

**THE IMPACT OF THE ‘WAR ON TERROR’  
ON BIRMINGHAM’S PAKISTANI / KASHMIRI  
MUSLIMS’ PERCEPTIONS OF THE STATE,  
THE POLICE AND ISLAMIC IDENTITIES**

by

SHAMILA KOUSER AHMED

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## **ABSTRACT**

This thesis explores British Muslims' counter discourse to the 'war on terror' through revealing the impact of the dominant 'war on terror' discourse created by the state. The research explores the counter discourse through investigating the impact of the 'war on terror' on Birmingham's Pakistani / Kashmiri Muslims' perceptions of the state, the police and Islamic identities before the 'war on terror' and since the 'war on terror'.

The theoretical perspectives of cosmopolitanism and citizenship are used as a foundation from which the 'war on terror' and the role of the state and the police in the 'war on terror' can be deconstructed, critiqued and reconstructed according to Muslim citizens' perceptions.

In particular attention is paid to the challenges and difficulties the 32 respondents interviewed for the research have faced since the 'war on terror'. Many themes emerged through this framework and the core themes were injustice, legitimacy and human rights. The impact of the 'war on terror' showed the battle for Islamic identity construction versus resistance and the negative impact of regulatory discourses on perceptions of commonality, unity and shared identities.

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## INTRODUCTION

The 'war on terror' has become a core focus of academia with many different disciplines, including international relations (Aas, 2007; Hussain, 2007; Aradau and Munster, 2009), political science (Spence, 2005; Innes, 2006; Thomas, 2009), sociology (Poynting and Mason, 2007; Nash, 2009) and criminology (Friedrichs, 2009; Panthazis and Pemberton, 2009; Walklate and Mythen, 2010) exploring the multifaceted nature of the 'war on terror'. This thesis aims to contribute to existing literature on the impact of the 'war on terror' through providing British Muslims' counter discourse to the 'war on terror'. In particular the research will contribute to knowledge through drawing on the theoretical perspectives of cosmopolitanism and citizenship and conducting empirical research on how the 'war on terror' has impacted British Muslims' perceptions of the state, the police and their Islamic identities. The purpose of this chapter is to explore the focus of the research through detailing why the 'war on terror' is likely to have changed British Muslims' perceptions of the state and the police and impacted their Islamic identities.

The events of September 11<sup>th</sup><sup>1</sup> were seen as something new and marked an evident example of the world's superpower, America, being targeted with the sole aim being destruction (Brassett, 2008; De Goede, 2008; Mythen and Walklate, 2008). However, Silke (2008, p.28) argues although 9/11 was the most destructive terrorist assault in recorded history, the subsequent 'war on terror' has led to 'far bloodier conflicts'. Following the attacks of 9/11 the phrase, 'war on terror' was used by the Bush administration (The New Republic Online, 2006). Consequently this phrase has become a discourse which has been used to define the terrorist attacks of September 11<sup>th</sup>, identify and construct the enemy and continues to shape, international and national efforts to counter terrorism. Therefore, not only were the attacks of September 11<sup>th</sup> significant but

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<sup>1</sup> Also referred to as '9/11'.

the ‘war on terror’ response in relation to these attacks has become important through making relevant issues of human rights, legality, integration and identities, which are explored in this research. Feldman and Wilson (2003) note how the response has also been referred to as World War IV, thus signifying the magnitude of the perceived threat and risk of the enemy. Beck (2006, p.139) argues

‘only when the word ‘war’ fell from the lips of the president – ‘a war has been declared on America’ – did the terrorist attack become political terrorism and then global terrorism, even though America continues to pursue this ‘enemy’ not as an enemy but as a criminal against humanity, devoid of rights’.

From Beck’s (2006) quote it is clear that the response to the attacks was framed internationally and further, how these words conveyed and continue to convey the constructed limits of the ‘war on terror’. For example, Bush when defining the ‘war on terror’ said, ‘our war on terror begins with al Qaeda, but it does not end there. It will not end until every terrorist group of global reach has been found, stopped and defeated’ (cited in Lyon, 2001, p.1). It is therefore the response to the attacks of September 11<sup>th</sup> which raises questions regarding civil liberties and human rights because the enemies have been constructed as being outside humanity (Walker, 2005b; Aradau, and Munster, 2009).

When deconstructing the ‘war on terror’, one notable point of interest has been the international dimension and it has been argued that the west has not perceived such a magnitude of threat and risk since the ‘cold war’ (Ruggiero, 2007; Pain, 2009). Foreign policy aimed at reducing the terrorist risk has involved military action in Afghanistan and

Iraq and the creation of terrorist prisons - Abu Ghraib and even terrorist islands - Guantanamo Bay (Hussain, 2007; Welch, 2008). The 'war on terror' has become the common term used to denote the ideological conflict against Islamic militants, justifying the use of military action abroad and the introduction of controversial counter terrorism legislation in the UK. The first dimension of the 'war on terror' that this thesis is concerned with exploring is the international level and more specifically, the construction of an enemy void of humanity and thus, human rights. The construction of the enemy within the 'war on terror' is likely to have changed British Muslims' perceptions of the state and the police because of the constructed association of the enemy with Islamic identities.

In relation to the impact of the 'war on terror' on British Muslims' Islamic identities, the second dimension of the 'war on terror' this thesis is concerned with is the focus on Islamic identities on both the international level (Howell, 2006; Selcuk and Fine, 2007; Cesari, 2009) and the national level (Rehman, 2007; Pantazis and Pemberton, 2009; Mythen, Walklate and Khan, 2009) in the 'war on terror'. For example, following the attacks of 9/11, Mythen and Walklate (2008) coined the term 'new terrorism' to denote how the focus of 'new terrorism' is on the actions of extreme Islamic fundamentalist groups and not the terrorist violence practiced by organizations such as the Irish Republican Army. The 'war on terror' thus marks the linkage of Islamic identities with international war and within this 'new terrorists' have been constructed as being 'inspired by religious extremism' and as not being 'predisposed to political negotiation or military deterrence' (Howard and Sawyer 2004 cited in Pantazis and Pemberton, 2009, p.648). Thus, the 'war on terror' focuses on religious identities and it is



for this reason this research explores Islamic identities and not Muslim identities because Muslim identities also convey a focus on cultural identity<sup>2</sup>.

In terms of the UK national context, the concepts of risk and threat associated with Islamic identities in the ‘war on terror’ transcended from the international level to the national level. The most notable example of the UK state effort to counter the threat and risk of terrorism has been through the introduction of counter terrorism legislation. The introduction of this legislation has not only made relevant issues of legality (Gearty, 2004; Stone, 2004; Walker, 2005b; Grabosky, 2008), but also citizenship (Mueller, 2004; Lyon, 2007; Thomas, 2009) and led to an increased focus on the compatibility of Islamic identities with British identities (Johnson, 2002; Kundnani, 2007). Although the UK has a long history of legislation to counter terrorism the ‘war on terror’ has been conceptualized as something different, marking a deviation from the ways in which the state has responded to traditional terrorism. Since the events of September 11<sup>th</sup> the counter terrorism legislation<sup>3</sup> introduced has produced concerns regarding civil liberties and human rights because this legislation contests the limits of democracy and the rule of law (Tadros, 2007; Stohl, 2008). Poynting and Mason (2007, p.62) state ‘western nations began to focus on ‘new’ security agendas with Islamic extremism being the ‘new global figure of threat and enmity’ and one of the notable features of the ‘war on terror’ was the introduction of absolute security measures.

‘Constructed as a dominant political rhetoric, the ‘war on terror’ defines an existential threat that, owing to its magnitude, necessitates that exceptional

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<sup>2</sup> For further discussion see chapter 3.

<sup>3</sup> The collective term for the Terrorism Act 2000, Anti-Terrorism, Crime & Security Act 2001 (ATCSA), Prevention of Terrorism Act 2005 (PTA) and Terrorism Act 2006. Although the Terrorism Act 2000 was introduced before the events of September 11<sup>th</sup> it has been included under what this research conceptualizes as ‘counter terrorism legislation’ because it has become part of the ideological construction of the ‘war on terror’ and part of the legislative framework against Islamic terrorism and Islamic militants.

security measures be taken'. (Gill, 2006, p.42 cited in Mythen and Walklate, 2008, p.225)

The 'war on terror' response by the state was aggressive, utilizing a utilitarian premise to justify the introduction of controversial legislation. The counter terrorism legislation has been compared with places such as Zimbabwe and apartheid South Africa, a direct comparison being the detention provisions and South Africa's apartheid Terrorism Act of 1967 (IHRC, 2005). Questions regarding citizenship and legality have become important because this legislation extended and redefined reasonable suspicion, evidence-based criminal justice processes, with the pre-crime logic of security overtaking the post-crime orientation of criminal justice (Zedner, 2007; McCulloch and Pickering, 2009). Within the 'war on terror' counter terrorism legislation has been introduced which marks a deviation from traditional substantive law (statutory or written law that governs rights and the obligations of those who are subject to it), and procedural law (the rules by which a court hears and determines what happens in civil or criminal proceedings). The introduction of counter terrorism legislation in the 'war on terror' has led to questions regarding police legitimacy and policing by consent (Innes, 2006; Grabosky, 2008; Klausen, 2009). It is because counter terrorism legislation justifies pre-crime at the expense of due process that counter terrorism policing reflects a form of policing where due process is not prioritized. This is of central importance given that due process prioritizes fairness, justice and liberty – which are vital components of citizens' legal status and legal rights. Thus, in short those who form the suspect community are at risk of reduced legal status and thus reduced citizenship rights (Gearty 2004; Stone, 2004) and it is for these reasons the research focuses on how British Muslims' perceptions of the state and the police have changed since the 'war on terror'. The legislative response

of the state to 9/11 and the impact of counter terrorism legislation on policing form the third dimension of the 'war on terror' this research will focus on.

The legislative response increasingly has implications for the criminalization of those who possess Islamic identities and since the 'war on terror' wider discourses around Islamic identities and British identities have constructed these identities with concepts of loyalty, leading to questions regarding the co-existence and compatibility of these identities (Johnson, 2002). Although the 'war on terror' has largely homogenized Islamic identities, it does focus on some Islamic groups more than others, such as Salafis and Wahhabis. Thompson (2006) argues that fundamentalism and radicalism are concepts where there is confusion because fundamentalisms range from peaceful to violent and from active to passive. Therefore, in reality Islamic political radicalism is a form of fundamentalism within which there are various groups for example, Al Qaeda, Hamas, Hezbollah, the Sunni insurrection and the Mahdi army in Iraq. However, all these groups have different motivations, for example Al Qaeda is very different from the Salafi movement but what the 'war on terror' and label 'fundamentalism' does, it creates one category within which all groups are placed, leading to the constructed enemy. Therefore, the term is much contested, as for Muslims it can mean a return to the Quran or a spiritual connection with Islam, but in the 'war on terror' this extent of religiosity has been interpreted as problematic. Due to the extent of religiosity being problematic this demonstrates how the 'war on terror' is focused on Islamic identity, thus justifying why this research is predominantly concerned with how the 'war on terror' has impacted Islamic identities. Further, it is because this research is concerned with revealing how the 'war on terror' has impacted each respondent's Islamic identity, and therefore how the impact differs for each respondent that Islamic identities is used.

## RESEARCH QUESTIONS

The 'war on terror' has been discussed in relation to the international and UK national context, counter terrorism legislation, policing and Islamic identities. The general aim of this research is to collect rich data from extensive interviews which will be used to form a counter discourse to the 'war on terror' through revealing the impact of the dominant 'war on terror' discourse created by the state. To understand the counter discourse, I will explore the ways in which the 'war on terror' has impacted respondents' perceptions of the state, the police and their Islamic identities. The research engages with the state centric 'war on terror' discourse, as it is essential to understand this discourse so that the counter discourse of British Muslims can be understood. The task of engaging with the state centric 'war on terror' discourse and contributing to an understanding of the impact of the 'war on terror' on British Muslims will be reconciled through drawing on the concept of the 'subaltern counter publics'. The 'subaltern counter publics' refers to 'subordinate groups inventing and circulating counter discourses' (Fraser, 1995, p.291 cited in Pedziwiatr, 2007, p.269). Therefore, in the context of the 'war on terror' 'subaltern counter publics' signal

parallel discursive arenas where members of subordinated social groups invent and circulate counter discourses to formulate oppositional interpretations of their identities, interests, and needs' (Fraser, 1992, cited in Sparks, 1997, p.85).

I will use interview data from British Muslims to explore their beliefs and interpretations regarding the 'war on terror' and explore the ideas of their counter discourse<sup>4</sup>. Fraser (1990, p.67-68 cited in Chong and Wan, 2010) argues that subordinated groups have been active in constituting subaltern counter publics and the subaltern counter publics are spaces of negotiation, interpretation and withdrawal.

Within the 'war on terror' the excluded and subordinated could be interpreted as being British Muslim citizens, since they have been at the forefront of counter terrorism legislation introduced as part of the 'war on terror'. However, even though it is British Muslims' Islamic identity which has been constructed as problematic, leading to their construction as a 'suspect community' (Pantazis and Pemberton, 2009) wider counter discourses have emerged in the form of criticisms. For example, Stella Rimington, former head of the British intelligence service M15 has criticized the 'war on terror' as a 'huge over-reaction', and has decried the militarization and politicization of the U.S. efforts to be the wrong approach to terrorism (cited in Norton-Taylor, 2008). Internationally, it has been stated that when the Bush administration said 'war' it meant war in the sense of people being commanded to go and kill other people (Garton-Ash, 2006), with critics arguing that the 'war on terror' has been used to justify human rights abuses (Amnesty 2009). It is for this reason in March 2009 the International Commission of Jurists urged the Obama administration to drop the phrase 'war on terror'. The commission said the term had given the Bush administration 'spurious justification to a range of human rights and humanitarian law violations' including detention practices and interrogation methods that the International Committee of the Red Cross has described as torture (Wilson and Al Kamen, 2009, p.1). Critics of the 'war on terror' have produced counter discourses, and these counter discourses reinstate with critique the tenets of the 'war on terror',

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<sup>4</sup> It should be noted that although 'counter discourse' is used this research will consider the existence of 'counter discourses' through demonstrating differences in respondents' perceptions of the state, the police and their Islamic identities in the data chapters.

indeed challenging the discourse of the 'war on terror' and actions of the US and UK within the 'war on terror'.

The process of considering the voices of the less dominant and powerful is one by which another perspective is considered, the possibility for new meanings and understandings are carved open. There exists a real need to consider the counter discourse of British Muslims because although there has been a growth in counter terrorism research and research on Muslim communities within the counter terrorism context, there has also been a growing critique into how this research is conducted. Firstly, Spalek, El Awa and McDonald (2009) argue that terrorism research has often been dominated by state-centric perspectives and similarly, Gunning (2007a, p.367) states 'terrorism studies' tends to accept uncritically the framing of the 'terrorism problem' by the state'. Secondly, Jackson (2007) argues that terrorism studies are dominated with weak methods and theories and Spalek, El Awa and McDonald (2009) argue, that because terrorism research has relied on secondary sources, the research has failed to provide an understanding of counter-terrorism through the perspectives and experiences of those experiencing state repression. According to Gunning (2007a, p.376) a critical approach would move

'beyond the state as the sole legitimate referent.... to the wider notion of human security and an analysis of how 'terrorism' and counter-terrorism affect the security of all... including such concerns as social justice, inequality, 'structural violence', culture and discrimination'.

Breen Smyth (2007, p.260) explores the challenges of researching terrorism, in particular the need to 'avoid replicating hegemonic accounts while still engaging with dominant

discourses'. As already stated the research will overcome the difficulties of engaging with the dominant discourse without re-producing the dominant discourse through the use of 'subaltern counter publics'. However, although the research will provide empirical evidence it is also of importance that weak theories are not used and as Gunning (2007b) suggests, wider notions of security and justice are used so that the state is not used as the definer of harm. Thus, the wider analytical framework is what is important in ensuring that the narratives to emerge are not state centric and the interview data is interpreted according to the concepts which are important to respondents. In order to facilitate the emergence of a counter discourse the theoretical perspectives of cosmopolitanism and citizenship will be used to analyze the interview data.

## **THEORETICAL PERSPECTIVES**

According to Dallmayr (2003) cosmopolitanism has a long history, one in which the ideas of Socrates were adopted by Cynics, Stoics, Christian and Muslim thinkers and later by enlightenment thinkers. Although cosmopolitanism is a contested theory and open to interpretation it remains useful in the social sciences (Walker, 2005a; Brassett 2008) and Dower (2008) states it is the ideas of justice, responsibility and human rights which make it useful to research. Cosmopolitanism will be used as it firstly, conceptualizes the state as having duties to citizens - the state is not 'thought of as ontologically privileged' (Held, 2005, p.10) and therefore the voices of the marginalized can be privileged in a way which contributes to understanding the real concerns of those subject to the 'war on terror'. Secondly, the 'war on terror' due to its global dimension requires a broad geographical focus (Friedrichs, 2009) and cosmopolitanism considers both the international level and the national level. Thirdly, at its core - cosmopolitanism includes themes of human rights, justice, cultural diversity and identities. These are all

themes that the 'war on terror' has made relevant through the introduction of counter terrorism legislation and the focus of 'new terror' on Islamic identities. Finally, it is through using cosmopolitanism, with its focus on human rights and prioritization of cultural diversity and subjectivity that the counter discourse will actually consider human suffering from the perspective of British Muslims. This will ensure that the counter discourse incorporates perceptions of harm and oppression – and thus prioritize the effects of the 'war on terror' rather than focus on the intention of the state, which would risk the danger of contributing to a state centric perspective.

In conjunction to cosmopolitanism, citizenship will be used. Citizenship involves both the state and citizens - it emphasizes the role of the state in terms of the duties owed by the state to citizens. For example, Bloemraad, Korteweg and Yurdakul, (2003, p.154) state citizenship includes four dimensions which are 'legal status, rights, political and other forms of participation in society, and a sense of belonging', Carens (2000) identifies three components of citizenship, the legal dimension, the political dimension and the psychological dimension. In this way citizenship can be conceptualized as a legal status, since with citizenship comes rights and the state has a duty to meet these rights (Smith, 2007; Nash, 2009). The role of the state in the 'war on terror' and the relationship between the state and its citizens has become a point of focus because the 'war on terror' has impacted the legal dimension of citizenship through re-defining the legal status of citizens suspected of terrorist activity (Mueller, 2004; Lyon, 2007; Thomas, 2009). Further, through exploring citizenship and the social contract, the role of the police can be explored because citizenship embeds human rights in institutions such as the state and the police and more specifically in statutes such as the Human Rights Act 1998 (Gearty 2004; Stone, 2004). This research is concerned with how the state and the police, since the 'war on terror' have impacted British Muslims Islamic identities and citizenship



allows the role of the state to be considered in relation to identities and British Muslims' feelings of belonging (Carens 2000; McPhee 2005).

There are various parallels between citizenship and cosmopolitanism, for example Benhabib (2004, 2007, 2008 cited in Nash, 2009, p.1068) 'has developed the argument that citizenship itself is now becoming cosmopolitan through developments in human rights, especially within Europe'. Therefore, part of the growing inter-linkage between citizenship and cosmopolitanism can be attributed to changes in authority which are taking place beyond the nation state. Lyon (2007) argues that globalization has weakened the category of national citizenship. The 'war on terror' actually demonstrates what Lyon (2007) means because the 'war on terror' is a discourse that has been informed by the international level. This has led Findlay (2003, p.326 cited in Aas, 2007, p.287) to suggest that

'in cases such as terrorism, the state as the definer of crime and the monopolist of punishment gives way to global declarations of collective (cultural) deviance'.

Therefore, it could be argued that the 'war on terror', through being defined as a global war combines the need for citizenship and cosmopolitanism, especially given that both theoretical perspectives incorporate themes of identity, justice and human rights and warn of the dangers of the state not maintaining its duties on citizens' sense of belonging and identities. This chapter has explored how the 'war on terror' has impacted the state, the police and the discourse associated with Islamic identities. This research specifically focuses on the legislative response of the state to 9/11 and the impact of counter terrorism

legislation on policing and how the ‘war on terror’ has impacted British Muslims’ Islamic identities.

## **CHAPTER 1: COSMOPOLITANISM, CITIZENSHIP AND THE 'WAR ON TERROR'**

The purpose of this chapter is to discuss the theoretical perspectives of citizenship and cosmopolitanism which frame the research. The 'war on terror' has made relevant the theoretical perspectives of cosmopolitanism and citizenship through impacting Muslim citizens' legal rights, sense of belonging, and constructing their Islamic identity as a risky suspect identity.

The chapter will demonstrate the relevance of these theories to the 'war on terror' and more specifically, how both theories are useful in understanding and deconstructing the 'war on terror'. Cosmopolitanism turns our attention to themes of equal moral worth and responsibility, and it is through the language of human rights that the state can be opened up, and as Beck (2006) suggests, externally examined. Thus, cosmopolitanism provides a framework in which the state centric 'war on terror' can be critically examined. Citizenship compliments the use of cosmopolitanism because it provides a framework within which the state is conceptualized as having a duty to British citizens. Thus, important concepts such as legal rights and justice can be explored. The chapter also explores how both theories facilitate in providing a counter discourse because they emphasize subjectivity and therefore, how the actions of the state impact citizens' feelings, perceptions and attitudes. It is because both provide a framework in which the actions of the state are related to citizens' feelings of loyalty, attachment, belonging and identities (Carens, 2000; McPhee. 2005; Beck, 2006) that they compliment the aim of the research which is to provide British Muslims' counter discourse to the 'war on terror'.

### **MARSHALL AND CITIZENSHIP**

A variety of different disciplines have utilized citizenship. For example, according to Turner (2009) political philosophy is primarily concerned with formal rights such as the right to vote, whereas within sociology the attention is on the social and economic conditions which shape citizenship. T.H. Marshall's essay 'Citizenship and Social Class' (1950) was groundbreaking in providing a way of understanding the relationship between the state and citizens. Marshall divided citizenship into three parts, namely, civil, political and social rights. It was through the concept of rights that Marshall related the state to citizens as through the attribution of rights the state had a direct relationship with its citizens. In terms of rights, Marshall focused on social rights, and the welfare and economic conditions needed to ensure social rights (Turner, 2009). Lister (2005, p.476) argues Marshall used his conception of citizenship as an ideal because he 'is arguing that full membership of the community requires civil, political and social rights of citizenship'. Therefore, when focusing on welfare and economic conditions Marshall was concerned with the conditions required for achieving ideal citizenship. Thus, Marshall's predominant focus was civil rights and social rights, not legal rights. For example, Marshall focussed on the existence of institutions such as courts as a means of giving rights expression, rather than focussing on what the legal rights actually were.

However, citizenship from the discipline of criminology is predominantly concerned with the legal rights of citizens' and legal institutions. Criminology emphasizes the role of the state in providing legal rights through a social contract in which the police have a vital role in enforcing the legal rights of citizens and protecting the interests of the state. In its simplest form citizenship could be described as a theory which is useful in exploring the relationship between the state and citizens, whereby institutions constitute the means through which the state is

connected to citizens and citizens are connected to the state. Therefore, an important part of citizenship is the state. Copp (1999 cited in Copp, 2005) defines the state as a system of institutions and a territory in which the legal system of the state is carried out. This is the definition used in this thesis since this research is concerned with exploring the relationship between the state and its institutions - in this case the relationship between the state and the police in the 'war on terror'. Further, criminological perspectives on citizenship focus on the power of the state and how this power is used by the state to control crime. For example, Garland (1996, p.448) states,

‘the notion that a single sovereign power could govern all social life was enhanced in the mid-nineteenth century by the creation of a strong state apparatus, and in particular, by the development of a public police force which came to be regarded, however inaccurately, as having a professional monopoly over the function of crime control’.

Therefore, the modern state emerged as the primary source of power, able to govern society through the dispersal of power to institutions, which would constitute 'state apparatus'. Through relating the state to power and crime control, the role of the state in the 'war on terror' can be understood because in the 'war on terror' the state has used its power to introduce counter terrorism legislation aimed at crime control. However, states also influence and shape cultural and social meaning and therefore do not merely impact political and legal institutions (Benhabib, 2002 cited in Bloemraad, Korteweg and Yurdakul, 2003). Although in this thesis the state is primarily conceptualized in terms of legal and political institutions, the role of the state in

influencing meanings associated with culture, religion and more specifically, identities is not omitted. Therefore, this research considers how the state has constructed British Muslims' Islamic identity since the 'war on terror' and how this has impacted their Islamic identities.

Other than the lack of focus on legal rights, a further dominant critique of Marshall's work has been the exclusion of ethnic, religious and other minority identities (Turner, 2009). More specifically,

'Marshall's definition of citizenship is derived from 'deeply middle-class, English, male and white 'cultural values' (Smith 1999, p. 214) that do not take individual subjectivities and cultural differences into account, particularly those of women, children, and racialized minorities' (Benhabib, 2002; Brysk, 2004; Maher, 2004; Mann, 2001; Yuval-Davis 1997 cited in Bloemraad, Korteweg and Yurdakul, 2003, p.157).

In the post colonial era of globalisation, citizenship must account for diversity and how ethnic, religious and cultural identities are accommodated within Britain. Further, values and subjectivities need to be accounted for and therefore although Marshall's work has been influential, it could be considered 'outdated' and as conceptually inadequate in explaining contemporary citizenship. This thesis is primarily concerned with the criminological understanding of citizenship, since this perspective explores the notion of legal rights in greater detail than political philosophy and sociology. However, literature taken from these disciplines also informs how citizenship is utilized in the thesis as is now explored.

## **CITIZENSHIP, LEGAL STATUS, MINORITIES AND IDENTITIES**

Drawing on the two major criticisms made of Marshall's work, namely the failure to include minority identities and legal rights, this section introduces the complexity of citizenship. The aspects that this thesis is predominately concerned with, the legal rights of citizens, minority identities – in particular religious identity and the impact of citizenship on identities and citizens' perceptions are explored.

Citizenship as previously stated involves both the state and citizens and liberal notions of citizenship (Locke, 1988; Rawls, 1971, 1993) emphasize the role of the state in terms of the duties owed by the state to citizens. In this way citizenship can be conceptualized as a legal status, since with citizenship comes rights and the state has a duty to meet these rights (Nash, 2009). Broader conceptions of citizenship also include legal status, for example Bloemraad, Korteweg and Yurdakul, (2003, p.154) argue that citizenship includes four dimensions which are 'legal status, rights, political and other forms of participation in society, and a sense of belonging'. Faulkner (2003) summarizes the evolution of rights stating that in the contemporary era citizens' rights are those rights which are guaranteed by constitutions, for example the European Convention on Human Rights or by statutes such as the Human Rights Act 1998 or the Race Relations (Amendment) Act 2000. However, many of these rights as codified in the Human Rights Act 1998 are deeply embedded in the principles of legality (Gearty, 1994) and the social contract (Stone, 2004). The social contract and principles of legality are relevant to this research, as they allow the state to be understood in terms of the state's legal obligation to meet citizens' rights and within the 'war on terror' those suspected of terrorist activity have reduced legal rights.

It was during the late 18<sup>th</sup> century and early 19<sup>th</sup> century that secular ideologies of reason and objectivity replaced divine ideologies. Divine ideologies were premised on the concept of ‘laws of nature’, whereby human behaviour was thought to be the command of god. Reformers during this period were concerned with the power of legal institutions and Beccaria (cited in Agozino, 2004, p.345) in

‘Treatise on Crime and Punishment’ condemned the arbitrary power exercised by judges and called for a rational application of the law based on the principle of equality’.

The seventeenth century theorists of civil society based their argument on the concept of a social contract. For them,

‘a civil society (*societas civilis*) was a rule of law in which citizens gave up the freedom of the state of nature in exchange for the guarantee of certain rights – security for Hobbes plus liberty and property for Locke’ (Kaldor, 2000, p.2).

Bloemraad, Korteweg and Yurdakul (2003) argue that the language of rights and social contract remain a central part of contemporary citizenship. The social contract established duties and responsibilities on both the state towards citizens and on the citizen towards the state and according to Walker and Boyeskie (2001), through doing so it formed the basis of the law. Therefore, the law dictated power, in the form of rights and responsibilities to which both the state and citizen had to adhere. For example, the power of the state could only be exercised when citizens’ legal status



and rights had been maintained and it was found by judges that the law had been broken. The period was one of transition leading to the language of rights which attributed citizens with procedural legal rights. One of the most important concepts to emerge was that of equality because as Allan (1979 cited in Gearty, 2004) states, equality is regarded as an aspect of equal citizenship. The establishment of legal rights and principles such as equality would minimize the power of the state to associate unequal citizenship with minorities and thus certain identities.

The legal rights which emerged during this period have become known by citizens as their natural legal rights, rights which if deviated from would be perceived as injustice and unequal legal citizenship. As Garland (1996, p.448) states

‘over time, the control of crime and the protection of citizens from criminal depredations have come to form a part of the promise which the state holds out to its citizen-subjects’.

This thesis utilizes the social contract conception of legal rights, holding that the state owes citizens protection and a violation of legal rights as set out in statutes and constitutions is a denial of citizenship rights and thus injustice. Legal rights as set out in statutes and a broader understanding of legal rights from the social contract are used because counter terrorism legislation within the ‘war on terror’ has deviated from many of the principles of legality upon which the modern state and criminal justice system were based. Further, through considering the legal principles which constitute citizens’ natural rights it is possible to understand Muslim citizens’ interpretation of how they believe the ‘war on terror’ has impacted citizenship. However, although the law as stated had the purpose of providing both the state and

citizens with rights and duties, the law can also serve to provide commonality, justice and social stability. For example, the law can promote equality and commonality through treating all citizens the same irrespective of their minority identity.

Britain has a long history of policies of integration leading Bloemraad, Korteweg and Yurdakul (2003, p.154) to ask - 'What happens to citizenship, as a potential force of justice, equality, and national cohesion, when large numbers of people from diverse linguistic, ethnic, racial, religious, and cultural backgrounds cross state boundaries?' Multiculturalism is generally viewed as the idea that ethnic, racial, cultural and religious diversity should be recognized and accommodated (Kymlicka, 1995, 2001; Kymlicka & Norman, 1994; Parekh, 2006; Taylor, 1994 cited in Bloemraad, Korteweg and Yurdakul, 2003). However, Lister (2005) argues that granting some groups cultural rights / multicultural rights or rights that the mainstream does not have goes against the idea of equal citizenship and equal status. Further, the attribution of such rights can lead to social divisions and exclusion through emphasizing and establishing differences. When discussing cultural rights, from a criminological perspective the emphasis is on the need for state intervention to be legitimate and proportionate, and Falkner (2003) highlights that at the very least the state should provide the opportunity for voices to be heard, so that minorities can make decisions based on their communities. However, Falkner (2003) goes on to mention that such an approach might be too tolerant through not insisting on the existence of a unified culture. Thus, in terms of minorities rights from a criminological perspective, notions of justice, fairness and legitimacy are key concepts.

Pocock, 1995; Magnette, 2005; Smith, 1997; Yuval-Davis 1997 (cited in Bloemraad, Korteweg and Yurdakul, 2003) state that citizenship has a history of

excluding on the basis of gender, race, ethnicity, religion, and class. Similarly, Falkner (2003) notes how the word ‘citizen’ incorporates a sense of those who belong from those who do not and Hussain and Bagguley (2005) argue that citizenship both creates social divisions and exclusion and is seen as the remedy to overcome social divisions and exclusion. The issue of accommodating diversity and state treatment of minority identities through models of integration has gained importance since 9/11. Within the ‘war on terror’ Muslims’ Islamic identities have been subject to demonization (Mueller, 2004; Lyon, 2007; Thomas, 2009) and over policing (Zedner, 2007; McCulloch and Pickering, 2009) with questions emerging regarding the compatibility of Islamic identities with British identities (Johnson, 2002; Kundnani, 2007). Although the accommodation of minority identities in relation to citizenship and rights has been much written about, Hussain and Bagguley (2005) argue research exploring citizens’ perceptions, thoughts and feelings about citizenship has been neglected. In this research, Muslim citizens’ perspectives on citizenship are important. One of the aims of the research is to explore the extent to which Muslim citizens perceive the ‘war on terror’ to have impacted notions of justice, fairness and legitimacy in relation to state policies towards them. Therefore, this research will contribute to existing knowledge through gaining empirical research on citizens’ perceptions, thoughts and feelings about citizenship, which as Hussain and Bagguley (2005) argue has been neglected.

Citizenship also details the complexities of integration, for example, McPhee (2005) argues that integrating minority groups into the nation state is difficult. Integration is about the accommodation of difference and as is now explored it requires a balance between the identities and cultures of the minorities and the majority. There are many difficulties, firstly, there is the issue of commonality, to

what extent should this be part of policy, and commonality be encouraged by the state. The idea of commonality has been clearly expressed in ideas of community cohesion. Secondly, which identities should be the focus of policy and to what extent does the state administer rights on the basis of these identities. Carens (2000) states under a liberal framework, 'justice as fairness' (Rawls, 1971 cited in Carens, 2000) conveys the idea that the state should provide citizens with choice and freedom therefore ensuring equality. It is the freedom of identities and equality associated with all identities which is important.

McPhee (2005) uses the concepts of the whole and parts, the whole is the national identity and the parts are religious, cultural and other identities. However, it is the way in which the whole is balanced with the parts, the means through which state policy encourages assimilation for the sake of the whole and recognizes the parts, religious, ethnic and cultural minorities which impact minorities' sense of citizenship and identities. McPhee (2005) argues in order to gain loyalty a state must recognize minority groups, both as individuals and as part of their community or group because through the attribution of minority rights loyalty is established. The ideas provided by McPhee (2005) are of relevance to the research, especially the idea of loyalty. The 'war on terror' has made relevant debates regarding the compatibility of a British and Islamic identity and further, the phrase 'home grown suicide bomber' introduces and associates the concept of risk to loyalty. Further, given that the research is of a retrospective dimension the idea of how Muslim citizens have moved from the part to the whole, if indeed they have is of particular importance and it will be of interest to see if the change in state policies from one that was predominantly based on their Asian identity to one that has become more religiously Islamically defined has impacted feelings of loyalty and integration.

## **CITIZENSHIP, SUBJECTIVITY AND SOCIAL COHESION**

As stated earlier, Hussain and Bagguley (2005) argue that citizens' perceptions, thoughts and feelings about citizenship have been neglected. This thesis will use the ideas presented by McPhee (2005) in conjunction to the work of Carens (2000) and more generally the criminological understanding of citizenship already discussed to analyze Muslims' perceptions of the state and the police before and after the 'war on terror'. Carens (2000) identifies three components of citizenship, the legal dimension, the political dimension and the psychological dimension. The inclusion of the psychological dimension makes this work on citizenship relevant to this research. Like Marshall (1950) Carens (2000, p.162) takes the dimensions of citizenship to mean a unified entity arguing that three dimensions of citizenship 'interact with each other in complex ways'. Therefore, a change in the legal dimension can positively or negatively impact the psychological dimension. The discourse of law constructs the boundaries of citizenship through defining the legal status of citizens, 'the formal rights and duties that one possesses as a member of a political community' (Carens, 2000, p.162). However, where equality is not tied to citizenship and thus the state and the police both maintain a system whereby legal inequality exists then the psychological dimension of citizenship will be impacted negatively. Carens (2000) argues that the psychological dimension of citizenship is citizen's subjective sense of belonging and identification. In this way the perceptions by citizens of their legal rights and equality are vital not only for their sense of belonging but also their identities. The psychological dimension of citizenship is important as it conveys 'one's sense of emotional attachment, identification, and loyalty' (Carens, 2000, p.166). This might then suggest that there are deeper dimensions to citizenship which

are important and a product of how minorities perceive the state. The emphasis on citizens' sense of belonging and emotional attachment makes Caren's (2000) work useful, as this research is concerned with exploring Muslim citizens' perceptions of the legal dimension and political dimension of citizenship since the 'war on terror' and how these have impacted their sense of belonging and emotional attachment to their British identity and Islamic identities.

Although the impact of the legal dimension and political dimension of citizenship on the psychological dimension will be explored, citizenship also offers a useful way of thinking about commonality in society. Since the 'war on terror' social cohesion has become problematic with Muslims' Islamic identities constructed as problematic and an increase in Islamophobic attacks (Sheridan, 2006). Bloemraad, Korteweg and Yurdakul (2003, p.157) argue 'citizenship rights and legal status promote participation and a sense of belonging, which in turn facilitate social cohesion and common political projects'. Similarly, Parekh (2002 cited in Faulkner, 2003, p.288) argues citizenship

'demands a sense of common 'belonging' so that members of minority or disadvantaged groups can feel at home in their wider society (Parekh, 2002), and also in the sense that the majority recognize those groups as members of their own society and show them the same consideration and respect' (Faulkner, 2003, p.288).

Rawls (1993, cited in Johnson, 2009) claims that when members of society have a choice of affiliation in any group they choose this ensures they are treated fairly by key political and social institutions. Further, this serves another function that of

achieving what Rawls (1971 cited in Johnson, 2009) calls 'overlapping consensus'. It is through the state providing equal citizenship based on justice, human rights and social responsibility (Johnson, 2009) that consensus is achieved in society, as only then can the state rely on its people to create an equal and tolerant society. The state has a privileged position in maintaining consensus and unity in society because as Carens (2000, p.9) argues it is through equality that society works because this ensures that 'certain norms, attitudes, and dispositions' are 'widely shared among the population'. Returning to the original idea proposed by McPhee (2005) about moving from the part (minority identity) to the whole (national identity), McPhee (2005, p.2) states

‘for this movement from the part to the whole to take place, there must be some attraction, association and affiliation to provide the confidence necessary for successful integration’.

The process of the placement of identities through citizenship can unite citizens through emphasizing commonality and the state practicing equality or can create communities which are marginalized, criminalized and otherized, when inequality is part of state policy and law. Institutional neglect and inequality therefore not only shape identities and impact attachments but also impact how citizens relate to each other and perceive each other. This is of relevance to the research as the research will explore how Muslim citizens view society and how they perceive relations between themselves and non Muslims to have been impacted since the ‘war on terror’ and further the role of the state and the police in either promoting unity or creating difference.

The state and the police have a privileged role in determining how the political and legal dimension of citizenship not only impact attachment and belonging but also societal interactions. Citizenship defines identities, for example, Shklar (1991) distinguishes between citizenship as a social status and citizenship as the manifestation of national identity. It is the social status which citizenship conveys which contributes to the individual's sense of self and identity. As Wetherall (2009, p.11) states, 'self-conscious community identities may arise through an act of categorization or intervention from an external agency'. Essentially the legal and political tenets of citizenship are based on categorization and intervene in the lives of citizens since they provide both a legal and political framework in which citizens operate. It has therefore been argued that communities are not pre-existing, but rather 'community identity is constructed through external structural factors, government policies and institutional neglect – that community' is constructed as much by the state as individuals (Alexander, 2009, p.121).

Equal citizenship is therefore very important in shaping citizens' perceptions of the state and their own subjective identities. According to Runciman (1966 cited in Deutsch, 2006, p.24), 'fraternal deprivation occurs when a person feels his group is disadvantaged in relation to another group' and egoistical deprivation involves one feeling relatively deprived according to individuals within their own group with Deutsch (2006) arguing that relative deprivation is more critical than absolute deprivation in stimulating dissatisfaction. Institutions like the state and police not only impact internal identities but also maintain identities as a process because as (Becker, 1963 cited in Spalek, 2008) states the powerful groups which have political power have the greatest capacity to impose labels upon people. Thus, Foucault (cited in Kahani-Hopkins, 2002 cited in Hussain, 2004) argues that identities are in fact



shifting and temporary constructions. In this way it is possible to conceptualize identity as a process and thus research Muslims' identities in relation to the social context before the 'war on terror' and after the 'war on terror'. Where the state and the police are concerned, it could be argued that in the 'war on terror' these institutions have greatly impacted Muslims' Islamic identities. It is because the state and the police possess the power to criminalize and moreover the power to influence the most important aspect of citizenship, that of legal status and legal rights, that they could be said to produce legal identities. Further, the idea of relative deprivation is of importance to this research because the 'war on terror' has focused on Muslims' Islamic identity and many of the citizens subjected to counter terrorism legislation have been Muslims (Travis, 2009). Therefore, it will be of interest to see the extent to which Muslim citizens perceive relative deprivation where counter terrorism legislation is concerned, the dissatisfaction this has stimulated and the impact of this on their identities and feelings of belonging.

Deutsch (2006) refers to the relationship between external oppression and the impact of this on the internal image. Deutsch (2006) argues that oppressed groups are often under pressure to conform to and internalize the dominant group's images of their group, with dominated groups often having a double identity, one defined by the dominant group and the other coming from membership in one's own group. Thus, two different sets of identities emerge, one which conforms to the dominant constructed image and one which is resistant to the dominant construction and a product of subjectivity. And further, there are variations of the extent to which a citizen conforms to their constructed image and the extent to which they internalize such an image. This research is also concerned with Muslims' resistance to the application of labels by those in authority. Although the extent to which a label can be

resisted is dependent on the power of those imposing the label, the fight for resistance and thus 'self determination', as opposed to 'domination' (Jenkins, 2000, p.10) is a point of interest. Fundamental to the issue of resistance are a variety of complexities, because 'each one of us is a complex collection of loyalties, associations, beliefs and personal perspectives' (McPhee, 2005, p.1). Therefore the concept of resistance and domination highlight diversity, inter-individual and intra-individual differences and this research will consider how Muslim citizens have been dominated by and resisted the various constructions of their identities, most notably their Islamic identities in the 'war on terror'.

Although many strands of citizenship have been identified and it has been demonstrated how these are useful to the research, citizenship is rooted to the state and the territory of the state and therefore in conjunction with citizenship cosmopolitanism will be used. Prior to discussing how cosmopolitanism will facilitate citizenship in providing the framework for this research the specific weaknesses of citizenship – weaknesses that justify the use of cosmopolitanism are discussed. Bloemraad, Korteweg and Yurdakul (2003) detail how citizenship is rooted to national identity and national identity is geographically determined according to the borders of a state. Ong (2005 cited in Turner, 2009, p.71) states 'the world we live in is increasingly global and we need models of citizenship that can better cope with multiculturalism, ethnic diversity, migration and the modern diaspora'. The 'war on terror' cannot only be analyzed from a perspective which omits the international / global level because territories that exist beyond the nation state have influenced the 'war on terror' – as is explained in the next chapter.

However, a perspective which analyzes the 'war on terror' from the international / global level without considering the role of the state is also inadequate.

‘Hannah Arendt (1951 cited in Turner, 2009, p.71) criticized the notion of inalienable universal rights that are assumed to exist independently of any state, but she noted that once the rights of citizenship had been removed, there is no political authority left to defend people as human beings. Human rights that cannot be enforced by a sovereign authority are simply abstractions. Ultimately the fundamental ‘right to have rights’ is only meaningful for people who already have membership of a state’.

Therefore although a perspective is needed which goes beyond the nation state, citizenship is still required because as Loader and Walker (2007, p.13) argue ‘states are the main source of capacity, the main reference point of legitimacy – thus consigning international institutions to a kind of delegated legitimacy at best’. Muslim citizens’ understanding of the ‘war on terror’ is a product of the international level, the state and the police because effectively, it is the actions of the state which constitute perceptions of justice or injustice and which impact identities. In this way citizenship is useful in explaining Muslim citizens’ relationship with the state and how the actions of the state and the police in the ‘war on terror’ have impacted perceptions and Muslims’ Islamic identities. But in order for the international dimensions of the ‘war on terror’ to be accounted for and more specifically wider notions of belonging, justice and humanity – all of which the ‘war on terror’ has made relevant, cosmopolitanism is used in conjunction to citizenship.

## **COSMOPOLITANISM**

According to Dallmayr (2003) cosmopolitanism has a long history, one in which the ideas of Socrates were adopted by Cynics, Stoics, Christian and Muslim thinkers and later by enlightenment thinkers. Dallmayr (2003) refers to how Kant, like other enlightenment thinkers advocated a political order based on reason and Kant was in fact influenced by ancient Stoic cosmopolitanism. Cosmopolitanism has been used by many disciplines and Hudson (2008, p.280) states that writers such as 'Seyla Benhabib (2004) and Jurgen Habermas (Borradori, 2003); social theorists such as Zygmunt Bauman (2004), and philosophers such as Derrida (Borradori, 2003) have'... 'appealed to Kant's writing on cosmopolitanism, seeing it as a perspective which can bring Levinas's moral theory into the political realm of justice and social change'. Brassett (2008) states that although there is no definition of what cosmopolitanism actually is cosmopolitanism thinking is an indispensable part of the social sciences. Similarly Walker (2005a) states, because it has engaged widespread academic interests it has become difficult to develop a single meaning, although this does not mean the term is intellectually redundant. The tenets of cosmopolitanism, namely its incorporation of global justice, identities – cultural and universal and global citizenship make it useful to this research.

## **COSMOPOLITANISM, THE COSMOPOLITAN AND CULTURAL DIVERSITY**

One of the themes of cosmopolitanism is identity and that cultural diversity can exist within the global realm of humanity. Cosmopolitanism elucidates to the type of identity which could exist within the global realm of humanity making global governance and ethics possible. 'Someone who is attached to a particular place or home with its cultural particularities but takes pleasure from the presence of other,

different places that are home to other different people' (Appiah, 1996, p. 22 cited in Kaldor, 2000, p.6). Cosmopolitanism thus conveys a certain image or ideal type of individual, referred to as a cosmopolitan. Similarly, Kaldor (2000) like Appiah (1996) stresses difference when defining a cosmopolitan. Kaldor, (2000) defines a cosmopolitan as someone who is knowledgeable about different cultures and language. The idea is that if someone is knowledgeable about difference then they are also acceptant of difference. In this way tolerance of difference is linked to globalization and the idea that identities are not simply defined according to the territory of the nation state. Rather, as Hudson (2008, p.284) argues the cosmopolitan identity is 'a pick-and-mix of globally available ingredients of identity, building a progressive and inclusive self-image'. Therefore, when defining the cosmopolitan - choice of identities, multiple affiliations and multiple attachments are stressed as being a reality.

However, it could be said that the idea of cultural diversity within the unity of the global realm of humanity is an abstract ideal as there are many complexities. The idea of a global, universal identity leads to the question – what form and values should such an identity have? Kaldor (2000) envisages the global identity as being one which is synonymous with human rights. Kaldor (2000) links human rights with multiple identities, saying that Kant envisaged a global system in which everyone had the right to hospitality and thus because human rights exist at the global level they would constitute the binding force within which multiple identities could exist. Dower (2008, p.9) explains how 'the Stoics accepted the idea of concentric rings of identity – accepting the idea of being a citizen of the world did not involve rejecting one's identity as a member of a family, local community or a larger political community'. In this way the unity would be the global community of humanity and within this

there would be diversity, notably those signifying attachment of national identity, cultural identity, religious identity and so forth. Within cosmopolitanism world citizen denotes the emphasis on common humanity (Couture and Nielsen, 2005). Although the idea of a common humanity, one based on human rights in which multiple identities can exist is important in cosmopolitanism, the existence of a common humanity can be dangerous if the voices of minorities or subaltern groups, as Walker (2005a) argues, are silenced in the process. Further, Dower (2008, p.6) states

‘all too often, especially in the past, there has been an inappropriate projection of values onto the rest of the world, whether explicitly in the name of cosmopolitanism or in other ways. But the response to this should not be to reject cosmopolitanism but to fashion a form of cosmopolitanism which avoids these criticisms’.

Thus, from a cosmopolitan perspective the existence of universal values is very much dependent on how cultural identities or identities of difference are incorporated within the macro universal identity.

Much has been written about the negotiation of identities within the macro universal identity and the dangers of silently walking into or advocating a homogenous macro identity at the expense of more micro identities. Beck and Grande (2007, p.71), when referring to this negotiation warn about the dangers of hierarchy stating ‘differences should neither be arranged hierarchically nor should they be replaced by common norms, values and standards; rather, they should be accepted as such and even have a positive value placed on them’. In this way difference is embraced and conceptualized as providing fluidity and as adding depth, creation and

choice – therefore it could be argued that subjectivity and personal freedom are prioritized. However, Walker (2005a) argues that although cosmopolitanism advocates the importance of all cultures, without prioritizing any, or giving greater importance to any, this can transcend into cultural relativism. For this reason Walker (2005a) presses the importance of universalism based on humanity whereby commonality exists but not at the expense of universalism leading to processes of cultural imperialism. Beck and Grande (2007, p.71) use ‘cosmopolitan realism’ to refer to how differences can exist within unity and cosmopolitan realism basically means the recognition of the legitimate interests of others and their inclusion in the calculation of one’s own interests’. The idea of legitimacy is closely linked to citizenship and in particular McPhee (2005) in the sense of how the state incorporates minorities and thus parts into the whole. Cosmopolitan ideas of identity are of relevance to the research and the logic of identity demonstrates this.

According to Hudson (2008, p.279) ‘the logic of identity/difference imposes a false unity on groups defined by difference, and it imposes a false emphasis on a single characteristic on individuals’. Similarly, Beck (2006, p.25) argues that, within the national outlook there is

‘the prison error of identity. According to this view, each human being has one native country, which he cannot choose, he is born into it and it conforms to the either/or logic of nations and the associated stereotypes’.

Beck (2006, p.25) argues that within the prison error of identity, ‘people with strange-sounding names find themselves repeatedly subjected to cross-examination’. It could be said that the prison error of identity has become increasingly relevant in the ‘war

on terror’ because the discourse associated with ‘new terrorism’ is one whereby Muslim citizens are predominantly subject to counter terrorism measures based on constructed stereotypes of the terrorist (as is explained in the following chapter). It could therefore be argued that with the increase in police powers under counter terrorism legislation and the creation of Muslims’ Islamic identity as representing a threat in the ‘war on terror’ this has contributed to the extent that the logic of identity is used by the state and the police. Further, the introduction of counter terrorism legislation has contributed to the damage and harm the ‘false emphasis on a single characteristic’ (Hudson, 2008, p.279) means, as under counter terrorism legislation it can lead to house arrest or detention. The logic of identity therefore interacts with the legal rights and the status of citizens suspected of terrorism in the ‘war on terror’.

### **GLOBALIZATION, COSMOPOLITANISM AND THE UMMA**

Identity cannot be bound to territory, especially in the contemporary era where events like the ‘war on terror’ transcend national territories and inform global notions of threat and risk. Although Naussbaum (1994 cited in Khatib, 2003) states that globalization has led to questions regarding the significance of the nation, the role of the state remains of upmost importance given that it is primarily through the state that citizenship and thus legal rights are enacted. However, it could be argued that globalization has made cosmopolitanism a more useful perspective.

According to Kaldor (2003), globalization is a process which includes exclusion, fragmentation and homogenization and integration, interconnectedness and diversity. Kaldor (2003) goes further in arguing that since the loss of legitimacy by post colonial states many wars have been fought in the name of establishing political identity so that power can be achieved. In the contemporary era identity has become



of global significance and through the need to establish power global identities have come to represent a growing source of exclusion – to the extent that differences of identity have been used to legitimise exclusion and war. The existence of identity as causes of war has led Young (2003, p.390) to argue that ‘not only are there strong parallels between the dynamics of crime and the desire to punish, but that there are close similarities between violence associated with ‘common’ criminality and the violence of war and terrorism’. In both cases labels of identity act to exclude, perpetuate injustice and lead to acts of oppression and aggression. Kaldor (2000) remarks on how social formations which exclude on the basis of identity are of a transitional nature meaning that on the basis of identity one can be an outsider in their own national territory in which they are a citizen but also an outsider beyond their national territory and this is a defining feature of new wars. In this way it is possible to appreciate Gilroy’s use of the word diaspora – Hudson states

‘Gilroy suggests diaspora as a concept that better represents identity in the world. He talks of diaspora, not in the usual sense of the great dispersals of peoples who share ethnicity, culture and history (such as a Jewish diaspora or an African diaspora), but in the sense of a diffused experience and understanding of identity’ (Hudson, 2008, p.280).

Given that exclusion and injustice are prevalent in the nation state and beyond, it is possible to comprehend how they can act to unite understandings of identity and experiences between individuals that do not share citizenship to the same country but share a religious identity.

The 'war on terror' has accelerated the rate at which experiences and understandings of identity are shared between Muslims. As Bosworth, Bowling and Lee (2008, p.263) argue the 'new' security agenda of terrorism and Islamic fundamentalism 'has become seen as the 'dark side' of globalization linking migration to crime, smuggling, terrorism and the policy issues of 'law and order' across the globe'. The 'war on terror' has accelerated the need for global harmony, tightened the negative discourses associated with Muslims' Islamic identity and impacted Muslims' own perceptions of unity. The use of cosmopolitanism can facilitate an understanding of these processes and the umma identity through allowing Muslim citizens to relate their feelings of belonging and attachment to identities beyond the state territory.

The umma represents the global community of Muslims and according to Sadiki (2002, p.49)

'Islam today is a truly globalised and polycentric community with more than one billion adherents, representing different regions, nationalities, ethnic backgrounds, languages and social classes, and varying degrees of social mobility and literacy'.

Sadiki (2002) argues that the events of September 11<sup>th</sup> are an example of bad globalization because they have disempowered Muslims. What Sadiki (2002) means, is that the 'war on terror' has acted to exclude and marginalize Muslims. Therefore, shared experiences of injustice as based on Islamic identity have unified the umma. The 'war on terror' transcends localization and globalization leading to what Ehteshami (1997, p.180 cited in Khatib, 2003, p.392) calls 'the emotional, spiritual

and political response of Muslims to an acute and continuing social, economic and political crisis'. In this way globalization and global events like the 'war on terror' do not just lead to a stronger sense of shared identity but also impact emotions and feelings thereby meaning that events across the globe can feel as personal as events that are local. The umma identity can thus be an identity which exacerbates pain but also provides unity. For example, recent research by Hussain and Choudhury (2007) found that amongst British Muslims there has been a shift to a more universal Islam which downplays cultural differences. Therefore, although the umma identity represents a global point of unity for Muslims this is not at the expense of a cosmopolitan identity as one is based on Islam and the other on humanity and human rights. This research will explore the different notions of these global identities and how they interact with Muslims perceptions of citizenship, belonging and unity to both their British and Islamic identity.

## **COSMOPOLITANISM AND CITIZENSHIP**

Although there has been an increase in the use of cosmopolitanism in the social sciences in recent years, in criminology there has been much criticism of the relationship between criminology and the state. Hillyard, Sims, Tombs and Whyte (2004 cited in Friedrichs, 2009) argue that the discipline has served the interests of the state and through emphasizing a wider agenda of human rights cosmopolitanism can be used to critique the state and is therefore similar to developments in criminology made through works such as Stanley Cohen's *'States of Denial'*, which calls for more criminology to incorporate violations of human rights.

Citizenship from a criminological perspective, as already stated emphasizes concepts such as legitimacy and due process and therefore liberty and rights.

Cosmopolitanism is very similar, according to this perspective the state has certain duties, firstly that ‘every human being has a right to have her or his vital interest met, regardless of nationality or citizenship’ (Jones, 1999, pp.15–17 cited in Sypnowich 2005, p.56). Therefore, identities should not lead to differential citizenship. Secondly, ‘it rules out positions that attach no moral value to some people, or that weigh the value people have differentially according to characteristics like ethnicity, race, or nationality’ (Brock and Brighouse, 2005, p.4). Therefore where no moral values are associated with certain identities, the extent to which the citizen feels part of the national and wider community of ideals (Held, 2005) will be damaged. Within this perspective the principle of equality is essential and the state has a duty to maintain equality through making sure that every group is treated equally.

Cosmopolitanism warns of the dangers of the state deviating from cosmopolitan law, which is about maintaining universal human rights and ensuring that every citizen has equal liberty. Cosmopolitanism places importance on perceptions and it is perceptions of inequality by citizens which make state deviations from cosmopolitan law problematic. As Beck (2006, p.19) states ‘the choice to become or remain an ‘alien’ or a ‘non-national’ is not as a general rule voluntary, but a response to acute need, political repression’. Beck (2006, p.167) states ‘Europe sows the seeds of disappointment from which hatred springs’. Perceptions of repression lead to changes in identity, a sense of detachment because they negatively impact on the psychological dimension of citizenship. In this way both cosmopolitanism and citizenship place a duty on the state and highlight that where the state, or apparatus of the state fail in these duties then citizens’ loyalty, sense of justice and belonging will be impacted. These perspectives are relevant to the research as the introduction of controversial counter terrorism legislation and the

wider 'war on terror' has been seen to negatively impact Muslim citizens' sense of belonging.

There are various other parallels between citizenship and cosmopolitanism, for example Benhabib, (2003, 2004 cited in Nash, 2009, p.168) 'has developed the argument that citizenship itself is now becoming cosmopolitan through developments in human rights, especially within Europe' and within cosmopolitanism Couture and Nielsen, (2005) use the phrase world citizen. Therefore, part of the growing inter-linkage between citizenship and cosmopolitanism can be attributed to changes in authority which are taking place beyond the nation state. However, citizenship and cosmopolitanism are also compatible because both share a focus on human rights. Held (2005 cited in Smith, 2007, p.37) states

'cosmopolitanism is commonly interpreted as a transformative political project, geared towards entrenching human rights, democracy and cultural diversity in an age of globalization'.

This has a direct similarity with the criminological idea of citizenship and the emergence of the language of rights, as Nash (2009, p.1068) argues

'human rights and citizenship have long been closely entwined; indeed historically they share similar roots in liberal individualism. This is clearly expressed in the great 18th-century declarations of the 'rights of man', the recognition that 'all men are created equal', born with inalienable natural rights'.

Nash (2009) highlights how the emergence of individual autonomy, equality and innocent until proven guilty are what we now interpret as human rights. Human rights is closely tied to the theme of ethics, which is about having a responsibility in ensuring that others are not harmed, as Dower (2008, p.8) states ‘cosmopolitanism at the very least takes seriously the idea that we – as individuals and as collectivities such as states or companies – have duties not to harm other people in other parts of the world (or if we do there have to be very strong reasons justifying this)’. Similarly, Brock and Brighouse, (2005) describe the process as one in which if each human has equal moral worth then this creates moral responsibilities. The cosmopolitan ideal is that ‘the life of everyone matters, and matters equally’ (Couture and Nielsen, 2005, p.183). In this way not only do citizens owe a responsibility to each other but so does the state and due to justice being a prominent theme in cosmopolitanism the duty to not harm citizens can be likened to the idea of the social contract – where the state has to act within the boundaries of legitimacy. Through using both citizenship and cosmopolitanism this research will maintain a non state centric position and do as Gunning (2007a, p.376) suggests which is to ‘move beyond the state as the sole legitimate referent.... to the wider notion of human security’.

## **COSMOPOLITAN CITIZENSHIP**

Within the idea of humanity and global governance it has been argued that citizenship should remain as the nation state is needed. Nash (2009) contends that modern states serve citizens whilst also upholding principles of universal rights. Therefore, for Nash (2009) the two can co-exist, Turner (2009) highlights the necessity of the state because it provides people with a sense of belonging and identity that comes from being rooted to a territory. Many of the tensions between global governance and

national governance are down to a belief that global peace and human rights could be better secured beyond the nation state. For example, Nash (2009) identifies different distinctions of citizenship through using cosmopolitan citizenship – one based on human rights. There are ‘super-citizens’ which according to Nash (2009, p.1073)

‘have all the rights of citizens but increasingly, in a globalizing, deregulated political economy, citizenship does not tie them to states because they own the means of production’. There are marginal citizens ‘who have full citizenship rights but who nevertheless do not enjoy full citizenship status: economically, by relative poverty; and socially, by racism’ (Nash 2009, p.1073).

It could be said that they suffer the logic of identity as assumptions are made about their identity which lead to unequal citizenship. Therefore, within the ‘war on terror’ those deemed as possessing risky identities, framed along the lines of possessing an Islamic identity could be understood as ‘marginal citizens’ as they are at risk of being afforded relative legal rights.

Citizenship and cosmopolitanism can also be applied to how the ‘war on terror’ has been constructed and more specifically suspects of terrorism. A discussion of this facilitates an understanding of the measures taken by the state and the police in countering terrorism and further how such measures are likely to impact perceptions. Terrorism was constructed in terms of a binary, as Brassett (2008) argues terrorists were constructed as being barbaric and in direct opposition to cosmopolitans who were constructed as being civilized and as forming the global community. Much of the actions taken by western states as part of the ‘war on terror’ are based on the

discourses of threat, risk etc created and the creation of a discourse around the enemy. When identifying the features needed to create a good enemy Young (2003, p.400) identifies the following features –

‘we must be able to convince ourselves that: (1) they are the cause of a large part of our problems; (2) they are intrinsically different from us—inherently evil, intrinsically wicked, etc. This process of resentment and dehumanization allows us to separate them off from the rest of humanity (us) but it also permits us to harden ourselves to deal with the special instance of a threat’.

To take the ideas presented by Young (2003) firstly, as Bosworth and Guild (2008) argue although terrorism has been constructed as being a foreign problem the London bombings of 7<sup>th</sup> July 2005 should challenge this as three of the four bombers were British and thus the problem was a British problem not one that had been created elsewhere. To take the second point about the enemy needing to be constructed as being different, terrorists have been constructed as being outside humanity and therefore as not deserving due process. However, as Young (2003, p.396) points out, although this was an attempt to portray terrorists as not being part of humanity ‘the socially excluded do not, exist in some ‘elsewhere’ cut off spatially, socially and morally from the wider society’. They are therefore part of the same humanity, if for no other reason than the fact that they too occupy a space on earth. Thus, having separated terrorists from humanity an image of what is at risk and in need of protection is created and this served the purpose of establishing legitimacy in actions



taken to counter terrorism. It is for this reason that Flores (2005, p.124 cited in Ruggiero, 2007, p.219) argues

‘we are back to the justifications of the colonial era, where a strong and sincere feeling associated with the civilizing mission was accompanied by inevitable military action. The current paradox of the West seems to be the pursuit of universal principles and rights, while violating both in the name of its own most immediate interests and justifying historically and theoretically such violations’.

Aradau and Munster (2009) comment on how the creation of the enemy as being unworthy of rights and humanity serves the purpose of creating domestic and international law and similarly, Deriu, 2005; Fine, 2006; Zolo, 2000 (cited in Ruggiero 2007) argue that the notion of humanitarian violence serves to legitimize re-colonisation whereby the label inhumane is used to justify punishment.

Cosmopolitan ideas of humanity were used in the construction of terrorism, as Stephens argues ‘[p]eople were asked to choose: either they were with the British people, and the British government representing ‘our way of life’, or they were with the people who acted through terrorism’ (Brassett, 2008, p.324). In this way the state manufactured legitimacy, enforcing an either or binary whereby those questioning the introduction of legislation which deviates from due process could be accused of being against British values. Thus, cosmopolitanism with its themes of democracy, human rights and humanity can be used to explain how the ‘war on terror’ was constructed. Further, it can be used as a way of exploring the ideas which were used to introduce

counter terrorism which deviates from the social contract of citizenship and more generally accelerates the creation of the 'marginal citizen' (Nash, 2009).

## **COSMOPOLITANISM AND HUMAN RIGHTS**

Although citizenship elucidates the role of the state since citizenship is primarily confined to the territory of the nation state, cosmopolitanism emphasizes rights which exist beyond the state. Therefore, within cosmopolitanism, cosmopolitan law is associated with human rights and further, as Nash (2009) contends that the Universal Declaration of Human Rights with its legalistic language outlines the moral principles which should govern state activities. Kaldor (2000, p.7) argues the two main components of cosmopolitan law are the 'Laws of War and Human Rights Law'. However although cosmopolitan law could be said to be any law which exists beyond the nation state / European level and is concerned with human rights, Walker (2005a, p.6) highlights the tensions between what he calls the 'thin' level, the 'social commitments associated with a set of common obligations at the global level' and 'thicker' local obligation. Of concern to Walker (2005a) is how a range of diverse perceptions and ideals can be negotiated and made to fit within the 'thin' level. This is very similar to the discussion provided of the cosmopolitan ideal of achieving unity without omitting cultural diversity.

However, Walker (2005a) does concede that the United Nations have made progress in facilitating the existence of international law and this has been progressive because the approach adopted has treated individuals as cosmopolitan subjects and thus as subjects of international law. The existence of institutions such as the United Nations has led Benhabib (2007 cited in Nash, 2009) to also comment on the existence of a relationship between the global level and citizens via human rights.

Benhabib (2007, p.32 cited in Nash, 2009, p.1069) in particular focuses on how human rights have created a cosmopolitan political community in which ‘citizens and non citizens are authors of the law and not mere subjects of the law’. Therefore, Nash (2009) contends that citizenship is in fact becoming cosmopolitanized because a form of justice is available and being extended to non citizens and it could be argued that states are becoming cosmopolitan because human rights are placing a duty onto states.

Nash (2009) traces the events which have led to the legalization of human rights that transformed international law. According to Nash (2009) there have been two major changes in international law, firstly individuals became accountable for violations of the laws of war and secondly, human rights became a system introduced to limit how a state could treat its own citizens. Nash (2009) further adds the second development was extended with the Universal Declaration of Human Rights (1948)<sup>5</sup>. According to Dower (2008) the introduction of the Universal Declaration of Human Rights was aimed at ensuring that responsibility for protecting individuals’ human rights resided with the state and this has been enhanced by a more cosmopolitan turn. The universal level is therefore tied to states through human rights and human rights could also be interpreted as forming a relationship between individuals and the universal level. Therefore, through the perspective of cosmopolitanism, the state is conceptualized as having duties and responsibilities.

The emergence of rights placed a burden upon the state to ensure that legal rights are always maintained and the rights which emerged during the enlightenment are rights that are central to cosmopolitanism. Both the enlightenment and

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<sup>5</sup> As Article 2 of the Universal Declaration of Human Rights has it: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status ... (Nash, 2009, p.1071).

cosmopolitanism elucidate the importance of core human rights, such as the right to be assumed innocent until proven guilty and whereas the enlightenment acted to curtail the power of the state through the introduction of these legal rights, cosmopolitanism places a burden on the state to maintain such rights through the language of universal human rights. There are vast similarities between the enlightenment and cosmopolitanism and where counter terrorism legislation has violated due process and enlightenment principles it has also violated cosmopolitan law. It should briefly be noted that the European level also dictates rights, for example the European Convention of Human Rights. Burchthal et al., (2002, p.172 cited in Nash, 2009, p.1071) states that ‘the cosmopolitan law of human rights is especially well developed in Europe, with the European Court of Human Rights effectively acting as a ‘constitutional court for civil and political rights’ for all the member states of the Council of Europe’. However, here the issue is enforcement because the European Court can only recommend action to a state if violations of human rights have been found to exist.

The way in which terrorism has been constructed has made the enforcement of human rights problematic. For example, the ‘war on terror’ has undermined the extent to which universal fundamental rights can unite all diversity and difference and therefore be a stronger force to unite humanity than any value of difference (Hudson, 2008). This has been facilitated by the construction of the terrorist and further through the introduction of counter terrorism legislation which according to Welch and Schuster, (2005, p.345–7 cited in Bosworth, Bowling and Lee, 2008, p.265) exemplifies ‘a globalizing culture of control’ driven by ‘perceptions of difference and putative threats’. The discourse of human rights is useful to this research given that the ‘war on terror’ undermines human rights and human rights are features of both

citizenship and cosmopolitanism. Matthews and Kauzlarich, (2007) argue that violations of human rights should be used to form definitions of crime rather than state manufactured definitions. Given that this research is exploring Muslim citizens' perceptions, any use of state manufactured definitions of crime would narrow the narratives that emerge. Further, when exploring citizenship themes of loyalty, belonging and attachment emerged and from within cosmopolitanism as Beck (2006) has noted political repression practiced by the state impacts identity. Therefore, the broader definition of state crime will be used - 'individuals or groups of individuals who have experienced economic, cultural, or physical harm, pain, exclusion, or exploitation because of tacit or explicit state actions or policies which violate law or generally defined human rights', (Kauzlarich et al, 2001, p.176). This definition includes pain and exclusion and thus is a definition in which loyalty, belonging and attachment can be placed through considering the wider impact of the 'war on terror' on British Muslims.

## **COSMOPOLITANISM AND JUSTICE**

This research is concerned with how the 'war on terror' has impacted Muslim citizens' perceptions of the state and police and uses the concepts of legal rights, legal status and human rights from citizenship and cosmopolitanism to explore these perceptions. To further facilitate this exploration the concepts of justice and injustice are also useful, especially given that the measures taken by the state and the police in the 'war on terror' predispose and indeed facilitate the existence of injustice (Liberty, 2004; Liberty, 2007a). According to Hudson (Hudson, 2006, 2007, 2008 cited Hudson, 2008, p.276) cosmopolitanism developed 'as an ideal to underpin models of justice'.

‘Justice has a legal – political aspect, and an ethical aspect. It requires keeping the rules of international law, respecting legal and political conventions nationally and internationally, but it also demands respect for the other just because she is a human’ (Hudson, 2009, p.715).

Justice is therefore a multifaceted concept as it incorporates an ethical dimension which using cosmopolitanism could be said to be the idea that every individual is part of humanity and thus an ethics of responsibility including human rights is owed to all individuals. And the political dimension, keeping in line with political cosmopolitanism could be the ways in which justice is administered and more specifically, how the concept of justice actually intrudes into citizens’ lives through experiences, perceptions and their subjectivity. Bertram (2005) argues is essential for justice to be perceived and for cosmopolitan law to be maintained and it will be of interest to see how the ‘war on terror’ has impacted perceptions of justice.

Justice can be defined as a process, rather than a mere concept when discussing how justice shapes individuals’ perceptions because evaluations of injustice do not come to simply exist but are informed through various factors like equality and resources. Deutsch (2006) contends that although the Universal Declaration of Human Rights does not state that all individuals should be treated identically – it does highlight that systematic disparities should not exist between the social conditions and the rights of people and therefore all individuals should have the same opportunities. The notion of justice thus appears to be linked to opportunities with Hudson (2009, p. 703) stating ‘justice is a political concept; it is concerned with dealing fairly with all parties...’ ‘Doing justice means giving what is due’. This

exploration of justice facilitates an understanding of how justice is not simply an abstract concept but is rather a concept which demonstrates how opportunities and rights and thus justice can exist when every individual is given what is due. It could therefore be argued that the existence of justice is about the mechanism through which justice is implemented and further, individuals' understanding of justice, since they ultimately decide on whether they have been given the rights and opportunities due to them. The linkage between resources and justice presented by Turner (2007b) further demonstrates the importance of subjectivity because Turner (2007b, p.301) argues

‘resources are typically distributed unequally, and so inequalities are almost always part of justice evaluations. As a general rule, inequalities generate negative emotions by those who receive less than others, primarily because the former makes justice evaluations that they are not getting their fair share’.

When referring to justice, Turner (2007b) highlights how resources are part of the process of justice. Thus, it is the implementation of justice in the form of the resources and opportunities which either positively adhere to individuals' perceptions of what is due or can negatively adhere to individuals' perceptions of what is due.

Another key factor which contributes to judgments about justice is legitimacy ‘which can make it seem right and proper that some should receive more than others’ (Zelditch & Walker, 1984 cited in Turner, 2007b, p.301). However, the issue of legitimacy gives rise to the circumstances under which an unequal distribution of rights are perceived as being legitimate. The issue of legitimacy can be related to

relative deprivation and according to Deutsch (2006, p.24) ‘the greater the magnitude of relative deprivation, the greater the sense of injustice that will be experienced by the oppressed’. Therefore, judgments of deprivation are informed by a comparative consideration of resources and ‘an individual may feel doubly deprived: as an individual and as a group member’ (Deutsch, 2006, p.24). Keltner, Horberg and Oveis (2006) state that concerns over what is just and fair are the glue of social living, with Schwartz and Sagiv, (1995 cited in Karstedt, 2002, p.309) arguing ‘that moral values of justice and fairness concern all cultures’. Perceptions of justice and fairness are important and this suggests that where the state does not maintain equality injustice will be perceived. Further, moral mandates are important and outcomes and procedures will be perceived as illegitimate if they are not consistent with perceivers’ moral mandates (Skitka, 2002, p.589 cited in Napier and Tyler, 2008). The importance of perceived equality is that equal treatment by the state and the police translates into ‘equal moral worth’ (Brock and Brighthouse, 2005). It informs citizens of their value and as Bertram (2005, p.78) states citizens must

‘be granted by others an unforced recognition of their moral status, a person who lacks a sense of themselves as a significant presence in the world and therefore of their own agency, will hardly be able to form, revise, and pursue a conception of good’.

Smith (2009) found that suffering a police wrong can be an extremely disturbing experience, damaging self-esteem and self confidence, with Deutsch (2006) stating that the victim of oppression may lose his / her sensitivity towards injustice and be less committed to the institutions which produce such injustice.



The emphasis is on subjective evaluations and a key point of interest in this research will be how changes in the law, those implemented through counter terrorism legislation are perceived and more specifically if they are perceived as being legitimate, even though they compromise the existence of due process for suspects of terrorism. Further, through using the idea of relative deprivation it will be explored if Muslim citizens perceive counter terrorism legislation as specifically targeting their Islamic identity and if this is the case how it relates to evaluations of justice. Butler (1997, p.139, cited in Frost and Hoggett, 2008, p.449) states, that 'loss cannot be worked through when there is no public recognition or discourse through which it might be named and mourned'. According to Deutsch (2006, p.24), a victim of injustice may be outraged by his / her experience and challenge the victimizer, however, if the 'victimizer is more powerful and has the support of the legal and other institutions of the society, the victim will realize that it would be dangerous to act on his outrage or even to express it'. Therefore perceptions of justice relate to moral beliefs and counter terrorism legislation has an enormous capacity to negatively impact British Muslims' perceptions if they perceive a sense of loss in their legal rights, which they perceive as being illegitimate.

## **OPPRESSION AND BIOGRAPHICAL COSMOPOLITANISM**

The concept of oppression can be used to link perceptions of justice / injustice of the structural level to the societal level and thus tie the macro level of the state and state institutions with the micro level of society and even identity. Deutsch (2006) highlights the levels of injustice involved in oppression. These levels transcend from oppression at the level of the state, for example, procedural injustice includes the legal rights attributed to citizens - to the societal level where as Harvey (1999 cited in

Deutsch, 2006, p.10) notes ‘civilized oppression’ is used to characterize the everyday processes of oppression in normal life’. Deutsch (2006) refers to civilized oppression emerging when the state enforces rules and procedures which regulate the social institutions of the society and produce inequality and to interactive power, which involves those who are powerful repeating the subordinate status of a group. This research considers how the ‘war on terror’ and more specifically the actions of the state in the ‘war on terror’ have influenced society because as Foucault, (1978, 1980 cited in Mythen and Walklate, 2008, p.229) states it is through the discourses created by dominant institutions that people understand risk and discourses shape human behaviour through ‘generating ‘truths’ about society that are ‘interiorized’ by individuals’. Civilized oppression is the injustice groups suffer as a result of the cultural stereotypes which are used to support injustice and moral exclusion is the product (Young, 1990, cited in Deutsch, 2006). It will be of interest to see how Muslim citizens believe the ‘war on terror’ discourse created by the state has impacted societal perceptions and interactions and the impact of this on Muslims’ Islamic identities.

However, it could be argued that although justice and oppression have become increasingly significant at the national and local level, since the ‘war on terror’ perceptions are also informed by the international level. As Aas (2007, p.284) states, ‘transnational flows and connections are shaping contemporary life more than ever, influencing our perceptions of community, identity and culture’. Within cosmopolitanism the term cosmopolitanization is used to refer to the interconnectedness between the local and the global. Beck (2002, p.23) states, ‘globalization is about localization as well’ because ‘cosmopolitanism means: *rooted* cosmopolitanism, having ‘roots’ and ‘wings’ at the same time’. Similarly, Ruggiero

(2007) refers to how cosmopolitanism refers to individuals' capacity to live locally while also being connected to global issues and interpreting global issues via the local and vice versa. Ruggiero (2007) places importance on the subjective dimension through emphasizing interpretation and thus the extent to which the two levels interact is down to perception and subjectivity. Cosmopolitanization is therefore a way of connecting the global level with the local level and exploring counter discourses because as Beck (2006, p.73) states cosmopolitanization is 'a second-order level of self-destructive civilization that transcends the nation-state and infiltrates our innermost thoughts and feelings, experiences and expectations'. Within cosmopolitanism perceptions are also prioritized through the notion of 'biographical cosmopolitanization' 'which means that the contradictions of the world are unequally distributed not just out there but also at the centre of one's own life' (Beck, 2006, p.43). Biographical cosmopolitanization is based on perceptions and the extent to which the concept is applicable is dependent on perceptions of contradictions and inequality at both the international level and the national level. Further, in conjunction to the notion of biographical cosmopolitanization there is cosmopolitan empathy, 'where the suffering of persons in other global regions and cultures no longer conforms to the 'friend-foe' divide, but can provoke sympathy for the hardships of fellow humans' (Hudson, 2008, p.284). Beck (2006, p.5) created the phrase the 'globalization of emotions' and related it to foreign policy in the 'war on terror'. What the war in Iraq made transparent was how even mass protests could not stop the war, and according to Beck (2006, p.2) 'for the first time a war was treated as an event in global domestic politics, with the whole of humanity participating simultaneously through the mass media', and 'the protests were driven by what one might call the 'globalization of emotions', (Beck 2006, p.5). Taking ideas of loyalty,

attachment and belonging - biographical cosmopolitanization allows us to understand how loyalty, attachment and belonging are not simply confined to citizenship and the nation state because globalization interacts with feelings of loyalty, attachment and belonging. Therefore, the construction of the 'war on terror' and enactment of counter terrorism legislation in Britain have facilitated the existence of injustice as a transitional concept and ideas such as oppression, and the globalization of emotions are of relevance to this research because of the international dynamics of the 'war on terror'.

## **CONCLUSION**

This chapter has explored the theoretical perspectives of cosmopolitanism and citizenship which frame the research, showing how their usage in the thesis is informed by wider literature, what particular aspects of each theory will be used and how they are relevant and useful to the research. In terms of making a contribution this research will make a contribution through conducting empirical research on the 'war on terror' and more specifically through providing a counter discourse which is framed by these theories. The relationship between these theories has been demonstrated showing how both incorporate notions of justice, identity and human rights. However, the differences between both – namely the focus of cosmopolitanism at the global level and the focus of citizenship at the national level have also been discussed, thus justifying how each contribute to the research.

In terms of a contribution, it has been discussed how both are relevant to understanding how the 'war on terror' has been constructed, (as the 'war on terror' has made concepts of justice, identity, rights, human rights important) and secondly, how the concepts of justice, identity, and human rights also facilitate an

understanding of Muslim citizens' perceptions. Therefore, this thesis takes the 'war on terror' and places it within these theories in order to demonstrate how these perspectives are relevant to 'the war on terror' and more specifically to understanding British Muslims' counter discourse to the 'war on terror'.

## **CHAPTER 2: LEGAL RIGHTS, INTEGRATION POLICIES AND THE ‘WAR ON TERROR’**

The ‘war on terror’ has impacted the legal and political dimension of citizenship through the introduction of counter terrorism legislation and changes in policies of integration. Shklar (1991) states citizenship conveys social status and therefore impacts citizens’ sense of self and identity. Essentially, the legal and political tenets of citizenship are based on categorization and intervene into the lives of citizens since they provide both a legal and political framework in which citizens operate (Wetherall, 2009). Policies at the level of the state essentialize identities as they ‘imply an internal sameness an external difference or otherness’ (Werbner, 1997, p.228) and can lead to social divisions and exclusion (Hussain and Bagguley, 2005). It is because identities are processes that are shaped by external factors that this research explores the impact of the ‘war on terror’ on Muslims’ Islamic identities (Alexander, 2009). The aim of this research is to provide a counter discourse to the ‘war on terror’, one which considers Muslim citizens’ perceptions of the state and the police and the impact of the ‘war on terror’ on their Islamic identities. This chapter examines the changes in law and policies of integration since the ‘war on terror’ and the implication of these changes for British Muslims.

Firstly, the chapter explores citizens’ legal rights and the statutes which provide a framework for these rights in order to demonstrate the implications of counter terrorism legislation on the rights of those suspected of terrorist activity. In terms of the thesis providing a counter discourse to the ‘war on terror’, the changes in law are an important part of how British Muslims’ perceive the state and the police. As mentioned in the previous chapter, the legal dimension of citizenship impacts citizens’ identities, feelings of belonging and the emotional attachment to their

various identities, (Carens, 2000; McPhee, 2005), Secondly, this chapter also explores how the ‘war on terror’ has changed policies of integration and the impact of these changes on Muslim citizens. Therefore, the chapter details state policies towards Muslim citizens such as multiculturalism and community cohesion. Through exploring state policies it is explored how such policies have framed Muslim citizens according to different identities, as multiculturalism was primarily based on cultural identity and community cohesion has prioritized Muslims’ Islamic identity. Therefore, the chapter demonstrates how the ‘war on terror’ is likely to have impacted British Muslims’ perceptions of the state and the police and their Islamic identities through exploring how the state has framed Muslim citizens’ identities through policies of integration and the law.

## **MUSLIM IDENTITY AND INTEGRATION POLICIES BEFORE THE ‘WAR ON TERROR’**

This opening section discusses the relationship between the state and Muslim community before the ‘war on terror’ through policies of integration. It should be noted that although the chapter predominantly deals with Muslims’ Islamic identities, since Muslims’ Islamic identities have not always been the focus of state policies, this chapter also explores the other identities which Muslims possess. However, the section also explores the contested meaning of ethnic, religious and cultural identities and the demographics of Muslim identities in Britain.

Britain’s Muslim population stands at about 1.6 million (ONS, 2004) and the 2001 census showed that Muslims represented the second-largest religion in Britain. Where the City of Birmingham is concerned, ‘there are 192, 000 Muslims’ in Birmingham’ (Peach, 2005, p.28), this translates into nine per cent of all 1.6 million

British Muslims and 16 per cent of Britain's entire Pakistani population of 658,000 are in the city of Birmingham (ONS 2004). The British Muslim population has a younger age structure when compared to the average for other religious groups. 'One-third of the Muslim population is aged 0-15 compared to the average for the whole population of 20 per cent' (Peach, 2005, p.26) and almost 60% of Britain's Muslim population has been born in the UK (Anwar & Qadir, 2003, p.7 cited in Seddon, 2004, p.2). This makes the issue of ethnicity very complex and it could be argued that there are two forms of ethnic identities which are relevant to British Muslims. Firstly, utilizing the definition by Horowitz (1985; Smith, 1986; Connor, 1994; Hastings, 1997 cited in Mitchell, 2006, p.1138) ethnicity is a sense 'of peoplehood based on a sense of shared descent and belonging'; here the emphasis placed on shared descent could prioritize Muslims' Pakistani identity. Secondly, according to Mitchell (2006, p.1138), this first definition should be 'coupled with political national ideals or attachment to a specific territory'. Here with the emphasis being on national territory, it could be argued that Muslims' British identity is their primary ethnicity, since Muslims occupy the territory of Britain. Therefore, ethnicity incorporates both historical roots and current ones whereby it can represent 'a complex collection of loyalties' (McPhee, 2005, p.1).

Moving onto the complexity of defining religious identities, generally a 'religion is a name we give to a complex set of social practices which structure individual agency, and are in turn recursively structured by it' (Woodhead 2008, p.55). However, the extent to which Muslims' Islamic identities structure agency is highly individualized because as Ansari (2005) argues, they are multiple religious identities which range from devout adherence to orthodox Islamic practice, to nominal affiliation. Although religiosity is one point of diversity, it has been



argued that religious identities intersect with other identities, such as cultural and ethnic identities. For example, Carens (2000, p.42) argues that

‘for some Islam may be primarily a cultural marker that has little bearing on the norms that guide their actions in public and private life. For others, the commitment to Islam is at the centre, guiding every activity and choice, for many, it is something in between’.

Therefore, a cultural religious identity is one whereby there is no religious participation but identification with the religion (Demerath 2001 cited in Mitchell, 2006). The subjective application of Muslim identity could therefore be void of specific Islamic content and although secular and religious appear to be two binary opposites, Mitchell (2006) argues that they are in fact associated because even secular identities have religious content.

The complexity of Islamic identities, how they intersect with other forms of identity and indeed the individual variations within those who label themselves as being a Muslim means that a subjective definition is used in this research. Although a subjective definition is used it is necessary to consider what unites Muslims irrespective of individual differences so that Muslim identity is attributed meaning. According to Ramadan (2004, p.9 cited in McPhee, 2005, p.7), a

‘Muslim's essential identity is his religion because in the end nothing else has any value: Above and beyond the diversity of their national cultures (Muslims), the essence of their faith, their identity, their being in the world is the same; they define themselves on the basis of points of reference that

explain their sense of belonging to the same community of faith, and at the same time, more profoundly, root them in the universe of Islam’.

Therefore, faith is essentially the point of unity within Islamic identities and it has been argued that Islam for many constitutes a communal identity and something from which Muslims cannot and do not wish to distance themselves (Sandel, 1982 cited in Carens, 2000). Thus, even though for some Muslims their Muslim identity may be a cultural identity or a secular identity it is the fact that this label represents their belonging to the Muslim community which makes it important.

However, prior to the Northern Riots and the ‘war on terror’, Muslims’ Islamic identity was not the focus of state policies and thus it could be argued that the state didn’t impact Muslims’ Islamic identities. Multiculturalism was the framework for minority communities where ‘special representative rights and multicultural rights were concerned with inclusion, seeking to address difference and promote equality and integration’ (Kymlicka and Norman, 1994 cited in Lister, 2005, p.487). Multiculturalism as an integration policy was concerned with ethnic identities rather than religious identities and it was the Rushdie affair of the 1980’s which contributed to an emerging discourse surrounding British Muslims and their religious identity. The Rushdie Affair was prompted by revulsion towards Rushdie’s *The Satanic Verses* in 1988. This revulsion according to Kabbani (2002) forced an invisible community, the Muslim community into the open. It was the response to this book which provided the context in which a negative stereotype of British Muslims was formed. As Brah (2006) argues, a simplistic and dangerous binary emerged; opponents of the book were represented as deluded, backward and uncivilized in contrast to the supposedly enlightened liberal supporters of Rushdie.

The perpetuation of negative stereotypes by the media changed the constructed discourse associated with Muslims, which had the impact of changing the 'Paki-bashing' of the 1970s which was essentially anti-Asian, to a discourse which had highly salient anti-Islamic elements (Lewis, 1994). The impact of the Rushdie affair to unite Muslim communities was evident; political action took place under the banner of Muslims' religious identity, with organizations formed such as the British Muslim Action Front (Lewis, 1994). The policy of multiculturalism was based on ethnic identities and coloured racism because as Modood and Ahmed (2007) argue, religious identities were marginalized in state policy. This marginalization became a point of anger for Muslims during the Rushdie affair because Muslims wanted a change in legislation which would recognize their religious identity. According to Modood and Ahmad (2007) groups asserting their rights based on ethnic and racial identity were encouraged, but when Muslims wanted the same rights, such assertiveness was perceived as a threat to multiculturalism rather than as a positive move in the equalities struggle.

However, although the Rushdie affair did bring Islamic identities into the public sphere, the extent to which the Rushdie affair had a long term impact on Muslims' Islamic identities is questionable. Where law and order was concerned, Muslims remained under the banner of their Asian identity as there was no differentiation within 'Asian criminality'. This is of significance because the Asian identity dismissed intra Asian religious differences and united these differences of religious identity through emphasizing a shared culture, thus the focus on Muslim youth was conveyed through a focus on Asian youth, with young Pakistani and Bangladeshi people being referred to as 'conformists' (Werbner and Modood, 1997). Further, according to Burnett (2004), the dominant stereotype associated with 'Asian'

focused on cultural factors, more specifically those rooted in family life and thus, ‘the construction of ‘Asian criminality’ assumed a very different character from that of black or white ‘criminalities’ (Phillips and Bowling, 2002, p.587).

Religious identities and religious rights came to the forefront in 2001 when riots took place in the Northern cities of Oldham, Bradford and Burnley. Burnett (2004) argues that the riots were the result of marginalized and frustrated Asian youth involving violence between white and Asian men, with the police following an agenda of control. These riots have been compared with those in the 1980s (Brixton), with Michael (2004) arguing both riots stemmed from marginalized minorities, Asian and Afro-Caribbean youth trying to defend their communities. In particular, Muslim men were fighting against what they perceived to be religious intolerance from the British National Party. Allen (2005, p.55) states

‘in a BNP publication circulated in Oldham, the party called for Whites to boycott local businesses, not those owned by Chinese or Hindus...only Muslims as it’s their community we need to pressure’.

Religious intolerance was specifically directed at Muslims because of their Islamic identities and this is evident from the literature which targeted Islam.

Bagguley and Hussain (2003b cited in Michael, 2004) argue that the response of the state to these riots did not involve the use of a law and disorder framework, unlike the disturbance of the 1980s, however this is much disputed. Alexander (2000 cited in Kalra, 2006) states that statistical data only weakly indicated an emerging pattern of criminalization of Muslim youth, however, ethnographic work and the reports into the disturbances (four in total, from Oldham, Burnley, by Ted Cantle and

Lord Denham) offer a different picture. It has been detailed how the reports into the disturbances contributed to the criminalization of Muslim youth with the legal response (arrests, conviction and punishment) perpetuating this construction. Firstly, overall '395 people were arrested during the riots, the majority of whom were Muslim young men' (Kalra, 2006, p.240). Secondly, there was the issue of mitigating circumstances, despite CCTV footage showing racist chanting the judge ordered the jury to disallow the charge of incitement to racial hatred. Thirdly, sentencing varied from between three to five years for serious offences, and according to Kalra (2006, p.241) when compared to the sentences given to the white young people arrested, there is much more cause for concern, 'only twelve white people were arrested following the Oldham riots and they were given sentences of nine months each'.

The riots of the 1980's highlighted that in order for a law and order discourse to be legitimized the communities onto which a law and order response is used have to be created as problematic and as is now discussed the reports into the riots facilitated a negative construction of Muslim communities. The reports published into the riots, with the main report being the Cantle Report, were published after the events of September 11<sup>th</sup>, and marked a stark contrast with previous state policy towards Muslim communities. Multiculturalism was blamed for leading to divided societies and 'commentators from both right and left pronounced and embraced the death of multiculturalism' (Kundnani, 2002; Goodhart, 2004 cited in Alexander, 2009, p.115). Multiculturalism was seen as contributing to the riots because critics argued that differential citizenship in the form of minority rights had contributed to citizens not wanting to collectively belong to the nation state. A policy of community cohesion emerged to remedy communities living 'parallel lives', with Muslim communities, in particular their Islamic identities blamed for leading them to

segregate themselves. As Burnett (2004) states, Muslim ideology was portrayed as dangerous and as being in direct conflict with the 'civilized' west.

According to Michael (2004) because the reports were published after the events of September 11<sup>th</sup>, the reports into the riots attracted more media attention than would have otherwise been the case. With multiculturalism having been declared dead and portrayed as a contributory factor to the riots in the political domain, the Cantle Report placed emphasis on the need for a 'greater sense of citizenship' (2001: 10 cited in Joppke, 2004, p.251). The concept of community cohesion emerged, a framework for citizenship which deviated greatly from that of multiculturalism and in 'the report of the Commission on the Future of Multi-Ethnic Britain – the Parekh Report (CFMEB, 2000) – a cohesive community is defined as having a common vision and a shared sense of belonging' (Wetherell, 2009, p.7).

'Community cohesion was established as a value-driven, theoretical perception, one that makes assumptions about the identities and beliefs of those who come under its remit' (Burnett, 2004, p.8).

On the state policy level a shift had taken place and Muslim communities were constructed as 'the community which needs to be 'cohered' into white British communities' (Wetherell, 2009, p.7). Through attributing blame onto Muslim communities, not only was a law and order discourse created as legitimate and necessary but further, emphasis was taken off the real issues. For example, Bagguley and Hussain (cited in Michael, 2004, p.9) argue that the reports had avoided examining wider political and social questions, such as 'issues surrounding white racism'.

The response of the state through associating values with identities produced a discourse of British 'values' through otherizing Muslims because as Burnett (2004, p.3) states the theoretical and ideological under-pinning of nation hood 'supports a view of citizenship that relies upon the criminalization of communities'. The riots had a profound impact on Muslims' Islamic identities with the term 'Asian' ceasing to have much content as a political category' (Modood and Ahmad, 2007, p.187). It was in this context that the events of September 11<sup>th</sup> took place and Muslims' Islamic identities became an increasing point of debate and contention in terms of the legal, political and psychological dimensions of citizenship. Prior to discussing the 'war on terror' and the introduction of counter terrorism legislation the chapter explores the legal dimension of citizenship and legislation covering the legal status of citizens.

## **LEGAL RIGHTS, THE POLICE AND CITIZENSHIP BEFORE THE 'WAR ON TERROR'**

The previous chapter discussed citizenship through the criminological perspective of the social contract and the subsequent emergence of the language of rights. Zedner (2007) argues that in the post 9/11 security era the values which emerged during the enlightenment have become increasingly relevant. This is because the 'war on terror' has deviated from the core legal rights that were established and a discussion of these rights facilitates an understanding of how a deviation from these rights is likely to impact Muslim citizens' perceptions of the state and the police. As stated in the previous chapter during the late 18<sup>th</sup> century and early 19<sup>th</sup> century concepts of liberty and equality emerged, concepts which placed a duty on the state towards citizens (Garland, 1996; Walker and Boyeskie, 2001; Gearty, 2004).

During this period procedures which clearly articulated the legal rights of citizens were introduced. The first of these procedures is that the law is fixed and known. Lacey (2002) refers to the idea that the criminal law must be known as a principle of legality and / or rule of law. Beccaria (cited in McLaughlin et al, 2004. p.18) stated that when a fixed code of law exists 'citizens acquire a sense of security because it enables them to calculate accurately the inconvenience of a misdeed'. This was premised on the belief that where the law was not fixed or known the state would have an unfair advantage. Further, with the emphasis being on 'reason' as opposed to human behaviour being the command of god only those who knew the law and chose to deviate from the law would be punished. Therefore, a secular view of the citizen emerged because citizens were conceptualized as possessing individual autonomy and reason. Interestingly, cosmopolitanism and citizenship share this view of the citizen. From a cosmopolitan perspective, the individual is conceptualized as having the reasoning ability to extend hospitality towards fellow humans and appreciate cultural diversity. From citizenship, Carens (2000) uses a framework which emphasizes citizens' capacity to base their psychological subjective sense of citizenship on their treatment by the state.

Secondly, this legal view of citizens as possessing autonomy dictated the procedures which emerged and govern criminal law. Once a citizen was suspected of having broken the law, the use of a criminal trial would determine their guilt whilst also maintaining their legal rights. The criminal trial is based on ensuring that only the guilty are punished and that any form of punishment is proportionate to the offence committed. Faulkner (2003) states how the criminal trial and punishment are both relevant to ideas of citizenship because they exist as a means through which fairness, respect for citizens' dignity and generally the defendants legal rights which



form part of citizenship are enacted. The third concept is the presumption of innocence because procedural law, 'the formally established norms according to which individuals or groups are adjudged guilty or innocent' (Robinson, 1997 cited in Lacey, 2002, p.265) exists on the basis of the presumption of innocence. This view had a moral basis acting to protect the citizen against punishment where intention did not exist (Tadros, 2007) and therefore the prosecution must prove guilt and intention to a standard which is beyond reasonable doubt. Standards such as beyond reasonable doubt together with the individual autonomy of law formed the procedural legal rights of citizenship. Essentially what this period marked was the emergence of a set of concepts which became the foundations of law and justice and together these concepts formed due process. Due process is the principle that the government must respect all of a person's legal rights, instead of just some or most of those legal rights. According to Allan (1979, p.223 cited in Gearty 2004, p.63) 'the rule of law amounts to a sophisticated doctrine of constitutionalism, revealing law as the antithesis of arbitrariness or the assertion of will or power'.

However, although in principle, as has been discussed, concepts of justice, legal rights and equality became synonymous with citizenship leading to the existence of legal rights for citizens, the dominant concept of risk has led to differential citizenship. Burnett (2004, p.13) contends that state policies have specific goals and it is through these policies that the 'state seeks to reframe the contract between citizen and state'. Both legislation and state policies are the result of socio-political circumstances meaning that the terms of the contract can change. State policies, especially those within the legal remit influence the construction of criminality through a law and order framework because as Hudson (2003, p.65 cited in Walklate and Mythen, 2008, p.218) states 'suspect people do not have (actually) to commit

crimes to be identified as criminal'. Although 'state-defined identity categories can have a profound impact on individuals' conception of themselves' (Skerry 2000 cited in Pedziwiatr, 2007, p.275), the law and order framework is perhaps much more powerful in impacting and shaping identities, since it is through the attribution of risk and suspicion onto peoples that suspect populations come to be defined as suspect populations. The relationship between the state, the law and the citizen has been discussed and fundamental to this relationship are various criminal justice agencies such as the police, the prison and probation service. This thesis focuses on the impact of the 'war on terror' on the police, since it is the agency of the police that enacts the law and is therefore likely to shape Muslim citizens' perceptions of the 'war on terror'.

Although the role of the police has come under increased scrutiny since the 'war on terror' the source of policing legitimacy has always been contested. According to Faulkner (2003, p.298), the authority and legitimacy of the British police is not derived from the state but rather 'from the consent and confidence of the citizens whom they serve'. Unlike Reiner (2000), who states that the government invest the authority and power they have under the social contract in the police as agents of the law. The concept of legitimacy may not seem very important but it is the idea of legitimacy which dictates if the primary role of the police is seen to serve the state or communities – which has increasing importance within the counter terrorism context. In the previous chapter it was stated that the police are part of the apparatus of the state, this is because the criminal justice system is a tool of social control representing the power of the state, and it is the police that are 'empowered to investigate crime, search for evidence, arrest suspected offenders and question them'

(Allan, 2001, p.2). Therefore, as Waddington (2000, cited in Bowling and Foster, 2002, p.980) argues,

‘the police are sanctioned to use coercive force and can intrude into the private lives of citizens in ways that would be exceptionable or downright illegal if undertaken by anyone else’.

This research does not conceptualize the police as having an either or role and thus recognizes that as Faulkner (2003, p.297) states the

‘police are part of the apparatus of the state, their duty is to the state and their role is to carry out the state’s duty to protect honest and innocent citizens from the damage caused by crime and people who commit it’.

But also recognizes that the police as Squire (1999, p.9) argues, are a public service that are accountable to local people because

‘a whole range of initiatives from neighbourhood watch to large-scale inter-agency initiatives, have not only exposed police decision-making to wider audiences but also typically acted to channel more demands towards the police’.

The tensions between the aims of the police and different agencies which constitute the police are discussed further in relation to the ‘war on terror’ because the

introduction of counter terrorism legislation has further compounded the contested role of the police.

However, the purpose of this discussion is to demonstrate the power of the police and how this power has been balanced with due process. The relationship between the state, the police and the citizen is set out in substantive law, which details what the criminal law is and procedural law which governs exactly how the police administer criminal law. Procedural law and the legal rights of citizens restrict the power of the police through providing a framework in which the police must operate. Sanders and Young (2002, p.1035) demonstrate the nature of this framework,

‘as soon as the police challenge any individual whom they have any reason to suspect, an adversarial relationship is formed... this triggers due process protections, such as the caution against self-incrimination and the requirement of ‘reasonable’ suspicion for the exercise of coercive powers...On arrest the suspect is generally taken to a police station and detained. This triggers further due process protections, such as a right of access to lawyers’.

Therefore, due process covers every part of the relationship between the police and suspect, from suspicion to conviction. However, although due process exists to ensure citizens’ legal rights are maintained there is a long history of discrimination and amplification of risk where ‘black’ communities are concerned. Practices such as ‘Nigger Hunting’ were common and involved police officers actively searching for ‘blacks’ to enforce their authority (Hunte, 1996, cited in Bowling, 1999). Risk was associated with identity with Holdaway’s (1996) findings in 1983 leading him to

conclude that the concept of 'race' was used to categorize people according to notions of criminality. The existence of a harsh, identity based form of policing led John (1970 cited in Cook and Hudson, 1993) to conclude, following his study of Handsworth, that there was deep resentment by older and younger 'blacks' with their social position, lack of legal rights and the discrimination and the breakdown in relations between the police and the 'black' communities could lead to confrontations and urban unrest. Urban unrest did surface in the 1980s, with the main concern of the Scarman Report (1981) being the Brixton riots. Cashmore (2004, p.374) found the relationship was based on mutual distrust, suspicion, and resentment, with one youth stating: 'We're fighting for our rights – against the police'. It is important that equality exists because the work of Gaskell and Smith (1985), which was conducted in the 1980s led them to conclude that 'blacks' feel police hostility as a group experience. Therefore, the issue of legal status and rights is essential, as where inequality is perceived then resentment and hostility is felt towards the police.

This chronology of police discrimination is of greater concern given that the Police and Criminal Evidence Act 1984 (PACE) was introduced which provided a framework for the exercise of police powers 'covering stop and search (Code A), entry to premises (Code B), detention and questioning (Code C), identification (Code D), and tape recording of interviews (Code E)' (Stone, 2004, p.45). Further, the concept of reasonable suspicion was defined thus reducing the discretion of the police. The Code of Practice on stop-and-search issued by the Home Office under the authority of PACE states that 'there must be some objective basis' for the suspicion (para. 1.6), which 'can never be supported on the basis of personal factors alone' (para. 1.7)' (Sanders and Young, 2002, p.1038). Therefore as Stone (2004, p.47) states, 'color, age, hairstyle and clothing, or previous convictions cannot be used in

isolation, or in combination with each other as the sole basis for a reasonable suspicion justifying a search'. The need for an objective basis meant that an individual's identity should not be a factor in determining stop and search.

The Macpherson Inquiry was conducted into the death of Stephen Lawrence and after having concluded that institutional racism does exist in the Metropolitan Police Service (Met) the report made seventy recommendations. The Met were encouraged to

‘examine every aspect of their policies and practices to assess whether the outcome of their actions creates or sustains patterns of discrimination’  
(Macpherson, 1999, p.45.24).

The response of the state to the Macpherson Report was to establish a Ministerial Priority for the police service. This involved the need to increase trust and confidence in policing amongst minority ethnic communities (Home Office 1999a). However, a subsequent Home Office (1999b) report concluded that the service had failed to fully implement the recommendations made to it by the Stephen Lawrence Inquiry, with Chief Inspector Leroy Logan, Head of the Metropolitan Police Service's Black Police Association, stating that the Metropolitan Police were still institutionally racist (cited in Dodd, 2004). Therefore, it has been argued that regardless of what the Macpherson Report set out to achieve, discrimination and racism still exist within the police and it was in this context that counter terrorism legislation was introduced.

However, prior to discussing ‘new terrorism’<sup>6</sup> there is a need to discuss the state response to terrorism before the events of September 11<sup>th</sup>, thereby showing how the ‘war on terror’ response deviated from established counter terrorism legislation. The UK has a history of terrorism legislation<sup>7</sup> and this legislation was introduced to counter the terrorist threat associated with the Irish Republican Army (IRA) and more generally the Northern Ireland Troubles. This set of legislation incorporated three features which link legal status to identities. Firstly, as Hillyard (1997 cited in Matassa and Newburn, 2003) states, Northern Ireland was a site for extending surveillance through developing new technologies. Secondly, the purpose of the legislation and arrests under this terrorist legislation was to gather intelligence, gain informers and screen the Irish community (Hillyard, 1993 cited in Matassa and Newburn, 2003). Finally, it was through the attribution of suspicion onto Irish communities that policies such as shoot-to-kill were practiced by the British Army and Royal Ulster Constabulary and targeted at a group possessing a certain identity. However, what also marks this legislation apart from non terrorism legislation was the emphasis and importance placed on pre-crime. Loader and Sparks (2002) and Zedner (2000) state that a focus of pre-empting threats was established and existent prior to the introduction of counter terrorism legislation<sup>8</sup>. Pre-crime is the existence of suspicion without charge as justifying prosecution and / or other punitive measures and as the chapter will now demonstrate it is the use of such measures within the ‘war

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<sup>6</sup> ‘New terrorism’ (Mythen and Walklate, 2008) is used to differentiate the state response from previous measures to combat terrorism – thus conveying a focus on the ‘war on terror’ response.

<sup>7</sup> Prevention of Violence Act 1939, the Prevention of Terrorism (Temporary Provisions) Act 1989 and Northern Ireland (Emergency Provisions) Act 1996.

<sup>8</sup> The collective term for the Terrorism Act 2000, Anti-Terrorism, Crime & Security Act 2001 (ATCSA), Prevention of Terrorism Act 2005 (PTA) and Terrorism Act 2006. Although the Terrorism Act 2000 was introduced before the events of September 11<sup>th</sup> it has been included under what this research conceptualizes as ‘counter terrorism legislation’ because it has become part of the ideological construction of the ‘war on terror’ and part of the legislative framework against Islamic terrorism and Islamic militants.

on terror’ which is why Muslim citizens’ perceptions of the state and the police are likely to have changed since the ‘war on terror’.

### **THE ‘WAR ON TERROR’**

The remainder of this chapter discusses how the ‘war on terror’ has impacted the legal and political dimension of citizenship through the introduction of counter terrorism legislation. Further, the relationship between the ‘war on terror’ and Islamic identities is explored, demonstrating how on the international level and the national level Muslims’ Islamic identities have become relevant to the ‘war on terror’ and thus significant to policing and policies of integration.

As stated in the previous chapter the global level is of great relevance to the ‘war on terror’. It was on the global level that terrorism was linked to Islamic identity. After the attacks of September 11<sup>th</sup> George Bush (2001) defined the enemy as an international network of terrorist organizations made up of a number of groups under the umbrella of al-Qaeda. Soros (2006) argues that this emphasis on al-Qaeda is counter-productive because the ‘war on terror’ categorizes groups which use terrorist tactics such as Al Qaeda, Hamas, Hezbollah, the Sunni insurrection and the Mahdi army in Iraq, as one. The response therefore homogenized and cast over ideological and political differences, constructing a vast number of different groups as sharing one purpose and as being the same. Through essentializing many groups which are in fact different from al-Qaeda, the ‘war on terror’ constructed the global enemy along a religious binary. As Turam (2004) states it was on a global context that Islam was singled out as being the major threat to Western democracies and civil society, with Howell (2006, p.128) referring to the ‘unhealthy construction of Islam as enjoying a special affinity with terrorism’. A discourse around ‘new terrorism’ emerged which



defined the enemy through casting an expansive definition of the enemy, with Islamic affiliation being the dominant factor. The enemy had to be constructed as representing a global risk and according to Beck (2006, p.148) the suspicion of terrorism could then give 'the most powerful nation in the world carte blanche to construct ever changing representations of the enemy and to defend its 'internal security' virtually anywhere on foreign territory with military force'.

Discourses of security and risk were also reflected on the European level. According to De Goede (2008), the European Union has led the way in pre-emptive measures through introducing pre-emptive policies relating to the criminalization of terrorist support, data retention and asset freezing. It was through constructing terrorism as a global risk that measures designed to criminalize prior to criminal acts being committed were seen as necessary. The Convention on the Prevention of Terrorism was amended by the Council of Europe in 2005, and Klausen (2009) states that the convention required nation states to adopt policies aimed at eradicating recruitment and training for terrorism. The UK response maintained an emphasis on pre-emption and the construction of the enemy, especially the focus on Islamic identity which transcended from the international level to the national level. Terrorism, the criminalization of terrorism and justice were essentially re-interpreted within the wider agenda of global governance. Altheide (2007, p.287) states that

'politicians joined terrorism with Iraq, the Muslim faith, and a vast number of non-western nations to strategically promote fear and use of audience beliefs and assumptions about danger, risk and fear in order to achieve certain goals, including expanding domestic social control'.

Domestic social control was expanded through the introduction of counter terrorism legislation and thus it was the interpretation of truth and the legitimacy this conveyed which was important (Findlay, 2007).

The 'war on terror' produced a discourse defining the terrorist, as Brah (2009) states a suicide bomber is not a given, but socially constructed and produced. Under the Terrorism Act 2000, terrorism was defined as the use or threat of 'violence against people and/or property designed to influence the government, to intimidate the public or a section of the public, or to advance a political, religious or ideological cause' (Matassa and Newburn, 2003, p.468). Tadros (2007) and Stohl (2008) both argue that such a definition had the purpose of placing terrorism activity outside the political process. This placement is of significance because by extension the suspect of terrorism was then also placed outside the political process and democracy. Without the political process there is no legal status and therefore, the suicide bomber is dehumanised by accusations of having no respect for the lives of innocent victims (Findlay, 2007). It is through constructing terrorism as being outside the political process and humanity that principles of liberalism and human rights are legitimized as not existing. Thus the definition goes against cosmopolitanism because as Hudson (2008) argues, cosmopolitanism's universalism means that terrorists or terrorist suspects cannot be treated in ways that violate their fundamental rights to life, since cosmopolitanism is essentially premised on universal human rights.

The Terrorism Act 2000 is primarily concerned with the prevention of terrorism, therefore criminalizing and making illegal a variety of actions to prevent

terrorism<sup>9</sup>. However, this discussion will focus on Section 44 - 47 of the Terrorism Act 2000, under which police officers have the power to stop and search people in an area seen as being at risk from terrorism, even if they are not suspected of any breach of the law. According to Stone (2004, p.75) 'what is unusual here is that the police need have no particular offence in mind; nor need they worry overmuch about the level of involvement of the person arrested', therefore the concept of reasonable suspicion is void. The importance of reasonable suspicion is that it adheres to and is based on the assumption of innocent until proven guilty, as such placing a burden on the police to act according to an objective standard of suspicion. Therefore, when interpreted against the existing legislation which governs the relationship between the police and the citizen, the Terrorism Act 2000 can be said to be actively encouraging the police to use stop and search on the basis of an individual's personal factors alone.

The Anti Terrorism, Crime and Security Act 2001 (ATCSA) was formally introduced into Parliament on November 19<sup>th</sup> 2001, two months after the September 11 attacks in America. It received royal assent and went into force on December 13<sup>th</sup>, 2001. However, on December 16, 2004 the Law Lords ruled that parts of the Act were incompatible with the European Convention on Human Rights, under the Act the state could indefinitely detain without charge a foreign terrorist suspect if the individual could not be deported for other legal reasons. In March 2005, Part 4 of the Anti-Terrorism, Crime and Security Act 2001 was replaced with a system of control orders under the Prevention of Terrorism Act 2005 (PTA). The PTA is one of the most controversial pieces of legislation to emerge. The Act allows for control orders to be made against any suspected terrorist, whether a UK national or a non-UK national, or

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<sup>9</sup> The Act criminalized the following - making it a criminal offence not to disclose to the police as soon as reasonably practicable, any information a person knows or believes might be of material assistance in: (i) preventing the commission of an act of terrorism anywhere in the world, and (ii) securing the apprehension, prosecution or conviction of a person in the UK, for an offence involving the commission, preparation or instigation of an act of terrorism.

whether the terrorist activity is international or domestic. The control orders are therefore of a preventive nature, and as such are designed to restrict the activities of suspects who officials fear pose a threat if left unmonitored. Under the rules, the Home Secretary approves an order on the advice of the security services and 'the court must only examine whether the decision of the Home Secretary to apply the control order based on his suspicion, might reasonably have been arrived at' (Ansari, 2005, p.30).

Article 6 of the Human Rights Act 1998 deals most comprehensively with issues of legal rights, the article guarantees the right to a fair trial, including the following features as being essential to a fair trial, presumption of innocence, the right to know what charges exist, the right to prepare a defence and the right for legal assistance. These are the procedural rights which have long existed but were re-affirmed with the introduction of the Human Rights Act 1998. However, the right to a fair trial does not exist under counter terrorism legislation because a control order hearing is a closed hearing. The suspect does not know of the evidence, since control orders involve secret evidence, the suspect is unable to challenge the material and accusation. It is a basic principle of justice that a person should be able to challenge the evidence against them. The reason given for these secret hearings is that to make the 'evidence' public could jeopardize the security services methods of operation, their sources of information, place other people in danger or create a security risk. Control orders are therefore based on suspicion and risk, with both legitimizing a loss of liberty.

Under a control order suspects suffer a loss of liberty and vetting arrangements mean that those associated with the suspect are also restricted, which includes family members (Institute of Race Relations, 2007) (IRR). A control order

can last indefinitely and yet it is suspicion alone which can determine the use of a control order. As is becoming apparent counter terrorism legislation has made legitimate substantive law and procedural law violations which under non counter terrorism legislation would constitute injustice. However, this Act also signifies how counter terrorism legislation has also redefined the function of punishment, indeed the place of punishment in criminal justice and the standard of proof required. Paye (2005) argues, this legislation places suspicion over fact, house arrest can be imposed not on the basis of what they have done, but according to what they could do. It is for this reason the Institute of Race Relations (2007) argue that control orders are forms of collective punishment, which violate natural justice and international law. The Terrorism Act 2006 received royal assent on the 30<sup>th</sup> March 2006 and was drafted as a response to the July 7<sup>th</sup> 2005 London bombings. Although the response of the state to 9/11 was just as authoritarian as the response on both the international and European level, the introduction of the Terrorism Act 2006, and period of detention that this Act legitimizes, 28 days far exceed the period of detention used by any other European state member (Liberty, 2007b). Like the Prevention of Terrorism Act 2005, this Act also legitimizes punishment, in the form of detention rather than control orders and therefore, the criticism regarding control orders are equally applicable to this Act.

It was in a climate where on the one hand the state introduced legislation amounting to the most comprehensive ‘charter of rights’ that the state also introduced counter terrorism legislation making the term domestic state crime applicable. The Human Rights Act 1998 became the most comprehensive system of human rights, detailing legal rights in the UK. According to Gearty (2004) the Human Rights Act 1998 acted to re-affirm the very principles and moral basis of law, the three core ideas which are Britain’s legal heritage, respect for civil liberties; the principle of legality;

and the principle of respect for human dignity. The counter terrorism legislation will now be summarized according to the core principles of legality and therefore legal rights. Firstly, the discretion under the counter terrorism legislation means that ‘citizens no longer acquire that sense of security’ (Beccaria, cited in McLaughlin et al, 2004, p.18) as the law is not fixed and it is not known since the Home Secretary has the power to define and act on the basis of suspicion. Citizens are thus not given a fair opportunity to conform to the law. Secondly, the existence of punishment, house arrest and 28 days detention before the conviction of a crime means that the presumption of innocence no longer applies. Thirdly, as already stated the law incorporates the belief that citizens have individual autonomy and agency, thus possessing free will. Citizens are stripped of capacity and responsibility because

‘even if it appears almost certain that the person will commit an offence, respect for the individual as a moral agent must acknowledge a categorical ‘window of moral opportunity’ or chance to remain innocent’ (Smilansky, 1994, p.52 cited in Zedner, 2007, p.274).

The introduction of counter terrorism legislation has led to the conclusion that we now have a system for ordinary decent criminals and one for those suspected of terrorist activity (Cheong-Tham and McCulloch 2006 cited in Pantazis and Pemberton, 2009). The acceleration of risk and suspicion under this legislation has implications for the suspect community, as risk and suspicion alone determine the level of rights that exist.

The ‘war on terror’ marked an increase in the pervasive nature of risk in the criminal justice system. Amoore and De Goede (2008, p.8 cited in McCulloch and

Pickering, 2009, p.629) state the ‘politics of pre-emption... go beyond the established language and techniques of risk’ that existed within the criminal justice system’. Pre-crime links coercive state actions to suspicion without the need for charge, prosecution or conviction and this had a direct impact on policing. Counter terrorism policing promotes the idea of the police as being an ‘intelligence agency’. It is essentially what the policing task of being proactive justifies in the form of detention and control orders which sets it apart from how intelligence and pro-active policing is used in non counter terrorism policing. As McCulloch and Pickering (2009) argue the preventive counter-terrorism framework is concerned with targeting and managing through restricting and incapacitating those individuals and groups considered being a risk. This has led to the construction of a ‘suspect population’ a population which is vulnerable to policing suspicion on the basis of possessing certain ethnic, religious and cultural traits. And it is the presence of such traits which determines as Zedner (2007, p.274) puts it ‘those within and without protection’, leading to the criminalization of those who are believed to commit ‘imaginary future harms’ (McCulloch and Pickering, 2009, p.629). What is of concern is that although as has been demonstrated the preventive agenda of counter terrorism policing encourages profiling, profiling as a means of preventing terrorism is ineffective (Ansari, 2005; McCulloch and Pickering, 2009). It follows that because there is no due process and there is a pre-occupation with attributing risk, innocent people will suffer because as Mythen and Walklate (2008, p.13) argue, ‘innocent people are rendered risk repositories by virtue of sharing some or other of the characteristics of the ‘typical’ terrorist’. Further, according to Zedner (2007) it is because the concern of policing has shifted from accessing individual offenders to classifying suspect populations that

as long as one falls into the category of suspect population, the need to identify individual risk need not exist.

Policing has come under much scrutiny since the introduction of counter terrorism legislation. The scrutiny has related to the powers the police have under counter terrorism legislation and therefore led to questions regarding how the police balance these powers without alienating communities. Within this context the idea of the police as serving communities and operating through consent has been highlighted. According to Klausen (2009), after the London bombings there was a shift in policing practice, with community policing principles being applied to counter terrorism enforcement. Although countering terrorism is one aspect of police work, for Grabosky (2008) ordinary policing and counter terrorism are the same because both require that the police protect communities and that mutual respect and trust exist. As stated previously, the police are seen as having dual roles, as being part of the apparatus of the state and serving the interests of the state and also as being accountable to communities through policing by consent. Within the counter terrorism context the idea of serving communities has become fragmented with counter terrorism policing being primarily concerned with pre-emption and profiling and thus requiring the police to use their discretion to criminalize those who are believed to commit future harms.

Pickering, McCulloch and Wright-Neville (2008) point out the relevance of community policing for culturally and religiously diverse societies. Within the counter terrorism context this aspect of community policing is important since it could ensure that through knowledge of cultural and religious identities the police are in a better position to recognize those who constitute a risk and not homogenize identities. Innes (2006) relates community policing to neighbourhood policing,



arguing that neighbourhood police officers are well positioned to engage with communities' members and thus enhance the existence of trust which will facilitate the exchange of information from the community to the police and this is a more effective way of countering terrorism. However, although Innes (2006) highlights the significance of neighbourhood policing as a way of building trust, Klausen (2009) argues that although efforts have been made by the police to build trust with Muslim communities, with the emphasis being on collaboration between the police and Muslim organisations the sense of trust established through collaborations fails to filter down to the general Muslim public.

In counter terrorism policing trust and legitimacy are of great importance as are notions of 'reasonableness, compromise and respect for the individuals' rights' (Kennison and Loumansky 2007, p.151). However, beyond the principles highlighted as being important, policing within the counter terrorism context has become increasingly difficult because of the number of different policing units, each with its own agenda and way of policing. To give a brief idea as to heterogeneous nature of the police, Walker (2005b, p.387) states there has been a growth in intelligence policing which is evident through the creation of the

'Joint Terrorism Analysis Centre (JTAC) within the Security Service and the development of regional offices by the Security Service. Other developments include the regionalization of police Special Branches and ports policing, and the establishment of a Police International Counter Terror Unit (PICTU) based within the Metropolitan Police and the National Counter Terrorism Security Office (NaCTSO) within MI5'.

Further, Kennison and Loumansky, (2007, p.152) state a variety of civilians and non-civilians contribute to policing 'through a range of agencies and actors' and similarly, Miller (2010) highlights the introduction of the Neighbourhood Policing Programme and thus 'the pluralization of the police makes it difficult in defining who the police are' (Kennison and Loumansky, 2007, p.157). The heterogeneous nature of the police makes notions of trust and legitimacy harder to implement. For example, neighbourhood police could prioritize a community form of policing but other policing units may adopt 'hard' policing methods and as Kennison and Loumansky (2007) argue, there is the further differentiation of whether the policing unit is employed by local state authorities or central state. Although the heterogeneous nature of the police has been acknowledged, for the purpose of this research Muslim citizens will be asked about their perceptions and experiences of the police, without any reference made to any particular form of policing. The main reason for this is that, the research is concerned with subjective understanding and therefore it may be the case that respondents understand the police as one single institution and asking about specific units could lead to confusion.

The use of counter terrorism legislation by the police is now discussed, demonstrating the use of counter terrorism legislation in relation to identity. Data for stop and search shows that prior to September 11<sup>th</sup> the number of PACE searches of black people were five times higher than of whites and rates for Asians were almost 4 times higher than for whites (Home Office 2000). However, after September 11<sup>th</sup> the use of stop and search increased, under the Terrorism Act 2000, in 2002 - 2003 there were 31, 1000 searches overall, 21, 9000 up on the previous year and 30,000 more than in 1999-2000 (Cowen, 2004, p.1). Further, under the Terrorism Act 2000, whereas the number of White people stopped and searched increased by 118 per cent

from 2001 - 02 to 2002 - 03, the number of Black people stopped and searched rose by 230 per cent, and the number of Asians stopped and searched increased by 302 per cent (Islamic Human Rights Commission, 2002). And according to Morris (2004a cited, in Mythen and Walklate, 2008, p.13) 'the number of Asian people stopped and searched under anti-terrorism laws quadrupled in a single year, from 744 in 2001-02 to 2,989 in 2003-4'.

Data therefore reveals that stop and searches under counter terrorism legislation are disproportionately used against Asian communities. Spalek (2005 cited in Spalek, 2008, p.43) argues that

'amid raising concerns that young Muslim men are being targeted by stop and search under counter-terrorism legislation, calls have been made to monitor the faith identities of those who are stopped and searched by the police'.

There exists a need for data collection to reflect the emergence of counter terrorism legislation which prioritizes religious identity and not ethnic identity. Of the total number of arrests made, according to Statewatch (2007) UK, police arrest statistics between 11 September 2001 and 31 March 2007, excluding Northern Ireland show that 1165 arrest have been made in total. Of this, only 132 suspects have been charged with terrorism, 109 with terrorism offences and other criminal activity, with 41 suspects convicted and 114 awaiting trial. 669 have been released without charge. According to Travis (2009) the statistics also show that as of March 2008 there were 125 people in prison in England and Wales for terrorist-related offences with most of the terrorist prisoners, 75 describing themselves as British, and 111 declaring

themselves to be Muslim. Therefore, a very high percentage of those in prison are of the Islamic faith. Klausen (2009, p.412) points out, 'a total of 43 people were arrested in connection with the 21 July 2005 attack. It is almost impossible to keep track of the number of arrests and trials'. Therefore the secrecy surrounding the use of counter terrorism legislation and the pre-emptive nature of the legislation makes it difficult to know if legislation has been used to eradicate real threats of terrorist activity.

The need for data collection on the basis of religious identity is further evident when the identity of suspects under control orders is considered. Liberty (2007a) have argued that all suspects have been Muslims, however courts have ruled that the identity of suspects should not enter the public domain as suspects have not been charged with any offence. Casciani (2007) argues that by May 2007 some 30 control orders had been issued since the start of the regime, and in January, when a British man absconded after being served with a control order, the Home Office stated he was not believed to represent a direct threat to the public in the UK. If this was the case and indeed the man was not a threat then why was he subjected to a control order in the first place? The High Court determined on 16<sup>th</sup> February 2007 that the Home Secretary had not given proper consideration to the possibility of a criminal prosecution before resorting to a control order, even though the PTA 2005 specifically requires him to do this (Liberty, 2007a). The use of these powers has raised considerable controversy and by November 2009 there were 24 suspects under a control order, who are thought to be a grave danger to national security but cannot be prosecuted by the courts (Loveys, 2009). Although detention without trial is in itself a violation of the principles of legality, the conditions in which suspects have been detained are horrific. The conditions in which the suspects have been held at Belmarsh high-security prison have been described by lawyers and Home Office

medical experts as ‘barbaric’ and as ‘concrete coffins’, with Amnesty International describing the conditions of detention as amounting to ‘cruel, inhuman or degrading treatment’ (Ansari 2005, p.61). Policing activity under counter terrorism legislation tends to receive much media coverage and this coverage has also detailed police abuse. A case which has been cited frequently in the press and by groups representing Muslims is that of a Muslim man who was detained by the police in London. The man was forced to prostrate with his arms in cuffs, and asked, ‘where is your god now?’ It is alleged that the detainee suffered over forty injuries including a black eye and severe bruising’ (Liberty, 2004, p.5). Fear amongst the suspect population could therefore be related to the punitive nature of this legislation and cases such as this are likely to impact the perceptions of British Muslims because there is a strong correlation between Islamic identity and the use of counter terrorism legislation, which justifies the focus of this research on Islamic identities.

The ‘war on terror’ has acted to produce a considerable amount of concern and this concern is very much the product of what counter terrorism legislation legitimizes and the power of the police under this legislation. As Wellar (2001, p.51) states,

‘since the system, (criminal justice system) embodies aspects of the power of the state, ordinary people who are caught up in it for one reason or another can feel especially vulnerable. Such vulnerability can be exacerbated by the experience of unfair treatment on the basis of religion’.

Thus, non counter terrorism policing has the capacity to induce vulnerability and the increase in police power and perception of religious targeting can both increase

vulnerability and perceptions of legal inequality. Further, adding to this vulnerability is the existence of punitive measures based on suspicion. Research by Spalek, El - Awa and McDonald (2009) found suspicion has grave consequences upon an individual's and their family's life including job losses, family breakdown, mental health issues and ostracisation from their wider communities. Therefore, the punitive measures do not just deviate from the traditional form and placement of punishment within the criminal justice system, but there is also a wider form of punishment because the punitive measures have an impact beyond the suspect.

Bari (2006) argues that information of systematic brutality and a lack of meaningful oversight has a long lasting effect on the community and encourages the perception that anti-terror is a form of malice against the Islamic religion. According to a Guardian poll many Muslims see the 'war against terrorism' as a 'war against Islam' (cited in Ansari 2005). A Guardian/ICM opinion poll in March 2004 revealed that two-thirds of Muslims feel that anti-terrorism laws are being used unfairly against them, with British Muslims also claiming they are being victimized by police, who they say are using their powers of stop and search to harass them (Travis, 2004). Research by Spalek, El - Awa and McDonald (2009) has revealed that 'hard' policing approaches, including increased stop and search, high profile raids, and the perception of an increase in aggressive attempts at recruiting informers are helping to create a sense of grievance amongst Muslims, with individuals arguing that they feel that they are suspect communities. It is therefore hardly surprising that because Muslims believe the police view them with suspicion alone, 'the results of a MORI poll for Greater London Authority found that only 11 per cent of those who had experienced racist incidents declared to have reported them to the police' (EUMC, 2005, p.15). Further, the IRR have produced similar findings which reveal that even though the

‘police quote a 600 per cent rise in attacks, the majority of people don’t report an attack to the police because there is the belief that the police, on the whole, are anti-Muslim’ (IRR, 2007, p.4). It could therefore be argued that where Muslims are victimized against, be it at the hands of the police or wider society, they could now regard such treatment as normal and therefore continue to suffer in silence. Research therefore suggests that the relationship between Muslim communities and the police has deteriorated with insecurity now shaping relations.

The ‘war on terror’ through the introduction of counter terrorism legislation has predisposed the discrimination of those possessing an Islamic identity. In what Blair called wars of ‘values change’ it was conveyed that ‘Muslim societies need to be forced to abandon ‘their values’ (Blair, 2006 cited in Kundnani 2007, p.37) thus creating Muslims’ Islamic identities as a problem. The ‘war on terror’, through introducing phrases such as ‘the enemy within’, has produced debates regarding Muslims’ loyalty as citizens to their British identity and further produced debates regarding the compatibility of values, those of British and Islamic. The response of the state was one by which Islam was homogenized, as Johnson (2002) argues, the diversity of Islam was hidden and further so was the fact that Muslims have very different points of view on September 11<sup>th</sup>. A lack of differentiation amplified the belief of Islam as motivating terrorism and this construction of Islam transcended to Muslims’ Islamic identities, with the ‘war on terror’ essentializing and the media ascribing identities to Muslims that ‘distanced them from the host society and connected them to a constructed notion of their faith group’ (Afshar, Aitken and Franks, 2005, p.277). It could therefore be argued that the ‘war on terror’ accelerated a state constructed discourse in which Muslims’ Islamic identities were increasingly being constructed as ‘problematic’ and this has had implications for societal relations.

## **THE IMPACT OF THE 'WAR ON TERROR' ON SOCIETY AND ISLAMIC IDENTITIES**

The state construction of Islamic identities has had implications for societal relations because as Hobsbawn (1990, cited in Colley, 1992, p.309) states, 'there is no more effective way of bonding together the disparate sections of restless peoples than to unite them against outsiders' and in the 'war on terror' Islamic identities have been constructed as being 'outsider' identities. Scraton and Chadwick (1991, cited in Walklate, 2003, p.30) state, 'once institutionalized, sexism, heterosexism and racism provide legitimacy in interpersonal discrimination'. Similarly Green, (2001, p.489) talks about 'the amplifying effects of elite encouragement', with Sheridan (2006, p.320) stating, 'negative images of Muslims promoted by the media and by political leaders may serve to build or provide evidence for existing Islamophobic prejudices'. Garland (1996) links governing crime to the creation of the active citizen. Garland (1996, p.452) refers to the '*responsibilization strategy*' whereby the state devolves 'responsibility for crime prevention onto agencies, organizations and individuals which are quite outside the state' leading to the creation of active communities and active citizens that take responsibility for crime prevention. The 'war on terror' response of the state to 9/11 could be considered as 'elite encouragement' with the demonization of Islamic identities transcending from the state to the societal level because 'it is the state – the legislature, the executive, the judiciary – that sets the tone and tenor of race relations in society' (Bourne, 2001, p.19). Further, central state strategies which place responsibility for crime prevention on citizens are likely to have influenced societal attitudes in the 'war on terror' through campaigns which encourage citizens to report what they believe to be suspicious activities and thus



prevent terrorism through the attribution of risk onto individuals. Walklate and Mythen (2010, p.50) state institutional discourses of risk, 'encourage the attribution of blame by attaching risk to marginalized groups' and thus since the 'war on terror' it is possible to contend that Muslims feel the attribution of risk, suspicion and demonization from institutions such as the police and in their daily interactions in society.

Interestingly, there are similarities between the way in which the terrorist has been defined by the state and Islamophobia because just as the terrorist has been constructed as having no humanity and autonomy, Islamophobia incorporates the belief that those of Islamic faith (Muslims) are of such faith because they have no choice,

'the simple idea conveyed is that the Muslim lacks individuality and autonomous existence, Muslims are thus seen as a group that cannot escape the social forces that militate against individual expression and the individual freedoms exercised in liberal democratic states' (Lea, 2005, p.40).

The 'war on terror' has created Muslims' Islamic identities as an identity which is fixed and associated it with values and beliefs which are a threat to the nation state because they have been characterized as being innate. The role of the state's own policies have legitimized Islamophobia because according to Kundnani (2007, p.30)

'while the state's official language of race relations prohibits hostility to persons defined by their (say, Pakistani) ethnicity, the language of the 'war

on terror' legitimizes hostility to the same persons defined by their Muslim faith, those who were once abused as 'Pakis' are now also abused as 'Muslims'.

Research suggests that the 'war on terror' has impacted commonality in society. In April 2005, a Home Affairs Select Committee report concluded that relations between British Muslims and the wider community have deteriorated since 9-11 and the resultant war on terrorism (cited in Ansari, 2000) and the British Psychological Society found that after September 11<sup>th</sup>, '43 per cent of non-Muslims admitted that they had become noticeably more anti-Islamic' (Bari, 2006, p.9), with children as young as 13 displaying signs of Islamophobia and voicing their support for extreme far-right groups such as the British National Party (Ansari, 2005). Thus religious identity is becoming the primary source of racism with research conducted by Sheridan (2006) revealing that religious affiliation may be a more meaningful predictor of prejudice than race or ethnicity.

Research therefore suggests that the identity through which racism is experienced has changed. According to Modood (1992) in the 1990s there was a renewed emphasis on culture, which led to 'cultural racism' and Taguieff (1985, cited in Ratcliffe, 2004, p.20) similarly talks about differential racism, where culture replaces biology as the basis of 'race'. Since the 'war on terror' Muslims' Islamic identity has become the identity from which racism stems. This does suggest that Islamophobia is a more accurate term and according to Wieviorka (2004) this new form of racism describes its victims as being incapable of integrating into society and sharing the values of the dominant group. The construction of Islamophobia incorporates ideas of democracy as being progressive and religion as being

backwards. It is through this identity being otherized that Muslims' Islamic identities are likely to have been significantly impacted and in order to understand the significance of this identity being demonized it is important to explore the facets of Islamic identities.

An Islamic identity is a very complex identity and this section explores the complexity. Firstly, religious devotion varies between Muslims and this suggests that the meaning of Islam is highly individualized. Mirza (2007) argues that, Muslims have a pick and choose approach to religion, so that they only follow the rules that they personally value. Secondly, part of this individualization is interpretation because individuals often rely on religious content to construct identities, 'with Muslims increasingly reshaping religion with their own hands (rather than relying on 'crusty' clerics) (Mandaville, 2007, p.102). Thirdly, just like any other identity, religion is a reactive identity, it has 'the capacity to simmer and surface in the lives of individuals and groups over time. It can recede but also revive' (Mitchell, 2006, p.1138). Fourthly, it is the complexity of Islam which makes it a means through which some Muslims try to 'make sense of the world and find values by which to live' (Mirza, 2007, p.42). However, Mitchell (2006) argues that even where attempts are not made to understand the world through religion, religion can unconsciously inform morals and an understanding of the world. Therefore, in the 'war on terror' the most complex and possibly intrusive identity Muslims possess has come under attack. However, what is of significance is that because Islam is the most sacred point of identification and indeed provides meaning to life, any attack on this identity is likely to be of a more personal nature as it is an attack on a Muslim's beliefs, choice and the very meaning through which they interpret life. Mitchell (2006) relates religion to spirituality and van Ness (1996 cited Spalek and

Intoual, 2008) states that religion and spirituality react and respond to each other; they mutually transform each other. Identity is a complex mix of external factors, internal dynamics and there are various forms of identities to which we all belong, with varying degrees of attachment. Maalouf (1998, p.34 cited in McPhee, 2005, p.3) explains that 'people often have the tendency to acknowledge themselves through the affiliation that is most attacked'. According to McPhee (2005) there are various consequences of an attack on an aspect of identity because this identity can firstly, take over the entire identity of the person, secondly, lead to feelings of togetherness and therefore strengthen community identity and finally, through becoming the primary identity, feelings of solidarity claiming and asserting this identity can become liberating. It is due to identities being processes that are shaped by external factors that this research explores the impact of the 'war on terror' on Muslims' Islamic identities.

Over recent decades Muslims' Islamic identities have begun to take prominence over other forms of identification and this can be attributed to external factors. State policy and the 'war on terror' have contributed to a growth in Muslims describing themselves as Muslims, rather than Pakistani, thus giving primacy to their Islamic identities. According to Michael (2004, p.5), this is because, 'actions against Muslims on their religion have made Islam more visibly symbolic for Muslims'. Muslims' Islamic identities have become politicized, with the 'war on terror' radicalizing Muslims into a wide range of political activity - from human rights campaigning to radical jihadism – terrorism (Bunting 2004). This has led Geertz (2000 cited in Werbner, 2007) to link the political dimensions of Muslim veiling with the quest for personal meaning. As Gellner, (1992, cited in Werbner, 2007, p.173) states: 'contrary to what outsiders generally suppose, the typical Muslim woman in a

Muslim city doesn't wear the veil because her grandmother did so, but because her grandmother did *not*'. The politicization of Islamic identities represents how Islamic identities have become reactive identities incorporating wider contextual political factors and a sense of victimhood. Wieviorka (1999 cited in Wieviorka, 2004, p.290) uses the example of young Muslims she met in France who said 'their choice in Islam is personal and deliberate and secondly, they consider Islam enables them to keep going when confronted with a racist society and one in which their living conditions are particularly difficult'. Further, as Pedziwiatr, (2007, p.268) states 'research into the Muslim communities in Europe has shown citizenship is often central to their self-understanding and assertions of who they are'. Therefore, Islamic identities have also become prominent because of the inner strength this religious identity provides and the symbolic imagery associated with demands for equality and justice not just in the UK but in foreign policy issues. Another way in which to demonstrate the significance of Islamic identity and the impact of the 'war on terror' on this identity is through considering the umma.

Michael (2004, p.5) states 'for some the Umma, provides that which Pakistan (as a country strange to them) and Britain (where Islam receives little protection) cannot; a sense of belonging'. This is clearly evident as '89% of Muslims say that they feel included in the global concept of 'Ummah' (Clarke et al, 2009, p.89). The significance of the umma is it not only provides strength and solidarity but also does so though promoting a sense of unity based on Islamic identity. It intersects with British identity, and in the 'war on terror' this intersectionality has been problematized both at the level of ideological construction and in terms of Muslims' perceptions and subjectivity. In the 'war on terror' a growing sense of marginalization and perceived injustice by Muslims has strengthened the umma identity through re-

defining what such an identity means. In this way foreign policy and the actions of the state are likely to have produced grievances towards the state because through the umma, 'suffering by Muslims in Iraq, Palestine, Somalia, Bangladesh or wherever, is felt deeply by those elsewhere' (Clarke et al, 2009, p.89). Through the umma connecting the local and the global, the strong psychological dimension of this identity can amplify feelings of marginalization and 'double standards' both within the UK context (politically and legally) and outside the UK context. Brah (2009, p.144) details this stating

'if you are a Muslim, Islamophobia sets you apart, negatively, from non Muslims. This may lead to heightened preoccupation... drawing attention to global sites of conflict such as Iraq, Chechnya, Kashmir and so on increase a sense of grievance on behalf of all Muslims'.

This process in turn then further heightens Islamic identities and can increase the politicization of this identity with strong negative emotions reinforcing this process.

The umma has been constructed as a problem in the 'war on terror' because it is seen as compromising Muslims loyalty to the nation state. However,

'92.7% of Muslim respondents when asked whether there is a contradiction in being loyal to the Umma and being a good citizen said they feel that the loyalty towards 'Ummah' does not contradict ones role as a citizen of a nation' (1990 Trust, 2006, p.5).

However, regarding their place in Britain ‘60% of Muslims in the UK have considered leaving the UK since the London bombings’ (Ansari 2005, p.83). Therefore, a high percentage of Muslims have concerns regarding their place in Britain and this could be attributed to the hostility both at the structural and societal level which has been encountered since the ‘war on terror’. The ‘war on terror’ has seriously undermined the liberal underpinnings of the social contract and citizenship and further, it has possibly contributed to perceptions by Muslims that the social contract is not between themselves and the state. For example, ‘93% of respondents felt that UK foreign policy was influenced too much by the US Government’ (1990 Trust, 2006, p.3). The conclusion formed as a result of this survey was that foreign policy is causing tension and contributing to radicalization because ‘81% of respondents felt that the campaign equated to a warfare waged against Muslims, with 10% disagreeing’ (1990 Trust, 2006, p.3). In the ‘war on terror’ the actions of the state in foreign policy matters have shaped perceptions and produced negative feelings towards the state and it could be argued that the umma has become relevant because perceptions of injustice exist at this level and at the national level.

## **CONCLUSION**

This chapter has detailed how the ‘war on terror’ has impacted the legal rights of those suspected of terrorist activity and how the ‘war on terror’ has impacted integration policies towards British Muslims. The relationship between the state and British Muslims has been discussed through policies and counter terrorism legislation demonstrating how both have focused on Muslims Islamic identities since the ‘war on terror’. It is the fact that the relationship between British Muslims and the state has become based on a smaller narrower identity (Islamic) at the expense of a more

expansive identity such as ethnic minority or Asian that Muslims' Islamic identities are likely to have been impacted since the 'war on terror'. The research discussed has demonstrated how Islam and Islamic identities have become increasingly relevant, not just in terms of political constructs but also in terms of subjectivity and this research will contribute to this exploration through investigating the impact of the 'war on terror' on Muslims' Islamic identities.

Where the state and police are concerned, the 'war on terror' has marked the intrusion of global notions of security and risk which have transcended into the UK context. Firstly, this has been evident through the emergence of counter terrorism legislation, which continues the pre-emptive drive established at the European level and the absolute necessity of eradicating terrorism at all costs established through the usage of the 'war on terror'. Secondly, this legislation has been coupled with an emphasis on Islamic identity, drawing upon the construction of the de-humanized terrorist thus associating a lack of legal rights with Islamic identity and also led to the enactment of such discourses and constructs through the police. The police task and role has been elucidated as one which has been greatly impacted by the emergence of counter terrorism legislation. This research will provide a counter discourse to the 'war on terror', one which is based upon British Muslims' perceptions. It is the differential citizenship which the 'war on terror' has legitimized which suggests that Muslims' perceptions of the state and the police are likely to have changed considerably since the 'war on terror' and the 'war on terror' has impacted their Islamic identities.



## **CHAPTER 3: METHODOLOGIES**

### **INTRODUCTION**

This chapter discusses how the research was carried out. In total 32 respondents were interviewed retrospectively and prospectively, thus a total of 64 interviews were conducted. In designing the sample variables of age, ethnicity and gender were taken into account and all respondents were from the Sparkbrook area of Birmingham. In terms of ethnicity all respondents were Pakistani and Kashmiri and had been born in UK. The chapter elucidates the research process and how attention was paid to addressing sensitive issues. Firstly, the research design and use of qualitative methods are related to the theoretical perspectives of cosmopolitanism and citizenship. Secondly, the use of interviews as the main method through which data was collected is explained and because interviews were also conducted retrospectively, the issue of memory is discussed. The third section explores interview questions and how these were constructed on the basis of the aims of the research, which was to compare respondents' perceptions of the state, the police and their Islamic identities before and after the 'war on terror'. The fourth section details the ethical issues, such as gaining consent and confidentiality which arose during the research process. Attention is also paid to establishing trust, ensuring the safety of respondents and being aware of potential risk, factors which were increasingly relevant due to the research being on a sensitive topic. Fifthly, the theme of 'insider / outsider' position is discussed. It is demonstrated that although I shared the same religious identity as the respondents, I still had to articulate the meaning this identity has for me. And further, that although being of an insider position can help, differences such as those of power and status still intruded on the research process. The sixth section explores my role in the research process. It is through exploring my subjectivities that I am reflexive and

explain how I shaped the research process. The seventh section expands on the theme of reflexivity through discussing emotions. I explore how my emotions were relevant throughout the research process and were equally as important in shaping the research as the emotions demonstrated by respondents. The final section discusses how the data was analyzed and how a reflexive approach to analysis was used which was informed by grounded theory.

### **COSMOPOLITANISM, CITIZENSHIP AND QUALITATIVE METHODS**

This section details the relationship between the theoretical perspectives of cosmopolitanism and citizenship and the use of a qualitative research design. Although there has been an increase in research on terrorism, that which explores the causes of terrorism, impact of counter terrorism strategies and prevention of radicalization, there has also been a growing critique into how this research is conducted. Firstly, Spalek, El Awa and McDonald (2009) argue that terrorism research has often been dominated by state-centric perspectives and Breen Smyth (2007, p.260) explores the challenges of researching terrorism, in particular the need to ‘avoid replicating hegemonic accounts while still engaging with dominant discourses’. Secondly, Jackson (2007) argues that terrorism studies are dominated with weak methods and theories and Spalek, El Awa and McDonald (2009) state that because terrorism research has relied on secondary sources, the research has failed to provide an understanding of counter-terrorism through the perspectives and experiences of those experiencing state repression.

The general aim of this research was to gain in depth empirical data which would contribute to understanding the impact of the ‘war on terror’ on British Muslims through exploring the ways in which the ‘war on terror’ has impacted

respondents' perceptions of the state, the police and their Islamic identities. To achieve this, I did as Breen Smyth (2007) suggests which is to engage with the dominant discourse of the 'war on terror'. However, since my research was concerned with understanding the perspectives of those who have been marginalized, the research had to be non state centric, which denotes a process whereby the state is de-privileged. Maintaining a non state centric approach was essential, as this enabled the state to be considered in terms of harm and impact, such as the harm that is the result of state inequality. The task of engaging with the state centric 'war on terror' discourse and contributing to an understanding of counter-terrorism through the perspectives and experiences of those experiencing state repression was reconciled through drawing on the concept of the 'subaltern counter publics'. The 'subaltern counter publics' refers to 'subordinate groups inventing and circulating counter discourses' (Fraser, 1995, p.291 cited in Pedziwiatr, 2007, p.269). Therefore, in the context of the 'war on terror'

'subaltern counter publics' signal 'parallel discursive arenas where members of subordinated social groups invent and circulate counter discourses to formulate oppositional interpretations of their identities, interests, and needs' (Fraser 1992, p.123 cited in Sparks, 1997, p.85).

The aim of understanding the counter discourse of British Muslims required that as Miles and Huberman (1994) state, the research strategy be custom built, as far as is possible on the basis of what is required of that research and analysis. Thus, it was essential that appropriate methods and theories were used, as a theoretical framework was required where these counter discourses could be placed and methods where the counter discourses could be translated and conveyed.

The theoretical frameworks and traditions of cosmopolitanism and citizenship facilitated the aim of making visible the impact of the 'war on terror'. Cosmopolitanism and citizenship both emphasize subjectivity and therefore how the actions of the state impact citizens' feelings, perceptions and attitudes. Beck (2006, p.43) uses the concept of 'biographical cosmopolitanization' which 'means that the contradictions of the world are unequally distributed not just out there but also at the centre of one's own life', and thus data should reveal how the trans-national and the national level impact individuals' lives. The concept of 'biographical cosmopolitanization' was important to the research as it facilitated an understanding of how due to the 'war on terror', inequality and the demonization of Islam were perceived by respondents to be at the national and trans-national level. Through a cosmopolitan perspective although the state can deliver 'equal liberty and social justice' it 'should not be thought of as ontologically privileged' (Held, 2005, p. 10). Cosmopolitanism turns our attention to themes of equal moral worth and responsibility and it is through the language of human rights that the state can be opened up, and as Beck (2006) suggests, externally examined. Thus, cosmopolitanism provided a framework in which the state centric 'war on terror' could be critically examined therefore allowing counter discourses to emerge whereby the actions of the state were related to British Muslims' feelings of loyalty, attachment and belonging (Beck, 2006). Citizenship complimented the use of cosmopolitanism because it provided a framework within which the state was conceptualized as having a duty to British citizens. Thus, important concepts such as legal rights and justice were explored in relation to respondents' sense of belonging and identities (Carens, 2000; McPhee, 2005). A qualitative methodology can enable

‘researchers to create or develop new theories in areas of research where there is little existing knowledge’ (Herzog, 1993; Rennie, Phillips’ and Quartaro, 1988; cited in Knight et al, 2003, p.309).

A qualitative method meant that I could gain in depth empirical data based upon the perspectives and experiences of Pakistani / Kashmiri Muslims individuals living in Birmingham. It also meant that respondents could relate and connect the state, human rights and inequality with belonging, attachment and loyalty. Although these concepts were not directly referred to in the interviews, they were concepts which if present in the data would be seen as an essential part of British Muslims’ ‘counter discourse’ to the ‘war on terror’. Knight et al (2003, p.309) state

‘qualitative methods encourage participants to introduce the factors that they perceive to be important and relevant, allowing new constructs to emerge that are not constrained by the researcher’.

The decision not to include these concepts in the questions asked was therefore based on wanting respondents to introduce the concepts they believed were relevant and qualitative methods facilitated this. Dupont (2008) emphasizes the importance of investigating the suffering and inequality of marginalized populations, arguing that

‘the absence of narratives of human suffering among the oppressed can “paralyze human action” since such accounts at least offer the possibility of responding to misery and injustice’ (Kleinman and Kleinman, 1996, cited in Dupont, 2008, p.204).

This was very similar to what I believed and how I saw my PhD, as an opportunity to give voices to respondents and investigate how the ‘war on terror’ had impacted upon them. The research conceptualized language as being centrally implicated in the construction of knowledge, for example the ‘war on terror’ discourse because:

‘it signals how dominant, hierarchical relations are conceived, legitimised and reproduced through and within the words we speak’,  
(Arrigo, 1997, cited in Bak, 1999, p.20).

Language was used in the research as a process of knowledge transference in which it represented the power of the respondents to construct and represent their perceptions, experiences and identities. Therefore, just as the ‘war on terror’ has created discourses (written, spoken) utilizing language for the purpose of legitimacy, I wanted respondents to have power in constructing their own ‘counter discourses’. Quantitative methods would not have allowed for this power to be transferred to respondents and further would have restricted the emergence of in depth empirical data where respondents could reveal the impacts of the ‘war on terror’.

## **NARRATIVE INTERVIEWS AND THE PROBLEMS AND BENEFITS OF RETROSPECTIVE INTERVIEWS**

Due to the importance of language it was felt that interviews would further facilitate the aims of the research. Hollway and Jefferson (2000, p.10) state,

‘face-to-face interviewing has become the most common type of qualitative research method used in order to find out about people’s experiences in context, and the meanings these hold’.

I used interviews to gain empirical data and although the research was of a comparative nature, comparing pre and post 9/11, interviews allowed me to not only compare and contrast but to do so through data which revealed meaning. Interviews compliment a phenomenological approach and ‘the strength of a phenomenological approach is that it emphasizes the richness and complexity of an individual’s lived experience and privileges agency’ (Cosgrove, 2000, p.247). Interviews allowed respondents’ agency to be privileged because respondents could relate the discourse of the ‘war on terror’ and the institutions of the state and the police to their lived experiences. Thus, through allowing respondents to inter link themes, interviews gave respondents the space to articulate their own counter discourse.

Although repeat interviews<sup>10</sup> were conducted respondents often made references to earlier periods of their life. This was often done when respondents wanted to convey to me the differences between their past perceptions and perceptions at the time of the interview. In this way the interviews were similar to the life story method which ‘invites the subject to look back in detail across his or her entire life

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<sup>10</sup> Respondents were interviewed twice or in some cases three times, the first interview covered the period 1989 – 2000 and the second interview covered 2001 – present day.

course' (Bryman 2004, p.322). Dupont (2008) states that qualitative studies are an improvement over more traditional quantitative research because they allow participants to tell their story in their own words and

‘according to Polanyi, the difference between a story and a report (of the kind that is often elicited in the traditional research interview) is that, in telling a story, the narrator takes responsibility for ‘making the relevance of the telling clear’ (Chase, 1995, p.2 cited in Hollway and Jefferson, 2000, p.31).

During the interviews respondents were responsible for the stories they told, this as just mentioned would involve them bringing in other periods of their life and in some cases their beliefs. For example, one respondent took an interest in numerology and therefore would talk about perceptions, experiences and identities and feel the need to relate them to numerology. I encouraged respondents to use narratives and take responsibility because this represented the merging of power and language for respondents. It has been argued that narrative interviews reveal truth and meaning at a deeper level,

‘the stories themselves are a means to understand our subjects better. While stories are obviously not producing a transparent account through which we learn truths, story-telling stays closer to actual life-events than methods that elicit explanations’ (Hollway and Jefferson, 2000, p.32)



and this could be because the respondents take control. A narrative structure was found to be calming, reducing the unnatural strain that an interview context creates. For example, respondents liked the fact that the questions asked were open question and therefore allowed them to explain and introduce the issues they wanted to.

Although a narrative structure facilitated the emergence of rich data through empowering respondents I also felt it necessary to empower the prospective narratives and thus the prospective data. I felt that collecting retrospective data was one way of privileging agency because through providing pre 9/11 narratives, post 9/11 narratives could be correctly interpreted. For each of the interviews, the retrospective and prospective the same interview guide was used and all respondents received the same set of questions in the same order, so flexibility and variation were minimized. However, due to the first interview covering the period 1989 – 2000 questions were asked in the past tense, whereas for the second interview questions were asked for 2001 – present day and thus in the present context. Therefore, with the state, the police and identities, the retrospective data allowed me to establish what the common perceptions and experiences were and how respondents viewed their identities. When conducting the prospective interviews where changes in perceptions, experiences and identities did exist, I was able to ask what the changes were due to and gain an understanding of the extent to which the ‘war on terror’ had led to such changes. Further, Muslims’ Islamic identities have largely been absent in the collection of in depth qualitative interview data, especially prior to 9/11 and in the context of the state and the police, therefore there was a need to understand respondents prior to 9/11 and the ‘war on terror’. For example, the data revealed how all respondents identify with their Islamic identity and this has become their primary identity since the ‘war on terror’. Had I not conducted retrospective interviews I could well have made the

assumption that this has always been the case and definitely would not have known the extent to which the 'war on terror' has impacted Muslims' Islamic identities.

However, although using retrospective interviews / data raises the question of memory, I decided that the benefits of using retrospective interviews outweighed any reasons for not doing so. There are many research methods which involve respondents having to be retrospective. The strength of a life history type of approach is in

'it's unambiguous emphasis on the point of life in question and a clear commitment to the processual aspects of social life, showing how events unfold and interrelate in people's lives' (Bryman 2004, p.322).

It is predominantly used to relate the social context with lived experiences, for example Hood and Joyce (1999) used retrospection to investigate respondents' changing perceptions on crime and social change in London and Sin in 2005 asked ethnic minority old people to reflect upon their experiences of racism. Research which incorporates a retrospective dimension also reveals the impact of events, for example, Westergaard et al. (1989, cited in Bryman, 2004) studied the impact of redundancy at the Sheffield steel plant on individuals. It is for this reason Thompson (2004, p.81-82) argues

'nearly all social science, to some extent, involves memory and some of it is entirely based on long-term memory' ..... 'Researchers forget that it is also important that memories contain a great deal of 'reality'.

Therefore, although there are problems associated with memory I saw these problems as problems which did not invalidate the use of retrospective interviewing. It was through conducting retrospective interviews which allowed me to establish human agency, perceptions and identities prior to the 'war on terror' that I was able to assess the impact of the 'war on terror' upon respondents.

Linked to the issue of retrospective interviewing and memory is that of how as researchers we interpret the narratives conveyed to us. Hollway and Jefferson (2000, p.3) argue 'one of the good reasons for believing what people tell us, as researchers, is a democratic one: who are we to know any better than the participants when it is, after all, their lives?' My aim was to understand the complexities respondents revealed and furthermore to respect the transference of information and knowledge. Hollway and Jefferson (2000, p.387) have argued everyone 'including researchers, research subjects do not necessarily know themselves fully'. Therefore, when interviewing I took respondents' narratives as being 'their truth', their counter discourse. This allowed me to consider the diversity of voices which emerged and voices of intra differentiation where changes in perception, experiences and identities were the result of changing socio-political circumstances.

## **INTERVIEW QUESTIONS AND RETROSPECTIVE INTERVIEWING**

This section explores how the retrospective dimension of the research design was incorporated into interviews and how the data that emerged was highly dependent on the quality of the interview questions. 'Researchers must decide how (and how often during a series of questions) to specify the reference period they have selected' (Schaeffer and Presser, 2003. p.71). On the more practical level because repeat

interviews were conducted I frequently made reference to the time period the interview was dealing with. This simply involved me saying before 9/11 and then continuing with the question. However respondents frequently interchanged between both periods in one interview, when this did occur I did not intervene but let the interview flow. It was felt that interrupting the respondent could lead to important narratives being omitted. A similar approach to that which was used by Hood and Joyce (1999, p.140) was used,

‘we took care to ask respondents to concentrate on the particular period of their life we were investigating; to elicit narratives .....to situate their accounts in the broader context of social relations, activities and structures’.

When conducting the retrospective interviews, the interview started by me asking the respondent how old they were during that time, what kind of interests they had, what job they did, emphasis was placed on trying to get respondents to remember what they were like during this period. Respondents would frequently laugh at how even though they may have held a particular belief before 9/11, which they believed was real at that time they now see the existence of such a belief with laughter. Therefore, respondents when ‘recalling the past’ related it to matters of the self, whether they have ‘changed (or stayed the same)’ (Ross & Conway, 1986 cited in Schaeffer and Presser, 2003, p.68). This comparison helped me to understand respondents better, the impact of experiences and how the ‘war on terror’ had changed aspects of them, especially those around Islamic identities.

The interview questions used in the research were fundamental to the quality of the data that emerged. A pilot study, whereby I conducted interviews with four individuals was done to ensure the questions used would maximize the depth and quality of data. Due to the research being of an explorative nature, the questions were very general, such as ‘During this period what did you think of the government?’ Lather (1991, p.105 cited in Sin, 2005, p.104) argues:

‘facts are not given but constructed by the questions we ask of events. From this viewpoint, what questions we ask and how we ask them will be crucial in determining the picture we end up with’.

Although my interest was primarily with the impact of the ‘war on terror’ and thus the power of the state to introduce legislation, impact upon policing, citizenship etc I wanted respondents to consider the state in a more expansive way which involved the many functions of the state, like the state providing services other than those of law enforcement. In this way and as represented in the data, distinct variations emerged between the retrospective data, where the state was predominantly perceived in terms of providing services and equality and the prospective data, where the state was perceived as a legislator, introducing laws and framing police work. The fact that respondents had the choice to define the state and include the role / roles of the state they wanted was very helpful in establishing the impact of the ‘war on terror’ on perceptions of the state. Further, although the primary focus of this research was with respondents’ Islamic identities and how the ‘war on terror’ has impacted upon these identities, I did not prioritize one form of identity over another. Respondents were able to select the identity / identities which they believed were most relevant to the time in

question. This emerged as a significant part of the research because it allowed me to understand when respondents' perceived religious / ethnic similarity and commonality and where perceptions of difference existed. For example, in the retrospective interviews respondents used their British / Asian identity to refer to their identity. However, in the prospective data respondents used Muslim to convey that they perceived state inequality and policing through this identity. The choice to use qualitative methods which transferred power to respondents and did not restrict respondents through the questions asked were as much based on wanting to gain in depth data as they were on ethics. The next section considers the ethics of the research in more detail.

## **RESEARCH ETHICS AND ESTABLISHING RISK WHEN CONDUCTING SENSITIVE RESEARCH**

Renzetti and Lee (1993, p.5-6 cited in Gunaratham, 2003, p.161) state that there are a number of areas in which

‘research is more likely to be threatening, these include (a) where research intrudes into the private sphere or delves into some deeply personal experience (b) where the study is concerned with deviance and social control’.

Research ethics had to be taken into consideration, and the fact that the research was based on perceptions and experiences and did include themes of social control, more specifically the ‘war on terror’ and counter terrorism meant that consideration had to be given to issues such as risk. These themes influenced the research process greatly,

most significantly impacting the process of gaining respondents trust, gaining their consent and establishing rapport. It was through conducting pilot interviews that I realized I would have to build trust with respondents, and indeed start this process prior to interviews being conducted. I assumed that once individuals had agreed to be interviewed I would obtain rich data. This thought was very much a product of the research being on a political topic and something I thought every individual would have opinions about. However through conducting pilot interviews I realized that even when individuals did agree to be interviewed, a lack of confidence often resulted in respondents giving short answers.

The process of meeting people had many objectives, it was important that I gave people confidence, explained the purpose of the research and the role a respondent could have. Building and indeed maintaining good relations was even more necessary given that repeat interviews would be used and it should be noted that I was very fortunate as every respondent returned for the second interview, even where the first interview had taken two hours more than what the respondent expected. This process is often omitted in the writing up of research and yet for me it was the most important part, especially given that my research was on a sensitive topic and one in which there is risk and suspicion. I saw it as natural for individuals to want to protect areas of their lives, especially when these areas are sensitive topics that have the potential to cause pain through disclosure. I therefore used a snowball method whereby I made contact through various institutions such as health centres, youth groups and institutions which have events for Muslim communities. Due to people taking part in the research and then recommending someone this assisted in breaking down barriers. Various locations in Sparkbrook were used which included a day care centre, television studios, the University of Birmingham and interviewees' homes.

Due to each single interview taking an approximate time of 3 hours emphasis was placed on allowing respondents to select the location and time most suitable to their needs.

All but 6 of the interviews took place at the University of Birmingham and this was often because the interviews would take place in the evening and most respondents felt that if the interviews were conducted at their homes, their children would make noise and interrupt the interviews. Where interviews were conducted at respondents' homes I did not feel the need to take extra safety measures since the interviews took place during the day. It could be argued that by conducting interviews on campus, in some cases until 1am, I was compromising my own safety. However, because some interviews did last 3 or 4 hours and people often worked during the day, the evenings were the only time to conduct interviews. Further, conducting these interviews on campus gave me an added sense of security because it felt like my environment, an environment I was familiar with and I lived in close proximity to the university, which brought a further sense of security.

I thought that the very first impression I made on potential respondents was important as at this point the respondent could instantly decide they do not wish to participate in the research and not even allow me to explain the purpose of the research. It was also very important in terms of gaining and establishing trust. Further, where a relationship is developed 'these feelings continue in the relationship' (Hollway and Jefferson, 2000, p.46). Hunt (1989, p.13) states,

'the researcher's self is the primary instrument of inquiry. Any mechanical device utilized in fieldwork is mediated through the



researcher's own person and the kind of relationship he or she develops with subjects'.

It was therefore necessary to go through a series of processes prior to the interviews taking place. In many cases this meant spending an hour with an individual and although this was time consuming it did allow for trust to be established. People often had many questions and spending this time with them allowed individuals concerns to be aired prior to the interviews taking place so during the interviews issues and concerns did not remain and negatively influence the transfer of knowledge. Therefore making the time for individuals was about ethics and also meant that I could identify potential problems prior to interviews being conducted.

Other than safety, a major ethical concern was that of risk. Dickson-Swift et al. (2009) suggest that because emotions are prevalent in research on sensitive topics, researchers often have to manage their own emotions and those of participants and change the way they would normally act. I did have concerns regarding respondents' emotions and if taking part in the research might have a negative impact on them. During the course of conducting the research I became more emotionally aware and involved in the research. My emotional involvement increased through talking to respondents, listening to their counter discourses which acted to ground concepts such as justice, meaning they were no longer just abstract entities but an entity respondents cared about and believed in. The place and significance of emotions was prevalent when I was meeting individuals. For example, I met one woman, due to our age being similar and gender being the same; I identified with her more and felt an increased sense of responsibility. The woman told me that she could do the prospective interview, but would have some difficulty being interviewed for the retrospective

period. She explained to me how something bad had happened during that period of her life, but didn't tell me what. I did not ask and simply stated it was her decision. I acknowledged the fact that participating might have helped her and empowered her but felt it equally could have had a negative impact on her. Dickson-Swift et al. (2009, p.62) state

'sensitive research has the potential to impact on all of the people who are involved in it, including researchers. It encourages us to examine the potential for harm to the researchers as well as to the research participants'.

What this example demonstrates is how the potential harm to the researched can transfer to harm to the researcher because I was actually glad when the woman decided not to take part in the research. There were many reasons for this; firstly, I did not know her well enough to make a judgment regarding potential harm to her and further although as researchers we have to protect participants, does this involve making decisions on their behalf? Secondly, I did not want to make the decision regarding whether she was strong enough to take part. I did not feel comfortable with restricting her right to participate but equally due to not knowing her experiences felt unable to foresee potential harm. Essentially, there was recognition that her emotions would impact my emotions. For example, through her participation my own emotions might have been negatively impacted. I would have found the process of seeing someone negatively impacted difficult, felt guilt and responsibility and this raised questions for me. For example, to what extent does a researcher get involved? Is it professional to help through using our own experiences to help others? As I went

through the research process I increasingly recognized that maintaining a detached stance was not possible and further that being reflexive actually facilitated the care I was taking during the research to those I researched.

And finally, a consent form was used which listed many of the issues I felt respondents would be concerned with. These included the purpose of the research, a brief explanation of the types of questions that would be asked, an explanation of what the information would be used for, what was expected of the respondents in terms of time and commitment, the scheduled time and date of interviews, issues of confidentiality, anonymity and privacy. Furthermore, it was made explicit that respondents could withdraw from the research at any point and on completion of the interviews could refuse to let their data be used. Although this section has detailed the ethical issues of the research, ethics is a prominent theme throughout the rest of the chapter, being relevant to insider / outsider positions and issues of power and further the role of emotions during the interviews. The next section explores ethics in relation to the insider / outsider position.

## **SHARED RELIGIOUS IDENTITY BUT DIFFERENCES OF POWER AND STATUS**

The theme of insider / outsider position has become increasingly relevant to the research process because it brings to the forefront the identities of the respondents and the researcher and further highlights issues such as power which can cut across identities and remain as obstacles in the research process even where identities are shared.

‘Insider research refers to when researchers conduct research with populations of which they are also members (Kanuha, 2000) so that the researcher shares an identity, language, beliefs and experiential base with the study participants (Asselin, 2003 cited in Dwyer, 2008, p.58)

and outsider position refers to the researcher as not sharing an aspect of identity. However, the placement of the researcher within this context has become significant because of the beliefs that transcend from either being an insider or outsider and secondly, the implications of this for the research process. According to Ram (1996, cited in Ramji, 2008, p.100) the ‘greater the similarities the easier it is for researchers to gain access’ and be less exploitative and Mitchell and Irvine (2008) also state, it is easier for participants to be open with researchers where an insider position does exist thus leading to more in depth data. This has led Papadopoulos and Lees (2002, cited in Ramji, 2008) to suggest that there should be a process of ethnic matching between researcher and researched.

I detail how my insider position worked for me and against me throughout the research process and therefore how issues such as power cut across the insider / outsider position. Furthermore, Bulmer and Solomos (2004, cited in Ramji, 2008) have noted that there has been a growth in ethnic minority scholars researching race. However, much of the focus on insider position has been through race and ethnicity, religion has largely been omitted. I will focus on how although I was of an insider position due to my shared religious identity this did not give me a privileged position as my religious beliefs still had to be articulated. My identities were very significant when I was meeting people and a shared religious identity did not translate to trust and

rapport being instantly established. Ramji (2008, p.99) found that ‘the shared cultural identity of the researcher and the interviewees emerged as both a point of commonality and difference in the research process’. Differences according to gender, class and ethnicity (as religion was the same) were seen as being of the same importance with no single identity privileged as each was recognized as having the potential to impact on communication, power relations and interpretation. As Spalek states (2008, p.73)

‘it is important to stress that researchers occupy multiple identities, so that while some aspects of their identities might help them to establish rapport and trust and to gain access to research participants, other aspects to their identities may work against them’.

My own experiences regarding my identities have been diverse, challenging the reductionist binary of insider / outsider position. My religious identity has been subjected to scrutiny by Muslims and non Muslims because I fail to fall into their stereotype of ‘what a Muslim is’. This questioning has been due to my dress and appearance and yet even though I do not wear traditional clothes I dress Islamically in the sense that my body is covered. I did not consider myself as being of an insider or outsider position, rather I just emphasized the aim of my research because ‘matching one social identity fails to take account of the dynamic interplay of social differences and identifications’ (Edwards, 1998, cited in Gunaratnam, 2003, p.85) and the many issues that still exist in research. Ramji (2008, p.99) states that more attention needs to be paid to ‘the assumptions made by interviewees especially those regarding the identities of the researcher’.

I was aware that my religious identity and ethnicity would be questioned. Ramji (2008), in the course of conducting her research found that she had to verify how Indian she was, where her parents were from and had to establish religious sameness. I encountered many of these questions and further questions around my motivation for conducting this research. As Dupont, (2008, p.199) states ‘one should not assume that research participants share a common understanding of the purpose of research and the role of the academic and academia’. I made time and space to explain my motivation and the meaning the research has for me. I explained how acts of othering, disadvantage and verbal abuse which have been directed at my Islamic identity have impacted me far more than other identity based abuse. I emphasized how many of my moral principles are compatible with Islam. For example, I explained beliefs regarding the purpose of life; I believe life is a journey in which personal growth is core and the reason we are tested is to facilitate personal growth because we are not meant to be static, but we are meant to improve. Sharing these personal beliefs made transparent how Islam has influenced me and assisted in establishing trust. Strangely enough my conversations with people regarding my Islamic identity were very deep and philosophical, perhaps revealing how I shaped interactions more than potential respondents.

However, although shared religious identity helped, issues of power and status remained and therefore I had to go beyond my religious identity, and ‘express the often hidden values and characteristics of the researcher’ (Edwards & Ribbens, 1998; Harding, 1987, cited in Spalek, 2004, p.408). Maykut and Morehouse (1994, p.123 cited in Dwyer et al, 2009) argue that the qualitative researcher has a paradoxical role as they need to understand the perspective of others as well as be aware of their own biases. Dupont (2008, p.199) states

‘I was never completely comfortable with the inherent power imbalance between me, a white, middle class academic, and my research participants (low-income African-American women who were, for the most, not educated beyond high school)’.

Unlike Dupont, I had not considered power imbalance to a great extent and assumed that if any form of power imbalance did exist, I would be the disempowered individual due to my age to the extent where I made sure I was dressed smartly so I would look older than I was. When I approached potential respondents I was surprised at how individuals would reflect on their educational status in determining whether they were appropriate to be interviewed and would often recommend someone who they believed had more of a right to be heard, simply because they may have had a job, may have had a degree or were thought of in high regard in the community. Thus, there existed relative evaluations, tied directly to issues of ‘what can I offer you?’ ‘I don’t want to give you the wrong answers’. Stenner (2005, cited in Coupland et al, 2008, p.330) states ‘to be able to articulate a particular emotion is intimately connected with the claimed moral right to do so’. I thought everyone I approached had the moral right to participate and my interpretation was that individuals were restricting their own right to be heard. Dupont (2008) suggests research requires that the researcher give over control, share power and regard individuals as co-researchers, because the researcher must recognize the limits of their own experiences and acknowledge that participants are experts of their own experience. Agozino (2004, p.356) states

‘western criminologists could learn a thing or two by humbling themselves to listen to Other perspectives...western criminologists should remain open to chances of learning from the experiences and struggles of others as well through an exchange of knowledge’.

I tried to empower individuals through stating their unique position. I emphasized my ‘outsider’ status as someone who did not live in Birmingham before 9/11 and for many years after. I tried to privilege individuals through stating that I had not experienced life in Birmingham and did not want to assume what the impact of the ‘war on terror’ had been. I told individuals that only they could provide me with this information, and therefore how I was in fact just an instrument to which understanding had to be transferred. It is very important that individuals know what they can give to research and are seen as co-researchers and therefore articulating how there is no wrong answer and transferring control was important. This section has demonstrated how even where an identity is shared, individuals have assumptions not only regarding the purpose of the research but also about the identities of the researcher. Therefore, researchers must be open to explaining their identities and further not assuming that power relations do not shape research.

### **EXPLORING REFLEXIVITY THROUGH MY MANY SUBJECTIVITIES**

Nils Christie (1997, p.14–15 cited in Smith, 2006, p.362) argued that ‘social scientists were over-socialised and lacked access to their own personal experiences’ which resulted in a lack of respect for what we find. The term reflexivity has come to denote in its most general sense self-conscious consideration and critique. McNay (2000, p.5 cited in Riach, 2009, p.358)



‘understands reflexivity as ‘the critical awareness that arises from a self-conscious relation with the other’, whilst Skeggs (2004, cited in Riach 2009, p358) suggests that ‘an ability to stand outside oneself is one of the key dimensions of the reflexive self’.

Therefore, in order to reveal the dynamics of the research process and make research transparent reflexivity is needed. I use the concept of reflexivity to write myself into the research, because as Hunt (1989, p.5) states,

‘since the self is the key fieldwork tool, the role of self-understanding is critical to well executed fieldwork.... a central concern of fieldwork methods should be exploring the relationships between subject, researcher, and data’.

Gilbert states ‘as qualitative researchers, our goal is to see the world through someone else’s eyes... it thus follows that we must experience our research ‘both intellectually and emotionally’. As researchers, we should see research not only as an intellectual exercise but also ‘as a process of exploration and discovery that is felt deeply’ (2001a, p.9 cited in Dickson-Swift, et al, 2009, p.62). This requires reflexivity and that the researcher makes clear their own subjectivity or subjectivities. Peshkin (1988, p.17) argues that researchers should systematically seek out their subjectivity, I like Peshkin (1988) reflect on the journey of discovering my many subjectivities and the relationship between them, the decisions I made and their impact on shaping the research process.

Peshkin (1988) identified six 'I's, different parts of subjectivity which impacted and shaped the research carried out by Peshkin. The research process and through having to articulate my motivation for conducting the research to individuals, I found that I also had several 'I's. There was the 'Muslim I', I wanted to do the research because I am a Muslim who understands the importance of Islam and therefore wanted to create space so respondents could articulate the meaning Islam has for them. This aim made the research meaningful to me and I explained this to individuals, as one of the prominent questions individuals wanted to know was my motivations for conducting this research. There was also the 'exploring I', I was interested in identities and how these are impacted by institutions and counter terrorism legislation. The impact of unequal power relations, such as those between institutions and citizens and the lasting damage and harm they can do is what motivated my research. Peshkin (1988, p.19-20) refers to 'The Justice-Seeking I' and 'the Non research Human I', it was my 'justice seeking I', that wanted to reveal the potential harm and negative impact of the 'war on terror'. In particular it was my interest in injustice, wanting to know if respondents' perceived injustice and how if they did, this impacted them and further, the value and importance they placed on justice which led to the research.

Evans (2000) talks about trying to represent two voices, the scientific self and the dramatic self, she conceptualizes these 'voices' as creating a battle, with the 'scientific self' being concerned with issues of objectivity, validity and generalizability and the 'dramatic self', being interwoven with the research process, unable to escape from the humanness in human interactions. Similarly, Staller (2003) when conducting research on the events of September 11<sup>th</sup> discovered that her personal and professional selves were inseparable. I also found that the 'research I'

was not that different from the ‘non research I’, as although I had an academic interest in civil liberties and justice my motivation for the research was as much about my personal beliefs in the morality of law. Interestingly, the many ‘Is’ that are now represented, reveal how qualitative researchers not only research something which has personal and emotional meaning for them but also how the research process impacts on the emotions of the researcher, because during the course of my research the ‘emotional I’ was very present.

## **THE EMOTIONAL ‘I’, EMOTIONAL MANAGEMENT AND REACTIVE EMOTIONS**

As stated before, emotions were not only part of ethics, for example, ensuring that respondents were safeguarded and did not endure any negative effects from participating in the research, but were also an important aspect of reflexivity and subjectivity. Hochschild (1983) developed the concept of

‘emotion work’ to describe and explore ‘the experiences of flight attendants and how they managed their emotions on a day-to-day basis on the job... she stipulated that jobs requiring emotional labour involved face-to-face or voice-to-voice contact with members of the public’ (cited in Dickson-Swift, et al, 2009, p.62).

Research by Dickson-Swift, et al, (2009) has discovered that the researcher’s emotions are an integral part of the research process and conducting research is ‘emotion work’. I relate my emotions to the research in order to continue and indeed add something to this debate, showing that where a sensitive topic is the focus of research the emotions

of the respondents and researcher should be made central. The ‘Non research Human I’, ‘personal self’ and ‘dramatic self’ infiltrate what we research, how we do research and the aims of our research, thereby making our emotions entirely relevant. Harris and Huntington (2001, p.131) state that

‘if we take emotions and emotional labour seriously... we open a space within which we can explore practical strategies to work with our emotional responses... we bring to light aspects of our experience that may be particularly problematic’ (cited, in Dickson-Swift, et al, 2009, p.73).

I felt it necessary to think about my emotions and indeed create space for my emotions, because there were various ways in which I felt connected to my PhD, for example through my interest in injustice. Further, the ‘Non research Human I’ wanted to raise potential respondents’ confidence especially since potential respondents expressed concerns which were based on a belief that firstly, an individual’s status determines their right to be ‘heard’ and secondly, that I would judge them. Research conducted by Dickson-Swift et al. (2009) found that researchers were concerned about whether becoming emotional while undertaking research was the ‘right’ thing to do. Through considering emotional issues before conducting the interviews, I would emotionally prepare myself for interviews. I did this because it is often the shock of hearing an upsetting experience which upsets me, however when I know I might hear something upsetting I am better placed to deal with it. Lofland and Lofland (1995, cited in Dickson-Swift, et al, 2009, p.74) argue,

‘knowing that emotional distress may occur for the researcher may reduce the impact and encourage researchers to think more about themselves when designing research projects’.

I developed many strategies of self care, for example I prepared myself emotionally to hear things that might be upsetting and this was my way of making my emotions part of the research design. Further, I felt through doing this I was better placed to deal with respondents’ emotions, particularly emotions of distress. Although I felt that much of the rapport which had to be established was done prior to the interviews taking place, establishing good researcher – respondent relations continued when conducting the interviews. The need for emotional awareness and sensitivity was seen as an ongoing process because as Dupont (2008, p.197) states there should be an obligation which is beyond ‘simply doing no harm’, where we consider themes of empowerment and potential harm. I was fully aware that respondents might ‘freeze up’ in the interview context, so I tried to make the unnatural situation of disclosing personal feelings and perceptions to a stranger both natural and normal.

In one interview a woman became very distressed, she told me she was feeling tired, she looked like she was going to start crying and her speech became very broken. I had to decide at what point to intervene, if at all and what to say.

‘The world the researcher encounters is chaotic, irrational, and unpredictable; as a result, the researcher’s actions are often spontaneous and emotionally tinged’ (Alder and Alder, 1987; Douglas and Johnson, 1977, cited in Hunt, 1989, p.15).

I decided to intervene in a way which would not highlight her distress but hopefully empower her instead. I therefore asked the woman if we should take a break. This could be seen as being selfish on my part, or as me denying this woman the opportunity to show emotions. However, my actions were determined by many factors. Firstly, I did not want the woman to think I thought she was weak; this woman through being older than me treated me very much like a younger person, she was caring, enquiring about how much sleep I was getting, if I'd eaten, etc. I did not want the woman to think her portrayal of emotions and distress had negatively impacted me in anyway. And secondly, I didn't want the woman to remember the interview as a bad experience, to think of it later and to be in anyway negatively affected. She told me that since taking part in the research, her evening family meals were based on her discussing what she had revealed to me during the research. This woman's experience was not negative; she thanked me and told me that through voicing her emotions, those of distress, happiness, anger etc she had found the interviews to be therapeutic. Although Loftland (1971, p.131 cited in Hunt, 1989, p.19), 'urges researchers to protect themselves against compromising emotional involvements' it was through being emotional that harm did not emerge. Therefore, although this woman had experienced emotions during the interviews, it could have been the case that because we took frequent breaks these emotions were not overpowering. Whereas, had she started crying due to the emotions becoming overwhelming because we were not taking breaks, this might have led her to believe the interviews were emotionally exhausting rather than emotionally empowering.

Research by Dickson-Swift, et al (2009, p.69) discovered how a number of researchers referred to their ability to stay 'detached' from the research as offering them some protection from becoming emotional during the research and researchers

reported a constant management of self in the research, ‘especially in situations where there is a high level of expressed emotion; that is, people crying or feeling angry’. Although I practised emotional management I did not try to detach myself. At times I became very upset, especially listening to one man’s story. He had been subjected to many raids, his children had been detained by the police under counter terrorism legislation and what distressed me about his experience was the change in his British identity. He felt that this country had given him the opportunity to gain qualifications, open a business and conveyed a story of success and gratitude, where he clearly acknowledged that it was due to the government that he had gone from being a lorry driver to a millionaire owning a successful business. However, when talking about his perceptions of the government since the ‘war on terror’ he felt injustice and bitter to the extent where he disliked Muslims who were visibly Islamic because he believed they were highlighting religious differences, which would lead to further, legal inequality. He had experienced loss, a loss of attachment, loyalty and affection to his British identity. When he became very angry I felt that I understood his anger; I could place how it had emerged and why it was as severe as it was.

‘By demonstrating certain emotionally mediated behaviour, researchers show they are persons capable of human feelings rather than automatons enacting a prefabricated script’ (Hunt, 1989, p.22).

I did show emotions but felt that I could not show too many negative emotions such as anger and had to focus on positive emotions such as empathy, whereby I demonstrated a sense of knowing and understanding of the significance of what I was told. This was a form of emotional management and where some emotions like anger were

concerned, I felt that expressing them could potentially influence what was revealed to me.

There were particular times during interviewing where I did feel uncomfortable and had to manage my emotions to a greater extent. Dickson-Swift, et al (2009, p.67) state ‘to say that we have been ‘touched’ ... is synonymous with saying that we have been emotionally affected’ and many times I was emotionally affected. Respondents often talked about emotionally provocative things such as rape, murder, genocide etc. One respondent talked about these things with strong emotions present and provided graphic descriptions of images she had seen. Through trying to understand and connect with this woman I was getting graphic images in my head, I had been emotionally affected. Research by Dickson-Swift et al (2009) found that researchers reported feelings of exhaustion and tiredness when undertaking research interviews, often feeling quite overwhelmed by the nature of the data. I knew that preparing myself for interviews was not enough as the average day involved me starting interviews at 12pm and finishing at 11pm – 12am. Therefore I was very much aware of the fact that after finishing a day of interviewing I was emotionally charged and needed to de-stress. I gave myself time and found the best way to relax was to do something very much unrelated to my work, such as going into town. This was my way of ensuring that I did not suffer from emotional exhaustion and tiredness. Spalek (2004, p.413) states,

‘emotional management can take place not only during an interview situation but also in the write-up of a study, when decisions (conscious and subconscious) are made regarding which feelings the



researcher decides to reflect upon and how those feelings are re-presented’.

It was during the writing up stage that I acknowledged I had changed during the research process and indeed questioned how this change impacted the research and the decisions I made. For example, I started my PhD when I was 21 and knew that had I conducted the interviews at this age many of my decisions would have been different. For example, using the earlier example of the woman and her past experiences, at the age of 21 I would have encouraged her to participate, because my overwhelming belief would have been that even if she suffers negative emotions; they would provide her with the impetus to deal with her past experiences. However, I now see the same views as simply being too idealistic and recognize that not everything can be overcome. I believe it was through making such decisions visible that as Brew (2001, p.186, cited in Murray, 2005, p.19) states, ‘research acknowledges its disasters as well as its achievements; its rigidities as well as its creativity; its power and its powerlessness; its openness and its dogmatic blinkers’.

One of the most difficult parts of writing up my research emerged when I was writing my methods chapter. I had very much the same problem as Hollway did, Hollway (2008, p.394) states,

‘I remember being taught as an undergraduate psychologist that academic writing should be completely separated from the writer (the principle is encapsulated in the rule that we should write avoiding ‘I’). Thinking about it psychoanalytically suggests that this practice institutionalized a kind of dissociation’.

The very task of including 'I' was very difficult and something I have never done before.

'Fieldworkers share a culture dominated by the ideology of professionalism... According to that ideology, emotions are suspect. They contaminate research by impeding objectivity, hence they should be removed' (Hochschild, 1983, cited in Dickson-Swift et al. 2009, p.63).

The writing process very much reflected this; however I was fully aware that it was my emotions and subjectivities which had also shaped the research. I therefore wanted to write my emotions in as this would in itself not only problematize the image of the researcher as a tool void of emotions but also show how many decisions were intrinsically tied to emotions. I no longer saw such emphasis on emotions as being over-dramatic, but rather as revealing an honest account and conceptualization of what research actually is.

## **TRANSCRIBING THE DATA AND REFLEXIVE ANALYSIS**

This section details the strategies used when analyzing the data. In total 32 respondents were interviewed retrospectively and prospectively, thus a total of 64 interviews were conducted. In designing the sample variables of age, ethnicity and gender were taken into account and all respondents were from the Sparkbrook area of Birmingham. In terms of ethnicity all respondents were Pakistani and Kashmiri and had been born in UK. I wanted to focus on Pakistani Kashmiri respondents because

the majority of Muslims from Birmingham are of these ethnicities (ONS, 2004). In terms of the research population including a wider diversity of Muslims this would have meant having to situate these identities and thus possibly diluting the experiences of Pakistani Kashmiri Muslims. I therefore favored depth over generalizability and felt that although the research does focus on Pakistani Kashmiri Muslims respondents it can also contribute to our understanding of non Pakistani Kashmiri British Muslims. It was also for this reason that I decided not analyze the data according to the variables of age, class and gender. Therefore, due to wanting to explore depth I only analyzed the data according to the pre 9/11 and post 9/11 comparison. And further, using a multitude of comparisons was beyond the scope of a PhD because the word limit would have restrained the depth that needed to be conveyed for each comparison.

Punch (2005) states how a study can be a combination of determined and undetermined research<sup>11</sup>. This research was determined in the sense that research questions and a theoretical standpoint - cosmopolitanism and citizenship - were applied to the empirical data. However, although the research questions were used to guide the research, the data collection questions, those asked in the interview remained neutral. The data collection questions were neutral because they did not introduce concepts from these theoretical perspectives. For example, respondents were asked questions such as ‘What do you think of the police?’ Rather than questions which reflected the theoretical perspectives and introduced concepts such as equality, justice and human rights through asking specific questions relating to these concepts. When analyzing the data concepts such as justice still had to emerge from the data and further it was through analyzing the data that I was able to describe what justice meant and the meaning of this concept for respondents. Therefore, I used a reflexive

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<sup>11</sup> Determined research is where research questions and a theoretical standpoint are applied to empirical data and undetermined research is where research questions and theory emerge from the empirical data.

approach to analysis which was informed by some strands of grounded theory, as is now explained.

Grounded theory is commonly interpreted and understood as an approach whereby research questions and concepts emerge from the empirical data, literature is examined after interviews have been conducted and theory emerges from the data. However, this is only one version of the approach and it is due to grounded theory being adaptable that it was not systematically used but rather the analysis of data was informed by a reflexive use of grounded theory. Grounded theory was created by Glaser and Strauss in the 1960s and 'according to earlier writings of grounded theory, grounded theory is an approach where there is no preconceived hypothesis' (Glaser and Strauss, 1967 cited in Allan 2003, p.2). Hunter and Hari et al. (2005, p.57) argue that grounded theory has evolved and become less rigid in its use with researchers increasingly adapting grounded theory to 'suit the nature of the research problem'. I used a reflexive approach to analysis which was informed by aspects of grounded theory and this section explains how the analysis was reflexive.

Punch (2005) states in traditional research, literature is reviewed as part of planning and developing research questions but in grounded theory literature is delayed until data has been collected so that the researcher has no preconceived ideas. The evolution of grounded theory and emergence of different interpretations means that literature is increasingly being used prior to data collection. In 1990 Strauss and Corbin 'advocated reviewing the literature early in the study for several reasons' (Strauss and Corbin 1990 cited in McGhee and Marland, 2007, p.4). The first reason is that through a review of literature, researchers know what the focus of research should be as literature stimulates questions and the review of literature also provides justification for the research. As Hutchinson (1993 cited in McGhee and Marland,

2007, p.7) states ‘the purpose of this initial review is to increase awareness of the existing knowledge base, and also to identify gaps’. I conducted a literature review prior to the interviews being conducted and this assisted in helping me to develop research questions through identifying research areas, such as the impact of the ‘war on terror’ on Muslims’ Islamic identities that had not been explored. Further, a literature review also acted as a justification for the research and I was able to formulate research questions which benefitted me through providing me with focus and clarity.

Secondly, Strauss and Corbin (1990 cited in McGhee and Marland, 2007, p.4) state a literature review helps researchers ‘to avoid conceptual and methodological pitfalls’ and to be ‘open minded’ but not ‘empty headed’. Gunning (2007a, p.363) argues that regardless of the increase of interest amongst scholars in terrorism studies, there is a ‘continuing dearth of primary research data’. Conducting a literature review revealed how over-theorized research into terrorism and the ‘war on terror’ is. The lack of research into this area influenced my decision to gain data on the ‘subaltern counter publics’ of British Muslims in relation to the ‘war on terror’. I tried to remain ‘open minded’ but felt that using an approach which could contribute to the state centric ‘war on terror’ through not placing respondents’ perceptions of the state in a discourse beyond the state would be ‘empty headed’. Gunning (2007a, p.367) states ‘terrorism studies’ tends to accept uncritically the framing of the ‘terrorism problem’ by the state’. According to Gunning (2007a, p.376) a critical approach would move

‘beyond the state as the sole legitimate referent.... to the wider notion of human security and an analysis of how ‘terrorism’ and counter-

terrorism affect the security of all... including such concerns as social justice, inequality, 'structural violence', culture and discrimination'.

The literature proved to be insightful in identifying a theoretical approach which would assist me in using wider discourses whereby respondents' voices would not be marginalized or interpreted according to state discourses. Further, through using cosmopolitanism and citizenship my eyes were open to the data in a way which considered much more salient forms of harm, belonging and unity. Cosmopolitanism and citizenship were used as they both emphasize notions such as justice and the responsibility of the state to citizens and therefore do not use the state as the definer of harm. However, as previously stated a reflexive approach was used therefore to take the concept of justice, it still had to emerge from the data to be included in the data analysis. The following quote from a respondent shows how concepts such as justice and the responsibility of the state to citizens were present in the data.

*I think the police have been trained to be harsh and target the Muslim community and I have a story, I have seen it and people say to me, you can't fight the system, keep your head down and do what you have been told to do, but I say fight the system where is the justice? The police are now encouraged to detain someone just because they might be a terrorist. If they haven't found anything they are not going to but what are they putting that family through, the community through, and I feel that if they haven't found anything that is just going to make the community angry and frustrated, and more and more against the police and I think if they did have something they aren't going to say*

*anything and the police say come forward we are your friends, tell us,  
but they won't tell the police.*

Other researchers have identified theoretical standpoints/theories prior to analyzing the data and used these when analyzing the data. For example, Plummer and Young (2010, p.317) advocate that 'assuming a feminist perspective in grounded theory research can promote social change' and Alvarez (2001) analyzed data from his study using determined theoretical orientations and perspectives, but the data was still grounded because the themes emerged from the data. Hesse (1980, p.247 cited Punch 2005) argues research should be used to emancipate oppressed groups and it should be based on explicit ideologies, through the abandonment of value-neutral social science. Therefore, where the aim of the research is to promote social change or reveal the lived experiences of minorities or majorities theoretical standpoints/theories can be used in conjunction with the data. They are used as a way of revealing and as in my case opening the eyes of researcher to try and gain narratives that reflect the reality of respondents' lived experiences.

This is closely related to the third reason for conducting a literature review, it 'stimulates theoretical sensitivity' (Strauss & Corbin 1990 cited in McGhee and Marland, 2007, p.4). Theoretical sensitivity is about developing insight into data, being able to give the data meaning, understanding the data and understanding which data is significant. Through conducting a literature review and using cosmopolitanism and citizenship, which as the literature chapters demonstrate highlight the importance of subjectivity, I was able to understand which data was significant. Further, these perspectives allowed me to understand how the state and the police could impact on citizens' identities and feelings of belonging and loyalty. Thus, I was much better

positioned to identify these themes from the data. For example, to use the quote by a respondent below theoretical sensitivity allowed me to understand how due to the states foreign policy since the ‘war on terror’ the respondents British identity had been impacted.

*I think they have shamed our country because I believe I am part of this country. I think we had real respect around the world, we had high standards people saw this country as a country with morals and standards and it didn't matter who you were when you came to England you became equal to everyone else so for me the government has lost all that. The best thing in the world was to be able to say I'm British, when you went to Pakistani you were proud to say I'm British and now I feel really tainted by it and I don't think the people in the government not only don't represent our views but they don't understand my issues and my community.*

I opened up the possibilities of interpretation through deeply questioning the data and started labelling the data. For example, the process of labelling is about simplifying the data, so I labelled all data which was about a visible Islamic identity with this label. For example the following quote since the respondent refers to signifiers of Islamic identity.

*Anyone with a beard or a hijab is seen as a threat which is just not true and it's about stereotyping. The government has created a divide, before we were seen as Asian people but now we are seen as Muslims.*



I then collated all the data to which this label had been applied. The dominant themes / labels identified were related to the theoretical perspectives of citizenship and cosmopolitanism. When writing the data chapters the dominant themes respondents talked about became the sub headings in the data chapters and when respondents talked about aspects of these themes they were included under the sub headings in the data chapter. For example, one dominant theme was the meaning of Islam and how it is different from other identities. This theme became a sub heading in the data chapter and when respondents explained the reasons for an Islamic identity being different, these sub themes were included under the main theme, so reason like an Islamic identity being a personal identity, an Islamic identity being a spiritual identity etc. Through analyzing in this way the data, the conclusions and findings of the research have emerged directly from respondents.

## **CONCLUSION**

This chapter has demonstrated how the research was carried out. Practical issues such as the relationship between the theoretical perspectives and the research design have been discussed, as well as the use of interviews. However, although this chapter explored practical issues, such as interview questions attention was also paid to identities, emotions and subjectivity.

Many of the themes mentioned those of insider / outsider position, reflexivity, ethic and subjectivities were discussed and shown to be related to emotions. I conducted research on a topic which was sensitive and to not care about the research, or those involved would have been hard. Therefore, although a huge part of research was the practicalities of how the aims relate to the theoretical perspectives and the

research strategies and further, the ethical guidelines that have to be followed in order to gain ethical approval, where research involves personal experiences and understanding identities it is important that a duty of care include considerations of emotions.

## **CHAPTER 4: THE IMPACT OF THE ‘WAR ON TERROR’ ON BRITISH MUSLIMS’ PERCEPTIONS OF THE STATE**

### **INTRODUCTION**

This chapter presents the data for respondents’ perceptions of the state before the ‘war on terror’, therefore retrospectively from 1989 to 2000, and prospectively, after the ‘war on terror’. As previously stated, the aim of the research is to consider British Muslims’ counter discourse to the ‘war on terror’. The empirical data for both periods is compared and cosmopolitanism and citizenship are used as a framework in which the empirical data is explored. The significant themes in the data are explored throughout the chapter and I conclude the chapter through pulling these themes together and presenting respondents’ counter discourse to the ‘war on terror’ through discussing their perceptions of the state.

### **RETROSPECTIVE DATA**

#### **STATE POLICIES PERCEIVED THROUGH ETHNIC / RACIAL IDENTITIES**

Citizenship is about state policies which attribute citizens’ rights on the basis of their identities. A common theme to emerge from respondents was the idea of New Labour providing services and achieving progress through focusing on issues such as deprivation and poverty. Policy initiatives of this nature, as Safia suggests were perceived as inclusive policies and as a way of strengthening shared citizenship through highlighting problems which cut across minority identities.

*New Labour came in and I thought it was a change, I think they had started to look at closing the gap; they started to look at cycles of deprivation and*

*social exclusion, how if you lived in the worse wards you were more likely to get the worse education and get the worse jobs. So it was all about solutions and joining up problems. I thought it was really good that they thought we have outer ring white estates and core inner ring estates which are poor. So they were trying to do their best for those who were at most need.*

This data therefore suggests that although as McPhee (2005) argues, in order to gain loyalty a state must recognize minority groups and loyalty is established through minority rights, policies which are developed for the whole are equally as important. The data demonstrates how policies can serve the purpose of creating a unified culture - which Falkner (2003) argues minority specific policies cannot. Therefore a sense of inclusiveness is achieved through policies providing equal citizenship (Johnson, 2009) and in this way respondents felt part of the whole. Although social issues and inequality were tackled through class identities, Adam said equality also focused on minority racial and ethnic identities.

*There were services existing on sole basis of serving minorities.*

Multiculturalism calls ‘for the recognition and accommodation of cultural minorities, including immigrants, and requires states to create policies or laws that allow minority groups to root their participation in society within their cultural communities’ (Kymlicka, 1995, 2001; Kymlicka & Norman, 1994; Parekh, 2006; Taylor, 1994 cited in Bloemraad, Korteweg and Yurdakul 2003, p.160). The data highlights how in order to gain loyalty a state must also recognize minority groups

(McPhee, 2005) and equal policies are just as important in ensuring that a citizen feels they belong to the national political community (Caren, 2000). As Matloob describes, there is a direct link between the state recognition of identities, in this case Asian and the psychological dimension of citizenship with loyalty and attachment being positively impacted.

*The government were very good with Asian community, in the health centres, in the hospitals, in the school, everywhere. The government made it possible for us to integrate and fit in. I felt like this country was my home and people were not scared of differences they respected differences.*

Carens (2000) unites emotional attachment and loyalty with identification and in this way because state policies essentially categorize citizens, it is possible to understand the impact of these categories on citizens' sense of attachment and loyalty. This data shows that where interests in the form of rights exist on the basis of a variety of identities, British, racial and ethnic this led to positive perceptions of the state because it demonstrated that the state views respondents as part of the national community and minority community and this increased loyalty and attachment to the state and national identity.

## **STATE PERCEIVED THROUGH POLICY AND SERVICES**

Bloemraad, Korteweg and Yurdakul, (2003, p.154) argue that citizenship includes four dimensions which are 'legal status, rights, political and other forms of participation in society, and a sense of belonging'. Interestingly, the retrospective data showed how the state was perceived mainly in policy and service terms, therefore through the

political dimension of citizenship, rather than the legal dimension. For example, New Labour was perceived as providing ethnic minorities with services and rights which were aimed at eradicating the disadvantages that existed in society due to respondents' ethnic and racial identities. Sophina describes how she perceived the state as providing opportunities.

*The government was not pushing people to integrate but giving them opportunities to form their own support groups and be self productive.*

This sense of empowerment was also perceived as trying to be achieved through the equal distribution of power at the structural level. Over half of the respondents, like Adam expressed the importance of policies which were aimed at helping them achieve structural power.

*I think by having a far more representative government they were trying to root out discrimination and make sure that government was truly representative of the people it served.*

What is of interest is that during the retrospective interviews respondents used a variety of identities, predominantly ethnic and racial and all the identities were based on how the state formulated policies. Therefore, as Muslims' Islamic identity was largely excluded under multiculturalism, respondents referred to the identities through which the state formulated policies, that of ethnic, racial and Asian. Shafquat uses the words 'our' and 'we' and many respondents used these words to denote their British identity.

*I was enjoying school and college, with New Labour coming in, in the 90's there was a difference, a difference that there was freedom. Things changed in the 90's I really remember the 90's, economically it was booming, internet technology was advancing, we were experiencing a really exciting time. It was a free time that's all I remember, an exciting time as your teenage years usually are. You could do what you wanted and that was a result of the government we were allowed to do what we wanted as of when and I guess you can see that people in other countries did not have that but our government provided that for us.*

Similarly, Rukhsana also talks about an inclusive British identity. The use of this identity also denotes a sense of perceived unity, attachment, commonality, indeed revealing that the space between the parts and the whole was not perceived as being great.

*I can remember it really felt like we were going places as a nation.*

It is through the state providing 'equal citizenship based on justice, human rights and social responsibility' (Johnson, 2009, p.31), a liberal conception of citizenship that consensus in society is achieved, as only then can the state rely on its people to create an equal and tolerant society. The depth of this consensus and shared identity is noticeable in phrases like, 'as a nation' and 'our government'. The liberal conception of citizenship is very closely tied to the cosmopolitan ideal, ideas of equality, moral worth and human rights. As the data demonstrated the legal dimension of citizenship

was not relevant so equal liberty and justice were not thought of in legal terms by respondents but rather were thought of in terms of services and policies. Respondents' perceptions mirrored the idea of concentric rings, whereby an individual can be a member of various communities (Dower, 2008) and because respondents' perceived their minority identities as being accepted this increased their attachment to the state and their British identity.

### **STATE FOREIGN POLICIES AND THE UMMA**

State foreign policy was the only point in the retrospective data where respondents prioritized their Islamic identity and all respondents voiced dissatisfaction and anger towards the foreign policy of the state during this period.

*I mean Blair, all politicians in Britain are proud, ohh, we went and saved the Muslims, and what Muslims did you save in Bosnia? You didn't, you waited and waited and waited until it was too late and there was a handful left. There was this charity I went to and they had pictures of Muslims that were slaughtered in Bosnia, you saw pictures of little children being put in cellars, and then petrol being poured over them and then they would burn them. The Red Cross people who took pictures of children and babies bodies in cellars, women who's breasts had been cut off and who bled to death, that's not humane.*

Where foreign policy and Islamic identities are linked together, they give rise to the umma. It is through the umma that cosmopolitanization is apparent as respondents combined the international with the local, demonstrating their connectedness through



their perceptions of state foreign policy (Beck, 2002). Therefore through the umma it is possible to note the increasing relevance of cosmopolitanism, since cosmopolitanism refers to individuals' capacity to live locally while also being connected to global issues (Ruggiero, 2007) and their capacity for cosmopolitan empathy – the sympathy for fellow humans regardless of geographical territory / distance (Hudson, 2008). This therefore suggests that because the umma is the global community of Muslims and the point of unity is Islamic identity – this identity is perhaps much more capable of inducing cosmopolitan empathy. The above quote demonstrates how through the umma emotions and empathy are transitional and in this way the foreign policy of the state can lead to perceptions of state injustice, even where state injustice is not experienced at the national level. Although this respondent was angry at foreign policy her overall perceptions of the state were positive, as were Sikander's.

*The government was trying to integrate communities and the foreign policy they had was a bit bad but generally I was getting more involved with the political process and felt that things such as ethnic minority issues were progressing well.*

This data shows the complex interactions between satisfaction at the state domestic policy level and dissatisfaction at foreign policy level. Kaldor (2000) remarks on how social formations which exclude on the basis of identity are of a transitional nature meaning that on the basis of identity one can be an outsider in their own national territory in which they are a citizen but also an outsider beyond their national territory. It could be argued that although foreign policy led to Islamic identities being

prioritized and feelings of anger it is because domestic policy focused on ethnic and racial identities and was perceived positively that the state was still perceived positively.

## **CONSTRUCTION OF ASIAN AND ISLAMIC IDENTITIES**

This section explores how respondents thought their identities had been constructed by the state. This is of great significance because it further highlights how and why biographical cosmopolitanization could not be said to exist. For biographical cosmopolitanization to exist Islamic identities would have had to be perceived as being constructed negatively at both the international and the national level. Secondly, identities and citizenship are closely related, the state determines which identities should be the focus of policy and to what extent rights should exist on the basis of these identities. Therefore the state construction of identities, through citizenship can either lead to inclusion or exclusion (Hussain and Bagguley, 2005). Generally, respondents believed discourses were associated with their Asian identity and there was an emphasis on cultural stereotypes. All respondents, like Zara, during the retrospective interviews conceptualized their Asian identity as an identity which encompassed other religious groups such as Sikhs and Hindus and therefore was not religiously differentiated.

*And every now and then you would have a drama on TV about an Asian woman who is going to be forced to marry and it wasn't going to work out and she wanted to marry someone who was white.*

Firstly, due to Asian identity being based on shared culture, respondents did not perceive there to be an amplification of difference. And secondly, biographical cosmopolitanization could not be said to exist because Islamic identities were not constructed negatively as shall now be discussed.

It was the Rushdie affair which brought Muslims' religious identity into the public sphere (Kabbani, 2002). Interestingly, all respondents voiced anger at the way Muslims had reacted to the Rushdie affair, and therefore did not believe that the state excluded their religious identity. Musarat explains how she blamed Muslims for causing controversy over the Rushdie affair and reveals how differentiated understandings of Islam are.

*I think some good came out of the Salman Rushdie affair, for Muslims I am saying this.... All Muslims picked it up as an insult. But the people who were showing violent reactions were the Shia's because of the Ayatollah and if throughout the world you look at the ratio of the Shia's compared to the rest of the Muslims it's a very small minority. Another person said to me at the time, don't you think if he swore and dishonored the prophet don't you think god can look after his own? It was a holy man who said that it was stupid, god doesn't need us to sort out his holy house because he can sort it out himself. Yes show your disbelief, because it's your duty and it says show your disbelief, disapprove, yes say I disapprove of what he has done, leave the government to do something about it later on, but you don't show this violence and burning and screaming, you know blowing it out of proportion and life threats, and god knows what other threats. No, that's not an Islamic*

*way of doing things. An Islamic way is saying this is very wrong although he says he is not a Muslim it doesn't matter, we do not swear at anybody.*

The Rushdie affair highlighted intra Muslim differences and diversity. These differences and diversity showed how a variety of different interpretations are formed from the Quran and Hadith, and how these interpretations constitute a battle for the meaning of Islam. The Rushdie affair was therefore important in terms of signifying the differences between radical Shias and moderate Sunni Muslims. It could be argued that the event did not lead to negative perceptions of the state because of the wider state approach. Therefore, respondents did not perceive their Islamic identity as being constructed negatively and believed they were largely constructed according to their Asian identity, an identity for which commonality was present. This demonstrates the importance of identities within citizenship and potentially how the more identity specific state policies are, the greater the damage to the psychological dimension of citizenship and citizens' feelings of belonging, loyalty and attachment if the state constructed discourse associated with that identity is perceived as being negative (Carens, 2000; McPhee, 2005).

## **BELIEF IN EQUALITY AS JUSTIFYING NEED FOR RELIGIOUS EQUALITY LEGISLATION**

Respondents were asked whether the state should have provided protection for Muslims on the basis of their religious identity. Firstly, respondents like Sharfquat cited equality as the reason for why legislation to protect them on the basis of their Islamic identity should have existed.

*Within this so-called democracy every person should have the right regardless of what religion and beliefs they have to be protected.*

The data is highly significant because it reveals that those respondents who believed legislation should exist, believed it should exist to protect all religious minorities. The emphasis on equality suggests it is essential that the state maintains equality and where principles of equality do exist, be it at the service level or legislative level then a shared sense of commonality is more likely to exist. Further, it highlights the relevance of ethics, cosmopolitanism advocates an ethics of responsibility, the idea of not harming other people (Dower, 2008) and how equality creates moral responsibilities that have universal scope (Brock and Brighouse, 2005). Therefore, it could be argued that respondents citing equality is an example of them displaying their ethics of responsibility towards other human beings, their responsibility in ensuring all humans are protected.

Research by Modood and Ahmad (2007) revealed that Muslims are pro-multiculturalism as long as it includes faith as a positive dimension of difference. Many respondents felt that the state included their religious identity where services were concerned. Sikander says this led to him to believe that the state respected his various identities.

*This government was approving state funded Islamic schools; some discrimination legislation actually did seem to suggest that this was a country that was not tolerant of racism. So I think in the first four or five years there was a shift in positively funding activity around cohesion and working with respecting the rights of minority communities.*

Where ethnic and racial racism was concerned the state was perceived as positively trying to maintain equality. Under multiculturalism the state was perceived as encouraging society to share a British identity and also appreciate diversity. Nasrin describes how multiculturalism led to her having faith in the state.

*There was this constant talk of multiculturalism and this concept was not only talked about but done so with a sense of proudness in the government, the media and everywhere really. It was felt that living in a country full of diversity was good, with every group having its rightful place and being appreciated for what it brought into the country and the services and richness it provided to Britain.*

The government was therefore seen as restricting the ‘space’ in which racist ideologies could be sustained and gain support. Carens (2000) argues that legal status as citizens does not mean that citizens will necessarily have an emotional attachment to the state. However, because respondents did not feel that differences were amplified negatively, rather constructed positively by the state, emotional attachment was strengthened, as is evident from what Matloob says.

*No I don't think a need did exist, we were seen as belonging and that's the way it was, I got on well with everyone and liked this country*

Freedom to practice identity is vital and during this period, Musarat talks about how Islam was not perceived as being pushed to the private sphere; instead freedom was associated with Islam.

*No a law wasn't needed because we could practice our religion, we could do more or less what we wanted we could open up a mosque, we could open up a charity there was a lot of easiness towards us and that was nice it was like we belonged to this society. Like we were part of this society and society accepted us, we didn't feel like we were segregated and if I wanted to open a charity or help someone who is an orphan in a village back home you know I didn't have a problem, I could do that.*

Therefore, the state was perceived as eradicating racism and constructing diversity positively through providing services on the basis of various identities, including Islamic identity. The impact of this was a perceived sense of unity, belonging and commonality. Thus, during this period identities as cosmopolitanism advocates, were associated with hospitality through the existence of services (Kaldor, 2000) and according to respondents these identities had a positive value placed on them (Beck and Grande, 2007).

## **NEGATIVE PERCEPTIONS OF THE STATE DUE TO PERCEIVED INEQUALITY**

Although all the respondents above perceived the state positively, a very small minority were critical of the state and although positive perceptions heavily

outweighed the negative ones, it is worth including the negative perceptions. There were some criticisms of anti discrimination legislation, as Nazim describes...

*The CRE could have executed its power better and provided individuals with a lot more support and highlighted the ways in which it can assist ethnic minorities.*

Secondly, Safia believed that the state could have done more to tackle societal racism through encouraging the police to investigate racism and take it more seriously.

*I knew that if I reported racism it would never be investigated, so the government should have sent a real message out making it clear that we are all equal and racism would not be tolerated.*

And finally a common dominator in these negative perceptions was that although policies to bring equality were introduced; Sikander describes how in practice they failed to achieve results, such as that of achieving a more representative government.

*Well one of the things that somebody once pointed out to me was about showing that somebody has an equal role in society was to have role models, now the Asian community in terms of political leadership, in terms of active communities and all that I didn't see, they went forward in terms of having more female MP's and all that but there wasn't any positive steps towards encouraging more Asians, but not just encourage but actually allow more Asian to stand in seats that were winnable.*



Deutsch (2006, p.24) states that relative deprivation is more critical than absolute deprivation in stimulating dissatisfaction and ‘the greater the magnitude of relative deprivation, the greater the sense of injustice that will be experienced by the oppressed’. Where negative perceptions of the state did exist, although the data revealed equality as being an important principle, a great deal of inequality was not perceived. This is because the state was not perceived to fail Muslim communities in particular but all ethnic minorities, as the issues which respondents felt the state could have done better were issues that impacted all ethnic minorities. Therefore, it could be argued that had inequality been perceived through respondents’ Islamic identities, an identity for which inter minority commonality did not exist than a greater sense of deprivation would have been perceived. It will therefore be of interest to see how respondents’ perceptions of the state have been impacted since the ‘war on terror’ given that the ‘war on terror’ has made this identity significant.

## **PROSPECTIVE DATA**

### **AMERICAN INFLUENCE AND FOREIGN POLICY IN THE ‘WAR ON TERROR’ AS LEADING TO DISTRUST OF THE STATE**

The events of September 11<sup>th</sup> were conceptualized as a new form of global terror (Mythen and Walklate, 2008), with the binary of the security seeking western democracies being set in opposition to the risk and global threat of Islam (Turam, 2004; Howell, 2006). Beck (2006, p.73) defines cosmopolitanization as ‘a second-order level of self-destructive civilization that transcends the nation-state and infiltrates our innermost thoughts and feelings, experiences and expectations’. It could therefore be argued that the ‘war on terror’ has made the concept of

cosmopolitanization relevant because the second order level, where the threat of Islam and need for security measures was created have been domesticated through the creation of counter terrorism legislation. Thus, to consider this further the extent to which the term is applicable will be assessed through exploring whether the second order has impacted respondents' 'innermost thoughts and feelings, experiences and expectations' (Beck, 2006, p.73).

Firstly, the data shows that the role of America in the 'war on terror' has meant the concept of cosmopolitanization is applicable as actions at the international level have infiltrated thoughts and produced anger. More specifically, Jangir describes how American influence in the 'war on terror' has led to negative perceptions of the state.

*He took it personally and got it into his head that he's on a mission to fight terrorism and he's been following it. I think the government have been slavish in their following as he has been in the following of America and I think the guys an idiot really and needs to stand up to what he says and I really don't have anything positive to say about the government*

Interestingly, all respondents expressed anger at what they perceived as American influence. Secondly, this anger was not only expressed as a result of the state letting America influence state policy but also, like Nasrin says the state following America in foreign policy.

*After 9/11 my opinion of the government totally changed and it didn't change straight away because for the first month definitely I remember Blair actually making an effort to clarify that 9/11 does not justify Muslims*

*being attacked and actually stating that not all Muslims are like that. But after a while, the emphasis shifted and when Afghanistan and Iraq came into the agenda, he no longer cared about the impact of his words. With Bush, it was what I expected because he is quite stupid really and talked openly about the new world order and this did suggest that his policy and agenda was to go into countries.*

In the retrospective data anger at state foreign policy did not lead to overall dissatisfaction with the state because domestic policies were generally perceived positively. This suggests that where British Muslim citizens are concerned as citizens they expect their relationship with the state not to be influenced by external states. In this sense the idea of the social contract is relevant because respondents expect a direct relationship with the state, where they give up ‘the freedom of the state of nature in exchange for the guarantee of certain rights’ (Kaldor, 2000, p.2). Further, citizenship is a legal status which attributes rights that the state has a duty to meet (Nash, 2009) and as Bilal’s quote highlights, expectations of rights do exist and in the ‘war on terror’ America is seen as directly influencing the rights of British citizens.

*Mr. Blair is doing his own thing regardless of whether it is right or wrong. In fact because of his stupidity and backing of America an entire community is suffering because of him.*

The combination of rights and citizenship being compromised through the intrusion of American influence can be understood through the concept of biographical cosmopolitanization, ‘which means that the contradictions of the world are unequally

distributed not just out there but also at the centre of one's own life' (Beck, 2006, p.43). The use of the word 'suffering' in the data denotes the significance of emotions. Beck (2006) created the phrase the 'globalization of emotions' and related it to foreign policy in the 'war on terror' stating that 'for the first time a war was treated as an event in global domestic politics, with the whole of humanity participating simultaneously through the mass media' (Beck, 2006, p.2) and 'the protests were driven by what one might call the 'globalization of emotions' (Beck 2006, p.5). The data demonstrates the existence of global emotions because it was the very fact that the war in Iraq still went ahead, even though it was responded to through the globalization of emotions, which led to marches that all respondents like Jamil felt disappointed in the state.

*The government has a lot to answer for, but there is no one to make them answer and this is sad. They have done so much wrong and are no longer answerable to the very people they supposedly represent. Like the Iraq war, how many people objected to it? Many went on the march and yet the war still happened.*

The existence of cosmopolitanization has therefore not just infiltrated respondents' innermost 'thoughts and feelings, experiences and expectations' (Beck, 2006, p.73) but as Jamil demonstrates there are expectations of the state, that the state is accountable to citizens and reflects their interests. The extent of these expectations being violated in the 'war on terror' is signified through the use of British identity. Interestingly, the only time respondents referred to their British identity was when

mentioning Iraq. Adam uses his British identity because he perceives the state as having failed everyone, including non Muslims.

*And it is us, the British public who are now paying for the war, the family of those killed are paying and we are all paying through taxes. The government acted against what the majority wanted and this is not democracy, there should have been a vote on Iraq and we should have had the right to decide. How can people now have belief in politics and trust after this?*

The use of the British identity also signifies an attachment and sense of belonging to the whole (McPhee, 2005) and therefore, could be interpreted as respondents displaying higher levels of expectations where citizenship is concerned because ultimately, it is a form of citizenship based on meeting the rights of all citizens. The data demonstrates the globalization of emotions and where British identity is concerned, all respondents linked the actions of the state to their sense of attachment and belonging to their British identity. For example, Rafia talks about how she no longer associates pride with her British identity.

*I think they have shamed our country because I believe I am part of this country I think we had real respect around the world, we had high standards people saw this country as a country with morals and standards and it didn't matter who you were when you came to England you became equal to everyone else so for me the government has lost all that. The best thing in the world was to be able to say I'm British when you went to*

*Pakistani you were proud to say I'm British and now I feel really tainted by it and I don't think the people in the government not only don't represent our views but they don't understand my issues and my community.*

This therefore suggests that respondents not only have expectations of the state but where these are violated their attachment to their British identity is impacted negatively. This data has demonstrated the significant change in respondents' perceptions of the state, how the 'war on terror' has created perceptions of distrust and anger at the state and how this has led to the psychological dimension of citizenship being negatively impacted.

#### **'WAR ON TERROR' AND RELIGIOUS INTERNATIONAL BINARY**

The global dynamics of the 'war on terror' have made the concept of cosmopolitanization applicable and this section considers cosmopolitanization and Islamic identities. Interestingly, due to the global nature of the 'war on terror', the prospective data includes themes such as democracy and secularism which were not present in the retrospective data, even though the same questions were asked. This marks a stark contrast with the retrospective data, and furthermore, the prospective highlights how Islamic identities became significant in the 'war on terror'.

At the national level respondents expressed anger at the state because the state was perceived as being anti-democratic through invading Iraq, regardless of the fact that British citizens opposed the invasion. However, at the international level democracy was perceived as being a threat by many respondents because respondents, like Shafquat, believed that in the 'war on terror' the west is forcing democracy upon Islamic nations.

*Judaism is very similar to Islam even Christianity, they don't agree with homosexuality and no religion teaches murder and lying. For democracy to be more tolerant on all these different aspects is has to be in direct conflict with religion so the more democracy spreads the more religion will be phased out as it has done in America and the UK. Like there's this war looming with Iran, they've got their base set in Iraq it's like a stepping stone to spread democracy and then go into the middle east and it's been their aim for god knows how long, because its one region in the world where Islamic rule still exists.*

Democracy emerged as a prominent reason for respondents believing that foreign Islamic countries were being invaded and it was expressed as a value orientated system that is in opposition with Islam and Islamic values. The other main theme to emerge was that of secularism, with some respondents believing that within the 'war on terror' the west is trying to eradicate Islamic countries. Jangir describes how he believes the west needs an enemy and therefore Islam has been purposely constructed as being the enemy.

*There is this clash of civilizations as it is perceived. Western Europe is defining itself by defining what others are and those others are Muslims right now, they are making Muslims the enemy within. I think first they had the Russians to blame it on and all that but I think now they need to act to try and preserve what they are and they are going more right wing and I think they are fearing a revolution and want to keep their own culture so*

*that's why they are trying to distance and separate, and of course that makes our society change. And Western Europe is very secular compared to other parts of the world, even America is a very religious society and here I think where people have lost their own identity they are looking for something else.*

According to Findlay (2007) terrorism, the criminalization of terrorism and justice were essentially re-interpreted within the wider agenda of global governance. This data reveals how for respondents themes of democracy and secularism were cited as being the motivations for foreign policy and as potentially dividing the world with the creation of global terror (Mythen and Walklate, 2008). Thus, as Findlay (2007) states, it is the interpretation of truth and the legitimacy this conveys which is important and the data reveals that for respondents foreign policy was not perceived as being legitimate. The perception of Islamic identity being attacked on the international level suggests biographical cosmopolitanization could be perceived through respondents' Islamic identity if they perceive a similar level of attack on this identity at the national level.

## **THE STATE AND THE CREATION OF A NEGATIVE DISCOURSE AROUND ISLAMIC IDENTITIES**

This section now considers how respondents believed the British state responded to the attacks of September 11<sup>th</sup>, and constructed their Islamic identities in the 'war on terror'. Altheide (2007) argues that politicians constructed risk and fear in order to expand control and create legitimacy through associating terrorism with the Muslim faith. The state has a privileged position in dispersing discourses associated with



identities with Green (2001, p.489) calling this ‘the amplifying effects of elite encouragement’. All respondents made reference to how they believed the state had demonized Islam. Interestingly, Sikander highlights the nature of state encouragement through making a distinction between the state dispersing discourses and those at the societal level.

*In my own little world that's called my mind there is a conspiracy theory which says, the people who are portraying the Muslims the ways they are being portrayed with the hatred about Islam and the ideological beliefs of Islam, doesn't exactly translate to those who live on the estates of Kings Norton, they are just racist through ignorance.*

Wetherall (2009, p.11) states, ‘self-conscious community identities may arise through an act of categorization or intervention from an external agency’ and Maalouf (1998, p.34 cited in McPhee, 2005, p.3) explains that ‘people often have the tendency to acknowledge themselves through the affiliation that is most attacked’. The prospective data demonstrates how respondents’ Islamic identities have become their primary identity and how this has been informed by the international level, where Islam was associated with terrorism and the national level, where the state has focused on Islam. The ‘war on terror’ has made Islam significant with respondents referring to their Islamic identity being attacked on both levels. For example, respondents, like Sikander spoke of there being a distinct change in language after 9/11, with the emergence of language which demonized Islam.

*The language is ambiguous, on the one hand they are talking about the legislation to protect Muslims on the other hand you have the terror raids and then you have the Ministers and members of Parliament both from the government and opposition who are quite happy to go on national television and make statements that would never have been accepted before 9/11. So I really don't see, I'm at a loss to see what it is in terms of racism that they are actually fighting, because if that language hadn't become acceptable, then the national front wouldn't have found a voice, extreme groups always find a voice but now they think they have got tolerance from higher powers, their voice becomes stronger. And I think some of the language after 9/11 by the government and by the conservatives, especially by the conservatives, gave rise to another form of extremism which is racism.*

In the prospective data, unlike the retrospective data where the state was generally perceived as bringing equality and eradicating racism, the state is perceived as making Islamophobia legitimate and as giving far right groups' legitimacy. Respondents, like Sophia believe the state has successfully created Muslims as a separate entity through not separating Islam from terrorism and associating the two concepts.

*After September 11<sup>th</sup> the government handled the attacks very well I thought and there was an effort to try and separate the terrorists from Muslims. However, I think this was short lived and the separation did not happen.*

All respondents explained how they believed their Islamic identity has been created as a separate category, been re-defined according to the 'war on terror' with inter

commonality eradicated. The creation of difference has impacted perceived commonality and it is for this reason that all respondents used their Islamic identity to talk about their perceptions of the state. The response of the state was one by which Islam was homogenized, as Johnson (2002) states, the diversity of Islam was hidden and further, so was the fact that Muslims have very different points of view on September 11<sup>th</sup>. Younis explains how within the ‘war on terror’, the state has created a discourse in which Islam is demonized and all Muslims are seen as potential terrorists.

*They are giving the impression that all Muslims are potential terrorist. They are not actually trying actively to give people the impression that the Islamic community are actually trying to work with anyone, especially since September 11<sup>th</sup> and 7/7 it was just like we are going to arrest people and community leaders who aren't really doing anything. In my opinion they are actively telling all people that we are terrorists.*

Kaldor (2000) remarks on how social formations which exclude on the basis of identity are of a transitional nature meaning that on the basis of identity one can be an outsider in their own national territory in which they are a citizen but also an outsider beyond their national territory. The prospective data demonstrates how respondents perceived their Islamic identities to be attacked within and beyond their own national territory. This therefore suggests that due to the ‘war on terror’ there exists cosmopolitanization through Islamic identities because respondents Islamic identities mark the interconnectedness between the national level and the international level.

## STATE AS CREATING ISLAMOPHOBIA AND INSTITUTIONALISING ISLAMOPHOBIA

The previous section has explored how respondents believed their Islamic identities had been constructed by the state since the ‘war on terror’. The extent to which the ‘war on terror’ has made biographical cosmopolitanization relevant is dependent upon perceptions that Islam and Islamic identities are being attacked at both the international and the national level. In order to further explore the national level, having just explored how respondents believed the state created Islamophobia, this section considers the extent to which respondents believed the state has actually institutionalized Islamophobia.

Beck and Grande (2007, p.71) state differences should not be arranged hierarchically and ‘have a positive value placed on them’. Walker (2005a) argues that cosmopolitanism advocates the importance of all cultures. Within this perspective the principle of equality is essential and the state has a duty to maintain equality through ensuring that every group is treated equally. However, all respondents perceived the state as not only creating a negative discourse around their Islamic identities but also creating an intra Muslim divide. A perceived relationship between religiosity, risk and Islamophobia was found to exist with Muslims not just created as a separate entity because of their Islamic identity but those thought to be more religious stereotyped as being the biggest threat, as Nabeela explain.

*I think the government is just crap they don't know what they are doing they are inadequate. It's a combination of the war and September 11<sup>th</sup>, foreign policy and there are other issues around as well. The government is placing all the emphasis on Muslims saying Muslims should be doing this and they*

*should be doing that but it's about stereotypes as well, and I think that is the biggest problem. Anyone with a beard or a hijab is seen as a threat which is just not true and it's about stereotyping. The government has created a divide, before we were seen as Asian people but now we are seen as Muslims.*

It could therefore be argued that not only has Islamic identity been arranged hierarchically but within Islamic identity there has been the construction of a hierarchy whereby characteristics, such as increased religiosity exacerbate inequality. This section considers how respondents believed the state has sustained Islamophobia through using Deutsch's (2006) ideas of achieving civilized oppression. Deutsch (2006) refers to interactive power, which involves those who are powerful repeating the subordinate status of a group. Following 9/11, the fear attributed to Muslims was reinforced and differences were amplified along with notions of risk. This acted to oppress Muslims through inventing a 'war on terror' construction of their Islamic identity. Interestingly, many respondents, like Jangir, believed that where institutional racism was concerned, the state was still concerned with eradicating racial / ethnic forms of racism. However, where racism against Muslims was concerned, respondents believed it was being institutionalized and therefore treated differently by the state.

*I think the government when it comes to racism against color they really do try and there has been a big change since the 1980s. I would say it was more overt racism and now I would say racism against Muslims is more institution based so overtly the government come across as being anti racist*

*and stuff but their policy and the way it is, the way they give funding and stuff isn't helping.*

Deutsch (2006) refers to civilized oppression emerging when the state enforces rules and procedures which regulate the social institutions of the society and produce inequality. All respondents believed Islamophobia exists in all institutions, thus making the term civilized oppression relevant. Matloob describes how Islamophobia has been institutionalized.

*Things were fine before September 11<sup>th</sup> and then they created this image or thing that Muslims are all bad so they have created it, they have created the racism and where before services and institutions were very good now they are racist and the government is making them racist by making its policies and legislation.*

As this next quote shows, there are stark differences between perceptions of Islamophobia and Paki bashing (Lewis, 1994). Paki bashing was largely interpreted as a street level, far right instigated form of racism, however Islamophobia was perceived by respondents as not only being state instigated and institutionalized but also as a much more damaging form of racism. Jangir explains how it is a more sophisticated kind of racism because it exists at the structural level.

*Now it has become more overt and the sophistication has been lost when you've got people like John Reid some kind of thug inside the Home Office, and he's coming out with stupid comments, so it's definitely increased, and*

*its increased in a bad way because now it's a more sophisticated kind of racism, and that is a lot harder to fight than the street fights.*

The retrospective data revealed how respondents perceived an inclusive sense of citizenship and the significance of identities in these perceptions. The prospective data however demonstrates the impact of the 'war on terror' on perceived citizenship. Firstly, Benhabib (2002 cited in Bloemraad, Korteweg and Yurdakul, 2003, p.156) argues that the role of states is not confined to political and legal institutions because 'cultural or social meaning' is shaped and produced by states. The data reveals how respondents perceive the state to have shaped the social meaning associated with their Islamic identities. Secondly, the data discussed thus far has shown how respondents have expectations of the state. However, since the 'war on terror' the state is perceived to have actually compromised the safety of respondents through institutionalizing Islamophobia and creating structural inequality. Falkner (2003) notes how the word 'citizen' incorporates a sense of those who belong from those who do not and Hussain and Bagguley (2005) argue that citizenship both creates social divisions and exclusion and is seen as the remedy to overcome social divisions and exclusion. It is therefore possible to contend that since the 'war on terror' the exclusionary nature of citizenship is evident in British Muslims' counter discourse to the 'war on terror'.

## **STATE AS CREATING LEGAL INEQUALITY THROUGH INTRODUCING COUNTER TERRORISM LEGISLATION**

Where the retrospective data was concerned respondents emphasized the political dimension of citizenship and the state was defined according to policies and services. The impact of the 'war on terror' has made the legal dimension of citizenship relevant.

Citizenship is conceptualized as a legal status, since with citizenship comes rights and the state has a duty to meet these rights (Nash, 2009), and Bloemraad, Korteweg and Yurdakul, (2003, p.154) argue that citizenship includes four dimensions which are 'legal status, rights, political and other forms of participation in society, and a sense of belonging'. All respondents referred to and defined the state according to the power it has to introduce legislation and punish and further, related the institutionalization of Islamophobia to their legal rights. Therefore, a stark comparison exists as Younis highlights, concerns about identity and discrimination have gone from being based on employment to being based on concerns about life, human rights and liberty.

*Because of these new laws you can be suspected and taken in, I could be kept in for days on end and I haven't even done anything, if they haven't given me a job fair enough I can go and find another one. But being locked up and my family being under surveillance for days and months and being in and out of prisons that's a totally different ball game trust me, you don't know what they could be saying to them they could be beating the crap out of them and have the cameras turned off, denied anything and everything and psychologically you don't know what they might be doing to them that's totally, totally different.*

The concerns voiced by respondents reflect their legal status and thus citizenship rights and although Garland (1996, p.448) states 'the control of crime and the protection of citizens from criminal depredations have come to form a part of the promise which the state holds out to its citizen-subjects', the 'war on terror' is perceived to have introduced to a form of crime control where protection does not



exist. Many respondents, like Nazar felt the state had not only introduced legislation which has produced concerns regarding human rights but also created an Islamophobic police force.

*Since 9/11 things have changed, the government has changed its policies and views of Muslims. Through policy and legislation the government has placed restrictions on Muslims and these have been rampant since 2001. The government is more aggressive towards Muslims as a group. I would say that the most destructive way in which they are being aggressive and now targeting all the Muslim community is through the police and this is making the force more racist towards Muslims.*

For many respondents, like Rafia the perceived non existence of commonality and equality is exacerbated when it was considered how the state has dealt with previous terrorist acts.

*You have people who talk about Islamic extremists, Islamic fundamentalists, a fundamentalists is a fundamentalist and a terrorist is a terrorist they didn't call the Irish the Protestant terrorists or the Christian terrorist they said it's the IRA. And you didn't see their religion as the important thing they were fighting for so for me it's a way of labelling and terrorizing people.*

Hudson (2009, p.703) states 'justice is a political concept; it is concerned with dealing fairly with all parties...' 'Doing justice means giving what is due'. However, the data

reveals how respondents believe the state has not only introduced inequality and thus injustice, but how this is linked to Islamic identities.

## **IMPLICATIONS OF THE STATE CREATING LEGAL INEQUALITY THROUGH INTRODUCING COUNTER TERRORISM LEGISLATION**

‘State-defined identity categories can have a profound impact on individuals’ conception of themselves’ (Skerry, 2000, cited in Pedziwiatr, 2007, p.275) and the law and order framework is perhaps the most powerful in impacting and shaping identities, since it is through the attribution of risk and suspicion onto peoples that suspect populations come to exist. The data found that the vast majority of respondents related the loss of legal rights with a damaged faith in British identity. Mazar links this damaged faith in British identity to state foreign policy like Iraq.

*I think the media’s response and international issues such as Iraq, Kashmir and other countries, Guantanamo Bay and the way they took them to different countries, all this has become public knowledge which has worsened society which I always believed was based on freedom and how they have overcome that and restricted and mistreated other people and damaged the very fundamental beliefs society was based on.*

Within the cosmopolitan perspective the state should maintain equality for the good of humanity, as if it is maintained, citizens will feel a sense of responsibility within this humanity – an ethics of responsibility. Essentially, it is through the dehumanization of the suspect population and the eradication of legal rights that the values which bind and create unity on the national and international level are replaced with exclusion,

demonization and otherization. Nasrin highlights the link between the state practice of inequality and the implications of this in terms of citizens placing themselves within humanity.

*I think the government no longer cares its primary concerns lies with terrorism and in the name of terrorism everything is now justified. They are proposing 3 months for people suspected of terrorism without charge. It is guilty until proven innocent and this infringes every human right a person has. Which community are they targeting, the Muslims community, so we have now been singled out and I appreciate that they must fight terrorism but by treating all Muslims as suspects, taking all their human rights away and continuing with the same foreign policy, there is no way this will do any good and it is likely to help in radicalizing Muslims.*

It is through themes of domestic state crime in the form of inequality in citizenship and cosmopolitanism that potential radicalization can be placed and changes in identity. Beck (2006, p.19) states ‘the choice to become or remain an ‘alien’ or a ‘non-national’ is not as a general rule voluntary, but a response to acute need, political repression’. Perceptions of repression lead to changes in identity and a sense of detachment because they negatively impact on the psychological dimension of citizenship. In this way both cosmopolitanism and citizenship place a duty on the state and highlight that where the state, or apparatus of the state fail in these duties then citizens’ loyalty, sense of justice and belonging will be impacted. Beck (2006, p.167) states ‘Europe sows the seeds of disappointment from which hatred springs’. Therefore, a state can breed hatred through the practice of inequality and this was of

concern to respondents, since all respondents referred to the state response in the ‘war on terror’ as contributing to radicalization.

## **STATE AS CREATING MUSLIM OTHER IN SOCIETY**

This final section considers the impact of the state at the societal level. The ‘war on terror’ has made the concept of biographical cosmopolitanization relevant. The intersection of the international and the local has become increasingly relevant to respondents’ daily lives. Concepts such as ‘Islamic fundamentalist’ are now inherent to how respondents believe the state has constructed their Islamic identities and how respondents believe they are perceived at the societal level. Mythen and Walklate (2008) make reference to how dominant institutions generate discourses through which people come to recognize and understand risk. Asghar talks about how international events are now localized in facilitating the construction of the ‘Muslim Other’ which exists along the discourse of risk.

*It has increased a great deal, the risk is something which is fragile and can go up and down and it has nothing to do with the Muslims who live in this country, well not the majority of us.*

Phrases like ‘enemy within’ and ‘mainstream society’ have acted to not just represent the magnitude of the terrorist threat but have also acted to marginalize and encourage exclusion on notions of ‘suspected fear’ and ‘suspected risk’ in society. Further, it is the state curtailment of the human rights of suspects that have given rise to a powerful stereotype, which as Mazar suggests exists at the international level and the local level and he compares this to the demonization of Jewish people.

*I think it is very fundamentalist and doesn't like to do pleasurable things, doesn't like art and doesn't like music out to become some sort of fighter or some sort of suicide bomber it's those kind of negative Jihadist as they call it and out to do damage to the mainstream society and this is the real distinction now and remember this is very different from previous discrimination which was based on difference and fear of difference and here it's based on a belief that Muslims are out to destroy mainstream society and its far more malicious and far more harmful because people can do things to Muslims and not worry about human rights and civil rights and all that, if you demonize them enough then it's acceptable to treat them differently and that's the real thing. So you can justify the curtailment of human rights based on ones faith and the way they look and this has parallels with the way Nazi Germany treated the Jewish people they demonized them enough and made them appear as a problem and then massive harm was done to them and I see some parallels with that and the Muslim community and this isn't just locally based its across the board.*

The state has therefore created the fear and risk associated with Islam and because the fear is evident through the emergence of draconian laws, the very beliefs which legitimize the introduction of structural level laws have inevitably filtered down to the societal level. It could therefore be concluded that according to respondents the state has not only introduced Islamophobia, it has institutionalized Islamophobia and led to Islamophobia existing in society.

## CONCLUSION

The 'war on terror' has been constructed as an international war, one that justifies and necessitates the existence of counter terrorism legislation which places suspects outside humanity and further, one which makes necessary military action abroad. This data reveals that British Muslims' perceptions of the state since the 'war on terror' generally do not uphold the state centric constructed discourse of the 'war on terror' and thus a counter discourse does exist. Interestingly, the counter discourse could be conceptualized as one that is based on the impact of the 'war on terror' on British Muslims whereas for the state, the discourse is about construction and demonstrating the legitimacy and necessity of the actions taken. Thus, to consider the main findings from this data it was found that firstly, the perceived discourses created by the state were found to have a significant impact on respondents' self ascribed identities and the psychological dimension of citizenship, therefore impacting the extent to which commonality that of either an Asian identity or British identity were perceived.

The prospective data showed how any negative impact due to the 'war on terror' was perceived as being due to the state. A great point of anger amongst interviewees was the way in which politicians and those whom comprise the state used language to associate Islam with terrorism in the aftermath of September 11<sup>th</sup>. This constructed association was perceived as serving a dual purpose, firstly, the invasion of Iraq and Afghanistan, which has produced concerns regarding legitimacy and democracy. Due to legitimacy being contested feelings of distrust have prevailed and further the arbitrary actions of the state have brought into question the existence of democracy. Secondly, it served the purpose of introducing counter terrorism legislation which deviates from principles of justice. The data revealed that the greater the perception of inequality, especially where the legal dimension of citizenship was

concerned, the greater the negative impact on the psychological dimension of citizenship and feelings of belonging, loyalty and attachment (Carens, 2000) to both the state and British identity.

Thirdly, a major theme was that of cosmopolitanization as it was found that the 'war on terror' has made the concept of cosmopolitanization much more relevant. Therefore, injustice in the form of foreign policy shaped perceptions of the state, unlike foreign policy before the 'war on terror'. The prospective data revealed that since the 'war on terror' the state has the power to deviate from 'moral cosmopolitanism' the idea that each human being has equal moral worth and that equal moral worth generates certain moral responsibilities that have universal scope' (Brock and Brighouse, 2005, p.4). And finally, the decreasing perceptions of commonality at the national and societal level, negatively influenced the extent to which respondents wanted to move from the parts to the whole (McPhee 2005).

## **CHAPTER 5: THE IMPACT OF THE ‘WAR ON TERROR’ ON BRITISH MUSLIMS’ PERCEPTIONS OF THE POLICE**

### **INTRODUCTION**

The purpose of this chapter is to compare respondents’ perceptions of the police before the ‘war on terror’, therefore retrospectively from 1989 to 2000, and prospectively, after the ‘war on terror’. Citizenship is conceptualized as a legal status, since with citizenship comes rights and the state has a duty to meet these rights (Nash, 2009) and Bloemraad, Korteweg and Yurdakul, (2003, p.154) argue that citizenship includes four dimensions which are ‘legal status, rights, political and other forms of participation in society, and a sense of belonging’. The introduction of counter terrorism legislation in the ‘war on terror’ has made the legal dimension of citizenship and the social contract relevant. As the last chapter demonstrated respondents expect a direct relationship with the state. Further, how the concerns voiced by respondents reflect their legal status and thus citizenship rights. More specifically, how although as Garland (1996, p.448) states ‘the control of crime and the protection of citizens from criminal depredations have come to form a part of the promise which the state holds out to its citizen-subjects’, the ‘war on terror’ is perceived to have introduced a form of crime control where protection does not exist. This chapter explores these themes further through exploring respondents’ perceptions of the police.

Although police authority and police power is derived from the state, both institutions serve a different function and it is through the police that the legal aspects of citizenship is no longer abstract but invades the lives of citizens. It is for this reason, and as the chapter will demonstrate that when respondents talked about the police, their perceptions were based on the practice of legal rights and thus included



concepts of injustice and due process. The chapter also relates such concepts to cosmopolitanism, as it is through the police that cosmopolitan law is either maintained or violated. Nash (2009) contends that the Universal Declaration of Human Rights with its legalistic language outlines the moral principles which should govern state activities. Kaldor (2000, p.7) argues the two main components of cosmopolitan law are the 'Laws of War and Human Rights Law'. Cosmopolitan law is therefore about the state maintaining universal human rights and Burgenthal et al., (2002: 172 cited in Nash, 2009, p.1071) state that 'the cosmopolitan law of human rights is especially well developed in Europe, with the European Court of Human Rights effectively acting as a 'constitutional court for civil and political rights' for all the member states of the Council of Europe'. Through drawing upon cosmopolitanism it will be demonstrated how the 'war on terror' has led respondents to feel an ethic of responsibility, whereby they place themselves within the community of humanity and also led to perceptions of injustice. The perceptions of violations of human rights by the police has created fear, a sense of marginalization and thus lead to the belief that the powers available to the police under counter terrorism legislation are powers which violate human rights and as such place respondents outside the community of humanity.

## **RETROSPECTIVE DATA**

### **PERCEPTIONS FROM PREVIOUS DECADES AS BEING RELEVANT TO PERCEPTIONS OF THE POLICE**

Data from the retrospective interviews revealed how respondents' perceptions and beliefs where the law, legal status and the police were concerned were based on past decades. For example, all respondents, like Adam believed that the period of 1989 to

2000 marked an improvement from the policing of the 1970's and 1980's, a period for which research has demonstrated police discrimination.

*During the early 1980s and the 1970s there was a major perception of the police as being racist and unfair but late into the 80's and during the 90's I think this improved.*

This is of vital importance to the legal dimension of citizenship because the data suggests that just as past experiences and perceptions of the 1970s and 1980 were vital in informing experiences and perceptions from 1989 to 2000, it is through experiences and perceptions of the 1980s and 1990s that perceptions of contemporary policing will be formed. Therefore, perceptions of the introduction of counter terrorism legislation which places suspects outside the political process (Tadros, 2007; Stohl, 2008) and cosmopolitanism's universalism (Hudson, 2008) will be based on perceptions of the police prior to the introduction of counter terrorism legislation. Although Skitka (2002, p.589 cited in Napier and Tyler, 2008) states outcomes and procedures will be perceived as illegitimate if they are not consistent with perceivers' moral mandates, this data demonstrates the importance of past experiences in forming perceptions of legitimacy and in shaping expectations. The significance of this is that through respondents basing their perceptions of legal rights and status in the 'war on terror' on their perceptions of legal rights and status before the 'war on terror' the reduction of legal rights will impact respondents negatively.

The retrospective period was also seen as an improvement from previous forms of policing because the police were perceived as wanting to learn about respondents' ethnic identity. Further, like the retrospective data regarding the state, respondents'

perceptions, like Nazim's of the police were predominantly based on their ethnic, racial or Asian identities.

*In the 1990s, I think the police seemed to be more pro-active and wanted to learn about ethnic groups and this was partly to do with policy and ideas of community policing.*

The importance of perceived equality is that equal treatment by the police translates into 'equal moral worth' (Brock and Brighthouse, 2005), it informs citizens of their value and 'unforced recognition of their moral status' (Bertram, 2005, p.78). Where identities were concerned the retrospective data revealed perceived commonality, that of an Asian and ethnic identity and the use of these identities reflects perceptions of equal treatment.

### **POLICE PERCEIVED WITH CONFIDENCE AND AS APPROACHABLE**

The vast majority of respondents had positive perceptions of the police. During this period, 1989 to 2000 Mohammad explains how the police were perceived as being approachable.

*My impression of the police and how I saw them was very good, I often saw them interacting with people and it wasn't like they were being suspicious but more caring if anything else.*

Of interest is how those respondents, like Musarat, who had positive perceptions of the police found that experiences with the police acted to increase confidence.

*Once a police officer wanted to talk to me because my husband had been driving a bit fast and he said I hope your wife isn't expecting because the way you were driving I thought she was expecting. It was good, the comments were good and they would just give you a warning. If you parked on a double yellow they would explain why you can't park there and they would just give you a ticket, but it would be done in a good way. So that's the kind of relationship you had with the police if you did come across them.*

Deutsch (2006) argues that the victim of oppression may lose his / her sensitivity towards injustice and be less committed to the institutions which produce such injustice and research by Smith (2009) found that suffering a police wrong can be an extremely disturbing experience, damaging self-esteem and self confidence. Data from the retrospective interviews demonstrates that respondents' pre-held beliefs of the police determined whether they will interact with the police, and these beliefs heavily influence whether the interaction will be viewed positively or negatively. Therefore, from a cosmopolitan perspective, perceptions of justice or injustice will not just depend on whether the legal and political conventions have been adhered to and respect has been shown (Hudson, 2009) but will also be informed by previous experiences and perceptions of the police.

During this period because the police were perceived as interacting with communities and upholding the law, perceptions of legitimacy existed. Zulfikar talks about the police as doing a good job.

*The police did a good job they were good and not heavy handed. I think if they were heavy handed against people it was generally because these people did something to deserve it and asked for trouble.*

Therefore, because respondents felt that they were attributed moral recognition by the police, the police were perceived as being legitimate. Thus, the ‘language of the law’ (Beccaria, cited in Walker and Boyeskie, 2001, p.111) was not feared because confidence existed that the police will act according to due process and maintain respondents’ legal rights. Legitimacy is closely tied with fairness and justice (Deutsch, 2006; Hudson, 2009) and perceptions of legitimacy give rise to perceptions of justice (Zelditch & Walker, 1984 cited in Turner, 2007b). The retrospective data for the state revealed that because legitimacy was perceived, citizenship was positively impacted as were respondents’ attachment to their national identity and therefore because the police have a privileged role, they are equally as important in shaping citizens’ social status and national identity (Shklar, 1991).

## **POLICING BASED ON HIERARCHY OF IDENTITIES**

Within the cosmopolitan perspective the state should not be thought of as ontologically privileged (Held, 2005) and this is also true of the police because the police have an important role in producing and sustaining identities as processes. It is through the attribution of risk and suspicion onto peoples that suspect populations are formed and it is through the process of differentiating and classifying that not only are discourses created (Brah, 2009) but discourses are used to legitimize inequality in citizenship and legal rights. Although the data has shown that the police were perceived as practising justice, the type of policing minorities were subjected to was

perceived as being dependant on identity. The vast majority of respondents, like Bilal believed that the police prioritized their Asian identity and therefore treated them on the basis of this identity, as no different from Asian non Muslims.

*I don't think the police could tell the difference between Muslims and Asian non Muslims. The police did not have a grudge against Muslims. Also they did not have enough knowledge to identify who was who and we were all seen as the same, with the exclusion being the afro Caribbean community.*

This is very much the same as what the literature on policing on race and ethnicity suggests, that 'Asian criminalities' were based on culture and not constructed in the same way as 'black criminalities' (Werbner, 1997; Phillips and Bowling, 2002; and Burnett, 2004). This is significant because the greater the extent to which the police are perceived as practicing equality the lesser the extent of perceived targeting. The data also revealed that a few respondents, like Sophina believed 'black' communities were subjected to a harsh form of policing.

*I think the ethnic community that was singled out the most was the Afro Caribbean community and they did face the harshest treatment; in terms of being stopped and searched and sentences. There was no real emphasis on the Muslim community.*

It was the exercise of harsh policing which led to negative perceptions amongst 'black' communities, which led to urban unrest. However, according to Musarat oppressive policing was needed to ensure that urban unrest would not take place.

*They were racist in the sense of the Handsworth riots. I think incidents had made them racist. Generally I can't be that prejudice with them I don't think they were racist because the situations that had arisen had made them racist. Again the West Indians before September 11<sup>th</sup> they were against the West Indians more than anything because of the Handsworth riots they feared that if these people get out of hand what is going to happen.*

Therefore, to some extent, the harsh policing of 'black' communities was perceived as being legitimate by a few respondents. Furthermore, because respondents largely perceived the police in a positive light and as using their power legitimately this could have enhanced their belief that the harsh style of policing 'black' communities was fair. The majority of respondents like Rafia perceived their own treatment by the police to be similar to how the majority of citizens were treated.

*The white kids didn't really have a difficult relationship with the police nor did the Asian kids and many of the Asian kids their fathers would know some of the local officers and some of the police could come to people and say what's happening have you heard anything. At that time there was no relationship breakdown with the police, the police were seen as a figure of authority.*

According to Hudson (2008, p.279) 'the logic of identity/difference imposes a false unity on groups defined by difference, and it imposes a false emphasis on a single characteristic on individuals'. This data demonstrates that respondents believed the

‘logic of identity’ was existent where the policing of ‘black’ communities was concerned.

## **POLICE MISUSE OF POWER LEADING TO NEGATIVE PERCEPTIONS OF THE POLICE**

A small number of respondents had negative perceptions of the police and these were based on a belief that the police as Sophia suggests, assumed guilt.

*Even the way the police spoke to people, they would assume that a non white person was guilty and they commit crime because it's what they do.*

And further, the police did not follow procedures, as Azmat explains.

*The relationship was not the same for both groups there was much different treatment not just with who was stopped, but how incidents were dealt with and the way in which the police cooperated.*

Some respondents, like Ibrahim referred to how the police used their power to target individuals through stop and search.

*The police would then want to search the car, search me and check the car over. It did leave me with a worse image because if the police were just checking things out as a routine thing then you wouldn't mind but they would also be very cocky and rude about things. They would not be polite and show the smallest but of respect.*



Therefore, negative perceptions of the police were found to exist, however, unlike the prospective data where injustice is used to describe the actions of the police, during the retrospective interviews, the misuse of power by the police was not perceived as being injustice. This could be because the law prioritized due process and thus, respondents believed the negative actions by the police were due to the police misusing their power rather than perceiving the existence of structural injustice. Faulkner (2003) states how the criminal trial and punishment are both relevant to ideas of citizenship because they exist as a means through which fairness, respect for citizens' dignity and generally the defendant's legal rights, which form part of citizenship, are enacted. Therefore, had rights such as the presumption of innocence not existed in legislation then injustice would have been perceived and further, respondents would have perceived there to be unequal citizenship. Further, it could also be due to respondents' perceiving a positive relationship with the police through their Islamic identity that perceptions of the police misusing their power did not lead to feelings of injustice.

### **MUSLIM COMMUNITY AND POSITIVE POLICE RELATIONS**

Within a cosmopolitan perspective 'every human being has a right to have her or his vital interest met, regardless of nationality or citizenship' (Jones, 1999, p.15 – 17 cited in Synnowich, 2005, p.56). Therefore, rights, freedom and liberty should exist and the police have an important role in determining that these exist. During this period, all respondents, like Sikander believed the police gave them rights, freedom and liberty based on their Islamic identities.

*I think in terms of places of worship, I think they were slightly more aware of mosques and being more sensitive, in a good way. If you went to Friday prayers you would get one thousand cars parked there, the central mosque and they should have been booked; the police did overlook this particular event on a Friday.*

Tolerance such as this on the part of the police signifies not just that the police understand that communities have specific needs but also that the police are willing to meet these needs and recognize them as being important. The majority of respondents, like Zulfiguar felt that the police wanted to gain a better understanding of their various identities, including their Islamic identities.

*My impression of the police was generally very good and the image I had of them was good, I would frequently talk to police officers and found them to be very understanding and wanting to know more about our culture and religion.*

It was due to all respondents believing that the police did not perceive their Islamic identities negatively that questions and curiosity regarding their Islamic identities were not perceived negatively. Rather, such curiosity was perceived as being part of the freedom respondents had to practice their Islamic identities and further as the police trying to accommodate this identity.

## **POLICE AS RACIST?**

The retrospective data regarding respondents' perceptions, beliefs and experiences of the police has been discussed and now the discussion will focus on whether respondents believed the police were institutionally racist during this period. This is perhaps the most significant part of the data as although the Macpherson Report (1999) was released, which concluded that the police were institutionally racist, respondents' opinions were varied. The most common belief held by respondents for perceiving the police as racist was that of the police being a homogenous institution and therefore as unrepresentative. Azmat describes how she believed the police were unrepresentative of society.

*I think one of the main reasons for this was because there weren't many ethnic minority police officers, so the force was very narrow in terms of its representation; it only represented one section of society.*

Interestingly, when respondents spoke of the issue of representativeness all used their ethnic racial identity, an identity for which inter community commonality exists. Therefore, respondents did not perceive the issue of representativeness to cause a problem where a police – Muslim community specific relationship was concerned, as had this been the case then respondents would have used their Islamic identity. And finally, a large number of respondents, like Jangir felt that the police were not institutionally racist but rather there were a few racist police officers.

*It did change my opinion of the police and made me think that there are some bad police officers out there, but I didn't go so far as thinking that all officers were like this.*

This data is significant because it further strengthens the reason why respondents did not describe the misuse of police powers as injustice. Had racism been perceived as existing in the force, and as being part of the structure then it could have been the case that injustice was perceived. But since the police misuse of power was perceived as being due to the individual police officer and not legitimized by law, such experiences were not perceived as constituting injustice and therefore as deviating from cosmopolitan law. It could therefore be argued that during this period ‘black’ communities were perceived as constituting marginal citizens (Nash, 2009) because the police did not afford them with adequate protection.

## **PROSPECTIVE DATA**

### **EMPATHY FOR THE POLICE ROLE IN COUNTER TERRORISM POLICING**

One interesting theme to emerge from the prospective interviews was that of empathy, whereby respondents understood that the police have to serve a different role under counter terrorism legislation and one which has to involve religious profiling, as the next quote by Ibrahim demonstrates.

*I think the police are trying to do a good job, generally I mean they are pretty good but they could get better and need to constantly build their relationship with the Muslim community because at the end of the day we do share the same purpose and that is to wipe out extremist Islam and terrorism. So if the police worked harder than they could get more informers, but this is also the job of the Muslim community we need to be*

*more accepting of the police, not protect people and realize that these groups that go out killing people are wrong and not justified in any way.*

However, Ibrahim also emphasizes commonality and through this places a sense of moral responsibility onto Muslims by suggesting that Muslims need to accept the police task within countering terrorism and help the police in their shared goal of preventing terrorism. Within cosmopolitanism there is the concept of the ‘world citizen’ and according to Kaldor (2000) this global identity is based on common human rights. Cosmopolitanism emphasizes the duty of individuals not to harm others (Dower, 2008) through the ethics of responsibility (Brock and Brighouse, 2005). What is of interest from this data is that it reflects how perceptions are shaped when respondents place themselves within the global realm of humanity and how this generates responsibility. For example, part of understanding the need for religious profiling was due to understanding moral responsibility and therefore that at times inequality will exist but where it does there is a utilitarian justification, it is for the good of humanity to which we all have a responsibility. Further, through respondents considering their role in protecting humans and indeed highlighting their own moral responsibility, this led to perceptions of the police which were based on empathy. Thus, there was no belief of a ‘friend–foe’ divide’ (Hudson, 2008, p.284) but rather as Jamil says, the police were understood as having conflicting roles which makes their job difficult.

*The police do have a harder role and job to do. On the one hand they seem to be very good to the Muslim community especially when it comes to things like honor killings, but then when it comes to terrorism there is a shift and it*

*is the unpleasant experiences which people remember when they think of the police.*

Counter terrorism legislation has given way to a preventive (McCulloch and Pickering, 2009), pre-crime logic of security (Zedner, 2007) form of policing ‘where innocent people are rendered risk repositories by virtue of sharing some or other of the characteristics of the ‘typical’ terrorist’ (Mythen & Walklate, 2008, p.13). A few respondents, like Zara understood the need for prevention.

*It is very difficult because terrorism is such a big threat and one attack can cause so much devastation as we have seen. I think they try to do their best and do have targets they need to make; this is something that most people forget when criticizing the police.*

And a few respondents, like Jangir understood the need for religious profiling.

*After September 11<sup>th</sup> if you’re going to look for a terrorist you’re not going to look for a white person who is living somewhere in East Anglia and has a farm, so there is religious profiling people say it’s bad but I can totally understand why they do it, you look for the people you suspect.*

Walker (2005b) states there has been a growth in intelligence policing and Kennison and Loumansky (2007) and Miller (2010) highlight the increasing plurality of the police. This data reflects that part of the understanding and indeed empathy regarding the police was informed by an understanding of the conflicting and heterogeneous

nature of the police. Finally, within citizenship according to Rawls (1996 cited in Turner, 2007a, p.126) the solution to ethnic diversity is ‘rule of law, norms of compromise, reasonableness, and the protection of individual rights’. And the psychological dimension of citizenship is important as it conveys ‘one’s sense of emotional attachment, identification, and loyalty’ (Carens, 2000, p.166). This data demonstrates that because respondents were placing themselves within the realm of humanity, loyalty and attachment to the state were not compromised. Thus, the belief in commonality and responsibility meant that respondents believed religious profiling was reasonable and necessary to protect citizens and through this point of view the psychological dimension of citizenship was not impacted negatively.

#### **DIMINISHING EMPATHY - POWER OF THE POLICE IN COUNTER TERRORISM LEGISLATION AS PRODUCING NEGATIVE PERCEPTIONS**

However, although empathy and emphasis on a shared humanity did exist, when respondents considered the power of the police these perceptions of empathy faded. This was the case for respondents that initially felt empathy and those that did not. When respondents considered the power of the police, perceptions of empathy converted to fear. Respondents like Zulfiguar spoke about how they believe the police are more authoritarian under counter terrorism legislation.

*They have become like an authoritarian force where we are concerned and since 9/11 I have been stopped three times by the police. I think this is because of the way that I dress, when I am in western clothes I get far less attention from people and looks.*

Wellar (2001, p.51) states, 'since the system, (criminal justice system) embodies aspects of the power of the state, ordinary people who are caught up in it for one reason or another can feel especially vulnerable'. Within the counter terrorism context due to an increase in police power, respondents' perceived a greater sense of vulnerability. The source of policing legitimacy has always been contested. According to Faulkner (2003, p.298), the authority and legitimacy of the British police is not derived from the state but rather 'from the consent and confidence of the citizens whom they serve'. Unlike Reiner (2000), who states that the government invest the authority and power they have under the social contract in the police as agents of the law. Within the prospective interviews respondents like Shafquat explained how counter terrorism policing is not a form of policing in which trust and confidence is prioritized and further, Shafquat explains how he believes the gap between the intelligence service and the police is narrowing.

*From what I have seen of the police I think they are trying to be fair but again I have to say I have my suspicions. The thing is that the police force is becoming more like an intelligence force and the gap between MI5 and MI6 is getting narrow, this is worrying because to me MI5 and MI6, are the ones that do not care about the community, they do not care about trust and confidence.*

Counter terrorism policing can therefore be conceptualized as a form of policing that respondents believe prioritizes the objectives of the state over the confidence of the public. Grabosky (2008) states ordinary policing and counter terrorism are the same because both require that the police protect communities and that mutual respect and



trust exist. Klausen (2009) argues that although efforts have been made by the police to build trust with Muslim communities, with the emphasis being on collaboration between the police and Muslim organizations, the sense of trust established through collaborations fails to filter down to the general Muslim public. This data reflects Klausen's argument because many respondents, like Ashra talked about having a deep sense of insecurity where the police are concerned and about being suspicious of the police.

*I think there is a huge difference now, when the police patrol the streets in this area, you longer know whether they are doing it because they want us to feel safe or they are doing it as spies.*

For all respondents the existence of these powers were not perceived as isolated or indeed as leading to a minimal number of false arrests, detainment or control orders but as representing powers that all Muslims could be subjected to. The image of the police has changed and led to a significant change in perceptions, as Musarat highlights.

*When I was younger and I would walk down the street and see a policeman, you would say hello Mr. Policemen and he would say hello, and where are you going? Going to school are you? And he would walk with you and I was only 9 years old, and you had the lovely image of the bobby and that's all gone now, now you see the police man and you say 'cor, blimey lets run before he decides to stop and search you, arrest you and decides to research your background, to see if you're a terrorist'. My beliefs have changed from*

*what I used to believe as a nine year old of a policeman who I could trust and walk to school with and if I was bullied I could always run to a policeman, so it was a very nice time and I remember it very well, but now when I compare it to what it is now I don't want to go near them.*

This data firstly demonstrates how when respondents considered the power of the police under counter terrorism legislation, empathy faded. Secondly, how counter terrorism policing is thought to be a form of policing where differences, those of identities matter and therefore equality does not exist and finally, how respondents perceive counter terrorism legislation through the perspective of the potential harm.

## **COUNTER TERRORISM POLICING AND MUSLIMS AS SUSPECTS**

Since the 'war on terror' Muslims' Islamic identities have been subject to demonization (Mueller, 2004; Lyon, 2007; Thomas, 2009) and over policing (Zedner 2007; McCulloch and Pickering, 2009). What makes this categorization and the placement of terrorism a concern is the association of terrorism with Islamic identities and risk. Most respondents referred to how their Islamic identities have been constructed with fear and as representing a danger in the 'war on terror'. Due to this construction and the level of fear thought be associated with their Islamic identities, most respondents, like Mazar, differentiated the fear from the fear associated with 'black' communities. Interestingly, there was an association with the constructed level of fear respondents thought the police think they represent and the level of fear respondents then felt from the police. As Mazar highlights the greater the perceived construction of fear with his Islamic identity, the greater the fear of the police.

*There's another stream of discrimination developing around Muslims because this form of racism that impacts Muslims is very different, there was no real threat from the black community or the Indian community to mainstream society but Muslims are seen as a threat as a danger within and their responses are far more harsher and unhelpful and I think this makes it a bit different and I'm not sure everybody understands that.*

According to Beck (2006, p.148) the suspicion of terrorism gave 'the most powerful nation in the world carte blanche to construct ever changing representations of the enemy and to defend its 'internal security'. In the UK, counter terrorism legislation was introduced which as Amoore and De Goede (2008, p.8 cited in McCulloch and Pickering, 2009, p.629) argue went beyond 'the established language and techniques of risk that existed within the criminal justice system'. The acceleration of risk and suspicion under this legislation has implications for the suspect community, as risk and suspicion alone determine the level of rights that exist. As McCulloch and Pickering (2009) argue the 'preventive' counter-terrorism framework is concerned with targeting and managing, through restricting and incapacitating those individuals and groups considered as being a risk. The concepts of pre-emption and identifying risk were present in the data. The next quote by Mazar demonstrates that the police are perceived with fear because the police are thought to target those with Islamic identities, and secondly because human rights can be violated, this has also contributed to perceptions of fear.

*There is a difference, no other groups of people are treated as Muslims are and the way Muslims are being treated involves a violation of human rights*

*and procedures that in the past would have never been accepted and tolerated. I think if the police tried to treat any other community like this, then it would not be accepted. But people have been made to believe that such treatment is necessary and acceptable where the Muslim community is concerned.*

Nash (2009, p.1068) argues ‘human rights and citizenship have long been closely entwined; indeed historically they share similar roots in liberal individualism’ and the existence of institutions such as the United Nations has led Benhabib (2007. p.32 cited in Nash, 2009) to comment on the existence of a relationship between the international level and citizens via human rights. Since the ‘war on terror’ the research found that respondents no longer perceive to have the same human rights as non Muslim citizens and therefore believe they have a reduced legal status. In this sense they could be considered as constituting ‘marginal citizens’, ‘who have full citizenship rights but who nevertheless do not enjoy full citizenship status: economically, by relative poverty; and socially, by racism’ (Nash, 2009, p.1073). The existence of racism and targeting is demonstrated in the data, for example Musarat talks about the police targeting Muslims because of their Islamic identity.

*After 9/11 my son was driving very slowly in the traffic, it was 5 o clock traffic and he had my daughter sitting there and my daughter covers her face, my younger daughter he had picked her up from work and was bringing her home. The police followed him and he said to my daughter look the police are following me, the police came to our house and my daughter ran out the car because she didn't want the police near her you*

*know how these religious girls are like. They made him open his boot, they searched his boot before 9/11 they wouldn't have done that, they then searched him they body searched him, and I got a bit angry and I said he wasn't speeding and he said Mum it doesn't matter. And I said no, he wouldn't do that to a white man, he wouldn't body search him.*

This data reveals that Runciman's (1966, cited in Deutsch, 2006) two types of relative deprivation: egoistic and fraternal deprivation are relevant. Fraternal deprivation occurs when a person feels his / her group is disadvantaged in relation to another group, data has just shown that Muslims feel deprived of legal rights, with an inter group comparison forming such a perception. Egoistical deprivation occurs when an individual feels disadvantaged relative to other individuals. Egoistical deprivation could also be said to exist because religiosity was revealed as exacerbating the disadvantage and vulnerability associated with an Islamic identity. All respondents felt that being visibly Islamic increased vulnerability, as the police would be more likely to stop them, as Aneesa explains.

*There was an incident with a girl. I was driving up the central road from central mosque and she was just driving behind us, she took over and the police were at the roundabout and they came over and stopped her and they tried to body searched her and she had a niqab on and she was refusing she said it's against my religion and they said no, so they arrested her because she wouldn't let them body search her, and she hadn't done anything wrong, she over took us, but did it slowly. After 9/11 they would look for single Asian girls who had a scarf on or who dressed Islamically and they*

*would purposely stop them, take them down to the station and ask them questions or say look let us search your car, search you, look in your handbag and obviously being a women you could carry your sanitary pads in your bag. Some women are very fussy about them and wouldn't let them look and then they would say would you like to go the station then, what are you hiding in there. It went really mad in those days, just after 9/11 it was like everybody was walking with a bomb underneath them or something, but I think it's gone a bit less now because there were a lot of complaints against the police. I mean if you heard of a white woman speeding you wouldn't expect the police to stop her and body search her.*

Deutsch (2006) uses the concept of doubly deprived to denote two levels of disadvantage, that of group disadvantage and that of individual disadvantage. This research reveals that where an Islamic identity exists with an individual identity, for example of Islamic religiosity, respondents perceived not only a greater sense of disadvantage but also fear. Cosmopolitanism clearly advocates respecting others in their difference, as members of the same humanity and not of some other, second class humanity (Beck, 2006) and further, a cosmopolitan identity is an 'inclusive self-image' (Hudson, 2008, p.284). Cosmopolitanism is against 'the logic of identity/difference' since this 'imposes a false unity on groups defined by difference', (Hudson, 2008, p.279). Therefore when defining the cosmopolitan - choice of identities, multiple affiliations and multiple attachments are stressed as being a reality. Whereas in the retrospective interviews the police were thought of as positively affording respondents with moral status through their Islamic identities, according to the findings from the prospective interviews, counter terrorism legislation has led to

respondents being treated as a 'second class humanity' (Beck, 2006, p.53) because of their Islamic identities. It could be said that they suffer the logic of identity as assumptions are made about their identity which lead to unequal citizenship. Therefore, although cosmopolitanism states that differences should not lead to human rights being violated, this data revealed that respondents believe differences, that of possessing Islamic identities can lead to rights being violated and within this category of difference, those with a visible Islamic identity are at most risk of having such rights violated.

### **NEGATIVE EXPERIENCES AS TRANSCENDING TO WIDER COMMUNITY AND LONG LASTING IMPACTING**

Bari (2006) argues that information of systematic brutality and a lack of meaningful oversight has a long lasting effect on the community, and encourages the perception that anti-terror is a form of malice against the Islamic religion. According to a Guardian poll many Muslims see the 'war against terrorism' as a 'war against Islam' (cited in Ansari, 2005). Counter terrorism legislation has produced a variety of hard policing tactics which are of a preventive nature. Research by Spalek, El - Awa and McDonald (2009) found police suspicion has grave consequences upon an individual and leads to individuals being ostracised from their wider communities. Those respondents who had experiences involving the police, as Matloob explains, not only felt repressed but also of great concern was the impact of preventive policing on their relationship with their wider communities.

*The 17<sup>th</sup> of June last year in the early morning the police raided my office,  
this one where I am standing. Now all of my office furniture they took it,*

*they took my computers, my files, they looked in my house and they found nothing. And I said you are committing day light robbery and the lady was sitting here, police standing here and I said please do everything step by step and my son said you can't do this. The lady was just speaking to us like we are just third world people or something, we are slaves for these people, and they said we can take anything whatever we want, then I said you don't touch my son, don't talk to him, if you want to take anything, just take it, you take everything, till now they didn't bring my computers back they even took the monitors, the TVs and even the printing machines, till now I haven't received any of it back. When I had my interviews, I was talking just like I'm talking to you and he said Mr ..... you are talking nonsense and I said my friend when you attack and raid my office, that looks to me like bloody nonsense because what you are doing is not right and you know what you are doing is not right. When I return from here what are you going to do? You can't return my name in the community because lots of people saw you, my son was here and you scared him as well, and you take everything.*

It is the fact that counter terrorism legislation has increased association offences, whereby those in contact with suspects also become suspects that the application of risk and suspicion onto individuals by the police can lead to exclusion at the societal level. Therefore, as the above quote demonstrates, this experience will have a lasting impact through associating the individual with risk. The prospective data also revealed that even where respondents had not experienced counter terrorism legislation, the experiences of other people who had experienced counter terrorism legislation produced fear. Maria describes how the preventive nature of counter terrorism



legislation can negatively impact the choice and ability to practice an Islamic identity and fulfil Islamic duties.

*A couple of doors down we did actually have one of the guys who was arrested for terrorism and we didn't think that could happen and they actually ripped the furniture and cut it up and everything and they took the old ladies passport and she's so old and even if he was doing it she wouldn't know that he was doing it and she wanted to go hajj and she couldn't go because they wouldn't release her passport and years have gone by and I don't know if they have released it. You know how they treat the rest of the family is outrageous it doesn't matter what people say that you should know, but sometimes you don't know what the children do. He was a grown man he was married, he had a wife and children and then they raided that house and the poor mum who's planning to go to hajj can't go.*

Although the police took the lady's passport as a preventive measure, for Muslims this preventive action is perceived very differently. For Muslims a pilgrimage to Hajj is one of the five pillars of Islam, it is an obligation that practicing Muslims have to carry out at least once in their life time. Through the police taking the old lady's passport they have restricted her from fulfilling what she believes is her Islamic duty and for practicing Muslims this is seen as a duty which is important in terms of life after death. Measures such as this, which constitute prevention have a devastating impact and further create fear amongst Muslim communities. Witnessing raids was found to lead to perceptions of monitoring and heightened fear of the police, as Safia explains.

*After September 11<sup>th</sup>, things have changed I have seen places being raided and people are now scared, the thing is that they, we believe that even though we have done nothing wrong the police will raid our shops at any time and they, they monitor us, trying to find any small thing they can to get us. Seeing people being locked up, places raided and Sparkbrook you know has received a fair bit of attention from the police and it has all been to do with terrorism.*

‘Justice as fairness’ (Rawls, 1971 cited in Carens, 2000) conveys the idea that the state should provide citizens with choice and freedom therefore ensuring equality. The discourse of law constructs the boundaries of citizenship through defining the legal status of citizens, ‘the formal rights and duties that one possesses as a member of a political community’ (Carens, 2000, p.162) and Gearty (2004, p.63) states that, ‘equality before the law is regarded as an aspect of equal citizenship’. However, the above quotes highlight that not only do respondents perceive there to be inequality in the law, but how such inequality has long term consequences. Ideas of justice, equality and freedom are important in citizenship as when they are maintained belonging and loyalty are established. Falkner (2003) highlights that at the very least the state should provide the opportunity for voices to be heard so that minorities can make decisions based on their communities. Therefore, in order for the police to understand the consequences of their actions they need to listen to the voices and concerns of Muslims. As the real danger here is that although the police may act on the basis of prevention, such actions could have a different meaning, as the above data demonstrates and therefore, not only are the police perceived as enacting injustice but also preventing someone from living according to their system of beliefs.

## **EXPANSIVE POWERS OF THE POLICE AS EXPANDING SOCIAL CONTROL AND CRIMINALIZING**

Since the ‘war on terror’ there are regulations in place which previously did not exist and these have acted to restrict freedom. The prospective data revealed that where respondents, like Mazar had not had direct experiences of counter terrorism they were likely to have experienced some of the regulations which are part of this legislation and act to restrict freedom, such as sending money abroad.

*We were part of this society and society accepted us, we didn't feel like we were segregated and if I wanted to open a charity or help someone who is an orphan in a village back home you know I didn't have a problem, I could do that. But you know since September 11<sup>th</sup> you can't even do that, without some MI6 officer knocking at your door. Let's put it this way, a friend of mine tried to send £1000 to his mother, he did that the second time he tried they said you have to wait a certain time period before you can send some money again. So your mother has to live with the bare essentials, because the government in this country decides how much money you send your mother back home, these are things that we have to face now and we didn't have to before.*

It is due to the pre-crime logic of security over-taking the post-crime orientation of criminal justice (Zedner, 2007) that those apprehended as suspects could well be innocent. It is the power of the police under this legislation, and the preventive nature

of this legislation which has led to experiences such as the following described by Musarat, which previously would not have existed.

*The police are reacting too much, I know because one of my close relatives, he is a security guard and he helped the police to arrest a few people who were being very rowdy outside his club, and when the police took them, he went with the police to give a statement. He was standing as a doorman and saw that the police needed help so he helped them and they saw his uniform and thanked him for doing them a favour and they said would you like to come in and give us a statement. And they kept him overnight because they had to do a check with Interpol to make sure he wasn't on the wanted list. They took him in, in the morning, 1 or 2am and we didn't see him until 7 pm the next evening, we couldn't communicate with him, we couldn't talk to him, we couldn't do anything.*

What this research has revealed is that respondents do understand the need for prevention; however, it is the existence of no evidence and hard policing methods, raids, detention etc which together produce anger. Many respondents, like Mazar, felt they are living in a police state and have a sense of powerlessness because counter terrorism includes procedures like those in airports, as the next experience demonstrates.

*I travelled to Pakistan a number of times because I had a young son here who was quite ill and a dad who was quite ill so I was travelling back and for quite a bit and I think it was 2001, after 9/11 there was a group of us*

*travelling from a local airport and I was dressed in my western clothes and a few of my colleagues were dressed in Islamic clothes and one had a beard and I was waved in and it wasn't an issue but the colleagues were taken into a room and they were searched and stripped, they had the full treatment and I think the difference was that they looked more Muslim. Again after 9/11 I was travelling through Birmingham airport and I had a fair bit of money on me because I said I would take the money with me and spend what I need to and bring back what I don't spend. I had 9 or 10 thousand in my brief case and pushed through the exit and obviously it showed up as money and I was hauled into a little room and I was worried because my plane was due to depart and they were still asking me questions so I said look this is how I got it and if you don't believe me than contact my employees and they will say its redundancy money and I said its all traceable and I'm not here to do money laundering or anything and there's a whole history of me travelling to and fro so I was kept there for two hours and they went into my background and the rest of it and once they were satisfied they let me go.*

These experiences highlight how counter terrorism policing can induce a higher level of vulnerability. According to Deutsch (2006, p.24), a victim of injustice may be outraged by his / her experience and challenge the victimizer, however, if the 'victimizer is more powerful and has the support of the legal and other institutions of the society, the victim will realize that it would be dangerous to act on his outrage or even to express it'. Due to the power of the police under this legislation, suspects have to co-operate and let the enactment of suspicion be actualized because if they do not the punishment is arrest. In the case of airports for example, Muslims must accept the

fact that they are likely to be checked and body searched and allow such procedures to take place so that suspicion can be eradicated. Due to the expansion of control and emphasis on prevention, Muslims are likely to be placed in situations where they will come into contact with counter terrorism policing measures.

However, although the prospective data has demonstrated respondents' perceptions of the police since the 'war on terror' and how these have changed, the perceptions have highlighted the place of human rights. Thus, although the police have been given a greater amount of power this does not mean that, as the data suggests Muslims are always going to co-operate. The data has revealed anger and this anger can be placed through a consideration of what human rights actually are. According to Dower (2008) the introduction of the Universal Declaration of Human Rights was aimed at ensuring that responsibility for protecting individuals' human rights resided with the state. Faulkner (2003) summarizes the evolution of rights stating that in the contemporary era citizens' rights are those rights which are guaranteed by constitutions and statutes such as the Human Rights Act 1998, and Nash (2009) highlights how the emergence of individual autonomy, equality and innocent until proven guilty are what we now interpret as human rights. Therefore, to consider that understandings of human rights are informed by the Universal Declaration of Human Rights and protected in statutes, it is then possible to comprehend how these are not simply changeable laws but laws which reflect rights which were perhaps regarded as being rights which would never be deviated from. Therefore, the fact that these rights have now been deviated from is what has produced anger, fear and vulnerability.

## **PERCEPTIONS OF INJUSTICE AT THE NATIONAL LEVEL AND THE LEVEL OF THE UMM A**

In the retrospective data injustice was not perceived as existing even though negative perceptions of the police were present, however in the prospective interviews injustice emerged as a major theme. Deutsch (2006, p.24) argues ‘the greater the extent of relative deprivation the greater the sense of injustice that will be experienced by the oppressed’. Respondents, like Nabeela perceived a great sense of deprivation where policing was concerned because they perceived a deprivation of legal rights, due process and human rights. This research reveals how concepts of power, inequality, demonization, and prevention which transcend from the state, to legislation, to policing are all united in creating a perceived deep sense of injustice, as Nabeela explains.

*I think the police have been trained to be harsh and target the Muslim community and I have a story, I have seen it and people say to me, you can't fight the system, keep your head down and do what you have been told to do, but I say fight the system where is the justice? The police are now encouraged to detain someone just because they might be a terrorist. If they haven't found anything they are not going to but what are they putting that family through, the community through, and I feel that if they haven't found anything that is just going to make the community angry and frustrated, and more and more against the police and I think if they did have something they aren't going to say anything and the police say come forward we are your friends, tell us, but they won't tell the police.*

Within the perspective of cosmopolitanism, justice is a major theme and according to Hudson (Hudson, 2006, 2007, 2008 cited in Hudson, 2008, p.276) cosmopolitanism

developed ‘as an ideal to underpin models of justice’. ‘It requires keeping the rules of international law, respecting legal and political conventions nationally and internationally, but it also demands respect for the other just because she is a human’ (Hudson, 2009, p.715). The very fact that human rights and due process are not perceived and inequality is perceived means that respondents perceive the police as violating international law and as not respecting their rights as human beings. Bertram (2005, p.78) argues that for perceptions of justice and a sense of self respect to exist, firstly, there must be a sense of individual autonomy, that an individual’s actions determine their fate and secondly, ‘they must be granted by others an unforced recognition of their moral status’. Thus, it is essential for justice to be perceived and for cosmopolitan law to be maintained. However, in addition to the prominent theme of fear which has featured throughout the prospective data, the existence of fear can be pin pointed to the individual autonomy of law. As Matloob explains, the individual autonomy of the law is perceived as being absent. This suggests that part of how the police are perceived is due to the framework within which the police operate and because counter terrorism legislation deviates from many universal human rights, such as innocent until proven guilty, by virtue of this injustice is perceived.

*My opinion of the police have completed changed before I trusted them now I do not. I have had so many experiences with them since September 11<sup>th</sup> and it is guilty until proven innocent now. The police are corrupt they will try to make up things. They used to be okay and treat us with respect but now I always fear for my sons and I am scared after what has happened to me. They have targeted me so many times that I just don’t know what to do and it is not just the police it’s every institutions.*



Therefore, respondents fear is exacerbated on the basis that they do not feel that their actions will determine their fate. Thus, in the era of the 'war on terror' and as the data has demonstrated there exists fear through a lack of security, whereby respondents feel what constitutes the law, or criminal behaviour is unclear.

Keltner, Horberg and Oveis (2006) argue that concerns over what is just and fair are the glue of social living, with Schwartz and Sagiv (1995 cited in Karstedt, 2002) stating moral values of justice and fairness concern all cultures. Perceptions of justice are important for individuals, society and humanity, as they form the very norms which unite humanity. This data has revealed that respondents perceive a loss in human rights, and the fact that no avenue of complaining and re-dressing harms exists, as Nabeela explains has exacerbated feelings of injustice.

*If we were to complain and say this is what they did who is going to take our word against the police? They are going to protect the police first and then us, unless, it's in extreme circumstances and who has got the time, the energy and the resources to fight the force, nobody.*

Butler (1997, p.139, cited in Frost and Hoggett, 2008, p.449) states, that 'loss cannot be worked through when there is no public recognition or discourse through which it might be named and mourned'. There exists no recognition of the loss of legal rights perceived by respondents, which has compounded feelings of vulnerability and powerlessness into helplessness. It is because procedures which would constitute injustice where non terrorism legislation is concerned are legitimized in counter terrorism legislation that there is no recognition. Zelditch and Walker, (1984 cited in

Turner, 2007b, p.301) state a key factor which contributes to judgments about justice is legitimacy 'which can make it seem right and proper that some should receive more than others'. However, the data demonstrates that the existence of injustice is perceived as being illegitimate, which is why the theme of empathy only featured minimally in the data. Further, the data revealed that respondents believe procedures such as innocent until proven guilty should never be violated because respondents' interpretation of legal rights is based on universal human rights. It is the existence of justice that creates responsibility and unites humanity and according to respondents counter terrorism legislation has undermined this.

Beck (2006, p.19) states 'the choice to become or remain an 'alien' or a 'non-national- is not as a general rule voluntary, but a response to acute need, political repression', and hatred develops by those who are excluded. This is where the dangers of unequal legal citizenship become apparent because just as many respondents said, exclusion, demonization and being placed outside humanity can lead to people placing themselves outside humanity. Many respondents, like Mazar expressed their concern regarding the impact counter terrorism policing was having on young people.

*I will give you an example recently I was driving past after the terrorism raids and there was a whole group of Muslims on Stratford road who looked like they were from the Pakistani Muslim background and they were young all 11 or 12 and they were all spread against the wall and some police officer was walking through and I said what kind of relationship are you going to have with these people when they are older, grow up and get jobs and the rest of it. You are demonizing them the way you did with black youths back in the 70s and 80s and all the hell they had to go through for*

*that and you're doing exactly the same thing to these young people so they're not going to go and join the police. When they grow up they are not going to say that I am part of the mainstream society and I will not do stupid things which will harm my own country and my own people, your immediately disconnecting them so isn't your responses self fulfilling and of course the police will deny all that and when I tried to raise it with a senior officers they would have it.*

Injustice was not just perceived as existing on the national level but also on the international level, in the form of foreign policy as Musarat highlights.

*After September 11<sup>th</sup> my reaction got worse because they had to back the government and I can see the government's policies were so broadly oppressed by the Americans and the Americans were only in it for the money and the power so it's really bad, so what the police are doing is connected to the government. And this is why my own trust in the police has really gone, if something happens I mean I will always be happy to help the police, but I don't trust them.*

The 'war on terror' transcends localization and globalization leading to what Ehteshami (1997, 180 cited in Khatib, 2003, p.392) calls 'the emotional, spiritual and political response of Muslims to an acute and continuing social, economic and political crisis'. In this way the 'war on terror' has led to a stronger sense of shared identity and also impacted emotions and feelings, thereby meaning that events across the globe can feel as personal as events that are local. The previous chapter showed

how respondents viewed foreign policy as an attack on Islam and the emphasis on Islamic identity has been notable in this research through respondents using their Muslim identity to describe their perceptions. Therefore, the prospective data reveals the existence of biographical cosmopolitanization because injustice is perceived as existing on both levels and it could be said that biographical cosmopolitanization heightens feelings of injustice, because oppression at the level of the umma, which transcends national boundaries and incorporates issues such as the Palestinian and Israeli conflict becomes part of the oppression perceived at the local level. However, the danger of the existence of biographical cosmopolitanization is that it can lead to citizens no longer feeling part of humanity and therefore perceiving no sense of responsibility to humanity.

## **CONCLUSION**

The first major theme to emerge from the data was that of injustice. The legitimization of inequality has acted to repress respondents' feelings of injustice as although the treatment may be perceived as unjust it remains legitimized by the law. This research has revealed how respondents feel disadvantaged with an inter group comparison forming such a perception. Therefore, although Beck (2006, p.53) states that respecting others means treating them as 'members of the same humanity' respondents believe since the 'war on terror' their legal rights have diminished and they have been constructed as being outside humanity.

The second major theme was that of cosmopolitanism as bringing unity and responsibility, the idea that we owe justice to all persons because we share a common humanity. This data demonstrates how the state was perceived as being responsible for the introduction of the counter terrorism legislation and injustice and therefore the vast

majority of respondents had empathy for the police role under counter terrorism legislation. Respondents, when talking about empathy, very much placed themselves within the realm of humanity, above all categories of difference. Part of understanding the need for religious profiling was about understanding moral responsibility and therefore that at times inequality will exist but where it does there is a utilitarian justification. However, although empathy did exist when respondents considered the power of the police and existence of injustice, perceptions of empathy and emphasis on a shared humanity faded. This was the case for respondents who initially felt empathy and those who did not. This suggests that even though respondents want to perceive counter terrorism policing through commonality the fact that this form of policing is perceived as leading to inequality on the basis of possessing an Islamic identity makes this difficult.

This relates to the final theme to emerge, that of identities. The police have an enormous amount of power to condition respondents' perceptions of human rights and legal rights. A violation of these rights or even the perception by respondents that such rights will not be maintained since the 'war on terror' has led to respondents placing themselves outside the nation and humanity. In this way the police have a unique role to play in how the three dimensions of citizenship interact and it is through the police that not only can the psychological dimension of citizenship be damaged, but so can a humanitarian sense of belonging

## **CHAPTER 6: THE IMPACT OF THE ‘WAR ON TERROR’ ON SOCIETY AND BRITISH MUSLIMS’ ISLAMIC IDENTITIES**

### **INTRODUCTION**

The two previous chapters have demonstrated how the ‘war on terror’ has significantly changed respondents’ perceptions of the state and the police. Whereas the two previous chapters have predominantly considered how respondents believe their Islamic identities have been constructed in the ‘war on terror’, this chapter explores the impact of the ‘war on terror’ on society and respondents’ Islamic identities.

There are two core themes which emerged from the prospective data on respondents’ perceptions of the state and the police which are significant to understanding how the role of the state and the police in the ‘war on terror’ can impact society and Islamic identities. The first theme was that of inequality and injustice. The prospective data demonstrated how since the ‘war on terror’ respondents believe the state and the police perceive Muslims through their Islamic identities, how Muslims’ Islamic identities have been demonized by the state to legitimize the introduction of counter terrorism legislation and how based on this, respondents perceive their relationship with the police to be based on fear. Therefore, it is through respondents’ Islamic identities that they perceive inequality and injustice and more generally, a lack of human rights and citizenship. This chapter explores the impact of the ‘war on terror’ and more specifically the impact of respondents’ perceptions of inequality and injustice on their Islamic identities in greater detail. The chapter also explores how respondents believe the ‘war on terror’ has impacted societal relations. The construction of Islamic identities in the ‘war on terror’ could be interpreted as ‘elite encouragement’ (Green, 2001) because as Sheridan (2006, p.320) states, ‘negative

images of Muslims promoted by the media and by political leaders may serve to build or provide evidence for existing Islamophobic prejudices'. This chapter considers how respondents believe societal relations have changed, paying particular attention to racism because although the state and the police have an enormous power to shape identities through citizenship, interactions between citizens also impact citizens 'sense of attachment' (Carens, 2000, p.168) to their identities, as this chapter demonstrates.

The second theme to emerge from the prospective data on respondents' perceptions of the state and the police was that of biographical cosmopolitanization. The 'war on terror' has made the concept of biographical cosmopolitanization relevant as respondents' perceptions of injustice and Islam being demonized, were present at the international level and the national level. The intersection of the international and the local has become increasingly relevant to respondents' daily lives and this chapter will explore this further through considering how perceptions of injustice and inequality at the international level and the national level have negatively impacted respondents' attachment to their British identity. Finally, this chapter also reveals the diversity amongst respondents, in terms of how the 'war on terror' has impacted their Islamic identities. It will be discussed how the 'war on terror' has had a positive impact on some respondents' Islamic identities and a negative impact on some respondents' Islamic identities.

## **RETROSPECTIVE DATA**

### **RACISM**

Policies at the level of the state essentialize identities as they 'imply an internal sameness, an external difference or otherness' (Werbner, 1997, p.228) and can lead to social divisions and exclusion (Hussain and Bagguley, 2005). The legal and political

dimensions of citizenship are therefore instrumental in conditioning the boundaries between communities and influencing the psychological dimension of citizenship (Carens, 2000; Falkner, 2003; Lister, 2005). However, these policies are also significant because the state has a privileged position in maintaining consensus and unity in society and it is through equality that society works because this ensures that 'certain norms, attitudes, and dispositions' are 'widely shared among the population' (Carens, 2000, p.9). Therefore, at the societal level a feeling of belonging is important, because as Seglow (2003, p.92, cited in McPhee, 2005, p.4) explains, 'only through the secure receipt of recognition by others are human agents able to achieve an adequate relation to self'. The prospective data on the state revealed that the identity through which respondents experienced the state was important because where policies were perceived as being based on a British identity this led to a greater sense of perceived citizenship and inclusion. In terms of societal relations the data demonstrates that perceived commonality is just as important to respondents' sense of belonging (Bloemraad, Korteweg and Yurdakul, 2003) and therefore it is the identity to which otherness has been applied which is also of significance. All respondents, like Rafia expressed how during the period of 1989 to 2000 their ethnic identity was the identity from which difference was established and racism existed.

*I think during this skinhead faze you did hear of racism every now and then, the word Paki, that was there so in a sense that racism was there but nothing more than occasionally being called a Paki.*

The majority of respondents believed that their experiences of social exclusion and racism were based on resources and it was the presence of a Pakistani identity which



led to 'Paki-bashing' (Lewis, 1994). As Sofia suggests, it was respondents' ethnicity which was perceived as being problematic.

*The men however who were older I guess they felt that we were a threat to their security and way of life, also that we had taken all the jobs they had. I think this is why when they were being racist they would often say go back to your own country because there was a reluctance to accept that we were in our own country now and Pakistanis also belonged to this country. Like the people are part of the BNP you could show them array of facts like the economic contributions that Pakistanis made and they will still argue that Pakistanis bleed the country dry.*

All respondents, like Shafquat spoke about how because racism was based on their ethnic and racial identities and motivated by a concern over jobs and resources and therefore racism was not perceived as being personal.

*No. I didn't think that deep when I was called names I would just deal with it and move on. For some reason I never took it personally it wasn't like someone was saying or insulting part of my character they were insulting something based on what they thought I was or what they believed.*

Thus, although interactions between the socially dominant and the oppressed maintain the system of oppression (Deusch, 2006), respondents did not perceive a great sense of exclusion and all respondents, like Sikander spoke about how an ethnic based form of

racism was easier to accept because it was based on resources and jobs as opposed to personal characteristics.

*I worked, well I was the only black face in the whole of the department, so the only kinda racist remarks I came across were when you know someone has been cut up by someone and they say 'fucking Paki' but not in terms of serious racism so I really thought that I was part and parcel of this country.*

This suggests that the identity which is subject to the establishment of difference and the perceived motivation for racism are important in shaping respondents' perceptions of racism and in determining the impact of racism.

## **SOCIAL PERCEPTIONS OF ISLAMIC IDENTITY**

Benhabib (2002 cited in Bloemraad, Korteweg and Yurdakul, 2003, p.156) argues that the role of states is not confined to political and legal institutions because 'cultural or social meaning' is shaped by and produced by states. During this period respondents, like Younis felt that society did not know how to differentiate between Asian identities.

*I don't think people really understood Islam at all they didn't really have an opinion on it one way or another I think they just saw people as Indians, they would shout out the word Paki but I don't think they understood the difference between Indian and Pakistani. I mean the fact that most people would have said 'do you speak Pakistani or do you speak Indian?' is a direct illustration about how little people knew about the culture so unless*

*they studied something at school they didn't really know the difference between a Hindu or a Muslim or knew anything about it, up to this point.*

This reflects the retrospective data where the state was concerned and demonstrates how respondents didn't perceive there to be a discourse associated with their Islamic identities at the level of the state and in society. Further, where the retrospective data for the police revealed that respondents believed there was a lack of knowledge surrounding their Islamic identities, many respondents, like Sikander also cited a lack of understanding surrounding their Islamic identities at the societal level.

*I'll tell you one of my own experiences when I first went to work and I started fasting. The first week or so my colleagues actually thought it was quite funny and would actually make me a cup of tea and put it in front of me just to test me, I don't think they were being anti Muslim, it was just to see if I had the will power. They would eat chocolates in front of me and by the end of that month, those same colleagues started realizing what time I was opening the fast and they would buy chocolates for me and make a cup of tea for me at the right time and even if I was working, my head was down they would come up to me and say look, its time. Something I heard which made me laugh, I was at a meeting, a conference and there was a French person who said I don't particularly understand Muslims what is wrong with you kids, you go to the nightclubs and you go to the bars but on a Friday afternoon why do you always go to this mosque thing?*

Although a lack of understanding was perceived to exist around respondents' Islamic identity, the values associated with this identity were perceived as being positive values. Mazar explains what these values are.

*There were obviously issues to do with book burning and things like that but largely things were okay, these are committed people who value their faith and have a strong family system, so there were a lot of positive things and things to be aspired to and how we are perceived to look after our elders and we were hard working making business. So there were some issues yes these people are different to us but there are some aspects of their life that we should emulate.*

Therefore, where the construction of Islamic identities was concerned this data demonstrates a strong correlation between perceptions of the state, the police and society. This demonstrates that as Benhabib (2002 cited in Bloemraad, Korteweg and Yurdakul, 2003) suggests, the state influences societal beliefs through having the power to shape the meanings associated with identities. It could therefore be argued that in terms of the discourses associated with identities, discourses are of a transitional nature, whereby the state has the power to create marginalization through the construction of negative discourses, the police can sustain these discourses and they will invariably filter down to society and influence societal relations. Further, in terms of the construction of Islamic identities, Jangir explains how international events were not perceived as influencing societal perceptions of Islam and Islamic identities.

*There were tensions before the war in Chechnya and the Bosnian war was in that decade so obviously there was tension and internationally Muslims were highlighted as being extremists or fundamentalists and this didn't impact us at home, you know living where I did we didn't have much of a problem with racism.*

This data validates the retrospective data on the state, which also showed that biographical cosmopolitanization did not exist before the 'war on terror'. Therefore, negative constructions of Islam and Islamic identities on the international level were not perceived as leading to negative discourses of Islam and Islamic identities at the national / local level.

## **THE SIGNIFICANCE OF ISLAMIC IDENTITY – HOW IT DIFFERS FROM OTHER IDENTITIES**

One of the main aims of this research was to consider the meaning of Islamic identities for respondents. It is through understanding the meaning this identity has for respondents that inequality and demonization on the basis of this identity can be understood. Furthermore, gaining this understanding was important because firstly, the constructed 'war on terror' has been responded to through what Fraser (1995, p.291, cited in Pedziwiatr, 2007, p.269) calls, the 'subaltern counter publics'. Core to understanding the counter publics involves an understanding of Islamic identities, since these identities have been the focus of the 'war on terror'. Secondly, Carens (2000, p.162) argues that people have 'multiple memberships within each of the dimensions' the legal, political and psychological, which 'interact with each other in complex ways'. Religious affiliation is one such membership, and it is through

appreciating the dynamics of Islamic identities that it can be understood how it interacts with the three dimensions of citizenship and other identities.

Mitchell (2006) argues that even those who are not religiously devout, who seem to have secular identities, still have a religious content which informs their identity and this research strongly suggests that those with secular identities still have an affinity with their Islamic identity. All respondents, including those who conceptualized their Islamic identity as secular because they are not practicing Muslims like Bilal, spoke of how their Islamic identity is important and is much more significant than either their ethnic and / or cultural identity.

*Religion because it is your faith it is something you honour and are devoted to and when someone is trying to take that liberty away its heart breaking. In comparison colour and culture, culture is manmade and colour is given to you by god and religion is for the god.*

Therefore, although Carens (2000, p.142) states that ‘for some Islam may be primarily a cultural marker, that has little bearing on the norms that guide their actions in public and private life’, even where this was the case and Islam did not inform respondents’ actions, the identity still remained important for these respondents. According to Mirza (2007), an Islamic identity is personal; it is personal because it reflects negotiation, choice and meaning which is derived at by the self, for the self. Woodhead (2008, p.55) argues generally a ‘religion is a name we give to a complex set of social practices which structure individual agency, and are in turn recursively structured by it’. The data revealed how an Islamic identity was perceived as being a

personal identity, which interacts with individual agency and as Mohammed explains this distinguished Islamic identity from other forms of identity.

*Religion hurts more. Because religion is something that is personal to someone even though many people read the Quran their understanding is personal and everyone has certain values that they pick up from the religion and are personal to them so it becomes a personal attack on the individual, its more than culture because culture only affects the society you are in or something you do in an certain way.*

The meaning Islam has for a Muslim can change over a Muslim's lifetime. At certain times a Muslim may invest in only certain beliefs that provide them with guidance and at other times they will follow Islam as a complete guide to life. As Mitchell (2006, p.1138) states, 'this is because religion has the capacity to simmer and surface in the lives of individuals and groups over time. It can recede but also revive'. The next experience by Aneesa shows the capacity of this identity to surface and how it surfaced into her life because of external events.

*I never used to read my namaz in those days and now I have started paying more attention to Islam and it's only after September 11<sup>th</sup> that I've read the translation for the Quran before I only wanted to learn about the Quran through word of mouth, I am a stronger Muslim now and I think its right that for a person to understand Islam they should read about it themselves. I did start to read my namaz and changed the way I dress, even though I wasn't a bad dresser before I just cover my head now because I never used*

*to wear a scarf before. It was a big reason for me to wear the scarf because I was frightened as to how people would look at me, but I just took the decision and did it but I did get some looks. The main reason I started wearing the scarf was because of the trouble my son was going through with the police I needed something to help me get through the pain my son was causing and I was putting that down to the fact that because we weren't practicing Muslims. I thought it was a kind of punishment and I had to do something, change my lifestyle and ways, because maybe I was getting a bit too westernized and had to go back to my roots. And since 1998 I've been to Pakistan twice and I never did go before that and I've had three spiritual experiences while I have been in Pakistan and I remember one thing that sticks in my mind that my father said to me was that the only place you will know whether there is god is if you go to Pakistan, see the life people have other there then you know there is a god. If you're in England you can't see it, the spiritual experiences have just helped me to get into Islam and understand it a bit more and I'm glad I went and want to keep that.*

It also demonstrates how an Islamic identity can provide strength. It is because as Woodhead (2008, p.55) suggests that 'religious belonging may make life not only intellectually meaningful and morally satisfying for its members, but emotionally resonant and practically live-able' that external events can influence the nature of this identity and the extent to which it penetrates a Muslims life.

This section has demonstrated how an Islamic identity was conceptualized as having greater importance for respondents than an ethnic or cultural identity. The reactive nature of Islamic identity has also been shown, demonstrating how external



events can change Islamic identities. This suggests that the international and national demonization of this identity in the ‘war on terror’ will not only have impacted respondents’ Islamic identity through producing a reactive identity but will also have implications for respondents’ sense of attachment and loyalty to their Islamic and British identities.

## **PROSPECTIVE DATA**

### **SOCIETAL PERCEPTIONS OF ISLAMIC IDENTITY & THE NEW DISCOURSE OF PAKISTANI IDENTITY**

Since the ‘war on terror’ Islamic identities have been constructed as a global threat (Turam, 2004) and within the nation state in what Blair called wars of ‘values change’ it was conveyed that ‘Muslim societies need to be forced to abandon ‘their values’ (Blair, 2006 cited in Kundnani 2007, p.37). Mythen and Walklate (2008) make reference to how dominant institutions generate discourses through which people come to recognize and understand risk. The structural level is powerful in influencing societal relations and creating social divisions through creating some identities as risky identities. This section considers how the ‘war on terror’ has impacted respondents’ perceptions of how their Islamic identities are perceived in society.

From a cosmopolitan perspective, Walker (2005a) presses the importance of universalism based on humanity whereby commonality exists but not at the expense of differences and Beck and Grande (2007) argue that differences should not be placed hierarchically but rather be seen positively. In this way difference is embraced and conceptualized as providing fluidity and as adding depth, creation and choice – therefore it could be argued that subjectivity and personal freedom are prioritized. However, this research revealed that respondents perceived their Islamic identity as

being perceived negatively because all respondents said the ‘war on terror’ and the state had produced negative stereotypes of their Islamic identities which associated their Islamic identities with terrorism. Respondents, like Safia perceived this discourse as also existing in society, with societal beliefs regarding the incompatibility of an Islamic identity and a British identity.

*After September 11<sup>th</sup> there isn't a mixed opinion I don't think, as I said before stereotypes are used where Muslims are concerned more than ever before and for the first time perhaps we have certain beliefs existing like Muslims are killers, believe in a bad violent religion and cannot fit into Britain and live in this country.*

Therefore, it could be argued that ‘the logic of identity/difference’ is perceived to exist with the ‘single characteristic’ of Islamic identity being essentialized and association with terrorism (Hudson, 2008, p.279). Within this construction it is the fact that terrorism denotes risk which has made the existence of a British and Islamic identity problematic. Interestingly, all respondents spoke about how their Islamic identity is now associated with risk and Azmat explains the nature of this risk.

*We are and it's not just a small risk but a huge risk, a risk that blows up building and wants to kill all non Muslims, if you go to internet chat rooms what they write about Muslims is shocking and there are few people who are non Muslims that actually defend Muslims.*

According to Beck (2006), the 'war on terror' associated risk with Islamic identities so that state suspicion and the risk of terrorism could legitimize internal security measures. The prospective data regarding perceptions of the police found that the greater the risk respondents thought the police think they represent the greater at risk respondents felt from the police. This data was very similar, because as Sophia suggests the greater the perceived fear of Muslims in society the greater the extent of marginalization and racism.

*I think it is to do with the reason why people are racist now and racism against Muslims has changed since September 11<sup>th</sup>, people are now fearful of Muslims and because this fear exist, people are now racist and it is not just a few groups. I think a huge part is the lack of knowledge that exists about Islam and people think that if Muslims did not exist then the world would be a safer place, so I think it's about security.*

The unison of terrorism with Islam has produced fear regarding the compatibility of Islam identity and British identity and according to Turner (2007b) humans' cognitive capacities enable them to derive a sense of how others think of them, through reading the gestures of others, or through introspection. Most respondents, like Zulfiguar talked about fear disrupting commonality to the extent where they think non Muslims no longer want them to be part of Britain.

*I think if you put the question differently and said to people, 'do you think the UK would be safer without Muslims', most would reply with a yes and*

*this speaks volumes. So although people may not evidently show they fear us, some aspect of fear does exist amongst most people.*

The ethics of responsibility denotes that the state has a duty to maintain equality and it is through maintaining equality that it is ensured that the state does not harm individuals and individuals can then form a sense of responsibility towards each other (Brock and Brighouse, 2005; Dower, 2008). The data shows that due to the state and the police not practicing equality and associating Islamic identity with fear this has impacted the ethics of responsibility in society as respondents now perceive marginalization, therefore diminishing the perceived sense of ethics from wider society. The impact of the 'war on terror' on the ethics of responsibility can be considered further through respondents' Pakistani identity. According to Amin (2004, p.2), after the 'war on terror' superiority became defined in 'ethno-religious terms'. Interestingly, respondents talked about how the 'war on terror' has led to a different discourse being associated with their Pakistani identity. Jamil explains how Pakistani identity has been associated with terrorism.

*It is religion and to some extent ethnicity because there are people who think all terrorists are Pakistani and these just shows how ignorant they really are.*

Therefore, in the prospective interviews data demonstrates how respondents' Pakistani identity, through being associated with terrorism has reduced the existence of commonality and negatively impacted the existence of moral responsibility. What is

increasingly becoming clear is how respondents believe the ‘war on terror’ has impacted societal beliefs about them.

### **MUSLIM - NON MUSLIM BINARY**

Through the ‘war on terror’ making respondents’ Islamic identity central this has had implications for respondents’ sense of commonality because they no longer believe that they are perceived with commonality, but rather with negative difference. The ‘war on terror’ has not only produced negative societal stereotypes but as Mazar explains the ‘war on terror’ has produced a Muslim - non Muslim binary in society.

*It’s all these people whether they are from African or Caribbean background or whether you’re from a white background or Indian background it’s all collectively seeing Muslims as separate and distinct and to be worried and feared and its manifestation is different from your traditional racism and discrimination.*

This binary is perceived to exist because of fear being associated with respondents’ Islamic identities and this can be understood through considering how terrorism was constructed. Terrorism was constructed in terms of a binary because as Brassett (2008, p.11) argues ‘straightforward dichotomies between ‘barbaric terrorists’ and ‘civilized cosmopolitans’ served to construct cosmopolitanism as a coherent, and united, global community’. It is therefore because an Islamic identity has been associated with terrorism and terrorists have been constructed as being outside humanity that respondents perceive the existence of a Muslim – non Muslim binary in society. This has huge implications for perceived citizenship because as the research has discovered

the greater the extent of perceived commonality in society and perceived commonality through state policies, the greater the perception of belonging. All respondents like Jangir spoke of how they perceive intolerance towards their Islamic identity.

*I think society has become a lot more intolerant of difference and I think that is going to be its biggest downfall of this country, everyone is different and difference has always existed and when your living in a world that's so small how can you just pick on one group of people, because it's going to spread and it is spreading, they are becoming more and more intolerant, first they were like we don't care, you do your own thing and we don't mind but then people go and blow themselves up and drive planes into buildings it gives people who are always on the fringe, the right it gives them a voice, it gives them a platform, and power and they have exploited it. Society has changed its changed for the worse and it's going to get a lot worse I think, and like I said it's a matter of principles if you can ride the ride then that's it.*

Therefore, just as respondents perceived the state and the police as negatively impacting their sense of belonging and attachment, respondents' perceptions of societal relations have also negatively impacted their perceived sense of belonging. This invariably has implications for perceived commonality and the extent to which citizens want to move from the part (minority identity) to the whole (national identity) (McPhee, 2005).

## **ISLAMOPHOBIA**

With the research investigating respondents' perceptions and experiences over a two decade time span, the data elucidates how racism is a fluid ideology which is deeply connected to the socio-political context within which it emerges. According to Modood (1992), in the 1990s there was a renewed emphasis on culture, which led to 'cultural racism' and Taguieff (1985, cited in Ratcliffe, 2004, p.20) similarly talks about differential racism, where culture replaces biology as the basis of 'race'. Respondents differentiated between previous forms of racism and the racism they believed the 'war on terror' has legitimized. All respondents felt that their Islamic identity was now the focus of racism, that fear and risk are associated with this identity and therefore how this form of racism has created a Muslim - non Muslim binary in society. Shafquat explains the nature of Islamophobia.

*Post 9/11 everybody knows about Islam they are scared of it, it's in their face, I think Islamophobia is more large scale, Islam is seen as a threat to peoples lifestyle, they are scared it's going to change their world, it is unique to racism because if you don't want to be racially abused because of the color of your skin you move to another area but if you are Islamophobic its impossible because there a billion plus Muslims in the world, you will come into contact with them.*

This data reveals how Islamophobia should not be conceptualized as a form of cultural racism because for respondents, Islamic identity has a very different meaning when compared to other forms of identity and therefore to conceptualize it as a form of cultural racism is to essentialize how experiences are perceived and to dismiss the harm caused by Islamophobia. Secondly, it also dismisses the international dynamics

which have led to Islamophobia. Islamophobia incorporates ideas of democracy as being progressive and religion as being backwards. It utilizes a Huntington clash of civilizations construction of the enemy, in which Islamic civilization is 'accorded a subordinate and inferior status within a hierarchical ordering' (Beck 2006, p.51) and the threat of Islam must be eradicated at all costs. Thirdly, this form of racism is based on values; at the international level Islam is constructed as being in direct opposition with the west and at the national level, as Wieviorka (2004) suggests this new form of racism describes its victims as being incapable of integrating into society and sharing the values of the dominant group. Fourthly, this form of racism excludes suspects from humanity. Definitions of the terrorist have constructed the terrorist as being outside democracy and outside the political process (Tadros, 2007 and Stohl, 2008) and outside humanity, with the terrorist being dehumanized (Findlay, 2007; Hudson, 2008). This construction is relevant to both the discourse associated with Islam and Islamophobia because just as the terrorist has been constructed as lacking individual autonomy, Lea (2005) argues that, Islamophobia has fundamental to it beliefs that Muslims lack individuality and autonomous existence. Thus, as Deutsch (2006) states, power is derived from the oppressor denying the autonomy of the oppressed. Therefore, incompatibility has been constructed in such a way that the humanitarian concepts which are a universal point of unity have been translated into 'the enemy within'.

Sadiki (2002) argues that the events of September 11<sup>th</sup> are an example of bad globalization because they have disempowered Muslims. Gilroy's uses the word diaspora to suggest 'a diffused experience and understanding of identity' (cited in Hudson, 2008, p.280). The above quote makes a direct reference to the threat associated with Islam on the international level with previous quotes showing the



perceived threat associated with Islam on the national level. Therefore, the data demonstrates how respondents perceive their Islamic identity to be excluded on the international level and the national level and how this has in fact led to a different understanding of Islamic identity, as now it is understood by respondents in terms of constructed risk and threat.

This chapter has demonstrated the great extent to which society is perceived to have changed. It could be argued that because the discourses produced in the ‘war on terror’ are strong and exist at the international level and the national level it is likely that respondents have a double identity. According to Deutsch (2006), the oppressed groups (Muslims) must interact with the dominant group whose culture mainly provides stereotyped images of them and the oppressed group is often under pressure to conform to and internalize the dominant group’s images of their group. This leads to the dominated group often having a double identity, one defined by the dominant group and the other coming from membership in one’s own group. The next section explores how the ‘war on terror’ and change in societal attitudes has impacted respondents’ Islamic identity and therefore the extent to which a reactive identity has emerged.

## **REACTIVE IDENTITY - ISLAMIC IDENTITY AS BECOMING PRIMARY IDENTITY**

According to McPhee (2005) there are various consequences of an attack on an aspect of identity, firstly this identity can take over the entire identity of the person, secondly lead to feelings of togetherness and therefore strengthen community identity and finally, through becoming the primary identity asserting this identity can become liberating. The ‘war on terror’ has impacted respondents in many ways; it has

redefined their structural relationship with the state and the police and has altered the once ethnic relations of society to Muslim - non Muslim relations. 'State-defined identity categories can have a profound impact on individuals' conception of themselves' (Skerry, 2000 cited in Pedziwiatr, 2007, p.275) and state inequality, especially where the legal dimension of citizenship is concerned, has had a great impact on respondents' Islamic identities. This research found that due to the 'war on terror', all respondents identify with their Islamic identity more and this has become the primary identity through which all respondents identify themselves. Matloob explains why his Islamic identity has become important.

*Islam has become more important to me because I now see myself as a Muslim and not an Asian person. Before we were seen as Asian but now we are seen as Muslims and this part of our identity has become really significant for other people first and then this has made us change the way we see ourselves. I do feel proud to say that I am a Muslim and try to do my duty and tell people what Islam is about.*

Interestingly, due to Islam being such a core part of the 'war on terror', many respondents explained how the 'war on terror' had actually made them want to know more about Islam. Individuals often rely on religious content to construct identities, 'with Muslims increasingly reshaping religion with their own hands (rather than relying on 'crusty' clerics) (Mandaville, 2007. p.102). Therefore, the 'war on terror' has not only led all respondents to identify with their Islamic identity more but it has also led many, like Sikander to learn more about this identity.

*After Sep 11<sup>th</sup> I became more aware of my Muslim identity, before I had always defined myself in terms of ethnicity and I am an Asian and I felt that I had to know more about my religion.*

The issue of 'choice' is highly relevant, as the retrospective data revealed the greater the extent of commonality, as respondents were constructed through their ethnic minority and Asian identity, the lesser the perceived degree of marginalization. The 'war on terror' has restricted the choice of respondents to be constructed according to these identities and where choice does not exist, neither does power. Therefore, respondents identify with their Islamic identity more because it is through this identity that unequal legal status, religious profiling by the police and experiences of repression and exclusion exist, as Musarat states.

*The incidents have made me stronger and now I do take more of an interest in the Muslim community, simply because if you know what is going on you then know what your position is. Yes it did what I think it did was it made me realise that I was a Muslim before I thought of myself as a British Asian, but I realised that people looked at me as a Muslim that's the major impact and you know after 2001 people started to show their prejudice towards me being a Muslim I think I've said that previously I was just an Asian or a Paki but now it didn't matter what colour I was if I was a Muslim I was targeted for following my religion more than my colour. It definitely made my identity stronger.*

Wieviorka (1999, cited in Wieviorka 2004, p.290) uses the example of young Muslims she met in France who said ‘their choice in Islam is personal and deliberate and secondly, they consider Islam enables them to keep going when confronted with a racist society and one in which their living conditions are particularly difficult’. Respondents perceive inequality and they no longer believe non Muslims share the same experiences, as demonstrated in the prospective police data where injustice was perceived as existing towards Muslims alone and therefore respondents identify with their Islamic identity as it is through this identity that perceptions and experiences are now formed. This has implications for perceived citizenship because it could be argued that perceived exclusion at the societal level has negatively impacted respondents’ sense of belonging and attachment to their British identity.

## **POSITIVE ISLAMIC REACTIVE IDENTITY**

Cosmopolitanism warns of the dangers of the state deviating from cosmopolitan law, which is about maintaining universal human rights and ensuring that every citizen has equal liberty (Kaldor, 2000; Nash, 2009) and secondly, the state imposing a fixed identity, whereby inequality is based on identity (Beck, 2006; Hudson, 2008). Cosmopolitanism places importance on perceptions. As Beck (2006, p.19) states ‘the choice to become or remain an ‘alien’ or a ‘non-national’ is not as a general rule voluntary, but a response to acute need, political repression’. Perceptions of repression lead to changes in identity, a sense of detachment and therefore a reactive identity. The data has explored how, due to the state deviating from cosmopolitanism and equal citizenship, Islamic identities have changed.

The first section considers positive changes to Islamic identities, the second section explores negative changes to Islamic identities and the final section explores

how respondents have detached themselves from their British identity thus becoming as Beck (2006) suggests an alien.

For some respondents through constructing Islam negatively, the ‘war on terror’ has actually made Islam more relevant to their lives, in a way that perhaps would not have happened had it not been for their Islamic identity being attacked. As Rafia states, her Islamic identity has become something she is proud of, she has wanted to learn more about Islam and has started practicing Islam. The negative discourse associated with Islam has had a positive influence on her and the role of Islam in her life.

*I felt like I was defending my faith and my community and in a sense was being judged by people who were ignorant. In one sense I now have speeches prepared because I know they will ask me those things I have a speech prepared as to why we cover up and why we don't cover up and when I meet new people I expect them to come up with these questions and I can see that people want to ask certain things but don't know how to. So you do feel like you have to justify, explain and defend and no other group would have to answer the kind of questions we do. It's made me more proud of who I am, it's made me more proud of my faith, I've read up more and become more practising than I was and I will make sure I sit down and talk to my sons unlike my Mum who never had the time so it's made my faith stronger and it's become more stronger in my life. In my life it's become more important I am like a defender of my faith when I meet people I explain my religion, give them a whole ethos whereas before I would have*

*said I'm Muslim, and this is what I believe in, why we pray. So it spreads more knowledge and understanding about my religion.*

As the quote demonstrates the 'war on terror' has not only led this respondent to identify more with Islam but it has facilitated religious belonging which, as Woodhead (2008, p.55) suggests, can may make life 'morally satisfying for its members'. Many respondents, like Zulfiguar spoke of the pride associated with their Islamic identity, and interestingly for these respondents it was because their Islamic identity gave them strength, something they felt other identities did not give them.

*As I said before its made my religious identity stronger and tested my faith because it would be very easy for me to change what I wear, so that I do not get the looks and so on but I found that was something I was unable to do and instead I became prouder of my faith and of who I am.*

Therefore, for some respondents the 'war on terror' has made their Islamic identity significant, and provided them with the impetus to explore their Islamic identity. Within the 'war on terror' perceived injustices have politicized Islamic identity and unified the umma. The 'war on terror' transcends localization and globalization leading to what Ehteshami (1997, p.180 cited in Khatib, 2003, p.392) calls "the emotional, spiritual and political response of Muslims to an acute and continuing social, economic and political crisis'. In this way the 'war on terror' has led to a stronger sense of shared identity and impacted emotions and feelings. The data revealed how some respondents felt an increasing sense of attachment to their Islamic identity and this was because the 'war on terror' has politicized Islamic identities. As

Musarat explained, for her wearing the hijab is liberating because it is black and represents her resisting the negativity associated with Islam.

*If I walk into a meeting with my black scarf I mean everybody is looking at me and now it is about Islam which is why white Muslims are also suffering abuse. But it is discriminating and if you walk in no one will look at you, and the meeting I had today, everybody was looking at me, there were girls like you there they didn't get looks. My husband said don't wear black today there will be many people there, I said no, let them learn the color black has become an Islamic color and if you wear it you somehow, well black has become a terrorists color, but I don't care, I'm going to walk anywhere I want with my black clothes on why should I care, I didn't change myself when I was a hippy, smoking cigarettes with flowers in my hair and at that time I used to get looks from Asian men saying our girl dressed like that, we cannot have that, I used to say go to hell, I don't believe in this in the same way. Tables have turned I said to my husband I'm not going to change my scarf because it's convenient for other people.*

Geertz (2000, cited in Werbner, 2007) links the political dimensions of Muslim veiling with the quest for personal meaning. Of interest is how Musarat believes black has become synonymous with terrorism. Her choice to wear the hijab is about resistance. Mitchell (2006) relates religion to spirituality and van Ness (1996 cited in Spalek and Imtoul, 2008) states that religion and spirituality react and respond to each other; they mutually transform each other. The research demonstrates how Islamic identities are

reactive identities, within which there can be 'a revival of spirituality', (Mitchell, 2006) influenced by external events.

Shafquat talks about how after 9/11 he not only learned more about Islam but Islam also became spiritually important for him.

*I think it's more important I've taken more time to learn about it, as a child my father used to pray five times a day, when you're young you learn about the practical side but now I'm learning about the spiritual side I've taken it upon myself to learn. You know reading namaz can get very ritual you go and perform the actions and done. But what is it suppose to mean it's not suppose to mean standing there its meant to mean a connection and I've only learned that now, it's only after, well post 9/11 that I've become aware of what Islam is really about, well I've become more aware of what it's about from the spiritual perspective and not just the ritualistic perspective.*

This section has demonstrated how even though Islamic identities have been constructed negatively these negativities have led to positive changes in Islamic identity. However, the concern is that the previous data chapters revealed that those who are visibly Islamic are perceived to be at most risk of marginal citizenship. Nash (2009) when referring to marginal citizens includes status and racism. The data has shown that respondents perceive Muslims as not having equal legal status and suffering from racism and therefore although on a personal level a closer relationship with Islam maybe beneficial, within the 'war on terror' this is also perceived to lead to a greater level of marginalization where citizenship is concerned.



## NEGATIVE ISLAMIC REACTIVE IDENTITY

Deutsch (2006) states that oppressed groups (Muslims) often have a double identity. Although some respondents spoke about how the 'war on terror' has increased their religiosity and attachment to their Islamic identities, other respondents felt that the 'war on terror' has had a negative impact on their Islamic identities. Of interest is how some respondents, due to believing that the politicized construction of their Islamic identities could be resisted, not only maintained but asserted their Islamic identities more, whereas for other respondents the dominant group's image of their Islamic identity was perceived as being so powerful that they did not think it could be resisted.

Firstly, some respondents believed that Muslims should move from the part (minority identity) to the whole (national identity) (McPhee, 2005). What is of interest is how these respondents, like Bilal cited oppression and marginalization as the reason, rather than an increased feeling of attachment to their British identity.

*I feel disadvantaged in the sense that I can't grow a beard and go anywhere, I want to, well I could do I could grow a beard but then at the same time I would have to put up with people saying things to me, I would have to put up with potentially being stopped by the police, potentially people saying things and throwing things at me. You've got to do it in moderation; don't put in people's faces.*

Secondly, Carens (2000, p.141) states that Islam constitutes for many of its members, 'something from which they cannot and do not wish to distance themselves'. The 'war on terror' and its perceived implications for justice and marginalization at the societal

level have led a few respondents, like Matloob to believe that although their Islamic identity has become their primary identity they should assimilate at the expense of their Islamic identity.

*We have to do what we need to do to be accepted in this country because this country is not our country, and if you can't do the right things then you need to leave the country, there are mosques and if you want to go and pray you pray but these people I can't believe they want to show they are different. Because if we are different we have to go back, god said first my law and order and then the countries law and order, so we have to follow them and not them follow us.*

And finally, some respondents believed that the 'war on terror' has demonized their Islamic identity to such an extent that they have restricted their children's right to show their Islamic identity in the public sphere. Mazar explains how he believes disadvantage is associated with maintaining a visible Islamic identity in the public sphere.

*Absolutely, it worries me, I'm 50 and it doesn't matter one way or another because I think I've lived most of my life but I worry about my children and how it's going to impact them so much so that one of my daughters wanted to wear a scarf and she goes to college and I said no, and I actually constrained her rights because for her own good and she's pleased that I did that now but back then she said but dad it's my choice and I said no because you're going to be treated differently.*

Beck (2006, p.25) argues that within the prison error of identity, 'people with strange-sounding names find themselves repeatedly subjected to cross-examination'. This is a deviation from cosmopolitanism as within this perspective humanity should exist at a higher level than any form of difference and indeed the cosmopolitan should have a choice of identities, multiple affiliations and multiple attachments (Kaldor, 2000; Hudson, 2008). This section has not only demonstrated how respondents perceive Islamic identity is perceived in society but how this has led to a restriction in the freedom to practice this identity. The 'war on terror' has had a variety of impacts on respondents' Islamic identities and what has emerged from the research is how the respondents that perceived the most fear and negative consequences were the ones that advocated assimilation.

## **PERCEIVED DIMINISHING BRITISH IDENTITY**

The chapter has demonstrated how respondents believe it is their hyphenated Muslim British identity which is regarded as problematic in society. This section now considers how respondents' own perceptions and attachment to their British identity has been impacted. It is through the state providing equal citizenship based on 'justice, human rights and social responsibility' (Johnson, 2009, p.31) that consensus in society is maintained, as only then can the state rely on its people to create an equal and tolerant society. Hobsbawn, (1990, cited in Colley, 1992, p.309) states 'there is no more effective way of bonding together the disparate sections of restless peoples than to unite them against outsiders', and the events of September 11<sup>th</sup> and subsequent 'war on terror' have been perceived as uniting society against Muslims, restricting the

freedom associated with Islamic identities and introducing marginal citizenship based on this identity.

Firstly, the fact that the hyphenated British Muslim identity has been constructed as problematic has led almost all respondents to experience pain. This research has revealed how, due to the 'war on terror', respondents perceive a loss in their status, rights and citizenship at the level of the state, the police and society. The next experience by Masarat shows how this man has experienced a loss in his British identity and is having to explain that he is part of this identity.

*And you know my son is a taxi driver and nearly each and every person that went in his taxi blamed him personally for 9/11 and he said look mate, I'm British and I've been born and bred here, why are you telling me? He took it easy but it was hard on him and at times he said you know mum, I think I will skip work for a few weeks and I won't go to work and I said no you can't do that you've got to pay your bills, life has to go on and it was really exceptionally hard on us.*

Secondly, most respondents, like Sophia, spoke about how they now themselves perceive differences and a decreasing sense of commonality.

*Now I see that we will always be different, no matter what we do and there is only so much we can do ourselves as a community, it takes both sides to make a difference I think. I think there is a subtle pressure there, before 9/11 this pressure might have been easier to deal with but now because it is*

*religion that is the issue you can't just give up your religious beliefs, so the conflict is bigger.*

McPhee (2005) argues that in order to gain loyalty a state must recognize minority groups, both as individuals and as part of their community or group, emphasizing that loyalty is established through minority rights and influences the extent to which citizens want to move from the part to the whole. Thirdly, the decreasing sense of commonality has led many respondents to feel detached from their British identity and therefore not want to move from the part to the whole. Matloob explains that Islamic identities have been demonized to such an extent that it has made it hard for him to be loyal to his British identity.

*I question where I belong now, they say that we have split loyalties, but how can we be loyal to this country. I have been all my life and this is the way they treat us. They are making it hard for us to be loyal and if all they do is point out our differences and make us look negative then they are not allowing us to be loyal because they are the ones that are putting the barriers up, not us. I think they want us to change our religion. Before we could be western and we were accepted, or even if we were not that western but now even if we change our religion they will still hate us because they will think that person is still a Muslim.*

Fourthly, all respondents were born in Britain and yet almost half, like Azmat referred to no longer calling Britain home.

*I have now realized just how helpless we, we are helpless when it comes to changing people's opinions and views of us and this has made me feel that I can no longer call this country my own.*

This suggests that the 'war on terror' has produced a substantial sense of detachment coupled with an overwhelming feeling of difference. Further, as this research has shown, respondents now feel excluded and perceive intolerance towards them, impacting the extent to which they want to interact with others. Both cosmopolitanism and citizenship place a duty on the state and highlight that where the state or apparatus of the state fail in these duties then citizens' loyalty, sense of justice and belonging will be impacted. Fifthly, due to the state failing in its' duty respondents' loyalty and belonging has been impacted to such an extent that some respondents like Younis had concerns regarding their place in Britain, the very country in which they were born.

*The incidents have me very bitter and feel very unsafe. I now have feelings that I never thought I would and I do seriously think sometimes that I should just go back to Pakistan. Now this is something that I never thought I would feel, but I do and it hurts having to think like this because before September 11<sup>th</sup> I wanted to spend the rest of my life here and felt like I was part of this country.*

Sixthly, the data revealed how respondents had concerns about unequal citizenship, Islamophobia and societal relations and as Maria explains these have produced concerns regarding the future.

*Before when our parents came into this country there was racism and they felt it and after a while when we were growing up we had a bit of racism but we got on and lived with it but you know our youngsters now say like my daughter who is nine and I think they are going to have an even harder time because the young generation that's growing up with them is so brainwashed with the media that how are they going to adjust so are we going back fifty years? So instead of moving forward we have moved back because these young children they are going to grow up and they will be the next officers.*

Deutsch (2006) notes that the oppressed may be less committed to the institutions which produce such injustice and this research has shown the reactive nature of both respondents' Islamic and British identities, showing how the 'war on terror' has significantly impacted both. And finally these factors have produced concerns regarding radicalization, as Mazar explains.

*I can rationalize and live with it because I have seen that happen to the Black community in the 70s and 80's but the youngsters haven't experienced that and they say hey I'm British, I'm a Brummy and the only difference I have is that I might have slightly browner skin and I might pray to a slightly different god in a different building but I'm a Brummy and I was born here and this is my home and why have I been demonized and they are disconnecting. One thing I found shocking was that I was talking to a group of young people and one of them said 'this is not my country' and he*

*is third fourth generation Muslim and I said 'I beg your pardon which is your country Saudi Arabia?' And I said 'you wouldn't get a look in and you are free to practice your faith here' and there was this thinking I don't belong here and if this feeling spreads we will be worried as a community.*

This section has demonstrated the negative impact the 'war on terror' is having on respondents' British identity and their sense of attachment to this identity. Biographical cosmopolitanization has been shown to exist with Islamophobia being perceived as existing on the international level and the societal level. The theme of ethics is about having a responsibility in ensuring that others are not harmed, however the 'war on terror' has seriously undermined the extent to which respondents perceive an ethics of responsibility towards themselves from non Muslims and towards non Muslims. Beck (2006) argues that exclusion can lead to hatred where inequality is linked to identity and where biographical cosmopolitanization also exists together they can lead to feelings of injustice, repression and hatred which can lead to radicalization. The three data chapters have all included data relating to radicalization and of interest is how the state construction of Islamic identity, perceived marginal citizenship (Nash, 2009) and lack of rights have combined to produce concerns regarding the alienation of British Muslims. The data thus highlights diversity and how although for some Muslims, citizenship has negatively influenced the extent to which they feel British, for other Muslims reduced citizenship may not simply impact feelings but lead to actions of terrorism based on these feelings.

## **CONCLUSION**



This chapter has explored how the ‘war on terror’ has impacted respondents’ perceptions of society and their Islamic identities. Firstly, through the ‘war on terror’ producing a discourse on Islamic identities it has restricted the choice of respondents to be constructed and perceived according to other identities, for which there exists greater commonality.

Secondly, Islamic identities were found to have a greater meaning for respondents than other forms of identity, thus resulting in respondents experiencing a greater deal of pain than that associated with previous forms of racism. Thirdly, the ‘war on terror’ has not only impacted respondents’ self ascribed identity but respondents identify with their Islamic identity more because of marginalization and because it is through this identity that experiences of repression exist. Fourthly, just as respondents perceived the state and the police as negatively impacting citizenship, interactions between citizens have also impacted upon respondents and respondents’ sense of attachment to their British identity. And finally, the significance of this sense of detachment is that it can also result in a cosmopolitan sense of detachment.

## **CONCLUSION**

### **INTRODUCTION**

The purpose of this research was to collect rich data from extensive interviews in order to reveal British Muslims' counter discourse to the 'war on terror'. More specifically, the research explored this counter discourse in relation to the impact of the 'war on terror' on Muslims' perceptions of the state, the police and their Islamic identities. This chapter explores the counter discourse to emerge, demonstrating how the state centric 'war on terror' has led to the existence of 'parallel discursive arenas where members of subordinated social groups invent and circulate counter discourses to formulate oppositional interpretations of their identities, interests, and needs' (Fraser, 1992, p.123 cited in Sparks, 1997, p.85).

The general contribution of this research is the empirically derived counter discourse, which through being based on respondents' perceptions indeed challenges state centric perspectives and avoids replicating and contributing to the state centric perspective (Breen Smyth, 2007; Spalek, El Awa and McDonald, 2009). It is therefore the very fact that the research provides an understanding of counter-terrorism through the perspectives and experiences of those experiencing state repression that the research is of significance. The significant contribution of the research has been further facilitated through the use of cosmopolitanism and citizenship as broad theoretical underpinnings within which the data was framed. These perspectives were used as a foundation from which the 'war on terror' and the role of the state and police in the 'war on terror' could be deconstructed, critiqued and reconstructed according to Muslim citizens' perceptions. This chapter will explore the various significant facets of the counter discourse to emerge through relating them to citizenship and cosmopolitanism.

Further, although the state centric ‘dominant discourse and paradigm defines the space in which scholars research, think and write’ (Breen Smyth, 2007, p.261) this chapter through revealing the impact of the dominant state centric discourse will also suggest ways in which the space between the dominant discourse and counter discourse can be made smaller. The gap between the dominant discourse and counter discourse is important and it is through making this smaller that the impact of the ‘war on terror’ will not lead to perceptions of marginalization, detachment from British identity and concerns within Muslim communities regarding radicalization. It is because the two discourses convey understandings and interpretations of the ‘war on terror’ that the closer the discourses are the greater the likelihood that understandings are shared.

This chapter will firstly explore the predominant themes of citizenship and discuss their significance in relation to the data and secondly, explore the predominant themes of cosmopolitanism in relation to the data.

## **THE IMPORTANCE OF THE STATE**

A major significant theme to emerge from the data was how respondents have expectations of the state and the perceived importance of the state in an era where the international level and globalization have become increasingly important. Generally, many of the themes which emerged were based on respondents’ pre-existing expectations of the state, for example, expectations regarding human rights, civil liberties and those pertaining to the state treatment of identities. This suggests that citizens have a broad range of expectations where the state is concerned and these expectations were similar to the role and duties of the state under cosmopolitanism, citizenship and the enlightenment. The significance of this is that in the ‘war on terror’ because expectations exist, where the state is perceived to have gone against these

expectations then this has impacted respondents' feelings of belonging and attachment to their British identity, as will be demonstrated throughout the chapter. Secondly,

‘Hannah Arendt (1951 cited in Turner, 2009, p.71) criticized the notion of inalienable universal rights that are assumed to exist independently of any state, but she noted that once the rights of citizenship had been removed, there is no political authority left to defend people as human beings’.

Loader and Walker (2007, p.13) argue, ‘states are the main source of capacity, the main reference point of legitimacy’. Through the research revealing that respondents have expectations of the state, this demonstrates the importance of the state in terms of citizens' perception and identities. Therefore, in the ‘war on terror’ although notions of security and risk were informed by broader global discourses, for respondents, accountability exists at the level of the state. Thus, in terms of future actions and counter terrorism measures the state must acknowledge that although its actions may be part of broader global discourses, such actions impact respondents' perceptions of the state. Therefore, state foreign policy can actually domesticate international issues for which perceptions of injustice exist, leading to feelings of injustice and hatred towards the British state.

## **STATE POLICIES AND IDENTITIES**

In terms of citizenship, the counter discourse revealed how citizenship impacts British Muslim citizens' identities and how respondents' expectations of the state were found to relate to perceptions of legitimacy. This research makes a contribution to citizenship

through revealing how state policies impact citizens' identities. Phillips and Bowling (2003 cited in Spalek, 2008, p.143)

'have advocated adopting a method that documents people's specific experiences but which acknowledges that aspects of these can be shared by other minorities due to broader structures of 'race', class, ethnicity and so forth'.

Although the research was predominantly concerned with respondents' Islamic identities, an understanding of the complex interactions between citizenship and identities was gained through also considering broader structures and thus other identities. In this way it was possible to understand which experiences respondents believed only Muslims share and which experiences respondents generally believed were shared with non Muslims.

Respondents were given the choice to use other identities, those of British and Asian to show where they perceived equality as being practiced by the state and the police. In this way it was possible to establish the extent to which respondents believed the 'war on terror' and the actions of the state had constructed and demonized their Islamic identities and the impact of this on their Islamic identities. The research, through considering a variety of identities makes a contribution to citizenship in relation to questions of identity in the post 9/11 era. Gaining an understanding of how state policies within the 'war on terror' are impacting Muslims is important to document and relevant to contemporary debates regarding integration and marginalisation (Mueller, 2004; Lyon, 2007; Thomas, 2009), which have become increasingly relevant since the 'war on terror'.

Marshall (1950) and Carens (2000, p.162) take the dimensions of citizenship to mean a unified entity arguing that the three dimensions of citizenship ‘interact with each other in complex ways’. Through conducting the research over a two decade time period the data revealed how the political and legal dimension of citizenship interact with and indeed impact the psychological dimension of citizenship and thus respondents’ ‘sense of emotional attachment, identification, and loyalty’ (Carens, 2000, p.166).

The first significant theme to emerge was in relation to equality within citizenship. For example, in the retrospective period, where negative perceptions of the state did exist, although the data revealed equality as being an important principle, a great deal of inequality was not perceived. This is because the state was not perceived to fail Muslim communities in particular but all ethnic minorities, as the issues which respondents felt the state could have done better were issues that impacted all ethnic minorities. This suggests that where state inequality or racism is perceived as being on the basis of a shared inter community identity then inequality and demonization are not perceived.

Secondly, the data revealed the relationship between equality and perceived inclusion. Where interests in the form of rights existed on the basis of a variety of identities, British, racial and ethnic this led to positive perceptions of the state because it demonstrated that the state viewed respondents as part of the national community and minority community and this increased loyalty and attachment to the state and national identity. Policy initiatives, such as services to eradicate poverty which were based on a British identity were perceived as inclusive policies and as a way of strengthening shared citizenship through highlighting problems which cut across all minority identities. This data therefore suggests that although as McPhee (2005) argues, in order

to gain loyalty a state must recognize minority groups and loyalty is established through minority rights, policies which are developed for the whole are equally as important. During the retrospective period respondents used a variety of identities, predominantly ethnic and racial and all the identities were based on how the state formulated policies. This demonstrates how external factors impact citizens' identities and how state policies are not only a means through which to deliver citizens' rights but are equally important to citizens' sense of belonging. It is because state policies inform citizens of the extent to which the state views them with commonality or difference that they in turn shape citizens' sense of belonging to their various identities.

Thirdly, the data revealed how the 'war on terror' has impacted the psychological dimension of citizenship negatively and respondents' attachments to their Asian and British identities. This research has revealed how, due to the 'war on terror', respondents perceive a loss in their status, rights and citizenship. Respondents talked about how they believe the state constructs British identity as representing freedom, equality and liberty and yet in the 'war on terror' the state has deviated from these very concepts through the introduction of counter terrorism legislation. The 'war on terror', through producing perceptions of injustice, police targeting and demonizing Islamic identity, has negatively impacted respondents' sense of attachment to their British identity. Therefore, although the state has adopted a policy of community cohesion, emphasizing concepts which should form part of British identity, the research demonstrates how respondents' perceptions of being part of this identity are in fact much more complex than simply introducing concepts of shared citizenship and promoting these as the ideals which unite citizens and facilitate belonging.

This research demonstrated how in the 'war on terror' policies have created a perceived sense of difference and how although the state has introduced policies based

on achieving unity, for respondents once marginalization and inequality are perceived then the existence of other policies cannot diminish feelings of detachment. For example, to consider the impact of the 'war on terror' on respondents, some respondents spoke of how they now find it difficult to not only believe in the values of a British identity but also find it difficult to be loyal to this identity. Therefore, the research revealed a severe sense of detachment whereby although all respondents were born in Britain almost half referred to no longer calling Britain home. The concerns regarding a detachment from British identity were linked to radicalization and thus concerns for young British Muslims and how the state is marginalizing them. Both cosmopolitanism and citizenship place a duty on the state and highlight that where the state or apparatus of the state fail in these duties then citizens' loyalty, sense of justice and belonging will be impacted. Therefore, in terms of the future relationship between the state and British Muslims, although the state has formulated policies at achieving cohesion this research suggests that these policies are very ineffective at improving a sense of belonging. It is important that the state recognizes that policies which are formulated on the basis of minority identities, when perceived negatively can have a negative impact which transcends to such severe feelings of exclusion, that such exclusion cannot be remedied through the introduction of other policies aimed at achieving unity, such as community cohesion.

When considering the more intricate ways in which the state has marginalized British Muslims, the introduction of counter terrorism legislation was instrumental in shaping such perceptions. Further, anger existed because the state was perceived to have failed to distinguish between contested interpretations of Islam through highlighting the diversity of British Muslims and instead homogenized the Islamic faith and associated Islam with terrorism. This suggests that not only are policies important but so are the



words used by politicians and those that comprise the state in contributing to perceptions of marginalization. Therefore in terms of state policies these should at the very least always emphasize a shared identity, whereby the 'war on terror' is not created as a 'Muslim problem' but should be highlighted as one that all humans face, thus emphasizing unity. And further, where politicians circulate discourses through the media, language should reflect commonality, there should be an acknowledgement that British Muslims are also victims in the 'war on terror'. It is important that the state finds ways of bridging the gap between the state centric 'war on terror' and the counter discourse of British Muslims to the 'war on terror' and more effective policies and language would benefit this.

Fourthly, the research revealed how respondents' Islamic identities have been impacted in the 'war on terror'. One of the main contributions to emerge from this research is that the research explores Islamic identities because Muslims' Islamic identities have been largely absent in the collection of in depth interview data, especially prior to 9/11 and in the context of the 'war on terror' and the state and the police. Respondents articulated how their Islamic identity differed from other identities in terms of meaning, manifestation and negotiation. The research found that one of the most prominent reasons as to why an Islamic identity is different is the way in which it penetrates a Muslim's life. It is an identity that represents choice, where meaning can be constructed and where values and morals can be formed. It is also an identity some respondents use as a guide through which life is attributed meaning. It is due to Islam being a set of beliefs that its potential for significance varies from other identities. Islam relates to spirituality and therefore it is not simply an identity but rather in terms of significance, manifestation and negotiation represents entities that are deeper than identity, such as morals, values and meaning. Religiosity and spirituality were found to

be closely associated, as mechanisms which not only provide guidance but comfort and inner peace. In the prospective data it was revealed how due to respondents' Islamic identity being attacked, the identity became more associated with comfort and inner peace with respondents articulating how the perceived politicization of this identity has led to a growing sense of unity and attachment to the identity.

The 'war on terror' has a predominately secular standpoint and the data showed that although respondents do not expect their Islamic identity to be accommodated in the public sphere, they do not expect their religious identity to be demonized. It could be argued that since the 'war on terror' the diminishing attachment to British identity has been marked with a growing sense of attachment to Islamic identity. For some respondents through constructing Islam negatively, the 'war on terror' has actually made Islam more relevant to their lives, in a way that perhaps would not have happened had it not been for their Islamic identity being attacked. Therefore, for some respondents the 'war on terror' has made their Islamic identity significant and provided them with the impetus to explore their Islamic identity. Added to this growing sense of attachment was the socio-political context which not only provided the impetus but has also shaped the meaning of an Islamic identity. The data revealed how some respondents felt an increasing sense of attachment to their Islamic identity and this was because the 'war on terror' has politicized their Islamic identity. They felt this identity was liberating and a way of resisting the negative construction of Islamic identities. Interestingly, the growing affiliation with this identity can be understood because it is through this identity that perceived unequal legal status, religious profiling by the police and experiences of repression and exclusion exist. Therefore, it appears that on the policy level respondents are pressed to show their loyalty to their British identity, with the state advocating assimilation yet it is also the state that has created the structural

conditions by which respondents cannot prioritize their British identity because they do not believe they have the same common experiences as non Muslims.

British Muslims' counter discourse to the 'war on terror' is one which highlights perceived contradictions by the state; whereby respondents want to be perceived with commonality, as being British but it is the state that is manufacturing structural conditions whereby differences are perceived. Due to the state construction of Islamic identity respondents feel an increasing sense of 'push and pull' in relation to their British identity and Islamic identity. The data showed that those who are visibly Islamic are most at risk of racism and therefore although on a personal level a closer relationship with Islam maybe beneficial, within the 'war on terror' this is also perceived to lead to a greater level of marginalization where citizenship is concerned. This reveals the extent to which British Muslims feel their Islamic identity has been problematized by the state.

For some respondents there existed a belief that Muslims who choose to overtly appear Islamic are damaging Muslim communities, as one respondent stated it is 'putting oil on fire'. Interestingly, such beliefs were not based on perceptions that practicing Islam is not important or even a secular view but rather these views were based on the way Islam has been constructed. The underlying factor was that because Islam has been created as a threat, as representing difference and risk, through Muslims showing their Islamic identity they are contributing to the construction of difference. The respondents who held these views believed that the greater the degree to which non Muslims perceived differences between themselves and Muslims the more Muslims will suffer. It was therefore anger based on the existence of fear, and this was also the case for respondents who advocated assimilation. The issue of choice is essential, as where assimilation and the restriction of a public Islamic identity were revealed as being the

reactive Islamic identity to emerge, these decisions were present due to fear, vulnerability and powerlessness. These respondents believed that if Muslims did not hide their Islamic identity they would suffer marginalization. This data reveals the impact of citizenship on identities, how respondents perceive marginalization and the extent to which they believe the state has demonized their Islamic identity. However, although it has been argued that since the inception of the 'war on terror' the state is demonizing British Muslims' Islamic identity the research demonstrated how the state is also making it difficult for respondents to perceive themselves as British. This suggests that although the state has tried to decrease marginalization it is through a more inclusive British identity, whereby British Muslims share the same experiences as non Muslims that a sense of unity will be achieved.

When discussing cultural rights, from a criminological perspective the emphasis is on the need for state intervention to be legitimate and proportionate, Falkner (2003) highlights that at the very least the state should provide the opportunity for voices to be heard so that minorities can make decisions based on their communities. Therefore, in order for the state and the police to understand the impact of the 'war on terror' they need to listen to the voices and concerns of Muslims. The real danger is that although the state and the police may act on the basis of prevention such actions are interpreted very differently by British Muslims. This research demonstrated the existence of a strong counter discourse amongst respondents and how the actions of the state are interpreted in terms of impact so the state should engage with British Muslims as the 'war on terror' is an indefinite war and therefore finding ways of preventing marginalization and radicalization are important.

## **MARGINAL CITIZENSHIP AND INJUSTICE**

As already mentioned respondents do not perceive commonality and the main avenue through which this perception was formed was through that of legal rights. Since the 'war on terror' the research found that respondents no longer perceive themselves to have the same human rights as non Muslim citizens and therefore believe they have a reduced legal status, they are marginal citizens, 'who have full citizenship rights but who nevertheless do not enjoy full citizenship status' (Nash, 2009, p.1073).

Nash (2009, p.1068) argues 'human rights and citizenship have long been closely entwined'. The 'war on terror' has produced concerns regarding suspects' civil liberties and legal rights and also produced questions regarding the conditions in which suspects of terrorism have been detained (Amnesty, 2009; Liberty, 2004; 2006 and 2009). The introduction of counter terrorism legislation has led to the conclusion that we now have a system for ordinary decent criminals and one for those suspected of terrorist activity (Cheong-Tham and McCulloch, 2006 cited in Pantazis and Pemberton, 2009). Perceptions of justice are an important part of citizenship and the 'war on terror' has impacted citizenship through the introduction of counter terrorism legislation which has led to an erosion of civil liberties.

The concept of justice featured prominently in the prospective data and was found to impact respondents' identities and produce anger. Firstly, injustice was related to the state and shaped perceptions of the state, as it is the state that introduced counter terrorism legislation. It was due to respondents having expectations of the state that many voiced feelings of betrayal because the state has in their opinion introduced injustice. This sense of betrayal incorporated what the state had previously done for respondents through providing services. One respondent conceptualized this betrayal through stating, 'the government does not care about us'. The research revealed how respondents have expectations of the state, and it is due to the state shattering these

expectations that strong negative emotions emerged. Secondly, this research found that respondents not only perceive unequal legal status but along with this were distressed because no avenue to voice concerns exists. The legitimization of inequality has acted to repress respondents' feelings of injustice as although the treatment may be perceived as being unjust by respondents it remains legitimized by the law. The data revealed that the greater the perception of inequality, especially where the legal dimension of citizenship was concerned, the greater the negative impact on the psychological dimension of citizenship and feelings of belonging, loyalty and attachment (Caren, 2000) to both the state and British identity. This research shows how significant legal rights are and therefore how the state introduction of preventive counter terrorism measures are alienating British Muslims. This suggests that the state should not compromise civil liberties and perhaps through engaging with Muslim communities more, this might be a more effective way of countering terrorism. Although the state implements laws and policies, for citizens these are not simple abstractions but actually denote to citizens their entitlements and also their sense of belonging. Therefore, at the structural level there needs to be a recognition that for citizens' laws and policies matter and in the 'war on terror' these have seriously undermined the extent to which British Muslims feel they can call themselves British.

## **CITIZENSHIP AS IMPACTING SOCIETY**

It has been discussed how respondents have expectations of the state and how these expectations have impacted their perceptions of the state. However, the data also revealed how respondents hold the state responsible for the racism they have encountered in society since the 'war on terror'. It is through the state providing equal citizenship based on 'justice, human rights and social responsibility' (Johnson, 2009,

p.31) that consensus is achieved in society, as only then can the state rely on its people to create an equal and tolerant society. The process of the placement of identities through citizenship can unite citizens through emphasizing commonality and the state practicing equality or can create communities which are marginalized, criminalized and otherized, when inequality is part of state policy and law. Bloemraad, Korteweg and Yurdakul (2003, p.157) argue 'citizenship rights and legal status promote participation and a sense of belonging, which in turn facilitate social cohesion and common political projects'. The introduction of unequal rights and a lack of legal status are perceived to have damaged social cohesion in society. Firstly, the data demonstrated how the state was perceived as making Islamophobia legitimate, as giving far right groups' legitimacy and institutionalizing Islamophobia. Therefore, although the state is mainly considered in terms of laws and policies the impact of the state on society is also of significance. It has become increasingly important that the state recognizes that disharmony and a lack of social cohesion are a result of state actions in the 'war on terror' as well as other factors. Therefore, the language used by state officials since the 'war on terror' is perceived to have negatively impacted social cohesion and thus although the 'war on terror' it is commonly understood in terms of legislation and civil liberties, the wider impact on society also needs to be taken into consideration.

Secondly, Garland (1996) links governing crime to the creation of the active citizen. Garland (1996, p.452) refers to the '*responsibilization strategy*' whereby the state devolves 'responsibility for crime prevention onto agencies, organizations and individuals which are quite outside the state' leading to the creation of active communities and active citizens that take responsibility for crime prevention. The 'war on terror' has marked an increase in suspicion and fear being attributed onto individuals and citizens being cautious of those deemed to pose a risk. The prospective data

revealed the greater the perceived fear of Muslims in society the greater the extent of marginalization and racism. Many respondents talked about having to explain their Islamic identity and also as having to convince people that they are British. Therefore, since the 'war on terror' respondents feel they have been constructed as no longer being British and have had to fight to be perceived with the commonality a British identity brings. The counter discourse revealed how respondents felt that they are monitored in society, with risk and suspicion shaping interactions and therefore the 'war on terror' has produced a substantial sense of detachment coupled with an overwhelming feeling of difference. Further, respondents now feel excluded and perceive intolerance towards them, impacting the extent to which they want to interact with others. It could therefore be argued that a reactive identity has emerged whereby because respondents perceive intolerance towards them they are becoming intolerant towards non-Muslims. The 'war on terror' has produced a sense of insecurity in society; it has damaged relations in society and made responsabilized citizens and through doing so has negatively impacted the extent to which respondents feel they belong in society. Therefore, respondents perceive marginalization through the state and in society and it is the fact that counter terrorism legislation has increased association offences that the application of risk and suspicion onto individuals by the police can lead to exclusion at the societal level with British Muslims marginalizing other British Muslims.

## **COSMPOLITANISM AND THE STATE**

Although the research revealed the importance of the state, the international level was also shown to impact respondents' perceptions since the 'war on terror'. The research shows how wider notions of belonging, justice and humanity – all of which the 'war on terror' has made relevant - are important and therefore the relevance of



cosmopolitanism to the 'war on terror'. According to cosmopolitanism the state has certain duties, firstly that 'every human being has a right to have her or his vital interest met, regardless of nationality or citizenship', (Jones, 1999, pp.15–17 cited in Synnowich 2005, p.56). Therefore, identities should not lead to differential citizenship. Secondly, 'it rules out positions that attach no moral value to some people, or that weigh the value people have differentially according to characteristics like ethnicity, race, or nationality' (Brock and Brighouse, 2005, p.4). Therefore where no moral values are associated with certain identities, the extent to which the citizen feels part of the national and 'wider community of ideals' (Held, 2005) will be damaged. The role of the state is therefore essential as it is through the state that political repression and fundamental human rights can or cannot exist. Where they do not exist the state can then be said to have gone against cosmopolitanism, through deviating from the ideals of equal moral worth and human rights. Therefore, within the framework of cosmopolitanism's universalism the concept of domestic state crime can be used, 'domestic state crime occurs when a government acts to undermine the social, economic, or political rights of its own citizens' (Kauzlarich et al, 2001, p177).

Interestingly, the research revealed that the theme of domestic state crime, universal human rights and legitimacy were intrinsically linked. Findlay (2007) states it is the interpretation of truth and the legitimacy this conveys which is important. State actions, most notably the introduction of counter terrorism legislation, were not perceived as being legitimate. It was due to this legislation deviating from human rights which led to these perceptions, as all respondents believed that universal human rights should not be deviated from. These beliefs led to perceptions of injustice and therefore the data revealed how the concept of domestic state crime is relevant to respondents' perceptions of the state since the 'war on terror'. The research suggests that although

citizens expect a direct relationship with the state, as this chapter will demonstrate there are broader notions of human rights, belonging and legitimacy which were important to British Muslims. These concepts were in fact used to judge the actions of the state since the ‘war on terror’ and this demonstrates that citizens’ expectations of the state are informed by frameworks, such as human rights which exist beyond the nation state. It could therefore be argued that the ‘war on terror’ has accelerated a form of cosmopolitan citizenship as respondents’ perceptions prior to the ‘war on terror’ did not include broader notions of human rights, belonging and legitimacy.

## **COSMOPOLITANISM AND IDENTITIES**

Dower (2008, p.9) explains how

‘the Stoics accepted the idea of concentric rings of identity – accepting the idea of being a citizen of the world did not involve rejecting one’s identity as a member of a family, local community or a larger political community’.

In this way the unity would be the global community of humanity and within this there would be diversity, notably those signifying attachments of national identity, cultural identity, religious identity and so forth. Beck and Grande (2007), when referring to this negotiation warn about the dangers of hierarchy. Differences should be embraced and conceptualized as providing fluidity and as adding depth, creation and choice – therefore it could be argued that subjectivity and personal freedom are prioritized.

The data showed how in the retrospective period respondents’ perceptions mirrored the idea of concentric rings, whereby an individual can be a member of various communities (Dower, 2008) and because respondents’ perceived their minority

identities as being accepted this increased their attachment to the state and their British identity. This data signified the ease with which respondents related to their various identities. However, since the 'war on terror' respondents referred to their identities according to a hierarchy and even as binary opposites with Islamic identity being constructed and perceived as being in direct opposition to British identity. According to Hudson (2008, p.279) 'the logic of identity/difference imposes a false unity on groups defined by difference, and it imposes a false emphasis on a single characteristic'. It could be said that the logic of identity has become increasingly relevant in the 'war on terror' because the discourse associated with 'new terrorism' is one whereby Muslim citizens are predominantly subject to counter terrorism measures because of their Islamic identity.

Beck (2006, p.25) argues that within the prison error of identity, 'people with strange-sounding names find themselves repeatedly subjected to cross-examination'. Whereas in the retrospective interviews the police were thought of as positively affording respondents with moral status through their Islamic identities, according to the findings from the prospective interviews, counter terrorism legislation has led to respondents being treated as a 'second class humanity' (Beck, 2006) because of their Islamic identities. It could be said that they suffer the logic of identity as assumptions are made about their identity which leads to unequal citizenship. Therefore, although cosmopolitanism states that differences should not lead to human rights being violated, this data revealed that respondents believe differences, those of possessing an Islamic identity lead to rights being violated and within this category of difference, those with a visible Islamic identity are at most risk of having such rights violated. At the level of the state respondents demonstrated how due to their Islamic identity being constructed negatively, this impacted their sense of attachment to their British identity.

Cosmopolitanism advocates multiple identities as co-existing in harmony and it is through the state creating the prison error of identity that respondents have felt a growing sense of detachment from their British identity and thus a growing sense of disharmony in relation to their identities.

## **IDENTITIES AND SHARED UNIVERSAL EXPERIENCES -**

### **COSMOPOLITANIZATION**

Within cosmopolitanism the term cosmopolitanization is used to refer to the interconnectedness between the local and the global because as Beck (2002, p.23) states, 'globalization is about localization as well'. Within cosmopolitanism perceptions are also prioritized through the notion of 'biographical cosmopolitanization' 'which means that the contradictions of the world are unequally distributed not just out there but also at the centre of one's own life' (Beck, 2006, p.43). Similarly, Ruggiero (2007) places importance on the subjective dimension through emphasizing interpretation and thus the extent to which the two levels interact is down to perception and subjectivity. Sadiki (2002) argues that the events of September 11<sup>th</sup> are an example of bad globalization because they have disempowered Muslims and through the umma, 'suffering by Muslims in Iraq, Palestine, Somalia, Bangladesh or wherever, is felt deeply by those elsewhere' (Clarke et al, 2009, p.89). The 'war on terror' transcends localisation and globalisation leading to what Ehteshami (1997, p.180 cited in Khatib, 2003, p.392) calls 'the emotional, spiritual and political response of Muslims to an acute and continuing social, economic and political crisis'. In this way globalization and global events like the 'war on terror' do not just lead to a stronger sense of shared identity but also impact emotions and feelings thereby meaning that events across the globe can feel as personal as events that are local.

The data revealed how the umma and the international level were relevant to respondents' perceptions and thus how the 'war on terror' has led to biographical cosmopolitanization. Firstly, cosmopolitanization was shown to exist where Islamic identity was concerned. Themes of democracy and secularism were cited as being reasons for foreign policy and as potentially dividing the world with the creation of global terror (Mythen and Walklate, 2008) being perceived as purposeful by many respondents. This reveals what respondents think the 'war on terror' represents at the international level. However, it also reveals the extent and the level at which many respondents believe Islam and their Islam identities have been demonized and created as a threat. Therefore, the 'war on terror' has not only impacted respondents' perceptions of the state but also wider ideas of global governance and power. This demonstrates the severity with which the 'war on terror' has impacted perceptions and also the extent to which respondents perceived the 'war on terror' as a threat to their Islamic identities.

Secondly, in addition to these perceptions the umma was found to be an increasing point of reference by respondents. Since, the 'war on terror', biographical cosmopolitanization has heightened feelings of injustice, because oppression at the level of the umma, which transcends national boundaries and incorporates issues such as the Palestinian and Israeli conflict has become part of the oppression perceived at the local level. Through the umma connecting the local and the global, the strong psychological dimension of this identity has amplified feelings of marginalization and 'double standards' both within the UK context (politically and legally) and outside the UK context, with state foreign policy being at the forefront on such perceptions. This data revealed the complex interactions between satisfaction on the state domestic policy level and dissatisfaction at foreign policy level. Therefore through the umma it is possible to note the increasing relevance of cosmopolitanism, since cosmopolitanism

refers to individuals' capacity to live locally while also being connected to global issues (Ruggiero, 2007) and their capacity for cosmopolitan empathy – the sympathy for fellow humans regardless of geographical territory / distance (Hudson, 2008). Foreign policy in the 'war on terror' is producing anger and the role of America in the 'war on terror' has meant the concept of cosmopolitanization is applicable as state actions at the international level have infiltrated thoughts and produced anger. The 'war on terror' has given way to biographical cosmopolitanization because universal values of human rights, justice and democracy, have been perceived as being contradicted on both the international and the national level. All respondents when talking about how these values had been deviated from spoke about their British identity being impacted negatively. Interestingly, many of the suicide bombers have cited foreign policy and attacks on Islamic nations as being part of their motivation for 'revenge', thus the state must take note of how the 'war on terror' is being perceived as a global attack on Islam in order to decrease perceptions of marginalization which contribute to radicalization.

### **THE IMPACT OF THE STATE PRACTISING INEQUALITY ON IDENTITIES**

Although this chapter has already revealed how the 'war on terror' has impacted respondents' identities and therefore the interactions between citizenship and identities, the international level and wider notions of belonging were also found to shape respondents' perceptions. Cosmopolitanism warns of the dangers of the state deviating from cosmopolitan law, which is about maintaining universal human rights and ensuring that every citizen has equal liberty. Cosmopolitanism places importance on perceptions and it is perceptions of inequality by citizens which make state deviations from cosmopolitan law problematic. As Beck (2006, p.19) states 'the choice to become or remain an 'alien' or a 'non-national' is not as a general rule voluntary, but a response

to acute need, political repression'. 'Europe sows the seeds of disappointment from which hatred springs' (Beck, 2006, p.167). Perceptions of repression lead to changes in identity and a sense of detachment because they negatively impact the psychological dimension of citizenship.

However, in conjunction with citizenship a wider sense of belonging and global point of unity was also cited by respondents. Kaldor (2000) envisages the global identity as being one which is synonymous with human rights and this idea was prevalent in the data, as is now discussed. Firstly, it is through themes of domestic state crime, 'laws against laws' (Ericson, 2008, p.57 cited in McCulloch and Pickering, 2009, p.6) and cosmopolitanism that potential radicalization can be understood. Many respondents talked about the impact of the 'war on terror' as radicalizing Muslims because the forces which bind and create unity, such as human rights have been compromised in the 'war on terror'.

Secondly, cosmopolitan ideas of the state needing to maintain universal human rights were significant to the data. The data revealed the link between the state practice of inequality and the implications of this in terms of citizens placing themselves within humanity. This suggests that even though the 'war on terror' has highlighted the growing significance of cosmopolitan citizenship through inducing cosmopolitanization, it is respondents' perceptions of the state which essentially condition and shape the extent to which respondents perceive to belong to the cosmopolitan community. Therefore, a state can breed hatred through the practice of inequality and this was of concern to respondents, since all respondents referred to the state response in the 'war on terror' as contributing to radicalization.

Thirdly, it is through the 'war on terror' being on the international level and the perception of Islam being attacked on this level that not only were respondents' British

identity impacted but also their wider sense of belonging to the global community of humanity. Respondents talked about the cumulative impact of the 'war on terror' as leading to radicalization through placing Muslims outside British citizenship and universal human rights. Through this the terms of double suffering and doubly deprived can be applied to respondents. Frost and Hoggett (2008) use the term 'double suffering', with Deutsch (2006) using the concept of 'doubly deprived'. This research demonstrated how respondents perceive multiple suffering and disadvantage through their various identities and this includes their sense of belonging within the global community of humanity.

Fourthly, Deutsch (2006) notes that the oppressed may be less committed to the institutions which produce such injustice and this research has shown the reactive nature of respondents' identities and also how the 'war on terror' has produced a reactive cosmopolitan identity. Thus, in terms of identities the data has revealed respondents' British identity is relevant because the diminishing perceived commonality has produced pain. Respondents do not want to be constructed and perceived as not being British. Further, respondents perceive suffering and disadvantaged through the umma identity. Therefore just as respondents attachment to their British identity has been impacted because they feel they have been constructed outside this identity, their sense of attachment to their cosmopolitan identity has also been impacted and the danger is that this sense of detachment can lead to British Muslims being less committed to these identities and indeed placing themselves outside these identities.

This data is significant for a variety of reasons, firstly, 'cosmopolitanism assumes that people within and between groups will differ in many ways, but that there will be sufficient overlap that understandings and accommodations can be achieved' (Hudson, 2008: 289). In this way cosmopolitanism highlights the importance of a



counter discourse and one which as Parekh (cited in Dower, 2008) argues considers narratives. The state centric discourse is one which refuses to engage with terrorists and the legislative response has been one which refuses suspects' humanity. The research suggests that it is important that the conditions for achieving an overlap in understandings are maintained within the 'war on terror' and such conditions include ensuring that human rights exist at a higher level than any form of difference. Further, part of ensuring that accommodation is achieved is through considering the narratives of others and thus, in the 'war on terror' opposing standpoints, interpretations and understandings should not be marginalized so future enemies are created but heard so that even if small overlaps do exist, such understandings can be built upon. Thus, although this research has not engaged with those who have committed acts of terror, through considering the perspectives of those who have been marginalized and may feel some of the grievances that terrorists have, the research has provided an understanding of how future enemies are not created and contributed to understanding ways of preventing radicalization and terrorism.

Secondly, the data has highlighted how respondents' perceive a more cosmopolitan idea of citizenship since the 'war on terror'. It is the actions of the state which have contributed to this and therefore the research highlights how significant the state is in terms of impacting a global sense of citizenship. This suggests that although the state has been concerned with the national territory the state also needs to consider the impact of their role within the 'war on terror' on British Muslims' sense of belonging to their cosmopolitan identity and within this take account of how foreign policy and a lack of human rights are contributing to radicalization. Thus, this research has found that the state needs to go beyond concerns of 'the enemy within' and British

loyalty and consider British Muslims in relation to the umma and a more cosmopolitan sense of belonging.

## **HUMAN RIGHTS AND ETHICS OF RESPONSIBILITY**

Human rights and the ethics of responsibility were found to be the two dominant themes when exploring the impact of the ‘war on terror’ on respondents’ cosmopolitan identity. These two themes facilitated an understanding of exactly how the ‘war on terror’ has impacted respondents’ sense of belonging to a universal identity.

Firstly, according to Dower (2008) the introduction of the Universal Declaration of Human Rights was aimed at ensuring that responsibility for protecting individuals’ human rights resided with the state. Faulkner (2003) summarizes the evolution of rights stating that in the contemporary era citizens’ rights are those rights which are guaranteed by constitutions and statutes such as the Human Rights Act 1998 and Nash (2009) highlights how the emergence of individual autonomy, equality and innocent until proven guilty are what we now interpret as human rights. Therefore, to consider that understandings of human rights are informed by the Universal Declaration of Human Rights and protected in statutes, it is then possible to comprehend how these are not simply changeable laws but laws which reflect rights which were perhaps regarded by respondents as being rights which would never be deviated from. The data revealed that through respondents believing their universal human rights have been violated their faith in humanity has been challenged because their expectations have been violated, an expectation that the state will and always should maintain universal human rights. In this way it is possible to comprehend how and why respondents’ sense of belonging to their cosmopolitan identity has been damaged and it is because their human rights,

rights which they perceive gave them a sense of belonging to humanity have been violated that their own sense of attachment has been negatively impacted.

Secondly, in conjunction to this the ethics of responsibility were perceived as having diminished since the 'war on terror'. Cosmopolitanism 'takes seriously the idea that we – as individuals and as collectivities such as states or companies – have duties not to harm other people in other parts of the world' (Dower 2008, p.8). Within the cosmopolitan perspective the state should maintain equality for the good of humanity, as if it is maintained, citizens will feel a sense of responsibility within this humanity – an ethics of responsibility. Essentially, it is through the dehumanization of the suspect population and the eradication of legal rights that the values which bind and create unity on the national and international level are replaced with exclusion, demonization and otherization. The ethics of responsibility featured prominently in the data. For example, when respondents were asked about legislation to protect religious minorities, those respondents who believed legislation should exist, believed it should exist to protect all religious minorities. It could be argued that respondents citing equality is an example of them displaying their ethics of responsibility towards other human beings, their responsibility in ensuring that all humans are protected.

The theme also featured where perceptions of the police were concerned. Respondents emphasized commonality and through this a sense of moral responsibility onto Muslims by suggesting that Muslims need to accept the police task within countering terrorism and help them in the shared goal of preventing terrorism. What is of interest from this data is that it reflects how perceptions are shaped when respondents place themselves within the global realm of humanity and how this generates responsibility. For example, part of understanding the need for religious profiling was due to understanding moral responsibility and therefore that at times inequality will

exist but where it does there is a utilitarian justification, it is for the good of humanity to which we all have a responsibility. Further, through respondents considering their role in protecting humans and indeed highlighting their own moral responsibility, this led to perceptions of the police which were based on empathy.

Therefore, the research revealed the importance of equality and ethics and through using the two examples above it is possible to understand the harm that has been caused by the ethics of responsibility and equality being compromised in the 'war on terror'. The 'war on terror' has seriously undermined the extent to which respondents perceive an ethics of responsibility towards themselves and towards others. And finally this can be considered further through respondents' perceptions of how terrorists have been constructed in the 'war on terror'. The themes of legitimacy and justice were linked to perceptions of how respondents believed the state has constructed and associated their Islamic identity with terrorism. It was demonstrated how respondents believed the state associated their Islamic identity with terrorism, in order to try and legitimize the introduction of counter terrorism legislation which deviates from the principles of legality.

The prospective data showed how any negative impact due to the 'war on terror' was perceived as being due to the state. A great point of anger amongst respondents was the way in which politicians and those whom comprise the state used language to associate Islam with terrorism, in the aftermath of September 11<sup>th</sup>. Respondents expressed how they want to define how they are perceived and perceive the state to have taken this choice away. Due to the state, the police and the media being perceived as sustaining Islamic identity with concepts of fear, risk and terrorism, Muslims are not active in terms of construction but rather active in terms of the impact of this construction. Therefore, in terms of construction the research shows how respondents

believe they have been constructed as existing outside humanity and further, the sense of powerlessness this has caused. In relation to identities through the state associating Islam with terrorism and terrorism with a lack of human rights and as being outside humanity, the state has actually damaged respondents' sense of attachment to their cosmopolitan identity.

## **INJUSTICE**

The research revealed the importance of cosmopolitanism to understanding the 'war on terror' and also not only that a counter discourse exists, but a coherent counter discourse which reflects respondents' firm beliefs regarding the motivations of the state in the 'war on terror' and how each strand of the multifaceted 'war on terror', such as the demonization of Islamic identity and the introduction of counter terrorism legislation, have impacted respondents' identities. Therefore many of the themes to emerge are linked and the theme of justice was linked to respondents' identities. According to Hudson (2009, p.715) 'justice has a legal – political aspect, and an ethical aspect. It requires keeping the rules of international law, respecting legal and political conventions nationally and internationally, but it also demands respect for the other just because she is a human'. Bertram (2005) argues it is essential for justice to be perceived and for cosmopolitan law to be maintained.

Data from the retrospective interviews demonstrates that respondents' pre-held beliefs of the police did not determine whether they will interact with the police, but these beliefs heavily influence whether the interaction will be viewed positively or negatively. Therefore, from a cosmopolitan perspective, perceptions of justice or injustice will not just depend on whether the legal and political conventions have been adhered to and respect has been shown (Hudson, 2009) but will also be informed by

previous experiences and perceptions of the police. Due to state actions since the ‘war on terror’ being perceived as illegitimate, especially where counter terrorism legislation was concerned, the state was perceived as introducing injustice. Butler (1997, p.139, cited in Frost and Hoggett, 2008, p.449) states, that ‘loss cannot be worked through when there is no public recognition or discourse through which it might be named and mourned’. There exists no recognition of the loss of legal rights perceived by respondents, which has compounded feelings of vulnerability and powerlessness into helplessness. It is because procedures which would constitute injustice where non terrorism legislation is concerned are legitimized in counter terrorism legislation that there is no recognition. This research showed how respondents’ moral mandates were closely associated with universal human rights. The data revealed that respondents believe procedures such as innocent until proven guilty should never be violated because respondents’ interpretation of legal rights are based on universal human rights and as will be now discussed it was the very fact that respondents perceived their human rights as being violated which conditioned their perceptions of the police.

## **POLICING AND THE ROLE OF THE POLICE**

It has been demonstrated how the ‘war on terror’ has produced disharmony between police – Muslim communities’ relations (Spalek, El – Awa, and McDonald, 2009; Klausen, 2009). This research contributes to an understanding of how the ‘war on terror’ has impacted police – Muslim communities’ relations through firstly investigating British Muslims’ perceptions over a two decade time period, which considers the variety of identities Muslims possess. And secondly, through considering how the police are perceived since the ‘war on terror’ and relating these perceptions to principles of legality, human rights and legislation. Thus, the research explored British

Muslims' perceptions of the police, how these have changed and if in fact 'the categorization of Muslims as suspect may be serving to undermine national security rather than enhance it' (Pantazis and Pemberton, 2009, p. 648).

Firstly, the research revealed how since the 'war on terror' respondents perceive the police as serving the state at the expense of accountability to communities. The criminal justice system is a tool of social control representing the power of the state, and it is the police that are 'empowered to investigate crime, search for evidence, arrest suspected offenders and question them' (Allan, 2001, p.2). The retrospective data for the state revealed that because legitimacy was perceived, citizenship was positively impacted as was respondents' attachment to their national identity. The 'war on terror' is perceived to have introduced a form of crime control where protection does not exist and further contested the source of policing legitimacy. The source of policing legitimacy has always been contested. According to Faulkner (2003, p.298), the authority and legitimacy of the British police is not derived from the state but rather 'from the consent and confidence of the citizens whom they serve'. Unlike Reiner (2000), who states that the government invest the authority and power they have under the social contract in the police as agents of the law. Within the prospective interviews respondents explained how counter terrorism policing is not a form of policing in which trust and confidence is prioritized and further, that they perceive the gap between the intelligence service and the police as narrowing.

The first prominent reason for this perception was the increase in police powers under counter terrorism legislation. According to Beck (2006, p.148) the suspicion of terrorism gave 'the most powerful nation in the world carte blanche to construct ever changing representations of the enemy and to defend its 'internal security'. In the UK, counter terrorism legislation was introduced which as Amoore and De Goede (2008, p.8

cited in McCulloch and Pickering, 2009, p.629) argue went beyond 'the established language and techniques of risk that existed within the criminal justice system'. The acceleration of risk and suspicion under this legislation has implications for the suspect community, as risk and suspicion alone determine the level of rights that exist. As McCulloch and Pickering (2009) argue the preventive counter-terrorism framework is concerned with targeting and managing through restricting and incapacitating those individuals and groups considered being a risk.

In terms of the counter discourse, although the state manufacture of preventive policing is to eradicate potential acts of terrorism, for respondents preventive policing was conceptualized in terms of impact. Firstly, there was the unison of Islamic identities and counter terrorism legislation, coupled with a sense of powerlessness. Due to the power of the police under this legislation, suspects have to co-operate and let the enactment of suspicion be actualized because if they do not the punishment is arrest. In the case of airports for example, Muslims must accept the fact that they are likely to be checked and body searched and allow such procedures to take place so suspicion can be eradicated. Due to the expansion of control and emphasis on prevention, respondents are likely to be placed in situations where they will come into contact with measures of counter terrorism policing and this was found to lead to perceptions of targeting. Therefore, it was the very fact that new measures have been introduced that were not perceived as impacting non-Muslims which has contributed to perceptions of police targeting.

Secondly, due to the expansion of control and emphasis on prevention, Muslims are likely to be placed in situations where they will come into contact with measures of counter terrorism policing and these measures, as the research has revealed are perceived as being directed at their Islamic identity. For all respondents the existence of



these powers were not perceived as isolated or indeed as leading to a minimal number of false arrests, detainment and control orders but as representing powers that all Muslims could be subjected to. This perception heightens feelings of powerlessness which were part of perceptions of injustice. The research showed how respondents perceive counter terrorism legislation through the perspective of the potential harm. Due to the level of fear thought be associated with their Islamic identities, most respondents differentiated the fear from the fear associated with 'black' communities. Interestingly, there was an association with the constructed level of fear respondents thought the police think they represent and the level of fear respondents then felt from the police and this was found to lead respondents to no longer want to engage with the police.

However, although perceptions of the police were found to have significantly changed since the 'war on terror', the legislative framework of counter terrorism policing was revealed as significantly impacting perceptions of the police. Many of the rights as codified in the Human Rights Act 1998 are deeply embedded in the principles of legality (Gearty, 1994) and the social contract (Stone, 2004). The legal rights which emerged during this period have become known by citizens as their natural legal rights, rights which if deviated from would be perceived as injustice and unequal legal citizenship. The existence of human rights in the form of statutes was found to be a source of security for respondents because in the retrospective period although negative perceptions of the police were found to exist, unlike the prospective data where injustice is used to describe the actions of the police, during the retrospective interviews, the misuse of power by the police was not perceived as being injustice. This could be because the law prioritized due process and thus, respondents believed the negative perceptions were due to the police misusing their power rather than perceiving the existence of structural injustice. However, in the prospective period injustice and a lack

of human rights were cited prior to respondents mentioning their perceptions of the police, when referring to their perceptions of the state. This suggests that although it has been much disputed about how the police foster better relations with Muslim communities, to an extent any efforts made by the police are likely to be negatively impacted by the existence of legislation which diminishes civil liberties. This research therefore highlights the alienation that counter terrorism legislation has induced and how it has impacted relations between Muslim communities and the police.

## **CONCLUSION**

This research has explored British Muslims' counter discourse to the 'war on terror'. Interestingly, although the aim of the research was to explore counter narratives to the 'war on terror' it was not known the extent to which respondents' perceptions and understanding of the 'war on terror' would deviate from the state centric 'war on terror' discourse. This research has revealed that a strong counter discourse does exist, which could be conceptualized as such because it deviates greatly from the state centric discourse. The research has demonstrated this through highlighting things such as respondents' beliefs regarding the demonization of their Islamic identity, their perceptions regarding this identity being demonized to legitimize foreign policy and the introduction of counter terrorism legislation etc.

Ultimately, through exploring the various facets of the counter discourse issues for concern have been highlighted. For example, perceptions regarding how Islam is being attacked internationally, the threat of democracy and secularism coupled with perceptions of domestic attacks on Islam via legal rights. Linked to these issues have been identities, indeed demonstrating the extent to which identities, feelings of belonging and even humanity are conditioned by contextual factors.

Through considering the inter linkage of these themes it has been shown how the ‘war on terror’ is actually alienating British Muslims, likely to contribute to radicalization and produce a generation of British Muslims increasingly susceptible to carrying out terrorism. Concerns regarding future generations of British Muslims featured heavily in the data and it appears that as Muslims are connecting with their Islamic identity they are going to continue to endure perceived injustices, which they have previously never experienced.

This research contributes through providing an understanding of British Muslims’ counter discourse to the ‘war on terror’, one which considers the perspectives of those experiencing counter terrorism measures and provides a framework, that of citizenship and cosmopolitanism in which the ‘war on terror’ could be critiqued and reconstructed according to broader non state centric notions of human rights, belongings and attachments. The research also contributes methodologically, exploring the role of religion, status and power in the insider / outsider position and indeed the place of emotions in politically sensitive research. However, although the research has produced some insightful ideas regarding how there is a huge gap between the state centric ‘war on terror’ and British Muslims’ counter discourse to the ‘war on terror’ limitation did exist.

One of the most notable points was the fact that the data was not analyzed according to the variables of age, gender and class. Further, the research focused on Pakistani Kashmiri Muslims and thus dismissed other ethnicities and localities since the research was conducted in Birmingham. Therefore, further research could investigate how and if, different counter discourses emerge based on age, gender, ethnicity, locality and class. It would be of interest to see if these other identities shape experiences and perceptions and further, especially through considering the

counter discourses of younger British Muslims, it would be possible to consider the extent to which they perceive injustice and detachment from their British identity, factors which contribute to radicalisation.

## APPENDIX I: BIOGRAPHIES

The purpose of these biographies is to provide additional information on the respondents so that the narratives they revealed can be contextualized. All respondents were from the Sparkbrook area of Birmingham; due to this details such as respondents' jobs have been omitted. Although respondents' names have been changed in order to ensure confidentiality, I felt that revealing their age, gender and job would compromise confidentiality. Therefore, these biographies provide information on the age, class and the gender of respondents.

**Mohammed** is a 29 year old working class male.

**Jangir** is a 21 year old working class male.

**Jamil** is a 23 year old working class male.

**Asghar** is a 25 year old working class male.

**Zulfiguar** is a 32 year old working class male.

**Sikander** is a 35 year old working class male.

**Nazim** is a 31 year old working class male.

**Nazar** is a 44 year old working class male.

**Shafquat** is a 26 year old middle class male.

**Ibrahim** is a 22 year old middle class male.

**Yaseen** is a 22 year old middle class male.

**Adam** is a 28 year old middle class male.

**Matloob** is a 35 year old middle class male.

**Bilal** is a 35 year old middle class male.

**Mazar** is a 50 year old middle class male.

**Younis** is a 34 year old middle class male.

**Nasrin** is a 25 year old middle class female.

**Bushra** is a 22 year old middle class female.

**Sophia** is a 30 year old middle class female.

**Sophina** is a 25 year old middle class female.

**Nabeela** is a 50 year old middle class female.

**Soniya** is a 43 year old middle class female.

**Zara** is a 42 year old middle class female.

**Rafia** is a 39 year old middle class female.

**Safia** is a 26 year old working class female.

**Azmat** is a 23 year old working class female.

**Rukhsana** is a 29 year old working class female.

**Sakeena** is a 25 year old working class female.

**Maria** is a 44 year old working class female.

**Ashra** is a 38 year old working class female.

**Musarat** is a 52 year old working class female.

**Aneesa** is a 48 year old working class female.

## APPENDIX II: INTERVIEW GUIDE

### A. 1989 – 2000 (Before September 11<sup>th</sup>)

How have Muslims experiences and perceptions of the state and the police changed since September 11<sup>th</sup>?

#### STATE

1. During this period what did you think of the government?
2. In what ways do you think the government were fighting racism and discrimination?
3. And in what ways do you think the government could have been fighting racism and discrimination?
4. In your opinion did a need exist for legislation that specifically protected the Muslim community from racism during this period?
5. *If yes, why did a need exist in your opinion?*
6. *If no, why do you believe that a need didn't exist?*

#### POLICE

1. During this period what did you think of the police?
2. How would you describe the relationship between the police and ethnic minorities during this period? For example do you think it was the same as the relationship between the police and the white community?
3. What about the relationship between the police and Muslims, how would you describe that? For example, was there a difference between ethnic minorities relationship with the police and Muslims relationship with the police?
4. Do you think the police were institutionally racist during this time?
5. *If yes, why?*
6. During this period, did you have experiences which involved the police?
7. *If yes, how many experiences did you have?*
8. *Can you please tell what happened in each experience?*
9. *Did this / these experience/s leave you with a better or worse image of the police?*
10. *How did the experience / experiences change the confidence you had in the police?*

How have Muslims experiences and perceptions of the media changed since September 11<sup>th</sup>?

#### MEDIA

1. What forms of the media do you believe were the most powerful, for example, TV, newspaper, radio, or any other in this period? And why?
2. Can you remember Islam featuring a lot in the media?
3. What things do you think the media portrayed as Islam's core beliefs? For example, for Muslims the core beliefs could be the five pillars of Islam....
4. In your opinion how were Muslim people being portrayed in the media?
5. Would you say the media actually generated an image or stereotype of what the typical Muslim is during this period?
6. *If yes, what would you say the image or stereotype was?*

Have Muslims feelings of being at 'risk' of racism changed after September 11<sup>th</sup>?

## PERCEIVED RISK

1. To what extent did you believe that you were at risk of racism during this period?
2. Why do you believe you were at risk? For example, which part of your identity do you believe was most relevant and made you a potential target of racism?
3. In your opinion did you believe that you were at risk from a certain group or section of society? Or did you believe that you could be at risk of racism from anyone in society?
4. *If group, which group do you believe you were most at risk from? For example, can you tell me the characteristics of the group, race, religion, ethnicity, gender, age?*
5. *If perception exists that there is a certain group, ask why do you think this/these groups had these feelings?*
6. *If from anyone ask, why do you believe you were at risk of racism from anyone?*
7. *Why do you think these people had these feelings?*
8. Did the fear of racism have a great or not so great impact on your life? For example did you avoid certain areas or do anything different to decrease the chance of suffering racism?
9. How much did you worry about being a victim? And what did this worry involve, can you describe the feelings?
10. More generally, do you think Muslims were at a greater or lesser risk of racism than other Asian people during this period?
11. *Why do you think they were at a greater or lesser risk of racism than Asian people?*

Do Muslims feel that they have been constructed as a 'risk' after the events of September 11<sup>th</sup>?

## CONSTRUCTED RISK

12. Do you think Muslims were constructed as a risk during this time? (someone who should be feared because they belong to a certain group)
13. *Why do you think Muslims were constructed as a risk?*
14. *How do you believe that Muslims were constructed as a risk?*
15. *In your opinion, to what extent do you think society actually believed that Muslims were a risk to society and should therefore be feared?*

How has September 11<sup>th</sup> changed Muslims experiences and perceptions of racism?

1. During this time did you have experiences where someone had said or done something to you and you weren't sure why? For example you couldn't be sure whether it was because of your gender, race, or religion?
2. During this period did you experience any racism?
3. Would you say that racism was feature of your life?
4. How many experiences of racism did you have during this period?
5. If more than one ask the following questions for each experience, questions 6 – 21.
6. Could you describe the experience for me?
7. What did the perpetrator say? And do?
8. What was the type of harm involved, for example, did the incident involve verbal, written or visual abuse, threats or intimidation, graffiti, property damage,



physical violence? Or was it something that you would describe as more hidden and less blatant?

9. If it was verbal, what kind of language was used?
10. What was the context in which the incident occurred? For example, the location, the time of day, and were you alone?
11. In your opinion did something lead to this incident or would you say the incident was spontaneous?
12. How would you describe the perpetrator? What was their gender? What do you believe the perpetrators age to be? What was the perpetrators ethnicity?
13. Can you describe how you felt during the incident?
14. And how did you feel after the incident? How did you feel, angry, sad, upset?
15. Did the incident change you in any way?
16. *If yes, in what way?*
17. Did it the incident impact your identity / or the confidence you had in your identity?
18. *If yes, how?*
19. Did you think about the incident often after it happened, did the incident play on your mind?
20. How do you feel about the same incident when you think about is now? For example, what feelings does thinking about the incident produce?
21. Why do you believe you were subjected to racism, what was your interpretation of the incident? For example, was it due to culture, race, ethnicity, religion or some other factor?
22. How common was it hear about other people suffering racism?
23. In your opinion what similarities were there in these experiences? What's the same for example?
24. Did these experiences change your views of society? *If so how?*
25. Did society make you feel or did you feel that a need existed for you to change in any way so that you would be more accepted by society and suffer less racism?
26. In your opinion did you felt disadvantaged when compared to a white person?
27. *If yes, how?*
28. And more specifically, did you felt disadvantaged when compared to an Asian person?
29. *If yes, how?*
30. Which part of your identity do you believe disadvantaged you in any way?
31. In your opinion what beliefs existed in society about Muslims?
32. Why do you think these beliefs existed?
33. How important and significant was religion for you during this period?

#### **B. 2001 – PRESENT DAY (After September 11<sup>th</sup>)**

How have Muslims experiences and perceptions of the state and the police changed since September 11<sup>th</sup>?

##### **STATE**

1. What do you think of the government?
2. In what ways do you think the government is fighting racism and discrimination?
3. And in what ways do you think the government could be fighting racism and discrimination?

4. In your opinion does a need exist for legislation that specifically protects the Muslim community from racism?
5. *If yes, why do you think a need exists?*
6. *If no, why do you believe that a need doesn't exist?*

#### **POLICE**

1. What do you think of the police?
2. How would you describe the relationship between the police and ethnic minorities? For example do you think it is the same as the relationship between the police and the white community?
3. What about the relationship between the police and Muslims, how would you describe that? For example, is there a difference between ethnic minorities relationship with the police and Muslims relationship with the police?
4. Do you think the police are institutionally racist?
5. *If yes, why?*
6. Have you had any experiences which have involved the police?
7. *If yes, how many experiences have you had?*
8. *Can you please tell what happened in each experience?*
9. *Did this /\_these experience/s leave you with a better or worse image of the police?*
10. *How did the experience / experiences change the confidence you have in the police?*

How have Muslims experiences and perceptions of the media changed since September 11<sup>th</sup>?

#### **MEDIA**

1. What forms of the media do you believe are the most powerful, for example, TV, newspaper, radio, or any other? And why?
2. Do you think Islam features a lot in the media?
3. What things do you think the media portrays as Islam's core beliefs? For example, for Muslims the core beliefs could be the five pillars of Islam....
4. In your opinion how are Muslim people being portrayed in the media?
5. Would you say the media is actually generating an image or stereotype of what the typical Muslim is?
6. *If yes, what would you say the image or stereotype is?*

Have Muslims feelings of being at 'risk' of racism changed after September 11<sup>th</sup>?

#### **PERCEIVED RISK**

1. To what extent do you believe that you are at risk of racism?
2. Why do you believe you are at risk? For example, which part of your identity do you believe is most relevant and makes you a potential target of racism?
3. In your opinion do you believe that you are at risk from a certain group or section of society? Or do you believe that you could be at risk of racism from anyone in society?
4. *If group, which group do you believe you are most at risk from? For example, can you tell me the characteristics of the group, race, religion, ethnicity, gender, age?*
5. *If perception exists that there is a certain group, ask why do you think this/these groups has these feelings?*

6. *If from anyone ask, why do you believe you are at risk of racism from anyone?*
7. *Why do you think these people have these feelings?*
8. Does the fear of racism have a great or not so great impact on your life? For example do you avoid certain areas or do anything different to decrease the chance of suffering racism?
9. How much do you worry about being a victim? And what does this worry involve, can you describe the feelings?
10. More generally, do you think Muslims are at a greater or lesser risk of racism than other Asian people?
11. Why do you think Muslims are at a greater or lesser risk of racism than Asian people?

Do Muslims feel that they have been constructed as a 'risk' after the events of September 11<sup>th</sup>?

#### **CONSTRUCTED RISK**

12. Do you think Muslims are being constructed as a risk? (someone who should be feared because they belong to a certain group)
13. Why do you think Muslims are being constructed as a risk?
14. How do you believe that Muslims are being constructed as a risk?
15. In your opinion, to what extent do you think society actually believes that Muslims are a risk to society and should therefore be feared?

How has September 11<sup>th</sup> changed Muslims experiences and perceptions of racism?

1. Have you had experiences where someone has said or done something to you and you weren't sure why? For example you couldn't be sure whether it was because of your gender, race, and religion?
2. After September 11<sup>th</sup> have you experienced any racism?
3. Would you say that racism is a feature of your life?
4. How many experiences of racism have you had since September 11<sup>th</sup>?
5. If more than one ask the following questions for each experience, questions 6 – 21.
6. Could you describe the experience for me?
7. What did the perpetrator say? And do?
8. What was the type of harm involved, for example, did the incident involve verbal, written or visual abuse, threats or intimidation, graffiti, property damage, physical violence? Or was it something that you would describe as more hidden and less blatant?
9. If it was verbal, what kind of language was used?
10. What was the context in which the incident occurred? For example, the location, the time of day, and were you alone?
11. In your opinion did something lead to this incident or would you say the incident was spontaneous?
12. How would you describe the perpetrator? What was their gender? What do you believe the perpetrators age to be? What was the perpetrators ethnicity?
13. Can you describe how you felt during the incident?
14. And how did you feel after the incident? How did you feel, angry, sad, upset?
15. Has the incident changed you in any way?
16. *If yes, in what way?*

17. Has the incident impacted your identity / or the confidence you have in your identity?
18. *If yes, how?*
19. Did you think about the incident often after it happened, does the incident play on your mind?
20. How do you feel about the same incident when you think about it now? For example, what feelings does thinking about the incident produce?
21. Why do you believe you were subjected to racism, what was your interpretation of the incident? For example, was it due to culture, race, ethnicity, religion or some other factor?
22. How common is it hear about other people suffering racism?
23. In your opinion what similarities are there in these experiences? What's the same for example?
24. Have these experiences changed your views of society? *If so how?*
25. Does society make you feel or do you feel that a need exists for you to change in any way so that you would be more accepted by society and suffer less racism?
26. In your opinion do you feel disadvantaged when compared to a white person?
27. *If yes, how?*
28. And more specifically, do you felt disadvantaged when compared to an Asian person?
29. *If yes, how?*
30. Which part of your identity do you believe now disadvantages you in any way?
31. In your opinion what beliefs exist in society about Muslims?
32. Why do you think these beliefs exist?
33. How important and significant is religion for you now?

**Is there anything that you would like to add?**

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