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Anti-Terrorism, Citizenship and Security

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## Framing and evaluating anti-terrorism policy

There are, as we have seen, numerous reasons to take public understandings, experiences and discussions of anti-terrorism powers more seriously than has been the case to date. In the first instance, doing so offers opportunity, as argued in Chapter 1, for thinking through efficacy and impact in this particular area of security policy. It also, as outlined in Chapter 2, presents scope for exploring changes in practices and experiences of citizenship. This, we suggested, becomes especially significant if we approach citizenship as a performative, lived phenomenon rather than solely a formal legal status.

In this chapter we begin our attempt to explore these dynamics, by setting out the diversity of perspectives we encountered in relation to the UK's anti-terrorism powers. Our discussion offers a detailed account of the ways in which these perspectives are formulated, justified, discussed and reasoned through by individuals of different demographic and experiential backgrounds, pointing to some of the anchors upon which these knowledge claims rest. We begin by identifying prominent reasons for scepticism or outright opposition towards the UK's anti-terrorism assemblage. These included concerns around the creation of a climate of fear and alienation of minority communities, questions about the effectiveness of such powers, doubts over whether they address the root causes of terrorism, suspicions that anti-terrorism presents little more than an exercise in 'security theatre', civil liberty concerns, and fear about the potential for their misuse.

In a second section we turn to more specific concerns that we encountered in relation to three measures that received particular attention in our research: stop and search powers codified in Section 44 of the 2000 Terrorism Act; pre-charge detention; and inchoate offences relating to the encouragement or glorification of terrorism. The chapter's final section identifies a number of less-sceptical or dismissive views from participants in our groups, including the belief that the state is obliged to respond to the continuing (perhaps evolving) threat of terrorism, concerns over the ability of 'ordinary' citizens

to assess the necessity of developments in this policy area and confidence in the existence of sufficient safeguards, checks and balances through which miscarriages of justice might be redressed. These views – dismissive and otherwise – are linked in subsequent chapters to claims about citizenship and security more specifically.

### **‘A whole load of rubbish’<sup>1</sup>**

One of the most frequent concerns articulated to us in our focus groups was that the UK anti-terrorism framework both contributed to and potentially perpetuated a climate of fear that ‘scares people’ (Oldham, Asian, Female). Discussions of anti-terrorism as a driver of anxiety were fairly widespread in our groups; one participant, for example, argued that recent developments were ‘creating a complete fear culture and part of that police state kind of environment’ (London, Asian, Female). Another female participant suggested that the UK’s approach had created ‘a culture of suspicion’ (Oldham, Asian, Female). As she continued, reflecting on a Metropolitan Police poster identifying potential triggers of suspicion such as the ownership of multiple mobile telephones, photography equipment and commercial transport such as vans:

It’s the reds under the beds thing and it’s come back round again and now it’s aimed at the way a person looks or dresses and it’s like when you’re taking pictures and stuff and you’re driving a white van and you’ve got more than one phone. I mean you’re buggered then. (Oldham, Asian, Female)

Fears that this climate might become self-fulfilling were also a concern for some of our participants: ‘I think that if you exaggerate the threat, as we are inclined to do in this country, then you are going to accentuate the threat; it’s going to get worse’ (Llanelli, White, Male). Others described their own anxieties in relation to the protection of privacy. As one male put it – in a group that was conducted before the 2013 NSA revelations:<sup>2</sup>

one of the kind of things about the way terrorism is dealt with ... it has kind of led to a huge information trawl, because you get all involved in everybody’s life, the amount that’s known about me is kind of extraordinary and it’s on so many different databases and there are so many different ways that our government organisations and other organisations can find out. And to some extent that I find just as uncomfortable in a way as any terrorist threat. (London, White, Male)

In another group a white female described her encounter with post-9/11 airport security procedures as one that 'kind of makes you feel a bit more, I don't know, uncomfortable and jumpy about things' (Oxford, White, Female). Elsewhere, this fear was linked instead to high-profile tragic errors such as the July 2005 shooting of Jean-Charles de Menezes (see also Jarvis and Lister 2015b):<sup>3</sup>

when I look at that whole incident objectively, the main factor that I think I can [see is] ... the whole sense of fear that was stirred up by mainly the media around that time. You can obviously not excuse it for happening, but you can understand what would put a fallible human in that kind of position. (London, White, Male)

Other participants in our groups suggested that experiences of this climate posed potentially quite damaging consequences for political protest and dissent (hence citizenship), in that: 'you should be allowed to question your government and any measures that they bring out, especially if it affects you directly. But to do so means, you know, you're then regarded with some suspicion and you're almost, you know, setting yourself up for rendering' (Oldham, Asian, Female).

These accounts of the negative societal consequences of anti-terrorism powers were accompanied, in many of our groups, by reflection on the more specific impact of such powers on particular communities. Individuals identifying with a range of ethnic identities pointed, repeatedly, to the risk that contemporary powers – and their application – would alienate minority populations. In addition to the view that such alienation would harm community relations (see Chapter 4), we encountered a sense that this could also pose security problems, and, indeed, increase rather than decrease the threat of terrorism. As one male put it: 'It concerns me that people may be driven to terrorism, who might be law abiding and so on, by the very treatment they get by the police' (Llanelli, White, Male). Another person stated, 'we have to be careful, as a society, we're not ... driving our young, vulnerable persons into the hands of the wrong persons by the way we are structuring our laws' (London, Black, Female). The singling out of Muslim communities as especial 'stakeholders' in the provision of collective security (Jarvis and Lister 2010) was widely discussed in this context. As one Asian female demonstrated, there were very real concerns here about a weakening of the vertical relationship between citizen and state *because of* anti-terrorism initiatives:

the security services can argue this point with the justification that for the security of the country it is necessary that we employ tactics such as going into mosques etc., using informants, you know. You can't disagree with it

much, but in terms of the tactics they employ where they approach vulnerable children, vulnerable youngsters, and then using scare tactics like showing them photos of their families etc., basically a veiled warning, and saying, If you don't provide us with this or you don't engage in this then you know what the consequences will be. And these kinds of tactics I don't think are very productive; could be very counterproductive. (London, Asian, Female)

A male participant, speaking also in London, was more explicit still, arguing that the targeting of Asian youth in particular would likely generate support for extremist political movements:

And this is just disenfranchising the sort of further ... the sort of Asian population, the Asian youngsters. And especially because unemployment is also highly predominant in these areas, for them the easiest thing for them to relate to is radical Islamism, extremism. ... through the policies such as this they will create a Leviathan, and then they will say and turn around and then they will say, I told you so; we told you that there was this problem. But the thing is the government is playing its orchestrating part in creating this problem. (London, Asian, Male)

These concerns over the differential and discriminatory use of anti-terrorism powers were frequently connected to anxieties of targeted surveillance by the state, its agents, or other citizens. Numerous participants in our groups discussed such panoptical fears, noting the extent to which their behaviour was altered in public and private spaces as a consequence thereof. While some posited an omnipresent state surveillance ('I'm being watched, I'm being searched, I'm a target group, I'm not safe' (Swansea, Black, Female)), others described avoiding particular types of vocabulary and behaviours, as in the following conversation which took place with a focus group moderator:

MO: Do you feel that people ...? You said there, you know, that you wouldn't say certain words. Do you feel watched, in a sense? Do you feel surveilled?

A: Not all the time, but here if we are like sitting in a public bar or something like that, even if we are talking in general, we are just discussing or joking with one another, we are worried. Because we think that if somebody might have overheard it and then they just go and inform the police, then all those ... I saw the people though, they were sitting in the bar and they were talking about bombs and everything. If something comes up tomorrow, God forbid, if something comes up tomorrow and obviously that person is going to report, Oh, I heard those two guys, they were talking about those bombs and all that. (Oxford, Asian, Female)

In another discussion, the removal of a dedicated prayer room at the university attended by one of our participants was also connected to anti-terrorism initiatives: 'And I think it is all down to this idea of having a lot of surveillance within universities and having this freedom taken away' (London, Asian, Male).

A third set of concerns focused on the ineffective nature of the anti-terrorism framework in its current formulation. One participant, discussing the irrelevance of many contemporary powers, argued, 'I don't believe that a lot of these things are necessary' (London, Black, Female); a view with which many others agreed: 'you're never going to catch the people by doing that ... you're just going to be suspecting everyone around you, which will just make ... it wouldn't work' (London, Asian, Female). Some pointed to a lack of discernible evidence for the continuation of contemporary powers: 'in most of the cases I can think of, it wasn't ... you know, we didn't stop terrorism based on these measures' (London, Black, Female). As another, similarly, put it,

What I was going to say was like Guantanamo Bay, they locked people up without ... because they were suspected of being terrorists, or whatever, but bombings went on all over the world, you know, whilst people were in Guantanamo Bay, so it wasn't actually stopping anything so therefore, to me, it was ineffective. (Oldham, White, Female)

The lack of focus – and concomitant waste of resources – within the current framework also drew criticism. One participant from Llanelli, for example, bemoaned the lack of selectivity amongst airport security measures, where staff:

go through your things, your hand luggage. All these things I find ... do we look like terrorists? Do we look like followers of Al-Qaeda? Answer me ... Holiday in Spain, and there were 200 people going to Majorca, some of them ... children, myself, all sorts, family; and it's strange that they should have these measures. Why can't they be more selective? (Llanelli, White, Male).

He continued – amidst challenge from other members in the group: 'I'm not racist or whatever – but followers of al-Qaeda are basically Pakistani, Afghanistan, Iran, aren't they?' (Llanelli, White, Male).

Closely tied to these concerns were accusations of governmental overreaction, with a spread of unnecessary anti-terrorism mechanisms (often personally experienced) identified to bolster these criticisms. These included: first, airport security measures – 'I'd safety-pinned it and put a sewing kit in my bag, and they'd confiscated both safety-pin and sewing kit; such was the ridiculousness ... and I just thought that was so, extreme and pointless' (Oxford, White, Female); second, the removal of bins in public places – 'there

is a, sort of, kneejerk reaction, let's get rid of all the bins or whatever because somebody might put a parcel in it and it might blow up, but it's a sign of the times, I think' (Oldham, White, Female); and, third, terrorism warning posters on public transport – 'Back to the posters, I just think that's an overreaction. I think that an awful lot of people travelling on the Tube will have at least, you know, will be suspicious by those definitions' (Oxford, White, Female).

Staying with questions around efficacy, other people pointed to the static and backward-looking nature of anti-terrorism policy, and the problem that 'terrorists come in different forms' (London, Black, Female), and, indeed, innovate:

The problem with profiling is, as soon as you start to profile, you know, brown-skinned, you know, guys in their early thirties, that, you know, the real terrorists, if they're clever enough, will start, you know, using white women as their suicide bombers, which obviously they do. So there's a big danger in profiling. (London, Asian, Male)

A disconnect between contemporary fears and the realities of life in Britain today was also prominent in these discussions. One individual discussing the aforementioned anti-terrorism warning campaigns, for example, argued, 'that says terrorist communications, have you seen anyone with large quantities of mobile phones; my brother alone has got three. Almost every Asian man has got more than one' (Oldham, Asian, Female). In the words of another:

I've got a friend who's got five cell phones, because they have each SIM card does different things, different minutes. Now, back in our days at school it would be like, yeah, three phones, got my three numbers, be hating it if you were trying to keep in touch with the person, but that's the way of life. But now they've said if a person has got more than one phone or is having a large number of mobile phones, let's raise an eyebrow, it could be a terrorist. And that in itself is very, very stupid actually. (London, Asian, Female)

Criticisms such as these led to reflection on life in a multicultural Britain, as well as public and political ignorance of different social and cultural expectations. As one participant put it discussing the same campaign:

I think this is where the problem of having everyone policing one another comes in, because cultures are different. In Africa people are used to having three or four phones ... That information is so vague, if you're asking people who are in the country to call when you suspect a terrorist. So I think, like he mentioned, there is a problem with ... for us or people that live in a multicultural community. (Swansea, Black, Female)

A fourth set of criticisms focused on the utility of the criminal justice system as the appropriate field for confronting terrorist violence. As one participant put it, 'laws don't solve social problems. We have made these terrorism laws and terrorism has not gone away' (London, Black, Female). Viewed thus, the current anti-terrorism framework emerges as little more than a distraction, discouraging more penetrating analysis of the root causes beneath participation in terrorist activities. As another individual suggested in a critical discussion of the UK's approach: 'But we also don't hear why are people wanting to join a terrorism group? What do we need to do to change our Middle Eastern policies so that maybe people aren't so compelled to commit acts like this? It never seems to really look particularly deeply into it' (London, White, Female).

A fifth concern, connected to the above, was that anti-terrorism mechanisms offer little more than an exercise in security theatre by the state and its apparatuses. Here, powers such as enhanced security checks at airports were described as an effort, simply, to demonstrate that something was being done to confront terrorism. In the words of one male: 'I think I'd suspect that they're all about creating the impression that somebody's doing something' (London, White, Male). The potential beneficiaries of this performative gesture varied in these discussions. For some, they had a role in reassuring the public, such that, 'I think these measures are only put in place to almost make people feel safe' (London, Black, Female).<sup>4</sup> Other, more sceptical, voices argued that this sort of theatre posed value for political, military and other elites with more nefarious motives:

God help us, there may be a terrorist attack in London, and they're expecting one any day, I gather, you know. But a lot of this is being used as cover for measures with authoritative people. The police in particular, the army too, and others as well, and God knows. (Llanelli, White, Male)

Discussions of anti-terrorism's performative power pointed to distinct, yet not necessarily unrelated, dynamics. Some highlighted the inability or unwillingness of publics to contest dominant terrorism discourses. For one participant, for example, 'If they say, But we're doing this for you, you know, we're preventing anti-terrorism, people are much more likely to say, Oh well, you have to do it' (Oldham, White, Male). For another, similarly, 'if you say anti-terrorism it is like a mantra: oh yes, we must have it. I do think we're becoming more and more of a police state' (Llanelli, White, Female). Others argued that there might be more immediate material interests at work in this area, with little connection to the prevention of terrorism: 'now they've banned fluids from going into the airports. You wonder if it's, if it's real, if it's ... if there was a real threat, or if it's a commercial reality for you to buy something



when you get in the airport, as opposed to carry something in' (London, Black, Female). However explained, anecdotes to confirm this criticism were forthcoming in several of our groups. One participant, for example, recounted an encounter between the police and her husband, who had been stopped while working on the perimeter of London's Heathrow Airport. Picking up the story, in her words, he:

was just about to drive off, when he was surrounded by three vehicles, very, very tight. They opened up, and the car was surrounded completely by officers, armed officers, all of them with their backs towards him, apart from the one right at his window, which was right up against the window, with the gun pretty much in his face, and stopped him getting out the car, and stopped him doing anything. There was another van that was a couple of foot up that he could see, in front, with the back doors open, with the dogs in. They didn't let the dogs out, but they were very clear that the dogs are there. Anyway, [my husband] explained who he was, gave them identification, got that, and in the end he was taken to one side, and said, Look, we know you're fine, but actually this is more a demonstration to other people than it is just to you. And he was like, Well, if they're half as frightened as I am. You know, [my husband's] got quite dark skin, hasn't he? (Oxford, White, Female)

A sixth source of concern focused on the civil liberty implications of anti-terrorism powers. In the words of one participant, 'Every time you legislate, you eat away into somebody's rights' (London, Black, Female). As another put it: 'Some of these powers remove that freedom of individuals, and it restricts the democracy that we live in' (Oxford, White, Female). Developments in this area were seen to have widespread impacts upon the organisation of political life in the UK, given that they raise profound questions for:

democratic society that, you know, that we're taught from day one, you know, we're all equal, we've all got an equal chance, but you, that group, because you look a bit different, you know, yeah. It kind of questions, you know, the other policies that we have and, you know, free speech, free this, you know, like freedom of movement. (Oldham, Asian, Female)

These civil rights incursions<sup>5</sup> were often explained by reference to elite efforts to use, manipulate or exaggerate the threat of terrorism. One individual, for example, argued, 'We're becoming a police state, and we ought to be careful of government or the executive not using its powers through, um, in the name of terrorism, to infringe on our civil liberties' (London, Black, Female). As another pointed out, however, this may not be entirely unprecedented: 'There was certainly a campaign in place against the IRA, and against every other

organisation stretching back ... it's always been something that terrorism has been ... a reason or excuse for suspending civil liberties' (London, White, Male). Several individuals sought to contest the hyperbole around the current terrorist threat, and thereby desecuritize it (see Roe 2004). As in the following examples, numerical evidence was frequently cited in such attempts:

I think there is this pulling of the levers to severe, not so severe, high risk etc. It's just, again, it's like sort of ... because when you count the figures of the people that are arrested and the huge media hype by the tabloid newspapers when somebody is arrested, out of 100% of people who are arrested 94% are released without charge, 6% are convicted of any terrorism-related offences. So, when you sort of tally up the figures the sort of media hype really doesn't make much sense. (London, Asian, Male)

[W]hen you look at the statistics, 0.4% of terrorist attacks have been Islamic or have been Islamic fundamentalists and the other 96% are peace-loving Muslim people, but it's just that 0.4% that is picked on by the media because the media needs that devil folklore sort of person to blame. (Oldham, Asian, Female)

Others described their suspicion of dominant constructions of this threat. One person, for instance, told us, 'I am wary of terrorism, but I'm also wary of what kind of information the government gives us that [is] almost creating fear' (London, Black, Female). Another, referring to the London suicide bombings of 7 July 2005, suggested, 'the big terrorist event that happened in London, I think, allows the government to manipulate, and the media to manipulate ... take that fear and say, Don't worry, you're secure, trust us to take care of you, and then you have an entirely different public perception' (London, White, Female).

Importantly, civil liberty concerns around anti-terrorism were rarely treated as an isolated issue divorced from wider political contexts. Many of our participants drew broader implications from developments in this area of public policy, seeing these as indicative of more general governance trends. One, for example, stated, 'I don't want to live in a Big Brother state, where every single move is being watched' (Oxford, White, Female). Another, describing control order powers, argued, 'it's almost like harking back to like that 1984 George Orwell sort of thing, isn't it?' (Oldham, Asian, Female). These oppositions, however, were far from utopian musings devoid of any sense of the challenges of managing the demands of liberty and security. Indeed, we encountered explicit acceptance amongst several of our participants of the need to live with the threat of terrorism as a far preferable alternative to pervasive efforts to control its risk. As one participant put it:

I want to be part of the community. I want to be open. I want to be social. And what this, these kinds of anti-terrorism measures make me feel; I don't know how effective they are at preventing terrorism. I doubt they are. All that they do is that they make me feel this, you know, this closed borders thing, and I think it breeds that sense of insecurity. It breeds this disconnected citizenship. (Oxford, White, Female)

As she continued:

I think part of being a liberal is that you accept that there are certain consequences to freedom, and there are certain negative consequences of having freedom, in that there will be nutters out there that will cause terror. And you can choose to be affected by this, and you can choose to have draconian measures that restrict everybody's freedom and lives; or you can accept that that's part of life and not let them terrorise you and get on with life, and ignore it. You can't ignore it and you should respect it, the victims, and that's not what I mean, and, but you cannot let their behaviour affect yours. (Oxford, White, Female)

A final source of concern we encountered was the possibility that anti-terrorism powers might be misused by 'bad apples' within the police or intelligence services. One participant, speaking with regard to the government's recent approach argued, 'They have to be very careful about their misuse. They have to be very, very, very careful' (London, Black, Female). Another, in a different focus group, stated, 'they all can be abused. That is one of the key factors that I'm picking up on about the anti-terrorism measures. They're important but they can be abused' (London, Black, Male). Some pointed to the need for training and safeguards such that: 'I hope the police officers have been retuned socially, so you don't have people who are ... perpetuating their own anger, resentment, violence and hatred at ethnic people. We have to be careful that it's not misused' (London, Black, Female). This might be seen as doubly important, given that 'any of those control orders, any of those can be used on the hearsay or the discretion of the police and you're never told what you've done wrong, you're never told why or how you've been detained' (Oldham, Asian, Female). This concern gained added emphasis from those identifying with minority ethnic identities who pointed to their own experiences of feeling unfairly targeted by the state: 'The police are gaining more powers, and they're backing people into a corner, and they are becoming bullies. And we don't feel safe. We're being bullied' (London, Black, Female); and 'Terrorism, as a theory, has been used to target ethnic persons' (London, Black, Female).

Within these discussions about misuse, a number of our participants spoke to two further dangers that have been explored at length in recent academic

debate. First, that such powers would be used for purposes other than countering terrorism: ‘the power to stop and search, that’s not specifically for bombing. I don’t think that’s an anti-terrorism thing at all. I think that’s a catch-all so they can, you know, they see three black guys in a car, they’ll stop it because they think there’s going to be drugs in there’ (Oldham, White, Male). Second, that public ignorance of developments in this area meant that such powers would be consolidated without contestation or even recognition: ‘a lot of people won’t realise what happened to them until after all these laws are in place, and then one day, they will wake up and say, Oh, oh, we can’t do anything now’ (London, Black, Female).

### **‘Too much of an infringement on our civil liberties’<sup>6</sup>**

The sources of hostility towards anti-terrorism powers considered in the above discussion were, in the main, articulated in general terms. Whether viewed as a driver of public insecurity, an irrelevance, a distraction, an exercise in security theatre or an effort at social manipulation, these critiques targeted the UK’s anti-terrorism framework in its entirety, often, indeed, blending it into other governmental programmes. Moving away now from general attitudes, we turn to three specific policy areas within the anti-terrorism framework that attracted particular comment across our groups.<sup>7</sup> These concerned: first, stop and search powers contained within Section 44 of the 2000 Terrorism Act; second, the detention of terrorist suspects before charge; and, third, the offence to glorify, incite or encourage terrorism (Section 1 of the 2006 Terrorism Act).

#### *Stop and search*

Discussion of the Section 44 stop and search powers was largely organised around three perspectives. The first, and least common, was support for the powers, with two justifications offered to this end. A first was that the existence of these alone offered sufficient evidence for their necessity, despite the potentially negative consequences that may result from their misuse. In the words of one participant: ‘I don’t have an issue with it. But then there are issues of racial profiling that come into this ... So, I mean, it is something necessary, most probably something that not many people can argue against’ (London, Asian, Male). Others agreed, pointing to the limited direct impact of such powers upon their own lives: ‘I don’t mind the power to stop and search a vehicle. It doesn’t bother me if they stop and search me’ (Oldham, White, Male); and ‘We need something like this, don’t we? I mean, the power to stop

and search, I think, in some ways that doesn't bother me' (Oxford, White, Female). As one woman put it: 'personally, I won't care being stopped as you say, well, I have nothing to hide, it wouldn't affect me that much' (Oxford, White, Female).

A second justification focused on the searches' perceived appropriateness, given the likely profile of potential terrorists. Participants discussing stop and search in these terms recognised their potential differential application but dismissed this either as a minor inconvenience or as evidence (again) of their necessity. In the words of one Asian female,

if there were laws about stopping and searching and so on, yes, there may be that one particular black guy who's a Rastafarian who gets stopped every ... but it still happens just to show that he's more likely to commit a crime than everybody else. And is it really that bad that he gets stopped ... fine, once a day? (London, Asian, Female)

This individual did, however, subsequently qualify her support for the measure, emphasising the importance of her faith in the fairness afforded by the police and legal system:

It's probably because I've never been stopped and searched. Maybe that would change if I had or if my husband's targeted ... but to me, I feel that, if I was mistakenly identified, I think I would have enough access to legal counsel and to be able to make sure that my voice was heard and that my rights would be enforced. (London, Asian, Female)

Most of our participants did not share these views, instead articulating their opposition to stop and search. In some cases, this was aimed not at the powers per se, but rather their implementation and potential for racial profiling. In the words of one individual, stop and search was targeted at 'Asian faces' (Birmingham, Asian, Female). A male participant in London noted a 'huge increase in stop and search for particular races' (London, Asian, Male), with another still arguing that stop and search is 'creating racism' as it is 'not stopping everyone, it's stopping a particular number of people' (Swansea, Black, Female). Many of those perceiving themselves unaffected directly offered similar criticism. One white participant in Llanelli, for example, suggested:

Can I just say that when you come to the stop and search business, people who are stopped and searched are usually black, even if they come from a very respectable ... Far more proportion of black people are stopped. And, as [another] said, if anybody looks a bit funny with long hair and a beard, they stop them too. (Llanelli, White, Male)

Another – a former policewoman – argued similarly, drawing on the ‘bad apple’ criticism above:

Unfortunately, in the wrong hands, you know ... I’d be concerned that it’d be every Asian stopped, every black lad stopped because black girls don’t do it, you know. You know, if you look at it, you know, you don’t get black girl terrorists, you don’t get ... you’ve got the black lads who are going [to be] thieves and vagabonds and you’ve got the Asians who are ... the Asian lads who are going to blow up trains and stuff, so you could stop and search any of those and ... just the thoughts that they would get stopped and searched without suspicion because they are Asian or because they are black would be worrying, I think. (Oldham, White, Female)

Some critics did, in this context, argue that their support would be more forthcoming if the measure was applied less disproportionately. As one male put it:

I believe very much the stop and search powers, I think they’re good, because, yes, if you have reasonable grounds to believe someone is a terrorist or has just stolen something, or has just committed something which may lead to a terrorist act, fine, stop them. But don’t pick people just because of the way they’re dressed. (Swansea, Black, Male)

As the above suggests, we encountered particular concern at Section 44’s ‘without suspicion’ clause. This clearly underpins fears about racial profiling, and the clause’s capacity to conceal the use of ethnicity as a marker for suspicion. Other participants, however, expressed a broader concern that blanket stop and search powers violate fundamental citizenship rights. In the words of one male: ‘if we do walk around in London or drive a car in London, we can be stopped without reason ... I think is too much of an infringement on our civil liberties ... I don’t think stop and search without suspicion helps’ (London, Asian, Male). Another described stop and search as ‘undemocratic’ and compromising people’s ability to ‘express themselves freely’ because those with particular appearances were more likely to be stopped (Swansea, Black, Male). In the words of another:

while the police stop and search a personal vehicle without suspicion, I believe that is one which can be abused a lot. Because now they can say, Well, we suspect terrorism, and then they use that because it’s like a social worker wanting to prove that they’ve got the power to sort of intimidate a mother by saying, I’ve got the power to take away your child. (London, Black, Female)

A third perspective we encountered focused on the effectiveness of stop and search as an anti-terrorism strategy. As the following demonstrates, a number of our participants expressed support for these powers in cases with reasonable grounds for suspicion, whilst, at the same time, arguing that the absence thereof renders their efficacy questionable, at best:

- A: I think like you said, if they stop somebody who is hiding something I would agree with that.
- B: But the point is, how likely are they to do that? I mean the whole point here is, without suspicion, so does that mean they're just randomly stopping and searching people and hoping to find amongst the millions of people moving around that they're going to catch someone? That doesn't seem that likely. (London, White, Males)

In the words of another: 'I don't think ... I've ever heard of a case where they stopped someone and found, oh he's got a bomb in his car, you know' (London, Black, Female).

As much of the above indicates, faith in the police and criminal justice system appear crucial to public evaluations of these powers. In the words of one white male, for instance: 'That's disgraceful. It means that any member of the security forces who has a grudge or a grievance, or a dislike or a prejudice can take it out, I mean, if there is no reasonable grounds' (Swansea, White, Male). In contrast, an Asian participant (who was supportive of stop and search in principle), similarly stated, 'when it comes to the judiciary, the actual system of justice generally speaking they are, for example, people are released etc. So, for me, I do have faith in the justice system' (London, Asian, Male).

Ethnicity offered no clear predictor of perspective here, with Asian participants, in some cases, quite supportive of stop and search powers. Although many of our black participants were more sceptical – often to the point of outright opposition – others qualified this hostility if equitable treatment could be guaranteed:

- MO: So even though many of you have had problems with stop and search, and reasonable use of that, you would still be okay with the idea of stop and search?
- A: If it's applied generally to everyone, not just picking a set of people. (Swansea, Black, Male)

Thus, in contrast to the absoluteness of opposition grounded in civil liberty principles which may be less amenable to change, concerns around the implementation of stop and search, at least in principle, could – seemingly – be potentially assuaged:

I think I'd be more comfortable if I saw in a month five white people stopped on the road and they were being checked. So when I get stopped I'll go, Oh, they're just doing their job. But if every time I see you're checking someone it's a black young boy, or it's someone from the BME community, then I feel like you're just pointing fingers, you're trying to look for something. But if I drove past and I say, They stopped the white guy, okay. So when I get stopped, all right, go, you're doing your job. I think that's the thing for me. (Swansea, Black, Male)

### **Pre-charge detention**

The complex and contested spread of attitudes we encountered in relation to stop and search powers was some distance from those on our second specific anti-terrorism measure: pre-charge detention. Whilst re-emphasising our proviso on the representativeness of our findings, barely a single voice articulated anything approaching support for the UK's pre-charge detention period – twenty-eight days at the time our research – or its extension to ninety days: a source of considerable political and press interest during this period. One individual in Oldham did argue:

I don't like indefinite; definitely not. I've no worries with somebody being kept in for twenty-eight days if, at the end of it, you either say, sorry, we have got the wrong person and we had good reason to believe you were the right person, so you're free to go, or, we're going to charge you. (Oldham, White, Female)

Most of our participants, however, articulated views much closer to a black female in London for whom, 'You can't detain someone without charge. I mean, it's just blatantly wrong' (London, Black, Female).

On one level, the detention limit was seen as violating certain fundamental, and inviolable, liberties. One individual asked, 'Doesn't this go against some sort of constitutional right? I know we don't have a constitution, but does it not impede some sort of human rights?' (Swansea, White, Male). A male participant in London invoked the UK's historical use of internment, asking, 'Is this the way Britain is heading?' (London, Asian, Male). Another couched his opposition in far more forceful language, arguing, 'you need as a country to be clear on where you stand and what you believe in and ... effectively if you believe in liberty of the individual, you believe in fundamental human rights ... And something like this ... flies completely in the face of, you know, one of the fundamental tenets of being innocent without ... innocent until you are proven guilty' (London, Asian, Male). Others still expressed



incredulity at the possibility of any public support for such an extended period of pre-charge detention:

So, and the reason for that is because it's counterproductive to national security, so for them to tell you what they're charging you with is counterproductive to national security, which is, I mean, how could you, how could anyone ... I don't see that anyone with a rational mind could turn around and say that that was legitimate and a legitimate requirement, you know, for the security of the country. You'd have to be a complete maniac on well and truly the right side of this law, someone who would never be subjugated to it, or never know anyone that was going to be subjugated to it, in a state of, you know, complete panic and fear to sanction this. (Birmingham, Asian, Male)

Importantly, many participants in our research were fully aware of the arguments most commonly used in efforts to extend the detention period, especially the need for additional time to obtain, examine or analyse evidence (Horne and Berman 2012). There was, however, considerable scepticism toward the instrumentalism of these arguments and their implications for fundamental rights:

Now, I actually understand that intelligence requires time to gather and whatnot, and, yes, maybe then we need to step up the ... put more money into intelligence-gathering or, you know, do something along that ... but I don't think you should fundamentally change certain lines that are ... that I think define who you are as a free nation. (London, Asian, Male)

As with stop and search, we also encountered concerns that pre-charge detention targets particular minorities. As one person put it:

the only problem is the execution of these laws and the legislation ... But again when you select a few, and target a few, and then only use those laws because you think they're not from, shall I say indigenous people, and you use these laws on them ... I think that's the major problem for me. (Swansea, Black, Male)

A final set of concerns surrounded the impacts on those subject to an incarceration of this length. These spanned pragmatic considerations relating to the detrimental implications for everyday life: 'if you are completely innocent and you have a mortgage and you have a child, after these thirty days, these twenty-eight days, it can create a big challenge for you to get your life [back on track]' (London, Asian, Male). They also, however, encompassed worries around the social stigma likely to be incurred as a result of detention under terrorism

laws: 'How can they come back into the community or workplace? He could be a professional, you know what I mean, and then after twenty-eight days ... If he was innocent? Well, who is going to declare his innocence?' (Birmingham, Asian, Female). For another participant, similarly, 'that's the difficulty with this one, because you can be tarnished' (London, Black, Male). And, as he continued, there is a genuine fear that the mistaken application or misuse of these powers would be met with little more than an apology and the invocation of the spectre of 'terrorism': 'the police or the authorities will just get away with it and say, I'm sorry, and terrorism. It is because of terrorism' (London, Black, Male).

The likely absence of recompense following unwarranted arrest was frequently discussed, with one individual contrasting the level of media and public interest in arrests and releases, arguing, 'They say very little when they're released. They say very little. They just say, We no longer require such and such. There's no compensation' (Birmingham, Asian, Male). As another put it, 'there's three or four people from Sheffield or Bradford or somewhere, it's frontpage news, it's on the news, and a couple of months you see [only] a little bit [of information], oh, they've been let off because there's no evidence, not enough evidence to prosecute was found' (Oldham, Asian, Female). A male in another focus group asked, 'How do you apologise to the person, okay, sorry we detained you for twenty-eight days ... How do you compensate for that?' (Swansea, Black, Male). While another, with experience of working as a prison officer, demonstrated similar concerns:

people don't have to have that stigma, and it's very, very difficult to get rid of that, and just what prison does to you as a person. I was on the other side of the bars, and how bitter and twisted it's made me, and I didn't realise until I'd left, how it's changed me. And so I just think, Oh, I don't know, I mean, how do you say sorry for incarcerating somebody and keeping them away from their family for a month, when they've done nothing wrong? You know, you can't, you can't just say sorry. It's not acceptable. (Oxford, White, Female)

Such worries around stigmatisation, finally, were not limited to pre-charge detention; as one female put it in relation to control order powers: 'if people saw your house under house arrest, they will start to view you differently, even if you're what, entirely innocent, and it starts to make people feel suspicious of their community and of the people that they're around' (Oxford, White, Female).

### *Glorifying, inciting or encouraging terrorism*

In contrast to pre-charge detention powers, inchoate offences relating to the encouragement or glorification of terrorism attracted mixed responses

amongst our participants. Those expressing scepticism about such offences frequently did so because of their vagueness and the possibility for abuse this was seen to create. In one succinct summary:

[Has] there been any clarification of what can be classed under incitement of terrorism or glorifying terrorism, because that's one area I think has been very much abused by the person who is implementing the rule. Have they explained? Are there any guides to what is an act glorifying terrorism? Or is it just anything a policeman or an enforcer feels is? If I shout too loud, is that going to incite terrorism ... How do you define that? (Swansea, Black, Female)

Others pointed to potential confusion between expressions of sympathy for the cause behind, rather than the actual use of, violence:

When you talk about the conflicts going on around the world, which stance are you supposed to take? When you talk about Palestine, when you talk about the thing that happened in Bosnia or what's happening in Chechnya, and you think, well, you know, you almost have to excuse yourself and you say, No, I don't agree with the terrorists but I agree with their right to freedom and independence. But then you think, are you then directly or indirectly inciting terrorism? (Oldham, Asian, Female)

While several of our participants agreed, noting they felt 'quite uncomfortable' with the offence because 'it's very vague' (London, White, Female), others argued that 'having an incitement to terrorism on the statute books is not necessarily a bad thing', despite their fears that its present formulation may be a 'little bit broad' (London, Asian, Male). A white participant from Oldham, for example, argued that such measures should be applied irrespective of the transgressor's ideology or religion:

I think people, if they do incite hatred of anybody, regardless of who it is they're inciting hatred of, has got to be stopped, so people coming out and, sort of, ranting and ranting about the way the Brits are continuing or people who go out and start about the Muslims, or whatever. No, stop them, absolutely. And I remember being at school and hearing a song which said man must learn love or else mankind will fail, and I've honestly tried to live my life that way, but if we don't care about each other then we're going to just blow the place to pieces. Yeah, like you say, if you're going to do something like that, lock you up until you decide that you're not going to do it. (Oldham, White, Female)

Another turned the group's attention to Abu Hamza – and solicited general agreement – arguing:

if you're not from this country and you come over here, like Captain Hook<sup>8</sup> did, to spread this kind of ... it's an evil, isn't it, but you're going to spread this poison; not take them to court and spend the next five years trying to export them, just get them out, next plane, get rid of them. (Oldham, White, Male)

These offences were rarely opposed on the grounds of freedom of speech, with the following tentative statement as close to such concerns as we encountered,

I guess, this, kind of, kind of, conflicts with the fact that we're supposed to have freedom of speech ... if you have freedom of speech, and we have free will, we should be able to listen to whatever we like and make our own decisions about what we want to do. (London, Black, Female)

They also, moreover, received some of the fullest support amongst our research sample from minority ethnic communities. In the words of one Asian participant: 'I'm not going to argue against the idea that, you know, these radicals need to be put into prison and, you know, need to be prosecuted etc, if they are actually sort of inciting racial, inciting explicit terrorist sort of notions' (London, Asian, Male).

This lack of opposition amongst many of our Asian participants may be explained, in part, by concerns that public perceptions of Muslim and Asian people are dominated by representations and fears of 'extremism.' After describing the prominent activist Anjem Choudry, founder of the now-proscribed Islam4UK as an 'idiot' (London, Asian, Male), one male explained his continuing frustration at the successes of a media-savvy fringe in shaping public opinion of Islam:

The people who base their perspective of Islam, base it on these fringe minorities, on both ends; but we never see that they actually go out and actually find somebody from the East London Mosque or the Imam of, let's say, Regents Park Mosque. How many times have you ever seen two of the main mosques in the UK, the Regents Park Mosque or the East London Mosque, how many times have you seen representatives from these organisations representing the views? I can't remember a single incidence when they have been asked to give an opinion on a matter pertaining to Muslims in the country. (London, Asian, Male)

A final reason for support for these offences included a belief that the law is 'fundamentally right and just' (London, Asian, Female): a belief augmented,

for this individual, in the challenges the UK had confronted in its efforts to deport Abu Hamza amidst fears of his likely torture:

He used to preach in this country against this country's citizens and the way that we live our life. And he was allowed to do that in the name of civil liberties were being infringed, otherwise. We can't deport him to his homeland, because his life would be in danger. But that's where I find it fundamentally wrong; what about my ... what about my life being under threat from people that he has excited, people that he has encouraged, effectively, to wage war against this country? So, absolutely, I think those are the basic, fundamental laws that need to come. (London, Asian, Female)

As another participant put it more simply, 'People should live freely and peacefully and it's not good to say someone should die, that's not right' (Swansea, Black, Male).

#### **'What else can you do?'**

The above indicates the existence of considerable, and widespread, public opposition to the UK's anti-terrorism framework and specific powers therein. This opposition, however, was neither universal nor absolute, with a number of our participants either qualifying their hostility, acquiescing to the existence of contemporary measures, or, indeed, going further and offering support for existing powers. The most prominent reason – noted already in the preceding discussion – was the argument, simply, that 'they are necessary' (London, Black, Female): that something needs to be done to prevent terrorism, even if the current mechanisms remain imperfect. In the words of one participant, 'there are people out there, aren't there, that are quite, you know, a threat. And, you know, what do you do? And, you know, what measures do you feel there should be?' (Oxford, White, Female). Another agreed, arguing: 'these terrorists are looking for loopholes to get back in. They're not pulling back, they're waiting, they are regrouping, they're in cells all over the place, waiting for a key word, when Bin Laden might get up and say ... a code, or whatever' (London, Black, Male).

Even some of those dissatisfied with the current framework registered their understanding for its existence. As one individual put it: 'I can understand as to why they are there, but I wouldn't want them to be there, if I have to be quite frank with you' (London, Asian, Male). An individual in another group argued similarly, noting, 'to me, they seem unethical, but obviously if you just read them, but for the last couple of minutes I was thinking, what else can you do? If these genuinely are the threats that the government sees in the country'

(Swansea, White, Male). The changing nature of contemporary terrorism was prominent in these conversations, with the belligerence and bloodthirstiness of 'new terrorist' organisations adding, for some, to the need for some sort of anti-terrorism framework:

[the] IRA would say, I'm putting a bomb in Leicester Square, everybody leave Leicester Square, and they normally had that sort of secure way of doing things. These guys don't operate like that. They are, they go there and they just say, I'm going to have a seat here with you guys. Death to the infidels [*laughter*]. (London, Black, Male)

This produced, for others, however, a feeling of fatalism – or stoicism – rather than support for the UK's response: 'there's no legislation, if you like, for a suicide bomber coming right up close to you' (Oldham, White, Female).

Beyond those arguing, 'I don't have a problem with most of these measures' (Oldham, White, Male), we encountered a number of examples of qualified opposition. This was, frequently, due to a perceived lack of access to the information necessary to assess the need for, or effectiveness of, these security powers (see also Jarvis and Lister 2015b). In the words of one participant: 'I don't certainly feel any personal thing, but I can't quantify how successful these anti-terrorism measures are at keeping the nation secure, so that therefore we can focus on our daily, but you know, our daily troubles' (Oxford, White, Female). Interestingly, this was also primarily the case amongst those who felt neither targeted nor significantly affected by such measures, for instance:

It's hard to say [if anti terrorism measures enhance security], I think, because you don't really know ... you don't really know how many ... if there are statistics published saying, oh, by the way, by virtue of these control orders we've stopped twenty-five ... then, yes, obviously it does. And then we can make a balance up and say, well, you know, how much has my liberty been affected by this? (London, Asian, Male).

In the words of another: 'The problem with terrorism is that you don't know ... what the threat is, so you don't know whether they're more effective. If they are infringements of your civil liberties but you have no idea whether they're actually doing any good or not' (London, White, Male).

Some participants were willing to cede decision-making to those with access to better information: 'I can understand why the things that MI5 and MI6 did because they appear to be important, although we don't really know what they do' (London, Black, Female). Others preferred to defer judgement until evidence was somehow forthcoming – for example: 'I don't think it is effective until we hear that it is effective; until we say, we have stopped and

searched x number of people without suspicion, or whatever, and security is better ... Unless they tell us that then we couldn't possibly know, I don't think' (Oldham, White, Female).

Third, and directly related to the above, a number of our participants expressed some measure of support for the state's activities in this area – despite potential civil liberty concerns – due to the security they felt from actually witnessing 'something' being done. As one female put it:

But I think for me personally, if I felt like if the government hadn't taken any measures or made any changes to legislation since recent terror attacks, I think I'd feel concerned. I'm glad that they're taking some measures but, you know, but there's of course issues of freedom and all of these pressures. (London, White, Female)

A black participant in Swansea argued similarly in response to a question from the group's moderator:

MO: Do you personally feel safer as a result of these measures being introduced?

A: To some extent, I feel to some extent because it gives me the impression that something is being done, and some extent it will be the same results, some bomb threats that have been failed. I think to some extent, but a lot still needs to be done, and it needs to be much more effective in a sense that ... Like I said earlier, I think it's more a community thing. (Swansea, Black, Male)

This sense of security persisted, for some, even following a direct encounter with anti-terrorism or related measures. One individual, for example, argued:

I'm quite happy for security being in my face. If I get on a plane, I mean, you get people complaining that they've been patted down or they're being x-rayed. No, I'm happy to go through and be seen naked on that scanner if it means that I know that everybody else is, you know ... (Oldham, White, Male)

Another recounted having to disembark an aircraft in Italy due to a security alert, and the reassurance this provided: 'I would guess they had had some information that something wasn't right and maybe they even found it, we don't know, but certainly they arrived en masse, and I was glad to see them, I thought, go, boys' (Oldham, White, Female).

Support for anti-terrorism powers was also offered, by some, due to a sense that they helped safeguard British identity as well as national security. Here a

number of participants supported state interventions to circumvent intolerant or inappropriate behaviour, arguing:

if you come here then, I don't say you have to become British, not by any manner of means; I think whatever's in the mix is fantastic, you know, clothes, foods, whatever, religion, live your life the way you want to live it, but if you come here you obey the rules, absolutely. (Oldham, White, Female)

In the words of another:

what I don't want to see is I don't want to see people on the streets at Wootton Bassett when they're bringing the soldiers home. They're, you know, calling them killers and this, that. Have a bit more respect. If you don't like it, that's what we do in this country. You've got [to] abide by the rules that we live [by]. If you don't like it, go somewhere else. (Oldham, White, Male)

At the same time, others were critical that there may be a utilitarian, and potentially pernicious, trade-off between the security of the majority and insecurity of minorities in this sort of logic:

And, coming back to the question, do we feel safe about these laws? I understand the justification for why the laws are obviously there, they are obviously trying to protect their people, but whatever the justification is I, as a black person, still do not feel safe. Because in trying to protect their own people they are making other people feel unsafe. (Swansea, Black, Male)

Finally, as mentioned briefly above, a small number of respondents also qualified their opposition to the UK's anti-terrorism framework by pointing to the existence of sufficient safeguards that would assist in the prevention of egregious miscarriages of justice. As one individual put it:

We live in ... the leading democracy in the world, that we don't feel that level of infringement of civil liberties. Part of it is, we know that there's sufficient counter-measures there, you know, the public voice, whether enough groups would stand up and prevent certain, you know ... certain sort of general acceptance of things where they might be going too far through anti-terrorism laws, etc. I have that security. (London, Asian, Female)

This faith in the courts and the legal system was discussed numerous times in the context of our research. One Asian respondent who had indicated a sense of feeling targeted by anti-terrorism measures argued that his faith in



the justice system meant he did not feel compelled to self-censor, as justice would ultimately prevail:

when it comes to the judiciary, the actual system of justice, generally speaking, they are, for example, people are released etc. So, for me, I do have faith in the justice system in its ... obviously the justice system has its flaws, but in terms of as a Muslim if I was to say something and I know that I was right on that matter then I would have faith in the system to know that there is something. But I'm not scared of what I say; I'm quite open about my beliefs. (London, Asian, Male)

### Conclusion

There is, as the above conveys, an enormously disparate spread of public perspectives on anti-terrorism powers. Amongst our participants, we encountered far more opposition than support, although given our methodological approach, the numerical recurrence of any of the above arguments is of limited relevance. Critiques discussed in our groups included: the potential of such powers to generate public anxiety; their targeting of minority communities; their ineffective or irrelevant character; concerns that anti-terrorism powers were either overreaction or theatrical exercise; civil liberty worries; and fear of their misuse. We also encountered, moreover, specific concerns relating to particular measures, especially stop and search powers and pre-charge detention, although others – especially regarding the glorification of terrorism – were less harshly received. Less critical views focused on the threat posed by terrorism, the difficulties of evaluating security frameworks, the need for the state to 'do something' and faith in legal and other safeguards available to prevent miscarriages of justice.

Running through these discussions were varying levels of personal investment in the exercise or otherwise of the current anti-terrorism framework. Some individuals felt themselves directly (and often deliberately) targeted by these measures. Others, in contrast, felt rather more distanced from the operation of these powers, whether necessary or not. Thus, as one participant put it: 'I don't personally think about it very much, as in, hey, the personal effect on me' (Oxford, White, Female). In the following chapter, we look further into the implications of this heterogeneity by turning to the connection between citizenship and security politics in the context of anti-terrorism. As we shall argue, perceptions of variable targeting by anti-terrorism powers have contributed to distinct – and, we suggest, 'disconnected' – experiences of, and attachments to, citizenship within the UK today.

### Notes

- 1 Swansea, White, Male.
- 2 These revelations – from former contractor Edward Snowden and journalist Glenn Greenwald – focused on hitherto secret surveillance programmes run by the United States National Security Agency and other intelligence agencies. For an overview, see Greenwald (2014).
- 3 Jean-Charles de Menezes was shot by the UK's London Metropolitan Police on 22 July 2005 at the Stockwell London Underground station following a case of mistaken identity.
- 4 We return to this point at the end of the chapter.
- 5 See Chapter 4 for more on this point in terms of the perceived impact on citizenship.
- 6 London, Asian, Male.
- 7 As detailed in Chapter 2, partway through the focus groups we introduced a guide to some of the UK's most high-profile and controversial anti-terrorism measures introduced since the 2000 Terrorism Act. The guide is reproduced as Appendix B in this book.
- 8 'Captain Hook' is a reference to Abu Hamza al-Masri, previously imam of the Finsbury Park Mosque in London, who has lost both of his hands. After a lengthy extradition process from the UK, Abu Hamza was found guilty of terror and kidnap charges in a New York court in 2014.
- 9 Swansea, White, Male.