

Creating A Terrorist: Evan Kohlmann v. Sami Osmakac

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MEGAN ROGERS, JAN 10 2019

In this discussion I critically analyse the expert witness statement submitted by Evan Kohlmann in contributing to the criminal prosecution of Sami Osmakac as guilty on all counts of attempted “homegrown” terrorism on June 10, 2014. For the purpose of this essay, I focus on what I purport to be the four most critically flawed elements of Kohlmann’s knowledge production, particularly in relation to the (lack of) methodological validity, and the positionality of the ontology and epistemology Kohlmann employs to reach his conclusions. Firstly, Kohlmann’s theory of a “homegrown” terrorist’ lacks evidence of a reliable social science methodology and appropriate data analysis with which to back up his hypotheses. Furthermore, there is a critical absence of definitions and conceptual analyses; the lack of working definitions of central concepts such as “home grown” terrorist network’, ‘violent extremist’, and ‘hardline sectarian religious perspective’ renders the explanatory value of Kohlmann’s theory limited and difficult to assess whilst exhibiting a blatant ignorance to intellectual rigour. Thirdly, Kohlmann’s assertion that the adoption of a ‘hardline religious perspective’ is a causal factor of terrorist violence is invalid as it does not account for both historical instances of secular terrorism and the variety of cases where ‘radical’ ideology is present, yet individuals do not commit terrorist violence. Kohlmann’s hypotheses, I suggest, are representative of a narrow and counterintuitive ontology within the wider radicalisation discourse which seeks to conflate terrorism with Islam. Finally, I argue that Kohlmann’s overall positionality is the result of a parochial commitment to one ‘Big Idea’ rather than to producing a valid and testable theory of “homegrown” terrorism. The proliferation of ‘indicator’ literature like Kohlmann’s report, drawn from weak trends and speculation, perpetuates counter-terrorism practices that are largely counterproductive. Reviewed as a whole, Evan Kohlmann is unqualified to present in a court of law the theory outlined in the report as a credible, accurate, and scientific method for determining who constitutes a “homegrown” terrorist in the United States.

Perhaps the most critically flawed element of the ‘expert’ report submitted by Kohlmann is that the theory of ‘homegrown’ terrorism presented as grounded in social science does not exhibit a credible or clear social science methodology or data analyses. As Jeff Goodwin points out, ‘almost all theories which come to be generally accepted as valid in the social sciences are rigorously tested by scholars other than the individual(s) who first propose them’.[1] There is, however, no evidence to suggest that Kohlmann’s hypotheses have been subject to rigorous scholarly assessment or published in a reputable academic journal. Beyond citing various ambiguous and unsubstantiated statements by Federal District Judges, who claim (without reference) that Kohlmann’s work ‘receives considerable amount of peer review’, Kohlmann does not demonstrate any engagement with relevant scholars in the field of Terrorism Studies or social science more generally.[2] There has not been, as far as I am aware, any academic support for Kohlmann’s five-factor theory of ‘homegrown’ terrorism beyond his own claims to validity. In a similar vein, key to testing social science theory is falsifiability, which refers to ‘the confrontation of propositions with empirical evidence such that we can conceive of what evidence would be relevant for the statements to be true or false’.[3] However, there is no stated methodology or, indeed, appropriate citation to the source material Kohlmann employs to arrive at his ‘five-factor’ hypothesis for “homegrown” terrorism.[4] Kohlmann relies heavily on internet sources which are difficult to authenticate, validate, and regulate.[5] Moreover, websites and other electronic materials are often multi-functioning and, therefore, left open to interpretation. Kohlmann does not explain the process by which he selects and authenticates his sources or how the data he collects is interpreted. And, as Lisa Stampnitzky notes, simply ‘cross-checking’ this data, whilst serving as an important tool during the process of data analysis, is not a formal methodology for study.[6] Following Maxine Goodman, ‘the reliability of an expert’s methodology is critical to the trustworthiness of their conclusions’.[7] As I have highlighted, Kohlmann does not

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present a reliable social science methodology, and therefore it is impossible to view his conclusions as convincing.

Presenting similar obstruction to thorough analysis of Kohlmann's theory are various conceptual errors as well as the absence of operational definitions and conceptual analyses. Alarming, Kohlmann appears to use the concepts "homegrown" terrorist network' and 'contemporary violent extremist' interchangeably. For example, Kohlmann begins by positing the 'principle relevant factors as to whether a person might fit the profile of a "homegrown" terrorist network' as his primary hypothesis.[8] On conclusion, however, Kohlmann passes judgement on the basis that the defendant 'appears to fit many of the characteristics associated with the profile of a contemporary violent extremist'.[9] At the most basic level, Kohlmann does not acknowledge (perhaps is not aware of) the importance of keeping analytically distinct individual and group-level phenomena. As Gabriel Koehler-Derrick et al. point out, 'a fundamental difference exists between... identifying the factors correlated with a willingness to personally commit violence and... the factors that correlate with the willingness to join an organization that commits violence'.[10] This inconsistency renders the explanatory aims of Kohlmann's theory unclear and, therefore, hard to evaluate.

Furthermore, it is widely held amongst scholars that there are crucial differences between 'extremist' and 'terrorist' in operational terms.[11] Perhaps the most striking knowledge claim Kohlmann makes is to the existence of an established 'general objective profile of a prototypical "homegrown" terrorist network' and, indeed, a 'profile of a contemporary violent extremist'.[12] This notion of an 'objective' terrorist 'profile' suggests that the vast scholarship is in principle agreement on the characteristics which constitute a terrorist. Kohlmann not only avoids methodological scrutiny by failing to vindicate this claim with relevant academic reference, but has chosen to ignore the widespread contentions over whether attempting to establish a terrorist 'profile' is even a productive pursuit.[13] Edwin Bakker, for instance, after conducting an exploratory study on the 'characteristics and the circumstances' in which a 'sample of 242 Europeans' joined the jihad, concluded that there is no standard 'jihadist terrorist'.[14] This essential ambiguity, Bakker determines, 'has implications for the idea of profiling certain groups of people that are considered likely to commit a terrorist crime. Based on the analysis of the characteristics investigated, such a policy does not promise to be very fruitful'.[15]

Prior to establishing who and what constitutes a 'terrorist', one must first establish a stable conceptual definition of the act of 'terrorism' itself. There is salient acknowledgement amongst academia that the term 'terrorism' is not simply politicised but heavily contested.[16] As Alex Schmid has noted, 'there exist hundreds of definitions [of terrorism] in academia and in governments – the US government alone maintains some twenty different but simultaneously operative definitions in many agencies and departments'.[17] Certainly, the broad ranging definitions of 'terrorism' on offer within social science alone highlight a lack of common thread, or core irreducible concept, which could unite theorists. The essentially contested definition of terrorism, therefore, renders by proxy the concept of a terrorist 'profile' problematic. As Jonathan Rae accurately asserts, 'without a universal meaning of terrorism, a comprehensive definition of terrorist is impossible'.[18] That is to say, whilst there is no single or particular type of person that is a terrorist, there cannot, then, exist an objective, one-fits-all terrorist 'profile' to which Kohlmann explicitly refers.[19] Perhaps Kohlmann is suggesting that his five-factor theory *is* this elusive objective profile of a prototypical "'homegrown" terrorist network', which is illogical. Notwithstanding, the presence of vague, unsubstantiated terms in lieu of operational definitions and conceptual analyses indicates three possibilities: Kohlmann does not attempt to ratify his claims because he is fully aware he cannot; Kohlmann lacks critical expertise concerning the significance of validity in social science; Kohlmann is simply unconcerned with practices of intellectual rigour. Whatever the reason for Kohlmann's construction of a cordon sanitaire against conceptual accuracy, there is a clear lack of commitment to scholarly diligence and precision which, I argue, renders Kohlmann's theory untestable and therefore invalid.

Whilst each of Kohlmann's five 'factors' for determining whether a person is likely to become a terrorist are flawed on various counts, the most contentious aspect is perhaps the assumed causal relationship between an individual's belief system and terrorism.[20] From an analytical perspective, it appears that Kohlmann is seeking to explain *Islamic* "homegrown" terrorism.[21] However, nowhere in the report does Kohlmann make the distinction between *Islamic* "homegrown" terrorism and "homegrown" terrorism in general, which includes all non-Muslim US "homegrown" terrorists.[22] Given that most acts of "homegrown" terrorism within the United States have, to-date, been carried out by non-Muslim Americans, suggesting that the adoption of a "hardline" Islamic belief system is

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indicative of US “homegrown” terrorism does not hold.[23] Furthermore, it does not follow that an individual’s ‘Adoption of a Hardline Sectarian Religious Perspective’, Islamic or otherwise, demonstrates the existence of a “homegrown” terrorist network. Kohlmann, again, does not make the critical distinction between the ideology of an individual and the existence of a group-level network. Due to the absence of a working definition, it is ultimately unclear what Kohlmann means by ‘hardline sectarian religious perspective’. The relative nature of the term requires that due consideration be given to specifying the continuum of reference and the position of what is widely considered to be ‘moderate’ within that continuum. Kohlmann does not do this beyond stating that this ‘hardline religious perspective’ is ‘often identified with the “Salafi-Jihadi” or “Takfiri” School’ of Islam, which is vague and unsubstantiated, and therefore difficult to assess.[24]

The incorporation of radical Islamic beliefs as a discerning ‘factor’ in who is likely to become a terrorist, I argue, simultaneously perpetuates and is a symptom of misplaced Islamist fanaticism born out of the post-7/7 context of ‘doubt, suspicion, premonition, foreboding, challenge, mistrust, fear and anxiety’.[25] Kohlmann’s report is representative of a narrow ontology within the radicalisation discourse which seeks to conflate terrorism with Islam and thereby seclude secular terrorists which is problematic.[26] This equation of Salafi and Takfiri Islamic belief systems with terrorist violence can be considered as exhibiting what Jonathan Githens-Mazer and Robert Lambert coin ‘the ‘conventional wisdom’ of radicalization’.[27] This ‘conventional wisdom’, they argue, ‘boils down largely to an assertion that a sense of Islamic difference... among Muslim communities has the dangerous potential to mutate issues of differing identities into support for violent ‘Islamofascism’’. [28] In the report, Kohlmann frequently attempts to construct an image of the defendant as ‘far out of the mainstream’ due to a lack of social integration and a lack of secularism.[29] It is ‘fairly clear’, Kohlmann asserts, ‘that the defendant has adopted a radical sectarian ideology which has put him at odds with other members of his own local community’.[30] That the possession of a ‘radical’ belief system is a causal factor of terrorist violence, however, does not hold.

There is salient evidence that ‘radical’ Islamic ideology, Salafi or otherwise, is present amongst numerous cases where individuals do not resort to terrorist violence. For instance, through the lens of the 2004 Crevice Cell case, Githens-Mazer and Lambert argue that the “prediction’ of violence on the basis of holding ideas that are by ‘conventional wisdom’ standards radical, differentiating and completely contrary to ‘shared values and beliefs’ is systematically impossible’.[31] In support of their conclusions, the authors cross-compare the trajectory of Lamine and Rahman Adams’ exposure to ‘radical’ Islamic materials, ideas, and elites.[32] Controversially, it was not Lamine Adams, who was more observant to ‘radical’ Islam and who ‘appeared to pose the greater threat’, but Rahman Adams, who initially ‘embraced western secular values entirely’ and exhibited ‘little indication’ of an inclination to violence, who was ultimately convicted of ‘Islamically inspired’ terrorism in April 2007.[33] Both brothers were similarly exposed to ‘atrocities against Muslims’ and given the ‘technical, tactical, and social knowhow in how to become a terrorist’, yet only one brother did.[34] The idea that exposure to or adoption of ‘radical’ and ‘extremist’ Islamic beliefs causally relates to terrorism, for which Kohlmann argues, is therefore illogical as it does not account for the ‘inherent unpredictability of who becomes violent and who doesn’t’ in the numerous cases where such ideology is present.[35]

Kohlmann’s positionality exhibited by his five-factor theory can ultimately be considered as the result of a parochial commitment to an idea rather than to authentic empirical enquiry, which is reflective of the shortcomings of the wider terrorism discourse. Andrew Silke, for example, after analysing the research methods of numerous scholarly articles on terrorism, determined that ‘ultimately, terrorism research is not in a healthy state. It exists on a diet of fast food research: quick, cheap, ready-to-hand, and nutritionally dubious’.[36] The debilitating effect of such knowledge production has been the proliferation of “indicator” literature, like Kohlmann’s, which purports to predict rather than explain the *root causes* of terrorism phenomena.[37] As Arun Kundnani asserts, ‘radicalisation discourse claims predictive power, but lacks explanatory power: scholars generally talk of ‘factors’ or ‘indicators’ that are statistically associated with radicalisation and which intelligence agencies can put to use in their efforts to detect future threats, while tending to refrain from reflecting on the larger question of causality’.[38] This claim to ‘predictive power’ concentrated at the level of the individual has meant that psychological and theological factors have taken precedent over a fuller exploration of causal relationships, which includes important macro-level considerations such as the actions of the Western State and its allies.[39] What theories of terrorism like Kohlmann’s present are one-sided images of radicalisation and terrorism in terms of action and responsibility which is extremely problematic. As Schmid

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notes, 'one of the biggest shortcomings of the literature on (counter-)terrorism is that so many studies have been blind to what the other side – the government – did and does at home and abroad'.^[40] It would be ignorant to suggest that practices of military intervention, targeted killings, covert drone strikes and torture tactics carried out by the US and her allies abroad have failed to create a reaction.^[41]

To the contrary, there is salient evidence that a large number of terrorism acts are 'motivated by revenge for acts of repression, injustice and humiliation' in a 'tit-for-tat process'.^[42] John Mueller, for instance, after analysing fifty US Islamic plots since 9/11 concluded that 'what chiefly sets these guys off' is not anything particularly theoretical but rather 'intense outrage at American and Israeli actions in the Middle East and a burning desire to seek revenge, to get back, to defend'.^[43] Kohlmann refuses to attribute a causal relationship between the political (in particular the overseas actions of the US state) and terrorism. The instances in which Osmakac expresses the potential for grievances directed at the US state are only engaged with in relation to the defendant's alleged 'collection of terrorist propaganda' and the 'browsing of internet websites run or on behalf of international terrorist organizations'.^[44] This says much about the way that Kohlmann's parochial, one-sided approach to knowledge production manipulates evidence that does not "fit" with his desire to present "homegrown" terrorists as simply 'troubled individuals' with 'radical' belief systems, far removed from political circumstances.^[45]

To conclude, the 'expert' report submitted by Evan Kohlmann in the trial of Sami Osmakac is ultimately unfit to serve as testament to the defendant's status as a "homegrown" terrorist. Not only does the theory Kohlmann presents lack a clearly defined social science methodology but it is impossible to validate the data Kohlmann interprets to reach his conclusions. Due to the absence of conceptual definitions and the unsubstantiated claim to the existence of an 'objective terrorist profile', Kohlmann's conclusions cannot be viewed as reliable nor valid. That is, the credible outcomes of scientific enquiry conducted with scholarly rigour. In general, the report can be considered symptomatic of and perpetuating the parochial ontology of the wider discourse on terrorism which seeks to conflate terrorism with Islam. To claim that the adoption of a 'radical' belief system is a causal factor of terrorist violence is plainly invalid and ignorant to the available evidence to the contrary. Important macro-level factors, such as US military intervention, are at best not properly accounted for and at worst patently ignored. Individual-level "indicator" literature like Kohlmann's appears to have become a substitute for fuller exploration into the root causes of terrorism phenomena. By highlighting the role of the political and the responsibility of the Western State and its allies, I am not suggesting that those who commit acts of terrorism are held less accountable. That is to say, it is not my intention to excuse the abominable acts of violence committed by terrorists and terrorist networks. However, for the terrorism discourse to evolve toward greater explanatory power it is critical that scholars, professionals, and, indeed, "experts" like Evan Kohlmann working in the field conduct their enquiries with the view to producing, as far as possible, valid, testable, and credible knowledge beyond the micro-level of analysis. The critical implication of continuing to credit a commitment to one-sided speculation over genuine social scientific enquiry is the perpetuation of ineffective policy-making and practices of counter-terrorism based on unsubstantiated claims, pulled from weak trends.

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Footnotes

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[4] Kohlmann, 'Expert Report', p. 6.

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