FACING THE CHALLENGE OF TERRORISM

A Report from the Mission and Public Affairs Council

Introduction

1.   The London bombings of 7 July 2005 marked a new phase in the United Kingdom's experience of terrorism, on account of the intensity of the attacks, which caused 52 deaths, and the shock of discovering British-born Muslims to be responsible for acts of violence against ordinary citizens in this country. These events, regarded for some time by the police and security services as 'inevitable', have propelled the policy debate about counter-terrorism into uncharted areas. This was epitomised by the Prime Minister's declaration on 5 August, "The rules of the game have changed."

2.   Despite this heightened sense of urgency, the questions raised by international terrorism and counter-terrorism policy have been under discussion for a considerable period. In 1996, at the request of the Government, Lord Lloyd of Berwick published a review of UK counter-terrorism law – the first of many, as it has proved – which led to the Terrorism Act of 2000. Major issues were examined in the Board for Social Responsibility report (GS Misc 662) prepared for the Synod debate in November 2001. Current dilemmas need to be viewed in the context both of the UK's historical experience of terrorism and of the international situation analysed in the report of the House of Bishops' Working Group, *Countering Terrorism: Power, Violence and Democracy* (September 2005).

3.   This report provides background to the debate by reflecting on the main themes of the motion. It takes for granted the rightness of condemning the bombings, expressing sympathy for the victims and families of all who suffered and appreciation for the work of the emergency services, and acknowledging the 'daunting responsibility' of the Government, police and security services for safeguarding life. In reflecting on that responsibility, it analyses the challenge of understanding terrorism and explores the working assumptions about its causes which ought to underpin detailed policy. It goes on to review the Government's legislative and administrative responses to the events of July.   Finally, it examines the broader context of community relations, which will crucially affect the success of counter-terrorist action, and indicates the areas in which the Church of England has a positive contribution to make.

Terrorism and its causes

4.   There is no generally agreed definition of terrorism. The Terrorism Act 2000 defines it as *the use or threat of action involving serious violence, damage or danger to life and health…in order to influence government or intimidate the public in a political, religious or ideological cause*. The aphorism that "one person's terrorist is another person's freedom fighter" relates more to the justification or exculpation of particular campaigns than to the character of the phenomenon itself. It does however signal that the political dimension of terrorism makes it impossible to assimilate it totally either to war or to crime (with both of which it has considerable affinities). This has implications for the means used to combat it.

5.   Many people who would see no possible justification for politically-motivated violence in democratic societies where power derives from the ballot box would not necessarily condemn the use of violence as a last resort in societies where basic freedoms and rights are ruthlessly suppressed. Even so, unresolved questions remain. What degree of violence, if any, might be justifiable, and in what circumstances, in the face of oppression (the dilemma of anti-apartheid campaigners in the old South Africa)? And what is the appropriate response when, even in a democracy, a minority feel driven by religion, nationalism or ideology to reject the democratic rules of the game?

The precedent of Irish terrorism

6.   The initial response to the breakdown of order in Northern Ireland in 1969 was the deployment of troops to "assist the civil power" in protecting sections of the population who were under attack. With the emergence of the Provisional IRA and Loyalist terrorist groups, military involvement deepened and emergency powers, including for a time internment without trial, were introduced in order to contain violence. In the longer run it was judged that the explicit or tacit support of large sections of both republican and unionist communities for the political aims of terrorist groups necessitated a political strategy for peace-making to complement the military containment and criminal prosecution of those engaged in terrorism. Whatever view is taken of the merits of the political strategies subsequently adopted, this judgment is hard to contest.

7.   The Irish terrorist campaign in Northern Ireland and Great Britain had a number of effects upon the legal and political systems. It induced legislation involving some

curtailment of traditional rights and safeguards. In Northern Ireland it prompted the creation of judge-only ('Diplock') courts to circumvent the intimidation of juries. The need for intelligence and infiltration of terrorist organisations raised acute dilemmas about the relation between the security forces and people involved in terrorism. There was bitter controversy over the granting of political status to people convicted of terrorism and, after the 1998 Good Friday Agreement, over their release in pursuit of a political settlement. The imperative to enforce the law and administer justice has frequently stood in tension with the political desire to conciliate parties and communities with close links to paramilitary organisations.

8.   In Great Britain, the Birmingham pub bombings of 1974 led to the introduction of 'temporary powers' (thereafter renewed annually) to proscribe terrorist organisations, to exclude suspected terrorists from Great Britain, and to assume additional powers of search, arrest, examination and detention for up to 5 days to be used against people suspected of terrorism. The pressure to combat high-profile terrorist acts combined with flaws in police and court procedures to produce major miscarriages of justice which were eventually investigated and acknowledged. These precedents should be kept in mind as our society faces new challenges.

Contemporary international terrorism

9.   Terrorism in the twentieth century tended to accompany political conflicts centred on nation-states, in struggles for national independence or liberation from oppression or occupation. In recent years international terrorism has taken new directions through the linkage between struggles in different places and the rise of groups motivated by transnational religious ideologies. As the Bishops' Working

Group pointed out (*Countering Terrorism*, p. 5), Al-Qa'eda has both highly specific aims (US withdrawal from Saudi Arabia and the destruction of Israel) and more generalised ones (the removal of Western influence in Islamic lands and the establishment of an international Muslim caliphate). This requires the maintenance of a state of enmity between authentic Islam, as understood in Osama bin Laden's purist strand of Wahhabism, and the United States and its allies throughout the world.

10.   This development entails that contemporary counter-terrorism cannot confine its attention to the national scene. The appeal of radical Islamists to the *umma*, the worldwide Muslim community, rather than the nation-state as their political point of reference means that both the grievances which they claim to be remedying and the potential pool of support to which they appeal, are very broad. Second, it has to take account of religious and even theological motivation. The description of terrorism as 'mindless' or 'nihilistic' may provide comforting political rhetoric, but it evades the fact that terrorism by definition has political and ideological characteristics which, need to be correctly understood in order to pursue appropriate counter-measures. To understand the phenomenon is not an alternative to condemning it as evil, but a necessary part of defeating it.

Suicide bombers

11.   The other major development to be noted is the rise of the suicide bomber. Classical terrorism operated by means of automatic weapons or conventional explosive devices. Modern technology offers the threat of 'weapons of mass destruction' employing chemical, biological or nuclear agents, which require a certain level of access and expertise. In contrast,

suicide bombing is cheap and accurate, creating a high level of uncertainty and fear on account both of the difficulty of preventing it and of its heavy toll. It is estimated that while suicide bombings made up only 3 per cent of the total of terrorists attacks in the world between 1980 and 2003, they accounted for 48 per cent of those killed.

12. The suicide bomber embodies the linkage between the religious ideology which drives the international terrorist strategy and the organisation which implements it. Stereotypes assume that he or she is either an irrational fanatic or a hopeless depressive, drawn from the ranks of the deprived or uneducated. Our detailed knowledge of suicide bombers is, in the nature of the case, limited. What we do know - as for example with the hijackers of 9/11 and the bombers of 7/7 - challenges the stereotypes. Many are above-average in income and education and have intensely developed political convictions. Many seem to be motivated by revenge, either as a result of personal experiences or on behalf of the communities to which they belong. These negative influences combine with positive beliefs about their identity and role which legitimate their course of action – notably the ideology of martyrdom.

13. In a recent study (*Suicide Bombers: Allah's New Martyrs*), based on interviews with young Islamists in French prisons, Farhad Khroskhavar has suggested that primary candidates for suicide bombers are rootless young men in the Muslim diaspora of Western Europe. They are cut off from the Islamic societies of their parents and, while not excluded from Western society, are victims of racism and fail to gain jobs and opportunities to match their education and abilities. In their association with *jihad* they appear to find a role as agents of a new Islamic world order which compensates for their sense of

marginalisation and loss of dignity. They act out their resentment by planning dramatic damage to the West in the name of an ideology which reflects their ambivalence towards their origins. These findings make sense sociologically but it is not easy to see how it would be possible to forestall such pathological adaptive behaviour.

14.   Suicide bombing is a social and cultural phenomenon, as well as an individual action. Terrorist organisations have well-developed systems of publicising, recruiting and training which rely upon creating an image of heroism and in many cases bonding recruits into a close-knit interdependent group with a powerful collective ethos (the parallels with conventional military training are obvious). In radical Islamist groups this is informed by a theology in which the sacrifice of the individual in inflicting retribution on the enemies of God and his faithful ones is commanded and approved, and those chosen to be martyrs are celebrated in the social networks of their sympathisers. Similarities with other terrorist movements, including those of Palestinians and Irish republicans, are apparent.

The orientation of counter-terrorist action

15.   The relation between terrorism as practised by Al-Qa'eda, and similar groups, and the Muslim population of the UK is very different from the situation obtaining between the IRA and nationalists in Northern Ireland. Nevertheless, terrorism depends, both for its practical effectiveness and its legitimation, on the ability to recruit and gain support from those who in some way share its political outlook. It draws both active and passive support from those who feel strongly that their interests are being negated and their grievances overlooked by those in authority. Although it takes relatively

few recruits and supporters to do considerable damage, it is clear that the experience and attitudes of Muslims in the UK and the wider world will have a crucial role in restraining or assisting radical Islamist terrorism.

16.   Awareness of Islam must move beyond the crude dualist categorisation of 'fundamentalists' and 'liberals' (as we would also wish in relation to Christianity). Tariq Ramadan has provided a helpful sketch of what he calls "six major tendencies amongst those for whom Islam is the reference point for their thinking" (*Western Muslims and the Future of Islam*, p. 24). These he labels 'scholastic traditionalism', '*Salafi* literalism', '*Salafi* reformism', 'political literalist *Salafism*', 'liberal or rationalist reformism' and 'Sufism'. By understanding the major currents of thought which inform Islamic debate about politics and the use of violence, we may acquire religious literacy to complement our political awareness. This should help us to avoid on the one hand denial and evasion of difficult issues, and on the other the tendency to blame a caricature of Islam for anything and everything.

Terrorism and grievances

17.   As the Bishops' Working Group notes, counter-terrorism strategy will require "an understanding of what is being thought and felt in the Islamic world, together with active steps to address legitimate concerns, such as the ongoing Middle East conflict. Such an approach does not amount to appeasement nor does it imply that the existence of real grievances legitimates the resort to terrorism." (*Countering Terrorism*, p. 6). It must be right in itself to tackle justified grievances, and insofar as the sense of grievance on the part of Muslims fuels sympathy for terrorism and obstructs co-operation to oppose it, it is important to do what can be done to

diminish it. However, it would be a mistake to think that rectification of wrongs, assuming that to be achievable, could by itself deal with the 'underlying causes' of terrorism. The sense of grievance is not always justified and erroneous implications are often drawn from it.

18.   What should be drawn from recognition of grievances (as the history of Northern Ireland shows) is the challenge to lay aside self-righteousness in assigning responsibility for terrorism. When our own community has suffered a violent attack, it is tempting to cast ourselves in the role of pure victim, and to insist that responsibility lies exclusively elsewhere. This may be true in terms of the immediate incident: we must never blame the victims of bombing, nor excuse the bombers. Evil acts are to be denounced and repudiated whatever the circumstances which lie behind them.

19.   Nevertheless, when we examine the broader picture of events, we are reminded that we belong to an interdependent world order in which both good and evil are transmitted through many channels. The Christian tradition - classically expressed by the first eight chapters of the Epistle to the Romans - interprets this as solidarity in sin, but also as solidarity in the hope of redemption. It is part of the untruthfulness of sin that human beings deceive themselves about their complicity in evil. We tend to avoid the uncomfortable truth that by acts of commission and omission, and by what is done in our name by political leaders, we may be collaborators with violence and injustice. We must make a sober estimate of our collective responsibility for the state of the world, and a commitment to work for change in the light of the reign of God.

Double standards

20.   Failure to acknowledge this responsibility risks producing a mirror image of the world-view of terrorists, constantly projecting blame elsewhere and erasing the humanity of those whom we condemn. Trying to see the world through Muslim eyes and listening to the testimony of Muslim voices means encountering different narratives of injustice and violence from those we habitually adopt as our own, yet recognising our common humanity. There is a widespread perception among Muslims that in the typical 'Western' (or 'Northern') view of the world, the lives and welfare of Muslims are accounted of less value than those of 'Westerners'. This is potentially a major barrier to co-operation against terrorism.

21.   One part of the worldwide reaction to the bombings of 7/7 (as with 9/11) was a sense of satisfaction among some Muslims that peoples who had previously been insulated from violence were experiencing in small measure the traumas that fellow-Muslims in many places had suffered without adequate response from the West. It is not necessary to agree with this reaction in order to understand it. What follows from it is the imperative to purge double standards from our estimate of human value and human suffering. In Matt. 25:31-46, the 'least of these' with whom the Son of man reveals his solidarity, and by their treatment of whom the nations are judged, are characterised solely by their human afflictions. The challenge to recognise common humanity is addressed to terrorists and counter-terrorists alike.

Many causes, multiple response

22.   Attempting to probe the causes of terrorism confirms their complexity and intractability. Counter-terrorism policy in any one nation is limited in its ability to influence international factors, but it must keep them in view. It must also address those who are potential sympathisers with terrorism. As Khroskhavar's work demonstrates, it is not merely events that shape responses to terrorism, but differing interpretations of those events, many of which are ideologically propagated by terrorist groups. Therefore, as the Bishops' Working Group insists, the 'battle for hearts and minds' is a vital part of the strategy, and churches have an important role to play through building good community relations.

23.   If foreign policy and community relations form the background to counter-terrorist policy, the foreground includes intelligence, legislation and policing. The key to thwarting terrorist action is information about networks, tactics and planning. The July bombings have led the Government to conclude that legislation and policing have failed to keep pace with the demands of intelligence - although intelligence in relation to 7/7 seems to have been lacking - and therefore to propose extensive changes as a matter of urgency.

Principles of policy and legislation

Security and liberty

24.   Christians affirm the duty of government to protect life and to restrain wrongdoing, by coercive measures where necessary, but also to protect rights and freedoms. Romans 13:1-7, an influential text, recognises the God-given function of political authorities both to punish wrongdoing and to vindicate right conduct. However, governments are prone to sin and error and safeguards are needed against inappropriate

or excessive use of power by the State. Terrorism is reprehensible because it uses illegitimate and indiscriminate force, treating people with extreme hostility and callousness as a means to an end. Given the degree of violence which terrorists are prepared to inflict, counter-terrorism policy provides the classic example of the difficulty of reconciling security and liberty. To restrict the rights of citizens in the name of public safety may compromise the openness of society, defence of which is a prime reason for combating terrorism.

25.   The key issue is sometimes presented, especially by government ministers, as a conflict between civil liberties, which are portrayed as protecting the guilty, and 'the right to life' or 'the right not to be blown up' which involves protecting the innocent and ought obviously to take priority over everything else. This argument is an oversimplification in at least two respects. First, civil liberties are for the protection of everyone. The operation of fair and proper legal procedures is necessary both for the reliable identification of the guilty and the protection of the innocent.

26.   Second, 'the right not to be blown up' is not properly described as a right because it is not legally enforceable. No government can guarantee that its citizens will not be blown up, though it clearly has to take suitable precautions to prevent this and in a democracy may be called to account by the electorate if it is judged to have fallen short. At most we can speak of a right to reasonable protection (or better, a duty of government to provide reasonable protection). The existence of competing risks makes talk of absolute rights impossible. The task becomes one of balancing rights and risks against one another.

Arguments from emergency

27.   There is recognition in political thought and Christian ethics of the exceptional demands of emergency situations, which may justify the suspension of freedoms and the adoption by the State of powers which would normally be unacceptable. The classic example is a state of war in which the survival of a nation is at stake. The analogy between war and terrorism invites justification of anti-terrorist measures along these lines. Article 15 of the European Convention on Human Rights permits derogation from its obligations in time of war or other public emergency threatening the life of a nation "to the extent strictly required by the exigencies of the situation". The Government relied on this provision to validate its detention of foreign national terrorist suspects under Part 4 of the Anti-Terrorism, Crime and Security Act 2001, but in December 2004 the measure was declared by the House of Lords to be incompatible with the Convention by reason of its disproportionality to the threat.

28.   The differences between war and terrorism require the application of stringent criteria of seriousness to claims about the existence of a state of emergency. In many cases, terrorism is likely to present a threat which, though intense, is both episodic and sustained - in contrast to the continuous yet limited duration of a war. When governments act against a background of fear, there is a danger of what Professor Conor Gearty has called 'atrocity politics', in which critical questions become muted and the plea of expediency is accepted too readily. To grant substantial curtailment of rights and liberties in such circumstances would be dangerous, risking a semi-permanent state of repression.

Decisions to restrict rights and liberties

29.   One means of resolving the dilemma is provided by the acknowledgment of the European Convention on Human Rights that rights may be restricted to meet a pressing social need, or to prevent crime or disorder, provided that the restriction is both *necessary* and *proportionate*.   Proposed measures may be tested by the criteria of necessity (will they achieve the ends sought, and could this be done in another way?) and proportionality (is the restriction of rights commensurate with the threat?).   Evaluating both rights and threats involves making problematic judgments, raising both political and constitutional issues.

30.   The duty of governments to make decisions about national security based on intelligence is complicated by the problem of trust.   On the one hand, the information on which such judgments are based is of necessity secret, and the reasoning from the information to the decision cannot be made fully public without the risk of compromising the effectiveness of policy.   On the other, there is understandable suspicion of proposals to curtail civil liberties when the justification for them cannot be subject to full scrutiny and evaluation. The controversy over the role of intelligence in the decision in 2003 to go to war with Iraq has not made it any easier to demand or sustain trust in such matters.   To meet these concerns, governments have sought where possible to build into anti-terrorist legislation processes of independent review and to require periodic renewal of special powers by Parliament.

31.   The question who is to decide what constitutes a necessary and proportionate response to terrorism raises sensitive constitutional issues. The traditional doctrine of parliamentary sovereignty holds that such decisions rest with a

democratically-elected government legislating through, and answerable to, Parliament. In accordance with this, the courts have tended to be cautious when asked to adjudicate matters of national security. The view that fundamental human rights should be constitutionally entrenched and enforceable by judicial review runs counter to this tradition. When the European Convention was incorporated into domestic law by the 1998 Human Rights Act, parliamentary sovereignty was protected by giving the courts power to declare primary legislation incompatible with the Convention but not to strike it down. The tension between the respective roles of the executive and the legislature on one side, and the judiciary on the other, remains central to present debates.

The use of lethal force

32. Consideration of proportionate response to an emergency raises the question of the use of lethal force against terrorist suspects. This came into sharp focus on 22nd July as a result of the shooting of Jean Charles de Menezes on the Underground by a police armed unit, in the mistaken belief that he was about to detonate a bomb. The event was a tragedy in its impact both upon an innocent man and his family and upon public confidence in anti-terrorist operations.

33. A full response must await the outcome of the official independent investigation, but in the light of controversy about a 'shoot to kill' policy, two comments may be offered. First, in a situation where many lives may be threatened by terrorist acts, the police need to be able to employ lethal force as a last resort – particularly in the case of a suspected suicide bomber, where shooting to kill may be the only effective means of preventing a greater tragedy. Second, there is an onerous duty on the police to ensure that intelligence is as reliable as

possible and that the strongest possible safeguards are maintained to minimise the use of lethal force and to prevent its use against the wrong targets.

The Terrorism Bill

34.   Even before the July bombings, the issues outlined above came into prominence when the Government introduced a Prevention of Terrorism Bill to deal with the problem of terrorist suspects against whom there is insufficient evidence to bring a charge. This followed the judgment by the House of Lords on the detention of foreign national suspects (see para. 27). A system of 'control orders' was substituted, giving power to impose upon both UK and foreign nationals suspected of terrorism a set of restrictions on liberty culminating in house arrest. Controversy centred on the standard of proof required to impose the orders (the civil standard of 'the balance of probabilities' rather than the criminal standard 'beyond reasonable doubt') and the precise role of the judiciary (confirming or reviewing orders). It is arguable that the provisions lend legal camouflage to decisions which are essentially executive (based on intelligence) rather than judicial (based on due process).

35.   In mid-July, the Home Secretary indicated that the Government was considering further legislation: the introduction of new offences of 'acts preparatory to terrorism' and 'condoning or glorifying terrorism', and the extension of the maximum period for detention of suspects without charge. On 5 August, the Prime Minister made a wide-ranging speech confirming these proposals and anticipating others. On 15 September, a draft Terrorism Bill was published for consultation. There was heavy criticism of the clauses on

'glorifying' terrorism and the extension of the period of detention, and a revised Bill appeared on 12 October.

Acts preparatory to terrorism

36.   The offence of 'acts preparatory to terrorism' is relatively uncontroversial. It was first proposed by Lord Lloyd in his review of 1996, and subsequently supported by Lord Carlile of Berriew, the independent monitor of anti-terrorist legislation, and the Newton Committee in its review of Part 4 of the Anti-Terrorism, Crime and Security Act 2001. Since it is necessary to the prevention of terrorism to make early arrests of suspects, there may be no evidence that a terrorist offence has been committed or attempted. There may however be evidence, falling short of the element of agreement necessary to prove conspiracy, which makes sense only on the assumption of a general intention to commit a terrorist act or acts. The new offence fills the gap left by the present common law of conspiracy.

'Glorifying' and encouragement of terrorism

37.   The offence of 'glorifying' terrorism caused some perplexity when it was first mooted, because it seemed difficult to distinguish from incitement to terrorism, which is already an offence. In the draft Bill of September, it appeared in the formulation of 'glorifying', 'exalting' or 'celebrating' the commission, preparation or instigation of acts of terrorism. It was unclear what exactly would be covered by this definition, and it was stipulated that statements relating to acts more than 20 years in the past would be illegal only if they concerned conduct or events specified by the Home Secretary. The measure aimed to prevent the radicalisation of Muslims, but it is doubtful whether it was either just or expedient to outlaw

behaviour where there was no evidence, but only a presumption, that it would encourage terrorism.

38.   This criticism evidently weighed with the Home Secretary, for when the Bill of 12 October appeared, 'glorifying' was incorporated into the clause on 'encouragement' of terrorism which was originally separate from it. A statement falls under this offence if the person making it knows or believes that members of the public are likely to understand it as "a direct or indirect encouragement or other inducement to the commission, preparation or instigation of acts of terrorism." What it would be reasonable to believe about how members of the public would understand such a statement must be determined by reference both to its contents as a whole and the circumstances or manner in which it is made. In relation to direct encouragement or inducement it is possible to envisage how this would apply, but 'indirect' encouragement raises potentially huge problems of interpretation. It is arguable that its indefiniteness could inhibit perfectly legitimate discussion of difficult issues about the use of violence.

Extension of detention without charge

39.   The request from the police to extend the maximum period of detention without charge from 14 days to three months was made public in the Home Secretary's letter of 15 July to his opposition counterparts David Davis and Mark Oaten. The 14-day period is the result of an increase from the maximum of 4 days to 7 in the Terrorism Act 2000, and from 7 to 14 in the Criminal Justice Act 2003, in order to take account of the special circumstances of terrorist investigations. The Bill provides that extensions for seven days at a time may be authorised by a district judge on condition that the detention is

shown to be necessary for the effective obtaining, preserving, examination or analysis of evidence.

40.   The police have advanced a number of reasons for the increase, reflecting the complex and time-consuming nature of investigations into international terrorism. These include the need for early intervention and arrest, the time taken to deal with heavily-encrypted computer data and to recover forensic evidence from a crime scene, and the volume of information to be sifted. It is contended that insufficient time for investigation and interrogation results either in the release of potentially dangerous people or the bringing of inappropriate charges.

41.   The increase to a maximum of three months is however a drastic one. It is considerably longer than that in comparable jurisdictions (though the comparison is complicated by the existence of inquisitorial systems, for example in France, where suspects are often detained for highly extended periods after the examining magistrate has begun to supervise an investigation). It arouses concerns about the abuse of the detention power, which is meant to facilitate the bringing of charges. As one retired Law Lord has said, is not an interrogation period of this length bound to be excessive in relation to the integrity of the evidence gathered from prolonged questioning of the suspect? And if detention is not needed primarily to advance the investigation, is it not in effect a form of temporary internment?

42.   It is not apparent why lesser charges could not be preferred within the 14-day period, leaving more serious ones to be investigated further, as suggested by the Liberal Democrats. Nor is it clear exactly how the district judge would be expected to assess the grounds for an extension. This exemplifies the problem already cited (paras. 31 and 34) of

requiring the judiciary to determine issues which are not properly justiciable according to normal principles of law.

43.   Many commentators consider that the provision would conflict with the requirement for a person arrested to be brought 'promptly' before a court under Article 5(3) of the European Convention on Human Rights. There have been reports that the Government may be open to compromise on the length of the period, but it has yet to prove the necessity for the extension with the rigour that would be required to validate so substantial an erosion of the historic right of *habeas corpus* which protects the individual from arrest and detention without good reason.

Other provisions

44.   Many of the other provisions of the Terrorism Bill are to be welcomed. It proscribes the dissemination of terrorist publications, but provides defences for those who may be innocently involved in transmission of such material. It outlaws the providing or receiving of instruction relating to use of noxious substances or terrorist techniques, and attendance at places used for terrorist training. It prohibits the making and possession of radioactive devices for terrorist purposes and extends the offence of criminal trespass to civil nuclear sites. It authorises preparatory hearings in cases of particular seriousness or complexity. It creates extra-territorial jurisdiction to cover certain offences committed abroad.

45.   Some of the measures for which good reasons can be advanced nevertheless have the effect of increasing the intrusive powers of the State. The grounds for proscription of organisations under the Terrorism Act 2000 are extended. The provision to apply for a warrant to enter and search specified

premises for the purpose of a terrorist investigation is expanded to embrace any premises occupied or controlled by a specified person (the 'all premises' warrant which featured in the Serious Organised Crime and Police Act 2005).

Conclusion

46.   It may be argued that most of the Government's proposals represent a necessary and proportionate response to the terrorist threat. Those which threaten to erode safeguards unacceptably have proved controversial and may yet be modified or even withdrawn. However, the cumulative tendency to attenuate liberty in the name of security, so that yesterday's unthinkable restriction becomes today's accepted practice, requires continuous attention to the quality of social and political life which results. There is a tendency for powers once granted to be extended beyond their original scope: some evidence suggests that anti-terrorist legislation is routinely used to limit the exercise of the right to peaceful protest. Without vigilance and discernment in these matters, society will allow the terrorists to achieve some of their objectives in weakening the fabric of democracy and the rule of law.

Measures of social control

47.   Others of the Government's proposed measures are directed to the background conditions affecting terrorist recruitment and operation. The July bombings convinced the Government that their previous handling of Muslim radicals had been complacent and ineffective. The Prime Minister's speech of 5 August expressed this conclusion, with the attendant danger of over-reaction. Much of it was concerned with deporting or excluding from the UK people whose

behaviour was unacceptable or non-conducive to the public good.

Grounds for deportation or exclusion

48.   A brief consultation followed on the grounds for the Home Secretary's decisions to deport or exclude. This was a revision of existing policy rather than the assumption of new powers. The Church of England and the Methodist Church challenged the vagueness of some of the 'unacceptable behaviours' (*sic*) listed, particularly refusal to accept 'UK values' or to abide by 'the UK culture of tolerance'. These were absent from the final list when it was published on 24 August. It included "fomenting, justifying or glorifying terrorist violence", "seeking to provoke terrorist acts", "fomenting other serious criminal activity" and "fostering hatred that might lead to inter-community violence" through speaking, writing, running bookshops and websites, or using a position of influence in the community. Also announced were the creation of a database of foreign-born radicals suspected of encouraging terrorism, and a consultation on powers to close places of worship being used to preach extremism and hatred.

Danger of torture for deportees

49.   The major issue arising from the deportation proposals is the situation of foreign nationals whose presence here is judged 'not conducive to the public good' but who would be in danger of torture on return to their country of origin. There is an absolute prohibition on such deportations in Article 3 of the UN Convention against Torture, supported by Article 3 of the European Convention on Human Rights. That could mean that certain foreign nationals were effectively irremovable from the UK. The Government proposes to deal with the dilemma by

negotiating with the countries of origin diplomatic assurances that those returned will not be subject to torture or ill-treatment. In July one such agreement was concluded with Jordan, and others, with Egypt and Algeria, are believed to be in process. All three nations are known to practise torture.

50.   The objection to diplomatic assurances arises from their lack of enforceability. There is a record of nations failing to abide by similar assurances, and there would be difficulty in achieving robust monitoring procedures.   The agreement between the UK and Jordan provides that anyone arrested, detained or imprisoned within 3 years of being returned will be entitled to prompt and regular visits from a representative of an independent body nominated jointly by the two governments. However, the International Committee of the Red Cross has refused to act as a monitor in Egypt because it regarded access arrangements as unsatisfactory, and recently both Amnesty and the Egyptian National Council for Human Rights have refused to work with the British Government. It is also unsatisfactory that the agreement between the UK and Jordan provides no mechanism for enforcement where either government reneges on its obligations. Serious concern was expressed about these matters by the General Secretary of the Methodist Church in a letter to the Home Office Minister Hazel Blears on 18 August, and by the Bishop of Oxford in a debate in the House of Lords on 12 October.

Powers to regulate places of worship

51.   On 7 October the Home Office published a consultation paper, entitled 'Preventing Extremism Together: Places of Worship'. The proposals are designed to take action against places of worship where "extremist preachers, clerics or teachers" or their supporters have used them to disseminate

extremist views and practices connected with terrorism. The paper recognises that "places of worship in all faiths are dedicated to devotion and reflection. Extremism usually has no hold on them" but asserts the need to deal with a small minority of cases. It claims, somewhat gratuitously, that "there is a potential problem of extremism for all communities in the UK, including faith communities, and the proposals to tackle it apply to all places of worship of whatever faith."

52.   Noting that powers already exist to prosecute individuals and to regulate places of worship owned by registered charities through the Charity Commission, the paper proposes powers for the police to apply for a 'requirement order' under which those controlling a place of worship could be required by a court to take specified steps to stop 'extremist behaviour' (defined as support for a proscribed organisation under s.12 of the Terrorism Act 2000, or encouragement of terrorism as proposed in the current Terrorism Bill). Should those responsible fail to take reasonable steps to give effect to the order, they would be guilty of an offence, and a further order (a 'restriction of use order') could be sought which would include the possibility of temporary closure of parts or all of the premises.

53.   Responding on behalf of the Church of England to the consultation paper on 13 October, the Bishop of Southwark said: "Of course I support the principle of dealing with extremist activity, but targeting places of worship under blanket provisions is excessive and disproportionate. There are about 40,000 churches in Britain, of which 16,000 are in the Church of England, and there has never been any suggestion of behaviour related to terrorism in any of them. There seems to be only one case in the public domain, Finsbury Park mosque, where any potential link between a place of worship and

terrorist activity has been suggested. Even in that case, the problem was resolved by the management committee without recourse to this kind of legislation. Other places of gathering are far more likely than places of worship to be used for the purposes the Government has in mind and one must question why places of worship have been singled out. Public access to Church of England churches has for long been guaranteed by legislation, giving all members of the public the right to enter during times of public worship. To legislate for restrictions on this right would raise significant issues of freedom of worship."

Initiatives in community relations

54.   The title of the consultation paper, 'Preventing Extremism Together' encapsulates the dual nature of the Government's strategy in attacking the social roots of terrorism. This might be described as 'an agenda of control' and 'an agenda of co-operation'. As in that paper, the two do not always sit easily together. The 'agenda of control' tends to overshadow the more positive initiatives. It is also pertinent to consider how both agendas relate to Muslim concerns about social justice.

Government consultation with Muslim communities

55.   An early meeting of the Prime Minister and senior members of the Government with leaders of the Muslim communities, and subsequent departmental meetings, set the tone. On the one hand it called upon the Muslim community to condemn the bombings unequivocally and to accept responsibility for finding the means from within the community to address the causes of disaffection which had led to them. On the other hand, it set out to reassure Muslims at

large that neither they as a faith community, nor Islam as a religion, were to be targeted as responsible for the terrorist acts.

56.   Responsibility for the first strand was placed in the hands of seven task groups whose membership was drawn from a much wider Muslim constituency than had been present at the Downing Street meeting. The groups were asked to address different areas of concern, under the overall heading 'Tackling Extremism Together', and to return by September with proposals through which Muslim communities could address them. The areas of challenge were: engaging with young people, tackling extremism and radicalisation, supporting regional and local initiatives, engaging with women, Imam training and accreditation, providing education services to meet the needs of the Muslim community, security in protecting Muslims from extremism, and community confidence in policing. Engaging with a broad cross-section of Muslims, including more radical groups, has brought pressure to bear on existing structures of representation and patterns of leadership.

57.   The second strand was developed in various ways, including a series of regional meetings with (mainly Muslim) community representatives by the Home Office Minister, Hazel Blears. The outcome of the consultations was announced by the Home Secretary on 22 September and explained further in a speech at the Labour Party Conference. Originally there were some thirty proposals from the task groups, but the Government accepted only some of them, and then with caution.

Practical outcomes

58.   A National Advisory Council of Imams and Mosques will be set up. Its purpose is to "advise mosques on how to prevent them being used by extremists, how to reduce their reliance on using ministers of religion from abroad; set standards and increase the cohesion and leadership skills of imams." Such an advisory body may have some usefulness to the extent that it can be made to work by the Muslim community. However, imams are not in the same category as clergy and do not fulfil the same roles. The issue of foreign-born imams is much smaller than it used to be as a result of the development of seminaries in the UK. The crucial issue is whether there is a desire by mosque committees and their imams to engage seriously with Christianity and other faiths.

59.   A National Forum against Extremism and Islamophobia will be set up. It is not yet clear what form this will take or what role it will play. There are plans to mount a nationwide 'roadshow' of influential Muslim scholars, including Tariq Ramadan, to offer a presentation of modern Islam in the West, but again it is not known what this might involve. On the negative side, the groups Hizb ut Tahrir and Al-Muhajoroun and thirteen others are to be proscribed and consultations will be held with Muslim representatives about the status of other organisations.

Implications and evaluation

60.   The aftermath of the bombings has seen a renewed debate about the nature of British society and the strengths and weaknesses of 'multiculturalism', variously understood. This has had the effect of renewing discussion of the place of faith schools. Anxieties that differences between communities have

been stressed at the expense of integration and shared values are reflected in some of the Government's initiatives. The criteria for gaining British citizenship are to be reviewed, and a Commission on Integration will be established to advise on working with "parts of the Muslim community presently inadequately integrated". There is a need for careful definition of concepts such as 'culture', and for discernment in striking a balance between recognising diversity and encouraging integration (the latter to be distinguished from assimilation).

61.   The corollary of asking Muslim representatives to take responsibility for addressing the causes of disaffection within their communities and seeking more effective integration is that society as a whole and public institutions in particular should accept their share of responsibility for addressing those issues. There is evidence that as a group Muslims in the UK suffer from deprivation, discrimination, harassment and various forms of injustice as they seek to participate in British society. For the overwhelming majority, these problems do not constitute reasons for resorting to terrorism. However, failure to pursue coherent policies to deal with perceived injustice is likely to aggravate the sense of grievance and alienation which fosters recruitment of terrorists and increases sympathy for them. The 'agenda of co-operation' must embrace the 'agenda for justice', without which reconciliation and respect cannot be achieved.

62.   The Home Secretary stated in his Conference speech, "We will confront the environment that breeds terrorism by working in partnership with the faith communities and particularly the Muslim community." It was of course necessary in the circumstances following 7/7 for the Government to approach Muslim communities on a bilateral basis, but it is important that existing multilateral approaches

continue. Community cohesion is of relevance to all faith communities, and carries responsibilities for all. It is also important for the Government to be realistic in its expectations of faith leaders to 'deliver' within their own communities. It is unlikely to help Muslim leaders if they are placed in a position where those whom they seek to represent suspect them of simply colluding with the Government's 'agenda of control'.

63. The term 'extremism' is in danger of being overworked, not because those to whom it is applied do not exist, but because its imprecision hinders engagement with a more complex reality which cannot be dealt with simply through condemnation and repression. As a label it threatens to blur the distinction between involvement in terrorism and other forms of activity which may be connected with it at various points but are significantly different. Given our limited understanding of the influences which affect terrorist involvement, blanket action against those identified as Muslim 'extremists' runs the risk of increasing support for terrorists rather than reducing it. It may also distract attention from the serious arguments which need to be pursued with those who advance ideological and theological justifications of terrorism.

The Church's response

After the bombings

64. The churches' initial public response to the bombings was to provide practical help on the spot for those immediately affected. Thereafter it helped to articulate shock, prayer and sympathy for the victims, and condemnation of the acts coupled with recognition that they were not truly expressive of Islam. The first week saw statements from bishops and other church leaders, joint statements by faith community leaders,

silent public commemorations and vigils. Many churches opened their doors to provide opportunities for prayer, lighting of candles and personal reflection. In London, ministry was provided to the victims and the emergency services. The Archbishop of Canterbury spoke to the media on 7 July in the course of a visit to a mosque in Wakefield diocese, in the presence of imams and clergy. He spoke on national radio on 8 July, and on 10 July issued a joint statement with other Christian, Jewish and Muslim leaders. In most dioceses statements were made, both in areas with substantial Muslim and other faith communities and those with smaller ones. Churches Together in Britain and Ireland issued a joint statement with the Muslim Council of Britain.

65.   Subsequently other events were held, such as joint discussions, acts of prayer and memorial services. The police reported an increased level of hate incidents against buildings and individuals, although many of the latter (assumed by the perpetrators to be Muslim) were in fact Hindus or Sikhs. Given the impact of the events of 7/7, these incidents were less numerous and serious than might have been expected. There is good evidence that local interfaith connections across the country, which increased sharply after 9/11, helped to contain hostile reactions. Personal connections limited the scope for stereotyping. Joint statements helped demonstrate an encouraging level of trust and co-operation between faith communities, and particularly with Muslim communities. The overall range of public actions served to counter the widespread sense that religion is responsible for violence.

The interfaith dimension

66.   In the longer term the churches must avoid the pressure to view their relationships with other faiths, and especially

Islam, predominantly through the lens of terrorism. Under the shock of 7/7 and other atrocities committed by those claiming Islamic allegiance, there is a significant risk that the wider horizon of interfaith relations could be obscured, and energy displaced, by the counter-terrorism agenda. Interfaith co-operation should not be seen primarily as an instrument of public policy, in this as in other areas.

67.   In recent years the Church of England has played a prominent and committed role in building up interfaith relationships, locally, nationally and internationally. Three related perspectives may be adopted in framing an approach to the emerging situation: first, the Church's self-understanding in relation to other religious communities; second, the growth of relationships between the faith communities; and third, the Church's local mission in a multi-faith society.

The Church of England and other faiths

68.   As the established church, the position of the Church of England among the faith communities and in relation to society continues to evolve. Its rich inheritance, with sister churches, rooted in the history, culture and legislation of the country, is not to be taken for granted, but has to be interpreted afresh and put to work in the rapidly changing circumstances of a plural society. The major issue for the Church is its distinctive identity among the faiths and, as a consequence, the role that it is able to play in relation to government. In working with Muslims it must move beyond friendship and sympathy to critical solidarity in the quest for justice. This will entail both constructive engagement with disputed issues between Christians and Muslims and mutual recognition of harmful portrayals of one another's faith.

Frameworks for interfaith relationships

69.   Interfaith relationships will need to develop in ways which reflect the increasing complexity of the situation. The Church of England has long supported the Inter Faith Network UK as the leading multilateral interfaith organisation. It has also recognised the importance of some bilateral forums between the Church and particular faith communities and between different faith communities. The leading example of this is the Council of Christians and Jews, and the formation of the Christian-Muslim Forum will add a further dimension. In the dioceses, the bishops, their interfaith advisers and others involved in interfaith work make up a concentrated network of connections between the faith communities, and represent a valuable asset for the nation as a whole.

70.   Internationally, the role of the Archbishop of Canterbury in interfaith relations has long been significant. With increasing interplay between local and global events, and the heightened profile of religion in international politics, the Archbishop's office is likely to be called upon more frequently. For example, the Building Bridges and the Al Azhar processes have nurtured an extensive network of personal relationships between Christian and Islamic scholars, and the Network for Inter Faith Concerns of the Anglican Communion (NIFCON) encourages collective Anglican awareness in this field.

Local mission

71.   In July, days after the bombings, General Synod debated the *Presence and Engagement* report, which surveyed the role of Church of England parishes with significant populations belonging to other faiths. The resolutions which

were passed recognise the need to pursue interfaith relationships as an integral aspect of the Church's mission in local communities. The parochial system, with its openness to the whole community, is a primary arena in which 'understanding, reconciliation and respect' may take root and grow. Appropriate structures and a detailed programme of work are being considered through the Mission and Public Affairs Council. If successfully carried through, this programme will strengthen the Church's mission and contribute to the promotion of diversity and cohesion in society.

Final reflections

72.	To have any hope of success, counter-terrorism policy must combine measures to improve security and intelligence with attention to the wider social and political context. The Government is to be commended for the resolution and thoroughness with which it has reviewed its strategy since 7 July. However, it can be argued that the strategy as it stands has two major weaknesses. First, the way in which it has pursued the restraint, apprehension and conviction of terrorists involves legislative and other measures which risk undermining fundamental liberties without necessarily achieving their stated objectives. Second, insufficient attention to 'underlying causes' in the international situation and the historical development of Islam has left in place an impoverished understanding of 'extremism' as a guide to policy. This will not promote the engagement and co-operation with Muslim communities which is required to check terrorist recruitment and support. It may instead increase alienation and recrimination.

73.   Facing the challenge of terrorism begins from recognition that we live in an uncertain, dangerous and morally-challenging world and must learn to negotiate it with wisdom, courage and honesty. Christian faith shares this recognition and finds in Jesus Christ, the suffering Servant and risen Lord, the assurance that "neither death nor life…nor anything else in all creation will be able to separate us from the love of God". (Rom. 8:38-39). In that assurance, Christians have the resources to confront uncertainty and danger without succumbing to despair or panic. We find security neither in the illusion that the world can be controlled and all threats eliminated, nor in leaving the world to go its own way to perdition. Instead, we are called to act in the freedom of faith, to share the responsibility of overcoming evil and making peace. This process must begin with ourselves and spread through our relationships and communities to heal the estrangements and injustices of our world. It is a fallible and fragile enterprise, but 'the peace of God, which passes all understanding' is its source, guide and goal.

+ Thomas Southwark
Vice-Chair: Public Affairs
Mission and Public Affairs Council

October 2005