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Between trust and oppression: contemporary counter-terror policies in Denmark

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Introduction

Danish counter-terror and counter-extremism policies have, in recent years, come to embody what has been seen as a progressive, holistic and multi-agency approach, as is particularly evidenced in the development of the so-called 'Aarhus model' (*Århus*) since 2009. Much of Danish counter-terrorism has been developed from existing civil structures to create a multi-agency, multi-level approach which aims to address a number of societal stresses that may impact on the willingness for individuals to embrace violent action. These include, for example, support in greater access to healthcare, education and professional training, one-on-one peer-mentoring and psychological support, and housing support (Agerschou 2014-5). This is designed to utilize the existing expertise of individuals and organizations in a number of fields to promote targeted integration and support in a measured, de-securitized and 'joined up' approach to radicalism and extremism (Brett 2012: 2). The aim is to build protective factors and resilience to violence within wider society - inclusion, a positive sense of identity, stronger social bonds and life skills - whilst also tackling potential risk factors - exclusion, poor living conditions, frustration and intolerance, amongst others. Services throughout Denmark therefore act to provide assistance to deradicalization programs, whilst also forming part of a robust defense against wider societal problems - inequality, deprivation and crime - which may lead to radicalization. Such a process is predicated upon a high level of trust and interaction between state and municipal structures on one hand, and communities and individuals at risk from marginalization and extremism on the other, and attempt to ground responses to perceived terrorist action within what have been cited as core 'socially-liberal' values of Danish society, such as trust, support and dialogue (Gad 2012).

In spite of perceived successes in reducing 'radical' actions - such as a marked reduction in individuals travelling to Syria - such an approach has faced a number of detractors from different sides of the political spectrum. Individuals - particularly those on the traditional right - have suggested it is too 'soft-handed', lacking the appropriate level of securitization for the threat (cf. Henriksen 2015). Alternatively, legislative decisions and political rhetoric have been accused by others of enabling a conflation to occur between immigration and security, thereby creating a discourse whereby minority communities risk marginalization through being labelled 'suspect communities' (Lindekilde 2012). The effectiveness of Danish models has also come under question. Empirically, there is, to date, a dearth of systematic research conducted into the impact of mentorship schemes such as those within the Aarhus model and measurement of its success has proven to be problematic, whilst significant elements of targeted programs are yet to be actioned in their entirety (*Building resilience to radicalization and violent extremism*, 2015). Furthermore, these more recent 'post-political' approaches to radicalization within Denmark - which treat radicalization within the same systematic response as crime and wider societal disorders - have faced criticism for attempting to normalize the politically unstable concept of radicalization, and for not addressing different actors' conceptualizations of what radicalization and deradicalization entails (cf. Lindekilde & Sedgwick 2012). The future of the Aarhus model also faces an uncertain future from a center-right government that

is keen to shift political debate on extremism towards a more ‘value-orientated’ approach, as well as making overtones towards introducing increasingly securitized responses in light of recent international developments.

This chapter will seek to track the development of Danish counter-terrorism and anti-extremism policies within the contemporary (post-2001) paradigm, as well as exploring the critiques of Danish approaches to deradicalization, with particular reference to the mentoring-style model, such as those utilized in the municipalities of Aarhus and Copenhagen. It will explore how the discursive themes of trust and oppression have been wound into the development and implementation such policies, before looking at the implications this has on the future of Danish counter-terror policies.

The Danish Context

The perceived threat to Denmark from terrorist-style attacks is varied, although a number of high-profile events can help to contextualize the development of counter-terror policies. Prior to the 2001 ‘War on Terror’ paradigm, Denmark had seen very limited terrorist-style violence¹. Since the start of the 20th Century, however, violent Islamist activity has come to the fore, perhaps the most central of these being the 2005/6 ‘Cartoon Controversy’, in which the publication of 12 editorial cartoons – many depicting and satirizing perceptions of Muslim beliefs and communities – led to protests, firstly in Copenhagen (Kublitz 2010) and later in a number of Muslim majority countries and countries with a significant Muslim minority, resulting in unrest which killed over 200 (Hansen and Hundevadt 2008). Aside from the immediate targeting of a number of Danish and European embassies, the security implications of this event have led to the threatening of, and attacks against, illustrators involved in the publication, as well as al Qaeda placing the editor and cartoonists of *Jyllands-Posten*, and all of Denmark, at the top of its target list (Müller and Özcan 2007: 287). This increased visibility of Denmark amongst violent Islamist groups is still cited as central to the Danish threat from terrorism (PET and CTA 2013; 2015).

Another important event in the development of Danish counter-terror responses is the June 2011 attack by Anders Brevik in Norway. This event inspired critical debates about the potential for contemporary discourse surrounding immigration to incite violence, as well as a greater recognition of the potential threat of right-wing terrorism, as well as impacting on the 2011 general election. However, much of this discussion has arguably been side-lined following an increasingly bombastic discussion within Danish politics about the influx of Syrian refugees into Europe and the growing electoral clout of the *Dansk Folkeparti* (Danish People’s Party) (Lindekilde & Sedgwick 2012: 56). In February 2015, shootings in Copenhagen highlighted the threat of Islamist-inspired violence, with Copenhagen-born Omar Abdel Hamid El-Hussein targeting first an event entitled ‘Art, Blasphemy and Freedom of Expression’ (*Kunst, blasfemi og ytringsfrihed*) at the Krudttønden cultural center, Østerbro, before later targeting Copenhagen’s Great Synagogue, Krystalgade, in shootings which killed two and injured five (Schmidt 2015). This has not only highlighted concern about violence from individual Islamist actors but also individuals with links – active or ideological – to Islamic State.

¹ The July 1985 bombings in Copenhagen by Lebanon-based Islamic Jihad and the January 1972 downing of a Yugoslavian airplane between Copenhagen and Zagreb, officially by the Croatian ultranationalist *Ustaša*, being the few of note.

Counter-terror responses in Denmark are led by the Danish Security Intelligence Service (*Politiets Efterretningstjeneste*, or PET). This organization operates domestically, identifying and responding to internal threats to Denmark through counter-terror, counter extremism and counter espionage operations. The PET forms part of the national police force, but differs in falling directly under the command of the Ministry of Justice, as well as the Courts of Denmark, on the occasions when operations deemed legally-sensitive are conducted. This differentiates the organization from the Danish Defense Intelligence Service (*Forsvarets Efterretningstjeneste*, or FE), which targets external threats to the state and operates in a military, rather than civilian capacity, under the command of the Ministry of Defense.

Danish policy has worked to strike an alignment between domestic and foreign counter-terrorism efforts, with foreign and domestic counter-terrorism viewed as two sides of same coin; as former Prime Minister Anders Fogh Rasmussen stated in 2005: ‘We have to prevent support and recruitment for terrorism through our international involvement and through an active integration policy at home’ (Gad 2012: 163). This approach sits within the context of continuing Danish involvement in the so-called ‘War on Terror’, Denmark playing active military and intelligence roles in support of US-led efforts in Afghanistan (2001), Iraq (2003), as well as conducting airstrikes against Islamist State in Iraq since September 2014. The interlinking of a strong foreign policy in support of the countering of domestic extremism has been reiterated by successive governments (Gad 2012: 163; Alexander and Alexander 2015: 235), with Denmark looking to continue military support and ideological alignment to US-led coalitions as part of a continued long-term commitment (Wammen 2015).

In their most recent assessments of terrorism, security services have labelled the threat to Denmark as ‘significant’, which ‘mainly emanates from individuals and small groups with a militant Islamist outlook’ (PET: 19th March 2015). Extremist left- and right-wing groups are briefly mentioned in recent briefings (cf. Larsen 2012) however it is the perception of threat from Islamist groups and, specifically, returnees from the on-going conflict in Syria and Iraq which dominate contemporary discussion.

The Development of Counter-terror policy in Denmark

Danish counter-terror legislation since the turn of the 21st Century can be categorized into a number of chronological processes. Prior to 2001, there was no specific counter-terror provision in Denmark, with previous governments either adjusting existing provisions in the Penal Code or adding new provisions – although Denmark had ratified and implemented all but one of the UN conventions on terrorism (Husabø and Bruce 2009: 76). The first stage of counter-terrorism represents the reconceptualization of terrorism within the West with the start of the 2001 paradigm (see Jackson et al. 2009), with two packages of counter-terror legislation implemented in 2002 and 2006 following the attacks in New York, and the attacks in London and Madrid respectively. These set out a number of frameworks for qualifying what was to be recognized as terrorism within Danish law, as well as implanting within the penal code various set responses. The second chronological stage represents the means by which ‘processes of radicalization’ were conceptualized, with government and community responses formulated. This was seen with the introduction of the 2009 Action Plan, which focused on a cognitive and

behavioral approach to understanding radicalization². The third stage represents a detachment of ideas of radicalization from concepts of active citizenship and integration, in favor of preventing the consequences of radicalization through a three-pronged strategy of mentoring, counselling and education, and exiting from violent extremism (Thomsen 2012: 5). This has been coupled with the third (and most recent) counter-terror package of 2015, which set out increased means of monitoring and sharing information on perceived threats, as well as strengthening initiatives within correctional institutions, both at home and abroad.

The first tranche of contemporary counter-terror legislation was implemented in Denmark in 2002. It was conceived in the aftermath of the 2001 attacks in New York and the subsequent repositioning of Western foreign policy towards the 'War on Terror', and shaped by the November 2001 general election. This election cycle is distinct in that it marked a departure from traditional Danish politics, witnessing a shift in mainstream discourse away from traditional sites of contestation concerning distribution - taxation, welfare and economy - towards what was termed a 'new politics' concerned with identity and values - immigration, integration and security (Togebj 2004: 37-44). It also marked a shift in the conceptualization of how Danish identity was discussed at a national-political level, with discourse on immigration growing in prevalence shifting from concepts of assimilation towards those of integration (Lindekilde & Sedgwick 2012: 55). It was within this context that the 2001 election saw Denmark's main party become the right-wing *Venstre* for the first time since 1924, and created the first outright majority for right-leaning parties since 1901. This prevalence of center-right party politics within the parliament (*Folketinget*) between 2001 and 2015 has greatly shaped patterns of discourse and legislation regarding counter-terror law in Denmark.

When the 2002 counter-terror legislation entered into law as a legislative package, it established for the first time a set of offences and penalties related solely and entirely to terrorist activity. This came with the insertion of Section 114 into Chapter 13 of the Penal Code which brought together a statutory definition of 'terrorism'³. As well as defining terrorism, Section 114 set out the offence and punishment for terrorist acts (114), terrorism-like offences (114a), financing and support of terrorism (114b), recruitment (114c), training (114d) and facilitation (114e), as well as a separate clause on incitement to commit terrorist acts (Section 136) (Vestergaard 2013: 8). This legislation was adopted almost verbatim from the EU Common Position 931 (2001) and Framework Decision 475 (2002), in spite of the opt-out Denmark continues to maintain with regards to EU rulings on issues of 'freedom, security and justice' (Lindekilde and Sedgwick 2012: 19).

The second package of legislation in 2006 was shaped by the Madrid (2004) and London (2005) bombings, as well as the impact of the 'Cartoon Controversy', and acted to widen the scope of counter-terror law in response to an increased perception of the threat from 'home-grown' violent extremism (Sedgwick 2010; Bigo and Tsoukala 2008). It acted to expand criminal law with regards to intent, further enabling the prosecution of individuals participating in actions that may be used in or in support of the act of terrorism, as well as facilitating greater powers of intelligence sharing between the PET and the FE (Vestergaard 2013: 3).

² This was greatly revised in 2011-2012 following the election of a new government and, by 2014, much of the initial plan had been formally dropped, although core measures still yet remain in place (Lindekilde & Sedgwick 2012: 31)

³ This enumerated a number of different offences - including homicide, grave assault, and deprivation of liberty - when committed to intimidate a population, government or international organization, or else destabilize or destroy the social order (Vestergaard 2013: 4).

Since 2001, Denmark has moved increasingly towards the direction of early intervention (Lindekilde and Sedgwick 2012: 25). As such, whilst the two packages of counter-terror legislation shaped the legal framework for responding to terrorist acts, the January 2009 *A Common and Safe Future Action Plan* marked the first time that a significant attempt was made to conceptualize a stronger set of measures to prevent individuals becoming socially and ideologically drawn into terrorism. Largely grounded within the disputed ‘conveyor belt theory’ - which sees radicalization as part of a gradual process of accepting the ideas and methods of extremism (Hemmingsen & Andreasen 2007) - it put focus on the role which ideology plays for the individual actor. As such, extremism became explicitly linked with supporting anti-democratic ideologies, intolerant views and hostile imagery, whilst the concept of Danish identity becomes linked with a certain set of ‘liberal’ beliefs. The focus of such prevention strategies therefore focused on means of strengthening resilience to extremism through upholding and developing Denmark as a democratic and equal society.

The September 2014 Action Plan revised much of its 2009 predecessor, abandoning many key elements and redefining the national approach towards radicalization to take into account changes in the landscape of perceived security threats. Whilst it still puts focus on the ideological components of extremism – such as the rejection of ‘fundamental democratic values and norms, or non-acceptance of democratic decision-making processes’ – it does offer a more cautious construction of radicalization as ‘not a clearly defined concept’ in which ‘there are no simple causal relationships’ (Danish Government 2014: 5). The revised action plan sets out a number of preventative approaches towards violent extremism, particularly an inter-agency collaborative approach, as well as setting out the four key priorities for challenging extremism: greater involvement by local authorities; new tools for prevention and exit work; enhanced international partnerships; and mobilizing civil society (Danish Government 2014: 6-7). The plan also provides scope for increasingly securitized measures, including the confiscation of passports (introduced into Danish law on 1st June 2015), travel bans, the loss of residence permits, and prison terms and possible deportation.

The third and most recent package of counter-terrorism, entitled ‘A strong defense against terror’ (*Et stærkt værn mod terror*), was presented by the Danish Government on 19th February 2015, coming in the aftermath of the attacks in Paris on 7th January 2015 and the shooting in Copenhagen on 14th February 2015. This package shifted the focus of counter-terror legislation towards expanding surveillance measures through new powers for intelligence services⁴, with six of the twelve measures detailed related specifically to surveillance, particularly on the monitoring of Danish nationals abroad, thereby focusing measures on those who travel to Syria to fight for prohibited organizations. As well as marking a significant increase in the power of surveillance activity, the bill also lowered the standards required for monitoring⁵. Such discourse again focused on the existential threat that terrorism is presumed to have on Danish society, looking to counter the ‘violent forces [who] want to attack our democracy and our freedom’ (Danish Government 2015).

⁴ As part of the measures, law L 200 for the amendment of Act No. 602 (2013) was proposed in the Parliament, which gave the FE increased powers to engage in electronic monitoring of Danish communications on its own initiative.

⁵ This was altered from that of a ‘presumed suspect’ (Administration of Justice Act 2013) to that of having ‘specific reasons to believe’ that an individual ‘may be engaging in activities that may involve or increase a terrorist threat against Denmark and Danish interests’ (Danish Government 2015).

Mentoring approaches and the ‘Aarhus Model’

The rise of the foreign fighter phenomenon - particularly following the start of the Syrian civil war and the rise of Islamic State - has had huge implications for the Danish state. As of 2015, Denmark has experienced the second highest per capita number of foreign fighters travelling to participate in the conflict from Europe - 27 individuals per million of the population, second only to Belgium (Neumann: 2015) - and concern about responding to the potential threat that such individuals pose to Denmark upon their return has led to a raft of legislation. As of 23rd October 2015, Danish Intelligence and Security Services stated that at least 125 persons have left Denmark to fight in Syria or Iraq since mid-2012, with around half of those returning to Denmark and at least 27 individuals presumed dead (*Building resilience to radicalization and violent extremism*, 2015).

Much of Denmark’s counter-terror models have coalesced around providing preventative approaches to violence towards those at risk of travelling to, or having recently returned from Syria and Iraq as foreign fighters (see Malet 2010; Hegghammer 2013). These approaches are most internationally recognized in what has been termed the ‘Aarhus model’⁶. Developed between 2007 and 2011 in the municipality of Aarhus, East Jutland, the model is built on the work of University of Aarhus professor Preben Bertelsen, and aims to equip young people at risk of radicalization with a number of life skills and access to support so as to successfully reintegrate into society (Agerschou 2014-5: 7). Its development in Aarhus coincided with approximately 31 individuals from the municipality travelling to Syria and Iraq since 2012 (at least 22 from the Grimhøjvej Mosque in the western district of Brabrand), and also aims to provide targeted intervention in discouraging those who may be at risk from leaving Denmark.

The Aarhus Model was structured outwards from the SSP foundational base already in place in Denmark since approximately 1990. A multi-agency approach to crime prevention, the SSP-network is grounded in the concept of ‘proximity policing’, a practice designed to ensure sections of police and local services were reaching out to local communities, and is a collaborative information and resource sharing platform between local and municipal schools, social services and police (SSP) focused on crime prevention (Holmberg 2002: 34). The model contrasts with approaches by a number of other EU governments to radicalization by ensuring significant sections of the program operate independently from national security services, thereby aiming to create a process of desecuritization (cf. Buzan et al. 1998).

The Aarhus model is based on the three-tiered approach that characterizes much of Danish counter-terrorism, constituting a ‘Prevention Triangle’ whereby each tier is more specific in its target group. On a general, macro level, the first and widest tier focuses on those deemed able to support themselves by raising awareness of the issues associated with extremism. This consists of workshops, presentations and seminars with the general public and professionals engaged in the field. The second tier focuses on a meso level, looking to engage communities or individuals deemed to be in need of specific support. In the case of the Aarhus model, positioned at the nexus of this middle tier is the Information House, a collaborative

⁶ It is worth noting that whilst the model is perhaps most active in and identifiable with the municipality of Aarhus, numerous facets have been utilized throughout the rest of Denmark - particularly Copenhagen - as well as other administrative regions in Scandinavia, Europe and Australia

project between East Jutland Police, SSP Aarhus and Aarhus Municipality. The Information House provides a center at which citizens or public officials can flag troubling behavior from a citizen, as well as a base from which surveys and risk assessments can be carried out, family networks can be built, and one-on-one mentoring support programs can take place. The third and final tier of support is designed to offer direct and focused intervention for those deemed at immediate risk. Presently, the program consists of the EXIT and Syrian Contingency programs - drawn up in 2013 - which are designed to 'help individuals exit extremist religious or political environments' (Agerschou 2014/5: 11). This is the end point of Information House support, whereby bespoke psychological, medical, training and/or housing support - amongst others - is given to individuals who have are willing to offer some form of written or verbal voluntary agreement to cooperate with the program.

This process is predicated upon a continuously maintained level of trust and dialogue between municipal structures and local communities. The first 'notification of concern' regarding an individual deemed at risk can come from a wide variety of frontline sources - local schools, police departments, prison services, social services, youth clubs and NGOs, and street workers - or individuals in the person's immediate network - family, friends and colleagues (Lindekilde 2015: 230). Following the flagging of an individual with the Information House, a risk assessment is carried out with support from a Task Force attached to the center, who works with the local community and civil structures to build a profile of the individual, identifying risks within the four areas of 'image concerns', 'behavioral concerns', 'attitudinal concerns' and 'relational concerns' (Lindekilde 2015: 231). This information is then passed on to the steering committee who determine whether and what intervention is necessary, and if the individual may be offered a mentor (Thomsen 2012: 22). Such mentoring programs are a key component of the Danish approach to contemporary counter-terrorism. In Aarhus since September 2014, at least 21 mentors have been assigned to work on the program (Agerschou 2015: 8) coming from a wide variety of backgrounds, including social workers, municipality employees, teachers, students, theologians and police officers (Lindekilde 2015: 232). Participation by mentees is voluntary and, through sustained discussion with mentors, act to create a 'personal plan' which acts as a 'road map' away from extremism and back into 'normal life' (231). That the Aarhus model is designed to create an open, transparent strategy so as to build local answers to local challenges through multi-agency cooperation can be seen in the other preventative projects run in and around the Information House, and has seemed to positively impact on radicalization. A program of dialogue launched with Grimhøjvej Mosque and the Salafist association The Muslim Youth Centre of Aarhus, for instance, has led to the number of people leaving Aarhus for Syria dropping from 30 in 2013 to zero in 2014, and three in 2015 (Agerschou 2015: 10; *Building resilience to radicalization and violent extremism*, 2015). As such, continuous interaction between the Information House, various service providers, local community members and those deemed to be at risk seems to be successfully impacting on preventing deradicalization occurring at a variety of stages of concern.

The success of dialogue within counter-radicalization strategies has a national precedent within Denmark, with the Centre for Prevention carrying out a number of preventative initiatives based around such processes. Most notably, this includes the *Dialogue Forum Against Violent Extremism*, which works with representatives of ethnic organizations, housing associations, children and youth welfare professionals and other resources persons to provide a place for interaction between security (PET) and municipal officials and local groups. Meetings usually occur twice a year in two groups - one in the east of Denmark, and one in the west - and involve on average between 20 and 30 people (Brett 2012: 4). Drawing in individuals from a wide variety of backgrounds, the Dialogue Forum aims to provide a safe space for the

diffusion of community tensions - such as those that erupted in the February 2008 Nørresbro riots - and is predicated on ensuring that community members are willing to engage. The success of this dialectic process in de-securitizing counter-terror approaches can be demonstrated in the results of recent studies which suggest that participants see no contradiction between involvement with the forum and the interests of the communities of which they belong (Brett 2012), and this has been echoed in the way in which the PET has encouraged voices that are considered extremist to be involved in the Dialogue Forum, in spite of opposition from the *Dansk Folkeparti* (Gad 2012)⁷.

Such an exploration of trends within Danish counter-terror approaches reveal a significantly de-securitized approach towards extremism and radicalization, which attempts to work with and support 'at risk' individuals at a variety of stages from a position of trust. However, whilst such approaches have made a significant contribution by providing alternative means of deradicalization through dialogue, they have brought with them a variety of problems and oppressions which question their effectiveness and offer a significant challenge to the supposed 'post-political' assumptions upon which they rest (Lindekilde 2015).

Between Trust and Oppression

The context within which Danish counter-terror legislation and models operate is one which contains a number of contradictory political trends which impact significantly on its significance, its effectiveness and its impact on minority communities. In terms of reviewing the national context, models such as the Aarhus model are able to operate because of - amongst other factors - a notably high level of recorded trust between national governmental structures and Danish citizens. Recent studies have shown that general trust in civil institutions such as parliament, public administration, police and law courts is, on average, at a relatively high level in Denmark and on the increase, bucking a downward trend within most other European countries over the last ten years (Lindekilde and Sedgwick 2012: 39-41). This trend is even evident from the recorded data amongst immigrant communities, who are in general most likely to feel the impacts of institutionalized discrimination. However, such data does contain a series of caveats which need to be fully explored. Although the levels of general trust in police is relatively high, it is notably higher amongst 'ethnic Danes' than it is amongst ethnic minority groups, and significantly lower within certain demographics, such as young males from ethnic minority groups, who report higher levels of police discrimination. Such trust in policing measures have also been shown to be adversely affected by the implementation of 'inspection zones' since 2004, with Copenhagen Police declaring large swathes of central Copenhagen - including several municipalities - one big inspection zone since 2008 (Lindekilde and Sedgwick 2012: 23). Whilst initially created in order to tackle concern over gang-related violence, the use of stop and search powers within these inspection zones have been shown to most likely to be used 'if you are of immigrant descent, walk in groups, wear baggy clothing

⁷ This is included in the 2009 Action Plan - in which the Danish Government specifically cited the need for including 'non-violent extremists' within counter-terror and deradicalization strategies as, in some cases 'it is precisely these individuals who have the best chance of influencing the attitudes of the young people who are in the process of radicalization, in a non-violent direction' (Government of Denmark, 2009: 36) - and echoes research conducted by Githens-Mazer and Lambert (2010) on prior police strategies in Brixton, London, which suggested that police negotiation and partnership with Salafist groups had helped to combat the recruitment of local al-Qaeda linked preachers (Vidino and Brandon 2012: 175).

and speak another language' (Lindekilde and Sedgwick 2012: 42). As such, whilst certain aspects of Danish counter-terrorism policy have been specifically supportive of creating dialogue with and trust towards state structures, other counter-terror policies and powers have impacted negatively on the trust and civil liberties of minority communities.

This potential for Danish counter-terror legislation to impact disproportionately on minority ethnic groups has been shown in a number of recent legal examples. The so-called 2008 'Tunisian Law', for example, has faced criticism for violating European human rights laws and overtly enabling the securitizing of immigration. Following the arrest of two Tunisian nationals in Denmark on charges of plotting to murder Kurt Westergaard - the creator of one of the cartoons published in *Jyllends-Posten* in 2005 - these individuals were charged using 'secret evidence', before being extrajudicially 'administratively expelled' from Denmark. Because of the threat of torture faced in Tunisia, the Board of Refugees found they could not be deported. As such, and following demands by the *Dansk Folkeparti*, the government passed what was termed 'the Tunisian Law' in order to significantly limit the freedom of movement of those who have been granted 'tolerated residence', confining the Tunisian who remained in Denmark to Sandholm refugee camp. However, in December 2010, a District Court not only found the decision to detain the Tunisian unjustified based on the evidence provided to the court by the PET - awarding him financial compensation⁸ - it also found that the law directly conflicted with Article 8 of the European Convention of Human Rights, the right to family life (Lindekilde and Sedgwick 2012: 22-4).

There has also been criticism of Danish legislation in that it creates a wider potential for misuse, owing to a problematic rendering of how the law is designed and to be implemented. Vestegaard (2013), for instance, criticizes the Danish legislation contained within the first two packages as 'lacking sufficient legislative quality' and, as such, creating the conditions for jeopardizing the rights of political activists and those with a non-Danish ethnic background (3-4). Because of the means by which the act of terrorism has been conceptualized within Section 114 of Danish law - particularly in the way in which such provisions have been often been inserted directly as verbatim transcripts of EU and international formulations - a number of vagaries in implementing the law have arisen, widening the scope of counter-terror prosecution to a range of activities which may have only a very distant and hypothetical connection to potential terrorist acts (Vestegaard 2013: 5). Furthermore, Denmark lacks the tradition of building 'sunset clauses' within legislation, as in the UK and US, whereby certain laws - particularly those concerning security - require a review after a set amount of time. This has led to criticisms that long-term policies - many constructed in response to terror acts - may be overtly driven by moods and fears, and have long lasting impacts on civil liberties (Lindekilde and Sedgwick 2012: 18).

Concern about the workings of counter-terror legislation has also been raised in reference to mentoring schemes and the Aarhus model. In spite of the status of the Aarhus model as providing a working alternative to concerns about radicalization, evidence which proves a direct link between the approach and the decline in foreign fighters is limited and anecdotal in its nature. Such mentoring programs, furthermore, whilst calling for dialogue, offer a disingenuous account of this, side-lining any attempt at a two-way dialectic, with state institutions looking instead to exert overriding control over the nature and outcome of the conversation (Gad 2012). Such inequality stifles any true agenda of 'dialogue' between the

⁸ Case number B-686-09

state institutions and the accused individual, creating in its place a meeting in which '[w]e will have a dialogue – but there is only one point on the agenda. You' (170).

Furthermore, concerns have been raised about the variety of actors and accounts that such an inter-agency preventative approach entails. Lindekilde details three such concerns: the variable and shifting meanings of the term 'radicalization'; the differing aims required by the actors in 'deracializing' an individual; and the problematic overlaying of counter-terror legislation onto existing, crime-orientated structures (2015). Firstly, the highly politicized and unstable concept of 'radicalization' and the variation that is produced across individuals from different professional groups (teachers, social workers, police, etc.) may result in conflicts, miscommunications, and 'false positives' (unnecessary intervention) or 'false negatives' (a lack of intervention when required) (Lindekilde 2015:225). Whilst individuals are trained to spot 'radicalization' across similar lines, the professional and personal background from which frontline workers come will influence how they view 'extremism', and the ability to distinguish between violent radicalization or just political or religious interest may demand such a highly specialized knowledge that it will be impossible for the individual crime-prevention worker to distinguish (Nyidanmark 2008: 11, Gad 2012: 170). This may simply result in a racial profiling that sustains a securitized Islamophobic and xenophobic discourse, not only disengaging those who are being targeted by the model, but actively further marginalizing them (Gad 2012: 174). There has also been demonstrated a highly variable understanding the '*de*-radicalization' process, as the aims of the program being differently interpreted across different sectors of involvement (Jakobsen and Jensen 2011: 9). As such, what constitutes an extreme or non-extreme individual is beholden to the individuals with whom they work. Finally, the way in which counter-terrorism becomes an extension of extant anti-crime measures has created a problematic rendering of extremism. By placing attitudes on a spectrum of risk, it normalizes a discourse in which certain more mainstream ideas are constructed as acceptable, and other entirely lawful political and religious values are constructed as risky and unacceptable (Lindekilde 2015: 235).

This challenge to Danish counter-terrorism is evident in a number of facets of legislation, and implicates policy within a process of oppression, what Jobbke (2007) and Lindekilde (2012) have termed a 'repressive liberalism'. This determines that, by anchoring counter-terrorism discourse within issues of identity formation and alignment, the state exercises power 'through care and under the veil of consensus' (Lindekilde 2015; Newman 2005), contributing to the normalization of a discourse which prioritizes a certain construction of 'liberal values'. This is also seen in governmental discourse, such as Rasmussen's 2006 statement that counter-terrorism represents a 'global value fight' that is 'a battle between enlightenment and fundamental darkness' (2006). As such, counterterrorism becomes inextricably linked to a wider neo-liberal project, in which national security is dependent on individuals ascribing fully and unconditionally to the constructed 'Danish' concepts of democracy, freedom and the Enlightenment project (Petersen 2012: 58).

This discourse has two causal outcomes. Firstly, by focusing on the adoption or rejection of certain values, it moves the cause of terrorist activity away from societal or political stresses, and places it squarely in the lap of the individual. The responsibility of the individual to play what is perceived as a positive role within society and not to *become* radicalized is therefore key to preventing terrorism⁹ and the citizen is conceptualized as an actor that must

⁹ See Section 114, in which an individual can be prosecuted if you have 'let yourself' be recruited or trained 'to commit or facilitate' terrorist acts (Vestergaard 2013: 18)

adhere to a certain restrictive set of norms and has a 'responsibility to avoid radical milieus' in return for their freedom (Lindekilde and Sedgwick 2012: 113). Secondly, it widens the conceptualization of what it means to be Danish away from being founded upon some form of legal framework of citizenship onto the opinions and values which are followed. Such values are, in the words of Fogh Rasmussen, 'better and more worthy than other values' (2003), a sentiment that has been reinforced by governmental projects such as the creation of the 'Canon of Culture' in order to counter what Danish Minister of Culture Brian Mikkelsen termed 'the new frontier in the battle of culture... immigrants from Muslim countries who refuse to acknowledge Danish culture and European norms' (Kublitz 2010: 112). This construction of values is built around a discursive delineation between formulated ideals of democracy, individualism, secularism and liberalism on the one hand, and the 'Dark Middle Age' of Islam - oppression, primitivism and the failure to accept the separation of religion and state - on the other (Jensen 2008:390). It creates a polarized reality whereby the concept of holding a European or Danish identity is seen as entirely contradictory to holding an Islamic identity, and a dominant narrative develops whereby a Muslim ideology is constructed in opposition to a Danish ideology against, an 'us' vs. 'them' (Hervik 2002).

Danish approaches to counterterrorism founded on a discourse that places liberal and democratic ideals in an 'either-or' delineation against 'Islamist' values have highly problematic implications in the legal sphere. For instance, extreme right-wing violence has yet to be prosecuted as terrorism in the same way that violence that falls under an 'Islamist' context has. This disproportionate approach within Danish counter-terror law sits squarely within a political context in which Denmark has actively supported the US 'War on Terror' in Iraq and Afghanistan, the political climate has been impacted by undertones of xenophobic and Islamophobic discourse, and events such as the 2005-2006 cartoon controversy have created a wide scale international response (Vestergaard 2013: 7). Such focus on identity and ideational causes within 'radicalization' has created a mainstream political discourse in which Liberals, Conservatives and Social Democrats have called on Muslims to affirm core 'common values', and worked to side-line those who have shown reticence in doing so from mainstream debate (Lindekilde and Sedgwick 2012: 55; Mouritsen and Vincents Olsen 2012). Such legislative processes may at best be counter-productive in their approach, and at worst contribute towards the creation of oppositional, illiberal identities (Lindekilde and Sedgwick 2012: 111).

Such approaches towards counter-terrorism also impact negatively on wider Danish political discourse and society, securitizing discussions around immigration and helping to propagate the generalization of Muslims as 'suspect communities' or as more prone to 'radicalization'. (Lindekilde 2015:119). Denmark's counter-terror policies have shown great propensity for building trust and dialogue between different groups and communities but this has been undermined at various points since 2001 by trends which constitute an oppressive brand of liberalism. Danish approaches have, since 2011, undergone some way towards decoupling ideas of citizenship with those of extremism (Lindekilde 2015). Yet, as long as de-radicalization approaches continue to be built around the construction of Danish and universal 'rights' and 'freedoms' (*frihedsrettigheder*) - universal in that they cannot be questioned, Danish in that they determine 'what Danish society must adhere to' (Petersen 2012: 66) - and continue to regard certain other, less mainstream yet entirely legal values as suspect, it will risk propagating a dangerous ideal of 'liberal states for liberal people only' (Jobbke 2007: 271). In order to build on an already innovative model, Denmark must be more careful in placing the balancing between trust and oppression at the center of future of counter-terror implementation.

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