

## 'Prevent' responses to jihadi extremism

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### 1. Introduction

Changes in the nature of jihadi terrorism,<sup>1</sup> its likely proponents, and its potential temporal and geographical extent have tipped counter-terrorism more towards holistic and preventative stances than hitherto. Examples can be found at an international level in the United Nations Global Counter Terrorism Strategy,<sup>2</sup> at a regional level in the European Union Counter Terrorism Strategy of 2005,<sup>3</sup> at a national level in the United States National Strategy for Combating Terrorism<sup>4</sup> and also in the UK's Countering International Terrorism (CONTEST) strategy.<sup>5</sup> Given the intellectual commonality between these statements, this chapter will select for fuller exploration only the UK version as perhaps the most fully articulated and implemented. In assessing official efforts, this chapter will canvass three themes.

The first theme is that the changing features of terrorism have encouraged greater official emphasis on addressing the causes of terrorism. It will be asked why there is this impetus to understand terrorists and not

<sup>1</sup> In this chapter, the term 'jihadi' reflects commonly received meaning, whether heretical or not. 'Terrorism' bears the meaning ascribed at a national level by the Terrorism Act 2000 (UK), s. 1, and at an international level under instruments such as the United Nations International Convention for the Suppression of the Financing of Terrorism 1999, New York, 9 December 1999, in force 10 April 2002, 2178 UNTS 229.

<sup>2</sup> UN GA Res. 60/288, 20 September 2006.

<sup>3</sup> Strasbourg, 14469/4/05 (2005), p. 2. The Strategy is divided into the four pillars: Prevent, Protect, Pursue and Respond – a taxonomy very redolent of the UK version.

<sup>4</sup> Washington, DC (September 2006), p. 8. The original version was published in 2003.

<sup>5</sup> Home Office, *Countering International Terrorism* (London: Cm 6888, 2006); *Pursue, Prevent, Protect, Prepare: The United Kingdom's Strategy for Countering International Terrorism* (London: Cm 7547, 2009); *The United Kingdom's Strategy for Countering International Terrorism Annual Report 2010* (London: Cm 7833, 2010). See House of Commons Home Affairs Committee, *Project CONTEST: The Government's Counter-Terrorism Strategy* (2008–09 HC 212) and *Government Reply* (London: Cm 7703, 2009).

just to condemn and eradicate. What explanations have been attributed to terrorism?

The second theme of this chapter is that state authorities have been impelled to conceive their counter-terrorism responses on a wider social scale than hitherto. Counter-terrorism is no longer confined to security personnel, powers or hardware, albeit that those aspects still represent the most powerful and expensive aspect of the official agenda. Rather, the trend is towards softer engagement with local entities. These community-based approaches are not an entirely new departure, for it has long been recognised by UK policy-makers that counter-terrorism involves the need to 'win the battle of hearts and minds', an idea which can be traced to theatres of conflict as long ago as Malaya.<sup>6</sup> However, the prominence of the current policy diverges from the era of Irish terrorism, when, so far as Britain was concerned, the 'Ulsterisation' of the terrorist problem was preferred.<sup>7</sup> Even in Northern Ireland, counter-terrorism was the business of the 'securitocracy', and local communities were not mobilised as allies.<sup>8</sup> There is also a contrast with the period from 2001 until 2005, when international terrorism was depicted as primarily the work of foreigners. Consequently, once again, local communities were not viewed as relevant to its suppression.

The third theme is a shifting disposition within policing. Secretive and specialised 'high' policing<sup>9</sup> must adjust in organisation and style to match counter-terrorism work embedded in communities. Two results have flowed. One is that there is the genesis of an effort by security bodies to engage in a variant of community policing in response to terrorism. This strand does not wholly displace the more secretive non-consensual policing which remains the paradigm stance,<sup>10</sup> but it does form an important adjunct. The other result is a widening of what counts as 'policing',

<sup>6</sup> General Templer stated in 1952: 'The answer lies not in pouring more troops into the jungle, but in the hearts and minds of the Malayan People.' See R. Sunderland, *Winning the Hearts and Minds of the People: Malaya 1948–1960* (Santa Monica, CA: Rand, 1964); F. Kitson, *Low-Intensity Operations* (London: Faber & Faber, 1971); R. Stubbs, *Hearts and Minds in Guerrilla Warfare* (Singapore: Oxford University Press, 1989); P. Dixon, "'Hearts and minds'?: British counter-insurgency from Malaya to Iraq' (2009) 32 *Journal of Strategic Studies* 353.

<sup>7</sup> See Clive Walker, *The Prevention of Terrorism in British Law* (Manchester University Press, 2nd edn, 1992).

<sup>8</sup> See Dixon, "'Hearts and minds'?" 445.

<sup>9</sup> See Jean-Paul Brodeur, 'High and low policing in post-9/11 times' (2007) 1 *Policing* 25.

<sup>10</sup> See Clive Walker, 'Intelligence and anti-terrorism legislation in the United Kingdom' (2006) 44 *Crime, Law and Social Change* 387.

with the melding of various policy strands not only within the Home Office but also in the Communities and Education ministries.

## 2. Determining the causes of jihadi activity

The bombings in London on 7 July 2005 rightly gave pause for official reflection upon counter-terrorism measures. In contrast to many prior crises, there was no panic response. After all, already forearmed with most conceivable varieties of measures under the Terrorism Act 2000, the Anti-Terrorism, Crime and Security Act 2001 and the Prevention of Terrorism Act 2005, an increasingly 'militant democracy'<sup>11</sup> had already emerged with no manifest legal gaps. Nevertheless, the then Prime Minister, Tony Blair, issued a warning on 5 August 2005 of future amendments: 'Let no one be in any doubt, the rules of the game are changing'.<sup>12</sup> The measures then announced included the promise to inaugurate extra anti-terror legislation, not least a new offence of condoning or glorifying terrorism and extra powers for the police to detain after arrest for ninety days.

One might question the relevance of this reform agenda, which emphasised the diminution of individual rights rather than any examination of intelligence and administrative failings going beyond the production of a 'narrative'.<sup>13</sup> All the same, the ensuing months witnessed some startling adjustments through the Terrorism Act 2006, which delivered the new offences and the banning of groups which engaged in extreme speech, though the ninety-day detention proposal was reduced by Parliamentary opposition to twenty-eight days.<sup>14</sup>

One further aspect of the 'game' being played with terrorism concerned the treatment of foreign terrorist suspects.<sup>15</sup> There was a concerted effort in the summer of 2005 to round them up and deport them, though its accomplishment proved difficult because of the risk of torture in the receiving states contrary to art. 3 of the European Convention on

<sup>11</sup> See A. Sajó (ed.), *Militant Democracy* (Amsterdam: Eleven International, 2004); M. Thiel (ed.), *The 'Militant Democracy' Principle in Modern Democracies* (Aldershot: Ashgate, 2009).

<sup>12</sup> Prime Minister's Press Conference, 5 August 2005, available at [www.number10.gov.uk/archive/2005/08/pm-s-press-conference-5-august-2005-8041](http://www.number10.gov.uk/archive/2005/08/pm-s-press-conference-5-august-2005-8041).

<sup>13</sup> See also Intelligence and Security Committee, *Report on the London Terrorist Attacks on 7 July 2005* (London: Cm 6785, 2005).

<sup>14</sup> For fuller details, see Clive Walker, *Terrorism and the Law* (Oxford University Press, 2011), Chapters 4 and 8.

<sup>15</sup> For fuller details, see Clive Walker, 'The treatment of foreign terror suspects' (2007) 70 *Modern Law Review* 427.

Human Rights.<sup>16</sup> The government therefore sought to smooth the path to the exit door by new restrictions on entry, asylum and citizenship in the Immigration, Asylum and Nationality Act 2006 and also via the device of diplomatic assurances.<sup>17</sup> In these ways, the London attacks of July 2005 have triggered a political epiphany in the form of a fundamental reevaluation of the dangers of jihadism at home and a decisive policy switch away from 'Londonistan' – the stance of tolerance of political dissidents.<sup>18</sup> The era of toleration of the apparent provocations of Abu Hamza,<sup>19</sup> Abu Qatada,<sup>20</sup> and Omar Bakri Muhammed<sup>21</sup> is at an end. The official intolerance of offensive speech contrasts with earlier times, illustrated by the divergent official reactions to the publication of the Danish cartoons of the Prophet Mohammed first appearing in the Danish newspaper *Jyllands-Posten* in 2006<sup>22</sup> and Salman Rushdie's book, *The Satanic Verses*, in 1989.<sup>23</sup>

While the foreign bogeymen have not entirely vanished, there emerged after 7/7 a much sharper official focus on home-grown jihadis. At first, the official reaction was denial. For example, it is perfectly correct at one

<sup>16</sup> *Chahal v. United Kingdom*, App. no. 22414/93, 1996-V. For a discussion of the *Chahal* case in relation to the UK special advocates regime, see Nicola McGarrity and Edward Santow, Chapter 6, this volume.

<sup>17</sup> *AS and another (Libya) v. Secretary of State for the Home Department* [2008] EWCA Civ 289; *RB v. Secretary of State for the Home Department*; *OO v. Secretary of State for the Home Department* [2009] UKHL 10; *Saadi v. Italy*, App. no. 37201/06, 28 February 2008; J. Tooze, 'Deportation with assurances' [2010] *Public Law* 362.

<sup>18</sup> See M. Phillips, *Londonistan: How Britain is Creating a Terror State from Within* (London: Gibson Square, 2006).

<sup>19</sup> His citizenship was withdrawn under the Nationality, Immigration and Asylum Act 2002, s. 4, he was convicted of soliciting murder (*R v. Abu Hamza* [2006] EWCA Crim 2918), and he has been ordered to be extradited to the United States (*Mustafa v. United States* [2008] EWHC 1357 (Admin)) but European Convention proceedings are pending (*Mustafa v. United Kingdom*, App. no. 36742/08).

<sup>20</sup> See *OO v. Secretary of State for the Home Department* [2009] UKHL 10. His removal is under consideration by the European Court of Human Rights: *Othman v. United Kingdom*, App. no. 8139/09.

<sup>21</sup> He departed for Lebanon after being threatened with deportation: *The Times*, 9 August 2005, 1.

<sup>22</sup> The Foreign Secretary encouraged British media outlets not to reproduce them: *The Times*, 4 February 2006, 1.

<sup>23</sup> The Foreign Office expressed concern at protests and halted diplomatic relations with Iran (*The Times*, 15 February 1989; 27 February 1989). The then Prime Minister Thatcher stated that: 'Freedom of speech and expression is subject only to the laws of this land, in particular libel and blasphemy, and will remain subject to the rule of law. It is absolutely fundamental to everything in which we believe and cannot be interfered with by any outside force': *Hansard*, HC, vol. 148, col. 157, 28 February 1989.

level to label as ‘rubbish’<sup>24</sup> the ‘grievances’ of Mohammed Sidique Khan, one of the four 7/7 bombers who spoke as follows on video released after his death: ‘Until you stop the bombing, gassing, imprisonment and torture of my people we will not stop this fight ... We are at war and I am a soldier. Now you too will taste the reality of this situation.’<sup>25</sup> But it is evident that the sentiments were felt deeply, and that there was too limited analysis of this ‘new reality’.<sup>26</sup> Whatever the explanation, it gradually dawned that what was so remarkable about those London bombings was that they were perpetrated by British citizens (so-called ‘neighbour terrorists’).<sup>27</sup> They were Yorkshiremen, whose mundane backgrounds set at nought several of the tactics of the security forces on the hunt for cells of foreigners.<sup>28</sup> It later emerged that they were not all entirely divorced from foreign links and support,<sup>29</sup> but their operation seems to have been in the main locally devised and executed. The attempted bombings in London on 21 July 2005 were likewise perpetrated by long-term residents.<sup>30</sup> The same is true of most major terrorist conspiracies since that time.

On further reflection, the July 2005 ‘neighbour’ bombers were not isolated or novel aberrations. Prior examples include Richard Reid, who attempted to explode a shoe bomb on a trans-Atlantic flight in 2001,<sup>31</sup> and the suicide bombings in Tel Aviv in 2003 by Asif Mohammed Hanif and Omar Khan Sharif.<sup>32</sup> There followed successive warnings about the growing number of local extremists. In March 2005, the former Metropolitan Police Commissioner, Sir John Stevens, estimated there were 200 fanatics.<sup>33</sup> The head of MI5, Dame Eliza Manningham-Buller, revealed in November 2006 that there were 1,600 in the ranks of the

<sup>24</sup> House of Commons Liaison Committee, Oral Evidence given by Rt. Hon. Tony Blair MP (2005–6, HC 709) p. 126.

<sup>25</sup> See [news.bbc.co.uk/1/hi/uk/4206800.stm](http://news.bbc.co.uk/1/hi/uk/4206800.stm).

<sup>26</sup> Sir Ian Blair, Dimpleby Lecture 2005, available at [news.bbc.co.uk/1/hi/uk/4443386.stm](http://news.bbc.co.uk/1/hi/uk/4443386.stm).

<sup>27</sup> See further Clive Walker, ‘“Know thine enemy as thyself”: discerning friend from foe under anti-terrorism laws’ (2008) 32 *Melbourne University Law Review* 275; Clive Walker, ‘Neighbor terrorism and the all-risks policing of terrorism’ (2009) 3 *Journal of National Security Law and Policy* 121.

<sup>28</sup> See Intelligence and Security Committee, *Report on the London Terrorist Attacks on 7 July 2005* (London: Cm 6785, 2005); Home Office, *Report of the Official Account of the Bombings in London on 7 July 2005* (2005–6 HC 1087).

<sup>29</sup> See Intelligence and Security Committee, *Could 7/7 have been Prevented?* (London: Cm 7617, 2009); B. Hoffman, ‘Radicalization and subversion’ (2009) 32 *Studies in Conflict and Terrorism* 1100.

<sup>30</sup> See *The Times*, 10 July 2007, 1. <sup>31</sup> *The Washington Post*, 31 January 2003, A01.

<sup>32</sup> See *Daily Telegraph*, 20 May 2003, 2. <sup>33</sup> *News of the World*, 6 March 2005.

'enemy within'.<sup>34</sup> Speaking in late 2007, Jonathan Evans said the service was aware of more than 2,000 people who posed a direct threat to national security plus as many again yet to be identified.<sup>35</sup> The switch of attention from aliens to 'neighbours' was also proclaimed in 2007 by Peter Clarke, Deputy Assistant Metropolitan Police Commissioner, when he revealed that this realisation began to dawn in 2003.<sup>36</sup>

In light of this information, no longer can it be claimed that the enemy in war is 'in a particularly intense way, existentially something different and alien' and 'the negation of our existence, the destruction of our way of life'.<sup>37</sup> The main terrorist threat is no longer from archetypal outsider embodied by the convenient figure of the now deceased Osama bin Laden – depicted as an alien, uncivilised cave-dweller who imports terrorism from foreign lands.<sup>38</sup> Rather, the embedded nature of the terrorist risk seems to demand the treatment of one's neighbour as potentially friend and foe since the 2005 attacks confirmed the intimate, local and indigenous nature of terrorism. One consequence is mounting attention to the causes of extremism amongst some British Muslims, so as to manage and reduce the risk of terrorism. This trend encounters two severe problems, one definitional and one substantive.

The definitional problem concerns the meanings of, and boundaries between, terms such as 'radicalisation', 'extremism', and 'terrorism'. As for 'radicalisation' and 'extremism', a Home Office paper offers definitions as follows:<sup>39</sup>

Radicalisation is often a social process, involving interaction with others.

...

Radicalisers may be propagandists, ideologues or terrorists and may be in face-to-face contact with the subject or in dialogue over the internet.

...

Radicalisers use a particular interpretation of history, politics and religion to convince individuals of the necessity for indiscriminate violence.

<sup>34</sup> *The Times*, 10 November 2006, 1. <sup>35</sup> *Manchester Evening News*, 5 November 2007.

<sup>36</sup> Cramphorn Memorial Lecture (London: Metropolitan Police Service, 2007).

<sup>37</sup> C. Schmitt, *The Concept of the Political*, G. Schwab transl. (New Brunswick, NJ: Rutgers University Press, 1976), p. 26.

<sup>38</sup> President Bush referred in 2001 to bin Laden as 'a guy who, three months ago, was in control of a country. Now he's maybe in control of a cave': see [georgewbush-whitehouse.archives.gov/news/releases/2001/12/20011228-1.html](http://georgewbush-whitehouse.archives.gov/news/releases/2001/12/20011228-1.html).

<sup>39</sup> Home Office, *The Prevent Strategy: A Guide for Local Partners* (London: 2008), Annex 1, p. 69. See further *Delivering the Prevent Strategy: An Updated Guide for Local Partners* (London: 2009).

*Extremist material* – Books, pamphlets and audio/visual material (including websites) reflecting the extremist narrative, and often including images of violence that could be portrayed as representing an ideological or religious conflict, can influence people towards supporting violent extremism.

The evident chronic imprecision is reflected further in the tasking missions of policing organisations,<sup>40</sup> with consequent dangers for legitimate (but radical) political activity.<sup>41</sup>

The substantive identification of the triggers for these afflictions is just as inexact.<sup>42</sup> Early official explanations included the ludicrous comments in 2006 of John Reid, then Home Secretary, in which he urged Muslim families to ‘watch for signs of brainwashing in their children by radicals grooming them to kill themselves in order to murder others. ... Look for the tell-tale signs now and talk to them before their hatred grows and you risk losing them for ever.’<sup>43</sup> Yet, the complex picture of ‘neighbour’ terrorism arising within the United Kingdom cannot simplistically be depicted as psychotic behaviour or the religious fervour of Muslims, even in the extreme case of suicide attacks.<sup>44</sup> Fortunately, the government began to recognise a range of possible factors: attendance at a mosque linked to extremists; the influence of an extreme spiritual leader; the Internet; the role of personal mentors and then bonding with a group of fellow extremists.<sup>45</sup> This greater subtlety became reflected in more sophisticated counter-measures, as shall be described later.

<sup>40</sup> See the remit of the UK National Extremism Tactical Coordination Unit, available at [www.netcu.org.uk/de/default.jsp](http://www.netcu.org.uk/de/default.jsp), and of Europol: *EU Terrorism Situation and Trend Report* (The Hague, 2008), p. 7.

<sup>41</sup> See A. Kundani, *Spooked! How Not to Prevent Violent Extremism* (London: Institute of Race Relations, 2009).

<sup>42</sup> See J. Horgan, *The Psychology of Terrorism* (Abingdon: Routledge, 2005); T. Abbas (ed.), *Islamic Political Radicalism: A European Perspective* (Edinburgh University Press, 2007); J. M. Post, *The Mind of the Terrorist* (London: Palgrave MacMillan, 2008); T. Bjørgo and J. Horgan (eds.), *Leaving Terrorism Behind* (Abingdon: Routledge, 2009); J. Horgan, *Walking Away from Terrorism* (Abingdon: Routledge, 2009).

<sup>43</sup> *The Times*, 21 September 2006, 6.

<sup>44</sup> See A. Pedahzur, ‘Toward an analytical model of suicide terrorism – a comment’ (2004) 16 *Terrorism and Political Violence* 841; D. K. Gupta and K. Mundra, ‘Suicide bombing as a strategic weapon: an empirical investigation of Hamas and Islamic Jihad’ (2005) 17 *Terrorism and Political Violence* 573; P. Pape, *Dying to Win* (New York: Random House, 2005); A. Silke, ‘The role of suicide in politics, conflict, and terrorism’ (2006) 18 *Terrorism and Political Violence* 35.

<sup>45</sup> Home Office, *Report of the Official Account of the Bombings in London on 7th July*, Annex B. Cf. Commission of the European Communities, *Communication to the Commission Concerning Terrorist Recruitment: Addressing the Factors Contributing to Violent Radicalisation*, COM(2005) 313 Final, p. 14.



By contrast, the Blair premiership remained reluctant to admit the negative consequences of foreign policies, such as the invasion of Iraq, even though the explanations given by both Mohammad Sidique Khan and Shehzad Tanweer, two of the 7/7 London bombers, in video testaments released after their deaths, emphasise as grievances Western military interventions in Afghanistan and Iraq and Western abandonment of Palestinians.<sup>46</sup> It was left to the House of Commons Foreign Affairs Committee to point out that 'the situation in Iraq has provided both a powerful source of propaganda for Islamist extremists and also a crucial training ground for international terrorists associated with al Qaeda'.<sup>47</sup> The days of denial faded after the resignation of Blair, and a more comprehensive official analysis of jihadism in 2008 still pointed to 'ideologues' and vulnerable young people, but also included ideology, communities which are ill-equipped to challenge extremism, plus grievances which may be domestic and foreign.<sup>48</sup> Another iteration in 2008 included radicalisers, extremist material, group identity, personal or identity crisis and change, under-employment, links to criminality, social exclusion, real or perceived grievances, and lack of trust in political structures and civil society.<sup>49</sup>

By degrees, a more reflective and realistic analysis has been outlined. The espousal of extremist causes is perhaps suggestive of theories of social anomie,<sup>50</sup> with some young Muslim men caught between the conservative and unreplicable culture of their parents and the unappealing culture of the West, both to be rejected in favour of a pure, simple and strong identity based on Islamism.<sup>51</sup> The modal setting of the small group of action-oriented friends certainly makes life more difficult for security authorities who cannot follow formal chains of hierarchical command but must try to distinguish social from operational bonding and group affinity from radical rejection.<sup>52</sup> Unfortunately, the indicia of jihadism

<sup>46</sup> *The Times*, 2 September 2005, 2; *The Times*, 7 July 2006, 4.

<sup>47</sup> *Foreign Policy Aspects of the War Against Terrorism* (2005–6 HC 573), [21]. See further M. Rai, *7/7: The London Bombings, Islam and the Iraq War* (London: Pluto Press, 2006).

<sup>48</sup> Home Secretary Jacqui Smith, 'Our shared values – a shared responsibility' (International Centre for the Study of Radicalisation and Political Violence, First International Conference, 2008).

<sup>49</sup> Home Office, *The Prevent Strategy*, Annex I.

<sup>50</sup> E. Hussein, *The Islamist* (London: Penguin, 2007), p. 69.

<sup>51</sup> See V. J. Siedler, *Urban Fears and Global Terrors* (Abingdon: Routledge, 2007), p. 98.

<sup>52</sup> See J. M. Post, 'The socio-cultural underpinnings of terrorist psychology' in T. Bjørge (ed.), *Root Causes of Terrorism* (Abingdon: Routledge, 2005); O. Nasiri, *Inside the Global Jihad* (London: Hurst & Co, 2006); M. Sageman, *Leaderless Jihad* (University of Pennsylvania Press, 2007).



may not be palpable or, according to a leaked Security Service memorandum in 2008, prey upon any remarkable personal characteristics.<sup>53</sup>

Finally, there should be assumed no linear relationship from radicalism through extremism to violence. Radicalisation is a normal experience for many young people, and violence may not emerge from radicalism but from group loyalty. Too often, policy-makers fail to distinguish adequately between 'radical' and 'extreme',<sup>54</sup> with dangerous consequences for expression in locations such as universities, as shall be illustrated later.

Whatever causes are in play, the presence of jihadis in neighbourhoods rather than foreign fields inevitably impels the state to refocus on the communities. This change is fundamental to the treatment not only of communities but also of policing. The need arises to understand not only the mechanisms and impacts of terrorism but also its social causes. A wider range of official modes of intervention will thereby be triggered. The changing nature of responses, first social and then security-based, will next be analysed.

### 3. Social 'prevent' responses

#### A. Strategy

A more social strategic scope has been signalled by the Home Office's Countering International Terrorism (CONTEST) documentation, formulated during 2003 but not published or implemented with vigour until 2006.<sup>55</sup> As well as the traditional security-oriented 'Pursue' of terrorists, such as through arrest and prosecution, there is an important 'Prevent' element which points toward a social agenda. It is overseen by a national Prevent Board headed by the Home Secretary.<sup>56</sup> The programme contains elements of challenging extremism, disruption, supporting those at risk, increasing community resilience, and addressing social grievances.<sup>57</sup> Therefore, 'Prevent' is now a high priority which is addressed at many levels. This chapter will now consider its impact on a sectoral basis.

<sup>53</sup> *The Guardian*, 21 August 2008, 1.

<sup>54</sup> See J. Bartlett and J. Birdwell, *The Edge of Violence* (London: Demos, 2010), p. 38.

<sup>55</sup> See above note 5; R. Briggs, C. Fieschi and L. Lownsborough, *Bringing It Home: Community-Based Approaches to Counterterrorism* (London: Demos, 2006).

<sup>56</sup> Home Office, *Delivering the Prevent Strategy*, [3.2], [3.3].

<sup>57</sup> See Home Office, *The Prevent Strategy; Preventing Violent Extremism: A Strategy for Delivery* (London, 2008).

### B. *Local communities*

The most important element of 'Prevent' concerns its applications to local communities defined by geography and ethnic or religious clustering. The aim is to reduce extremism by making community engagement a cornerstone of counter-terrorism strategy. The proposition that community involvement might prevent terrorism assumes that terrorism has resonance with Muslim communities and therefore that community-based partners can strive to reduce that appeal, can identify sources of disaffection, can aid those at risk and can bolster police legitimacy.<sup>58</sup> These assumptions incorporate the untested views that Muslim communities can be identified, have resilience against extremism, can exercise social control and can be motivated to do so.<sup>59</sup>

There immediately arises uncertainty over what constitutes a target 'community' for these purposes. British Muslims are not monolithic, either in religious tenets or in ethnicity. The 2001 UK census estimated a figure of 1.6 million Muslims, (2.7 per cent of the total resident population of the United Kingdom).<sup>60</sup> However, this quantification of religious affiliation embodies tremendous diversity in ethnicity, with different mixtures of Pakistani, Bangladeshi and Indian origin residents in urban areas such as London, the Midlands and West Yorkshire. This problem of targeting became even more delicate when in 2009 the government announced the application of some 'Prevent' initiatives to 'white enclaves' at risk of racist extremism,<sup>61</sup> though these were subject to cuts in June 2010.

The initial 'Prevent' programme for local community safety against terrorism was entitled, 'Preventing Extremism Together'.<sup>62</sup> It was announced in August 2005 and consisted of seven working groups: Engaging with

<sup>58</sup> See Department for Communities and Local Government, *Preventing Violent Extremism: Next Steps For Communities* (London: 2008), [14]–[15]; R. Briggs, 'Community engagement for counterterrorism: lessons from the United Kingdom' (2010) 86 *International Affairs* 971, 972.

<sup>59</sup> A survey from 2003–5 found resilience but that 'signal crimes' did not include terrorism: M. Innes, C. Roberts, T. Lowe and L. Abbott, *Hearts and Minds and Eyes and Ears* (Cardiff University Press, 2007).

<sup>60</sup> [www.statistics.gov.uk/statbase/expodata/spreadsheets/d6891.xls](http://www.statistics.gov.uk/statbase/expodata/spreadsheets/d6891.xls). See also J. Rehman, 'Islam, "War on Terror" and the future of Muslim minorities in the United Kingdom' (2007) 29 *Human Rights Quarterly* 831, 846.

<sup>61</sup> *The Independent*, 15 October 2009, 16.

<sup>62</sup> Home Office *Preventing Extremism Together Working Groups Aug-Oct 2005* (London, 2005). See D. McGhee, *The End of Multiculturalism* (Maidenhead: Open University Press, 2008), Chapter 3.

Young People; Education; Engaging with Muslim Women; Supporting Regional and Local Initiatives and Community Actions; Imams Training and Accreditation and the Role of Mosques as a Resource for the Whole Community: Working; Community Security – Including Addressing Islamophobia,<sup>63</sup> Increasing Confidence in Policing and Tackling Extremism; and Tackling Extremism and Radicalisation. A number of proposals emerged from this work, and the Department for Communities and Local Government eventually rationalised its responses around four approaches: promoting shared values; supporting local solutions; building civic capacity and leadership; and strengthening faith institutions and leadership.<sup>64</sup>

These policy strands, promoting shared values, interacted with even broader debates about citizenship rights and responsibilities,<sup>65</sup> attempting to distil attractive rallying points for the potentially disaffected and emphasising that Britishness is no enemy of Muslims. The drawback with this exercise is that British identity remains highly contested and even divisive. National pride to some appears to be a celebration of racist imperialism to others. Resolutions to this divergence of views often take refuge in bland universal, rather than national, values such as liberty, responsibility and fairness.<sup>66</sup> Thus, it has proven very problematic to promulgate a cohesive ‘good’ cultural identity as a rallying point against ‘bad’ jihadi stances.<sup>67</sup>

Despite these pitfalls, the distillation of Britishness has been pursued for some years and even prior to July 2005. For example, citizenship was added in 2000 to the National Curriculum for schools,<sup>68</sup> while a ‘Life in

<sup>63</sup> See C. Allen and J. Neilsen, *Report on Islamophobia in the EU after 9/11* (Vienna: European Monitoring Centre for Racism and Xenophobia, 2002); Commission on British Muslims and Islamophobia, *Islamophobia: Issues, Challenges and Action* (London: Runnymede, 2004); T. Abbas (ed.), *Muslim Britain* (London: Zed Books, 2005), part II.

<sup>64</sup> Department for Communities and Local Government, *Preventing Violent Extremism* (London, 2007), [10]. See further Department for Communities and Local Government, *Preventing Violent Extremism: Next Steps For Communities*.

<sup>65</sup> See Home Office, *Strength in Diversity* (London, 2004), Chapter 2; Commission for Racial Equality, *Britishness* (London, 2005); Lord Goldsmith, *Citizenship: Our Common Bond* (London: Ministry of Justice, 2008).

<sup>66</sup> Gordon Brown, ‘Liberty and the role of the state’ (Chatham House, 13 December 2005), available at [www.guardian.co.uk/politics/2005/dec/13/labour.uk](http://www.guardian.co.uk/politics/2005/dec/13/labour.uk).

<sup>67</sup> See Commission for Racial Equality, *Britishness*; S. Brighton, ‘British Muslims, multiculturalism and UK foreign policy’ (2007) 83 *International Affairs* 1.

<sup>68</sup> [curriculum.qcda.gov.uk/key-stages-1-and-2/subjects/citizenship/index.aspx](http://curriculum.qcda.gov.uk/key-stages-1-and-2/subjects/citizenship/index.aspx). See further the Final Report of the Advisory Group, *Education for Citizenship and the Teaching of Democracy in Schools* (London: Qualifications and Curriculum Authority, 1998).

the UK' test was set in 2005 for would-be citizens.<sup>69</sup> After the events of July 2005, added attention was paid to the promotion of citizenship education in supplementary schools and *madrassas*.<sup>70</sup> Prime Minister designate, Gordon Brown, called in 2006 for celebrations of patriotism,<sup>71</sup> with the celebration of Veterans Day (now Armed Forces Day) as a tangible outcome.<sup>72</sup>

During 2006, the 'Prevent' work in local communities was largely transferred from the Home Office to the Department of Communities and Local Government, itself a signal of policy span. An early initiative was the Commission on Integration and Cohesion<sup>73</sup> which, in its 2007 report, *Our Shared Future*, examined issues of diversity, the forging of cohesive and resilient communities, segregation and the dissemination of extremist ideologies. It called for integration and cohesion (not assimilation) and so did not clearly signal an end to the policy of multiculturalism.<sup>74</sup> However, that tenet has weakened.<sup>75</sup> The accusation that multiculturalism encourages de facto segregation<sup>76</sup> and thereby provides a space for extremist rhetoric has gathered traction and has resulted in the rejection of segregated Islamic jurisdictions<sup>77</sup> and criticism (but not banning) of the *burqa* and *niqab*.

Moving to the next strand of policy, support for local solutions, one notable initiative was the Preventing Violent Extremism Pathfinder Fund,

<sup>69</sup> See [www.lifeintheuktest.gov.uk](http://www.lifeintheuktest.gov.uk).

<sup>70</sup> *Hansard*, HC, vol. 440, col. 67, 15 December 2005 (Charles Clarke); Department for Communities and Local Government, *Preventing Violent Extremism*, [12]; Department for Communities and Local Government, *Preventing Violent Extremism: Next Steps For Communities*, [56].

<sup>71</sup> See T. Nairn, *Gordon Brown: Bard of Britishness* (Cardiff: Institute of Welsh Affairs, 2006); McGhee, *The End of Multiculturalism*, Chapter 4.

<sup>72</sup> See [www.armedforcesday.org.uk/](http://www.armedforcesday.org.uk/).

<sup>73</sup> [www.communities.gov.uk/archived/general-content/communities/commission-integration](http://www.communities.gov.uk/archived/general-content/communities/commission-integration).

<sup>74</sup> See T. Modood, *Multiculturalism: A Civic Idea* (Cambridge: Polity, 2007); Brighton, 'British Muslims, multiculturalism and UK foreign policy'.

<sup>75</sup> See C. Joppke, 'The retreat of multiculturalism in the liberal state' (2004) 55 *British Journal of Sociology* 237.

<sup>76</sup> Trevor Phillips, the chairman of the Commission for Racial Equality, warned of 'sleepwalking towards segregation': *Sunday Times*, 18 September 2005, 1. See further T. Modood, A. Triandafyllidou and R. Zapata-Barrero (eds.), *Multiculturalism, Muslims and Citizenship* (Abingdon: Routledge, 2005).

<sup>77</sup> See 'Civil and Religious Law in England' (2008), available at [www.archbishopofcanterbury.org/1575](http://www.archbishopofcanterbury.org/1575). Lord Chief Justice Phillips supported the use of Sharia law as a basis for mediation: *The Guardian*, 4 July 2008, 4. The controversy resurfaced in Scotland with the reporting of 'secret talks' with the Muslim Arbitration Tribunal: *The Scotsman*, 9 October 2008, 1.

launched in 2006 to support priority local authorities to develop projects with local partners against extremism.<sup>78</sup>

Under the strand of building civic capacity and leadership, the Preventing Violent Extremism Community Leadership Fund<sup>79</sup> has been used for capacity-building of groups and projects and support for faith leaders as well as Local Forums against Extremism and Islamophobia.<sup>80</sup> Various initiatives have been taken, including: developing opportunities for young British Muslims to be leaders and active citizens; and a national campaign and coalition to empower Muslim women, including through a Muslim Women's Advisory group.<sup>81</sup>

The final strand, strengthening faith institutions and leadership, was arguably the prime driver at the beginning of the Preventing Extremism Together initiative. There are around 1,400 mosques, plus 130 Islamic schools, in the United Kingdom. Often their management is not systematic or clearly delineated. The government pointed to a number of notorious cases, such as the North London Central Mosque, where extremists were able to gain prominence.<sup>82</sup>

The most extreme reaction was contained in the Home Office paper, *Preventing Extremism Together: Places of Worship*.<sup>83</sup> It floated the creation of a legal process whereby those controlling a place of worship could be required by court order 'to take steps to stop certain extremist behaviour occurring in a place of worship ("a requirement order")'.<sup>84</sup> A failure to comply with the order would be an offence, and if the activity persisted, a further order could restrict the use of the place of worship ('a restriction of use order') which could include temporary closure.<sup>85</sup> In the event, the policy was not enacted. There were concerns in principle about the state regulation of religion, as well as practical difficulties over defining 'worship' and 'places of worship'.<sup>86</sup> However, the Charity Commission has set

<sup>78</sup> Department for Communities and Local Government, *Preventing Violent Extremism: Pathfinder Fund* (London, 2007). See K. Kellard, R. Mitchell and D. Godfrey, *Preventing Violent Extremism Pathfinder Fund: Mapping of Project Activities 2007/2008* (London: Department for Communities and Local Government, 2008).

<sup>79</sup> Department for Communities and Local Government, *Preventing Violent Extremism: Community Leadership Fund* (London, 2007).

<sup>80</sup> See also Home Office, *Countering International Terrorism* (London: Cm 6888, 2006), [58]; Department for Communities and Local Government, *Preventing Violent Extremism: Next Steps For Communities*, [28].

<sup>81</sup> *Ibid.*, [44]. <sup>82</sup> *Ibid.*, [7]. <sup>83</sup> London, 2005.

<sup>84</sup> *Ibid.*, [17]–[18]. <sup>85</sup> *Ibid.*, [21].

<sup>86</sup> See *Hansard*, HC, vol. 440, col. 167, 15 December 2005 (Charles Clarke); Lord Carlile, *Proposals by HMG for Changes to the Laws against Terrorism* (London: Home Office, 2005), [109].

up a Faith and Social Cohesion Unit to encourage registration as a charity so as to improve governance and oversight.<sup>87</sup>

Other, less radical, ideas were acted upon in relation to faith institutions. One was to be the establishment of a National Advisory Council of Imams and Mosques. In the event, the Mosques and Imams National Advisory Board (MINAB) was launched in 2006 with the backing of groups such as the Muslim Council of Britain. Guidelines have been issued, including basic standards of English, about the accreditation of foreign imams which can also be used in entry and visa decisions.<sup>88</sup> As well as MINAB, the Department for Communities and Local Government has also floated the idea of a board of academics and scholars based in the Universities of Oxford and Cambridge to ensure that any false ideology is corrected.<sup>89</sup>

Next, the Home Office launched in September 2005 a £5 million Faith Communities Capacity Building Fund to support all faith communities to play an active role in building a cohesive society by engaging with communities and government.<sup>90</sup> This initiative closed in 2008. Another project, the 'Preventing Extremism Together' (PET) Scholars' Roadshows, involves government funding for the promotion of religious scholars who can offer alternatives to extremist doctrines.<sup>91</sup>

The 'Prevent' work in local communities became a requirement for all local authorities in 2008, when the Home Office and Department of Communities and Local Government issued a National Indicator, *Self Assessing Local Performance Against NI 35: Building Resilience to Violent Extremism*.<sup>92</sup> It offers a checklist of issues and processes (based around understanding and engagement of Muslim communities, the development of an action plan and effective oversight) rather than levels of outcomes to be secured. Measurement of achievement remains highly problematic. The Department for Communities and Local Government's own 'Rapid Evidence Assessment' could proffer no evidence as to which interventions worked best, other than the general observation that outreach and peripatetic work was preferable to hierarchical reliance on leaders.<sup>93</sup>

<sup>87</sup> Department for Communities and Local Government, *Preventing Violent Extremism*, [21].

<sup>88</sup> *Ibid.*, [20].

<sup>89</sup> Department for Communities and Local Government, *Preventing Violent Extremism: Next Steps For Communities*, [65].

<sup>90</sup> *Improving Opportunities, Strengthening Society* (London: 2005), [4.18].

<sup>91</sup> Home Office, *Countering International Terrorism* (London: Cm. 6888, 2006), [58].

<sup>92</sup> [www.opm.co.uk/resources/565/download](http://www.opm.co.uk/resources/565/download).

<sup>93</sup> *Preventing Support for Violent Extremism through Community Interventions: A Review of the Evidence* (London: 2010).

Localities with predominant Muslim populations are not the only type of 'community' to become the focus of 'Prevent' work. Attention will next be turned to prison and educational communities.

### C. Prison communities

There has been a growing appreciation of the dangers presented by extremist groups in prisons. There are now around 110 imprisoned jihadis who are in a position, both through their characters as celebrity prisoners and through their commitment to their cause, to subvert other Muslim prisoners.<sup>94</sup> Such allegations have been levelled against Dhiren Barot, who was convicted in 2006 for bomb plots.<sup>95</sup> Another example is Whitemoor Prison, where the presence of eight out of 120 Muslim inmates, skewed staff perceptions of dangerousness and produced a regime which most of those prisoners viewed as unsafe.<sup>96</sup> The Directorate of Security has highlighted the problems not only of extremism but also the difficulties of staff in understanding and handling cultures which they do not share.<sup>97</sup> The main concentration of terrorist remand prisoners is in Belmarsh Prison,<sup>98</sup> and violence with white inmates has occurred as well as radicalisation.<sup>99</sup>

The Prison Service recognises the problem of violent extremism but also the complexity of distinguishing threats to security and demands for religious autonomy.<sup>100</sup> Responses have included training for HM Prison Service (HMPS) Imams.<sup>101</sup> A Prison Service Extremism Unit was instituted in 2007 within the high security estate to deal with these problems and the interplay between political extremists and gang cultures.<sup>102</sup>

The HM Chief Inspector of Prisons' thematic review, *Muslim Prisoners' Experiences*, in 2010 found that Muslim terrorist prisoners form under 1

<sup>94</sup> See Home Office, *The United Kingdom's Strategy for Countering International Terrorism Annual Report 2010* (London: Cm. 7833, 2010), [3.07]; D. A. Pluchinsky, 'Global jihadist recidivism' (2008) 31 *Studies in Conflict and Terrorism* 182; M. S. Hamm, 'Prison Islam in the age of sacred terror' (2009) 49 *British Journal of Criminology* 667.

<sup>95</sup> *The Observer*, 10 February 2008, 4.

<sup>96</sup> HM Chief Inspector of Prisons, *Report on an Unannounced Full Follow-up Inspection of HMP Whitemoor* (London, 2008), [3.79].

<sup>97</sup> *The Guardian*, 26 May 2008, 11.

<sup>98</sup> HM Chief Inspector of Prisons, *Report on a Full Announced Inspection of HMP Belmarsh 8–12 October 2007* (London, 2008).

<sup>99</sup> See *The Observer*, 10 February 2008, 4; *The Times*, 15 April 2008, 22.

<sup>100</sup> See Prison Service, *Race Equality Scheme Annual Report 2006–2007* (London, 2007), [3.13].

<sup>101</sup> See Home Office, *Countering International Terrorism*, [51].

<sup>102</sup> *Hansard*, HL, vol. 714, col. 229, 12 November 2009 (Lord Bach).



per cent of the 10,300 Muslim prisoners in England and Wales but that they had an undue impact on shaping the perceptions of prison staff toward the non-terrorist Muslim inmates, leading to undue feelings of distrust and lack of safety. She called for a national strategy for Muslim prisoners, with better monitoring of treatment of religious needs and instances of religious conversion, better opportunities for education and discussion about religion, more staff training, enhanced dialogue and better links with external community and faith groups.

#### D. Educational communities

The susceptibility to extremism of higher educational communities may be a problem because of the supposed impressionable nature of the student population.<sup>103</sup> Some view the situation as dire.<sup>104</sup> However, the evidence for any linear connection between the undoubted availability of radical materials and the engendering of violence is more ambiguous. The leading case of *R v. Zafar*<sup>105</sup> centred upon Bradford University students who were accused of planning to travel and train in Pakistan, as well as fight in Afghanistan. However, the prosecution revealed evidence of curiosity, immaturity and incredulity but could not sustain evidence of a formed intent as to the commission of violence.

The more realistic assessment of the government is that there is evidence of a 'serious threat' of extremism but that higher education is not 'awash' with jihadis<sup>106</sup> and the value of free expression remains of countervailing importance. Indeed, it is a legal duty for universities to promote free speech for outside speakers under the Education (No. 2) Act 1986, s. 43.<sup>107</sup> The advice in *Promoting Good Campus Relations* is didactic rather than directive – giving examples and encouraging attention. It also adopts a narrow focus on 'Violent Extremism in the Name of Islam'<sup>108</sup>

<sup>103</sup> E. Hussein, *The Islamist* (London: Penguin, 2007), Chapters 6–7. For a wider perspective, see E. Gerstmann and M. J. Streb (eds.), *Academic Freedom at the Dawn of a New Century* (Stanford University Press, 2006); Network for Education and Academic Rights ([www.nearinternational.org/](http://www.nearinternational.org/)).

<sup>104</sup> A. Glees and C. Pope, *When Students Turn to Terror* (London: Social Affairs Unit, 2005).

<sup>105</sup> [2008] EWCA Crim 184.

<sup>106</sup> B. Rammell, Speech on Academic Freedom, University of Leeds, 17 June 2008.

<sup>107</sup> Department for Education and Skills, *Promoting Good Campus Relations; Working with Staff and Students to Build Community Cohesion and Tackle Violent Extremism in the name of Islam at Universities and Colleges* (London, 2006), [1.2]–[1.3].

<sup>108</sup> *Ibid.*, Chapters. 2–3.

which caused criticism of the demonisation of Muslims. A later edition in 2008 avoided this error, though it is al-Qaeda which alone merits an Appendix.<sup>109</sup> More comprehensive and precise guidance is given in the Universities UK document, *Promoting Good Campus Relations*.<sup>110</sup>

The highlighting of the threat of extremism has left some university authorities in a state of nervous agitation. Their concerns have been heightened by offences of the direct and indirect encouragement of terrorism under ss. 1 and 2 of the Terrorism Act 2006.<sup>111</sup> However, it is a defence under s. 2(9) to show that the published statement neither expressed the accused's views nor had his endorsement and that it was clear, in all the circumstances of the statement's publication, that it did not express his views and did not have his endorsement. Nevertheless, when an academic officer suspects or believes that a student intends to use the available materials for terrorist purposes rather than scholastic endeavour, she should 'as a good citizen' report the matter to the security authorities.<sup>112</sup> This injunction was taken to heart by the University of Nottingham when a student, Rizwaan Sabir, was arrested in 2008 for the downloading of materials in connection with his postgraduate research, together with his friend and ex-student, Hicham Yezza, to whom he had passed the materials.<sup>113</sup> The offending materials were the al-Qaeda training manual seized in Manchester and published in redacted form since 2005 on the US Department of Justice website.<sup>114</sup> Both were later released without charge. The Vice Chancellor, Sir Colin Campbell, warned that it is illegitimate in his university to study the operational or tactical aspects of terrorism, as opposed to its political dimensions.<sup>115</sup> The official reviewer of terrorism legislation, Lord Carlile, had cautioned against the danger that academic research into terrorism might be 'turned into samizdat activity'.<sup>116</sup>

While one former Secretary of State for Education, Ruth Kelly, called for universities to adopt a policing role over 'unacceptable behaviour',<sup>117</sup>

<sup>109</sup> Department for Innovation, Universities and Skills, *Promoting Good Campus Relations, Fostering Shared Values and Preventing Violent Extremism in Universities and Higher Education Colleges* (London, 2008).

<sup>110</sup> (London, 2005).

<sup>111</sup> See Walker, *Terrorism and the Law*, Chapter 8.

<sup>112</sup> *Hansard*, HL, vol. 676, col. 629, 7 December 2005 (Baroness Scotland).

<sup>113</sup> See *The Guardian*, 24 May 2008, 8; freehicham.co.uk.

<sup>114</sup> [www.usdoj.gov/ag/manualpart1\\_1.pdf](http://www.usdoj.gov/ag/manualpart1_1.pdf), 2005.

<sup>115</sup> *Times Higher Educational Supplement*, 24 July 2008.

<sup>116</sup> Lord Carlile, *Proposals by Her Majesty's Government for Changes to the Laws against Terrorism*, [28].

<sup>117</sup> *The Times*, 16 September 2005, 8.

McCarthyite purges of staff and students have been avoided. However, more insidious threats remain to academic freedom, including the practices of surveillance which are routinely undertaken within campuses, such as of computer usage,<sup>118</sup> and also the threat of blacklisting and grey-listing based on expressed opinions.<sup>119</sup> There was also the Voluntary Vetting Scheme of potential applicants to around thirty higher education institutes within the United Kingdom. Those institutes were advised of concerns about proliferation and technology transfer whenever the student applicant came from one of ten target countries and was interested in one of twenty-one disciplines.<sup>120</sup> That scheme was replaced in 2007 by the more comprehensive Academic Technology Approval Scheme (ATAS), covering forty-one disciplines and potentially all countries.<sup>121</sup> Finally, leading scientific journals have agreed to the evaluation (and rejection) of papers on grounds of usefulness to terrorists.<sup>122</sup>

These measures have not allayed all concerns, and two further incidents have kept the pressure on universities to monitor and restrict. First, Operation Pathway in 2009 involved several foreign students arrested in Manchester and Liverpool for plotting terrorism. There were no convictions, but some were subsequently ordered to be deported.<sup>123</sup> The allegation was that they had obtained student visas for admission to 'bogus' colleges as a cover for their terrorism activities. However, no substantial evidence of terrorism links to any 'bogus' college was uncovered in this or other cases.<sup>124</sup> The second case involved Umar Farouk Abdulmutallab who attempted to detonate a bomb on an aircraft bound for Detroit on 25 December 2009. A review panel rejected the proposition that radicalisation had occurred because of his studies at University College London.<sup>125</sup>

<sup>118</sup> See Data Retention (EC Directive) Regulations 2009 SI 2009/859.

<sup>119</sup> See [www.stoptheboycott.org](http://www.stoptheboycott.org).

<sup>120</sup> See House of Commons Science and Technology Committee, *The Scientific Response to Terrorism* (2003–4 HC 415), [200].

<sup>121</sup> [www.fco.gov.uk/en/about-us/what-we-do/services-we-deliver/atas](http://www.fco.gov.uk/en/about-us/what-we-do/services-we-deliver/atas).

<sup>122</sup> See M. S. Lindes, 'Censuring science', in Gerstmann and Streb, *Academic Freedom at the Dawn of a New Century*, p. 90.

<sup>123</sup> See Lord Carlile, *Operation Pathway* (London: Home Office, 2009); *XC v. Secretary of State for the Home Department* (SC 02, SC 77–82, 2009). Deportations were halted in 2010 because of risk of torture.

<sup>124</sup> House of Commons Home Affairs Committee, *Bogus Colleges* (2008–9 HC 595), [15]–[16].

<sup>125</sup> *Umar Farouk Abdulmutallab: Report to UCL Council of Independent Inquiry Panel* (London, 2010). Cf. *Radicalisation on British University Campuses* (London: Quilliam 2010).

Apprehension about extremism in educational establishments has even extended to school children. Following consultation through a youth panel and head-teachers' forum,<sup>126</sup> the Department for Children, Schools and Families has launched a toolkit, *Learning Together to be Safe*.<sup>127</sup> It sensibly accepts that there is no 'typical profile' of extremists but encourages matters of political and social controversy to be tackled through understanding of extremist narratives, preventing harm (especially through Internet filters) and supporting the vulnerable while 'affirming the multiple dynamic identities we all have' alongside values such as rights and equality.<sup>128</sup> The encouragement to engage with radical ideas is welcome, but the document is stronger on warning than on elaborating any positive alternative narratives.

### E. Foreign communities

The engagement with Muslim communities in the United Kingdom has been extended into foreign policy on the basis that problems affecting diaspora within the United Kingdom may be aggravated by malign influences elsewhere. It has been claimed that 75 per cent of terrorist plots in Britain bear some link to Pakistan.<sup>129</sup> The Foreign and Commonwealth Office has therefore engaged in 'Prevent'.

Some work is undertaken by an Islamic Media Team (established in 2002 as the Islamic Media Unit to explain and discuss British government policies to the Islamic world and to brief Ministers and officials) and then by an Engaging with the Islamic World Group (established in 2004 and offering assistance and advice to different country sections and staging seminars and colloquia abroad as well as arranging for scholars to tour Britain such as under the 'Radical Middle Way' banner).<sup>130</sup> Other programmes include<sup>131</sup> the Global Opportunities Fund to support the development of effective, accountable and democratic institutions and the promotion of human rights. The Global Opportunities Fund later merged with the Islamic World Programme to form a new combined Countering Terrorism and Radicalisation Programme.<sup>132</sup>

<sup>126</sup> Department for Children, Schools and Families, *The Children's Plan* (London: Cm. 7280, 2007), [6.64].

<sup>127</sup> (London, 2008). <sup>128</sup> *Ibid.*, pp. 21, 31.

<sup>129</sup> *Daily Telegraph*, 14 January 2009, 14. <sup>130</sup> [www.radicalmiddleway.co.uk](http://www.radicalmiddleway.co.uk).

<sup>131</sup> See Home Office, *Countering International Terrorism* [49].

<sup>132</sup> Home Office, *The United Kingdom's Strategy for Countering International Terrorism Annual Report 2010* (London: Cm. 7833, 2010), [3.14].

Turning to initiatives abroad, a major focus has been the activities of religious schools, *madrassas*, especially those in Pakistan, the ancestral home to 43 per cent of British Muslims<sup>133</sup> who continue to send 'home' their teenage sons for cultural reasons. The sometimes malign impact of *madrassas* was highlighted by investigations into the backgrounds of the July 2005 London bombers. The ringleader, Mohammad Sidique Khan, had visited Pakistani *madrassas* during 2003 and 2004.<sup>134</sup> A response was the announcement in 2006 by the Foreign and Commonwealth Office of financial aid to Pakistan to help them regulate the schools.<sup>135</sup> However, *madrassas* continue to retain significant political force, and Pakistani state regulatory impacts have been at best uncertain or at worst 'a shambles'.<sup>136</sup> It is most unlikely that current Foreign and Commonwealth Office initiatives will prove decisive.

#### 4. Security 'Prevent' responses

The policing of terrorism in the United Kingdom has long shaped policing organisational change. Within the Metropolitan Police, a Special Branch was formed in 1883 to respond to the then Irish bombing campaign. The sector is also normally marked by features such as secrecy and unaccountability. The relevant agencies refuse for operational reasons to engage with local communities, inform them what is going on or account to them afterwards. There is also limited accountability to the courts.

These traditional features within the tactic of 'Pursue' sit uncomfortably with a 'Prevent' strategy and so there is pressure for change. What was appropriate for countering isolated foreign extremists, when there was no referent local community, is less salient now that the government and the police must rely on communities for support in counter-terrorism. Thus, the pressures of counter-terrorism have sparked changes in organisational formations and styles which recognise the need to apply neighbourhood policing and a multi-agency approach to counter-terrorism.<sup>137</sup>

<sup>133</sup> Rehman, 'Islam, "War on Terror" and the Future of Muslim Minorities in the United Kingdom', 846.

<sup>134</sup> See Intelligence and Security Committee, *Report into the London Terrorist Attacks on 7 July 2005* (London: Cm. 6785, 2006), pp. 17–18; see also Home Office, *Report of the Official Account of the Bombings in London on 7 July 2005*, p. 15.

<sup>135</sup> *The Independent on Sunday*, 19 November 2006, 46.

<sup>136</sup> International Crisis Group, *Pakistan: Karachi's Madrasas and Violent Extremism* (Brussels: Asia Report no.130, 2007), p. i.

<sup>137</sup> Home Office, *From the Neighbourhood to the National* (London: Cm. 7448, 2008), [1.49]–[1.51]. Given this local emphasis, proposals for police force mergers have not been implemented: see HM Inspectorate of Constabulary, *Closing the Gap* (London, 2005).

The new institutional formations are as follows. First, local police Special Branches began to be reformed into regional clusters in 2003, and a parallel process is the regional co-ordination of ports policing.<sup>138</sup> Next, in 2006, the Metropolitan Police formed the Counter Terrorism Command (SO15) which has merged its Special Branch with the more operational Anti-Terrorist Branch, which had begun in the 1970s in response to Irish terrorism. The new unit links intelligence analysis and development with investigations and operational support activity. It has 1,500 staff and is headed by a National Co-ordinator of Counter-Terrorism Investigations who will normally take charge of major terrorist investigations anywhere in the country. Corresponding Counter-Terrorism Units (CTUs) have been formed in four regions, including West Yorkshire.<sup>139</sup> Another national appointment is the National Co-ordinator for Community Engagement who works on activities to combat radicalisation, to promote community confidence and to reassure communities that are most affected. Outside the Counter-Terrorism Units, other areas have developed sixteen Regional Intelligence Cells (RICs). The CTUs are larger than the RICs, the difference being mainly the possibility of action as well as intelligence gathering. But regionalisation does not equate with remoteness.

As for the Security Service (MI5), it opened for the first time ever in Britain a number of regional offices in order to gather intelligence more easily from the regions potentially affected by jihadi activities: West Yorkshire, the West Midlands and Greater Manchester. Furthermore, the Security Service has become more open in its advice work through a network of Counter-Terrorism Security Advisers, most of whom are Special Branch officers, who are located within the Centre for the Protection of National Infrastructure,<sup>140</sup> which is within the Security Service and also incorporates the National Infrastructure Security Co-ordination Centre and MI5's National Security Advice Centre.

Overlain upon this structure are several institutions which oversee the work of 'Prevent'. The National Prevent Delivery Unit in the Association of Chief Police Officers' (Terrorism and Allied Matters) structure handles national strategy, and delivery is handled by a national Police Prevent Board and Regional Police Prevent Co-ordinators.<sup>141</sup>

<sup>138</sup> See HM Inspectorate of Constabulary, *A Need to Know: HMIC's Thematic Inspection of Special Branch and Ports Policing* (London, 2003).

<sup>139</sup> See S. Bebbington, 'The good fight' (2008) 116 *Police Review* 34.

<sup>140</sup> www.cpn.gov.uk. <sup>141</sup> Home Office, *Delivering the Prevent Strategy*, [3.2]–[3.3].

As for operational changes, equally radical developments have occurred. The National Policing Plan 2005–8 required the police to build and increase trust and confidence within minority faith communities as part of their counter-terrorist strategy.<sup>142</sup> The police emphasise that terrorism policing must involve local police units and local community partners. For instance, the bomb manufacturing activity by the 7/7 bombers caused leaves to fall from the trees outside their flat because of chemical fumes. Why did no one report this, ask the police?<sup>143</sup> As a result, new counter-terrorism initiatives should reflect this wider network. A prime example is Project Channel whereby in twelve police force areas responsible citizens in Muslim communities will provide an early warning system for the identification of extremists.<sup>144</sup> Social intervention in the forms of counselling and engagement in approved activities are then applied. Though this non-security label is put upon the project, there arise attendant dangers of loose labelling and net-widening: 'Which self-appointed busybodies will use what yardstick to define a "radical", an "extremist" or "a Wahhabi"?'<sup>145</sup>

Added to Project Channel, the Preventing Violent Extremism Community Leadership Fund has been diverted to mentoring and related community work.<sup>146</sup> However, there is as yet no de-radicalisation programme,<sup>147</sup> though the idea has been proposed for prisoners.<sup>148</sup>

<sup>142</sup> (London: Home Office, 2004) [3.60].

<sup>143</sup> Speech by Andrew Staniforth, Conference on Crime and Disorder Act 1998 (Centre for Criminal Justice Studies, University of Leeds, 2008).

<sup>144</sup> See Home Office, *Channel: Supporting Individuals Vulnerable to Recruitment by Violent Extremists* (London, 2010).

<sup>145</sup> H. Siddiqui, 'Muslim-bashing dilutes our democratic values', *Toronto Star* 11 June 2006, p. A17.

<sup>146</sup> See Home Office, *The Prevent Strategy: A Guide for Local Partners*, p. 27; Department for Communities and Local Government, *Preventing Violent Extremism: Next Steps For Communities*, [51].

<sup>147</sup> Cf. Counter-Terrorism Implementation Task Force, *First Report of the Working Group on Radicalisation and Extremism that Lead to Terrorism: Inventory of State Programs* (Rome: United Nations Interregional Crime and Justice Research Institute, 2008); G. Audenaert, 'De-radicalisation and the role of police forces', in R. Coolsaet (ed.), *Jihadi terrorism and the Radicalisation Challenge in Europe* (Aldershot: Ashgate, 2008); O. Ashour, *The De-Radicalization of Jihadists* (Abingdon: Routledge, 2009); Bjørge and Horgan (eds.), *Leaving Terrorism Behind*, chaps. 10–13; Horgan, *Walking Away from Terrorism*; J. Horgan, and K. Braddock, 'Rehabilitating the Terrorists?' (2010) 22 *Terrorism and Political Violence* 267.

<sup>148</sup> See J. Brandon, *Unlocking Al Qaeda* (London: Quilliam 2009); P. R. Neumann (ed.), *Prisons and Terrorism* (International Centre for the Study of Radicalisation and Political Violence, London, 2010).



These policies of community policing of terrorism have limits. The Counter-terrorism Commands do not yet regularly attend local neighborhood forums to explain their actions, though they recognise the future value in doing so. Their liaison with communities tends to be *ex post facto* – to explain operations and hear representations. They are also seeking to increase their community interface through recruitment from ethnic Asian localities. Targets have been issued for the recruitment of ethnic minorities into the police since 1999, but they have generally not been met.<sup>149</sup>

Another limitation is the assessment of the impact of counter-terrorism policing. The relevant Public Service Agreement 26, one of thirty such documents which describe how governmental targets will be achieved and how performance against these targets will be measured, does not contain, because of national security, any published indications as to targets, accountability or governance.<sup>150</sup>

## 5. Conclusion

The emergence of ‘neighbour’ terrorism has prompted a welcome reappraisal of counter-terrorism strategy and has placed a radically strong emphasis on ‘Prevent’. The results have been impressive in terms of the amount and breadth of activity.<sup>151</sup> This redesign of counter-terrorism strategy has been significant<sup>152</sup> and has occurred despite the apparent paradox between the perceived globalising nature of terrorism represented by al-Qaeda and the growing localism of its proponents. While the strategic thrust is correct, policy delivery can be criticised on five grounds.

The first point of criticism concerns the apparently slow and uncertain rate of achievement. It is perhaps a consequence of greater reliance upon localism that uniformity becomes more difficult to secure. The approach has been one of ‘civil association’ in which multi-agency players are afforded discretion within a broad framework rather than an ‘enterprise association’ with imposed requirements to achieve specified

<sup>149</sup> Cf. Home Office, *Staff Targets for the Home Office, the Prison, the Police, the Fire and the Probations Services* (London: 1999); J. Riley, D. Cassidy and J. Becker, *Statistics on Race and the Criminal Justice System 2007/8* (London: Ministry of Justice, 2009), p. 185.

<sup>150</sup> HM Treasury, *PSA Delivery Agreement 26: Reducing the Risk to the UK and its Interests Overseas from International Terrorism*, available at [www.hm-treasury.gov.uk/pbr\\_csr07\\_psaindex](http://www.hm-treasury.gov.uk/pbr_csr07_psaindex), [1.3].

<sup>151</sup> See further Home Office, *Pursue, Prevent, Protect, Prepare*, [9.09].

<sup>152</sup> Compare the absence of holistic policy during the Northern Ireland campaign: *Operation Banner* (London: Army Code 71842, 2006).

goals.<sup>153</sup> The result has often been an emphasis on general community engagement with limited connection to extremism.<sup>154</sup> This inherent drawback of reliance on localism is not assisted by the fact that no special mechanisms of audit have yet to be put in place.<sup>155</sup>

Second, concerns have been raised about the direction and emphasis of 'Prevent' policies. In particular, the authorities selected at the outset what appeared to be the easy target of mosques, whereas the problem of extremism does not lie in mosques in general (leaving aside the isolated cases of foreign rabble-rousers who have been now largely silenced), but in deeper social problems. This misfire has in part been recognised by the government,<sup>156</sup> though the focus on mosques still persists to some degree.<sup>157</sup> Furthermore, once the obvious target is discarded, it becomes a more complex and diffuse task to respond since 'evidence suggests that extremists are increasingly moving away from mosques to conduct their activities in sports centres, paintball centres or activity camps, private homes or other premises to avoid detection'.<sup>158</sup>

The third criticism is that the official analysis of radicalisation took too long to reach an acceptable level of sophistication. Early attempts too often emphasised external agency, such as foreign Imams or Internet sites. However, the evidence from the bombings and plots of 2005 and later suggests that there are deeper-lying causes within diaspora communities, which relate to social and political conditions and generational changes in identities. Further work should also be undertaken on the non-linear relationship between radicalisation and violence.<sup>159</sup>

The fourth criticism is that inherent in the new policy initiatives towards communities is the net-widening of policing. The point is of course shared with critiques of non-terrorism community policing initiatives in recent decades.<sup>160</sup> The 'Prevent' work can become perceived as a mode of embedding political policing within local services so as to allow

<sup>153</sup> M. Oakeshott, *On Human Conduct* (Oxford: Clarendon Press, 1975), pp. 279–311.

<sup>154</sup> See Kellard *et al.*, *Preventing Violent Extremism Pathfinder Fund*, p. 64.

<sup>155</sup> Intelligence and Security Committee, *Could 7/7 have been Prevented?*, [180].

<sup>156</sup> Home Office *Preventing Extremism Together: Places of Worship* (London, 2005), [10].

<sup>157</sup> House of Commons Communities and Local Government Committee, *Preventing Violent Extremism* (2009–10 HC 65), [83].

<sup>158</sup> *Report of the Official Account of the Bombings in London on 7th July 2005*, Annex B, [2].

<sup>159</sup> See L. Richardson, *What Terrorists Want* (London: John Murray, 2006); Directorate of General Judicial Strategy, *Policy Memorandum on Radicalism and Radicalisation* (The Hague: Ministry of Justice, 2005); National Coordinator for Counterterrorism, *Radicalisation in Broader Perspective* (The Hague: Ministry of Justice, 2007).

<sup>160</sup> See A. Crawford, *The Local Governance of Crime* (Oxford University Press, 1997).

intelligence-gathering and intrusion which generates a lack of trust in the programme.<sup>161</sup> To this charge might be added the state control of religion and the censorship of radical discourse. One response might be an organisational division in 'Prevent' activities with those concentrating on community cohesion falling within the remit of local authorities and those dealing with individuals or organisations at risk assigned to the police.<sup>162</sup>

The fifth point concerns the dissonance between the community approaches and other aspects of government policy. Leaving aside the negative impacts of foreign policy such as the invasion of Iraq, there may be costs to the construction of social capital even within other aspects of counter-terrorism. The sacrifice of rights to expression caused by the Terrorism Act 2006 has been mentioned. The government champions this policy as closing down channels to the encouragement of terrorism, but it correspondingly delimits comprehension and dialogue. There are also costs in terms of community support from the policing aspects of security measures such as stop and searches. Its negative outcomes were recorded by the House of Commons Home Affairs Committee<sup>163</sup> which found 'a clear perception among all our Muslim witnesses that Muslims are being stigmatised by the operation of the Terrorism Act: this is extremely harmful to community relations'. Another instance of clashing strands of CONTEST concerned the installation in 2010 of surveillance cameras in Washwood Heath and Smallwood, areas of Birmingham with large Muslim populations. On the one hand, the cameras were presented by the Safer Birmingham Partnership as combating anti-social behaviour and crime. On the other hand, the communities were not told that the cameras were financed by a grant from the Association of Chief Police Officers (Terrorism and Allied Matters) and included covert cameras with automatic number plate recognition technology. After protests, those covert cameras were removed.<sup>164</sup>

<sup>161</sup> Kundani, *Spooked! How not to Prevent Violent Extremism*; House of Commons Communities and Local Government Committee, *Preventing Violent Extremism*, [40].

<sup>162</sup> See House of Commons Communities and Local Government Committee, *Preventing Violent Extremism*, [148], [169], [172], [173]; Bartlett *et al.*, *The Edge of Violence*, p. 41; Briggs, 'Community engagement for counterterrorism', 972.

<sup>163</sup> Home Affairs Committee, *Terrorism and Community Relations* (2005–6 HC 165-1), [153]. See also G. Mythen, S. Walklate and F. Khan, "I'm a Muslim, but I'm not a terrorist" (2009) 49 *British Journal of Criminology* 736, 744; Defence Science and Technology Laboratory, *What Perceptions do the UK Public Have Concerning the Impact of Counter-Terrorism Legislation Implemented since 2000?* (London: Home Office Occasional Paper 88, 2010).

<sup>164</sup> See S. Thornton, *Project Champion* (Kidlington: Thames Valley Police, 2010).

The impact of excessive policing may not necessarily translate into the generation of new terrorists. The jihadi cause is not the same as Northern Ireland Republicanism, where the aggressive imposition of security policies within tightly drawn communities was a prime aggravating factor.<sup>165</sup> Nevertheless, insensitive interventions will create social tensions which deter communities from being forthcoming with information and assistance.<sup>166</sup>

The official assessment remains that 'the UK faces a serious and sustained threat from terrorism', as a result of which the security level was increased to 'severe' in January 2010.<sup>167</sup> Within this heightened sense of public vulnerability, an emphasis on community safety will have mounting cogency to police and politicians, and so further 'Prevent' measures can be anticipated. Their attractiveness is driven especially by the emergence of 'neighbour' terrorism and by the impetus towards responses to the anticipatory risk of attack rather than perpetrated crime. But with risk-based responses comes uncertainty, giving rise to the inevitability that innocent persons and communities will be unfairly affected and that the discomfort of state intervention will not easily be confined to exceptional situations bounded by temporal, spatial or communal divisions.<sup>168</sup> Even with that price being paid, and even with communities onside, one can be certain that not every catastrophe will be averted. The dismal prospect is that, no matter how much the state strives to 'Prevent', the current emanations of violent extremism will take many decades to assuage.<sup>169</sup>

<sup>165</sup> Cf. S. Greer, 'Human rights and the struggle against terrorism in the United Kingdom' [2008] *European Human Rights Law Review* 163; C. Pantazis and S. Pemberton, 'From the "Old" to the "New" Suspected Community' (2009) 49 *British Journal of Criminology* 646.

<sup>166</sup> See T. M. McDonnell, 'Targeting the foreign born by race and nationality' (2004) 16 *Pace International Law Review* 19.

<sup>167</sup> Cabinet Office, *National Risk Register of Civil Emergencies 2010 Edition* (London, 2010), [2.77].

<sup>168</sup> O. Gross, 'Chaos and rules' (2003) 112 *Yale Law Journal* 1011, 1073–89.

<sup>169</sup> House of Commons Defence Select Committee, *UK National Security and Resilience* (2007–8 HC 718), 21 October 2008, p. 63 (Lord West).

Postscript: Restatements of prevent policies appeared in 2011 after the completion of this chapter. For the United Kingdom, see: Home Office, *Prevent Strategy* (London: Cm 809b, 2011). For the United States, see President of the United States, *Empowering Local Partners to Prevent Violent Extremism* (Washington DC, 2011).

