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Anjem Choudary and the Criminalization of Dissent

The most disturbing thing about a notorious British hate preacher is that his terrorism conviction is for something he said, not something he did.

BY **SIMON COTTEE**

AUGUST 19, 2016

There is something unsettling about the conviction of Anjem Choudary, and the chorus of approval that has followed it, from Muslims and non-Muslims alike.

A disciple of the Islamist cleric Omar Bakri Mohammed, who fled Britain for Lebanon in 2005, the 49-year-old former lawyer was a founding member of **al-Muhajiroun**, a banned Islamist group that had once called for jihad against India, Russia, and Israel and defended the 1998 **U.S. Embassy bombings** in Africa. For 20 years, Choudary had made a career out of Islamist activism, becoming a rent-a-quote radical the British media have been only too willing to enlist. He is a larger than life character, whose jihadi rhetoric and outlandish posturing make him the perfect scapegoat for assuaging fears over the real jihadis who remain hidden among us and seemingly come out of nowhere, making a mockery of our counterterrorism efforts. He is, in other words, a distraction, whose monstrous celebrity diverts us from the more unpalatable reality of the jihadi terrorism we face.

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As far as we know, Choudary has not plotted to murder and maim innocent civilians; he has not tried to join the Islamic State in Syria, Iraq, or any other provinces under the group's control, preferring to stay put in godless Britain, under whose generous **patronage** he lives; and he has not given money to the Islamic State or solicited funds on its behalf. Choudary's offense, rather, is to have pledged support for the group and encouraged others to do the same.

Choudary and his associate Mohammed Mizanur Rahman were convicted on July 28, but details of the trial, including the verdict, could not be reported until a few days ago, when the Metropolitan Police issued a **statement** announcing the convictions. According to the statement, Choudary and Rahman were found guilty of inviting support, between June 29, 2014, and March 6, 2015, "for a proscribed terrorist organisation, namely ISIL, also known as ISIS or the Islamic State, contrary to section 12 Terrorism Act 2000." For this, they face up to 10 years in jail and will be sentenced on Sept. 6 at the Old Bailey.

The case seems to have hinged on the following evidence: On July 2, 2014, Choudary and Rahman met in a restaurant where they convened a Skype meeting with Mohammed Fachry, a convicted terrorist based in Indonesia. During this meeting, both men pledged their allegiance to the Islamic State and its leader, Abu Bakr al-Baghdadi. Fachry, with Choudary's permission, then published this oath on an Indonesian website. "The oath of allegiance was a turning point for the police," said Cmdr. Dean Haydon, head of the Metropolitan Police Service Counter Terrorism Command. "At last we had the evidence that they had stepped over the line and we could prove they supported ISIS."

The police statement also notes that Choudary and Rahman "are believed to have been recruiters and radicalisers for over 20 years and have been closely associated with another proscribed organisation Al Muhajiroun [ALM]." Yet, strikingly, it does not cite or allude to any evidence supporting this claim.

Of course, there is no doubt that Choudary, over many years, disseminated speeches and wrote material that was hateful, especially toward moderate or nominal Muslims, whom he and his fellow activists in **al-Muhajiroun** regarded as apostates fit for slaughter. It is also clear, based on the police statement, that Choudary personally supports the Islamic State and tried to persuade others to follow him in such beliefs. But we have no evidence that Choudary went any further than that — say, by facilitating the journeys of men and women to Islamic State territory.

And despite his associations with convicted terrorists, like [Michael Adebolajo](#), and Islamic State members, like [Siddhartha Dhar](#), we have no firm evidence that Choudary was the driving force behind their radicalization, or anyone else's for that matter. Indeed, it is not even clear that such evidence could ever be available, given the impossibility of counterfactually demonstrating that the men supposedly radicalized by Choudary would not have undergone this transformative process had they not met him. Yet none of this has prevented the British media, which loves to hate Choudary, from portraying him as the [Keyser Söze](#) of the British Islamist scene, radicalizing [hundreds of men](#), as though these poor souls had no agency in their own life stories but were “brainwashed” by Choudary’s awesome demagogic powers.

Choudary, as the British journalist Andrew Anthony [observed](#) in his illuminating profile of the cleric, no doubt has a certain charm and charisma. But it stretches credulity to believe that this man’s sermonizing made anyone do anything they didn’t already want to do, still less that they would risk everything because he told them to. It also dangerously mischaracterizes radicalization as a one-dimensional, low-budget, made-for-British-TV psychological drama of “shadowy,” “charismatic” recruiters manipulating “naïve” and “vulnerable” malcontents. Whereas the [little we know](#) about radicalization suggests the opposite: a convoluted and unscripted process where real people with limited knowledge, resources, and power collide and make extraordinary decisions.

But even if Choudary’s rhetorical powers were as formidable as his condemners suggest, this wouldn’t alter or minimize the wrongheadedness of convicting him under terrorism legislation, when the behavior for which he was convicted has little or nothing to do with terrorism, as standardly defined as, in the [words](#) of the philosopher C. A. J. Coady, “the organized use of violence to attack noncombatants or innocents (in a special sense) or their property for political purposes.” Choudary’s offense, rather, relates to a speech-act: namely, that of supporting the Islamic State and defending its legitimacy as a state. As a British citizen, this also makes Choudary a defector: someone who has gone over to the other side.

The deeper significance of Choudary’s conviction is that it inaugurates a new and disturbing phase in Britain’s pushback against “extremism”: the criminalization of radical dissent and defection. Before Choudary’s conviction, the drastic widening of the definition of terrorism to include speech-acts was an abstract worry here (the United States, for its part, began [moving in this direction](#) in 2013). But now it’s real.

The irony is that the thinking behind Choudary's conviction is not altogether different from that of his own. According to Choudary's worldview, a perfect Islamic society would violently punish those who rejected its foundational tenets. When asked on Fox News in 2015 about his attitudes toward **apostates** (i.e., those who have renounced the Islamic faith) Choudary was **clear and categorical**: They should be put to death. This is a view that finds **support** across the four major schools of Islamic law, and reflects a widely held belief among classical Islamic scholars that apostasy is as grave an offense as murder, since it threatens the very unity of the Muslim community — the *ummah* — from within.

As the Egyptian cleric Yusuf al-Qaradawi **put** it: "Waging war against Allah and His Messenger by speaking openly against them is more dangerous to Islam than physically attacking its followers ... moral mischief in the land is more hazardous than physical mischief." Choudary is not facing the death penalty for his sundry speech crimes, but the impetus behind his conviction is informed more by concerns over his "moral mischief" than by any physical threat he poses. The same thinking and anxieties underlie Saudi Arabia's decision, taken in 2014, to **criminalize atheism as terrorism**. But of course atheism is no more terrorism than is defection from Western values.

Choudary is a clown with odious views. But he should not be criminalized, still less branded as a terrorist, for espousing these views. Rather, he should be subjected to trenchant criticism and ridicule. In Choudary's imagined utopia, it would be a capital offense to criticize Islam and the Prophet Mohammed. By criminalizing views that challenge its defining principles, liberal democracies risk replicating the unfreedom that Choudary so brashly and shamelessly stands for.

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枪支让美国的死亡率高于相当多的其他国家，但是摒弃宪法第二修正案并不会减少美国的暴力问题。

BY 帕特里克·布兰克福尔德

AUGUST 18, 2016

Read this article in English.

1923年，英国小说家D·H·劳伦斯曾经对美国 and 美国人做出过颇为黑暗的**论断**：“所有其他东西：爱、民主、为了欲望的挣扎，都是表面现象。美国灵魂的本质是坚硬的、孤立的、冷酷的，是杀人者的灵魂。这种坚冰从未消融过。”

劳伦斯的论断并非来自丰富的个人经历。当他写下这段话时，他仅仅在美国居住了一年多，而且大部分时间里都混迹于艺术家和文学家之间。但他既不是第一个这样论述的人，也不是最后一个。大约五十年前，睿智的历史学家理查德·霍夫斯戴德通过审视60年代的惨痛经验和几个世纪以来的文档，得出了类似的**结论**：“同其他发达工业国家相比，美国人对暴力的崇尚是毋庸置疑的。”

美国精神在本质上是充满谋杀精神的，或者说比其他国家更富有谋杀精神，这一结论今天仍然令很多人点头赞同。共和党总统候选人唐纳德·特朗普在竞选过程中定期呼吁美国人使用暴力，最近一次呼吁针对的目标是民主党竞争对手希拉里·克林顿。不仅如此，今年夏天的媒体标题充斥着一次又一次的暴力事件：俄亥俄州一家八口被谋杀；佛罗里达州大规模枪击事件导致49人死亡；路易斯安那州、明尼苏达州、马里兰州警察枪杀黑人；德克萨斯州、路易斯安那州和加利福尼亚州枪杀警察事件。暴力事件的特大新闻层出不穷，频率之高令人震惊。

现在，两大政党不遗余力、例行公事般地否认美国人的暴力精神，反而有点此地无银了。在上个月共和党大会的最后**发言**中，特朗普哀叹了“我们街上的暴力和社区中的混乱”，但是不出所料，他将责任归咎于“四处闲游威胁和平公民的非法移民”、“残酷的伊斯兰极端分子”，以及一个据他所说不算美国人的民主党总统。

民主党人也倾向于指出对于美国人来说，暴力行为是非正常的、不具代表性。奥巴马总统在去年12月加州圣伯蒂纳大规模枪击事件后宣布了枪支安全项目，**他称**：“我们并不是骨子里就更倾向暴力。但是我们是地球上唯一暴力事件如此频繁的发达国家。”从这个角度来说，美国的暴力问题并不代表美国精神：问题在于枪支的泛滥，而这一点是通过政策来解决的。

但是，如果有充分理由相信美国人本身就一直和暴力存在某种联系呢？——作为受害者、施害者、共犯、或者这三种身份的结合体。与其像奥巴马那样假设美国人“并不是骨子里就更倾向暴力”，这个国家应该为了自己而正视这个问题。

如何量化暴力，如何衡量一个社会中的暴力是高或低、正常或非正常？纵览各个学科，研究人员的一般做法是借助于某个国家每10万人中的年度“谋杀犯罪率”，这一比率不包括全面战争直接造成的人员死亡。

联合国毒品与犯罪问题办公室负责收集各国数据编纂此报告，最新的是2012-2013年的数据。联合国毒品与犯罪问题办公室的数据显示，全世界范围内2012年有43万7千人死于谋杀，即每10万人中有6.2名受害者。但是如你所料，在此平均值之外，不同国家和大洲的平均值大相径庭。就地区来说，中美洲和南部非洲的比值高于世界平均值4倍（每10万人中超过25名受害者），西欧和东亚的平均值低于世界平均值5倍。在同一个大洲和地区内，各国平均值也大不相同。以非洲为例：塞内加尔2.8人，埃及3.4人，苏丹11.2人，莱索托最高-38人。在欧洲，瑞士0.6人，英国1人，芬兰1.6人，立陶宛6.7人，俄国最高-9.2人。美洲国家间的差别最大：加拿大1.6人，阿根廷5.5人，哥斯达黎加8.5人，巴拿马17.2人，墨西哥21.5人，洪都拉斯全世界最高每10万人中有90.4名受害者。

相比之下，2007到2012年间，美国每10万人中有4.9人死于谋杀，同伊朗（4.1人）、古巴（4.2人）、拉托维亚（4.7人）和阿尔巴尼亚（5人）比肩。显然，数据本身所说明的有限。真正的问题在于美国同这些国家排名类似，我们是否应视之为非正常。这些国家在经济发展（例如国民生产总值）上无法与美国相提并论，美国的政客和政治观察家经常利用这一点来证明其他因素（“恐怖分子”或者枪支）影响了美国的暴力犯罪数据，从而使得美国落后于自己的“同美国”，例如北欧国家、英国或者日本。

这种比较乍听上去貌似有理，但实际上它们往好了说是幼稚盲目，往坏了说则是故意欺骗和充满沙文主义。这一点在枪支问题的辩论上表现得淋漓尽致。比如说，很多支持控枪的人士和貌似客观的分析人员将美国与其他经济合作与发展组织(OECD)定义的发达国家相比，得出的结论是美国的暴力问题是非正常的。但是这种比较通常会将墨西哥排除在外，而墨西哥不仅是OECD成员，还是美国第三大贸易伙伴和美国可怜的邻国。他们以“毒品战争”为由排除墨西哥。美国每年非法毒品市场总值超过1090亿美元，每年从美国非法走私到墨西哥毒品组织的枪支高达25万支。这些事实使人不得不思考其背后令人作呕的道德缺失，但那在政治上是不合时宜的，还会伤害美国人的爱国自豪，更方便的是去质疑美国为什么不能改变自己的行为，把自己变得更符合我们关于美国的理想。

不光是我们对美国暴力问题的检查方法出了差错，针对某一群体（美国人、穆斯林、左撇子等等）来审视他们对暴力的固有内在倾向都是有问题的，就好像是19世纪的骨相学家通过衡量头骨来决定人的“破坏性”。这种古老的伪科学貌似已经过时，但是它所代表的精神并未消失。爱荷华州众议员史蒂夫·金宣扬比较白人同其他“亚种群”对人类文明做出的贡献，有些研究揭示出流传广泛的偏见，例如美国黑人“倾向使用暴力”而且“痛感较低”。对“一个种群”进行抽象的、先入为主的判断很少带来积极的结果，通常揭示出观察者、而非被观察者的本质特征。

判断“美国人”和暴力行为的内在联系尤其包含风险。美国是异质化很高的国家，地域间巨大的差异、民族的多元，某些地区存在着事实上的种族隔离，更不用说居民收入的差距蛮大——我们要谈论的是哪一种“美国人”？

到这里，所谓关于美国人暴力精神的论断就很生动地不再成立了。就像美国所有的优点和缺点——从就业机会到教育到卫生的饮用水，暴力在美国人中并不是平均分布的。美国暴力犯罪的人口特点本身就是关于美国社会对穷人和边缘人群的对待的一纸诉状。分析人士指出，美国黑人被谋杀的可能性比白人高8倍，在任何一年中，他们的被谋杀率比OECD国家平均值高10到20倍。将每个州的杀人率同美国平均值相比，结果振聋发聩：路易斯安那州的谋杀率（每10万人中11.93起）和华盛顿哥伦比亚特区的谋杀率（13.92起）同尼加拉瓜（11起）、中非共和国（11.8起）和科特迪瓦（13.6起）差不多。

把这些数据归咎于所谓的“黑人谋杀黑人”不仅带有几乎不加掩饰的种族歧视，而且完全不了解问题之所在。任何一个地区的大部分犯罪（不仅是谋杀）都是在临近地理区域之内的同一族群中发生的。作为美国这样一个至今仍然种族隔离盛行的国家，暴力犯罪集中发生于拥挤的贫民区和工业衰退地区并不奇怪。美国人传统上习惯于将暴力当作种族歧视的原因，但现实是针对黑人的种族主义本身才是在美国导致日常犯罪的机制和社会原因。

美国人应当反思的是他们的社会是何其巧妙地将暴力现象隔离到了边缘社群里，而这种犯罪分布本身已经被大多数属于两党的美国人视为无物，在关于国家安全或者不安全的辩论中几乎消失。华盛顿的一些政客和记者将频频发生的枪击事件视为美国堕落回蛮荒状态的标志，或认为它们威胁了美国作为发达国家的身份。这些人都生活在自己的认知泡沫里：距离他们几个街区的地方，尸体出现的频率就和发展中国家的暴力地区差不多。从更宏观的历史角度来看，我们甚至可以说，如果没有现代医学在抗生素和疗伤方面的进步，美国这些地区的谋杀率比中世纪欧洲还要高。美国所谓的“进步”是对一些暴力犯罪的遏制，对其他的暴力犯罪的纵容。

毋庸置疑，枪支是问题的核心内容之一。在暴力已经存在、而更多暴力可能出现的环境下，枪支的存在加快了致命结果的出现。在个别家庭里是如此，在社区层面上也是如此。研究表明，在一生中，四分之一的美国妇女会遭遇伴侣的身体或性暴力，这一比率和约旦、塞尔维亚、尼泊尔、危地马拉的数据比肩。但是当有家暴现象的家庭中存在枪支时，可信的估计表明妇女被枪杀的可能性就提高了20倍。在社区层面上，芝加哥、纽约这样的大城市非枪支谋杀率是几乎一样的，但是在芝加哥，枪支造成的谋杀案则要比纽约高很多。

但是这些因素并不一定能够在全国范围内适用。在过去一年中，虽然美国人不断表示犯罪问题在“恶化”，购买的枪支比以往任何时候都多，很多城市的谋杀率大幅上升且原因不明，但是总体来说暴力犯罪的比率在过去的几十年中一直在下降。从某个角度上说，虽然美国前所未有的枪支泛滥，观察家们也许不得不承认令人吃惊的是美国本可以比现在更加暴力。

如果一个特征来形容美国人如何看待自己国家同暴力的关系，那就是我们聪明地无视问题、孤立问题、我们否认、美化或者重新包装这最简单明了的行为模式中我们共同犯下的罪行。

美国暴力问题貌似出现的积极改善通常隐瞒了深刻的持续问题。例如，黑帮对黑人的公开私刑据估计已经造成了5000人死亡，但那个时代已经过去了。我们进入了死刑体制机制化的时代，过去公开私刑数量最多的州目前也有着最多的黑人死刑犯。美国监狱关押的人数在人均和绝对水平上都高于世界上任何其他国家；美国警察在杀害美国公民时表现出来的种族歧视也远远超过任何类似的国家。美国现在在135个国家部署了士兵，实际参与战斗的士兵数字也比政府愿意承认的高许多。同时，美国还是世界上最大的军火出口商，全球军火产业中最大、利润最高的公司都在美国，冲突地区给他们带来了巨大的市场，他们同时还享受着联邦和州税带来的巨额补贴。

寻常美国人也许并不“从骨子里倾向暴力”，但是我们的生活方式很明显围绕着暴力展开，充斥着在国内和国外选择性支持、隔离、支配、以及商业化的暴力行为。大多数美国人对这样的安排并无异议，很多人甚至对此毫无察觉。相反，如果有人认为我们表里不一，我们则表示困惑和愤怒。愤世嫉俗者可能会说，探索“真实的美国灵魂”本身就是自我放纵、是烟雾弹。真正的问题是我们是否从一开始就具有灵魂。

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译者：孙韵

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