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ANTI-TERRORIST LAWS AND THE UNITED KINGDOM'S 'SUSPECT MUSLIM COMMUNITY'

A Reply to Pantazis and Pemberton

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In an article in a recent issue of this journal, Pantazis and Pemberton claim that anti-terrorist laws passed in the United Kingdom in the context of a post-9/11 official political discourse have turned Muslims into a 'suspect community' (Pantazis and Pemberton 2009). Regrettably, this thesis is built on a series of analytical, methodological, conceptual, logical, empirical, evidential and interpretive errors. There is no evidence to support it and a great deal that points in the opposite direction. This reply argues that the 'suspect community' thesis should, therefore, be rejected by social science, public policy and progressive politics in favour of a much more nuanced, multidimensional, accurate and productive account of the relationship between Muslims and the United Kingdom's anti-terrorist laws.

Keywords: Muslims, anti-terrorist legislation, suspect community, policing and minorities

Introduction

Prima facie, it seems plausible to claim that if anti-terrorist laws impact on certain minority groups identified by race, ethnicity or religion, more than they do upon others, these laws have turned these minorities into 'suspect communities'. This was Paddy Hillyard's view about the effect of the Prevention of Terrorism Acts upon 'the Irish' in Britain in the 1990s (Hillyard 1993), now revived by Pantazis and Pemberton to describe and criticize the relationship (principally) between Muslims and the state as a result of more recent anti-terrorist legislation. While others cited in their study have made similar claims, the analysis by Pantazis and Pemberton is the most detailed, thorough and sophisticated so far. Yet, ultimately, it fails to convince because it is not supported by adequate evidence and is undermined by a series of other analytical, methodological, conceptual, logical, empirical and interpretive flaws. There is also a great deal of evidence against it. Strangely, the authors, each members of the School for Policy Studies at the University of Bristol, also decline to discuss its policy implications. While Pantazis and Pemberton generously refer to some of my earlier, and less fully articulated, contributions to this debate (Greer 1994; 2008), regrettably, they misunderstand and/or misrepresent my position. I am, therefore, very grateful for this opportunity to set out my case at greater length than before and, in particular, to seek to identify more systematically what needs to be demonstrated before the 'suspect community thesis' can be taken seriously. What follows is a harsh critique. I thought long and hard before embarking upon it. I have no personal axe to grind. Pantazis and Pemberton are valued colleagues at the University of Bristol and have responded graciously and professionally

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to objections I've raised to their thesis on other occasions. I would, therefore, welcome a response from them, which addresses the issues discussed here.

Before proceeding, some distinctions that have clouded the debate need to be more sharply drawn. First, it is one thing to claim that Muslims are vilified, reviled, mistrusted, suspected, demonized and negatively stereotyped by some sections of the non-Muslim population of the United Kingdom: call this 'Islamophobia' or the 'civil society version' of the suspect community thesis. There is plenty of evidence that such views are held by some (Modood 2003: 101). But it is not clear how widespread they are or to what extent they are caused by terrorist events at home and abroad, media representations, various discourses, and/or counter-terrorist law and policy. It is, second, quite another thing to claim that the United Kingdom's anti-terrorist laws, underpinned by an anti-Muslim official political discourse, have turned Muslims nationwide into a community under systematic and pervasive official suspicion: call this the 'state version' of the suspect community thesis. There is no convincing evidence whatever that this is true. Each of the two versions of the suspect community thesis also need to be distinguished from the claim that material disadvantage (in terms of access to goods, services, employment, etc.) experienced by Muslims in the United Kingdom is the result of discrimination by civil society and/or the state: call these, respectively, the 'civil society' and 'state' versions of the 'material discrimination thesis'. While Pantazis and Pemberton concern themselves primarily with the state version of the suspect community thesis, they also seek to connect it with the civil society version and also with the 'material discrimination' thesis.

Pantazis and Pemberton succinctly summarize their case in the abstract to their article. They maintain that the 'war on terror' has emerged as the principal conflict of our times and that 'Islamic fanaticism' has been identified as the principal threat to Western democracies (Pantazis and Pemberton 2009: 646). In the United Kingdom, and elsewhere, they claim that this political discourse has designated Muslims as the new 'enemy within', justifying the introduction of counter-terrorist legislation, which has constructed Muslims as a 'suspect community'—displacing the Irish as the 'suspect community' in a previous anti-terrorist context—and risking undermining, rather than enhancing, national security. It is impossible surgically to separate the analytical, methodological, conceptual, logical, empirical, evidential and interpretive errors and confusions in this analysis because a problem on one of these dimensions tends to result in difficulties on others. Nevertheless, before considering the neglected policy implications of the Pantazis–Pemberton thesis, an attempt will be made to do so in what follows.

Analytical and Methodological Problems

The four principal analytical and methodological problems with the Pantazis–Pemberton thesis are its uncritical endorsement of Hillyard's study—which is itself deeply problematic—and a series of flawed assumptions relating to the nature of, respectively, the current terrorist threat, the United Kingdom's anti-terrorist legislation and the dominant post-9/11 official political discourse.

The Hillyard thesis

When I first heard about Paddy Hillyard's book, *Suspect Community* (Hillyard 1993), I was instantly convinced by the thesis it was said to present. As an Irish person living in

Britain, I never considered myself under sustained official suspicion. But I thought this was merely because I was one of the lucky ones. Nevertheless, I readily agreed to review the book, fully expecting to add my voice to the chorus of condemnation about state repression of the Irish in Britain. I was, therefore, surprised to discover that it proved nothing of the sort (Greer 1994).

Suspect Community is a study of the operation of the main provisions of the United Kingdom's Prevention of Terrorism Acts (PTAs) passed in response to the conflict in Northern Ireland and applicable throughout the United Kingdom until repealed or incorporated in other legislation at the end of the 1990s. Amongst other things, the PTAs provided powers of examination and detention at ports and airports, powers of arrest, search, detention and interrogation elsewhere, and exclusion from Britain to Northern Ireland (effectively a form of internal exile). Many of its provisions were criticized at the time, particularly from a civil liberties perspective. When it was published, the accessible, non-technical and socio-legal nature of Hillyard's study made a distinctive contribution to the PTA debate. Unusually for such works, and unlike the Pantazis–Pemberton article, it was also supplemented by interviews with 115 respondents traced through contacts with Irish and other groups in Britain that allowed ordinary people to recount their mostly bleak, and in some cases harrowing, stories of the effects the PTA had had upon health, family and social life, employment, freedom of movement, money and possessions, political activity and confidence in the criminal justice system. While no one seriously doubts that there were demographically discrete 'suspect communities' in Northern Ireland during the Troubles (Greer 2008), on the basis of his survey, Hillyard claimed that the PTA had 'constructed a suspect community' from 'the Irish living in Britain, or Irish people travelling between Ireland and Britain' (Hillyard 1993: 257–8), and that they were suspects 'primarily because they (were) *Irish*' (Hillyard 1993: 7, italics in original). According to Hillyard, 'the Irish community as a whole' could, as a result, be 'legally viewed as a suspect community' (Hillyard 1993: 33), and this all stemmed from institutional anti-Irish racism on the part of the state (Hillyard 1993: 258).

The central, and indeed fatal, methodological/empirical problem with the Hillyard thesis is that no scientifically reliable conclusions can be drawn from the sample because it is too small and unrepresentative of the population as a whole (those affected by the PTAs). Hillyard states that 'there is no evidence to suggest' that the range of respondents' experience was 'different from those of the other 6,097 people who were examined, detained, or arrested under the PTA in Britain' (Hillyard 1993: 11). However, for three main reasons, this cannot be assumed until the contrary is shown, as Hillyard suggests. First, the sample was not randomly, but self-selected and self-selecting samples tend to overrepresent those with a negative experience of the phenomenon under investigation, since the studies in question provide a potentially cathartic opportunity to complain. This is not to say that such complaints are not genuine or that the substance of the complaint does not give rise to concern, but merely that those with a positive or neutral experience of the impact of PTA powers, or something similar, are much less likely than those with a negative experience to go to the trouble of reporting it to a research study. Second, the sample constitutes less than 2 per cent of those detained and questioned under the PTAs between 1974 and 1991—and a much smaller proportion of the hundreds of thousands, perhaps millions as Hillyard himself admits (Hillyard 1993: 255), who, like me, were routinely examined or detained briefly under the legislation

over the decades it was in operation, but released without any further consequences. Third, there are no data in the study about how the PTA impacted upon 'non-Irish' people against which its effects upon 'the Irish' could be compared. Nor is there any information about how many were in each category. Therefore, the experience of the 115 respondents, however authentic and however regrettable, is a wholly inadequate basis from which to generalize about the impact of the PTA on the 'Irish' and 'non-Irish' as a whole.

Added to this, another central and equally fatal conceptual flaw concerns the strangely elastic identity of Hillyard's 'suspect community'. By Hillyard's own admission, it included not only Irish people living in Britain, but also non-Irish sympathizers with either of the two extremes in the Northern Irish conflict (violent loyalism/republicanism), people from Ireland travelling to and from Britain, people with criminal convictions in Northern Ireland and militant Ulster Loyalists. As Pantazis and Pemberton point out, the provisions of the PTA meant that '*anyone* could come under suspicion regardless of their religion or political identity' (Pantazis and Pemberton 2009: 648, italics in original). This was particularly true of the routine port and airport examination powers that impacted universally upon those travelling between Britain and Ireland (north and south) in a manner similar to the routine electronic surveillance of cabin baggage at airports today. Hillyard, Pantazis and Pemberton each fails to explain why all such travellers—whether Irish, Muslim or otherwise—do not, therefore, constitute a suspect community. The inclusion of Ulster Loyalists in Hillyard's suspect community is also particularly problematic. A person's ethnic, cultural and national identity should, at least in the first instance, be a matter for them to determine for themselves. The fact that Ulster loyalists were and remain militantly pro-British and virulently anti-Irish, but yet were under official suspicion during the Troubles, poses a dilemma for Hillyard's thesis. On the one hand, excluding them from the suspect community would indicate that the PTA brought 'communities' other than 'the Irish' under official suspicion. Yet, on the other, the 'Irish' identity of the suspect community could only be maintained by ascribing to them an identity they themselves would thoroughly reject. Furthermore, according to Hillyard's analysis, people from the Republic of Ireland either entered and left the 'suspect Irish community' in Britain every time they crossed the Irish sea or remained part of it even when they had returned home. Neither is particularly plausible. Therefore, since, according to Hillyard's own data, not all the constituents of his 'suspect community' were 'Irish', the claim that anti-Irish racism was responsible for bringing them under official suspicion is patently unsustainable.

Pantazis and Pemberton accuse me of having 'fundamentally misunderstood the nature of Hillyard's work' because, they say, '*Suspect Community* is an empirical study based on the subjective experiences of individuals whose lives were impacted upon and disrupted by the PTA' and 'as such it should be seen as a *sociological* study of people's experiences of the law rather than an enquiry into the application (and misapplication) of legal rules' (Pantazis and Pemberton 2009: 648, italics in original). There are three problems with this accusation. First, the impact legislation has on 'the subjective experiences of individuals' is inescapably determined by, amongst other things, the ways in which it is applied/misapplied. Second, this fact is clearly acknowledged by the core claim in Hillyard's study—that the PTAs were *applied* (or misapplied) in a manner that amounted to anti-Irish racism. Third, any conclusions drawn from subjective experiences of the impact of legislation are only as reliable as the method by which respondents

in surveys were selected and, as already indicated, in the case of the Hillyard study, this was deeply flawed.

The nature of the current terrorist threat

It is unclear whether Pantazis and Pemberton accept that there is a threat from al Qaeda-7/7-type terrorism at all or whether they accept that there is such a threat but believe its character has been deliberately misrepresented and its significance exaggerated by the state and others. They also appear to suggest that the threat is not inherently 'Islamist' but has acquired this complexion merely as a result of having been so designated by the official political discourse. They refer, for example, to the '*perceived* new "terrorist" threat' stemming from the 'war on terror' (Pantazis and Pemberton 2009: 646, italics added), and claim that the 'discourse' of the 'new terrorism' identifies '"Islamic fanaticism" as the greatest threat to Western liberal democracies', that the post-9/11 'political discourse' has designated Muslims as the new 'enemy within', justifying the introduction of counter-terrorist legislation, and that the government's *Countering International Terrorism* strategy document 'unambiguously identifies the new threat coming from Islamists, thereby making the explicit link between religion and terrorism' (Pantazis and Pemberton 2009: 650).

There are two core problems here. First, there can be no question that the current terrorist threat is Islamist by nature rather than merely as a result of official labelling. This is because a particularly warped interpretation of Islam, rejected by the vast majority of Muslims in the United Kingdom and elsewhere, is invoked as a justification by those who resort to it. For example, in his martyrdom video, Mohammad Sidique Khan, one of the 7/7 bombers, said 'I and thousands like me are forsaking everything for what we believe. Our drive and motivation doesn't come from tangible commodities that this world has to offer. Our religion is Islam, obedience to the one true God and following the footsteps of the final prophet messenger' (Al Jazeera, 1 September 2005, repeated on the BBC and other media outlets thereafter). Second, it is not clear that even in its heyday, the term 'war on terror' un-problematically captured the approach the United Kingdom took to the al Qaeda-7/7-type terrorist threat. For example, there has been 'widespread opposition within MI5' to the 'war on terror' rhetoric for many years (*The Guardian*, 6 October 2009) and, in 2009, the term was criticized by the then Foreign Secretary David Miliband (*The Guardian*, 15 January 2009).

The character of the United Kingdom's anti-terrorist legislation

There are two main difficulties with this third analytical/methodological weakness in Pantazis and Pemberton's thesis. First, the authors attribute the construction of the 'suspect Muslim community' in the context of the post-9/11 'war on terror' largely to the stop and search and proscription powers in the Terrorism Act 2000 without addressing the fact that this legislation was passed *before* 9/11. Second, they fail to acknowledge that none of the United Kingdom's anti-terrorist laws is expressly directed against Muslims or Islam as such. Indeed, the terms 'Muslim', 'Islam/Islamist' and their synonyms do not appear anywhere in the 417 sections, plus 37 schedules containing 51 parts, in the five major pieces of anti-terrorism legislation passed in the United Kingdom since 2000 (the Terrorism Act 2000, the Anti-Terrorism, Crime and Security Act 2001 ('ATCSA'), the

Prevention of Terrorism Act 2005, the Terrorism Act 2006, and the Counter-Terrorism Act 2008). Indeed, the term 'religion' and its synonyms appear only in s. 39 of the ATCSA, which extends 'racially aggravated offences' to include 'religiously aggravated offences'—an attempt to *protect* not to *victimize* religious minorities including Muslims. Leaving aside for the moment the ways in which anti-terrorist legislation has been implemented, it is clear that turning Muslims into a suspect community cannot be attributed directly to the legislation itself. And if recent anti-terrorist laws have created a 'dual system of criminal justice', as Pantazis and Pemberton claim (Pantazis and Pemberton 2009: 653)—and it is not at all clear in what sense they have—it is one based on the distinction between terrorist and non-terrorist offences and offenders, and not between Muslims and non-Muslims.

The character of the post-9/11 official political discourse

A fourth analytical/methodological problem, which is also evidential, logical and interpretive, concerns Pantazis and Pemberton's characterization of the official political discourse. Strangely, and contrary to their own thesis, they admit that its 'overall prevalence' *does not* 'construct' the Muslim community as terrorist, since it represents the majority of Muslims as 'law-abiding' and 'peaceful', although they claim this 'has at times been contradicted' (Pantazis and Pemberton 2009: 651). But the only 'contradiction' offered is a tendentious interpretation of a statement made by then Home Office Minister John Denham, in the context of opinion polls, which they allege shows significant support amongst British Muslims for the 7 July 2005 bombings. No source for these surveys is cited and it is difficult to reconcile this alleged finding with those of numerous other polls, which show that terrorists enjoy very little support amongst Muslims in the United Kingdom. For example, only 6 per cent of respondents in a YouGov survey carried out in the immediate aftermath of the 7/7 bombings thought the attacks were justified (Mirza *et al.* 2007: 14).

Pantazis and Pemberton quote Denham as saying that 'few terrorist movements have lasted long without a *supportive community*', which 'does not necessarily condone violence' but sees 'terrorists as sharing their world view' and 'part of the struggle to which they belong' (Pantazis and Pemberton 2009: 651, italics added by authors). According to Pantazis and Pemberton, 'the logical outcome of Denham's construction of the "supportive community" implicates the whole of the Muslim community and thus arguably underpins the construction of the Muslim community as suspect' (Pantazis and Pemberton 2009: 651). It does nothing of the sort. For one thing, Denham may have been referring to local rather than national 'supportive communities' and, for another, there is nothing in the statement to suggest he believes many, if any, such communities exist in the United Kingdom. As quoted, the statement could just as plausibly be interpreted as meaning that Islamist terrorism is unsustainable in the United Kingdom because of the lack of supportive communities. Moreover, Denham's other statements clearly contradict Pantazis and Pemberton's interpretation of this one. For example, in another speech, on 8 December 2009, Denham said that 'the government did not believe that Muslim communities are "the problem" or that tolerance or acceptance of violent extremism is widespread', and that the official de-radicalization programme, Prevent, was intended 'to ensure Muslim communities have the resilience to tackle the small minority who would create the space for violent extremism'. It could only work,

he added, because 'the vast majority of Muslims oppose violent extremism' (http://www.communities.gov.uk/communities/prevent/newsupdates/#). A counter-terrorist phrase book distributed to civil servants in 2008 presents further difficulties for Pantazis and Pemberton's view, since it advises, amongst other things, against the use of terms such as 'Islamist extremism' or 'jihadi-fundamentalist' in order to avoid both 'implying that specific communities are to blame' and that there is any inevitable link between Islam and terrorism (*The Guardian*, 4 February 2008).

Conceptual Difficulties

The main conceptual problems with the Pantazis–Pemberton thesis concern their definition of 'suspect community', the assumption that Muslims in the United Kingdom constitute a single national community, and the lack of clarity about what constitutes 'official suspicion', how and why it is formed, and the circumstances in which it might be objectionable.

What is a 'suspect community'?

Surprisingly, Hillyard did not define the term 'suspect community'. For Pantazis and Pemberton, it is:

> . . . a sub-group of the population that is singled out for state attention as being 'problematic'. Specifically in terms of policing, individuals may be targeted, not necessarily as a result of suspected wrong doing, but simply because of their presumed membership to (sic) that sub-group. Race, ethnicity, religion, class, gender, language, accent, dress, political ideology or any combination of these factors may serve to delineate the sub-group. (Pantazis and Pemberton 2009: 649)

There are four main problems here. First, it is not at all clear what 'singled out for state attention as being "problematic"' means and how this could be reliably identified by an independent observer for the purpose of measuring, studying or monitoring it. Second, the definition confuses the fact of *being under official suspicion* with the entirely separate question of *whether such suspicion is justified*. Third, it fails to indicate how an independent observer could reliably impute reasons to the police for being suspicious of an entire community, which the police themselves did not disclose. Fourth, it is massively over-inclusive and the interaction between the various possible features of sub-group identity cited creates potentially huge problems for the accurate identification of who the 'suspect community' or 'communities' are. Take a hypothetical example. Let's assume that several militant Islamist young men from Leeds, with Pakistani parentage and middle-class backgrounds, fall under police suspicion because of reliable information that suggests their association with organizations linked to al Qaeda in Pakistan. Given these facts, police suspicion would be entirely justified. But this is not the main point here. The number of possible 'suspect communities', according to the Pantazis and Pemberton definition, would be enormous. It could, for example, include, amongst others: 'men', 'young men', 'Islamists', 'young male Islamists', 'people from Leeds', 'young male Islamists from Leeds', 'young male middle-class Islamists with Pakistani parents from Leeds', 'Pakistanis', 'the Muslim community of Leeds' or the 'Muslim community of Britain'. The only credible 'suspect community' would, however, be the one that shares all the suspects' relevant characteristics: namely, 'militant Islamist young men from

Leeds, with middle-class backgrounds and Pakistani parentage, suspected of associating with organizations linked to al Qaeda in Pakistan'.

A much more viable definition of 'suspect community' is, therefore, required:

> A 'community' can be considered to be under official suspicion if, and only if, a substantial majority of those who share its identity are under official suspicion, and/or if this identity is, in and of itself, sufficient to arouse systematic official suspicion.

In what follows, it will be demonstrated that there is no evidence that either is true of Muslims in the United Kingdom.

What is the 'Muslim community in Britain'?

Pantazis and Pemberton acknowledge that the differences between Muslims in Britain make it 'difficult and dangerous' to generalize about how they are policed (Pantazis and Pemberton 2009: 646). Yet, this is exactly what their thesis does. Muslims clearly do not constitute a homogenous group in the United Kingdom and are at least as divided by differences over the authentic interpretation of Islam—and by race, ethnicity, national origins and demographic factors—as they are united by a common faith (Mirza *et al.* 2007: 5, 16; Peach 2006; Modood 2003). For this reason, Fanshawe and Sriskandarajah, amongst many others, find it 'incredible that people still talk of "the Muslim community" in Britain' (Fanshawe and Sriskandarajah 2010: 12).

The more limited claim that anti-terrorist laws have turned some Muslim communities in Britain into 'suspect communities' presents a hypothesis open to empirical verification/falsification only if we know to which 'Muslim communities' it refers. The 2001 Census found that there are over 1.6 million Muslims in the United Kingdom, 97 per cent of whom live in England and Wales. Over 70 per cent of these are found in London, the Birmingham conurbation, Greater Manchester and the Bradford–Leeds urban area (Peach 2006: 631, 650). Since then, the number may have risen to 2 million, 3.3 per cent of the total UK population (*The Guardian*, 8 April 2008). Outside London, Pakistani Muslims account for more than 43 per cent of all Muslims, Bangladeshis for 17 per cent and those from India 9 per cent. In London, the proportions are more equal (*The Guardian*, 8 April 2008). Pantazis and Pemberton make no claim about which geographically specific 'Muslim communities' have fallen under official suspicion but instead maintain that this is particularly true of Salafists and Islamists (Pantazis and Pemberton 2009: 646). There are two problems here. First, no concrete evidence is offered to substantiate this claim and, second, Islamism and Salafism are *ideologies* or *movements* distributed across various communities and not 'communities' as such themselves (Moosa 2005; Fuller 2003). Pantazis and Pemberton are also reluctant to admit that since Islamists advocate the political institutionalization of Islam often through violence, it is entirely appropriate that some at least *should* be under official suspicion.

There is some evidence that the authorities regard some parts of the United Kingdom as 'suspect locations'. For example, in order to assist the Home Office in allocating counter-terrorist resources, the Office of Security and Counter-Terrorism produced a map identifying areas considered to be high-risk in terms of producing violent jihadists (*The Guardian*, 24 September 2009). Birmingham tops the poll, with High Wycombe and Reading following in second and third places, respectively. Within these areas, official funds are further targeted on specific Muslim groups by the official de-radicalization

programme, Prevent. But, for two reasons, this adds nothing to the Pantazis–Pemberton thesis. First, there can be no reasonable objection to areas being classified in this manner provided there is reliable evidence that they present particular risks. Second, by its very nature, the Prevent programme is a complex mix of *trust* and *suspicion*—a point considered further later. In June 2010, since the Pantazis–Pemberton article was published, controversy erupted over the proposed installation of over 150 automatic number plate recognition cameras in Washwood Heath and Sparkbrook—two predominantly Muslim neighbourhoods in Birmingham—as part of an anti-terrorist and wider law enforcement exercise know as Project Champion (*The Guardian*, 5, 12, 18 and 19 June 2010). But, for three main reasons, these allegations lend no support to the 'suspect community' thesis either. First, the neighbourhoods concerned were targeted for intensive surveillance in 2007 following a police investigation into a suspected plot to kidnap and kill a British soldier in the area and not merely because the residents were mostly Muslim (*The Guardian*, 5 June 2010). Second, Project Champion was still only at the pilot stage when the surveillance envisaged was publicly disclosed. Third, it has since been shelved until complaints about a lack of transparency and consultation, and about its desirability, have been addressed.

What is 'official suspicion'?

The term 'suspect' invoked by the state version of the Pantazis–Pemberton thesis is also deeply problematic. *Prima facie*, it means 'suspected of involvement in terrorism'. But suspicion can be held by a variety of official agencies, and, indeed, by their individual members, in a variety of ways. It can also lead to various consequences ranging from 'being known to the police and/or intelligence services', 'being stopped and searched by the police', 'being under surveillance by the police and/or intelligence services', 'being wanted by the police', 'being under arrest' or 'being charged with an offence'. Anti-terrorist laws passed in the wake of 9/11 have unquestionably created 'suspect organisations', such as those that have been banned and others that are under surveillance. The money-laundering provisions in the ATCSA also arguably cast suspicion on financial institutions. As already indicated, the fact that all air travellers are required to subject their cabin baggage to electronic screening means they, too, are universally 'under suspicion'. But neither financial institutions nor air travellers can plausibly be regarded as 'suspect communities' because they lack the kind of shared sense of identity that the term 'community' suggests.

Is it remotely credible to believe that a substantial majority of Britain's two million or so Muslims are under some form of official suspicion? If so, who are they, which forms of official suspicion are involved and where's the evidence? There is no evidence either that being a Muslim is sufficient, in and of itself, to arouse systematic official suspicion (an issue considered further below) nor is there any evidence that the police and intelligence services suspect all Muslims equally of involvement in terrorism. And, if all Muslims are not equally under official suspicion, what factors are most likely to give rise to it? There is, however, evidence that being suspected of subscribing to a radical version of Islam and, therefore of being a terrorist or potential terrorist, is more likely to arouse the suspicion of the intelligence services than race, ethnicity or being a Muslim per se. As the Head of MI5, Jonathan Evans, told the annual conference of the Society of Editors in Manchester on 5 November 2007, 'The root of the problem is ideological' (*The Guardian*, 6 November 2007).

Logical, Evidential, Empirical and Interpretive Problems

The Pantazis–Pemberton thesis suffers from several additional logical, evidential and empirical problems and several serious misinterpretations of core data. It is, for example, unclear how, as they claim, banning an organization turns those who are *not* associated with it into a suspect community, nor is there any evidence about how many Muslims are among the blacks and Asians who, as they note, are many times more likely than whites to be stopped and searched under anti-terrorist stop and search provisions. They are also either unaware of or ignore evidence that indicates that some Muslims support the current anti-terrorist regime and/or have no complaint about alleged anti-Muslim discrimination.

The 'suspect community' and banned organizations

Pantazis and Pemberton claim that the Terrorism Act 2000 has 'largely facilitated the designation of Muslims as the principal suspect community' (Pantazis and Pemberton 2009: 652). They note, correctly, that the definition of terrorism contained in ss. 1 and 2 enables a wide array of groups and organizations to be regarded as terrorist, including those connected with the former conflict in Sri Lanka, which has no Islamic dimension. Yet, in spite of this, they still maintain that the Act turns Muslims into a suspect community by criminalizing the whole community in which these organizations are rooted (Pantazis and Pemberton 2009: 652). The Terrorism Act unquestionably criminalizes those associated with banned organizations, since this is, after all, the whole point of proscription. There is also room for debate about whether some banned organizations deserve to be banned. But Pantazis and Pemberton provide no evidence whatever to support the claim that banning an organization also brings under official suspicion those not associated with it. It is not at all clear how this operates in practice, how wide the official suspicion stretches or whether, and if so how, the process would work in relation to other banned organizations not associated with al Qaeda-7/7-type terrorism, such as those determined to keep violent political conflict alive in Northern Ireland.

Stop and search

One of the central elements in Pantazis and Pemberton's analysis concerns the exercise of police powers of stop and search under the Terrorism Act. Sections 44 and 45 are regarded as particularly strongly implicated in turning Muslims into a suspect community because they permit the police, in areas designated for the purpose by a senior police officer, to stop and search at random, without needing any specific suspicion, for articles that could be used in connection with terrorism. As Pantazis and Pemberton point out, the use of these provisions greatly increased following the 7/7 attacks in London. Stops and searches under ss. 44 and 45 rose from a total of 10,200 in 2001–02 to 256,026 in 2008–09, dropping by 37 per cent from April to June 2009 compared with the same period the previous year (Povey *et al.* 2009: 36; Home Office Statistical Bulletin 2009: 43–4). Seventy-two per cent of those in 2008–09 were carried out by the Metropolitan police and 23 per cent by the British Transport Police (Home Office Statistical Bulletin 2009: 43–4).

There is little doubt, as Pantazis and Pemberton show, that blacks and Asians are many times more likely to be stopped and searched under these provisions than whites. As they acknowledge, religion is not recorded, 'it is highly problematic to think of Muslims as belonging exclusively to any one ethnic group', and it is, therefore, impossible to tell how many Muslims are among those stopped and searched (Pantazis and Pemberton 2009: 656). It may be the case, as Pantazis and Pemberton speculate, that for some police officers exercising s. 44 powers, race serves as a crude surrogate for identifying Muslims. But no evidence is offered to show how systematic this is. And even if it were, this fact alone would still fall far short of anything approaching credible evidence that the whole 'Muslim community in Britain' had fallen under official suspicion.

In an attempt to bridge the crucial gap between evidence of *racial* bias in the stop and search statistics on one side and evidence of *religious* bias on the other, Pantazis and Pemberton claim that 'statements from documentary sources and qualitative data could provide evidence that there exists a police bias against Muslims and, thus, a Muslim suspect community' (Pantazis and Pemberton 2009: 658). But the only 'evidence' of this kind offered consists of unsubstantiated accusations by unidentified young Muslims in London and a statement by former Home Office Minister, Hazel Blears, in the context of a discussion about stop and search that 'some of our counter-terrorist powers will be disproportionately experienced by people in the Muslim community' (Pantazis and Pemberton 2009: 658). There are several problems with Pantazis and Pemberton's interpretation of the Blears statement. First, as far as 7/7-type terrorism is concerned, it is simply a statement of fact. Since only Muslims are likely to be involved in this type of terrorism, it follows, *as a matter of definition*, that any law enforcement initiative against it—even one confined to the ordinary criminal law alone—would impact disproportionately upon Muslims. But this is not the same as saying that all Muslims are under official suspicion or that being a Muslim is in itself sufficient to arouse it on a systematic basis. Second, the prime minister's official spokesman later claimed that Ms Blears had meant that she understood there was a perception that stop and search was aimed at one community but this was not happening. He added that the powers in question are aimed at those suspected of carrying out or planning certain activities who happen to come from a particular community, but the powers themselves are not aimed at this particular community (http://news.bbc.co.uk/1/hi/uk/4309961.stm). Third, Blears herself also later strongly denied that she had ever endorsed stops and searches based on racial profiling (*The Guardian*, 2 August 2005).

Pantazis and Pemberton also claim that s. 44 has been targeted on 'geographical areas and, therefore, inevitably communities' (Pantazis and Pemberton 2009: 653). But the evidence clearly indicates that these areas are not in any sense 'Muslim communities'. Lord Carlile, the Independent Reviewer of the United Kingdom's anti-terrorist laws, notes without complaint that s. 45 authorizations have been made in relation to Heathrow airport and 'at or near critical infrastructure or places of especial national significance' (Carlile 2009: paras 145 and 146). There is no evidence in any of his reports that they have ever been applied to predominantly Muslim neighbourhoods. On the contrary, Lord Carlile's main criticisms are that s. 44 has been used 'in some force areas, and in relation to some sites, but not others with strikingly similar risk profiles', and that since 2001, the whole of Greater London has been more or less permanently so designated rather than specific boroughs or parts of boroughs (Carlile 2009: paras 146 and 147; *The Guardian*, 12 January 2010).

A further difficulty for the suspect community thesis is that the exercise of s. 44 is controversial even within the police. According to Lord Carlile, it has caused wide concern 'at all police levels' and 'its utility has been questioned publicly and privately by senior Metropolitan Police staff with wide experience of terrorism policing' (Carlile 2009: paras 141 and 148). Indeed, in 2008, the National Police Improvement Agency, acting on behalf of the Association of Chief Police Officers, drafted practice guidelines that emphasized, amongst other things, that: the power is by nature exceptional; the geographical areas concerned should be designated clearly; the legal test is expediency for the purposes of preventing acts of terrorism; community impact assessments should be a vital part of the authorization process; the Home Secretary should be provided with a detailed justification for authorizations; it should be expected that Home Office scrutiny will be detailed and rigorous; leaflets should be distributed to the public in designated areas; and that officers should keep careful records (Carlile 2009: para. 141).

Contrary to the Pantazis–Pemberton thesis, the most credible criticisms of the random stop and search power in the Terrorism Act are not that it has turned Muslims into a suspect community, but rather that it has been used in an arbitrary and/or racially discriminatory manner, that it rarely leads to arrest, that it has been unlawfully employed for non-terrorist policing, that it creates a serious risk of friction between the police and the ethnic minorities concerned and that there is no reliable evidence that, as the sole or primary criterion, racial profiling is an effective counter-terrorist strategy (Sanders and Young 2007: Ch. 2; Bowling and Phillips 2007; Harcourt 2007; de Schutter and Ringelheim 2008). Lord Carlile, who endorses many of these criticisms, nevertheless does not recommend the repeal of s. 44, but merely its more sensitive implementation (Carlile 2009: paras 148 and 150). In a further indirect challenge to the Pantazis–Pemberton thesis, he complains that anecdotal evidence suggests that s. 44 has been used 'to produce a racial balance in the section 44 statistics'. He concludes that even if 'an ethnic imbalance' results from stop and searches under this provision, it can, nevertheless, be 'regarded as a proportional consequence of operational policing' provided it is 'objectively based' (Carlile 2009: para. 140).

The debate about the compliance of s. 44 with the European Convention on Human Rights lends no support to the suspect community thesis either. In *R (Gillan)* v. *(1) Commissioner of Police for the Metropolis (2) Secretary of State for the Home Department* ([2006] HLHL 12), the House of Lords unanimously held that provided stops and searches are not based on racial profiling alone, s. 44 complies with the European Convention on Human Rights. However, on 12 January 2010, the European Court of Human Rights ruled otherwise. It held that s. 44 violates the right to respect for private life under Art. 8(1) of the European Convention. The requisite conditions were deemed not to have been defined with sufficient precision to exclude arbitrary interference particularly because the relevant test under the Act for designating an area is 'expediency' rather than 'necessity'. The Court, therefore, concluded that the interference complained of was not fully 'in accordance with law' as required by Art. 8(2). Concern was also expressed about the risk of racial discrimination. While the case before it did not concern black or Asian applicants, the Court noted that blacks and Asians were four times more likely than their white counterparts to be stopped and searched and there was evidence of white people being stopped and searched purely to produce greater racial balance in the statistics. In June 2010 the Court's 17-judge Grand Chamber rejected, without a re-hearing, a referral made by the previous government. Not long after, on 8 July

2010, the Home Secretary, Teresa May, told Parliament that, pending the outcome of a full review of counter-terrorism legislation, which had already been announced, interim guidelines would be issued to the police banning the use of s. 44 against individuals but not vehicles (The Guardian 9 July 2010).

The 'terror of prevention', radicalization and material discrimination against Muslims

Pantazis and Pemberton argue that the impact of anti-terrorist laws on the 'Muslim community' constitutes the 'terror of prevention' (Pantazis and Pemberton 2009: 654–9), alienating Muslims from law enforcement, compromising the flow of information to the police and encouraging anti-Muslim sentiment amongst non-Muslims in civil society. The reality is, however, much more complicated. Since the Pantazis and Pemberton study was published, allegations appearing to support it have been made that the official de-radicalization programme Prevent—where official agencies and Muslim groups work together to combat radicalization—had been used to gather intelligence on Muslims not suspected of involvement in terrorism, including about their sexual activity and mental health (*The Guardian*, 16 October 2009).

In spite of appearances, for seven reasons, this controversy adds nothing to the credibility of the Pantazis–Pemberton thesis. First, the allegations were investigated by the House of Commons Select Committee on Communities and Local Government, which published its report on 30 March 2010. The Committee affirmed that a targeted Prevent strategy, focused on violent extremism, remained necessary and that the police should not be excluded from it. But it also concluded that it was not possible to arrive at firm conclusions on the extent to which the spying allegations were true, not least because there were different interpretations of what 'spying', 'surveillance' and 'intelligence-gathering' mean in this context and of the purposes they are intended to serve. The committee pointed out, for example, that project monitoring and community mapping legitimately require intelligence gathering. Second, Prevent does not include all Muslims in Britain, but is, in principle, limited to those Muslim organizations that are prepared to cooperate and that are officially considered to have something positive to contribute. Third, its underlying rationale *necessarily* assumes a complex mix of trust *and* suspicion on both sides. Inevitably, official agencies will be suspicious of those intent on radicalization and possibly those vulnerable to it. Yet, the recruitment of a particular Muslim organization to Prevent also indicates official trust in its capacity and commitment to assist with de-radicalization. Muslims who participate in Prevent on a bona fide basis must also necessarily trust the state to act responsibly in countering radicalization—an interest they themselves must also, by definition, share. But, as the House of Commons Select Committee on Communities and Local Government pointed out, the 'spying' allegations have clearly given rise to suspicion and mistrust that justify independent investigation. Fourth, although the Prevent controversy provides evidence that some Muslims feel they belong to a 'suspect community', it is not at all clear that a majority share this view (Defence Science and Technology Laboratory 2010). Fifth, it also needs to be emphasized that *feeling* under official suspicion is not the same as *being* under such suspicion, nor is being under suspicion the same as being under *unjustified* suspicion. Sixth, even if all the recent allegations about Prevent are true, the only credible conclusion to be drawn is that *some* Muslims have fallen under unwarranted official suspicion, not that Muslims in Britain have become a suspect community. Finally,

on 13 July 2010, the Home Office announced that Prevent was to be dismantled and that, in future, a clearer distinction would be drawn between, on the one hand, counter-terrorist activity focused on individuals deemed directly at risk of radicalization and, on the other, combating social exclusion in Muslim communities generally (The Guardian, 14 July 2010).

Pantazis and Pemberton also suggest that 'high profile police raids, arrests and detention of "Muslim terrorist" suspects have had a clear impact upon the public consciousness', generating, 'to some degree', a wider fear giving non-Muslims 'permission to hate' Muslims (Pantazis and Pemberton 2009: 661). At best, this is an unproved hypothesis that fails to address the evidence against it. First, there is no evidence whatever that anti-Muslim sentiment is caused by anti-terrorist police powers or by their exercise. However, there is evidence that it is exacerbated by terrorist attacks, as Pantazis and Pemberton themselves recognize but strangely attribute to 'the demarcation of a specific social group as a suspect community' rather than to the incidents themselves (Pantazis and Pemberton 2009: 661). Negative attitudes towards Muslims may also be affected by fear of Islamist terrorism, media representations of Muslims and events abroad. However, a recent analysis of newspaper coverage of Irish people and Muslims indicates that 'the communities as a whole are *not systematically represented as suspect*', although 'extremist sections within them are' (ESRC 'Suspect Communities' Project 2010: 3, italics added; Nickels *et al.* 2010: 27–9). Second, the enactment of the Racial and Religious Hatred Act 2006, which makes it an offence intentionally to stir up hatred against people on racial or religious grounds, was passed mainly to protect Muslims from hate crimes. Third, Pantazis and Pemberton ignore the fact that vigorous debates are currently being conducted between Muslims about their relationship with state and society. Labour MP Khalid Mahmood has, for example, encouraged Muslims to support ethnic and religious profiling at airport check-ins (*The Guardian*, 2 January 2010), while other Muslims, such as former Islamist and founder of the Quilliam Foundation Ed Husain, also support the use of Prevent for counter-terrorist intelligence-gathering purposes (*The Guardian*, 17 and 19 October 2009; House of Commons Select Committee on Communities and Local Government 2010: Ev1-7).

Finally, Pantazis and Pemberton confuse negative attitudes towards Muslims in civil society or on the part of public officials with material discrimination in terms of access to goods, services, employment, etc. (Pantazis and Pemberton 2009: 661). While there is evidence that some Muslims suffer material *disadvantage*, there is no conclusive evidence as yet of *systematic material discrimination* by either state or civil society (Fanshawe and Sriskandarajah 2010: 22). It is true that Pakistanis and Bangladeshis, overwhelmingly Muslim, are among the most economically disadvantaged groups in Britain (Peach 2005; Heath and Cheung 2006: 2). But, since they share this unenviable status with predominantly non-Muslim black Africans and Caribbeans, this tends to implicate race and ethnicity more than religion. It is also clear that not all Muslims are impoverished. For example, as the former Home Secretary, Jacqui Smith, told an audience in Pakistan in 2008, there are as many as 10,000 Pakistani millionaires in Britain and Pakistanis make an overall contribution of £31bn to the British economy (*The Guardian*, 8 April 2008). Muslims are themselves also part of the state in the United Kingdom, employed in all, or virtually all, walks of public life, including the police, Parliament and government, although this does not mean they are *fully* represented in officialdom. In 2008, for example, there were four Pakistani Muslim MPs, including two ministers, and more than 200

Pakistani local councillors (*The Guardian*, 8 April 2008). The Equality Act 2006 also seeks to protect religious and other minorities from material discrimination including by public authorities. Anti-Muslim discrimination is also disputed by Muslims. For example, in a survey conducted by Mirza *et al.* (2007), 84 per cent of Muslims affirmed that they had been treated fairly by British society and 59 per cent felt they had as much, if not more, in common with non-Muslims in the United Kingdom than they had with Muslims abroad (Mirza *et al.* 2007: 6).

Policy Implications

Pantazis and Pemberton make no proposals about how the problem of the 'suspect Muslim community' should be addressed. In particular, it is impossible to discern whether they think no special anti-terrorist provisions are necessary, whether different ones from those currently available are required (and, if so, what they should be) or whether the current ones merely need to be applied in different ways. Fleeting support is offered for 'soft' law enforcement approaches, such as the MPS Muslim Contact Unit, which they claim has had 'modest success' in countering al Qaeda recruitment (Pantazis and Pemberton 2009: 660). There is also an oblique reference to the lessons of the Northern Irish conflict not having been learned but no indication of what these lessons are nor how they would apply throughout the United Kingdom today. There is also no attempt to engage with the dozen or so differences between the IRA and al Qaeda (Greer 2008), nor to acknowledge that anti-terrorist policing in the contemporary United Kingdom is on a considerably smaller scale compared with Northern Ireland at the height of the Troubles.

Before the state version of the suspect community thesis can be taken seriously, several things need to be made much clearer. First, as the events of 9/11 and 7/7 and other foiled terrorist plots in the United Kingdom graphically illustrate, the United Kingdom faces an objective and not a 'socially constructed' threat from Islamist terrorism. Second, the term 'war on terror' was always at best unhelpful and contrary to what Pantazis and Pemberton assume, there is no evidence that it was ever fully endorsed by all branches of the state in the United Kingdom and substantial evidence that it was not. And, even if it had been, it has long been abandoned even by the United States. The only people who take it seriously now are those who think, in spite of its patent redundancy, that it still needs to be condemned. Third, the struggle against terrorism will inevitably continue in the United Kingdom on several fronts, including domestic law enforcement, for the foreseeable future. Fourth, although the scale of this threat cannot be estimated with certainty—and in this limited sense, it is partly a 'social construction'—its devastating effects are potentially enormous, not only for life, limb and property, but also for public institutions. Fifth, the key challenge for law and public policy is the management of two sets of competing and incommensurate risk: protecting against the harm caused by terrorism and protecting against the potentially arbitrary and unjust effects of anti-terrorist laws.

Sixth, the dominant contemporary terrorist threat is 'Islamist' by nature and not by official designation, as Pantazis and Pemberton appear to believe, because a warped version of Islam is invoked by those who resort to it. Seventh, because this type of terrorism has this particular characteristic, *any* effective domestic law enforcement policy against it will necessarily impact disproportionately on Muslims because only Muslims

are likely to be involved in it. But, as the European Court of Human Rights held in the case of *Ireland* v. *UK* ((1978) 2 E.H.R.R. 25, paras 225–32), provided the threat emanates from a particular minority, the fact that specific counter-terrorist initiatives impact disproportionately upon this minority does not mean that the right not to be discriminated against has been violated. Eighth, tackling Islamist terrorism will, therefore, inevitably involve some individual Muslims, some Muslim organizations and networks, and some Muslim neighbourhoods falling under official suspicion. But, ninth, this does not mean that Muslims in the United Kingdom have, as a whole, become an officially suspect community. Tenth, crucially, no international human rights instrument contains a right to be 'free from official suspicion', although various human rights come into play once officials act on their suspicions. Being 'under official suspicion' is, in other words, only objectionable from the human rights perspective if it is groundless and leads to adverse consequences for those concerned or if it leads to consequences that cannot be defended by reference to whatever grounds there are.

Eleventh, the key to managing the risk posed by terrorism, Islamist or otherwise, lies in the accurate targeting of suspects based on reliable intelligence and the use of intelligence-based information for either 'prosecution' or 'control' (Walker 2005). And this must only be in a manner permitted by international human rights standards. It is not clear how Pantazis and Pemberton think counter-terrorist intelligence should be gathered in ways that would prevent turning Muslims into what they would regard as a suspect community. Finally, whether any official conduct based on suspicion is compatible with human rights standards—for example, banning an organization because it is deemed to 'threaten violence' rather than merely advocating 'radical political change'—will often hinge on the fine distinction between a legitimate *interference* with a human right and an illegitimate *violation*. This is primarily a matter of proportionality, which is not susceptible to objective determination and that ultimately must be settled by the courts (Blick *et al.* 2007).

Conclusion

Pantazis and Pemberton present a distasteful picture of a powerful state repressing and preying upon a beleaguered and harmless religious minority through a battery of anti-terrorist laws underpinned by a hostile and prejudiced official political discourse. But, on closer inspection, it turns out to be a crude, one-dimensional and misleading image resting more on speculation than on a solid empirical foundation. There is simply no evidence to support it and a great deal to contradict it. While there is evidence that certain individual Muslims, and certain Muslim organizations, networks and neighbourhoods, are, and have been, under official suspicion, there is no evidence that this is systematically based on Islamophobia, that being a Muslim is in and of itself sufficient to arouse official suspicion, or that the majority of Muslims in the United Kingdom are under official suspicion. Some official suspicion of some individual Muslims and/or some Muslim organizations, networks and neighbourhoods may be unwarranted and may amount to a violation of human rights. But Pantazis and Pemberton present no evidence of when and where, or of the extent to which this is the case. And even where such suspicions are not justified, a much more appropriate complaint is that the human rights of those concerned may have been violated, not that Muslims as a whole have become a suspect community.

There is also evidence, particularly as revealed by the Prevent 'spying' controversy, that some Muslims feel victimized, stigmatized and under unwarranted official and/or social suspicion, and may be alienated from anti-terrorist law enforcement as a result. But Pantazis and Pemberton present no evidence of how serious and widespread this might be or, as they claim, that a critical role in producing these results has been played by the United Kingdom's anti-terrorist laws. Nor do they indicate what should be done about it. Islamophobia is much more likely to be due to a complex mix of factors—not least terrorist incidents themselves—and its geographic, temporal and social distribution is likely to be uneven and volatile. More evidence of these relationships is required. There is also evidence that Pakistanis and Bangladeshis (most of whom are Muslim), together with black Africans and Caribbeans, disproportionately suffer material disadvantage in the United Kingdom. But, as yet, there is no conclusive evidence that this is the result of systematic religious discrimination by either state or civil society. More evidence is required here as well.

Ultimately, the Pantazis–Pemberton thesis fails because it rests on a series of analytical, methodological, conceptual, logical, empirical, evidential and interpretive flaws. While these are not wholly discrete, the principal analytical and methodological problems are: the uncritical endorsement of the equally flawed Hillyard thesis; the failure to accept that al Qaeda-7/7-type terrorism presents a real rather than a socially constructed threat to the United Kingdom and that it is Islamist by nature rather than by official attribution; the failure to engage with more than a handful of the huge number of provisions in the five major pieces of anti-terrorist legislation since 2000, not a single one of which is expressly targeted against Muslims or Islam; and the claim that the dominant political discourse has contributed to turning Muslims into a suspect community when the evidence Pantazis and Pemberton themselves present clearly shows that statements from government spokespeople have repeatedly exempted the vast majority of Muslims from involvement in, or support for, terrorism.

The conceptual flaws include: the over-inclusive and indeterminate definition of the term 'suspect community'; the failure to recognize that Muslims do not constitute a single national community in the United Kingdom in any real sense; the lack of precision about what constitutes 'official suspicion'; the failure to provide any credible account about how it arises or to identify the circumstances in which it is objectionable; the failure to recognize that any effective domestic law enforcement policy against AQT-7/7-type terrorism—even one resting on the ordinary criminal law alone—will necessarily affect Muslims disproportionately, since, by definition, only Muslims will be involved in it; and ambiguity about how the 'lessons from Northern Ireland' might apply in the very different current context.

The logical, evidential, empirical and interpretive problems include: the failure to explain how banning organizations turns those who are not associated with them into a suspect community; interpreting evidence of racial bias in the use of the s. 44 stop and search power as evidence of religious bias when there are no data on the religion of those stopped and searched; the claim that anti-terrorist laws have legitimized Islamophobia while failing to acknowledge that incitement to religious hatred has been criminalized; the lack of any evidence that most Muslims regard themselves as a suspect community and the failure to realize that even if there were such evidence, it would not prove that Muslims are *in fact* a suspect community; the failure to acknowledge that Muslims are themselves part of the state; and the failure to recognize that a vigorous

debate is being conducted between Muslims about their relationship with the state and civil society in the current climate.

For the Pantazis–Pemberton thesis to be taken seriously, two things in particular need to be demonstrated. First, credible evidence must be provided that shows that a substantial majority of the two million or so Muslims in the United Kingdom have fallen under some form of official suspicion (and who is under what kind) and/or that, second, being a Muslim is, in and of itself, sufficient to arouse it on a systematic basis. However, it is extremely doubtful if either hypothesis will ever be proven, not least because it is highly unlikely that either is true.

Pantazis and Pemberton appear to be motivated entirely by the desire to expose what they see as state repression of Muslims in the United Kingdom and to express their solidarity with them. Nothing more is offered. Surprisingly, for policy analysts, there is no discussion whatever of what should be done about the problem they claim to have identified. The suspect community thesis should, therefore, be rejected by everyone interested in responsible social science, effective and humane anti-terrorist law and policy and progressive politics. For social science, the priority should be carefully to draw only those conclusions about the relationship between Muslims and anti-terrorist laws that are adequately supported by the available evidence and to resist those that may chime with political prejudice but lack any credible evidential foundation. Amongst other things, this will involve recognizing that few Muslims in the United Kingdom support Islamist terrorism, many actively and willingly support and work with law enforcement agencies to counter it, others are hostile towards both Islamist terrorism and the state, and yet others are at various points in between. More research needs to be conducted to determine what proportions take which positions. The priority for law and public policy should be to tackle Islamist and other forms of terrorism, effectively ensuring that while human rights may legitimately be restricted in this exercise, they must never be violated. Ultimately, determining where this line should be drawn is the responsibility of the courts and, as the *Gillan* case shows, judicial opinion can be sharply divided. Finally, the priority for progressive politics should be to isolate the extremists on all sides—the violent Islamists and their Islamophobic counterparts included—and to identify, celebrate and build upon the strong, though imperfect, integration of Muslims and the appropriate recognition of their distinct identities in both civil society and the state that already exists. Regrettably, the Pantazis–Pemberton thesis deflects debate from all these priorities.

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'The International Protection of Human Rights in Europe and its Effects upon Muslims'. Needless to say, the views expressed both in this article and in the formal presentations at each of these two events are mine alone and cannot be attributed to anyone else.

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