

Understanding and responding to right wing terrorism

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Introduction

Terrorism from the far right has a long and bloody history. However, since the terrorist attacks on the United States on 11 September 2001, it has been eclipsed by concerns about Islamic extremist terrorism from al Qaeda and, more recently, Daesh. This is starting to change.

Far right terrorists have made global headlines over the past decade, killing 69 Workers' Youth League delegates on Utoya island in Norway in July 2011, nine worshippers at an African American church in Charleston, South Carolina, in June 2015, six worshippers at a Quebec City mosque in January 2017, 51 worshippers at two mosques in Christchurch in March 2019, and 22 back-to-school shoppers at a Walmart in El Paso on the United States/Mexico border in August 2019. In the few weeks after the El Paso attack, United States authorities reportedly prevented 'at least seven mass shootings and white supremacist attacks' that could have led to many more deaths (Levin, 2019).

This list of high-profile acts of far right terrorism is, of course, incomplete. Some databases suggest that far right terrorists have been responsible for 109 killings in the United States alone since the September 11 attacks, with Islamic extremist terrorists responsible for 104 (New America Foundation, 2019; see, in this issue: Taylor, 2019). As the public becomes more aware of the threat posed by right wing terrorism, and as policy-makers begin to address it, it is important that they do so with the best possible understanding of this particular form of terrorism. We hope that this collection of current research on far right terrorism in Australia, Europe, India, New Zealand and the United States is of assistance in this regard.

The articles in this special issue were first presented at a workshop on understanding and responding to far right terrorism that was held at the Faculty of Law, University of New South Wales, in July 2019. The workshop aimed to bring together practitioners and academics from a variety of disciplinary backgrounds, including law, security studies, political science and criminology, to discuss the implications of the growth of terrorism from the far right, the distinctive challenges it poses, and best practice in terms of both legal and non-legal responses. It also sought to evaluate whether the strategies that have been adopted to date in response to Islamic extremism are 'fit for purpose' in responding to terrorism from the far right. We thank the Faculty of Law, and especially the Gilbert + Tobin Centre of Public Law and the Centre for Crime, Law and Justice, for their generous support of this workshop.

A range of themes emerged during the workshop which are addressed in this special issue. These include: the challenge of defining far right terrorism, for both academic and legal purposes; the selective enforcement of existing counter-terrorism laws; whether, and, if so, how, States should legislate specifically for far right terrorism; the connection between far right terrorism and hate crime; the proliferation of far right extremism online; and, finally, the utility of countering violent extremism (CVE) programs in dealing with the threat posed by right wing terrorism.

The challenge of defining right wing terrorism

The 'definitional conundrum' (see, in this issue: Singh, 2019) of far right terrorism lies at the heart of all of the articles in this special issue. What do acts of violence committed by Hindu extremists in India have in common with the far right white supremacists that have committed mass murders in the United States? How does Islamophobia and fear of migrants relate to white supremacy and neo-Nazism? And where do fascists, apocalyptic groups, conspiracy theorists and libertarian groups fit in?

The reality is that developing an adequate sociological definition of far right terrorism is, and will continue to be, extremely challenging. In doing so, it is important to relate the actions and intent of far right terrorists to the larger political environment which has, in recent years, veered towards populism and scapegoating. As one article in this collection documents (Singh, 2019), the rise of Hindu nationalism in India is related to the success of the populist Modi government. Another study has found that the most prevalent terms used in far right Twitter accounts were "Trump" and "MAGA" (the acronym for his successful 2016 Presidential campaign slogan "Make America Great Again") (Berger, 2018). Terrorism has traditionally been conceived of as political violence by a minority community against the State (Wilkinson, 2011), however, the recent rise in far right terrorism in India and the United States turns this orthodoxy on its head.

Of course, whilst it is tempting to equate far right terrorism with the rise of populist politics, it is also critical to study the uncertain relations between attitudes and behaviour. Academics have rightly been concerned about the danger of conflating extremism with terrorism insofar as national liberation movements are concerned. However, this also applies to individuals and groups on the right of the political spectrum. The relationship between attitudes and mobilization to violence has always been unclear (Moskalenko and McCauley, 2009) and it is important that they not be equated simply because of the objectionable nature of the attitudes expressed by far right extremists.

The comparison of far right terrorism in India and the United States makes clear that while characteristics of white supremacy and neo-Nazism fall within the umbrella concept of right wing terrorism, they do not represent its outer limits. More broadly, right wing terrorists have a tendency towards an apocalyptic world view in which grievances are focused on outgroups and scapegoats (often racial or religious minorities and migrants). This is accompanied by a sense that such groups must be violently attacked or eliminated if the in-group is to survive (Berger, 2019). This is, of course, a preliminary sociological definition. It will undoubtedly have to be revised as knowledge about far right terrorism increases and as the nature of the threat itself evolves.

One interesting facet of far right terrorism is the extent to which far right terrorists focus both on domestic and international grievances. Although far right terrorism is often perceived to have a predominantly domestic focus, a number of the articles in this special issue highlight the global reach and internationalisation of far right terrorism. In their article on the sovereign citizen movement in Australia and the US, Baldino and Lucas (2019) emphasise the links between

sovereign citizens in the two jurisdictions. Manifestos of far right terrorists appear to have influenced a number of terrorist attacks, both directly and indirectly. The Australian perpetrator of the Christchurch terrorist attacks drew inspiration from the manifesto of convicted Norwegian far right terrorist, Anders Breivik. These links are examined in the articles of both Taylor (2019) and Campion (2019) in this issue. In turn, the El Paso shooter declared himself to be a supporter of the Christchurch accused (Taylor, 2019; Campion, 2019). Far right terrorism, no less than that inspired by Daesh, has a global reach and connections, spanning multiple continents (Campion, 2019).

Selective enforcement of existing counter terrorism laws

The difficulties of defining right wing terrorism are reflected in the law itself. There is little experience in the countries examined in this issue in applying legal definitions of terrorism to far right terrorism. In the vast majority of recent cases, where far right terrorists have been apprehended, it is only after they have committed acts of terrorism. This has led to murder charges and in some jurisdictions such as the United States, hate crime charges. Unlike Islamic extremist terrorists, people or groups motivated by far right extremism who have committed, or prepared to commit, acts of terrorism have typically not been charged with the broad inchoate crimes that dominate post September 11 counter-terrorism laws (see, in this issue: Battersby and Ball, 2019; Taylor, 2019). This raises interesting questions about the deterrent, denunciatory and incapacitative effects of such charges compared with terrorism charges. In this respect, the response of New Zealand prosecutors to the Christchurch terrorist attacks has been exceptional, with terrorism charges laid, in addition to 51 murder and 40 attempted murder charges. In contrast, Canadian officials missed an opportunity to charge the Quebec City mosque shooter with the commission of first degree murder by way of a terrorist activity. In her article in this issue, Taylor (2019) argues that in the US, far right terrorists have typically not been charged with terrorism offences, even when their actions seemingly fall within the definition of domestic terrorism in the US Criminal Code. This is in direct contrast to terrorists inspired by an Islamic extremist ideology, who seem typically to be prosecuted for terrorism offences. It will be interesting to see if this changes, or if the United States enacts a separate crime of domestic terrorism or material support of domestic terrorism, in light of recent high profile attacks.

This trend raises the critical issue of enforcement practices and priorities, something that will be examined by the ongoing Royal Commission into the Attacks on the Christchurch Mosques established by the New Zealand government. That Commission will cover some of the same ground as Battersby and Ball in this issue (2019) in examining the adequacy of the response of the New Zealand authorities to the far right threat prior to the Christchurch attacks, as well the question of whether those attacks were preventable.

If enforcement practices and priorities were to change, prosecutors in many countries will have to establish beyond a reasonable doubt that far right terrorists were pursuing political, religious or ideological causes in order to convict them of terrorism offences. This is an element of legal definitions of terrorism particularly in many current and former Commonwealth countries. As a result, there is likely to be interesting, and even uncomfortable, discussion about the relationship

between far right terrorism and the larger political environment. For example, Singh's article in this issue (2019) neatly explores the connection between political power and rates of prosecution of terrorism offences in India, highlighting that far right terrorists have typically not been prosecuted for terrorist crimes whilst the right-wing Bharatiya Janata Party has been in government. Depending on the legal definition in place in the relevant jurisdiction, prosecutors may also have to prove that far right terrorists are intent upon intimidating a population or compelling a government or international organisation to act or refrain from acting. The Canadian definition of terrorist activities is interesting in this regard because it includes attempts to intimidate a segment of the population whereas other definitions only refer to attempts to intimidate a population. For better or worse, the Canadian approach goes some way to blurring the distinction between terrorism and hate crimes, which is explored further below. This in turn feeds into debates that limits on rights started in the context of battling terrorism have had a tendency in many countries to spread to other parts of the criminal justice system (Gross and Ni Aolain, 2006).

Only time will tell whether terrorism prosecutions of far right terrorists increase, whether they result in convictions or acquittals, and whether they produce grievances that may further motivate the far right.

Legislating specifically for right wing terrorism

Since September 11, the default response to Islamic extremist terrorism by a number of jurisdictions has been the enactment of a considerable body of new legislation. The growing concern about terrorism from the far right raises the important question of whether this legislation is sufficient and/or 'fit for purpose', or whether new legislation is required. For example, there may be difficulties in applying the existing criminal laws to far right terrorism. In particular, it is questionable whether legal regimes designed around proscribed groups are adequate to deal with those who are loosely organised, such as the sovereign citizen movement described by Baldino and Lucas (2019), or who act alone, like the New Zealand mosque attacker, as outlined by Battersby and Ball (2019).

In the vast majority of the countries examined in this special issue, no new legislation has been enacted as a response to far right terrorism. This is the case in India (Singh, 2019), New Zealand (Battersby and Ball, 2019) and the US (Taylor, 2019). During the workshop, it was noted that Australia appears to have been the only jurisdiction to have enacted legislation as a specific response to far right terrorism. Following the Christchurch attacks, the Australian federal Parliament enacted the *Criminal Code Amendment (Sharing of Abhorrent Violent Material) Act 2019* (Cth). Nevertheless, in comparison to the (at least) 75 pieces of legislation that this Parliament has enacted in response to Islamic extremist terrorism, this represents but a drop in the ocean. In the absence of enacting new counter-terrorism laws, states have been relying on existing legislation. This includes not only murder and attempted murder offences, but hate-speech offences and laws against incitement to combat the far right terrorist threat, particularly where it emanates online.

Combating right wing extremism online

Far right terrorism not only overlaps with hate crimes but also with hate speech and crimes of incitement. One important feature of recent high profile acts of far right terrorism is that many of the perpetrators have written manifestos and posted them online. Preliminary analysis of the manifesto posted by the El Paso shooter reveals concerns about an “invasion” of migrants from America’s southern border, similar to those found in the political rhetoric of President Trump and some of his most vocal supporters in the media.

The use of the internet to post manifestos and, in the case of the Christchurch massacre, live stream videos of the terrorist violence raises complex questions about the role of both social media and public forms of censorship. New Zealand has attempted publicly to criminalise the distribution and possession of both the manifesto and live streaming of the Christchurch massacre. Unlike other democracies and social media giants, the United States has not signed the Christchurch Call, which is ‘a commitment by Governments and tech companies to eliminate terrorist and violent extremist content online’ (Christchurch Call, 2019). In part this is because of the US’s First Amendment concerns about free speech.

Far right terrorism raises the question of whether expression can effectively be controlled and punished given today’s technology as well as the effect of attempts of censorship. Although defenders of speech regulation often rely on the need to denounce speech that is violent, hateful and false, there is also the question of the degree to which increased censorship will express social solidarity or fuel increased grievances. Indeed, given polarised political opinion, it is likely that it will do both.

One of the advantages of studying far right terrorism is that it allows scholars to evaluate the effectiveness of some post 9/11 practices of counter-terrorism. For example, since UN Security Council Resolution 1624 (2005), there has been an emphasis on laws against the incitement of terrorism. The debate with respect to speech has evolved with the internet. New social media networks have grown partly in response to increased take down activities by social media and web hosting companies. The removal of ‘8Chan’ – a website favoured by far right terrorists to publish their manifestos – from the publicly accessible internet in the aftermath of the El Paso attacks is one example of this. Whether it will serve to effectively remove terrorist content from the internet, or simply drive it further underground is another concern.

A recent occurrence within the far right has been the publication of manifestos online. A number of the articles in this issue explore the ideologies of far right terrorists as manifested by manifestos. In particular, Campion (2019) shows that the manifestos published by Australian far right extremists involve narratives that elevate white identity, enforce notions of threat, and romanticise a nostalgic and imagined existence. She argues that by understanding the manifestos

of far right terrorists, states can more effectively challenge the narratives they publish, and the violence they seek to commit.

Countering violent extremism

An increasing focus of both academics and practitioners in recent years has been upon the best means of dealing with individuals who have not yet engaged in violence motivated by right wing extremism. United Nations Security Council Resolution 2178 (2014), in particular, urges the adoption by States of programs to counter violent extremism. Such programs may be contrasted with the primary reliance to date, especially insofar as Islamic extremism is concerned, upon coercive legislative regimes. Though academic attention has predominantly focused on CVE programs established in response to Islamic extremist violence in the West, particularly the UK's controversial Prevent program, as Hardy (2019) explains in this issue, many CVE programs were originally established in response to right wing extremism. They also raise difficult issues of whether the focus should be the changing of beliefs or behaviour, and the relation between these two phenomena.

More thought needs to be given to how CVE relate to other security actors. One concern in the UK has been perceptions that the Prevent style of CVE is too closely integrated with policing and the security services. There may be some advantages to allowing civil society groups more autonomy in implementing and devising CVE programs, as Hardy (2019) notes in his article, drawing on the experience of Norway and Germany. In any event, the new emphasis on far right terrorism provides an opportunity to re-conceive and re-engineer CVE programs and hopefully to avoid some of the mistakes that have been made in securitising relations with Muslim communities. At the same time, a different approach to right wing extremism, especially if it is perceived as softer and more tolerant than Islamic extremism, will raise concerns about discriminatory double standards that many have already noted with respect to the treatment of terrorism from the far right (Forcese and Roach, 2015: 278-281; Nesbitt, 2019).

Understanding and responding to right wing terrorism?

The articles in this special issue raise a number of questions, to which there are no easy or certain answers. Hopefully, with further research, we will be in a better position to address many of these critical questions such as:

What is the relationship between far right extremist views and the decision to plan and commit violence to pursue far right goals?

What is the relation between the larger political environment and violence from the far right? What, if anything, would be the effects if politicians on the right were more active in denouncing violence from the far right often directed towards minorities?

To what extent should intelligence and police services focus on attempting to apprehend far right terrorists before acts of violence and to what extent should the focus be on

regulating instruments such as guns and rental vehicles that have been used to commit acts of terrorism and hardening sites such as mosques and synagogues that are vulnerable to acts of far right terrorism?

How should our responses to extremism differ from our responses to terrorism? How should we ensure respect for expressive and associational freedoms and the right to dissent while at the same time attempting to stop far right violence before it occurs?

Are present laws against hate speech, hate crimes, and terrorism adequate to deal with far right terrorism? If not, what changes should be made while also respecting fundamental freedoms?

Will deletion of extremist content from the internet help reduce right wing extremism or provide a sense of grievance that may in some cases provoke far right violence?

Are public prosecutions or deletion of extremist speech a more acceptable and effective means to deal with far right extremism?

Should CVE be conceptualised as a discrete, unique policy area and how should it relate to mainstream criminal justice practice? What is the appropriate blend of state and civil society delivery of CVE?

How do we measure the effectiveness of CVE / legislation?

Is it important that we treat right wing extremism in the same way as we do Islamic extremism? Is this a necessary form of equality or a false equality that will repeat past mistakes?

These are only some of the questions that will need to be addressed by researchers. Although it is always risky to predict the future, it is likely that terrorism from the far right will remain a priority among policy-makers and researchers over the next decade.

The research presented in the articles in this special issue will hopefully provide a valuable start if there is to be even a potential for evidence based and rational policy-making as states and society continue to confront the threats of far right terrorism.

Bibliography

Berger, J.M. (2018). *The Alt Right Twitter Census* (New York: VOX-Pol).

Berger, J.M. (2019). *Extremism* (Boston, MIT Press).

Christchurch Call (2019). *Christchurch Call to Eliminate Terrorist & Violent Extremist Content Online* at <https://www.christchurchcall.com/>.

Forcese, Craig and Roach, Kent 2015 *False Security: The Radicalization of Canadian Anti-Terrorism Law* (Toronto: Irwin Law).

Gross, Oren and Ni Aolain, 2006 *Fionnuala Law in Times of Crisis* (Cambridge: Cambridge University Press)

Levin, S. (2019). 'Police thwarted at least seven mass shootings and white supremacist attacks since El Paso' *The Guardian* (23 August) at <https://www.theguardian.com/world/2019/aug/20/el-paso-shooting-plot-white-supremacist-attacks> (accessed 4 September 2019).

McCauley, Clark and Moskalenko, Sophia, (2009). "Toward a Profile of Lone Wolf Terrorists: What Moves an Individual from Radical Opinion to Radical Action" 26 *Terrorism and Political Violence* 69.

Nesbitt, Michael. (2019). "An Empirical Study of Terrorism Charges and Terrorism Trials Between September 2001 and September 2018" 67 *C.L.Q.* 123."

New America Foundation (2019). "What is the Threat to the United States Today?" at <https://www.newamerica.org/in-depth/terrorism-in-america/what-threat-united-states-today/> (accessed 14 August 2019).

UN Security Council Resolution 1373 (2001).

UN Security Council Resolution 1624 (2005).

UN Security Council in Resolution 2178 (2014).

Wilkinson, P. (2011). *Terrorism versus Democracy: The Liberal State Response* 3rd Edition (Oxon, Routledge).