

Racism by Designation: Making Sense of Western States' Non-Designation of White Supremacists as Terrorists

Zoltán I. Búzás (University of Notre Dame) and Anna A. Meier (University of Nottingham,
School of Politics and International Relations)

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In April 2020, the United States counterterrorism apparatus made history by designating its first white supremacist organization, the Russian Imperial Movement (RIM), as a terrorist group. Heralded as a significant step against a “surge in white supremacist terrorism,” the designation nevertheless underscored an uncomfortable reality.¹ Despite legally listing hundreds of organizations as terrorists since the mid-1990s, the US had until 2020 excluded white supremacist actors from its official designation lists entirely. It was also not alone: no Western country had designated a white supremacist organization until 2016.² Out of 92 groups designated in total by the UK government, 5 are white supremacist; the respective numbers in Australia are 28 and 3.³

Going beyond political rhetoric to enforce sanctions and other legal penalties on those deemed terrorist, designation mechanisms produce both practical effects on foreign policy and symbolic effects on understandings of illegitimate political violence.⁴ The non-designation of

¹ Nathan A. Sales, “Designation of the Russian Imperial Movement,” Press release, US Department of State, April 6, 2020, <https://bit.ly/3mxBDZq>.

² “Foreign Terrorist Organizations.” U.S. Department of State, <https://bit.ly/3mgeB9G>; “Individuals and Entities Designated by the State Department under E.O. 13224.” U.S. Department of State, <https://bit.ly/39fGWJq>; “Terrorist Exclusion List.” U.S. Department of State, <https://bit.ly/3fB1nBP>.

³ “Proscribed Terrorist Organisations,” Home Office of the United Kingdom, <https://bit.ly/36b7DPX>; “Listed terrorist organisations,” Australian National Security, <https://bit.ly/3dygJra>.

⁴ Vito D’Orazio and Idean Salehyan, “Who is a Terrorist? Ethnicity, Group Affiliation, and Understandings of Political Violence,” *International Interactions* 44, no. 6 (2018), 1017–1039; Connor Huff and Joshua D. Kertzer, “How the Public Defines Terrorism,” *American Journal of Political Science* 62, no. 1 (2018): 56; Lee Jarvis and

white supremacist organizations, then, justifies *not thinking about* white supremacists as security threats, much less applying legal consequences under the umbrella of counterterrorism.

Governments, in turn, may find it harder to track white supremacists as members of ideological networks rather than as individual actors. The choice to designate or not designate a political actor, then, has significant policy implications.

How can we make sense of the disparity between Western states' non-designation of white supremacists and their designation of other actors? How has the historical pattern of not considering white supremacists as "terrorists" been possible? And how should we understand the few cases of recent white supremacist terrorist designations? This article offers three main answers to these questions. First, we contend that the disparity between white supremacist non-designations and the designation of other actors can be understood as a form of institutional racism. As we elaborate below, indirect or institutional racism is the disparate impact of apparently race-neutral institutions on particular racial and ethnic groups.⁵

Our empirical strategy in establishing this claim is similar to that employed by courts in institutional discrimination cases, because the non-public nature of terrorist designation processes makes direct evidence of racism unavailable. It has three principal elements: we provide data to establish "disparate outcomes" in terrorist designations, showing that white supremacist organizations are much less often designated as "terrorist" than other organizations engaged in similar violence (summarized in the tables and figures of the paper). Then, we argue that alternative explanations that omit race cannot account for disparate designations based on "objective" factors often involved in threat assessment (see the section Disparate Terrorist

Tim Legrand, "The Proscription or Listing of Terrorist Organisations: Understanding, Assessment, and International Comparisons," *Terrorism and Political Violence* 30, no. 2 (2018): 199–215.

⁵Sandra Fredman, *Discrimination Law* (Oxford: Oxford University Press, 2011): 177–80; Mark Bell, *Racism and Equality in the European Union* (Oxford: Oxford University Press, 2008): ch. 2.

Designations as Institutional Racism). Furthermore, in case studies of the US and UK, we offer fine-grained qualitative evidence of the racialized notion of terrorists and the racial histories of the associated institutional-legal architecture, strengthening our claim that disparate designations can be understood as institutional racism.

Our second claim is that the long pattern of white supremacist non-designations has been possible because of the norms and racial histories of the institutional-legal architecture involved in designations. We place institutional racism in the broader normative context, which we call the *norm against terrorism*. We elucidate how the racial double standard of this norm reflects and reinforces racialized notions of “terrorists,” and permits the disparate impact of designation practices. Our case studies support these claims.

Third, we reflect on a few cases of recent white supremacist designations. We consider the possibility for actors to undermine the racialized notion of the terrorist and the discriminatory application of the norm against terrorism in designations. However, our analysis cautions against understanding the few cases of recent white supremacist designation as transformative. Instead, we argue that these designations are more likely to function as “window-dressing,” while institutional racism persists in Western designation patterns.

This article offers three main contributions. First, we advance the literature on racism in security studies. Intriguing studies have examined how racism has shaped security issues including alliances and war.⁶ By focusing on counterterrorism policy, we build on a rich literature on the racialization of Muslims to consider the larger institutional context of white

⁶ Christopher Hemmer and Peter J. Katzenstein, “Why Is There No NATO in Asia? Collective Identity, Regionalism, and the Origins of Multilateralism,” *International Organization* 56, no. 3 (2002): 575–607; Zoltán I. Búzás, “The Color of Threat: Race, Threat Perception, and the Demise of the Anglo-Japanese Alliance (1902–1923),” *Security Studies* 22, vol. 4 (2013): 573–606; Gerald Horne, *Race War: White Supremacy and the Japanese Attack on the British Empire* (New York: New York University Press, 2004).

supremacy in which counterterrorism policies emerge.⁷ In this way, we hope to mitigate the oversight of both white supremacist violence and terrorist designations in mainstream security studies.⁸ Second, we provide substantive analysis of white supremacist organizations deemed terrorist and terrorist designation mechanisms, two understudied topics both within terrorism studies and IR more broadly. Much existing work on white supremacist violence as terrorism exists outside of political science in sociology, criminology, and psychology.⁹ Given upticks in white supremacist violence and state efforts to counter it, there is an urgent need for careful, detailed IR research in this area. Finally, by highlighting that current designation patterns both limit the effectiveness of counterterrorism and reinforce the broader racial hierarchy, our argument implies that policymakers wishing to de-racialize the notion of “terrorist” must take discriminatory designations seriously. Throughout this paper, we use “designation,” “proscription,” and “listing” interchangeably to refer to the placement of an organization on an official government list of terrorist organizations.

Disparate Terrorist Designations as Institutional Racism

Designation disparities between white supremacists and other groups can be understood as institutional racism. As defined above, institutional racism involves disparate outcomes across

⁷ See, e.g., Louise Cainkar and Saher Selod, “Review of Race Scholarship and the War on Terror,” *Sociology of Race and Ethnicity* 4, no. 2 (2018): 165–77.

⁸ On the lack of work on white supremacist terrorism, see Pete Simi, “Why Study Deviant Behavior? A Research Note,” *Deviant Behavior* 31 (2010): 251–73. On racism and counterterrorism, see Amal Abu-Bakare, “Counterterrorism and Race,” *International Politics Reviews* 8 (2020): 79–99.

⁹ Atiya Husain, “Deracialization, Dissent, and Terrorism in the FBI’s Most Wanted Program,” *Sociology of Race and Ethnicity* 7, no. 2 (2021), 208–25; Cainkar and Selod, “Review of Race Scholarship”; Aaron Winter, “The Klan is history: A historical perspective on the revival of the far-right in ‘post-racial’ America,” in *Historical Perspectives on Organized Crime and Terrorism*, edited by Andrew Silke et al. (New York: Routledge, 2018): 121–44; Tarek Younis and Sushrut Jadhev, “Islamophobia in the National Health Service: an ethnography of institutional racism in PREVENT’s counter-radicalisation policy,” *Sociology of Health & Illness* 42, no. 3 (2019): 610–26.

racial groups. Importantly, this definition is agnostic about motivations of individuals *within* institutions while acknowledging that historical legacies and larger structural factors can nevertheless produce racist outcomes. In this section, we introduce terrorist designation regimes, white supremacist terrorism, and establish racial disparities in designations. We argue that racial disparities in designations cannot be fully accounted for by actors' level of violence, targeting choices, organization, or legal impediments.

Terrorist designation regimes are central tools within a state's counterterrorism apparatus. By "designation regime," we mean the set of mechanisms that place an organization or individual on a country's official legal list of terrorists, irrespective of how that organization or individual is otherwise described in political rhetoric. In the West, such lists are typically maintained by the executive branch. Some countries, including the United States, have multiple lists with different accompanying legal consequences for designees; others, including several European countries and New Zealand, default to lists maintained by the United Nations and may proscribe other actors as they deem appropriate. Though scholars and practitioners disagree about the *degree* to which designations "work," that they have practical effects on many policy areas is difficult to dispute.¹⁰ Being designated may invoke financial sanctions, asset freezes, travel restrictions, and/or criminal liability for joining or attempting to join a designated organization. Designations also have normative effects in that they signal what types of political contention the state views as illegitimate.¹¹

¹⁰ Seth Loertscher et al., *The Terrorist Lists*, Combating Terrorism Center at West Point (2020), <https://bit.ly/33yNyie>.

¹¹ Lee Jarvis and Tim Legrand, *Banning Them, Securing Us?* (Manchester: Manchester University Press, 2020); Sophie Haspeslagh, *Proscribing Peace* (Manchester: Manchester University Press, 2021)

Despite their significance, designations are understudied in the terrorism literature. Research has examined the effectiveness of designations,¹² but the literature remains largely silent on how designation patterns come about and how we should understand them.¹³ We focus on white supremacist non-designations as a way of exploring both an understudied counterterrorism policy tool and the racial dimensions of terrorism. Following Meier, we define white supremacy as “a system of oppression comprising a variety of institutions, narratives, and practices that naturalize whites as the dominant group in society (and perpetuate the idea that whites are supposed to be at the top of a racial hierarchy).”¹⁴ Neo-Nazi organizations and white power groups such as the Ku Klux Klan are perhaps the most obvious manifestations of white supremacy, but far-right organizations of all stripes evince beliefs that strengthen oppression within the existing racial hierarchy. Centering our analysis on countries wherein whiteness is a salient racial category, we refer to violent far-right actors explicitly as “white supremacist organizations” to underscore these groups’ adherence to, rather than deviance from, social structures that make up the status quo.¹⁵

Globally, hundreds of white supremacist organizations exist; much like Islamist extremist organizations, new groups form frequently, and most do not survive more than a few years.¹⁶ In Table 1, we list the 11 white supremacist organizations that have been designated “terrorist” by

¹² Hyeran Jo, Brian J. Phillips, and Joshua Alley, “Can Blacklisting Reduce Terrorist Attacks?”, in *The Power of Global Performance Indicators*, edited by Judith G. Kelley and Beth A. Simmons (New York: Cambridge University Press, 2020): 271–99; Brian J. Phillips, “Foreign Terrorist Organization designation, international cooperation, and terrorism,” *International Interactions* 45, no. 2 (2019): 316–43.

¹³ For exceptions, see Colin J. Beck and Emily Miner, “Who Gets Designated a Terrorist and Why?”, *Social Forces* 91, no. 3 (2013): 837–72; Lee Jarvis and Tim Legrand, “Legislating for Otherness: Proscription powers and parliamentary discourse,” *Review of International Studies* 42 (2016): 558–74.

¹⁴ Anna A. Meier, “The Idea of Terror: Institutional Reproduction in Government Responses to Political Violence,” *International Studies Quarterly* 64, no. 3 (2020): 500.

¹⁵ On using the terms “far-right” and “white supremacist” interchangeably, see Kathleen Blee and Kimberly Creasap, “Conservative and Right-Wing Movements,” *Annual Review of Sociology* 36 (2010): 269–86.

¹⁶ Audrey Cronin, *How Terrorism Ends* (Princeton University Press, 2009).

at least one country as of February 2022. No country officially listed a white supremacist organization until December 2016. Between then and the time of writing, the four countries which designated at least one white supremacist organizations also designated 46 Islamist extremist or separatist organizations.

Table 1: Organizations Proscribed as “Terrorist” in Western Countries, 2016–2022¹⁷

	White supremacist organizations designated	Date designated	Other organizations designated	Date designated
Australia	Sonnenkrieg Division	March 2021	Islamic State East Asia	September 2017
	The Base	December 2021	Islamic State Khorasan Province	November 2017
	National Socialist Order	February 2022	Jama’at Mujahideen Bangladesh	June 2018
			Islamic State Somalia	September 2019
			Islamic State West Africa Province	July 2020
			Jama’at Nusrat al-Islam wal-Muslimin	November 2020
			Neo-Jama’at Mujahideen Bangladesh	June 2021
			Hizballah	December 2021
Canada	Blood & Honour	June 2019	Al Qaida in the Indian Subcontinent	December 2016
	Combat 18	June 2019	Indian Mujahideen	December 2016
	Atomwaffen Division	February 2021	Islamic State – Khorasan Province	May 2018
	The Base	February 2021	HASAM	February 2019
	Proud Boys	February 2021	Al-Ashtar Brigades	June 2019
	Russian Imperial Movement	February 2021	Fatemiyoun Division	June 2019
	Aryan Strikeforce	June 2021	Harakat al-Sabireen	June 2019
	Three Percenters	June 2021	Ansar Dine	February 2021
			Front de Libération du Macina	February 2021
			Hizbul Mujahideen	February 2021
			Islamic State – Bangladesh	February 2021
			Islamic State East Africa	February 2021
			Islamic State in the Greater Sahara	February 2021
			Islamic State in Libya	February 2021
	Islamic State West Africa Province	February 2021		

¹⁷ Organizations designated as terrorists by Western states, December 2016–February 2022. US designations include those of organizations under the Foreign Terrorist Organization (FTO) list and Executive Order 13244, in order to encompass the US’s one white supremacist designation and offer the most generous interpretation possible of US designations. We do not include media arms of the Islamic State listed as separate entities. Other countries in the table do not have multiple designation mechanisms. For data sources, see online appendix at <https://doi.org/10.7910/DVN/FEAZTU>.

			Jama'at Nusrat Al-Islam Wal-Muslimin	February 2021
			Islamic State – Democratic Republic of the Congo	June 2021
United Kingdom	National Action	December 2016	Al-Ashtar Brigades	December 2017
	Sonnenkrieg Division	February 2020	Al-Mukhtar Brigades	December 2017
	Feuerkrieg Division	July 2020	Hasam	December 2017
	Atomwaffen Division	April 2021	Liwa al-Thawra	December 2017
	The Base	July 2021	Hizballah	March 2019
Ansaroul Islam			March 2019	
Jamaat Nusrat al-Islam Wal-Muslimin			March 2019	
Hamas			November 2021	
United States	Russian Imperial Movement	April 2020	Al Muhammadia Students	December 2016
			Majelis Mujahidin Indonesia	June 2017
			Khalid bin Al-Walid Army	June 2017
			Hizbul Mujahideen	August 2017
			Marwan Hadid Brigades	November 2017
			Liwa al-Thawra	January 2018
			Harakat al-Sabireen	January 2018
			Ansarul Islam	February 2018
			ISIS–Egypt	February 2018
			Jund al-Khalifa Tunisia	February 2018
			ISIS–Somalia	February 2018
			The Maute Group	February 2018
			ISIS–Bangladesh	February 2018
			ISIS–Philippines	February 2018
			ISIS–West Africa	February 2018
			Tehreek-e Azadi-e Kashmir	April 2018
			Milli Muslim League	April 2018
			ISIS–Greater Sahara	May 2018
			Hay'at Tahrir al-Sham	May 2018
			Al-Ashtar Brigades	July 2018
Al-Hijra	July 2018			

	Jama'at Nusrat al-Islam wal-Muslimin	September 2018
	Al-Mujahidin Brigades	November 2018
	Harakat al-Nujaba	March 2019
	Islamic Revolutionary Guard Corps	April 2019
	Balochistan Liberation Army	July 2019
	Hurras al-Din	September 2019
	Asa'ib Ahl al-Haq	January 2020
	Harakat Sawa'd Misr	January 2021
	ISIS–DRC	March 2021
	ISIS–Mozambique	March 2021
	Segunda Marquetalia	December 2021
	Revolutionary Armed Forces of Colombia– People's Army	December 2021

There is not a “master list” of white supremacist organizations worldwide on which we can draw to get a sense of the universe of activity (just as there is no “master list” of Islamist extremist organizations). Given the speed with which organizations are formed and disbanded, coupled with name changes and aliases to avoid law enforcement, such a list would be virtually impossible to maintain. Nevertheless, we can make an educated guess about the order of magnitude of white supremacist organizations. Germany, for example, bans a variety of groups as “anti-constitutional,” encompassing actors termed “terrorist” in other jurisdictions. Since 1997—the same year terrorist proscription formally began in the United States—Germany has banned 42 white supremacist organizations, out of 86 total since 1951.¹⁸ While not all of these organizations would meet every country’s definition of terrorism (though as discussed, these definitions are rather capricious in practice), and not every white majority country would have comparable numbers, the German case suggests that there are, at minimum, hundreds of white supremacist organizations operating globally at any given time. Designating only one such organization as “terrorist,” as the US has done, or a small handful, as the UK has done, therefore does not match the reality of global white supremacist activity.

One can attempt to account for this designation disparity in three main, albeit unsatisfactory, ways. First, perhaps “objective” factors such as target choice or severity of violence justifies these designation patterns. Yet the best available evidence undercuts this justification. In an analysis of hundreds of militant organizations in the European Union and five other countries, including the United States and United Kingdom, neither target choices nor

¹⁸ Bundesamt für Verfassungsschutz, “Rechtsextremismus: Symbole, Zeichen und verbotene Organisationen (February 2022); Michael Zeller and Michael Vaughan, “Proscribed Right-Wing Extremist Organisations,” Centre for the Analysis of the Radical Right (2021).

severity of violence drove which groups were or were not designated.¹⁹ What did matter was whether the US had previously designated the group and whether the group subscribed to an Islamist ideology. In other words, the beliefs of the group, on average, were more important for designation than the actual security threat that the group posed—and, indeed, it is not uncommon for countries to designate groups that have not only never perpetrated an attack on their soil, but who have never perpetrated an attack at all.

Moreover, the US disproportionately designates weak groups,²⁰ and given that designation regimes globally often copy the US, the US's lack of concern for level of violence proliferates in other regimes. The US's only white supremacist terrorist designee to date, the Russian Imperial Movement, has never carried out an attack on its own, yet the US listed it over groups such as Combat 18, a British group that has perpetrated various murders and bombings since its founding in 1992, and the Azov Battalion, which has committed numerous atrocities in Ukraine since the Russian occupation of Crimea in 2014. Blood & Honour, designated by Canada, is a neo-Nazi concert promotion network, not a militant group. This pattern is not limited to white supremacist groups: the UK-designated Global Islamic Media Front, as the name suggests, propagandizes rather than perpetrating attacks. As Jarvis and Legrand underscore in their landmark work on designation, the use of violence is neither necessary nor sufficient for designation.²¹

¹⁹ Mirna El-Masri and Brian J. Phillips, "Threat Perception, Policy Diffusion, and the Logic of Terrorist Group Designation," *Studies in Conflict & Terrorism* (2021), Online First.

²⁰ Winston Chou, "Seen Like a State: How Illegitimacy Shapes Terrorism Designation," *Social Forces* 94, no. 3 (2015): 1129–1152.

²¹ Jarvis & Legrand, *Banning Them, Securing Us*.

If the physical danger posed by a group does not influence whether it will be designated as “terrorist,” what does? A second justification could center on differences in organization. Though some have argued that white supremacist violence is more likely to be the work of “lone wolf” actors who are harder to proscribe, this assertion is increasingly viewed as inaccurate by scholars.²² Even where white supremacists are more loosely organized than other groups, the question remains why our dominant understanding of terrorism is guided by forms of organization less apparent among white supremacists. Recent work further suggests that our understanding of more formal organization among other kinds of actors may in fact be wrong: the degree of organization even in prototypical examples, such as al-Qaeda, may be overstated in order to facilitate kinetic and legal counterterrorism efforts.²³ In other words, proscription may bring “terrorists” as coherent groups into being, rather than formal organization being a prerequisite for designation.

Third, a skeptic might note that there exist unique legal-organizational impediments to designation of white supremacist organizations. Indeed, the US lacks the legal instruments to designate domestic actors as terrorists, limiting its ability to designate white supremacists; since many white supremacist groups are US-based, this poses a problem for equitable designation of

²² Bart W. Schuurman et al., “End of the lone wolf: The typology that should not have been,” *Studies in Conflict & Terrorism* 42, no. 8 (2017): 771–78.

²³ Sarah G. Phillips, “Making al-Qa’ida legible: Counter-terrorism and the reproduction of terrorism,” *European Journal of International Relations* 25, no. 4 (2019): 1132–1156; Jarvis & Legrand, *Banning Them, Securing Us*.

white supremacist and other organizations. Of the 11 white supremacist groups²⁴ designated internationally, 5 are US-based.

We find relying too much on legal-organizational impediments in explanations of designation patterns limiting, however. Since no Western country besides the US prohibits designation of domestic groups, domestic laws cannot explain the near-constant phenomenon of non-designation historically. The US could, for example, have designated at least five other white supremacist organizations based on international precedent alone (Blood & Honour, Combat 18, Feuerkrieg Division, National Action, and Sonnenkrieg Division), but it has not done so. Western countries could also have responded to legislative and civil society calls to designate groups such as the Antipodean Resistance, Azov Battalion, Britain First, English Defence League, Lads Society, Nordic Resistance Movement, and White Wolves, among others. More importantly, in our view, is that legal-organizational structures do not exist within a vacuum. Such accounts are unsatisfactory until they are considered within larger social contexts shaping why laws are crafted the way they are and enforced in practice, and against whom.

In sum, the empirical record shows that many of the “objective” factors we might assume matter for terrorist designation—level of violence, targeting choices, degree of organization, and available legal tools—on average do not and thus cannot account for clear patterns of white supremacist non-designation. The remainder of the article strengthens our understanding of designation disparities as institutional racism by illuminating the racial histories of counterterrorism institutions.

The Western Racial Order, the Norm Against Terrorism, and Discriminatory Designations

²⁴ Atomwaffen Division reconstituted itself under the name “National Socialist Order” in July 2020.

Designation practices exist in, reflect, and reinforce broader racial orders, understood as the beliefs, institutions, norms, and practices that structure relations among racial and ethnic groups.²⁵ We are here interested primarily in the Western racial order, key elements of which are shared by white majority countries. This racial order's laws and institutions embody the principles of race neutrality and even formal racial equality. But in practice, racial inequality, hierarchy, and discrimination are considerable. We shed light on how institutions and norms that are apparently race-neutral reflect and reinforce racialized understanding of "terrorists," and permit disparate designations.

The Norm Against Terrorism, Designation Institutions, and the Racialized "Terrorist"

Inspired by the norms literature, our premise is that a comprehensive understanding of designations requires that we map the broader normative context in which they occur. Of particular importance is the norm against violence labeled as terrorism.²⁶ This norm against terrorism can be traced back to the early 1970s, when the term "terrorism" overtook the previously dominant "insurgency."²⁷ Most scholarly definitions of "terrorists" appear race-neutral and center on some combination of non-state actors with political motives who intentionally inflict violence on civilians to spread fear in an audience.²⁸ These elements are

²⁵ Jennifer L. Hochschild, Vesla M. Weaver, and Traci R. Burch, *Creating a New Racial Order* (Princeton, NJ: Princeton University Press, 2012).

²⁶ Although there are references to a "norm against terrorism" among policymakers and academics, we are not aware of sustained analyses of it in mainstream security studies. See references to such a norm in Peter J. Katzenstein, *Rethinking Japanese Security* (London: Routledge, 1993), ch. 7; Virginia Page Fortna, Nicholas Lotito, and Michael A. Rubin, "Don't Bite the Hand that Feeds: Rebel Funding Sources and the Use of Terrorism in Civil Wars," *International Studies Quarterly* 62 (2018): 782-794.

²⁷ Lisa Stampnitzky, "Can Terrorism Be Defined?" in *Constructions of Terrorism*, edited by Michael Stohl, Richard Burchill, and Scott Englund (Oakland: University of California Press, 2017).

²⁸ For reviews of the definitional debate, see Brian J. Phillips, "What is a Terrorist Group? Conceptual Issues and Empirical Implications," *Terrorism and Political Violence* 27, no. 2 (2015): 225-42; Bruce Hoffman, *Inside Terrorism* (New York: Columbia University Press, 2006), ch. 1.

often mirrored in formal state definitions. Nonetheless, in practice Western countries share a racialized understanding of the category of “terrorist.”²⁹ Racialization refers to “the extension of a racial meaning to a previously racially unclassified social relationship, social practice or group.”³⁰ In addition to groups, policy areas can be racialized, typically by associating them with particular racial groups.³¹ Especially relevant here is abundant evidence of a similar association between Muslims and terrorism. Muslims are depicted as belonging not only to a religious group but also to a racial group (implicitly, Arabs) with relatively fixed boundaries and essential traits.³² Relevant stereotypical traits include violence and untrustworthiness.³³ These imputed traits facilitate the association between Muslims and terrorism, racializing our understanding of “terrorist” by giving rise to the “Muslim-as-terrorist” stereotype.³⁴ Ervin echoes this point: “The vast majority of Americans—and many Europeans—do have a stereotype in mind when [they] think of terrorists, and that stereotype is of someone of Arab descent.”³⁵

The flipside of the Muslim-as-terrorist stereotype is that of the “white-as-not-terrorist.” This is our main focus. Here we confine our point to the racial identity of actors (white), but later we add further nuance by incorporating the role of ideology (especially white supremacy). The presumption of innocence, specifically of not being terrorists, enjoyed by whites has received less attention than the presumption of guilt aimed at Muslims, but it is a crucial dimension of our

²⁹ Possible racialization of terrorists outside of the West is beyond the scope of this article.

³⁰ Michael Omi and Howard Winant, *Racial Formation in the United States* (New York: Routledge, 2014), 111; see also Karim Murji and John Solomos (eds.), *Racialization: Studies in Theory and Practice* (New York: Cambridge University Press, 2005).

³¹ Jon Hurwitz and Mark Peffley, “Public Perceptions of Race and Crime: The Role of Racial Stereotypes,” *American Journal of Political Science* 41, no. 2 (1997): 375–401.

³² Steve Garner and Saher Selod, “The Racialization of Muslims: Empirical Studies of Islamophobia,” *Critical Sociology* 14, no. 1 (2015).

³³ John Sides and Kimberly Gross, “Stereotypes of Muslims and Support for the War on Terror,” *Journal of Politics* 75, no. 3 (2013): 583–98.

³⁴ Sanjay Sharma and Jasbinder Nijjar, “The racialized surveillant assemblage: Islam and the fear of terrorism,” *Popular Communication* 16, no. 1 (2018): 72–85.

³⁵ C. K. Ervin, “Stereotyping terrorists: The usual suspects,” *International Herald Tribune*, June 27, 2006, p 1.

racialized understanding of terrorists. D’Orazio and Salehyan find not simply that Arab-American perpetrators of violence are more likely to be seen as terrorists, but also that white perpetrators are less likely to be seen as terrorists and more likely to be considered mentally ill.³⁶ Likewise, considerable work documents the differential and discriminatory treatment Muslims face in the media and in daily life due to the casting of entire communities as “suspect.”³⁷

As a consequence of the racialization of “terrorist,” it is harder to see whites (especially white supremacists) that threaten or inflict political violence as terrorists than non-whites (especially racialized Muslims). Recognizing the existence of terrorists in one’s in-group, in this case white majorities in the West, undermines positive self-perceptions, triggers negative emotional reactions, and decreases material and ideational benefits derived from the in-group’s high status.³⁸ Seeing whites as terrorists, then, is possible, but requires crossing a higher threshold than in the case of non-whites.

Racialization can occur through numerous pathways, including media coverage, elite cues, and everyday encounters. Here, we focus on racialization by and within counterterrorism practices, agencies, and laws. Scholars have examined how practices in the War on Terror, including surveillance, profiling, and rendition, reinforce the negative stereotype of Muslims as terrorists.³⁹ These same practices also implicitly strengthen positive stereotypes of whites not being terrorists. We emphasize the deeply historical nature of our argument, whereby

³⁶ D’Orazio and Salehyan, “Who is a Terrorist,” 1021

³⁷ On the racialized understanding of terrorists generally, see Sharma and Nijjar, “The racialized surveillant assemblage: Islam and the fear of terrorism;” Ervin, “Stereotyping terrorists;” Abu-Bakare, “Counterterrorism and race;” Arun Kundnani, *The Muslims are Coming! Islamophobia, Extremism, and the Domestic War on Terror* (New York: Verso 2014); Kearns, Betus, and Lemieux, “Why Do Some Terrorist Attacks Receive More Media Attention than Others?;” Nikhil Pal Singh, *Race and America’s Long War* (Oakland: University of California Press, 2019).

³⁸ Minoritized groups can also internalize the stereotypes of white majorities, biasing their perceptions in similar ways.

³⁹ Cainkar and Selod, “Review of Race Scholarship.”

counterterrorism institutions tend to have long racial histories. These associate terrorism with perceived outsiders, who have in the West been racialized as non-white.

We extend the argument about counterterrorism's racializing impact to designation practices. The more white supremacists escape designations (and the more others, such as Muslims, are subject to it), the more the racialized notion of the terrorist is reinforced. Stereotypes about aggressive and untrustworthy Muslims underpinning the mental image of the Muslim terrorist will be bolstered. Similarly, the positive counterparts of these stereotypes will strengthen the mental image of the non-terrorist white. Racialization need not be conscious in order to strengthen the association between "terrorist" and "non-whites": one can extend and maintain a racial understanding of terrorists unwittingly.

The racialization of "terrorist" has prominent policy implications, as racialized categories shape policy attitudes. For instance, those more prejudiced against Arab-Americans and Muslims specifically are more supportive of counterterrorism measures and the War on Terror.⁴⁰ These policy attitudes can translate into racial double standards or a racial exception in the application of norms.⁴¹ Building on this work, we argue that the racialization of the "terrorist" category permits discriminatory applications of the norm against terrorism.

The Racialized Notion of "Terrorist" Permits Discriminatory Designations

⁴⁰ D'Orazio and Salehyan, "Who is a Terrorist"; Sides and Gross, "Stereotypes of Muslims and Support for the War on Terror."

⁴¹ Richard Price, "A Genealogy of the Chemical Weapons Taboo," *International Organization* 49, no. 1 (1995): 96; Tanisha Fazal and Brooke Greene, "A Particular Difference: European Identity and Civilian Targeting," *British Journal of Political Science* 45, no. 4 (2015): 829–51.

Because there is nothing inherent in specific actors or actions that makes them terrorists, governments have considerable latitude in their designations. As Beck and Miner put it, “Just as curators decide on genres of arts, we might say that governments curate the categories of militancy and political violence.”⁴²

We propose that racialized notions of terrorists embedded in the norm against terrorism permit racially disparate designation patterns. Though policymakers may not be aware that their understanding of terrorism is racialized, their implicit beliefs about the perceived racial identity of those who threaten or inflict political violence may lead them to unconsciously apply terrorist designations in a racialized manner. The end result is the same: white supremacists are less likely to be designated as terrorists. The argument is probabilistic rather than deterministic, since norms, including the norm against terrorism, make certain outcomes likelier than others. As Tannenwald notes, “Norms do not determine outcomes, they shape realms of possibility.”⁴³

But not all whites are equally likely to enjoy the benefits of non-designation. The other aspect of our argument centers on ideology. In the West, white supremacist ideology, and actors who embrace its more violent manifestations, are seen as less threatening by both elites and the public for a number of reasons. Historically speaking, whiteness and forms of white supremacy have been central to the formation and development of many Western states.⁴⁴ White supremacist ideology played a key role in legitimating Western imperialism and domestic practices of racial domination, shaping relations between key Western states, and infusing other

⁴² Beck and Miner, “Who Gets Designated a Terrorist and Why?”, 842.

⁴³ Nina Tannenwald, “The Nuclear Taboo: The United States and the Normative Basis of Nuclear Non-Use,” *International Organization* 53, no. 3 (1999): 435.

⁴⁴ Anthony W. Marx, *Making Race and Nations: A comparison of South Africa, the United States, and Brazil* (Cambridge: Cambridge University Press, 1998).

political ideologies in the West, including liberalism.⁴⁵ Much of its function of normalizing certain practices has occurred by shaping standards of legitimacy that are embedded in societal norms. Although white supremacist ideology has numerous strands and has evolved, there is still an overlap between its elements embedded in contemporary institutions, racial common sense, and discourse on the one hand, and those embraced by violent white supremacist actors. This overlap, the sense of historical familiarity, and the benefits⁴⁶ (“white privilege”) this ideology affords ordinary citizens and officials alike make it less threatening, compared to “foreign” ideologies.⁴⁷

It is therefore important to link designation patterns and racialized notions of the terrorist to the broader racial order. The emerging literature on designations notes that they can stigmatize racial and ethnic groups linked to designated actors.⁴⁸ We add that designation patterns not only victimize some groups (such as Muslims or Arabs) but also privilege others (such as whites). They reinforce the stigmatization of designated actors and their broader racial and ethnic communities, while allowing non-designated actors and their communities to escape these adverse consequences. In turn, this disparity reinforces hierarchies in the Western racial order, cementing the position of whites at the top.

Still, racially discriminatory designation patterns and the underlying norm against terrorism can potentially be contested, transgressed, and changed. It may be possible to decrease the racialization of the “terrorist” concept, at least in principle, making it easier to designate white supremacists and decrease the discriminatory application of the norm in the case of

⁴⁵ Zoltán I. Búzás, "Racial Ideologies in World Politics," in Jonathan Leader Maynard and Mark Haas, eds. *The Routledge Handbook of Ideology and International Relations* (London: Routledge, forthcoming).

⁴⁶ Ashley Jardina, *White Identity Politics* (New York: Cambridge University Press, 2019).

⁴⁷ Michael Newell, “Comparing American perceptions of post-Civil War Ku Klux Klan and transnational violence.” *Security Dialogue* 51, no. 4 (2020): 287–304.

⁴⁸ Jarvis and Legrand, “The Proscription or Listing of Terrorist Organisations.”

designations. The more awareness there is of the racial exception of the norm and its discriminatory application, the more these can be contested.

Whether contestation changes or reinforces norms depends on a number of context-specific issues. Of particular relevance is the broader normative environment. Our approach is premised on normative pluralism, where the norm against terrorism coexists with other norms, most importantly the norm against overt racism. Activists, policymakers, journalists, and others can harness this norm to challenge the discriminatory application of the norm against terrorism.⁴⁹ Depending on a number of context-specific factors, including the relative strength of incentives for and against maintaining this racial exception, government officials can respond in three main ways: a) engage in *defiance* and reinforce the racial exception in the norm in the face of such contestation; b) engage in *window-dressing*, designating a few white supremacists to reduce contestation and maintain the racial exception, albeit perhaps in a somewhat narrower form; c) engage in *transformation*, significantly reducing the racial exception of the norm, decreasing the racialization of our understanding of “terrorist,” and lowering the discriminatory application of the norm against terrorism.

Empirical Analysis

Observable Implications and Case Selection

The discussion above boils down to three empirically verifiable claims: 1) the concept of “terrorist” is racialized, and designation practices have contributed to this racialization; 2) the racialized notion of the terrorist provides permissive conditions for the discriminatory

⁴⁹ The norm against racism can be aimed both against the racial exception in the norm against terrorism and more generally against white supremacist ideology in national security institutions, but our immediate focus is on the former. We thank an anonymous reviewer for this distinction.

application of the norm against terrorism to designations; and 3) policymakers can respond to contestation regarding discriminatory designations through defiance, window-dressing, or transformation.

If the first claim is correct, we should find that the past and present of designation mechanisms and related practices have indeed reinforced stereotypical images of non-white groups as terrorists and white (supremacist) groups as not terrorists. If the second claim is correct, available designation data should show low numbers of white supremacist designations compared to designations of other violent groups. Regarding the third claim, it is too soon to draw definitive conclusions given that the first white supremacist terrorist designation occurred in December 2016. Nonetheless, we employ detailed context-specific information to make suggestions about whether recent white supremacist designations are closer to window-dressing or transformation.

To demonstrate the role of the racial exception to the norm against terrorism in patterns of terrorist designation, we conduct a paired comparison of the designation regimes in the United States and United Kingdom. The UK and US have the oldest formal terrorist designation regimes in the West (starting in 1989 and 1997, respectively), as well as the longest lists of designees (72 in the US and 92 in the UK as of February 2022).⁵⁰ Our argument not applying to these cases would cast serious doubt on its broader viability. Practically, long lists and longer time horizons give us greater confidence that we are analyzing patterns rather than one-off designations—something more tenuous in other countries with newer regimes.

⁵⁰ The US has designated 72 organizations as “Foreign Terrorist Organizations,” over 100 organizations (and numerous individuals) under Executive Order 13224 as “Specially Designated Global Terrorists,” 56 under Section 411 of the PATRIOT Act’s “Terrorist Exclusion List,” and an unknown number via individual rulings in immigration courts as “Tier III terrorist organizations.” These numbers are imperfect estimates because an organization may be designated under multiple mechanisms, and some of these designations are of the same organization using different names.

Despite these similarities, the US and UK experiences with proscription are quite different. Most notably, UK law allows for the proscription of purely domestic organizations, whereas US law does not. This variation lets us investigate the claim that designation systems might not be driven by racialized ideas surrounding “terrorism,” since US-based white supremacist organizations simply cannot be designated under current US law. And indeed, the UK has proscribed five white supremacist organizations to the US’s one, two of which are US-based. We find, however, that the racial exception to the norm against terrorism runs deep in both countries; our case comparison enables us to trace how this exception plays out in different institutional environments.

Rarely is there obvious evidence of outright racism in any particular terrorist designation. Accordingly, we demonstrate the permissive conditions that the racialization of mechanisms of legal counterterrorism creates and the disparate outcomes concerning white supremacist vis-à-vis other types of designees. For each country, we first explain terrorist proscription regimes and provide an overview of organizations designated to establish broad patterns of non-designation of white supremacists. Then, we trace the development of these regimes to examine the role of the racial exception in institutional design. Finally, in the face of shifting public and political sentiment toward treating white supremacist organizations as terrorists, we analyze a recent white supremacist designation case in each country.

Our analysis does not presume to explain all factors influencing all terrorist designations. Rather, we shed light on important aspects of designation mechanisms that have been previously overlooked—namely, that these mechanisms are racialized in their design and their enforcement, even as norms may appear to shift toward treating white supremacist organizations as terrorist. Moreover, the racialization of designation mechanisms both reflects and reinforces the

racialization of the “terrorist” category more broadly. That this holds true cross-nationally despite differences in designation mechanisms adds credence to our argument about the role of the racial exception in national-level constructions of terrorism. Furthermore, it suggests that similar dynamics may also be at work in other countries with different proscription systems.

Proscription in the United States

As a self-styled global leader in combating terrorism, the United States has one of the most complex proscription regimes in the world, with multiple and sometimes overlapping mechanisms by which organizations and individuals can be designated as terrorists. Yet such mechanisms have overwhelmingly not been used to proscribe white supremacist organizations—a policy choice, we argue, that reflects and reinforces more widespread racialized notions of who is and is not a terrorist.

We focus first on the Foreign Terrorist Organization (FTO) list, the longest-standing and most well-known of the US’s designation mechanisms. The FTO list is the only mechanism that institutes a blanket ban on individual membership in any listed organization, as opposed to other tools that work primarily through sanctioning financial activity. At minimum, then, the FTO list sends a signal about which groups the US considers serious security threats, albeit one limited by law to groups originating outside of the US itself.

Figure 1: Organizations on the U.S. Foreign Terrorist Organizations (FTO) List⁵¹

⁵¹ Accurate as of February 2022. For data sources and coding decisions, see the online appendix at <https://doi.org/10.7910/DVN/FEAZTU>.

[Figure 1 about here]

As Figure 1 shows, the breakdown of FTO proscriptions suggests that political actors see threats as stemming more from certain racialized ideologies than from specific groups. Of 72 total organizations listed as FTOs as of February 2022, 55 are non-state Islamist extremist groups; another 12 are nationalist, far-left, or religious extremist organizations based in the Global South (including Palestine). Only five listed organizations are based in the Global North: Basque Fatherland and Freedom (ETA), the Continuity and Real Irish Republican Armies, Greek anarchist group Revolutionary Struggle, and Jewish extremist group Kahane Chai. No white supremacist organizations make an appearance. Commenting in 2019 on recent white supremacist attacks not being treated as terrorism, Congresswoman Alexandria Ocasio-Cortez remarked, “I can’t help but come to the conclusion that these labels—what’s being labeled as terrorism is almost exclusively coming down to identity.”⁵²

Calls to designate white supremacist organizations have not produced widespread results, in part because responding to public or Congressional pressure is not an official part of the designation process. Beginning in the State Department with initial recommendations from analysts, the decision on a designation takes 1–2 years on average and requires vetting from lawyers at the Departments of Justice and the Treasury as well as approval from Congress at the final stage (though Congress has never failed to approve a FTO designation). Members of Congress, researchers, and ordinary citizens do sometimes lobby for the designation of a

⁵² “Confronting White Supremacy (Part 1): The Consequences of Inaction.” House Subcommittee on Civil Rights and Civil Liberties, May 15, 2019, <https://bit.ly/36MbyPS>.

particular group, but such efforts are historically uncommon and do not mandate any sort of response from the government.

In fact, the modal response to public pressure is no response. Nonprofits including the Center for American Progress and Anti-Defamation League, as well as the George Washington University Program on Extremism, have all recommended the State Department engage in more robust designation of white supremacists, naming organizations from the UK's National Action to Ukraine's Azov Battalion to Scandinavia's Nordic Resistance Movement.⁵³ A letter sent to Secretary of State Mike Pompeo in October 2019 by 40 members of Congress mentioned all three groups as eligible for designation, stating that "the American people deserve an explanation as to why these groups are not included on the FTO list."⁵⁴ As we detail below, the US's sole white supremacist terrorist designation (under a different mechanism, Executive Order 13224) is a group that members of Congress and experts had *not* previously emphasized in calls to proscribe white supremacists.⁵⁵ The January 6 insurrection at the US Capitol has not been followed by any further white supremacist designations at the time of writing despite Congressional calls to do so, again illustrating that public input is not a key factor in the US designation process.⁵⁶

⁵³ "4 First Steps for Congress To Address White Supremacist Terrorism," *Center for American Progress*, October 30, 2020, <https://ampr.gs/332ZIVR>; "Confronting the Rise in Anti-Semitic Domestic Terrorism," House Subcommittee on Intelligence and Counterterrorism, January 15, 2020, <https://bit.ly/2IJGaK1>; John Lewis et al., "White Supremacist Terror: Modernizing Our Approach to Today's Threat," Joint report of the Program on Extremism and the Anti-Defamation League, April 2020, <https://bit.ly/3nGv3Qy>.

⁵⁴ A copy of the letter is available at <https://bit.ly/3INNsuo>.

⁵⁵ The Program on Extremism's report mentioned the Russian Imperial Movement (RIM), but as it was released in the same month that RIM was designated and designation takes at least a year, it is implausible that it had any effect on the State Department's work.

⁵⁶ Rep. Elissa Slotkin, who chairs the House of Representatives Subcommittee on Intelligence and Counterterrorism, sent a letter to Secretary of State Antony Blinken in April 2021 urging the designation of over a dozen overseas white supremacist organizations. A copy of the letter is available at <https://bit.ly/3BBAIPg>.

On the other hand, many white supremacist groups are US-based, and there is no mechanism for proscribing US-based groups as “terrorist” under US law. As a result, there are real limits on the extent to which US proscription mechanisms can be used against white supremacists. Moreover, the designation process is often influenced by geopolitical concerns: for example, the decision not to designate the Haqqani network, a fundamentalist insurgent group linked to both al-Qaeda and the Taliban, until 2012 was largely a product of concerns about offending the Pakistani government, given the Haqqanis’ links to Pakistani state intelligence.⁵⁷

Yet institutional design is not a given, and political concerns occur within a broader context of social relations shaping how policymakers assess threat. Focusing solely on institutional and political constraints cannot explain how those constraints came to be. How did the US arrive at a set of proscription mechanisms that both constrain its ability to target white supremacists and perpetuate the racialization of the “terrorism” category?

At this juncture, we find it important to underscore the well-documented role of racism in other areas of US federal legislation targeting political violence. For example, it was not until March 2022 that Congress passed the first federal antilynching law, the Emmett Till Antilynching Act. Between 1882 and 1968, at least 4,742 people, mostly African Americans, were lynched with impunity—acts widely understood as “racial terrorism.”⁵⁸ The explicit racist opposition facing earlier attempts underscores the racialized ways that political violence in the US has long been constructed, with longstanding institutional consequences for federal legislation.

⁵⁷ Tim Legrand, “‘More Symbolic—More Political—Than Substantive’: An Interview with James R. Clapper on the U.S. Designation of Foreign Terrorist Organizations.” *Terrorism and Political Violence* 30, no. 2 (2018): 356–72.

⁵⁸ Congressional Record 2005/6/13, S6364–6365; New York Times Editorial Board, “Lynching as Racial Terrorism,” February 11, 2015; Marouf Hasian Jr. and Nicholas Paliewicz, *Racial Terrorism* (University of Mississippi Press, 2020).

Likewise, US proscription laws stem from and reproduce older racialized practices, namely in relation to immigration law. The legal mechanism for declaring an organization “terrorist” rests in the Immigration and Nationality Act (INA), the primary legislation determining criteria for admitting migrants to the US. After initially racializing communists during the Cold War, the INA would set the stage for exclusionary policies that would evolve into contemporary counterterrorism legislation.

From its passage in 1965, the INA has helped construct what groups fit within ideal conceptions of US society and which are Other and, thus, threatening.⁵⁹ Under the INA, migrants from communist countries were banned during the Cold War from entering the US except as refugees, and those found engaging in communist political activity after entry could be deported.⁶⁰ This occurred against a backdrop of “racial distancing,” wherein communists were constructed as non-white or less white than non-communist Americans.⁶¹ Such “racial distancing” was facilitated by the popularity of communism among anti-colonial nationalists in the Global South, as well as Black Americans, who recognized communism’s potential to challenge domestic discrimination rooted in white supremacy. Many Americans perceived Soviets as less white, most often “half-Oriental” or half-Asian, given their association with communism. A 1955 memo to CIA Director Allan Dulles by CIA Head of the Office of National Estimates Sherman Kent explained that Soviet aid was more favorably received in the Global

⁵⁹ David Scott Fitzgerald and David Cook-Martin, *Culling the Masses: The Democratic Origins of Racist Immigration Policy in the Americas* (Cambridge, MA: Harvard University Press, 2014); Mary Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton University Press, 2002).

⁶⁰ § 313 (8 USC 1424). Since amended, the INA continues to shut off immigration to anyone who has been an active member of a Communist party in the past 10 years.

⁶¹ Thomas Borstelmann, *The Cold War and the Color Line: American Race Relations in the Global Arena* (Harvard University Press, 2001); Richard Seymour, “The Cold War, American Anticommunism and the Global ‘Colour Line’,” in Alexander Anievas, Nivi Manchanda, and Robbie Shilliam, *Race and Racism in International Relations: Confronting the Global Colour Line* (New York: Routledge, 2015), 157–74.

South than US aid because the Soviets managed “to get themselves accepted as non-Europeans, as fellow Asians.”⁶²

Within this framework, anti-communism became a key criterion for US whiteness. Cold War-era administrations used the racialization of the communist/capitalist divide to invite migrants falling on the capitalist side (for example, upper-class Cuban refugees) into the US racial order as white, whereas other Cubans and communist migrants in the 1960s and 70s were constructed as racial Others.⁶³ Likewise, refugees from Eastern Europe were similarly racialized, viewed as able to assimilate because of their anti-Communist ideologies and their perceived whiteness.⁶⁴ Meanwhile, anti-colonial nationalists of color who also embraced communist ideology and did not shy away from violence were frequently considered terrorists rather than freedom fighters or insurgents.⁶⁵ It was not until 2008 that the George W. Bush administration lifted provisions under the INA that kept Nelson Mandela and other members of the anti-apartheid African National Congress from entering the US due to “terrorist activities.”⁶⁶ The INA, therefore, melded racialized discourses of communists, understood to be non-white, with the “terrorist” category.

This connection would morph into replacement following the end of the Cold War, with “terrorists” co-opting communism as the primary foreign, racialized bogeyman against which the US must fight. A definition of terrorism was added to the INA in 1992, formalizing terrorism as

⁶² Cited in Matthew Jones, *After Hiroshima: The United States. Race and Nuclear Weapons in Asia, 1945-1965* (New York: Cambridge University Press, 2010), 292.

⁶³ Cheris Brewer Current, “Normalizing Cuban refugees: Representations of whiteness and anti-communism in the USA during the Cold War,” *Ethnicities* 8, no. 1 (2008): 42–67; Eduardo Bonilla-Silva, *White Supremacy and Racism in the Post-Civil Rights Era* (Boulder, CO: Lynne Rienner, 2001).

⁶⁴ Mae Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton, NJ: Princeton University Press, 2004).

⁶⁵ For a general discussion of insurgency and terrorism focused on apartheid South Africa see Paul Rich, “Insurgency, Terrorism and the Apartheid System in South Africa,” *Political Studies* 32, no. 1 (1984): 68-85.

⁶⁶ Olivia Waxman, “The U.S. Government Had Nelson Mandela on Terrorist Watch List until 2008. Here’s Why,” *Time*, July 18, 2018.

grounds for exclusion.⁶⁷ Further amendments in 1996 codified the formal designation of organizations as FTOs—and FTO designation, in turn, as grounds for exclusion. The background for these changes was not only concern about terrorism, but terrorism *as located in* (implicitly nonwhite) migrant communities.⁶⁸ So strong was the association between terrorism and migrants that, when asked in a 1993 Senate Judiciary Committee hearing about what the federal government should be doing with respect to “the nature of terrorist action and activities in this country and outside this country,” former State Department Deputy Coordinator for Counterterrorism Clayton McManaway replied, “[conducting] a review of our immigration laws.”⁶⁹ Constructing “terrorism” as the provenance of the racialized Other is rarely so explicit in contemporary discussions, yet it is a deeply entrenched practice with ongoing effects, as would become further evident after a horrific domestic attack a few years later.

The 1995 Oklahoma City bombing, arguably the deadliest white supremacist attack in the 20th century,⁷⁰ could have sparked a shift in where, and from whom, terrorism was expected to originate. Instead, terrorism legislation passed in its aftermath continued to distance terrorism from whiteness and locate the threat in migrant communities. Proposed legislation suggested giving the President the sole authority to legally designate actors as “terrorist” with neither Congressional nor agency oversight. In a 1995 Senate Judiciary Committee hearing, Mary Mourra Ramadan of the American-Arab Anti-Discrimination Committee captured concerns

⁶⁷ Foreign Relations Authorization Act, FY 1992 and 1993, §212(a)(b)(i).

⁶⁸ Indeed, the identification of “terrorist” with “racialized Muslim” had already occurred by this point. As multiple former intelligence officials stated in interviews with one of us in 2019, “terrorism” in the 1990s meant al-Qaeda, Hizballah, and Palestinian liberation groups, along with “maybe one person” at the National Counterterrorism Center working on the IRA.

⁶⁹ U.S. Senate Committee on the Judiciary, “Terrorism in America: A Comprehensive Review of the Threat, Policy, and Law,” April 21–22, 1993.

⁷⁰ The Oklahoma Commission on the 1921 Tulsa race massacre estimated as many as 300 killed, which if true would surpass Oklahoma City’s death toll of 168. See Oklahoma Commission to Study the Tulsa Race Riot of 1921, “Final Report” (2001).

about this power that remain relevant to this day: “Since the President is not compelled to designate every entity meeting the definition [of terrorism], he necessarily must be applying some other unstated criteria to do so.”⁷¹

The Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) would ultimately give designation power to the State Department, not the White House, but without addressing Ramadan’s concern about the likely implicit biases in designation. The AEDPA made possible the designation of FTOS—but not domestic ones—along with criminalizing the provision of material support to designated foreign terrorist organizations and introducing further immigration restrictions.⁷² None of these measures bore any relation to the white US citizen perpetrator of the attack, Timothy McVeigh, or the larger white supremacist network to which he belonged. Despite the threat from white supremacists, the focus remained, again, on keeping out international (and non-white) threats, rather than targeting white threats much closer to home.

Thus, the US system of constraints surrounding who is considered “terrorist” demonstrates clear racialization, stemming from immigration legislation and drawing on long-standing conceptual linkages between political resistance and an Other constructed as non-white. Though the decision-making process for any particular designation may be complex, the role of racism within the broader US counterterrorism apparatus sheds light on what kinds of organizations do not intuitively register as “terrorists” under current norms. We explore in the next section whether these norms may be changing.

Normative Challenges: Designating the Russian Imperial Movement

⁷¹ U.S. Senate Judiciary Subcommittee on Terrorism, Technology, and Government Information, “Counterterrorism Legislation,” May 4, 1995.

⁷² Anti-Terrorism and Effective Death Penalty Act of 1996, Titles III and IV.

Can the racial exception in the norm against terrorism be transformed? In the 2010s, heightened public awareness of racial inequality and increased scrutiny of US counterterrorism efforts brought renewed attention to white supremacist violence. In April 2020, the Department of State caught many observers by surprise when it designated the white supremacist Russian Imperial Movement (RIM) as a terrorist organization under Executive Order 13224. A separate mechanism from the FTO list, E.O. 13224 creates the category of “specially designated global terrorists” and applies financial sanctions to all such organizations. Even though an SDGT designation does not criminalize membership in an organization the same way that an FTO designation does, the listing still represented a departure from past proscription policy. No US government agency had ever previously designated a white supremacist organization of any stripe under any mechanism. The designation thus represented “decisive action,” State Department Coordinator for Counterterrorism Nathan Sales said in a briefing.⁷³

Does RIM’s designation point toward window-dressing or transformation? On the surface, it appears a significant maneuver, one that could potentially herald a reorientation of counterterrorism policy toward a growing global white supremacist threat. It also echoes repeated calls from experts and members of Congress that white supremacist organizations meet terrorist designation standards. The State Department itself had reportedly considered designating the neo-Nazi Atomwaffen Division (AWD)—a US-based international network with cells in Canada, Germany, and elsewhere—in March 2020.⁷⁴

⁷³ Nathan A. Sales, “Briefing on the United States Designation of the Russian Imperial Movement and Its Leaders as Global Terrorists,” April 6, 2020, <https://bit.ly/3IWW1Di>.

⁷⁴ “State pushes to list white supremacist group as terrorist org,” *Politico*, March 9, 2020, <https://politi.co/397KxJx>.

Given the range of possible white supremacist organizations to designate, the (currently sole) choice of RIM is unusual in several respects. Notably, RIM was a relatively unknown organization among the US public, in large part due to its lack of violent attacks. Operating primarily in Eastern Europe and Scandinavia, RIM has never directly planned or perpetrated an attack, much less against US interests.⁷⁵ This stands in contrast to organizations such as Combat 18 and the NRM, all of which are active in perpetrating violence and could be designated as foreign organizations. Combat 18 had also been designated by a country in which it is not based (Canada), creating precedent for the US to do the same. Had the US wanted to signal a new commitment to countering white supremacist violence, it might have chosen an organization that had either operated on US soil or targeted civilians in an allied country.

Figure 2: “Specially Designated Global Terrorists”⁷⁶

[Figure 2 about here]

The example of a group the State Department considered designating but ultimately did not—the AWD—more clearly illustrates the political incentives at work. As a transnational organization, AWD is not immediately excluded from consideration under US designation mechanisms, which state that designees must be “foreign” but does not define what this means. Past legal interpretations have understood “foreign” as “foreign-*based*,” such that an AWD

⁷⁵ Individuals who attended a RIM paramilitary training camp were later charged with planning to bomb housing for asylum-seekers in Sweden. There is no evidence that these individuals were either members of or directed by RIM in their plans. See “Russian Extremists Are Training Right-Wing Terrorists From Western Europe,” *The Daily Beast*, August 2, 2017, <https://bit.ly/33cWDgz>.

⁷⁶ Accurate as of February 2022. For data sources and coding decisions, see the online appendix at <https://doi.org/10.7910/DVN/FEAZTU>.

designation would have shifted established practice and likely triggered resistance from the Department of Justice and members of Congress.⁷⁷ Accordingly, an AWD designation would have been a more significant policy maneuver than the eventual RIM designation precisely because of the group’s linkages to the US. Instead, the US continued to locate the problem of terrorism as coming from “over there”—as it previously did by developing terrorism proscription statutes out of immigration policy, by replacing “communist” with “terrorist” as the primary label for constructing a racial and ideological Other, and by continually and repeatedly designating Islamist extremist organizations and not organizations whose members or ideologies looked more familiar. A former US official with extensive experience in the US terrorist proscription system indicated that designating RIM was likely a “fig leaf,” one meant to pacify the Trump administration’s political opponents rather than seriously address white supremacist violence.⁷⁸ By choosing a relatively obscure group that would neither raise questions of statutory interpretation nor draw attention to the role of US actors in global white supremacist violence, the administration could appear to respond to overwhelming public pressure without engaging in counterterrorism activities on US soil. Thus, the RIM designation may be more window-dressing than transformation—a persistence of racial exceptions to norms rather than a subversion of them despite changing sentiment toward racial justice in the US.

Because designation takes 1–2 years, it remains possible that the US is currently in the process of designating other white supremacist groups or will do so in the future. The case of recent white supremacist terrorist designations in the United Kingdom, which we analyze below, suggests that the passage of time may produce more such designations in the US as well. Still, the evidence presented thus far indicates that more sustained attempts to designate white

⁷⁷ 8 U.S. Code § 1189.

⁷⁸ Author interview with former official, July 2020.

supremacists may face an uphill battle against the profound racialization of the “terrorist” category.

Proscription in the United Kingdom

The United Kingdom’s proscription system differs markedly from the US’s in that it is possible in the UK to designate domestic organizations as “terrorist.” Accordingly, the UK case allows us to observe whether such a domestic mechanism mitigates the racialized dynamics that we observe in the US case—that is, if the ability to designate white supremacist organizations closer to home makes it more likely that a country will do so. And indeed, the UK has designated five white supremacist organizations to the US’s one. Still, massive racial disparities exist in the UK’s proscription patterns, raising questions of whether its designations of white supremacists as terrorist groups are evidence of transformation or window-dressing.

Here we focus on the Terrorism Act 2000, which subsumed several older terrorism statutes related to the conflict in Northern Ireland and for the first time allowed the government to designate foreign organizations as terrorists. Because of the possibility of designating domestic UK organizations, the UK designation process starts in the Home Office, rather than the equivalent of the US State Department (the Foreign & Commonwealth Office). Otherwise, the UK process is quite similar to the US process, with designations taking around a year and requiring approval from Parliament.

The first round of designations under the new Terrorism Act, in March 2001, included a wide spread of foreign organizations, ranging from Greek anarchists to Basque separatists to al-Qaeda. By contrast, the 49 additional organizations designated over the next 14 years were all

either Islamist extremist or based in Muslim-majority countries.⁷⁹ Some, such as the Islamic State, operated in the UK; many did not. During the same period, numerous white supremacist organizations also recruited and perpetrated attacks in the UK, including the anti-immigrant English Defence League and neo-Nazi Combat 18, yet their activities did not result in designation. The UK would not designate a white supremacist organization until December 2016, which we discuss in more detail below.

Figure 3: Organizations listed as “terrorist” under the Terrorism Act of 2000⁸⁰

[Figure 3 about here]

What explains this shift away from a relatively pluralistic approach to proscription toward solely designating organizations based abroad in non-majority-white countries? Certainly the 9/11 attacks played a role, both in shaping British perceptions of the preeminent terrorist threat and in driving pressure on a key US ally to adapt its counterterrorism laws. Following 9/11, the Terrorism Act was amended to grant the Home Secretary power to ban entry to anyone suspected of being a terrorist, a change that continues to be controversial.⁸¹ At the time, the Act also allowed for indefinite detention of foreign nationals without charge or trial, a provision repealed in 2006 on the grounds of violating the European Convention on Human Rights

⁷⁹ Not including splinter groups or affiliates of already designated organizations.

⁸⁰ Accurate as of February 2022. For data sources and coding decisions, see the online appendix at <https://doi.org/10.7910/DVN/FEAZTU>.

⁸¹ Geoffrey Bennett, “Legislative Responses to Terrorism: A View from Britain,” *Penn State Law Review* 109, no. 4 (2005): 947–66.

(ECHR).⁸² That British citizens were not subject to the same suspension of *habeas corpus* rights illustrates a tendency in UK counterterrorism legislation to treat terrorism as an external threat rather than one emanating from inside (white) British society. The 7/7 bombings in London further reinforced the association of terrorism with racialized Muslim and particularly South Asian communities, straining already tense relations.⁸³

As in the US, however, UK views on terrorism crystallized within larger sociopolitical institutions—in the UK’s case, within the context of colonialism. UK terrorism law was shaped by two primary factors: colonial counterinsurgency campaigns throughout the British Empire, and the conflict in Northern Ireland. From the Kenyan Mau Mau insurgency to independence struggles in India, the British used the term “terrorist” to describe the non-white “savage”⁸⁴—so frequently, in fact, that British colonial police records from India present the term as a synonym for “revolutionary.”⁸⁵ By racializing revolutionaries, the British justified oppressive, violent, illiberal action within overarching discourses of Great Britain as a civilizing, peaceful force, creating dichotomies wherein managing the “savage” required methods more widely considered distasteful.⁸⁶ Applying the term “terrorist” to such peoples further cemented the association between racial Others and violent threats, with legacies both in former colonies’ security laws and back at home in the UK.⁸⁷

Ireland, itself a colonial subject, provided a link between racialization and terrorism in other parts of the British Empire and a conflict within the UK proper. The racialization of the

⁸² Anti-terrorism, Crime and Security Act 2001 § 33, repealed by the Immigration, Asylum and Nationality Act 2006.

⁸³ Tahir Abbas, “British South Asian Muslims: before and after September 11,” in *Muslim Britain: Communities Under Pressure*, edited by Tahir Abbas (London: Zed Books, 2005).

⁸⁴ Frederick Cooper, “Mau Mau and the Discourses of Decolonization,” *Journal of African History* 29, no. 2 (1988): 313–20.

⁸⁵ Joseph McQuade, *A Genealogy of Terrorism* (Cambridge University Press, 2021): 18.

⁸⁶ Laleh Khalili, *Time in the Shadows: Confinement in Counterinsurgencies* (Stanford University Press, 2013).

⁸⁷ McQuade, *Genealogy of Terrorism*.

Irish complicates the white/non-white binary, as visually the Irish appear as white as the English. The script in other parts of the Empire, however, demanded the racialization of a colonized population in order to justify violence against them. As a result, the Irish were racialized as less or not white: the “civilizing mission” in Ireland had failed, so the argument went, because the Irish were racially inferior and required a heavier hand in the form of counterterrorism.⁸⁸ That contemporary UK terrorist proscription laws emerged out of the Irish conflict must be understood in their broader colonial context, wherein “terrorism” is the provenance of a racial Other, even and especially when it occurs at home.

This racialization of the “terrorist” label has occurred against the backdrop of larger negotiation of British identity in the 21st century vis-à-vis racial (and often explicitly foreign) Others, which appears clearly in conversations surrounding terrorist proscription. An analysis of all Parliamentary debates surrounding proscription between 2002 and 2014 revealed that the construction of the UK self as a liberal, welcoming country—particularly following conversations about the Terrorism Act’s violations of the ECHR—was pivotal in discussions of terrorist designations during this period.⁸⁹ Whereas the UK is constructed in proscription debates as a tolerant and responsible international actor, the terrorist “Other” is produced as illiberal, unintelligible, and animalistic. As one MP put it, “Fundamentalist organisations are, by their nature, barking mad.”⁹⁰ Given that all proscription debates during this period concerned Islamist organizations, composed of (mostly) brown individuals, proscription processes amounted to

⁸⁸ R.M. Douglas, “Anglo-Saxons and Attacotti: the racialization of Irishness in Britain between the World Wars,” *Ethnic and Racial Studies* 25, no. 1 (2002): 40–63; Mary J. Hickman and Louise Ryan, “The ‘Irish question’: marginalizations at the nexus of sociology of migration and ethnic and racial studies in Britain,” *Ethnic and Racial Studies* 43, no. 16 (2020): 96–114.

⁸⁹ Jarvis and Legrand, “Legislating for Otherness.”

⁹⁰ Alan Simpson, Hansard HC vol. 437, col. 476 (October 13, 2005), quoted in Jarvis and Legrand, “Legislating for Otherness.”

constructions of non-white foreigners as lesser-than and terrorism as the provenance of racial Others. This construction served to divert attention away from the growing threat of white supremacist violence and locate it in a different policy space, one not linked to international discourses of existential threats following 9/11.

This tendency extends beyond legal institutions to other facets of UK counterterrorism policy, illustrating how the racialization of legal mechanisms is just one example of the broader racialization of the “terrorist” label. Prevent, a program that aims to dissuade individuals from adopting radical beliefs (as defined by the state), has been heavily criticized for its disproportionate focus on racialized Muslims and construction of them as a “suspect community.”⁹¹ The statutory requirements of Prevent mandate that teachers and National Health Service staff report to the government individuals they suspect may be vulnerable to radicalization. Research finds that race is “omnipresent” in Prevent policy and training for these mandatory reporters. Even as reporters are warned that everyone is susceptible to radicalization regardless of race or ethnic background, Muslims are regularly reported to Prevent for simply practicing their religion, while white non-Muslim individuals must display additional signs of radicalization in order to be reported.⁹² In this way, racialized Muslims are consistently and near-instinctually placed within a framework of “terrorism” while white individuals are not.

As in the US, factors other than the racialization of the “terrorist” category have affected designations. Debates over the proscription of the entirety of Lebanese group Hezbollah in 2019—previously, only its military wing had been designated—raised concerns about political

⁹¹ Tina G. Patel, “It’s not about security, it’s about racism: counter-terror strategies, civilizing processes and the post-race fiction,” *Palgrave Communications* 3, article number: 17031 (2017); Leda Blackwood, Nick Hopkins, and Stephen Reicher, “From Theorizing Radicalization to Surveillance Practices: Muslims in the Cross Hairs of Scrutiny,” *Political Psychology* 37, no. 5 (2016): 597–612.

⁹² Younis and Jadhev, “Islamophobia in the National Health Service.”

opportunism driving the timing of proscription, rather than new evidence about the group.⁹³

Alliance considerations also play a role, with the UK following Pakistan's lead in designating separatist group the Balochistan Liberation Army in 2006. Still, the lack of white supremacist proscriptions until 2016, especially in a country with the ability to designate domestic organizations, cannot be explained by geopolitical factors alone. Moreover, such factors themselves do not exist independently of broader constructions of UK identity and the deep entrenchment of racism in UK conceptualizations of "terrorism."

Normative Challenges: Designating National Action

In December 2016, the UK became the first white majority country to legally designate a white supremacist group as a terrorist organization. National Action (NA), the designee, is a neo-Nazi organization formed in 2013 that had risen to public prominence following its vocal support of the murder of MP Jo Cox in June 2016. A man who had attempted to murder a Sikh dentist in 2015 while shouting "white power" self-identified as an NA member, though the organization's leadership did not acknowledge his affiliation.⁹⁴

NA's designation may represent a more transformative shift toward considering white supremacists as terrorists than RIM's designation by the US. Unlike RIM vis-à-vis the US, NA actually operated in the country in which it was designated, and an alleged member had claimed a violent attack. Moreover, NA's designation has been followed by designations of other white supremacist organizations (see Table 1), lending some credence to the idea that other countries

⁹³ "UK's Labour questions motive behind Hezbollah ban," *The Times of Israel*, February 26, 2019, <https://bit.ly/3l9ioEb>.

⁹⁴ Graham Macklin, "'Only Bullets will Stop Us!'— The Banning of National Action in Britain," *Perspectives on Terrorism* 12, no. 6 (2018): 104–22.

will also designate more white supremacist groups with time. Yet scrutiny of the decision to designate NA *as opposed to other white supremacist organizations* suggests that the designation may have had more to do with the changing public conversation than a genuine prioritization of white supremacist violence—in other words, window-dressing. Parliamentary debates over the designation of NA, while unanimously in support of the move, also involved concerns over free speech and civil liberties that had not featured prominently in proscription debates for Islamist organizations.

According to the UK Home Office, NA was designated because it was “concerned in terrorism,” a term that under the Terrorism Act means it “glorified” and promoted terrorism.⁹⁵ Put differently, NA did not need to commit an act of terrorism itself in order to merit proscription; it simply needed to express support for others’ terrorist actions. Under this criterion alone, numerous other white supremacist organizations operating in the UK qualify for proscription—including Combat 18, a British neo-Nazi organization tied to the Christchurch massacre and designated or banned in Canada and Germany, respectively. Moreover, other white supremacist organizations that actually perpetrated attacks constitute even more straightforward cases for designation yet remain unlisted, such as the English Defence League (EDL). Notably, the perpetrator of MP Cox’s murder—the murder that NA had publicly supported and that strengthened calls for designation—was a known supporter of the EDL.⁹⁶

NA differs from unlisted organizations not in the brutality of its attacks, but rather in the nature of its broader activities. The Home Office was explicit that NA’s laudatory response to Jo Cox’s murder was not the reason for designation—the process had begun before the murder and

⁹⁵ “National Action becomes first extreme right-wing group to be banned in UK,” Press release, Home Office of the United Kingdom, December 16, 2016, <https://bit.ly/2KIiLZZ>.

⁹⁶ “The slow-burning hatred that led Thomas Mair to murder Jo Cox,” *The Guardian*, November 23, 2016, <https://bit.ly/2JaIycD>.

was delayed to avoid accusations of trying to sway the courts during the perpetrator’s trial and sentencing—but NA had a large public profile even before this. The 2015 attempted murder of a Sikh man by an alleged NA member sparked outrage on social media when it was reported as a “racially-motivated hate crime” rather than terrorism, despite the attacker’s self-avowed neo-Nazi views.⁹⁷ NA’s public demonstrations and recruitment on college campuses meant that it already had a national profile in its second year of existence. Set against a backdrop of growing public concern about white supremacist violence in the UK, the organization presented an ideal candidate for responding to public pressure—pressure that does not normally exist during a proscription process.⁹⁸ As in the US, responding to lobbying efforts, from citizens or otherwise, is not an official part of proscribing an organization. Nevertheless, much as growing attention to white supremacist violence in the US helped lead to the proscription of *a* white supremacist organization, the tenor of public conversation in the UK also affected the likelihood of designating a group *like* NA, if not NA itself.

Interestingly, though some public pressure existed to designate a white supremacist organization, legislative pushes focused on organizations other than NA. For example, in November 2016, MP Louise Haigh requested a Parliamentary debate on the possible proscription of Britain First, a fascist political party known for invading mosques. In the following weeks, she received death threats online, calling her a “Muslim-lover” and stating the e-mailer would not rest until she was murdered.⁹⁹ The House of Commons did not proceed in calling for additional

⁹⁷ “What is a terror attack? Question raised as people compare Leytonstone stabbing and Tesco ‘white power’ attack,” *The Independent*, December 7, 2015, <https://bit.ly/3646APo>.

⁹⁸ Recent press coverage and public interest in terrorist proscriptions in white majority countries is a historical anomaly: traditionally, proscriptions receive little if any media attention and proceed as a routine bureaucratic process.

⁹⁹ “Female MP received death threats for calling for ban on Britain First,” *The Guardian*, December 15, 2016, <https://bit.ly/3l4kLrP>.

discussion of Britain First’s involvement in terrorism and possible proscription, with one MP stating that “clear evidence of terrorist involvement” was needed.¹⁰⁰ Much like NA, Britain First had not itself engaged in direct acts of violence; unlike NA, Britain First remains undesignated.

When the proposal to proscribe NA arrived before Parliament, it became clear that the Parliamentary debate would also look somewhat different than usual. As in past proscription cases, MPs highlighted the threat posed by both National Action and the broader ideology it represented. No one who spoke did so in opposition.¹⁰¹ Still, some MPs expressed concern that proscribing NA, while appropriate, might create a precedent for designating white supremacist organizations as “terrorist” that could later infringe on the free speech rights of UK citizens. In the House of Lords, Baroness Hamwee suggested that NA’s designation raised questions of “the distinction between distasteful and, in a non-technical sense, offensive speech and the promotion of terrorism”¹⁰² MPs in both houses also did not raise doubts about making NA’s designation time-delimited and subject to review—a recommendation made by Independent Reviewer of Terrorism Legislation David Anderson in 2011 for all terrorist designations, and one that had previously produced frustration.¹⁰³ NA’s proscription therefore created tensions in accepted narratives both of what terrorism is under UK law (something foreign and “Other”) and who the *UK* is as a liberal actor (not in the business of limiting free speech).

Thus, the designation of NA reinforces longer-standing racial dynamics within the UK terrorist proscription process, rather than transforming them. The fact that NA was the first non-

¹⁰⁰ David Lidington, Hansard HC, vol. 617, col. 1308 (24 November 2016).

¹⁰¹ Public legislator opposition to terrorist designations is rare if not unheard of in the UK.

¹⁰² Baroness Hamwee, Hansard HL, vol. 777, col. 1446 (15 December 2016).

¹⁰³ The Independent Reviewer of Terrorism Legislation is an official position appointed by the Home Secretary and Treasury to review the operation of UK counterterrorism law. For a prototypical example of prior concern about time-delimited proscription orders, see the exchange between Keith Vaz and James Brokenshire during the debate on the proscription of Boko Haram and Ansar al-Sharia UK, Hansard HC, vol. 566, col. 458 (10 July 2013). For support of time limits in the case of NA, see Keith Vaz, Hansard HC, vol. 618, col. 916 (14 December 2016).

Islamist group designated in 15 years illustrates a clear template in the British national security landscape for what terrorism is and is not—namely, that it is not usually the purview of white British nationals. Crucially, the designation of NA unsettled conceptualizations of terrorism as a racialized, foreign problem and forced confrontation with domestic political violence less far away from mainstream ideologies. As the debate over free speech in Parliament shows, proscribing NA represents a threat to civil liberties in the UK in a way that past proscriptions of Islamist groups did not, precisely because NA’s ideology requires locating terrorism within, and directing counterterrorism efforts toward, white British society.

The UK has since designated four more white supremacist organizations (see Table 1), which raises the argument that the US and other countries may also designate further white supremacist organizations given more time. The move to designate the neo-Nazi Sonnenkrieg Division (SKD) also represents a departure from past patterns of not responding to MPs’ calls to designate particular organizations, as MP Stephen Doughty and civil society groups had campaigned for SKD’s proscription.¹⁰⁴ Hope Not Hate, an advocacy organization involved in calling for the proscription of SKD, expressed less optimism after the subsequent designation of SKD affiliate Feuerkrieg Division, stating that the “move to proscription fits the existing pattern of diminishing or defunct groups being banned long after their threat has passed”.¹⁰⁵ Overall, the mechanisms behind these particular designations—protracted public and Parliamentary campaigns—suggest that any changes in racial norms surrounding proscription will be more bottom-up than top-down, with pushes from concerned citizens and MPs affecting designation

¹⁰⁴ “UK to ban neo-Nazi Sonnenkrieg Division as a terrorist group,” *The Guardian*, February 24, 2020, <https://bit.ly/3q3FAaw>.

¹⁰⁵ “Neo-Nazi group led by 13-year-old boy to be banned,” *BBC News*, July 13, 2020, <https://bbc.in/3fxwQVs>; “Atomwaffen Division: UK government accused of ‘dithering’ over ban of neo-Nazi terrorist group.” *The Independent*, April 21, 2021, <https://bit.ly/3xjS3dK>.

rather than an explicit re-alignment of government national security priorities. At higher levels of government, the racial exception to the norm against terrorism remains strong.

Conclusion

How should we understand patterns of terrorist proscription? In this article, we have used this question to approach the role of racism in constructing the legal category of “terrorist” in white majority countries, an understudied topic in terrorism studies and international relations more generally. We have made three key claims: first, that large disparities between the non-designation of white supremacists compared to other actors engaged in similar political violence, and the inability of non-racial explanations alone to explain these disparities, can be understood as institutional racism.

Second, the pattern of white supremacist non-designations is made possible by the racialization within counterterrorism institutions. Through case studies of official terrorist designations in the US and UK, we have shown that not only do governments proscribe Islamist extremist organizations and organizations from non-Western countries at much higher rates than they do white supremacist organizations, but that designation mechanisms themselves are firmly situated within systems that construct the “terrorist” as a racial Other. As a result, designation reflects and reinforces the racialization of the “terrorist” category. This permits the discriminatory application of the norm against terrorism in designation cases—which, in a third and final claim, we argue is a robust practice, even as societal attitudes toward racism and racial equity shift.

The white supremacist insurrection at the US Capitol on January 6, 2021, which occurred during the writing of this article, provides an opportunity to consider the dynamics of norm

contestation after a significant white supremacist attack. Indeed, shortly following the attack, Canada designated four white supremacist organizations as terrorists, three of which are based in the United States (see Table 1). The UK similarly designated two US-based white supremacist organizations in the six months after the insurrection. Together, these actions send a strong message about the US as a locus of white supremacist activity and identify a much larger problem than previously acknowledged.

Yet, in what by now is a familiar pattern, these designations also externalized the white supremacist threat, with domestic actions undercutting apparent commitments to combating white supremacist violence. In September 2021, the UK Electoral Commission allowed fascist group Britain First to re-register as a political party, despite its leader having been convicted under the Terrorism Act, and despite earlier calls to proscribe the group as a terrorist organization.¹⁰⁶ Designations of UK-based white supremacist groups, then, appear as window-dressing at best. Meanwhile, in the US, discussion of a domestic terrorism statute—a necessary precursor to designating any US-based white supremacist organizations—has largely disappeared from the national conversation after a massive surge in interest following the insurrection, evincing a pattern observed elsewhere of discourse “snapping back” after initial outrage following a white supremacist attack.¹⁰⁷

Our findings suggest that further explorations of norm contestation surrounding the “terrorist” classifier can shed light on these post-insurrection dynamics. Our work points to broader institutional frameworks within which counterterrorism policy is situated, illustrating

¹⁰⁶ “Far-right group Britain First allowed to register as political party by Electoral Commission.” *The Independent*, September 28, 2021. <https://bit.ly/3wq47dJ>. Britain First was automatically de-registered in 2017 for failing to renew its registration by the deadline.

¹⁰⁷ “The Last Thing We Need is Another War on Terror.” *The Daily Beast*, January 13, 2021. <https://bit.ly/3wnY49i>; Meier, “The Idea of Terror,” 506.

that racialization is deeply embedded in national security institutions and shedding light on how difficult it may be to transform singular mechanisms without transforming the entire framework. Other aspects of a national security apparatus, including policing and intelligence, are also deeply entangled with racialized perceptions of threat in their attempts to present the state monopoly on the use of violence as legitimate. For example, the construction of what Soss and Weaver call “race-class subjugated communities” as the primary targets of law enforcement in the US reflects similar dynamics to the racial exception we identify in the norm against terrorism.¹⁰⁸ Further exchange between research on counterterrorism and other areas of the national security apparatus is, in our view, warranted.¹⁰⁹

Practically, our evidence suggests that attempting to change the boundaries between terrorist and non-terrorist violence, especially when that violence upholds established power hierarchies, is not only difficult but may actually reproduce larger systems of racialization within Western sociopolitical hierarchies.¹¹⁰ Indeed, as Ray and Seamster have noted, policy changes within racialized institutions may be incorrectly interpreted as moves toward equality.¹¹¹ Officials seeking to de-racialize the concept of terrorism may find that racism and the gravitas of the term “terrorism” are, in fact, inextricable.

¹⁰⁸ Joe Soss and Vesla Weaver, “Police Are Our Government: Politics, Political Science, and the Policing of Race-Class Subjugated Communities,” *Annual Review of Political Science* 20 (2017): 565–91.

¹⁰⁹ Meier, “Terror as Justice.”

¹¹⁰ Husain, “Deracialization.”

¹¹¹ Victor Ray and Louise Seamster, “Against Teleology in the Study of Race: Toward the Abolition of the Progress Paradigm,” *Sociological Theory* 36, no. 4 (2018): 315–42.