

British Arab Muslims and the ‘War on Terror’: Perceptions of Citizenship, Identity and Human Rights

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Abstract

This unique study examines an important and under-researched subset of the British Muslim population – British Arabs. It gauges their perceptions on citizenship, ‘Britishness’ and confidence in the legal justice system towards them in the context of the ‘war on terror’. Throughout Europe the post September 11th security concerns has served to focus on policing Muslim communities yet at the same time gripped governments with policies for integrating Muslims into mainstream culture. In the UK, citizenship education and examinations have been introduced and community cohesion and integration initiatives have been launched primarily targeted towards British Muslims. At the same time some Muslims perceive that they are on the receiving end of disproportionate racial profiling and victims of double standards in access to fair treatment under the rule of law. These opposing pressures are examined through primary research in semi-structured interviews with young, British Arab Muslims in London to evaluate where they find themselves in the ‘war on terror’. It will argue that by conflating the issues of security and assimilation, the government may actually be hindering both and British ‘war on terror’ policies threaten to dislocate a sub-set of British Muslims already comfortable in their Britishness.

Introduction

The terrorist attacks of September 11th 2001, subsequent ‘war on terror’ have provoked an intense debate about the state of Muslim minorities living in the West. In the UK, for example, “many politicians and commentators, as well as letter writers and phone callers to the media from across the political spectrum, have blamed Muslims for cultural separatism and self-imposed segregation, and attack a ‘politically correct’ multiculturalism that has fostered fragmentation rather than integration and Britishness.”²

This paper aims to address these criticisms with specific regard to young British Arab Muslims in London by assessing their self-perceptions of their position within British society and how these perception have been effected by the ‘war on terror.’

This paper analyses what effect anti-terrorism related policies have had on British Arab Muslims, in particular on their subjective understandings of their own identity, their relationship to the state and British society generally. It is argued that, according to this research, British Arab Muslims have constructed a multidimensional sense of identity

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² Modood, T (2005) ‘Forward,’ in Tahir Abbas (ed.), *Muslim Britain: Communities under pressure*, Zed Books: London & New York, pp. viii-ix

typical of diasporic communities³; and that this process has in the past acted to encourage their sense of belonging and integration as 'British,' despite assertions in the media and political debate characterising the Muslim community as particularly isolated or ghettoised. However, the British government's 'war on terror' has made it harder for British Arab Muslims to sustain this multidimensional construction of identity and – to a certain extent – has instead begun to undermine their comfort within British society as a whole.

British policies in the 'war on terror' have fallen into three main categories: foreign policy decisions (notably war on Afghanistan and Iraq), domestic anti-terrorism legislation and policing practices and finally social policies and initiatives aimed primarily at integrating Muslims to combat extremism – although here has been a great deal of overlap and interplay between these three often conflating the debates on national security and cultural/social integration.⁴ Muslims communities in the West have often been central to these debates usually identified as a problem group where terrorism emerges from in categories ranging from 'enemy from within' to 'victim', though often voiceless or demonized in the media and/or political process. Contentious debates have gripped the UK on what best policies to adopt regarding national security, effects of security policies on civil liberties, foreign policy, immigration and multiculturalism.

British Arab Muslims in London interviewed for this paper question the fairness and neutrality of legal and policing mechanisms and government policies – especially foreign policy – related to the 'war on terror'. It is argued that the government's policies threaten to hinder the processes of integration they are simultaneously demanding from British Muslims. By conflating the issues of security and integration, they may actually be undermining both.

Methodology

This unique study is an exploration of an under-researched part of the British Muslim community with a desire that it informs policy makers and motivates future research on this group and/or related topic. A sample of 18 British Arab Muslims was selected for semi-structured interviews recruited through the author's network and snowballing from that group of people. Interviews were conducted for 40-60 minutes and some responses were gathered via email communication however such replies were thorough and followed up with a telephone or personal contact to clear up or develop responses. The age demographic of the respondents was from 20 to 33 years old. All respondents were British citizens, and the majority were born in the UK and have resided there since birth, although two arrived at a young age (before 10), and one lived abroad for several years whilst a teenager. Some also held passports from their parents' countries of origin as dual nationals. All were either university graduates or currently studying at university. There were 9 men and 9 female interviewed with backgrounds from Egypt, Iraq, Lebanon,

³ Gilroy, P (1997) in *Identity and Difference*, Woodward, K (Ed), Sage Publications; London, Reprinted 2002

⁴ Fekete, L, (2004) *Anti-Muslim Racism and the European Security State*; Race and Class Vol 46(1); pp 3-29; and Abbas, T (2006) *Muslims in Britain and the Decline of Civil Liberties: A National Debate* VISTA, Vol 9, No 3

Libya, Morocco, Sudan, Syria, and Yemen. They included both Sunnis and Shias. All currently live in London.

This paper will also examine a range of resources regarding counter terrorism policy and practice statistics in the UK as well as aim to highlight some of the implications on civil liberties and consequent human rights concerns. Finally, it will take into account pertinent and recent research into attitudes of British Muslims related to the questions of the study and relate back to the research sample of young, British Arab Muslims in London.

Why British Arab Muslims?

According to the 2001 UK census, Muslims in the country number 1.6 million people out of a total population estimated at 60 million (about 2.5% of the population), although some other estimates have put the total a little higher.⁵ The ethnic backgrounds of this group as a whole are extremely varied, but the majority by some way – 68% according to the census – are of South Asian origin.⁶ It might seem, therefore, something of a side issue to study British Arab Muslims specifically, since their significance for the overall attitudes of the Muslim community is proportionately small.

Not only might studying British Arab Muslims be considered insignificant, it is certainly difficult because they are not recorded as a distinct ethnic category in the census or other demographic studies. Consequently, it is hard to say even how many British Arab Muslims there are in the country. 'White' is the second largest ethnic group among Muslims after 'Asian', with 179,000 people (12% of the total), about two-thirds of those identifying themselves as 'white other' as opposed to 'white British.' It seems likely that a large number of these are Arabs, although this category also includes Eastern European Muslims such as Kosovans and Bosnians, and Arabs may also identify themselves as 'Asian other', 'black other', or simply 'other-other'.⁷ Place of birth records from the 2001 census indicate that 36,000 Muslims were born in North Africa and 96,000 in the Middle East; but of course this does not account for British Muslims of Arab origin born in the UK, and it must also include other groups who would not identify themselves as Arab, such as Iranians, Berbers and Kurds.⁸ One recent estimate put the total number of Arabs in Britain at 500,000 with 300,000 resident in the Greater London area, although this of course includes non-Muslims and also Arab foreign nationals living in the UK.⁹

All this, of course, says a great deal about the production of constructs of 'race' and 'ethnicity' within British society which cannot be dealt with here, although other work has considered this problem with regard to British Arabs – among others – as a 'hidden minority'.¹⁰ But an important consequence is that the number of studies of this

⁵ Peach, C (2005) in *Muslim Britain*; Masood, E (2006) *British Muslim Media Guide*

⁶ *ibid*

⁷ Nagel, C (2001) "Hidden minorities and the politics of race: the case of British Arab activists in London", *Journal of Ethnic and Migration Studies*, 27:3, pp 38-400

⁸ Peach, C (2005) in *Muslim Britain*, pp 20-23

⁹ *The Arab Community in London*, London Civic Forum Voices for London Policy Commission, March 2002. Found at <http://www.blacklondon.org.uk/news/rptarab.doc>. Last accessed 29/8/2006.

¹⁰ M. al-Rasheed, 'The other-others: hidden Arabs?', in Peach, C (ed.) *Ethnicity in the 1991 British Census*. London: HSMO. 1996, pp. 206-20 & Nagel, C (2001) 'Hidden minorities and the politics of

community is much smaller than that of British Asian Muslims, with some notable and important exceptions.¹¹ This paper is a small contribution to rectifying this deficiency for its own sake. It also supports the necessity noted elsewhere for more studies disaggregating the Muslim community in Britain rather than treating it as a single, homogenous group. British Arab Muslims (a diverse community themselves) have had, and continue to have, a different historical, political, economic and cultural relationship to British society from other British Muslim groups. Consequently, as will be discussed further below, along with some similarities they also have a unique relationship to current policies and attitudes related to the 'war on terror.'

It is argued that understanding the British Arab Muslim community – as one among many different Muslim communities – is very important for identifying through comparative analysis the reasons for certain trends and attitudes among British Muslims as a whole. Points of comparison will be made later in the paper, as well as some suggestions for further research along these lines. As will be presented below, the policies of the British government have tended to treat the Muslim community as monolithic and undifferentiated. This may be one among several obstacles that the government is creating for Muslims attempting to create a positive identification with British society, while at the very same time that it is demanding that very identification.

British Arab Muslims: Perceptions of 'Britishness' and Citizenship

The first section of the interviews conducted focused on identity and how British Arab Muslims identified themselves. The responses can best be understood by viewing identity as a process of construction inter-related with other processes and factors in the respondents' lives.¹² Throughout the following description and analysis of British Arab Muslims' perceptions of their status as citizens, this concept should be kept in mind. The questions attempted to elicit general feelings, or long-term attitudes toward citizenship and identity formed whilst growing up, then assess how these were affected by the 'war on terror', as a means to compare how policies are encouraging or undermining the construction of a positive British identity.

The respondents gave a range of answers to the question, "how do you identify yourself?" Five described themselves primarily as of their parents' countries of origin, e.g. 'Lebanese,' 'Libyan' etc. and only one simply as 'British'. The majority identified themselves with a hybrid term linking 'British' with their parents' countries of origin, e.g. 'British-Lebanese/British-Arab', or said that their answer depended on context and the questioner.¹³ One said, for example, that she answered "British" when visiting Morocco, her parents' country of origin, but "Moroccan" when asked in Britain "because that is what they want to know." Three mentioned that they preferred to identify themselves primarily as a 'Londoner.' (Others also mentioned London as a particularly diverse and

'race': the case of British Arab activists in London,' *Journal of Ethnic and Migration Studies*, 27:3 (July 2001), pp. 381-400

¹¹ See AL-RASHEED, M. (1991) *Invisible and Divided Communities: Arabs in Britain: Concerns and Prospects*, in AJ-Rasheed, M. (ed.); Caroline Nagel; Mohammed Siddiq Seddon

¹² Du Gay (see Woodward for ref)

¹³ Seddon, M.S., (2006) "Global Citizenry Ancient and Modern: British Yemenis and Trans-local Tribalism"; Centre for the Study of Islam in the UK, Cardiff University

accepting environment compared to other areas of the UK.) Only one mentioned religion specifically, and then in the context of the hybrid term 'British Muslim Arab' whilst one respondent indicated they did not like it when second generation Arabs referred to themselves as 'British' because "you can't look Arab and say you're from England its like denying your roots." It is worth noting that a few respondents indicated that religion was a private matter and although not ashamed by it, it was not their primary identifier.

This range of responses, highlighting multiple identities and the process of adjusting one's self-presentation depending on context, is typical of what Brah has called "the diaspora space,"¹⁴ described elsewhere as "transcultural mixture [which is] the compound result of many accretions."¹⁵ In the same way, although almost all respondents described strong ties to their parents' homelands – for example, by regular visits to or contact with them and also by speaking Arabic at home – this did not translate to a feeling that their culture or religion prevented them from being British. On the contrary, all respondents affirmed that there is no incompatibility between being British and being Muslim.

Many, however, qualified this by saying that they understood 'Britishness' only in vague terms beyond the legal status of being a national. When asked to define 'British values', more than half said they could not give a specific answer. Other answers ranged from "private and proper"; "having a mortgage and queuing" or "neglectful of the elderly"; to "law abiding"; "fair play and justice" or "political participation and democracy." Several also qualified their perception of their own relationship to British culture by saying that they felt themselves to be perceived by non-Muslims as somehow 'less British' because of their failure to participate in widely practiced social norms, such as drink alcohol, even though they themselves did not believe this to be a barrier to 'Britishness'. These themes were particularly prevalent when discussed in relation to the new policies introduced since 2001 (and especially after the 2005 London bombings) to encourage integration among the Muslim community, a factor that will be discussed below.

Nevertheless, in practical terms, the respondents indicated a high level of engagement with their role as British citizens. When asked to define citizenship, a large majority of them responded by listing the particular duties required of them. The most often mentioned was the duty to obey the law and respect the rights of others, but many respondents also suggested a duty to encourage or contribute to the improvement of the society. Some respondents even indicated a particular duty for immigrant communities to make a special effort "to respect the country that gave us a home." Another said, "If we are to live here, we should respect the laws and not expect them to bend over backwards for us."

At the same time, almost half indicated in their definition of citizenship that it gives rights as well as duties, including the right to free speech, political participation and the right to be treated equally and justly by the government and its institutions. One respondent defined citizenship in a strict legal sense i.e. holding a passport of that

¹⁴ Brah, A (1996) p. 208

¹⁵ Gilroy, in Woodward, K p. 323; see also Woodward, p. 22

country. All but two vote in elections, and several mentioned other forms of regular political or community participation. A small majority felt represented to some extent by one or other of the current political parties; where the largest number expressed dissatisfaction with the political system it was because of the failure of mainstream parties to translate public sentiments into effective opposition to the government, particularly in relation to foreign policy. The most frequently mentioned example was the widespread opposition to the war in Iraq in 2003 followed by the Lebanese-Israeli war in July 2006. Nearly all respondents indicated a lack of trust for Prime Minister Blair and disappointment in New Labour Government. In this respect, this group may not differ dramatically from any other group in Britain: a comparative study would certainly be useful.

In other ways, however, the respondents did indicate a long-standing self-awareness of their difference from the majority culture. They did not necessarily identify this as a negative thing, although several mentioned the feeling of being made to feel excluded or like an “outsider” due to the perceptions and expectations of others. One respondent said that British society is “quite xenophobic”; another that immigrants in general are viewed as “dirty” in Britain. A few indicated a frustrating perception that British society tolerates immigrant and their descendants “only like you tolerate a bad smell.” Some, especially during school or university, undertook a process of actively attempting to engage with their mixed heritage and understand what it meant to them. In some cases, this process of self-examination, prompted by external questioning and sometimes criticism, was accelerated or sharply defined by specific events such as the terrorist attacks of September 11th in New York and in London on July 7th 2005 or the recent war in Lebanon. In general, however, the process of identity construction was described as long-term and “organic”, rather than influenced by a single factor.

Overall, therefore, this group of young British Arab Muslims did not feel an inherent or long-standing alienation or segregation from British society in general and its institutions. Many expressed critiques of certain aspects of British society such as racism or class systems, or felt themselves to be perceived by others as in some way an “outsider”. Almost all expressed moderate to strong affiliations with their parents’ culture and countries of origin, however, they did not consider these impossible barriers to also considering themselves British and acting as full citizens.

The respondents generally embrace their identity in typical strategies of diaspora communities whereby this difference is “celebrated as a source of diversity, heterogeneity and hybridity, where the recognition of change and difference is seen as enriching.”¹⁶ Some respondents described themselves as “taking the best of both worlds”. Despite some areas of ambivalence and on-going negotiation with the culture of the wider society, a clear sense of an active and developing sense of a specifically British Arab Muslim identity emerged from this group.

Since identity is an evolving process however, it is affected by current events and changing contexts.¹⁷ As the relational network within which it is constructed has

¹⁶ Woodward, K p. 35

¹⁷ Hall, S - see Woodward

evolved, British Arab Muslim identity has undergone changes. As indicated above, however – according to our respondents – these changes have not depended directly on specific, discrete events. Rather, they have been caused by the on-going and sustained changes in government policy and the accompanying public discourse related to the ‘war on terror.’

This paper will now identify the current policies that constitute this war and how they relate to Muslims in general, and British Arab Muslims in particular. It will then assess how these policies are effecting the respondents’ perceptions of citizenship. As with the example mentioned above of feeling uncertain about what exactly it is that Muslims are being asked to integrate to, the policies related to the ‘war on terror’ have in general tended to exacerbate elements of hesitation and ambivalence toward ‘Britishness’ and British society and government.

The ‘War on Terror’

There is no internationally accepted definition of ‘terrorism’, however, the current ‘war on terror’ is a campaign by the US launched by the Bush administration following the September 11, 2001 attacks in America, alongwith the support of its allies – notably the UK. The stated goals of the ‘war on terror’ are to end international terrorism by preventing groups identified as terrorist (by America and her allies) from posing a threat and to put an end to state sponsorship of terrorism. President Bush articulated the goals of the "war on terrorism" in a 2001 speech to the US Congress, in which he said it "will not end until every terrorist group of global reach has been found, stopped and defeated."¹⁸ The concept of the ‘war on terror’ as a perpetual fight has also recently been articulated by UK government minister.¹⁹

During the years since September 11th, there have been numerous criminal attacks that have been identified with the ‘war on terror’ including but not limited to bombings in Bali, Mumbai, Madrid, Saudi Arabia and London. The ‘war on terror’ has also included the US led wars in Afghanistan and Iraq with the stated goal of removing the threat from terrorist groups such as Al Qaeda and threats from ‘weapons of mass destruction’. The July 2006 conflict between Israel and Lebanon was also framed in a ‘war on terror’ context with the stated goal to disable the armed group, Hezbollah. The ‘war on terror’ has entailed controversial policies and is seen by some as a ‘catch all’ for pursuing American interests or as an excuse for undermining human rights. In a 2002 speech, United Nations High Commissioner for Human Rights, Sergio Vieira, said that the US-led "war on terror" was hurting human rights and exacerbating prejudices around the world.²⁰ In the UK, some have argued that as it has faced terrorist threats before (e.g.

¹⁸ Bush, G.W. (2001) *Address to a Joint Session of Congress and the American People*. President to the United States Congress, 20 September 2001. Transcript by White House Office of the Press Secretary.

¹⁹ “War on terror is a perpetual fight, says minister” (2006) Guardian Newspaper, 22 August <http://politics.guardian.co.uk/terrorism/story/0,,1855853,00.html>

²⁰ Vieira, S (2002), Speech given by United Nations High Commissioner for Human Rights found at <http://www.commondreams.org/headlines02/1217-04.htm> and <http://www.globalpolicy.org/wtc/liberties/2002/1217unhcr.htm> accessed on 19 Aug. 06

IRA threat) therefore it has the legislation and capacity to police and prosecute such offenses rather than propose that “the rules of the game are changing”.²¹

The United Kingdom and the ‘War on Terror’

The British government, under the leadership of Prime Minister Tony Blair, has taken a three pronged approach in its ‘war on terror’ found in its foreign policy, domestic counter terrorism legislation and in social integration policies often targeted at curbing Islamist extremism. The UK was the main ally to the US in its invasion of Afghanistan against the Taliban regime known to support the terrorist group Al-Qaeda responsible for the September 11th attacks and other crimes. It also invaded Iraq in 2003 along with the US to prevent the use of weapons of mass destruction being used against the UK by Saddam Hussein’s regime. It is worth noting that no weapons of mass destruction were subsequently found and the Prime Minister since changed his reasons for supporting the US led invasion – mainly to bring democracy and freedom to the Middle East. As discussed below, the respondents cited this decision most often than any other as the main reason for lack of confidence in the government’s policies in the ‘war on terror’. British government’s acquiescence in the American detention of terrorist suspects in Guantánamo Bay – including British Muslim citizens and legal residents – was another reason cited by respondents for their decreased trust in the government.

The UK was slow to respond to return its detainees from Guantánamo Bay detention centre and arguably only played an advocate role due to pressure by detainees’ families, human rights groups and public pressure after sustained media attention focusing on torture allegations and the absence of due process. Although the Attorney General Lord Goldsmith has recently called for its closure it is unclear whether the remaining British residents will be allowed back to the UK.²² If and when they are released they may be sent to their country of origin under a new regime of government agreements or Memorandums of Understandings. These agreements signed in 2005 with Jordan, Lebanon and Libya (with further diplomatic assurances from Algeria and Egypt) demonstrates a progression of the government from a protector – albeit a weak one – to an initiator of policies that threaten to expose foreign nationals living in the UK (who are usually if not always Arabs and/or Muslim) to torture, degrading or inhumane treatment contrary to its legal obligations under human rights law.²³ Most of these residents were granted refugee or asylum status in the recognition that they faced grave human rights abuses in their country of origin. The government has recently been successful in winning its case to deport an Algerian resident on national security grounds after he had been acquitted in a terrorism case.²⁴ This was despite promises that it would only do so where a Memorandum of Understanding was agreed and a monitoring body in place to ensure abuse or other inhumane treatment did not result. Finally, British government

²¹ UK Prime Minister Tony Blair on 5 August 2005 whilst outlining new anti-terrorism measures in response to the 7 July London bombings that many human rights groups criticised as undermining civil rights; See: Amnesty International (2005) “*United Kingdom: Human Rights are Not a Game*” AI Index: EUR 40/015/2005

²² BBC News 10 May 2006, http://news.bbc.co.uk/1/hi/uk_politics/4759317.stm

²³ Amnesty International (2006) “*Memorandums of Understanding and NGO Monitoring: a challenge to fundamental human rights*”; AI Index: POL 30/002/2006; see also Human Rights Watch Report UK: *Promises on Torture Don’t Work: “Diplomatic Assurances” will not Protect Deportees*; at <http://hrw.org/english/docs/2004/10/06/uk9459.htm>; Convention Against Torture

²⁴ Carrell, S (2005), “*TERROR IN THE UK - Ricin The plot that never was*” Independent on Sunday, 17 April

has allowed secret CIA flights to use UK airspace to transfer terror suspects outside of the normal judicial process (extra-judicial or extraordinary renditions) often to 'ghost' detention centres in countries where they are held without trial for the purpose of intelligence gathering and are often at risk of human rights abuses (often to countries in the Arab and/or Muslim world).²⁵ It is worth noting that it is not only foreign nationals who have been subject to extra-judicial transfers, indefinite detentions and use of torture but citizens and legal residents of western countries including those from the US, the UK and Canada who have also been subject to the above mentioned anti-terrorism practices, undermining democratic and legal values and exposing the potential limits to the rights afforded to Muslims as citizens of western countries.²⁶

On the domestic front and in the aftermath of September 11th, the Anti-Terrorism, Crime and Security Act (ATCSA) 2001 was rushed through Parliament and gave controversial powers to hold foreign nationals suspected of terrorism without charge or trial indefinitely sometimes with the use of 'secret evidence' (or public interest immunity certificates).²⁷ In order to do this the UK had to 'opt out' of Article 5 of the European Convention on Human rights which is a provision that allows governments to temporarily suspend some obligations during times of war or public emergencies (the UK was the only country in the EU to do this).²⁸ In December 2004, the Law Lords ruled that indefinite detention (Section 23 of ATCSA) violated human rights law.²⁹ In March 2005, the Government repealed these powers under the Anti-Terrorism, Crime and Security Act 2001 and replaced them with a system of control orders under the Prevention of Terrorism Act 2005 – essentially a type of house arrest for suspected terrorism suspects (foreign nationals or citizens) without trial or normal due process safeguards. However, control orders were subsequently ruled out by the High Court in June 2006 – again, contrary to human rights laws³⁰; although such detentions are still implemented through the Immigration Act 1971. The UK government has petitioned the Courts and lost on the use of evidence obtained under torture in foreign countries admitted in trials against terror suspects.³¹ Following the July 2005 London bombings the government passed yet another anti-terrorism law that included a provision to allow terrorist suspects to be detained in police custody without charge for up to 28 days.³²

²⁵ See "Bush Admits to CIA Secret Prisons" (2006) at <http://news.bbc.co.uk/1/hi/world/americas/5321606.stm>; also Amnesty International Report (2006) *United States Of America: Below the radar: Secret flights to torture and disappearance*: 5 April, AI Index: AMR 51/051/2006; and "UK: CIA rendition flights used UK airfields" (2005) Amnesty International Press Release: AI Index: EUR 45/059/2005

²⁶ See the cases of The case of Maher Arar (Canadian), Ahmed Abu Ali (American), Guantánamo Bay detainees (British, Australian) - all are Muslims of Asian, Arab or Afro-Caribbean backgrounds

²⁷ Belmarsh Prison Detainees; Norton-Taylor, R (2000) *Terrorist case collapses after three years* The Guardian Newspaper (UK), March 21

²⁸ Abbas, T. Muslims in Britain and the Decline of Civil Liberties: the National Debate. Vista, Vol 9 (3), 2006 pp 169-172

²⁹ See European Convention of Human Rights as enacted in the UK by Human Rights Act 1998

³⁰ 28 June 2006 High Court judge quashed control orders on six suspected Iraqi terrorists who had been under house arrest for 18 hours a day.; 8 June 2005 Council of Europe's Commissioner for Human Rights report on control orders violate basic rights - http://news.bbc.co.uk/1/hi/uk_politics/4071968.stm

³¹ *Judgments - A (FC) and others (FC) (Appellants) v. Secretary of State for the Home Department (Respondent) (2004) A and others (Appellants) (FC) and others v. Secretary of State for the Home Department (Respondent) (Conjoined Appeals)* [2005] UKHL 71 8 December 2005

³² Terrorism Act 2006

This act also included a controversial provision against the glorification or incitement of terrorist acts which some argue could result in criminalising free speech.

Another important area of the government's domestic fight in the 'war on terror' has been under Section 44 of the Terrorism Act 2000 whereby the police can stop and search without any suspicion in an 'authorised' area (as opposed to powers expressed under the Police and Criminal Evidence Act 1984 whereby stop and search could only be carried out by police if they had 'reasonable suspicion'). The London Metropolitan police have had rolling authorization across its whole district since February 2001 to use stop and search powers (without 'reasonable suspicion') on the grounds that London has been under permanent threat to terrorist attack.³³ In the Association of Police Authorities' *Know Your Rights* leaflet which is used to advise the public on their rights during a stop and search it states "you should not be stopped or searched just because of you age, race, gender, sexual orientation, disability, religion or faith; the way you look or dress, the language you speak."³⁴ However, despite this guidance, the police have controversially employed racial profiling and specifically targeting people who appear to be Muslim. In the Home Office's Stop and Search Action Team Interim Guidance, a guidance document for police managers published in 2004, it suggests that police may take into account a person's ethnic background in response to a specific terrorist threat as "some international terrorist groups are associated with particular ethnic groups, such as Muslims" (although there is no ethnic group of 'Muslims').³⁵

In March 2005, Home Office Minister Hazel Blears stated that Muslims should accept as 'reality' that they would be stopped and searched more often than others.³⁶ Although policies and practice appear contradictory on this issue, the effectiveness of stop and search powers under suspicion of terrorism (used with or without racial profiling) has been contentious. Various non-government agencies assert that low statistics for arrests and convictions resulting from the use of these powers combined with the concern that Muslims are disproportionately effected and potentially criminalized, means that these new powers should be repealed and the police could revert to powers afforded under previous laws allowing for stop, search and arrest on grounds of reasonable suspicion without compromising national security.³⁷ A recent dimension to racial profiling to come into the public spotlight has been plans to tighten air travel security following the August 2006 arrests in England of British Muslims allegedly planning airplane attacks. In meetings held by EU ministers, discussions were had on 'positive profiling' and some countries proposed explicit checks on Muslim travellers.³⁸ This follows a series of incidents where innocent Muslim passengers were de-boarded from planes following reports of suspicious behaviour by fellow passengers.³⁹

³³ Kundnani, A (2006) "*Racial Profiling and anti-terror stop and search*"; Institute of Race Relations, 31 January 2006, last accessed on 15 August 2006 www.irr.org.uk/cgi-bin/news/printable.pl

³⁴ Association of Police Authorities' Know Your Rights, April 2005 – as cited in Kundnani

³⁵ Home Office, Stop and Search Action Team, Interim Guidance, 2004, pg 12; as cited in Kundnani, A (2006) "*Racial Profiling and anti-terror stop and search*" – see above

³⁶ Dodd, V and Travis, A "*Muslims face increased stop and search*", Guardian Newspaper, 2 March 2005

³⁷ See Institute of Race Relations among other groups for various studies

³⁸ Travis, A and Mostrous, A; "*Terror: EU Plan for Vetting Air Passengers*"; Guardian Newspaper 17 August 2006

³⁹ Akbar, A, "*Muslim pilot Reveals Shock at Being Ordered Off Flight*", Independent Newspaper, 22 August 2006

Recent amendments to immigration and citizenship laws – section 56 to the Asylum, Immigration and Nationality Act 2006 – allows the British Home Secretary to “deprive a person of a citizenship status if (he) is satisfied that deprivation is conducive to the public good” e.g. deportation of suspected terrorists. This power, which applies to anyone with dual citizenship, replaces laws dictating that a person could be stripped of British citizenship only if they were *proved* to have undertaken actions “seriously prejudicial to the vital interests of the United Kingdom”.⁴⁰ This can be perceived by some as an opportunity to pass judgement without the usual safeguard of ‘innocent until proven guilty’. This appears to be the case recently as the Home Office stripped David Hicks, an Australian national (Muslim), of his British citizenship (obtained after drawn out litigation) less than a day after it was granted to him despite the fact that he has been detained in Guantánamo Bay as a suspected terrorist and has not yet been convicted let alone granted a fair trial. This could have implications for many British Muslims some of who are dual nationals or naturalised citizens and particularly those who have fallen suspect by virtue of guilt by association or by inaccurate intelligence.

The third prong in the government’s fight in the ‘war on terror’ has been in its social policies and initiatives under the banner of community cohesion and integration to ‘integrate’ the diverse aspects of the society and correct what some perceive as shortcomings in British multiculturalism policies. Some have gone so far as to argue that the time for multiculturalism has met its end and the best way to ensure national security is through a strong national culture and assimilation of immigrant or minority groups to the dominant culture – particularly Muslims in Britain.⁴¹ Following September 11th the government introduced citizenship curriculum as a foundation subject in secondary schools as well as citizenship tests and ceremonies for foreign nationals to ensure they are aware of British culture and the English language to a sufficient level in order to become naturalised citizens.⁴²

In the aftermath of the 7 July 2005 London bombings the government took up various consultations and initiatives primarily with Muslim ‘community leaders’ to look into combating extremism and promoting integration amongst British Muslims. Incidentally some participants in these initiatives (primarily the Preventing Extremism Together Working Groups or the so-called Muslim task force) have subsequently expressed disappointment in the government’s lack of sincerity to engage in a meaningful dialogue and take on board their recommendations; reducing it to a public relations exercise.⁴³ Most recently in the aftermath of the August 2006 arrests, the government announced a new Commission on Community Cohesion and Integration led by Ruth Kelly, Minister of the newly formed Department of Communities and Local Government, again

⁴⁰ See Migration Watch UK position paper

http://www.migrationwatchuk.org/Briefingpapers/legal/Immigration_asylum_and_nationality_act.asp;
Crabb, A “*Hicks cast out after day as British citizen*”, The Age Newspaper, 27 August 2006

⁴¹ See ‘What Now for Multiculturalism?’ for comments by Trevor Philips of the Commission for Racial Equality; http://www.cre.gov.uk/publs/connections/articles/04wi_whatnow.html

⁴² See official UK government website

http://www.direct.gov.uk/RightsAndResponsibilities/RightsAndResponsibilitiesArticles/fs/en?CONTENT_ID=10015894&chk=sqQhAW

⁴³ Khan, H “*What Little Difference a year Makes*”; Q-News Magazine No 367 July 2006, pp 39-40

targeting Muslim 'community leaders' in such discussions – although not exclusively.⁴⁴ On the agenda of EU Ministers' discussions on policy responses in the aftermath of the above-mentioned arrests was the training of Muslim religious leaders or *imams* on a European 'brand' of Islam and utilising teachers as support for marginalized Muslim youth in furtherance of integration policies.⁴⁵

There is growing evidence to make the case that anti-terrorism security measures have become conflated with integration and immigration policies targeted towards Muslims (e.g. France's banning of the head scarf or *hijab*) and these stem from fear of Islam, anti-Muslim racism or xeno-phobia.⁴⁶ British Muslims' sense of identity, loyalty and citizenship has become a contested area and seen as another front in the 'war on terror'. This, therefore, suggests that British Muslims' perceptions of citizenship very important. There is also a case to be made that "the treatment of British Muslims in the current climate provides a test for the future of not only British multiculturalism but also for British Muslims in society per se."⁴⁷ This therefore further supports the need for nuanced research such as this modest attempt to disaggregate the British Muslim communities and understand how policies and other factors (e.g. socio-economic) shape the experiences and attitudes of Muslims in the West.

British Muslims in the 'War on Terror'

Consequent to the heightened security concerns post September 11th Islam and Muslims have increasingly been perceived as a threat within Europe and Muslims are often identified as not being integrated or criticised for not doing enough to ensure that 'moderate' or 'progressive Islam' stamps out any extremist or radical interpretations that lead to terrorist attacks.

There is arguably a reality and certainly a perception amongst some British Muslims that their rights are being sacrificed for the sake of appeasing the majority into feeling more secure in the 'war on terror'. Some point to examples such as disproportionate stop and searches where a large number of innocent Muslims are being arrested, questioned and released⁴⁸; the use of public interest immunity certificates (or 'secret evidence') to detain terror suspects without trial; incorrect surveillance or intelligence leading to unlawful arrests accompanied by leaks to the media spurring public vilification, manipulation of public fears and stereotyping of Muslim communities.⁴⁹ All of these examples pose an urgent concern for the state of democratic values and legal traditions, policing and

⁴⁴ Ruth Kelly's speech on integration and cohesion, 24 August 2006, <http://politics.guardian.co.uk/terrorism/story/0,,1857362,00.html>; "Step up Extremism Fight" talk with Ruth Kelly and Muslim leaders http://news.bbc.co.uk/1/hi/uk_politics/4789617.stm

⁴⁵ Horsley, W, "Europe resolves to shore up defences"; BBC News 18 August 2006

⁴⁶ Fekete, L. 'Anti-Muslim racism and the European security state'; Race & Class, Vol 46(1), pp 3-29, 2004

⁴⁷ Abbas, T (2005) "Recent Developments to British Multicultural Theory, Policy and Practice: The Case of British Muslims"; Citizenship Studies, Vol 9 (2); pp 153-166

⁴⁸ Institute of Race Relations (2005), *Arrests under anti-terrorist legislation since 11 September 2001*, London: Institute of Race Relations

⁴⁹ Respondents mentioned the wrongful killing of Brazilian John Charles de Menezes at Stockwell Tube Station after the London Bombings and the June 2006 wrongful arrest and shooting of British citizen Mohammed Abdul Kahar in Forest Gate, London – both a result of inaccurate surveillance and intelligence and initially reported in the media as major terrorism plots

intelligence practices and threaten government aims for community cohesion. It is argued that these concerns carry implications on how British Muslims perceive their role as citizens and their confidence in fair treatment under the rule of law – undoubtedly a major indicator of feeling integrated as well as a facilitator to collaboration with security services in the fight against terrorism.

There have been some conflicting survey results assessing attitudes of British Muslims on issues such as citizenship and confidence in the legal systems. In a series of five reports issued by the UK-based Islamic Human Rights Commission (IHRC) entitled *British Muslims' Expectations Series*, the IHRC surveyed 1,125 British Muslims and carried out 37-47 qualitative surveys across England, Wales and Scotland on issues of experiences in discrimination, perception of the judicial and police systems and citizenship.⁵⁰ In the first report of the series “*Dual Citizenship: British, Islamic or Both?*” released in November 2004, the majority of respondents found no contradiction between Islam and good citizenship and expressed a complex cultural identity attached to their faith as well as possessing a sense of belonging to Britain. Defining the word “citizenship” was almost universally equated with nationality although there were various definitions including responsibilities and attachment to British society and a sense of empowerment.⁵¹ The fifth IHRC report in the series called “*Law and British Muslims*”, reported that 91.4% of respondents respect the law to varying degrees but an overwhelming 35 out of 47 stated that the British legal system was unfair or biased citing reasons such as unfair terrorism measures and practices and double standards citing examples including stop and search. There was a prevailing pessimism with an expectation of worse laws from the government as well as great concern on the ethics of British foreign politics.⁵² In many ways the British Arab Muslims respondents in this study echoed the above-mentioned sentiments.

In a GfK research survey of 1,000 British Muslims carried out for Channel 4 in 2006, 38% of respondents indicate that citizenship and religion were not mutually exclusive. There was a difference in sentiments among the age groups however as 42% of Muslims aged 45+ felt ‘very strongly’ that they belong to Britain and Islam while only 30% of Muslims aged 18-24 felt similarly. Interestingly, the Home Office Citizenship Survey 2005 found that “there have been significant decreases over this period [from 2001 and 2003 surveys] in the proportions of people from minority ethnic groups who feel that they would be treated worse by each of the police, the prison service, the courts and the Crown Prosecution Service.”⁵³ If this is an accurate description of attitudes among minority ethnic groups as a whole, it was not supported by the attitudes shared by the British Arab Muslim respondents in this study.

⁵⁰ Ameli, S., Faridi, B., Lindahl, K., Merali, A (2006) “*Law and British Muslims: Domination of the Majority or Process of Balance?*”; Vol 5, 18 May, http://www.ihrc.org.uk/file/BMEG_VOL5.pdf

⁵¹ Ameli, S and Merali, A (2004) “*Dual Citizenship: British, Islamic or Both? – Obligation, Recognition, Respect and Belonging*”, Vol 1, 18; http://www.ihrc.org.uk/file/BMEG_VOL1.pdf

⁵² *ibid* page 1

⁵³ Murphy, R., Wedlock, E., King, J, Early *Findings from the 2005 Home Office Citizenship Survey*, 2nd Edition,; Home Office Online Report 49/05

British Arab Muslims in the 'War on Terror'

"In the 'war on terror' I feel stuck in the middle – not 'with us or against us' as President Bush described it. I mean, I do not agree with terrorist attacks however I feel bad that our brothers and sisters in the Middle East are being killed. It's a lose/lose situation for moderate Muslims."

– Female British Arab, 23, journalist

When asked to define the 'war on terror' the respondents gave the following answers: "an excuse to kill Arabs or Muslims"; "a subversion of the rule of law"; "the neo-conservative plan for American hegemony"; and as "anti-democratic". The one respondent who described the 'war on terror' as a war "against radical Islamist ideologies that currently exist" [and pose a threat to the UK] also said the way it is being dealt with "leaves a lot to be desired". A clear pattern of distrust of Prime Minister Blair and scepticism with the government's overall handling of the 'war on terror' emerged from the respondents. Most were sceptical of Prime Minister Blair and a few called him "hypocritical" or said he had no "credibility or authority" with many Muslims especially following his "lies over the Iraq war"; one accused him of "scaremongering and creating a climate of fear". Respondents consistently cited foreign policy as a big area of divergence between them and government policies and also a potential trigger for terrorism therefore counter productive in its stated aims. In that sense, most respondents affiliated themselves with what they perceived to be the desire of the majority of British citizens for a 'fair and just' foreign policy and cited protesting with millions of others against the war in Iraq in 2003 as an example. Respondents were also sceptical and anxious of the government's domestic anti-terrorism policies although most recognized that a threat did exist and one respondent was "not sure what else they [*the government*] could do".

Respondents gave a mixed reaction when asked if they thought domestic anti-terrorism policies were effective. Half said such policies were somewhat effective but "ultimately counterproductive because they perceived it is breeding hostility and resentment among communities targeted [i.e. Muslims]." The second most frequent response was "not sure" as there have been reports of alleged terror plots foiled however there have also been some mistakes in people wrongfully arrested or shot at by police. Several respondents were concerned about the human rights compromises such as detention without trial and racial profiling in stop and search and worried "the government is sacrificing the rights of some for the sake of the majority." When asked whose responsibility it was to combat extremism or terrorism most respondents said it was collective responsibility – individuals, communities and the government. However one respondent said, "the problem is that no one knows what to do" and many said that government targeting of Muslims to tackle extremism alone is not helpful because it isolates them as a "problem." The same mixed reaction was found in responses on government integration policies however this will be discussed more below. One respondent said "asking Muslims to combat terrorism [*alone*] is like asking one group of people to combat gang culture or knife killings – Muslims do not all know each other and just because there are a few criminals doesn't mean that the rest are not law-abiding and 'integrated' – whatever that means." Yet one respondent felt there was a "culture of denial" amongst Muslims who do not accept this "problem of extremism" and several

echoed that religious leaders had a particularly important role to interpret Islamic values in a such a way to counter those with violent or radical interpretations – especially for South Asian Muslim youth. Interestingly when asked about religious extremism or problems of integration among British Muslims many respondents perceived it a problem for South Asians than for British Arabs. When asked why, answers ranged from: “different cultures interpret Islam differently” to perceptions that South Asian Muslims were “more isolated and have less resources.” As economic differences, regional variations, migration patterns, possible prejudice and a different colonial experience may contribute, more comparative research would certainly be helpful in understanding the real or perceived differences in attitudes on religious extremism and integration among British Muslims.

British Muslims are often talked to and expected to be spoken for via ‘community leaders’ and this appears to be the adopted approach by the British government in the debates on tackling terrorism, integration and citizenship.⁵⁴ Therefore respondents were asked if they felt represented by any one of the numerous, disparate organisations often consulted. Although many respondents struggled even to identify any Muslim leaders or organisations specifically, four respondents said they were absolutely not represented by any and linked this to a solely South Asian representational pattern. A further three respondents added that such representation was unwanted and unhelpful because “Muslims are too diverse to fit under one umbrella.” Seven respondents said they were not represented by any Muslim organisations because such organisations were “too extreme”; “old and fuddy, duddy”; “had too much cultural baggage”. One such respondent said he felt “lost and humiliated by British Muslim organisations or spokespeople to the government as they are not politically or media savvy and operate with a club mentality.” Three respondents found Muslim organisations helpful on small issues such as highlighting discrimination against Muslims but said they were not helpful on big problems.

When asked about their perception of equal protection under law the majority expressed a lack of confidence towards the police to treat British Muslims fairly and slightly more confidence in the judicial system to do so. However there was little or no confidence in obtaining government assistance if arrested and detained by a foreign government abroad. The one of two respondents, who was confident in obtaining the governments assistance upon being detained abroad, qualified their answer that should this occur under suspicion of terrorism then they would not be so confident. Respondents cited Guantanamo Bay as an example of why they felt this way. Regarding Guantanamo Bay, on respondent said: “I hate to say it, but somehow I don’t think they would do that to a real ‘Brit’ (i.e. one that is White and Christian).”

As mentioned above, interviewees were asked about their perceptions on integration of British Muslims in the UK. Interestingly nearly all respondents questioned the concept of ‘integration’ and one asked: “is a white criminal integrated? Because they are white they are accepted but immigrant communities or different ethnic groups always have to reach a higher standard to show they are integrated.” This respondent also mentioned

⁵⁴ Birt, J (2006), in *Muslim Britain*, Abbas, T (Ed); see also Michaels, L (2006), *Securing Civic Relations in the Multicultural City*, paper presented at Conference on Citizenship, Security and Democracy, Istanbul 1-3 September 2006

that his identity as a British Muslim had only recently started to feel undermined following the London bombings in 2005 due to the questioning of loyalty he perceived to be demanded by the mainstream society while another respondent said colleagues started to question her after the London bombings. Several were not clear what they were required to integrate to – “is it having an allotment or going to the pub that they want me to do? We can integrate but will they accept us?” questioned one respondent. She also mentioned that the emphasis on British ‘values’ and citizenship was a fairly recent phenomenon “imported from American after September 11th.” Others also cited a two-way process necessary and some respondents mentioned that Arabs faced barriers such as racism “similarly to Blacks or other ethnic groups.” As mentioned above, most were quick to draw a distinction between Arabs and South Asian Muslims for reasons of socio-economic class or cultural interpretations of religions. Clearly comparative studies would be helpful in identifying why this difference of experience is perceived.

Several respondents worried that by the government targeting Muslim communities as the object of their integration policies, they risked isolating Muslims as a problem group, lumping them all together or miss out on other groups within British society who face problems. Although several respondents sympathized with the government’s position: “I understand where they are coming from but I’m afraid they will victimize Muslims and I don’t think they will get anywhere.” Another respondent similarly agreed that some parts of the Muslim communities needed “extra resources” but that any government initiatives targeted at Muslims generally would be received with “an eye of suspicion because of the government’s foreign policies” and “would be better left to a grassroots level because Muslims need role models from within the community – not Ruth Kelly.” Ultimately, respondents said they want respect and not just tolerance.

Conclusion

British Arab Muslims are comfortable with their hybrid identities typical of diaspora identities however according to our respondents this has become increasingly qualified with critiques of the UK’s approach to the ‘war on terror’, which threatens to undermine their trust in the government and positive construction of citizenship.

The three-pronged approach of the British government’s fight in the ‘war on terror’ – namely foreign policy, domestic anti-terrorism policy and security practices, and social policies aimed at community cohesion and integration – have been received with anger, scepticism and anxiety by British Arab Muslims interviewed for this study. This paints a worrying picture of the effectiveness of such policies and highlights the importance of re-evaluating the UK’s fight against terrorism. Anti-terrorism policies and government positions are beginning to undermine some British Arab Muslims’ trust in government and sense of equal protection under law.

If current practices of targeting Muslims and policing communities persist, it will more likely undermine the readiness for community collaboration with the authorities to root out and expose terrorism. It may also fuel problems of victimization and suspicion among youth, which could in turn encourage those who capitalise on such grievances to pursue more criminal tactics. Although this was not perceived to be a cause for concern for this group of British Arab Muslims and more a problem for the South Asian Muslims

according to our respondents, it could be more relevant for British Arabs living outside of cosmopolitan London and those of different socio-economic backgrounds. Ultimately, it resonates as a concern for all British Muslims and indeed the entire nation. The doubtful response from some members of the public, particularly British Muslims, following the arrests of the alleged airplane terrorists in August revealed attitudes of scepticism as they pointed to the previous mistakes made in other allegedly high profile arrests against British Muslim based on false intelligence. Some expressed resentment that Muslims were yet again being targeted and leaks to the sensationalist media reporting potentially stirring up public hysteria and Islamophobia. Any community will not feel integrated if they are not confident in the judicial system to provide unbiased treatment under the rule of law and if they lose trust in their own police, intelligence services and government.

The British 'way of life' is arguably under threat not just from terrorism but also from ill-conceived and discriminatory government policies and actions creating a double standard by which Muslim citizens are sacrificed while at the same time demanded to 'integrate'. In a critical judgement by the highest court in England, the Law Lord Hoffman stated: "the real threat to the life of the nation, in the sense of a people living in accordance with its traditional laws and political values, comes not from terrorism but from laws such as these. That is the true measure of what terrorism may achieve. It is for Parliament to decide whether to give the terrorists such a victory."⁵⁵ Five years on from the horrific September 11th attacks in America, it is worth asking what we have lost in attempting to win the 'war on terror'.

⁵⁵ Lord Hoffman, *A and others v Secretary of State for the Home Department* [2004] UKHL 56 at paragraph 97; sentiments also echoed by other Law Lords, human rights advocates and public figures

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