



Contesting identity and preventing
belonging: an analysis of British
counter-terrorism policy since the
Terrorism Act 2000 and the selective
application of the terrorism label in the
United Kingdom

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This extract from a doctoral paper examines the selective and racial understanding of terrorism in the UK, which has significant policy and national security implications. Firstly, the counter-terrorism strategy does not view violence from far-right extremism as terrorism. Further, the disproportionate focus on the Muslim community leads to resentment and alienation, and so fuels Islamic extremism. This selective application of the terrorism label weakens the concept of UK citizenship, redrawing it along racial lines where citizens with a recent history of immigration are more vulnerable to coercive state power. Finally, the paper argues that a dismantling of counter-terrorism legislation and the extension of the category of hate crime to include politically-inspired offences would end this inaccurate and exclusionary view of terrorism.

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Executive summary

Research findings

This executive summary reflects the doctoral thesis of the author at the London School of Economics and Political Science. It draws together a critical deconstruction of the three versions of *Contest*, the UK's flagship counter-terrorism policy, as well as an analysis of terrorism and immigration legislation enacted since 9/11.

The research starts by asking why events such as the murders of Lee Rigby, Mohammed Saleem and Jo Cox, all of which neatly fall under the legal definition of terrorism under the Terrorism Act 2000, are not all considered acts of terrorism by the UK government. Only Lee Rigby's murder was considered an act of terrorism. **This leads to the question: what explains the selective application of the terrorism label in the UK?**

The analysis of the UK counter-terrorism policy reveals that the UK government considers terrorism to be a problem of the foreign 'Other'. This selective use of the terrorism label is not just about the construction of security, but also about the construction of identity.

This has two consequences: firstly, the framing of terrorism as Islamic and foreign means that the threat from far-right extremism is being overlooked by the UK government. Secondly, the selective use of the terrorism label is also profoundly weakening the concept of citizenship in the UK.

Addressing these issues would require a wholesale dismantling of the current counter-terrorism legislation and bringing terrorism offences under the umbrella of hate-crime legislation as politically-aggravated offences.

Background

The UK legal definition of terrorism is spelled out in the Terrorism Act 2000, but this definition is not being applied in a consistent manner by the UK government.

In May 2013, Drummer Lee Rigby was killed in Woolwich, London, by two men shouting extremist rhetoric, claiming that the murder was 'an eye-for-an-eye' revenge for the killings of Muslims by UK troops stationed abroad.

In April 2013, 82-year old Mohammed Saleem was killed by Pavlo Lapshyn in a racist attack. Lapshyn later planted three bombs near mosques in Walsall, Tipton and Wolverhampton.

In June 2016, MP Jo Cox was killed by Thomas Mair, a far-right extremist, who shouted "*this is for Britain*", "*keep Britain independent*", and "*Britain first*", as he stabbed her.

All of the above fall neatly under the UK legal definition of terrorism, as defined in the Terrorist Act 2000. Nonetheless, only one event, Lee Rigby's murder, was considered an act of terror by the UK government. After Lee Rigby was murdered, the then Prime Minister, David Cameron, immediately referred to it as a terrorist attack. He quickly chaired an emergency COBRA (crisis response) meeting and launched a new taskforce to fight extremism.

After Jo Cox was murdered, no COBRA meetings were needed; no new taskforce to fight far-right extremism was announced. The Prime Minister, Theresa May, did not even provide a statement after Thomas Mair – who had clear links to far-right extremism – was convicted. Jo Cox's murder was an act of terror in the mainland UK. And yet, there was silence from the government.

This indicates that the terrorism label is being used in a selective way by the UK government. This thesis set out to answer the following question: **what explains the selective use of the terrorism label in the UK?**

The research

The thesis analysed the three versions of the UK government's policy on counter-terrorism, entitled *Contest: the United Kingdom's strategy for countering terrorism: 2006, 2009 and 2011*. In particular, the analysis focused on two sections of the strategy papers, the section explaining the threat (henceforth referred to as *Contest*) and the one detailing the Prevent strategy (*Prevent*).

These two sections are crucial when deconstructing the official narrative of terrorism in the UK, as *Contest* reveals what the government understands terrorism to be, and *Prevent* shows the government's view of how people turn to terrorism. Together they form the clearest picture of the official understanding of terrorism in the UK.

The thesis used an innovative method of textual analysis called Critical Policy Narratives Analysis (CPNA). Human beings make sense of the world through story and narratives. CPNA allows us to look at government policy as another story or narrative about what terrorism is, who is to blame, and what is the solution. CPNA thus provides the tools for the deconstruction of the terrorism label, revealing the narrative that has led to its selective use by the UK government.

Policy analysis findings

The analysis of the terrorism policy papers reveals that the UK government understands terrorism to be a '**foreign problem**', a problem of the '**Other**'. Further, by placing Islam at the core of the causal story of terrorism, the policy gives UK Muslims the condition of the Other. This happens through a systematic use of assimilation, dissociative and invalidation techniques combined with the deployment of nationalist language.

For example: *Contest 2009* assimilates disparate instances of political violence such as the 1987 Palestinian Intifadah, attacks by Hezbollah, the Algerian Civil War, and tensions in Chechnya as being part of the same terrorist threat facing the UK. The single unifying thread connecting all of these events is Islam.

Through dissociation, the policy papers systematically remove geopolitical and historical context from the discussion of terrorism. This results in the complete failure to mention the Iraq War and any Western intervention in the Middle East in the story of terrorism presented in the policy. The only context given is that of religion.

Through invalidation, the policy dismisses any criticism of its foreign policy or grievances – such as the treatment of detainees at Guantanamo Bay in Cuba and Abu Ghraib prison in Iraq – as a matter of opinion and belief, further framing Islam as the single explanatory factor of terrorism.

The assimilation of disparate terrorist threats, the removal of the local context, and the invalidation of foreign policy criticism also serve to frame terrorism as a problem with roots – ideological, religious, and historical – outside of the UK. As such, terrorism is framed as a foreign problem: it literally comes from abroad in every single way.

This is reinforced by the repeated use of nationalist language throughout the policy. Terrorism and extremism are presented as foreign, as a result of a lack of UK values. Consequently, promoting UK identity and values becomes a central solution to terrorism.

Further, the policy papers completely discount far-right extremism and Northern Ireland-related terrorism as credible threats. Both are briefly discussed in only the 2011 version of *Prevent* and *Contest*, where they are not considered as serious national security concerns.

At no point are far-right extremism and Northern Ireland-related terrorism referred to using the nationalist language of shared values that accompanies the discussion of Islamic extremism. They are never described as being antithetical to UK values as defined in the strategy, reinforcing the framing of terrorism as a problem of the foreign Other.

This selective use of the terrorism label by the government is not just about the construction of security, but also about the construction of identity.

Conclusion 1 – The dismissal of far-right extremism

Far-right extremism is a problem in the UK. In 2014, an anonymous Home Office official spoke out against the UK government's sole focus on Islamic extremism. The official argued that the UK far right was as much of a threat as the so-called Islamic State, but the government failed to recognise it (Kinder 2014). This echoed a 2013 statement by James Brokenshire, a Home Office minister at the time, highlighting the need to focus on right-wing extremism in the UK (BBC 2013).

Further, a 2014 report by the Institute of Strategic Dialogue on the far right in Europe argued that violent action by far-right extremists was on the rise, and yet there was no proportionate response from European governments (Ramalingam 2014). It further argued that the bulk of the threat posed by the far right is felt through lower-level harassment, which tends to be relegated to the second tier of offences and not treated as terrorist acts (Ramalingam 2014).

A 2016 research project on lone-wolf terrorism conducted by the Royal United Services Institute in conjunction with Chatham House, the Institute for Strategic Dialogue, and the University of Leiden, warned that the focus of European governments on Islamic terrorism overlooked the threat from the far right (Smith, Barton, and Birdwell 2016). After analysing 31 countries over a 15-year period, the report found that while 38% of lone-wolf terror attacks in Europe were linked to Islamic extremism, 33% were connected to right-wing extremism.

The issue seems to be not only that the UK government focuses only on terrorism coming from Islamic extremists, **but that it does not seem to consider anything else to be terrorism**. This indicates that the UK government is overlooking the threat from far-right extremism.

Further, this official dismissal of far-right extremism as a dangerous threat results in the racial classification of behaviour, where the dangerous behaviour of people of colour is held up as an example of deviant cultural or religious beliefs, while

the same dangerous behaviour from white people is dismissed. This further explains the selective application of the terrorism label and further indicates **how terrorism policy and legislation have been used as a method of nationalist social control, regulating membership and belonging in the UK.**

Conclusion 2 – Terrorism as border control

The narrative of terrorism constructed in the official counter-terrorism policy is reflected in institutional boundaries present in terrorism legislation. These institutional boundaries consolidate the framing of terrorism as a foreign problem. The selective application of the terrorism label further acts as a way of protecting and reinforcing the bounded community of the nation state. In this way, constructions of identity and security present in the official narrative of counter-terrorism are a form of social control of membership.

This can be seen in measures such as the Counter-terrorism and Security Act 2015 (CTSA 2015). CTSA 2015 represents the culmination of the narrative of terrorism and the past 15 years of terrorism legislation. CTSA 2015, as well as its predecessors, works with the narrative in order to restructure the concept of UK citizenship, where those deemed as security threats are placed outside the official boundary of belonging.

These measures introduced by CTSA 2015 work together with previous developments in counter-terrorism legislation and policy to weaken the position of Muslims in the UK. Terrorism powers such as the *Prevent* strategy (which until 2011 had a demographic component, giving any local authority with 5% Muslim population automatic *Prevent* funding), Temporary Restrictions on Travel, and Terrorism Prevention and Investigation Measures (TPIMs), disproportionately affect the Muslim community.

Terrorism powers profoundly alter the relationship between the state and the citizen. The rule of law is a key tenet of the relationship between a state and those within its jurisdiction. And the rule of law depends on the presumption of innocence. But counter-terrorism legislation relies on a bevy of administrative and executive

measures that effectively sidestep the rule of law, deploying punitive measures before the criminal justice system becomes involved. This has the potential to fundamentally alter the relationship of certain UK citizens and the state.

Moreover, terrorism measures further affect UK citizenship, creating a distinction between those citizens with an immigrant background, and those without. Two specific terrorism powers – Temporary Exclusion Orders (TEOs) and Deprivation of Citizenship – work together with the selective application of the terrorism label so as to make it possible to *deport UK citizens*. TEOs and Deprivation of Citizenship overwhelmingly affect UK citizens with a recent history of immigration.

Terrorism powers and their selective application thus work together to effectively create a binary distinction between ‘immigrant’ citizens and those considered to be ‘native’ citizens. ‘Immigrant’ citizens are those UK citizens with a history of immigration. ‘Native’ citizens are those with no history of immigration, at least not a recent history, and they are virtually immune from most of the above powers.

Significantly, it would be nearly impossible to use most current counter-terrorism measures to fight far-right extremism. That is because most terrorism powers rely on individuals having a connection outside of Britain – either by travelling to fight, train or simply having access to a second nationality. This highlights both the fundamental way the UK state is unprepared to tackle far-right extremism, and how current counter-terrorism powers directly rely on concepts of nationality and Otherness.

In this way, terrorism measures fundamentally restructure the concept of UK citizenship, distinguishing between those citizens with an immigrant background, and those without.

The label of terrorism is thus anchored in a narrative that strongly differentiates between different categories of citizens. Consequently, terrorism powers are themselves serving as a way of regulating membership in the UK, which has profound consequences for UK society.

Practical policy implications and recommendations

It is not controversial to say that there needs to be a rethink of the UK understanding of terrorism. When giving evidence to the Joint Committee of Human Rights, David Anderson, the UK Independent Reviewer of Terrorism Legislation, named the definition of terrorism as one of the three most pressing challenges posed by counter-terrorism to effective human rights protection in the UK (JCHR 2014). But while Anderson is concerned with the breadth of the legal definition, I am concerned with how narrow its application is.

A key way of tackling this problem could be to bring terrorism offences under the umbrella of hate-crime legislation. As explained above, most current counter-terrorism measures cannot be applied to far-right extremism. Furthermore, the pre-trial nature of counter-terrorism powers is deeply damaging for UK citizenship and society, so the solution cannot lie in the expansion of these powers to a different group. Rather, the inclusion of 'politically-aggravated crime' to the already existing categories of hate crime would end terrorism's framing as a special kind of crime.

This change would entail the wholesale dismantling of counter-terrorism legislation. This is an argument put forward primarily by Conor Gearty (Gearty 2007). He argues that there is a wide range of ordinary law governing crimes like murder and criminal damage plus offences such as incitement, attempt, and conspiracy, which, with minor modification, already cover the breadth of offences that currently fall under the terrorism label.

Hate crimes encompass a large range of crimes committed by and affecting different communities. Every year, there are dozens of events that fall under the UK legal definition of terrorism, most of them related to far-right extremism. However, for the most part, they are considered to be racially-aggravated offences. Treating terrorism as a hate crime would ensure that far-right extremism is no longer overlooked. Moreover, it would end the pre-trial nature of counter-terrorism powers, which is so damaging for both UK citizenship and effective human rights protection in the UK.

The selective deployment of the terrorism label and terrorism powers can have deadly consequences, and it has become more important than ever that its role in restructuring UK citizenship is properly understood. It is a symptom of a deep institutional failure within counter-terrorism policy. Treating terrorism – of any kind – as a hate crime would bring much-needed change to the UK national security strategy.

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This is the first in a planned series of Braunthal Reports.

The Braunthal Reports are named after the Founder of The Bonnart Trust. Freddy Bonnart-Braunthal set up the trust in 2002 to *“establish and maintain scholarships at universities in the United Kingdom for research at the postgraduate level into the nature of racial, religious and cultural intolerance with a view to finding a means to combat it”*.

Freddy had personal experience of prejudice. At the outbreak of WWII he was studying economics at LSE and was evacuated to Cambridge, but in 1940 he was labelled an ‘enemy alien’ and interned to a camp in Canada for 10 months. He was eventually allowed to return to Britain to fight against Nazism. On joining the army in 1943, he changed his name to Frederick Bonnart. However, he was determined that his original name be preserved and associated with the actions of the Trust – hence we are calling these papers The Braunthal Reports.

The Braunthal Reports are based on analysis and recommendations drawn from the dissertations submitted for a doctorate by the Scholars funded by The Bonnart Trust. They are freely available and can be downloaded from the trust website. www.fbbtrust.org.uk

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