23, 2014 and chaired by President Obama, made this clear.[4] Known as the "FTF Resolution," this far-reaching, quasi-legislative act of the UN Security Council has been criticized for reproducing abuses similar to those that followed 9/11 with the adoption of Resolution 1373.[5] In an unprecedented move, Resolution 2178 addresses individuals directly, demanding that "all terrorist fighters disarm and cease all terrorist acts and participation in armed conflict."[6] Most importantly for present purposes, it stretches considerably the scope of global counterterrorism law. This happens through a series of processes, which reflect what Heath describes as "widened" and "discursive" security. First, there is the conflation of terrorism with violent extremism, perhaps the most fundamental move in widening counterterrorism law through "broadening," that is, the extension of the meaning of security by embracing new threats.[7] Second, the ambit of those *who decide on violent extremism*[8] reveals a highly decentralized scheme,[9] which explains why P/CVE has turned into a discursive practice that tends to securitize everything, from education to family life.

Broadening Counterterrorism Law Through Violent Extremism

Resolution 2178 explicitly links the FTF phenomenon with violent extremism. It emphasizes the role of narratives in the radicalization of individuals, as well as the need to address the conditions that are conducive to violent extremism which, in turn, is portrayed as conducive to terrorism. Just as it is the case with "terrorism," there is no agreed definition under international law of "violent extremism," leading to overlaps and confusion between the two concepts.[10] As the UN secretary-general has stated, the definition of both terms remains the prerogative of member states,[11] and their practice on violent extremism is divergent. Overall, if there is any agreement, it seems to be in favor of greater vagueness. National authorities as well as international institutions consider violent extremism to be broader than terrorism, and as encompassing other forms of political violence, although the latter remain unspecified. Several of these approaches concur in that violent extremism is about the beliefs that lead people to encourage, condone, or otherwise justify the commission and/or support of violent acts in order to achieve political, religious, or ideological goals. This is critical because such approaches embrace scientifically controversial mental processes of radicalization, which are said to be related not only to the potential willingness to commit violent acts, but also to a broad notion of support or even sympathy with ideologically driven violence.[12] The International Hub on Behavioural Insights to Counter Terrorism is a concrete example of how far this widening

[3] SC Res. 2178, at preambular paragraph 8 (Sept. 24, 2014).

[4] *Id.*

[5] Martin Scheinin, *Back to Post-9/11 Panic? Security Council Resolution on Foreign Terrorist Fighters*, JUST SECURITY (Sept. 23, 2014).

[6] SC Res. 2178, *supra* note 3, op. 1. *See* Anne Peters, *Security Council Resolution 2178 (2014): The "Foreign Terrorist Fighter" as an International Legal Person, Part I*, EJIL:*TALK!* (Nov. 20, 2014).

[7] Heath, *supra* note 1, at 318.

[8] Paraphrasing Aziz Rana, *Who Decides on Security?*, 44 CONN. L. REV. 1417 (2012).

[9] Heath, *supra* note 1, at 318.

[10] *See* GAVIN SULLIVAN, THE LAW OF THE LIST – UN COUNTERTERRORISM SANCTIONS AND THE POLITICS OF GLOBAL SECURITY LAW 330 (2020).

[11] Plan of Action to Prevent Violent Extremism, Report of the Secretary-General, para. 5, UN Doc. A/70/674 (Dec. 24, 2015).

[12] For an initial survey on laws and policies on violent extremism in several jurisdictions, see Report of the UN High Commissioner for Human Rights, Report on Best Practices and Lessons Learned on How Protecting and Promoting Human Rights Contribute to Preventing and Countering Violent Extremism, paras. 16–24, UN Doc. A/HRC/33/29 (July 21, 2016).

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goes. Launched in December 2020 by the United Nations Office of Counterterrorism in partnership with Qatar, the International Hub identifies and compiles good practices on use of tools from psychology, behavioral economics, and cognitive and social sciences, to help understand what influences individual decisions related to violent extremism.[13]

The conflation of terrorism and violent extremism raises concerns about possible abuse by national authorities, particularly because such a widened understanding may lead to "unduly restrict human rights, such as freedom of expression, peaceful assembly, and religion or the right to privacy."[14] This is all the more disquieting in light of the strong inclination toward predictive measures of surveillance, as well as the propensity to measure the risks of violent extremism by resorting to an expansive array of indicators of on- and off-line human behavior. As highlighted by the UN special rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, these trends embody a dangerous expansion of a "pre-terrorist" regulatory space, "involving the fluid interaction of the criminal with social, religious and administrative regulation."[15]

Deepening Violent Extremism Through "Sustained Networking"

The "FTF Resolution," as Resolution 2178 is often called, was adopted the day after the Global Counterterrorism Forum (GCTF) agreed on its Hague-Marrakesh Memorandum on Good Practices for a More Effective Response to the FTF Phenomenon.[16] The Resolution is heavily influenced by this non-binding Memorandum of a self-described "informal, a-political, multilateral counterterrorism platform."[17] So, from the beginning, the fight against FTF and the closely related field of P/CVE have been articulated in tandem by the UN Security Council and the GCTF. On the Council's side, this cooperation runs mainly through the Counterterrorism Executive Directorate, which is the powerful expert body of the Counterterrorism Committee. Indeed, in the latest renewal of the Directorate's mandate, the Council directs it to enhance information sharing with "the GCTF, academia, think tanks, civil society, the private sector,"[18] among others. It is important to clarify that the GCTF operates as a flexible platform that works with multiple partners as it launches initiatives aimed at forging new partnerships.

Particularly relevant here are the so-called "GCTF-inspired institutions." These were created as stand-alone organizations but with the goal of strengthening the work of the GCTF. Among them, the Global Community Engagement and Resilience Fund and Hedayah deserve attention.[19] The former connects local communities to global donors, helping to finance and accelerate social practices that are deemed valuable manifestations of resistance to extremism. It develops guidance for stakeholders to assist them in obtaining funding for prevention programs, ultimately influencing the contents of the latter. Hedayah, on its part, is a think-and-do-tank that produces focused research on extremism, communicates its findings strategically to local partners, supports educational institutions in preventing violent extremism, and assists national and local governments in developing their

[13] *See* UN Office of Counter-Terrorism, *Behavioural Insights*.

[14] Report on Best Practices and Lessons Learned on How Protecting and Promoting Human Rights Contribute to Preventing and Countering Violent Extremism, *supra* note 12, para. 21.

[15] Report of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism, Human Rights Impact of Policies and Practices Aimed at Preventing and Countering Violent Extremism, para. 24, UN Doc. A/HCR/43/46 (Feb. 21, 2020).

[16] Global Counterterrorism Forum, *Hague-Marrakesh Memorandum on Good Practices for a More Effective Response to the FTF* (Sept. 22, 2014).

[17] *See* Global Counterterrorism Forum, *About the GCTF*.

[18] SC Res. 2617, op. 14 (Dec. 30, 2021).

[19] *See* GCERF and Hedayah.

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prevention action plans. It does all this in accordance with the recommendations of the UN Secretary General's Action Plan to Prevent Violent Extremism, which strongly encourages the engagement of subnational entities and the private sector in these endeavors.[20] Thus, both GCTF-inspired institutions are knowledge dissemination platforms on violent extremism. They facilitate replication processes of good practices through continuous partnership building. It is not difficult to see why P/CVE has been described as "sustained networking,"[21] that is, a highly decentralized scheme of "deepening" the knowledge production on violent extremism and the normative responses thereto in favor of a wide range of actors.[22]

Counternarratives and Counter-Counter-Narratives: Between Entrenchment and Disruption

If terrorists successfully disseminate their narratives in schools, religious, and community centers, then there is an important role to play for teachers, preachers, and social workers in preventing individuals from embracing these narratives in the first place. This goes beyond risk assessments and involves the construction and diffusion of "counternarratives." These are messages intended to contribute to halt incitement by tackling motivations of vulnerable people, such as feelings of alienation and frustration derived from perceived or real discrimination, lack of opportunities, and situations of endemic conflict (i.e., the root causes). In order to construe such counternarratives, the Comprehensive International Framework to Counter Terrorist Narratives, elaborated by the Counter-Terrorism Committee in close consultation with the Counterterrorism Executive Directorate, recommends adopting approaches based on "scholarly rebuttals by religious authorities on issues like tolerance and non-violence; contradicting evidence on life in battle zones (including the testimonies of former terrorists); personal stories of the impact of terrorism on victims and their families; and information on the scale and severity of human rights abuses committed by terrorist groups."[23] What can be observed here is the operationalization of discursive security,[24] which keeps identifying social identities and relations as especially vulnerable to the embracement of terrorist narratives, and hence as security risks. The legal and political practice unleashed by this instance of discursive security consists in turning education, social and community work, religious activities, and even family life, as the involvement of youth and women (particularly mothers) show, into P/CVE activities.[25]

While some regard this trend as a promising turn in counterterrorism law toward softer means which depart from military ones and which adopt a "whole-of-society approach that harnesses the influence and efforts of civil society,"[26] others criticize it as "the securitization of every-day-life."[27] Moreover, the P/CVE apparatus moves beyond discursive security in that it not only classifies threats almost on demand, it actually promotes the

[20] Plan of Action to Prevent Violent Extremism, Report of the Secretary-General, *supra* note 11.

[21] Eric Rosand, *The Future of Countering Violent Extremism*, Strong City Network (Sept. 25, 2020).

[22] Heath, *supra* note 1, at 318.

[23] Comprehensive International Framework to Counter Terrorist Narratives, Annex, para. 18, UN Doc. S/2017/375 (Apr. 28, 2017).

[24] Heath, *supra* note 1, at 321–24.

[25] The Council encourages member states to "empower" youth, families, and women in order to involve them in counternarratives. *See* SC Res. 2354, op. 2(f) (May 24, 2017). Regarding the situation in Afghanistan, the Council encourages women and women organizations directly to develop counternarratives. *See* SC Res. 2405, op. 30 (Mar. 8, 2018). *See* also Fionnuala Ní Aoláin & Jayne Huckerby, *Gendering Counterterrorism: How to, and How Not to – Part I and Part II*, Just Security (May 1 & 3, 2018).

[26] OSCE, *A Whole-of-Society Approach to Preventing and Countering Violent Extremism and Radicalization That Lead to Terrorism—A Guidebook for Central Asia* 8 (2020).

[27] Alejandro Rodiles, *The Global South and the Law and Governance of Global Security—Towards a Scholarship on the Global Ecology of Insecurities*, *in* The Oxford Handbook of the International Law of Global Security 878, 893 (Robin Geiß & Nils Melzer eds., 2021). The UN special rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism speaks of "the

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repurposing of social identities and relations as terrorism prevention tools. Following Christine Chinkin's analysis in relation to the role of women in counterterrorism law, such measures raise ethical questions, as they flatten complex identities according to their purported position with respect to violent extremism.[28] Securitization theory is based on a logic of exception that reproduces the realist's dichotomy between threats, on the one hand, and the valuable goods that need to be protected, on the other.[29] But in the present case, this dichotomy is erased by a very different logic, namely, that of resilience. The P/CVE apparatus promotes *the making* of resilient individuals and communities, which means the development of their capabilities of adaptation in order to cope with the risks of, ultimately, becoming terrorists. This can be supported, assisted, perhaps even galvanized, from outside via organizations like the GCTF and its "inspired institutions," but in the end, it depends on the vulnerable themselves and their living environments. Thus, according to resilience-driven P/CVE, "the life to be cared for is equivalent to the life that must be acted over."[30] Once the threats of violent extremism are reproduced by "shared and emerging identities,"[31] that is, by the religious, family, and school communities that are instrumentalized as security providers, the P/CVE apparatus becomes entrenched.

There are, nonetheless, ensuing instances of disruption. #StopCVE in the United States is a coalition for counter-countering violent extremism. Led by the Muslim Justice League, it claims that even though P/CVE campaigns are portrayed as soft and empowering, they instead reinforce the image of Muslims as violent, and increase the targeting of those who are religiously or politically active.[32] These claims are supported by the assessment of the UN special rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.[33] Moreover, in line with other political movements such as Black Lives Matter, #StopCVE demands an end to the P/CVE framework and advocates repair and investment measures led by those who have been affected by the insecurities created by the law and politics of that framework. This kind of divestment is often also described as a form of resilience. This reveals the somehow contradictory nature of resilience: as a governance technique, it seeks to instrumentalize social identities and relations, but it is precisely by resorting to social life that it bears the potential for disruption, as social life cannot really be controlled.[34]

Conclusion

Violent extremism has been conceived from the beginning as a widened concept. Its sensemaking processes include decentralization in favor of "sustained networking," resulting in a seemingly endless broadening of its possible meanings. This has triggered legal and policy choices of counterterrorism which espouse behavioral insights and intervene in education, development, and gender issues, to name but a few. The global narrators of P/CVE frame their campaigns as the empowerment of social groups and individuals, which goes along with the long-

securitization of care professions." *See* Human Rights Impact of Policies and Practices Aimed at Preventing and Countering Violent Extremism, *supra* note 15, paras. 32, 48.

[28] *See* Christine Chinkin, Women, Peace and Security and International Law 127 (2022).

[29] *Cf.* Heath, *supra* note 1, at 313–14.

[30] Ben Anderson, *Preemption, Precaution, Preparedness: Anticipatory Action and Future Geographies*, 34 Progress Hum. Geography 777, 781 (2010).

[31] Heath, *supra* note 1, at 313.

[32] *See* #StopCVE.

[33] *See* Human Rights Impact of Policies and Practices Aimed at Preventing and Countering Violent Extremism, *supra* note 15.

[34] *See* Alejandro Rodiles, *The Tensions Between Local Resilience-Building and Transnational Action: US-Mexican Cooperation in Crime Affected Communities in Northern Mexico, and What This Tells Us About Global Urban Governance*, *in* The Globalization of Urban Governance – Legal Perspectives on Sustainable Development Goal 11, at 247 (Helmut Philipp Aust & Anél Du Plessis eds., 2019).

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awaited acknowledgment of the root causes of terrorism. However, it is also an exercise in storytelling, another narrative that targets the people who are simultaneously conceived as both agents of insecurity and potential security providers. Turning risks into opportunities implies that vulnerabilities are there to stay, and that hacking them into something useful is what is left to do. This is reminiscent of Mohammed Ayoob's seminal work on the insecurity predicament of the disadvantaged, which will remain in place as long as the practices of the advantaged continue to obey the sole imperative of avoiding contagion.[35] However, the contradictory nature of resilience is very much like the quantum state stressed by Heath in relation to his typology of (in)securities: in seeking to rule through social emergence, it opens up venues for alternatives to arise.

[35] Mohammed Ayoob, The Third World Security Procurement – State Making, Regional Conflict and The International System (1995).

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