

# Google and Corporate Social Responsibility: YouTube in the Service of Terrorism

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## Abstract

*This article is concerned with the boundaries of freedom of expression on the Internet and, more specifically, with manifestations of terrorism on YouTube. The article opens with two definitions of terrorism. **Section II** discusses various responsibilities that businesses have: economic, legal, moral, social and discretionary. **Section III** addresses the concept of Corporate Social Responsibility (CSR). Unfortunately, not all companies adhere to the principles of Corporate Social Responsibility. Therefore, ethical standards should be anchored in appropriate laws and enforced by responsible governments. **Section IV** clarifies that incitement to violence is in the focus of attention. The philosophy of John Stuart Mill is instrumental in explaining the difference between advocacy (or preaching) and incitement (or instigation). **Sections V and VI** examine the influences of Anwar al-Awlaki, the American-Muslim jihadi preacher, and of Anjem Choudary, the British-Muslim jihadi preacher, on their followers. The words of al-Awlaki and of Choudary instigated many of the terrorist activities that the West had seen in recent years. There are direct links between their incitement and extreme violent incidents. Both of them were able to spread their instigation to terror on platforms provided by Google and specifically its subsidiary YouTube. Finally, **Section VII** probes YouTube and CSR. It is argued that the Internet is international in character, but it cannot be abused to override law. There is not one law for people and another for the Internet. It is further argued that power without responsibility is dangerous and corrosive.*

**Keywords:** al-Qaeda; Anjem Choudary; Anwar al-Awlaki; Corporate Social Responsibility (CSR); freedom of expression; Google; incitement; Internet; Islamic State; jihad; terror; YouTube

## I. Introduction

The focus of this article is on incitement to terrorism on YouTube. There is no universally agreed-upon definition of terrorism, but some common features are repeated in many definitions. The 22 U.S. Code § 2656f holds that the term terrorism means “premeditated, politically motivated violence perpetrated against non-combatant targets by subnational groups or clandestine agents,”[1] while the UK Crown Prosecution Service defines it as “the use or threat of action, both in and outside the UK, designed to influence any international government organisation or to intimidate the public.” It must also be for “the purpose of advancing a political, religious, racial or ideological cause.”[2] According to the Crown Prosecution Service, terrorism is not limited to conducting attacks and includes the planning, assistance and collecting of information for the intended purpose of terrorist activities. Additionally, Part 1 of the Terrorism Act 2006, Encouragement of terrorism, holds: “A person commits an offence if—

- (a) he publishes a statement to which this section applies or causes another to publish such a statement; and
- (b) at the time he publishes it or causes it to be published, he—
  - (i) intends members of the public to be directly or indirectly encouraged or otherwise induced by the statement to commit, prepare or instigate acts of terrorism or Convention offences; or
  - (ii) is reckless as to whether members of the public will be directly or indirectly encouraged or otherwise induced by the statement to commit, prepare or instigate such acts or offences.”[3]

YouTube is an American online video-sharing platform. It was established by Chad Hurley, Steve Chen, and Jawed Karim in February 2005. In November 2006, Google bought the site for US\$1.65 billion. In August 2007, the service started to include adverts. In May 2010, YouTube had more than two billion views per day.

By March 2013, YouTube saw one billion monthly active users.[4] Google is an international company and it needs to abide by the laws of the countries in which it is operating. This highly popular Internet platform provides an important outlet for many individuals and organizations. Unfortunately, however, YouTube has been abused by antisocial users, criminals and terrorists. Because of YouTube's wide reach and because it is a legitimate company that operates in the open and not in the Deep Dark Web, responsible operation is a must. Unlike the Dark Web, the website is not encrypted and there is no need for a special secure browser to access it. YouTube is easily accessible and is said to be regulated in accordance with the company's Code of Practice. In 2020, YouTube generated a revenue of \$19.7 billion, a 30.4 percent increase year-on-year and it is estimated that more than 2.3 billion people access YouTube once a month.[5] With great profit and great power should also come great responsibility to ensure a safe and secure environment for its billions of users.

Our discussion considers YouTube's terrorism problem in the context of the concept of Corporate Social Responsibility (CSR) to which, unfortunately, not all companies adhere. Ethical standards—which have a rich history—should be anchored in appropriate laws and enforced by responsible governments. When corporate activity causes harm, nations need to assert their regulatory authority. Insisting on a safe Internet free of terrorism is in the interests of individuals, business and democratic governments.[6]

This article is structured as follows: **Section II** discusses various responsibilities that businesses have: economic, legal, moral, social and discretionary. **Section III** discusses the concept of Corporate Social Responsibility (CSR). **Section IV** accentuates that in the focus is incitement to violence. **Sections V and VI** examine two influential jihadi preachers, Anwar al-Awlaki and Anjem Choudary, and their dangerous influence on their followers. Finally, **Section VII** probes YouTube and CSR.

## ***II. Economic, Legal, Moral, Social and Discretionary Responsibilities***

Businesses have economic, legal, moral, social and discretionary responsibilities. *Economic responsibility* refers to the production of goods and services that society needs. *Legal responsibility* requires businesses to conduct their affairs within the confines of transparent legislation and regulation. In *moral responsibility*, the agent's conscience is at issue in terms of a causal connection between the agent and the action or the consequences of the action. When people perform a morally significant act, they deserve praise. When they fail to perform a morally significant act, we may blame them for omission.[7] Businesses should assume ethical responsibilities that are extended to actions, decisions, and practices beyond what is required by the law.[8] *Social responsibility* assumes that individuals have responsibilities to their communities, and businesses should both better the societies in which they operate and refrain from inflicting harm on communities. Finally, *discretionary (or philanthropic) responsibilities* represent voluntary roles and practices that businesses assume although there are no clear and explicit societal provisions as to how to perform these responsibilities. These are left to individual managers' and corporations' judgments and choices in accordance with prevailing social norms.[9]

Two bones of contention are (a) whether Internet intermediaries have any moral responsibilities beyond the professional responsibility to carry and disseminate information, and (b) whether Internet intermediaries should monitor and filter the content circulating on the web in order to prevent the dissemination of harmful material. In the view of this author, both questions ought to be answered in the affirmative. These questions relate to technological abilities and to the expectations that we may have regarding the conduct of Internet gatekeepers. In *Confronting the Internet's Dark Side: Moral and Social Responsibility on the Free Highway*, I argued that Internet intermediaries should adopt a proactive stance in combating antisocial and violent content. Those who control the access to the information highway should assume an obligation as trustees of the public good. Responsibility dictates that Internet intermediaries must not be neutral toward antisocial and violent content. I argued that absolute content net neutrality constitutes irresponsible conduct.[10] Among the prime troubling antisocial and violent activities that have significant presence on the Internet are terrorism and its relationship to crime.

Marc Rotenberg, president of the Electronic Privacy Information Center, said that the capability to monitor the Internet is greater than what most people assume. It is a question of will rather than of ability.[11] Edward

Snowden's revelations about the National Security Agency (NSA) surveillance program opened our eyes to the growing technological capabilities and the rapid expansion of security surveillance over the past decade.[12]

### **III. Corporate Social Responsibility (CSR)**

The concept of Corporate Social Responsibility (CSR) emerged during the 1950s out of recognition that adopting norms of social responsibility could be beneficial for business.[13] The modern era of CSR was stimulated by Howard R. Bowen's *Social Responsibilities of the Businessman* (1953).[14] CSR is defined broadly to encompass the economic, legal, ethical and philanthropic expectations placed on businesses by society.[15] Important expectations of business include their recognition that business integrity and ethical conduct go beyond mere compliance with laws and regulations. Part of the ethical expectation is that businesses will be responsive not only to the letter of the law but also to the "spirit" of the law as well as to social mores and ethical norms.[16] Ethics should guide the pursuit of knowledge and the development of skills. However, CSR has never been motivated by pure altruism. CSR is sustainable because it benefits not only society but also business. As the eminent CSR scholar Archie Carroll notes, CSR is enlightened self-interest that has come of age.[17] Granted that companies wish to make profit for their owners and shareholders and to enhance corporate performance, adherents of CSR believe that this concept is the perfect scheme for maximizing profit for stockholders.[18]

Corporate Social Responsibility refers to democratic accountability to the public as a whole; responsibility for meeting general and special needs as decided by the public; a commitment to quality, not determined by profit or the market; and often some subordination to national needs or priorities in cultural, economic, and political matters.[19] In the context of professional activity, social responsibility entails that professionals have a duty to serve their clients' interests and also some wider social interests.

The arguments for CSR are strong. It is believed that CSR ensures the company's long-term viability. Responsible planning which includes anticipating and initiating policies is more practical and less costly than reacting to social problems. Furthermore, ethical practice enhances the firm's reputation and marketing and it wards off government regulation. Government intervention can be forestalled if the firm applies responsible standards and fulfills society's expectations.[20]

Adherents of CSR believe that decisions of business managers need to respect human dignity and provide for the common good.[21] Ethical leadership should include care, compassion and foresight. Leaders should have the ability to analyze and be responsible for the consequences of their decisions. Ethical leaders are people who care about the greater good of their employees, organization, and society rather than their own self-interests. These ethical role models adopt socially responsible behavior and strive to balance the various needs of stakeholders in a way that serves the interests of all.[22]

Corporate Social Responsibility carries a special meaning in the context of Information and Communication Technologies (ICT). It is argued that ICTs should be accountable for the digital platforms and for the way information is transferred.[23] Members of these professions have a duty to institute and enforce codes of practice as well as ensure that their clients are safe and secure. Certain standards and qualifications need to be maintained. While Internet companies are for-profit and, as such, wish to expand their businesses, to enjoy wide clientele and see that their interests are been served, companies need also to ensure a safe environment for their customers. In the democratic world, Internet companies operate under liberal norms and regulations that enable their empowerment. First and foremost, it is the premise of freedom that enables their operation. However, freedom of use is not freedom of abuse. Boundless liberty might lead to chaos and lawlessness. The Democratic Catch (the very principle of liberty might undermine democracy) prescribes certain boundaries to enable a safe environment.[24] All democracies, including the American, bar incitement to violence.

### **IV. Incitement**

The United States is the most liberal country in the world when it comes to freedom of expression. The First Amendment to the American Constitution explicitly instructs: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the

press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”[25] The text is written in negative terms upholding individual rights and prohibiting state action that interferes with speech. The First Amendment condemns with its absolute disapproval any suppression of ideas, even the vilest. Racist and hate speech, in its varied general manifestations, is therefore protected speech in the United States.[26] In the United States, people are free to hate everybody with gusto and verve. The United States has an active Nazi party.[27] However, even the United States does not tolerate incitement to violence. The American legal system, like most democratic legal systems in the world, has accepted in broad terms John Stuart Mill’s reasoning on the importance, scope and boundaries of freedom of expression.

Indeed, in the field of political philosophy, one of the thinkers who has influenced the liberal discourse on freedom of expression is John Stuart Mill. Mill’s book, *On Liberty*, published in 1859, is still widely quoted today as before—and not only by academics but also by journalists, politicians and judges. Mill’s philosophy is instrumental in explaining the difference between advocacy (or preaching) and incitement (or instigation). Mill argued for the protection of all opinions, including the most unorthodox and false.[28] He welcomed the expression of nonconformist opinions as they would provoke debate and advance us to the discovery of another facet of truth. Silencing such opinions might rob the entire human race because many scientific breakthroughs originated in singular minds. Mill also emphasized the use of speech to express and promote our ethical convictions. At the same time, in Chapter 5 of *On Liberty*, Mill wrote that “It is one of the undisputed functions of government to take precautions against crime before it has been committed, as well as to detect and punish it afterwards.”[29]

*On Liberty*, as the title suggests, celebrates freedom. The important thing for Mill was to reveal freedom of expression, not circumscribe it. Precisely because of our awareness of Mill’s intention, his exclusionary treatment of incitement is very important. The essential distinction between “instigation” or “incitement” on the one hand, and “advocacy,” “preaching” or “teaching” on the other is that those to whom the instigation is addressed must be urged to do something now or in the immediate future, rather than merely convinced to believe in something. Advocacy attests to democratic deliberation when diverse interests openly compete for a period of time in order to reach a decision.[30] Mill considered as instigation a speech that is intended or that is recklessly uttered to lead to some mischievous action in circumstances that are conducive to the taking of that dangerous action.[31] Incitement is not mere advocacy, discussion or debate voiced as a matter of ethical conviction which are protected under Mill’s theory. Three elements must be met for speech to be considered as incitement: (1) the speaker must intend to cause violence, (2) s/he intends that the violence occur immediately, and (3) the violence is likely to occur immediately. A speaker who explicitly says that he wishes to stir violence against his target group strengthens our conclusion that the speech can be described as incitement and that, therefore, it should be prohibited. The clear intention to do harm should not be facilitated by society’s permission to attack victims.

In 1859, when John Stuart published *On Liberty*, the press was the main vehicle for circulating news. Today, in addition to newspapers, there are many other means to circulate news. The Internet with its multiple news and social platforms plays a magnificently important role. Incitement can be uttered many miles away from the target group and the online and offline media will transmit it to the audience who might act upon it. Further, the media might create an atmosphere of incitement against the designated target. The media amplify violent expressions, multiply its strength tenfold, and inspire more people to adopt aggression. The Internet is extremely powerful in conveying messages, positive and negative. It can mobilize people into action. We have witnessed this time and again in organizing events, demonstrations, petitions, charity campaigns, marches, customer initiatives and political campaigns.

Boundaries to freedom of expression should be considered very carefully. Whenever we come to restrict speech, the onus for limiting free expression is always with the one who wishes to limit expression, and that one should bring concrete evidence to justify restriction. The speech must be dangerous and/or harmful. Here the focus is on incitement, also called speech-act, when it is difficult to ascertain where the speech ends and the action begins.[32]



**V. Anwar al-Awlaki**

In September 2001, the coordinated Al Qaeda attack on several targets in the United States not only killed almost 3,000 people, but also brought a sense of urgency that terrorism was a substantial threat to world peace and order. The twenty-first century has witnessed numerous terrorist attacks around the globe, many of which were orchestrated by Islamic terrorist organizations, such as Al Qaeda and the Islamic State, that have been using American companies' digital platforms, such as YouTube, to fight against the United States and other countries, perceived as enemies of their kind of Islam. The Internet has been used for indoctrinating and radicalizing people. It has been abused to promote and support homegrown terrorism—i.e., terrorism in many countries—based on local people who became radicalized via the Internet and were willing to attack their own countries in the name of religion and violent political ideology. Effective propaganda has been translated to successful recruitment of people who are willing to commit their lives to jihad as well as to raise funds for terrorist operations.[33]

The Internet has amplified terrorism, provided conditions for terrorists to develop and see success in achieving their aims of spreading hatred and translating heinous ideas into destructive deeds. Direct correlations can be made between violent words and violent deeds. The British MI5 warned that “Extremists use websites and social media to recruit and radicalise individuals through videos and propaganda.”[34] Such websites can also “provide advice and instructions on how to plan and prepare for attacks, acting as a ‘virtual training camp’ or ideas forum. Terrorists in the UK and elsewhere have been convicted of running or contributing to extremist websites or have been found in possession of downloaded material that would assist in preparation of terrorist attacks.”[35]

Anwar al-Awlaki is one of the iconic figures of modern terrorism. The American-Yemeni cleric was the leading English-speaking propagandist for al-Qaeda who was embraced also by the Islamic State. For his operational and leadership roles with al-Qaeda and for plotting attacks intended to kill Americans, al-Awlaki was killed by an American drone in 2011 but his influence endures beyond the grave.[36] His presence on the Internet is immortal. Strikingly, YouTube used to host the largest collection of al-Awlaki's lectures and sermons.

On January 18, 2015, I conducted a simple YouTube search for “Anwar al-Awlaki”. My search produced 68,400 results, including many of his lectures. I repeated this same search on January 5, 2017, yielding 68,000 results. Captured titles included “Battle of the hearts and minds”, “Islam judgment day”, “Never trust a non-Muslim”, “Death: the hereafter series”, “The grave”, and “Allah is preparing for victory”. In 2017, some of the titles were “Persevere and Endure”, “The Uniqueness of the Shaheed”, “The Resurrection Day of Judgment”, and “Islam judgment day”. For many years, YouTube managers ignored the ethical dimension of their business and were inattentive to the implications of their conduct on stakeholders. In the name of “freedom of expression,” YouTube provided a powerful platform and facilitated incitement to violence. Anwar al-Awlaki's videos have proved to be most influential in inciting terror.[37]

Anwar al-Awlaki's depiction of the world is one of violence in which true Muslims fight nonbelievers to the death. At the end of this bloody struggle, Islam will rule the world and all “Kuffar” (nonbelievers) will be stamped out because their choice is simple: Islam or death. In a series of lectures titled “The Hereafter,” al-Awlaki explicated his worldview in detail. This series remained on the Internet for a very long time.[38] Security experts called on YouTube to ban videos of lectures by al-Awlaki, which helped radicalize some very dangerous jihadists, including the terrorist Nidal Hasan from Fort Hood, Texas who murdered 13 people and wounded 32 others in a 2009 shooting rampage;[39] Farouk Abdulmutallab who attempted to detonate a bomb on a Northwest Airlines flight;[40] Zachary Adam Chesser who was convicted of attempting to provide material support and resources to Somalia's al-Shabaab terrorist organization and who threatened to murder two American satirists;[41] Roshonara Choudhry, a 21-year-old student who stabbed in May 2010 MP Stephen Timms because of his 2003 vote in British parliament in support of the Iraq war;[42] Rajib Karim who in 2011 conspired with al-Awlaki to plant a bomb on a British Airways plane;[43] Dzhokhar Tsarnaev and his brother Tamerlan Tsarnaev, known as the Boston Marathon bombers, who on April 14, 2013 detonated two bombs near the finish line of the Boston Marathon, killing three spectators and wounding more than 260 others;[44] Moner Mo-

hammad Abu-Salha, who drove a massive truck bomb into a restaurant in Jabal Al-Arba'een, Syria;[45] Minh Quang Pham who planned to blow himself up at London's Heathrow airport,[46] and Syed Rizwan Farook and Tashfeen Malik, the San Bernardino terrorists who on December 2, 2015 attacked Farook's office holiday party, killing 14 and wounding 22.[47] Farook's neighbor Enrique Marquez, who was charged with complicity in the murders, had spent with Farook many hours watching the recorded lectures of al-Awlaki and had followed the bomb-making instruction that al-Awlaki published in the terrorist magazine *Inspire*. [48]

Via the Internet, al-Awlaki was acting globally, motivating and instigating violence by individuals and groups. A bloodthirsty terrorist, a fundamentalist Imam, and an eloquent orator who was able to support his worldview with Quranic references, al-Awlaki's thirst to evoke violence whenever possible was infinite. The Bangladeshi wing of al-Qa'ida in the Indian Subcontinent (AQIS), known as Ansar al-Islam, had carried out attacks against secular bloggers, quoting al-Awlaki's online sermons as justifications, speaking of the duty of Muslims to act against anybody defaming their religion.[49]

Al-Awlaki financed Cherif Kouachi who, together with his brother, murdered 12 people in a massacre at the French satirical magazine *Charlie Hebdo* in 2015.[50] He also inspired Elton Simpson and Nadir Soofi, the terrorists who aimed to kill people who attended the "Draw Muhammad" cartoon contest in Garland, Texas. On May 3, 2015, they opened fire at the entrance to an exhibit featuring controversial cartoons of the Muslim Prophet.[51] Simpson used al-Awlaki's portrait as his profile picture on Twitter while Soofi's mother stated that the drone strike that killed the cleric was the turning point in her son's radicalization, instigating deeper passion for al-Awlaki's calls for violence against those who vilified the Prophet.[52]

Al-Awlaki also radicalized Mohammad Youssef Abdulazeez who on July 16, 2015 murdered four US marines in attacks on two facilities in Tennessee;[53] Omar Mateen, who murdered 49 people and wounded 53 others in a June 2016 mass shooting at Pulse nightclub in Orlando;[54] the London Bridge attacker Usman Khan who killed two people and injured three others before he was shot dead by the police in November 2019;[55] and several other plots that featured young men who watched and identified with al-Awlaki online, after his death.[56] Al-Awlaki also inspired Junaid Hussain, one of the leaders of the ISIS 'Cyber Caliphate', the terrorists' branch of hackers.[57] In "The Battle of Hearts and Minds" (2008) al-Awlaki urged that now is the time to establish the khilafah.[58] In "Call to Jihad," recorded in March 2010, al-Awlaki urged his followers to join the fight in Iraq and other places.[59] A study of the social media activity of 104 British citizens and residents who traveled to Syria and Iraq to fight jihad found that al-Awlaki was mentioned favorably by 24 of them (23 percent).[60] Posthumously, with the help of social media, al-Awlaki continues to influence the ideological and strategic trajectory of jihadism and terrorism.

In the face of such evidence, Eric Posner said that "Never before in our history have enemies outside the United States been able to propagate genuinely dangerous ideas on American territory in such an effective way." [61] Posner suggests enacting a law that would make it a crime to access websites that glorify, express support for, or provide encouragement for ISIS or support recruitment by ISIS; to distribute links to those websites, or to encourage people to access such websites by supplying them with links or instructions. Posner supports urging Facebook, YouTube and other social networking sites to crack down on terrorist propaganda.[62]

Likewise, Mark D. Wallace, chief executive of the Counter Extremism Project, an advocacy group based in Washington, called on YouTube and other platforms to permanently ban all of al-Awlaki's material, saying that it should be treated in the same way that child pornography is treated. It should be censored.[63]

Under increased pressure and criticism, in November 2017 YouTube finally upheld its CSR responsibilities and removed thousands of videos of Anwar al-Awlaki in a significant step-up that was described as part of the site's anti-extremism campaign.[64] In 2019, *The Times* reported more than 100 videos of propaganda speeches by al-Awlaki, including some in which the preacher glorified "martyrs" and was recruiting people to the Islamic State. The paper notified Google and in response the company removed the videos identified by the reporter.[65]

On April 12, 2020, I searched YouTube for "Anwar al-Awlaki". My search results led to many videos about

Awlaki, rather than authored by him. The top results concerned the killing of the jihadi preacher. YouTube reversed its freedom of expression policy at least regarding al-Awlaki, acknowledging that the virtual life that YouTube had granted the jihadi preacher was extremely dangerous to human life. After years of reciting the freedom of expression mantra, YouTube balanced one against another two important values: freedom of expression and social responsibility and reached the right conclusion. Common sense does prevail, eventually. Unfortunately, it took the managers of YouTube several years to reach the right conclusion. During those years, al-Awlaki abused the YouTube platform to incite violence against the enemies of Jihad.[66]

Anwar al-Awlaki was a frequent contributor to the *Inspire* magazine, an English language jihadist magazine published by Al Qaeda in the Arabian Peninsula (AQAP). The magazine inspires jihadists, instructs how to mount terrorist attacks, and encourages people to carry out a comprehensive battle to establish a world caliphate. It attempts to target traditionally adversarial populations, Muslims who live in the West, encouraging them to engage in terrorist activity where they are.[67] In 2015, the 14th issue of *Inspire* was published, focusing on lone-wolf operations in the West, including the attack on Charlie Hebdo's office in Paris, capitalizing on the then-ongoing racial unrest in the US, and called on African Americans to embrace Islam and to kill "racist politicians". *Inspire* No. 15, published in 2016, reiterated the call for lone-wolf operations; instructed how to make parcel bombs, magnetic car bombs, and door trap bombs; and warned about a knife revolution heading toward America as part of the Jihadi holy war. *Inspire* No. 16, published later in 2016, contained praise for terrorists, rulings of lone Jihad, and a message to "our Muslim brothers" in America. It also explained how to prepare pressure-cooker bombs. The magazine is available on multiple websites, including some counter-terrorism sites.

*Inspire* repeatedly calls for killing innocent civilians. Anwar al-Awlaki told jihadists in his videos to kill any American: "Don't consult with anybody in killing the Americans, fighting the devil doesn't require consultation or prayers seeking divine guidance. They are the party of the devils." [68] Following the Fort Hood shootings in 2009, al-Awlaki wrote a post headlined "Nidal Hassan Did the Right Thing," [69] in which he argued that the army psychiatrist's shooting spree had been entirely justified: "Nidal Hassan is a hero. He is a man of conscience who could not bear living the contradiction of being a Muslim and serving in an army that is fighting against his own people. This is a contradiction that many Muslims brush aside and just pretend that it doesn't exist." [70]

## VI. Anjem Choudary

Anwar al-Awlaki is not the only zealot cleric who benefited from Google's irresponsible conduct. Another is Anjem Choudary, a jihadist preacher of radical Islam and ISIS supporter considered one of the most dangerous religious leaders in the United Kingdom, also exploited YouTube. Choudary directed the operations of Al Muhajiroun ("the emigrants"), a militant Salafi jihadist group that was founded by a radical Muslim cleric, Omar Bakri Muhammad. They wished to bring the end of British democracy and introduce Sharia law by force.[71] The message of Islam, so he claimed, will stem from the United Kingdom and spread all over the world to establish the Islamic caliphate. In 1999, Al Muhajiroun urged supporters to travel to Chechnya to wage jihad against the Russians.[72] Its posters hailed the 9/11 terrorists as "the Magnificent 19".[73]

The Counter Extremism Project provides a detailed account of Choudary's ties to extremists, arguing that between 1999 and 2016, Choudary and al-Muhajiroun were linked to almost one-quarter of the terror plots in the United Kingdom.[74] The list of terrorist plots linked to the group is agonizingly long. It includes the 2003 suicide bombing attack on Mike's Place bar in Tel Aviv; the failed 2004 fertilizer bomb plot; the 2005 London bombings; the failed 2012 plot to blow up a Territorial Army base with an explosives-filled toy car; the murder of Lee Rigby in 2013, and the London Bridge attacks in 2017 and 2019.[75] Many of Choudary's recruits have fought for ISIS, al-Qaeda and the Taliban in Syria, Iraq and other places. Nick Lowles, chief executive of a British anti-racist watchdog group, Hope Not Hate, said: "No other British citizen has had so much influence over so many terrorists as Choudary." [76]

For 20 years, Choudary used his training as a qualified lawyer to evade the law. Al-Muhajiroun and its succes-

sor organizations have contributed to the radicalization of hundreds of British Muslims. Choudary used YouTube to incite religious-Islamic war against the West, providing theological justifications for launching terrorist attacks against the enemies of Islam.[77] Via the Internet, Choudary's influence stretched well beyond the United Kingdom. AIVD, the Dutch intelligence agency, assessed him to be a key influence in the spread of the jihadi movement in the Netherlands.[78] In Belgium, Choudary helped set up Sharia4Belgium that "engaged in organised indoctrination and recruitment of young people to participate in the armed conflict in Syria." [79] Choudary and his aid, Mohammed Rahman, used YouTube to encourage support for ISIS. One of the speeches titled "How Muslims Assess the Legitimacy of the Caliphate" was uploaded to Choudary's YouTube channel on September 9, 2014, and played over the image of a map of northern Africa, the Middle East, north-west Asia and southern Europe, explaining the need for establishing an Islamic caliphate over this huge territory.[80]

In 2014, the British authorities arrested Choudary for supporting ISIS. In 2015, a jury convicted Choudary for inciting his followers to join the Islamic State in Syria. He was sentenced to five and a half years in prison and was released on licence in October 2018 after serving half of his sentence. According to the *New York Times*, having served their time, many members of Choudary's old network are being released from detention.[81] They constitute a lingering security threat.

Before his arrest, Choudary was very candid in pronouncing his violent beliefs. In an interview with CBN, he said that Islam is not a religion of peace. Islam does not mean peace. Islam means submission to the will of Allah. Choudary openly declared: "There is a place for violence in Islam. There is a place for jihad in Islam." [82] He explained that jihad is the second-most-talked-about duty in the Quran, after belief. The duty to fight is frequently mentioned. According to him, it is difficult to refute the belief that Quran dictates terrorism. This belief for him is a matter of religion, an ideology and a way of life.[83]

Google, one should note, is much less tolerant of terrorist incitement nowadays. In June 2020, I searched for "How Muslims Assess the Legitimacy of the Caliphate" on YouTube and was unable to find it. The search yielded a video titled "The Islamic State (Full Length)" by Vice News that requires age verification for access. I was able to find many clips on "Anjem Choudary", including reports about his imprisonment and release from jail, and his interviews with prestigious networks. I was unable to find his sermons and speeches. His ideas are heard when he was interviewed by news outlets. On RT, Choudary said that terrorizing the enemy is part of Islam. This is something that we need to understand and embrace as part of the jurisprudence of jihad. Furthermore, Islam does not make a distinction between soldiers and civilians because civilians are those who send soldiers to conduct war and, therefore, they are accountable for the war conduct. Specifically, journalists are the right-hand of politicians in their propaganda machine justifying wars against Muslim countries.[84] On BBC HARDtalk, Choudary said: "when we say innocent people we mean Muslims, as far as non-Muslims are concerned they have not accepted Islam... as far as we are concerned that is a crime against god... you are guilty of not believing in god... the whole world is Dar al-Harb (house of war)... Britain is Dar al-Fitna (house of strife)." [85] CNN provided Choudary a platform to propagate his violent ideas including justifications to wage war on the USA and killing of journalists who covered the war on ISIS.[86] On Fox television, Choudary had several shouting contests with Sean Hannity.[87]

On March 12, 2021, I conducted on YouTube yet another search for "Anjem Choudary." The search yielded dozens of results. The majority were interviews that Choudary granted to conventional media such as RT UK, BBC, ITV, Fox and Sky as well as news reports about Choudary. There are also plenty of clips that denounce Choudary and his worldview.

It is impossible in the scope of this article to discuss other people who explicitly incite violence. Anwar al-Awlaki and Anjem Choudary are two examples in a sea of hatred. I choose them because they constitute clear examples. I wanted to make the point that their preaching is beyond the scope of tolerance. Readers are welcome to employ the rationale exhibited here to analyze other cases and decide whether the content under scrutiny is mere advocacy and, therefore, legitimate, or constitutes incitement and, therefore, should not be tolerated.



## VII. YouTube and Corporate Social Responsibility

YouTube has “Respect” in the YouTube community guidelines in its Policy and Safety section.[88] One of them concerns violent or graphic content. It says: “It’s not okay to post violent or gory content that’s primarily intended to be shocking, sensational, or disrespectful. If posting graphic content in a news or documentary context, please be mindful to provide enough information to help people understand what’s going on in the video. Don’t encourage others to commit specific acts of violence.”[89] YouTube has not been enforcing its own standards effectively. Having community standards and not enforcing them is a sham.

Since 2008, YouTube has improved its adherence to Corporate Social Responsibility and to its own guidelines. Still, in 2016 it was reported that British authorities made repeated efforts to get Choudary’s Twitter posts and YouTube videos taken down but had no power to force corporations to remove material from the Internet even if it was believed to have fallen foul of UK anti-terror laws.[90] At that time, Choudary had more than 32,000 followers on his active Twitter account. Repeated requests for the removal of his account were all declined. In June 2016, a request was sent to YouTube for the removal of a video titled “Duties of the Kilafah by Anjem Choudary”. The request was refused.[91] A video titled “The Caliphate will expand into Europe and US” was not referred because YouTube considers it “journalistic” as it was uploaded on Memri TV, a Middle East research institute.[92] A request to remove Mohammed Rahman’s videos was partially accepted.[93] In June 2020, I was unable to find those videos on YouTube. Common sense does prevail. Sometimes it hesitates, but eventually it does prevail.

The recent YouTube Violent or graphic content policies state that “Violent or gory content intended to shock or disgust viewers, or content encouraging others to commit violent acts are not allowed on YouTube.”[94] They instruct users not to post content that is, *inter alia*, “Inciting others to commit violent acts against individuals or a defined group of people”,[95] footage, audio, or imagery involving war aftermath, terrorist attack aftermath, street fights, physical attacks, sexual assaults, “immolation, torture, corpses, protests or riots, robberies, medical procedures, or other such scenarios with the intent to shock or disgust viewers”,[96] or “footage of corpses with massive injuries, such as severed limbs.”[97] YouTube policies provide examples of prohibited violent and shocking content which include videos of beheadings and footage filmed by the perpetrator during a deadly or major violent event, “in which weapons, violence, or injured victims are visible or audible. Note: there are no exceptions for this example, even if there is educational, documentary, scientific, or artistic context in your content.”[98]

These policies are certainly steps in the right direction. They were installed relatively late—but better late than never. CSR scholar Keith Davis asserts that it is a firm’s obligation to consider the effects of its decisions on society in a manner that will accomplish social benefits as well as traditional economic benefits.[99] This means that “social responsibility begins where the law ends. A firm is not being socially responsible if it merely complies with the minimum requirements of the law, because this is what any good citizen would do.”[100]

The main principles of CSR dictate a careful decision-making process which takes into consideration the potential consequences of decisions; corporate obligation to consider the stakeholders’ interests; transparency; accountability; respect for societal values; liability for decisions; enactment of remedial measures to redress harmful side effects and, lastly, community investment to benefit the public good.[101]

Adopting norms of social responsibility would contribute to corporate reputation and marketing. Indeed, there is a significant positive relationship between CSR activities and consumers’ purchasing decisions.[102] Stewart Lewis argues that corporate social responsibility, referring to practices that improve the workplace and benefit society beyond what companies are legally mandated to do, is established as a fundamental criterion for judging companies, and calls for a reappraisal of companies’ brand and reputation management.[103] Upholding norms of corporate social responsibility benefit both the firm and the societies in which it operates.

Social responsibility raises important contractual obligations that the company arguably violates by allowing terrorists’ videos to be uploaded and/or to stay up on its platform. The corporate statement to consumers is purposefully ambiguous to make liability highly unlikely in the United States, especially in light of 47 U.S.C.

230 - “Good Samaritan Immunity” that says: “No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider.”[104] Section 230 allows Internet intermediaries to exercise editorial discretion without fear of publisher liability and provides broad immunity for online service providers for third-party statements. Therefore, in the United States, legally cognizable ways to sue YouTube are rather limited. However, other countries are less tolerant than the USA. If Google will continue to fail to accept and adhere to CSR principles, countries should not hesitate to enforce their national laws to stamp out media-induced terrorism. The belief that the Internet transcends national laws due to its international nature is false. Internet intermediaries, such as Google, are not above the law. We have seen that when legal authorities of a given country decide to assert their jurisdiction, Internet companies then need to abide by national laws if they wish to operate in that country. The Yahoo! Saga that took place in France in 2000 when Yahoo! was selling Nazi artefacts on its auction site, in violation of French Criminal Code that prohibits the display of Nazi symbols, is a case in point. The Paris court found that Yahoo! had committed “a manifestly illegal disturbance” under the French New Code of Civil Procedure.[105] The French ruling contended that it is illegal to host criminal platforms. Yahoo! was forced to remove all Nazi memorabilia from its auction sites.[106] Another case is *Vivi Down Association v. Google*[107] where Google was forced to take off its servers an abusive, obscene and defamatory video clip.[108] As in the Yahoo! Saga, this ruling meant, in essence, that hosting platforms are required to be cognizant of the laws of the countries in which they operate.

### **VIII. Conclusion**

The ingenuity and ubiquity of digital devices make the Internet an asset for communication between people. However, Internet companies and other stakeholders must be aware that the Internet’s massive potential might be abused, and the international community should devise appropriate ways to tackle the challenges.

While a great deal is dependent on how we use the Internet, a great deal is also dependent on Internet intermediaries. Google is one of the largest companies in the world, a member of the prestigious trillion-dollar club, together with Apple, Microsoft and Amazon.[109] Yet power without responsibility might undermine not only our well-being but also the mega companies that operate under democratic norms and procedures. Therefore, we must insist that Internet intermediaries take responsibility and ensure that Internet users can enjoy the vast capabilities of the Internet without putting themselves in danger. The Internet should be enlightening, innovative, entertaining, productive, and voicing the best of humanity. To enable this, boundaries should be introduced and safe environments should be established. This requires a combined effort of users, business, governments, and the international community at large.

I have put a lot of emphasis on censoring YouTube because of its great significance on the Internet as *the* leading video platform nowadays. Granted that extremists can view violent material in many other places. Granted that the goal of limiting incitement to violence fully and comprehensively is not achievable. Still, there is great value in making YouTube clean up such violent content because of its popularity, because of its accessibility, and because it is the place for people to go first when they wish to upload and watch video content. YouTube has the greatest ability to promote certain content. What is taking place on this platform, and the way it runs and makes a profit can serve as a model to follow for other companies. For a considerable amount of time, YouTube was awash with inciting calls for violence and terrorism. It took Google’s directors years to understand that “free to use” is different from “free to abuse”, and that words can be powerful and destructive. In 2017, Google announced that it intends to recruit some 10,000 reviewers to reduce the amount of “problematic content” on its video platform. YouTube CEO Susan Wojcicki said: “Some bad actors are exploiting our openness to mislead, manipulate, harass or even harm”,[110] adding that YouTube’s trust and safety teams have reviewed nearly 2 million videos for violent extremist content in six months.[111] During the second half of 2017, its machine learning algorithms have helped remove more than 150,000 videos from YouTube that depict violent extremism. Many of those videos included al-Awlaki’s violent and inciting speeches. Still, there is room for Google to refine its content moderation algorithms further, making it more robust to identify extreme and violent content more effectively. Google should stop recommending ever-more-extreme content.[112]

Archie Carroll, the well-known writer on corporate social responsibility, articulated that—beyond the obvious economic and legal obligations that a firm has—the social responsibility of businesses also encompasses ethical and discretionary responsibilities.[113] Carroll's pyramid of CSR depicted the economic category at the base and then built upward through legal, ethical and philanthropic categories. In his view, a CSR company is one that strives to make a profit, obeys the law and behaves ethically.[114] While the focus of this article is on Google, the rationale holds true for other Internet intermediaries. There is growing awareness of the threats and of the need to provide human security. Ignorance and complacency, whether circumstantial or normative, cannot serve as an excuse. The role of gatekeeping should be clarified and defined. Google and other Internet intermediaries slowly realize the scope and importance of their responsibilities. There can be no power without responsibility. For years, Facebook, Google, Twitter, Yahoo! and others thought there is. In fact, I accentuate that greater power requires greater responsibility.

These giant companies are at an important crossroads. Google should assist security agencies in countering the dissemination of terrorist propaganda. The use of flagging mechanisms as a standard feature across all social networking media and Internet search engines will improve the likelihood of timely removal of propaganda intended to further terrorist purposes. The UN Office of Drugs and Crime advised that increased measures to identify terrorism-related content, combined with enhanced information-sharing partnerships between state and private stakeholders, could significantly assist in identifying and countering terrorist activity on the Internet.[115]

When corporate activity results in loss of life, government can expect businesses to adhere to responsible norms and codes of practice. If businesses fail to ensure a safe digital environment, governments should assert their regulatory authority. A balance needs to be struck between freedom of expression and social responsibility. Social responsibility prescribes certain boundaries to freedom in order to ensure public safety. Internet intermediaries are required to comply with social and business norms as well as with national laws and international conventions. While responsible Internet practices do impose costs on business, irresponsible practices impose far greater costs on society—which in the end will backfire on Internet firms tolerating incitement to terrorism.

N.B.: All cited websites were accessed during March 2021.

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