Towards "Policed Multiculturalism"?
Counter-radicalization in France,
the Netherlands and the United Kingdom

Francesco Ragazzi

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Abstract

The French government recently announced a plan to "combat radicalization" and a series of measures to prevent recourse to violence. Although the term is not entirely new in the French political parlance, it marks a departure from a counterterrorism policy justified mainly by a judicial approach and enforced in great part through administrative measures. France is thus moving closer to the Netherlands and the United Kingdom, which both began to develop such policies in the mid-2000s. Yet what exactly does it mean to "combat radicalization"? What explains the French government's change of approach? And what can be learned from a decade of experience in these two European countries? This study shows that the concept of radicalization serves as an effective discourse to legitimize the extension of police action beyond its usual purview, by becoming involved in areas of diversity management such as education, religion, and social policy. The study traces the dissemination of the discourse through European institutions and, using the notion of "policed multiculturalism," analyzes the effects of its legal, administrative and preventive forms.

Vers un « multiculturalisme policier » ?
La lutte contre la radicalisation en France, aux Pays-Bas et au Royaume-Uni
Résumé

Le gouvernement français a récemment annoncé un plan de « lutte contre la radicalisation » assorti d'une série de mesures qui ont pour but de prévenir le passage à l'acte violent. Si le terme de radicalisation n'est pas nouveau dans le langage politique français, il marque un tournant dans une politique antiterroriste qui, bien que reposant en grande partie sur des mesures administratives, se justifiait avant tout par l'approche judiciaire. La France se rapproche ainsi des Pays-Bas et du Royaume-Uni, qui ont développé ce type de politiques depuis la moitié des années 2000. Mais que siginifie exactement « lutter contre la radicalisation » ? Comment expliquer ce nouveau tournant du gouvernement français, et que peut-on apprendre de dix ans d'expériences de ces deux pays européens ? Cette étude montre que la lutte contre la radicalisation agit comme un discours efficace de légitimation de l'action policière au-delà de ses domaines de compétence habituels, en investissant de nombreux domaines de « gestion de la diversité » tels que l'école, la religion ou les politiques sociales. Elle retrace la diffusion de ce discours au sein des instances européennes et analyse, au travers de la notion de « multiculturalisme policier », les effets de ses déclinaisons juridique et administrative.

Towards "Policed Multiculturalism"? Counter-radicalization in France, the Netherlands and the United Kingdom

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Since the March 11 attacks in Madrid and the murder of Theo van Gogh in the Netherlands in 2004, followed by the attacks in London in 2005, recourse to political violence by citizens in Western societies—commonly referred to as "radicalization"—has preoccupied governments and security professionals in European countries.[1] In France, counter-radicalization has recently become a political priority with the Merah (2012) and Nemmouche (2014) affairs. In April 2014, for instance, the Manuel Valls government announced new measures to combat radicalization, including the creation of a national helpline and referral service for families and an experimental program for individualized reintegration. These announcements were made following a number of statements concerning the need to reform France's counterterrorism strategy, in particular by following the example of countries with greater experience in such matters.

At a time of intense political and legislative activity spurred by particularly emotionally charged current events, the present study aims to review the practices of countries that are supposedly more advanced with regard to counter-radicalization, highlighting not only the *modus operandi* but also the political and social effects of such strategies. This study shows that so-called counter-radicalization, by broadening the areas to which the fight against "terrorism" is applied, has two main characteristics. In positing that the fight against terrorism justifies overriding the

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normal course of justice, "hard" counter-radicalization policies (arrests, expulsions, freezing of assets, etc.) fall within the proactive and anticipatory logic of the fight against terrorism: whether it is through legal or administrative measures, counter-radicalization falls in line with measures departing from ordinary law. As for "soft" counter-radicalization policies (police-community partnerships, community policing, awareness campaigns, mentorships, etc.), these have become systems for managing ethnic and religious diversity, which are referred to herein by the term "policed multiculturalism."

RADICALIZATION: A NEW TERM OR A NEW PHENOMENON?

Since the Merah affair, and more recently, cases of French youths enrolling to fight in the Syrian conflict, the term "radicalization" has taken hold in the lexicon of French political and media discourse. When in October 2013, French Prime Minister Jean-Marc Ayrault stated his intention to launch a discussion about the "prevention of radicalization phenomena," the term, which hitherto had been used only in a few policy documents in France,[2] still seemed to refer to a new, as yet undefined issue. A few months later, Manuel Valls' announcement of a "plan to combat violent radicalization and terrorist networks" gave substance to a more precise concern: the fight against recourse to political violence among French youths living both in France and abroad. This might at first appear to be a mere change in terminology. After all, the issue of "radical Islam" had preoccupied France's counterterrorism apparatus for well over twenty years. The antiterrorist laws passed in 1996 and 2006,[3] cornerstones of French security measures outlined as early as 1986,[4] were already a response to attacks committed in the name of political Islam, as was the establishment of various sections and units devoted to "radical Islam" within the anti-terrorist branch of the Paris Prosecutor's office and the intelligence services, formerly the Central Directorate for General Intelligence (*Direction centrale des renseignements généraux* - DCRG) and the Directorate for the Security of the Territory (*Direction de la sécurité du territoire* - DST), today merged into a single General Directorate for Internal Security (*Direction générale de la sécurité intérieure* - DGSI).

Upon closer examination, the shift from fighting "radical Islam" to fighting "radicalization" indicates more than a mere change in vocabulary. It reflects the expansion of counterterrorism into a new area. No longer focused solely on curbing the preparation and financing of as well as participation in acts "whose purpose is to seriously disturb law and order through intimidation or terror,"[5] the fight against terrorism now aims to trace farther back through the

[2] *Le Livre blanc sur la sécurité face au terrorisme*, Paris, La Documentation française, 2006, *Defense and National Security: the White Paper*, Paris, Odile Jacob, 2008, and *White Paper on Defense and National Security*, Paris, Direction de l'information légale et administrative, 2013.

[3] Law no. 96-647 of July 22, 1996 and law no. 2006-64 of January 23, 2006.

[4] The law of 1986 was also a response to terrorist attacks, but these were not connected with "radical Islam."

[5] Article 421-1 of the Criminal Code.

various phases leading to an individual's decision to resort to political violence. It is no longer limited to detecting and preventing acts of "terrorism," but is now involved in the processes through which certain individuals become "terrorists."

This paradigm shift presupposes and justifies new fields of intervention, in particular the production or mobilization of new academic, police or legal knowledge that makes it possible to identify, prevent and pass legislation regarding the processes by which a "normal" person becomes a "terrorist." But it also requires implementing specific measures, whether the intervention is psychological (by addressing psychological vulnerability), social (by addressing social marginalization or a lack of integration), ideological (by taking an interest in opportunities for indoctrination) or religious (by combating misguided interpretations of religious texts or schools of thought). Considered from the angle of radicalization, the fight against terrorism involves itself in areas of public action that hitherto had little to do with it: in the individual realm, areas such as mental health and psychological counseling and follow-up; in the public realm, policies to manage immigration, integration and religion, and diversity management policies more broadly understood.

RADICALIZATION AND RECONSIDERATION OF THE MULTICULTURAL MODEL

Reflection on "radicalization" is closely associated with the broader issue of the integration of Muslim populations in Europe, and more generally the choice of integration models, as illustrated by the speech delivered by British Prime Minister David Cameron in February 2011:

> "Under the doctrine of state multiculturalism, we have encouraged different cultures to live separate lives, apart from each other and apart from the mainstream. We've failed to provide a vision of society to which they feel they want to belong. [...] And this all leaves some young Muslims feeling rootless. And the search for something to belong to and something to believe in can lead them to this extremist ideology."

Cameron's remarks on the "failure" of multiculturalism echo a speech given by the German prime minister during a national debate on the theme in October 2010. President Nicolas Sarkozy also made a statement on the issue using similar terms.

The current debate, however, dates back further, and can be analyzed as the high point of a discussion that emerged immediately after the July 2005 attacks in London. After decades of celebrating pluralism and transnational identities, most states that had officially or informally made "multiculturalism" a policy of incorporating migrants and minorities—particularly the United Kingdom, the Netherlands and Canada—have recently announced policy reorientations. Immigrants wishing to acquire the nationality of their host country must increasingly demonstrate their ability to "integrate," especially by taking citizenship and language tests.

Seen from France, rethinking multiculturalism echoes the arguments of certain champions of French-style secularism and its rejection of "communitarianism." Counter-radicalization policies indeed seem at first to fit neatly into the principle of the separation of religion and state, and

the distinction between the public and the private sphere, religion belonging to the latter. A comparative study of the British and Dutch experiences shows, however, that formulating the recourse to political violence in terms of "radicalization" has produced the opposite effect: by approaching the problem from the angle of individual or community vulnerabilities closely linked to issues of social or cultural integration, counter-radicalization policies produce and reinforce the division of society into ethno-religious groups. Such "policed multiculturalism"—in other words recognition and management of diversity in a security perspective—evacuates fundamental questions related to the pluralism of public debate, depoliticizing them and relegating them to the role of a purely bureaucratic or administrative exercise. Policies to combat terrorism and radicalization then become a specific means of governing diversity.

Many academics have pondered the impact of counterterrorism policies on populations (particularly through the notion of "suspicious community" and its involuntary negative effect, which generates a sense of discrimination, alienation and rejection among the Muslims of France, the Netherlands and the United Kingdom), but the analysis needs to be taken further. The present hypothesis is that the production and reproduction of distinct communities, far from an unintended consequence of the modern forms of combating terrorism, lie at the very heart of its *modus operandi*. An analysis of the effect of these policies on citizenship in Europe should thus not take for granted that they generate alienation and exclusion, but shed light on the interconnections between institutionalized mechanisms of differentiation and politicization. This study in part sets out to do that, by drawing on several official documents and grey literature as well as interviews conducted between January 2013 and April 2014 in France and the United Kingdom with key actors involved in the counter-radicalization policies. First, the history of the concept of "radicalization" will be retraced since it was formulated in the first decade of the 2000s within the Dutch and British intelligence communities, highlighting its much more political than scientific nature, its dissemination through Europe and its gradual adoption in France. The strictly legal approach to violent radicalization will then be examined, by analyzing the effects of French, Dutch and British legislation in this regard, before exploring the administrative procedures and their consequences in the three countries. The final section will examine the practices of British and Dutch "soft" counter-radicalization policies and their effects, returning to the notion of policed multiculturalism.

RADICALIZATION: DIAGNOSIS OF A DISPUTED PHENOMENON

Just like "terrorism," a more political than scientific term that serves above all to denote political violence considered as illegitimate, the concept of radicalization arouses a degree of skepticism in academia. According to Alex Schmid, an international expert on terrorism, "the terms 'radicalization,' 'de-radicalization' and 'counter-radicalization' are used widely, but the search for what exactly 'radicalization' is [...] has so far been a frustrating experience."[6] Rik

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[6] A. Schmid, *Radicalisation, De-Radicalisation, Counter-Radicalisation: A Conceptual Discussion*, La Haye, International Centre for Counterterrorism, 2013, p. 1.

Coolsaet, another terrorism expert, has described the concept as "ill-defined, complex and controversial."[7] Marc Sageman, author of the now classic *Understanding Terror Networks*,[8] also seems doubtful:

> "The notion that there is any serious process called "radicalization," or indoctrination, is really a mistake. What you have is some young people acquiring some extreme ideas—but it's a similar process to acquiring any type of ideas. It often begins with discussions with a friend."[9]

What exactly does the term "radicalization" refer to and how can its increasingly common use in public discussion be explained? The following section will show that more than anything, the notion fulfills a political function, based on the diagnosis of a social phenomenon the existence of which has yet to be proven.

Emergence of a Discourse of Security Professionals

The term "radicalization" and the approaches it has spawned were forged by security and intelligence professionals in a specific context. The contemporary use of this term thus needs to be reviewed, by placing it in the context of Europe in the mid-2000s. The quick succession of incidents during that period—the March 2004 attacks in Madrid, the murder of Theo van Gogh in November that same year and then the July 2005 attacks in London—prompted the security apparatuses of these three countries to focus on a relatively new phenomenon: recourse to violent acts by citizens of their own countries, commonly referred to as "homegrown terrorism."

• The British and Dutch Approaches

The Dutch discussion regarding the fight against radicalization began in 2002 with the murder of politician Pim Fortuyn, but really took shape two years later with the murder of Theo van Gogh, who was shot and stabbed by a militant for political Islam. At the instigation of the AIVD, the Dutch intelligence service, the Netherlands gradually devised what it defines as a "comprehensive approach" (*brede benadering*). In 2005, following the Madrid attacks, the Dutch justice minister placed the NCTb (*Nationaal Coördinator Terrorismebestrijding* – National Coordinator for the Fight against Terrorism) in charge of coordinating all the agencies involved in prevention and law enforcement efforts. In 2007, the "Polarization and Radicalization" action plan rounded out the legal approach, emphasizing how these two phenomena directly related to the fight against terrorism and presented as a threat to "social cohesion." In the Dutch

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[7] R. Coolsaet (ed.), *Jihadi Terrorism and the Radicalisation Challenge in Europe*, Farnham, Ashgate, 2011, p. 240.

[8] M. Sageman, *Understanding Terror Networks*, Philadelphia, University of Pennsylvania Press, 2004.

[9] **http://www.huffingtonpost.co.uk/2013/05/27/sageman-interview_n_3342206.html**, verified December 5, 2014.

perspective, recourse to political violence more than anything reflects a problem of social integration, particularly for Muslim minorities. The "comprehensive approach" focuses on three priorities: fostering the integration of Muslim populations by introducing anti-discrimination measures, combating Islamophobia and encouraging social and political participation; increasing the Muslim population's "resilience" to radicalization by supporting Muslim associations with a moderate message; isolating and combating radicalization phenomena by setting up support systems (including guidance and mentoring) for individuals considered "at risk." The National Counterterrorism Strategy, which outlined the main directions for counter-radicalization policy for the 2011-2015 period, confirmed these three priorities.

On the basis of similar principles, the British government, guided by Sir David Omand, then Security and Intelligence Coordinator, outlined the first version of its new counterterrorist strategy, named *Contest*, in 2003. This document, initially intended to coordinate the activities of the various agencies involved in counterterrorism, was revised in 2009 and informally baptized "Contest II." The new document comprised four sub-strategies: *Prevent*, which established the framework of counter-radicalization and everything that comes before becoming involved in terrorist activity; *Pursue*, which details the strategies to prevent and remove direct threats of terrorist attacks; *Protect*, which deals more precisely with border control, transportation systems and more generally all critical infrastructure; and lastly, *Prepare*, which aims to strengthen the resilience of the United Kingdom and its population to possible terrorist attacks.

The first version of *Prevent* set three goals: "respond to the ideological challenge of terrorism and the threat [faced] from those who promote it" by working to develop counter-narratives and non-violent alternatives for voices that advocate violence; "prevent people from being drawn into terrorism and ensure that they are given appropriate advice and support"; "work with sectors and institutions where there are risks of radicalization which we need to address," in other words work with "communities," through mosques, religious and neighborhood institutions as well as schools, hospitals and other social services, better to detect and possibly "deradicalize " individuals who disseminate violent ideas.

The Dutch and British strategies to combat terrorism gradually structured the European debate and encouraged other countries, including France, to define their position.

• The Dissemination of the Radicalization Discourse in Europe

Even though in matters of counterterrorism cooperation, the European Union is above all a place for discussion and exchange, the fight against terrorism remaining the province of member-states, the British and Dutch strategies quickly found a powerful sounding board within European fora. The Maastricht Treaty of 1992 distributed the terrorism issue between its second pillar (Common Foreign and Security Policy) as regards external threats, and its third pillar (justice and home affairs) for domestic threats. After September 11, 2001, the counterterrorism action plan introduced a few elements of cooperation—particularly the establishment of the European Arrest Warrant, harmonization of the legal definition of terrorism and creation of a body to coordinate the fight against cross-border crime (Eurojust). Initial enthusiasm soon died

down, later rekindled by the March 2004 attacks in Madrid. The Irish presidency convened the working groups from the two pillars (COTER and Terrorism Working Group), as well as the police and intelligence services of all member-states to deal with the question of terrorist recruitment. "Radicalization" was then identified as a factor in terrorist recruitment. The meeting of the Council of Europe that same month called for an analysis of the "factors contributing to radicalization and recruitment to terrorist activities." The 2005 attacks in London, which coincided with the EU British presidency, gave the United Kingdom an occasion to present a European counterterrorism strategy that was largely modeled on the one the UK had adopted a few months previously. In December 2005, the *European Union Strategy for Combating Terrorism* virtually took up the British strategy point by point, also defining four areas of action: prevent, pursue, protect and respond. Immediately afterward, the Council of Europe adopted the *European Union Strategy for Combating Radicalization and Recruitment to Terrorism.*

The European counter-radicalization strategy is organized according to three main priorities. The first is to disrupt the activities of networks and individuals involved in recruitment. With communications, funds transfers and travel greatly accelerated and facilitated by globalization, the objective is to keep an eye on neighborhoods through community policing, to set up surveillance mechanisms to monitor the Internet and travel to "high risk" zones. Prisons, places of education and religious training are also identified as areas for surveillance. Finally, the strategy outlines the need to set up the appropriate legal framework to prevent individuals from inciting and legitimizing violence. The second priority is to ensure that moderate voices prevail over those of extremists, particularly over rhetoric that distorts conflicts by presenting them as a clash between the West and Islam. It is recommended in particular to cooperate with moderate organizations to counteract the Al-Qaeda discourse, accelerate the training of imams so as to "change the perceptions of European and Western policies particularly among Muslim communities," and to correct inaccurate perceptions associating Islam and terrorism. The third priority is to promote security, social justice and democracy for all "more vigorously." A series of conditions conducive to radicalization are identified, including poor governance, a lack of democracy and economic prospects and unmanaged modernization. While these conditions, the document points out, are not present in Europe, they can be part of the history of the immigrant communities settled there. The aim, then, is to eliminate the structural factors supporting radicalization by tackling inequalities and discrimination and by promoting intercultural dialogue, debate and long-term integration both inside and outside Europe. The document declares that member-states will work individually and together, cooperating actively with communities, religious authorities and other organizations best able to counter extremist rhetoric. In this regard, the European strategy is more a policy and framework document than an operational strategy. It is in fact up to member-states and their administrations to implement counter-radicalization policies.

• **The French Approach**

In France, intelligence and counterterrorism professionals, in other words the DCRG and the DST (the main agencies before the 2008 reform), found themselves at odds with the British and Dutch approaches, for at least three reasons.

First, many of these professionals, in France, found it ironic for the United Kingdom to demonstrate concern about the "radicalization" of Muslim political groups, whereas it had tolerated their presence for many years. A second, and probably more profound reason is that the British and Dutch strategies are in direct contradiction with certain principles of France's counterterrorism, justified on the basis of its model of secularism. For French counterterrorism officials, setting up formal partnerships with imams and community religious institutions is out of the question, just as it is difficult to imagine local police-mosque or police-Muslim association collaborations,[10] or even passing legislation to separate "good Islam" from "bad," unlike the United Kingdom that does not hesitate to describe misguided interpretations of Islam in official documents. In practice, it happens that France's intelligence services develop close relations with "community" representatives, but these are informal exchanges and the balance of power is unequal, implying no official recognition for the role of these representatives. Lastly, the French counterterrorism apparatus has been designed around a strong legal core, which its officials call a "strictly legal approach" by virtue of which it is not up to the state to anticipate or intervene in the processes leading to recourse to violence, but should focus on what is covered or not by the penal code. In reality, several administrations are constantly involved in monitoring and distinguishing "acceptable" Islam from "radical" Islam—in other words someone who poses a "threat to the social bond." Thus, the granting of French citizenship, a residence permit or a construction permit for a mosque is usually conditional upon approval from the intelligence services, which can also use administrative instruments such as banishment from the country and expulsion as levers to encourage certain individuals to collaborate.

All these reasons explain that the notion of radicalization meets with considerable resistance in France, and it is only very recently—since François Hollande's election to the presidency and Manuel Valls' appointment as Ministry of the Interior, in other words seven years after the first British strategy was outlined,—that the issue of political violence has been posed in such terms. The theme of radicalization was not, however, entirely absent from French security discussions. While the *White Paper on Security in the Face of Terrorism* dealt with it in 2006, the measures it suggested to face the threat of terrorism (early detection through vigilance, human intelligence and technology) remain very remote from the Dutch and British strategies. The 2008 *White Paper* doesn't mention it at all, while the 2013 *White Paper* does, evoking the need to "develop government counter-radicalization strategies," without giving any details.

It wasn't until the Merah affair (2012) that French counterterrorism strategy began to change. This episode in fact convinced government authorities that the security perspective alone (i.e. the DCRI's monopoly of the issue) was not sufficient. Commissioned by the General Secretariat for Defense and National Security (SGDSN), the report drafted by Prefect Yann Jounot thus defined the strategy's main directions announced in April 2014. In terms of prevention, the strategy involves creating a national helpline and referral service for families (a toll-free number); experimenting with an "individual rehabilitation plan" based on the

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[10] Interview with a French counterterrorism official, Paris, January 2014.

British Channel model; paying particular attention to an action plan in prison environments and a "series of preventive measures" to be implemented, aiming to counter "preachers of hate" after the "counter-narrative" model. For the moment only the toll-free number has been set up. The other measures should be in place sometime in 2015. The repressive measures also announced in the report have already been codified in the November 13, 2014 law no. 2014-1353 "strengthening counterterrorism measures," which proposes to impose travel bans, creates a new offense of "individual terrorist enterprise" and gives French authorities the power to block illegal websites.

The move toward gradually taking into account the problem of "radicalization" in France, at least in the discourse seeking to justify it, can thus be explained by several factors, current events being in the forefront, such as the Merah case and the Syrian conflict, and in particular trips made by European combatants to this country—which has preoccupied European intelligence services since 2012. But also the influence of a number of European experts and networks which, without having been directly involved in discussions with counterterrorism professionals, have provided with a forceful argument all those who have promoted, discussed and disseminated part or all of the British and Dutch approaches.

Among these various networks, two of them have been and remain relatively important: the Policy Planners' Network on Countering Polarisation and Radicalisation (PPN) and the Radicalization Awareness Network (RAN).[11] The PPN is a grouping of interior ministry officials from ten European countries (United Kingdom, France, Germany, the Netherlands, Denmark, Norway, Sweden, Belgium, Finland, Spain) as well as Canada, coordinated by a think tank based in the United Kingdom, the Institute for Strategic Dialogue. It was created in 2008 to organize the sharing of information and "best practice" among its members, to pool research and expert reports and ultimately to advise the Coordinator for Counterterrorism for the European Commission. It meets three times per year, particularly in a session that brings together government ministers from the ten countries. The RAN was launched by the Commission in September 2011 as an umbrella organization connecting several networks of actors involved in preventing radicalization and violent extremism (social workers, religious leaders, youth leaders, police officers, etc.), to exchange "best practices" and share "experience" among the different countries (European Union member-states plus Norway).

A source of European discussion on radicalization should also be mentioned: the European Commission Expert Group on Violent Radicalization (ECEGVR), appointed in 2006 by Franco Frattini, then European Commissioner for Justice, Freedom and Security. Its work has been exemplary in pointing out not only the variety of viewpoints on the issue of radicalization (at both the European and national levels), but also the political nature of the choice to give precedence to one option over many others. The discussions that took place among this group are used to illustrate the diverging positions on the problem of radicalization.

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[11] Interview with a French Interior Ministry official, Paris, October 2013.

A Variety of Discourses and a Political Choice

In September 2005, the Commission launched two parallel expertise initiatives regarding radicalization phenomena. In early 2006, it established a "network of experts that [would] submit a preliminary report on the state of knowledge on violent radicalisation," and announced the launch of a "public tender for studies in this area that will focus in particular on "motivational and desisting factors for violent radicalization [and] socio-economic factors contributing to such radicalisation."

Thus, alongside the ECEGVR, comprised of renowned academics from various European countries, European Commissioner Franco Frattini ordered four additional expert reports: two from the Change Institute think tank;[12] one from a think tank based in Brussels, the CEIS;[13] one from an expert think tank, the International Center for the Study of Radicalisation (ICSR), based at King's College in London.[14] What explains such a demand for expertise? It indeed seems strange that European institutions would commission reports on radicalization processes whereas the documents from 2004 and 2005, written largely at the instigation of Dutch and British security agencies, had already established the "existence" of radicalization, the factors that foster it and the best means to counter it. It is all the more surprising that the Commission does not seem prepared to hear divergent opinions from those it defined together with the member-states. Although it accepted the four expert reports, in a surprising move it rejected the results of the ECEGVR, which is critical of the official line, and refused to publish them (they were subsequently published by one of its members). The group was dissolved in 2008. While the episode may seem secondary with respect to the development of EU counter-radicalization policies, the analysis of these reports reveals a key point: legitimation, via the European discourse, of security professionals' expertise and the sidelining of academic discourse. Such analysis also brings out the various viewpoints of academics and experts on the question. Three themes in particular were treated in these reports: whether or not a phenomenon referred to as "radicalization" exists, factors explaining the phenomenon and the measures to be implemented to curb it.

• What Is Radicalization?

These reports differ on three main points: the very existence of the phenomenon known as radicalization, the relationship between so-called moderate organizations and those described as "radical" and the importance of collective action.

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[12] *Studies Into Violent Radicalisation* (Lot 2): *The Beliefs Ideologies and Narratives*, released in February 2008, and *Study on the Best Practices in Cooperation Between Authorities and Civil Society with a View to the Prevention and Response to Violent Radicalisation*, released in July 2008.

[13] A. Dyèvre, *Les Facteurs de création ou de modification des processus de radicalisation violente, chez les jeunes en particulier*, 2008.

[14] P. R. Neumann, R. Alonso and L. Martinez, *Recruitment and Mobilisation for the Islamist Militant Movement in Europe*, 2007.

For the members of the ECEGVR, the expression "violent radicalization," which "is not widely used in social science as a concept," lacks scientific validity: "Socialization into violence is not necessarily coterminous with socialization into terrorism," and the term is "problematic," "in that its relationship to 'radicalism' as an expression of legitimate political thought, [it is] still reflected in the titles of some political parties in Europe." The report similarly challenges the idea that the process can be anticipated, arguing that "One of the most significant understandings gained from scholarly research over recent years is that individuals involved in terrorist activities exhibit a diversity of social backgrounds, undergo rather different processes of violent radicalization and are influenced by various combinations of motivations." At the other end of the spectrum, the King's College experts wholly endorsed the Commission's viewpoint and approved the idea that there is a direct link between radical organizations, defined as "gateway organizations," and violent extremists. According to them, "gateway organizations... form part of a conveyor belt through which people are primed for their later involvement in terrorism."

The reports are also at variance regarding the ideological continuum between moderate and radical organizations. According to the ECEGVR, "The espousal of a particular ideology alone does not guarantee that radicalization towards terrorist violence will ensue. (…) Previous studies of several European terrorist groups have made clear that ideology had a varying degree of relevance in that process." The CEIS and Change Institute on the contrary maintain the idea of an ideological continuum between moderate and radical organizations, similar to the ties between the quietist Tabligh movement and jihadist organizations:

> "The experience of militancy in a group like the "Tablighi," which has no political dimension but a sectarian functioning, can be influential in provoking attitudes and sentiments of frustration in which the more active means and ideologies of the militants may become of more interest."

The last point of opposition has to do with the importance of collective action, and in particular the role of self-taught militants and the Internet. For the authors of the King's College report, due to the growing constraints Islamist militants encounter in an increasingly surveilled and controlled "offline" environment, "the Internet can be the dominant, if not the sole, factor that facilitates radicalization and recruitment." It is the place where "seekers" of content, videos, sermons and groups or individuals that supply them can be found. And within these groups of "seekers," the report identifies self-radicalized "self-starters," who allegedly adopt violent viewpoints without direct interaction with groups or individuals, solely via online activity. The report qualifies this idea, however:

> "None of the radicals or former radicals we have interviewed were radicalised or recruited solely on the Internet. Nor did any of the community leaders or law enforcement or intelligence officials we have spoken to believe that Internet is likely ever to fully replace person interaction."

As one imam cited a few lines below puts it, "human contact is important because [recruitment] is all about who knows who." The CEIS and Change Institute reports share this viewpoint. While they acknowledge the growing role of the Internet, they both insist that it cannot alone explain radicalization. In other words, and reiterating what most academic

research into political violence has found, "self-starters" and "lone wolves" always need some sort of real-life socialization to go through with violent action.

In short, CEIS and Change Institute provide cautious support for the hypotheses put forth by the political officials on the Commission, King's College fully backs them and the ECEGVR rejects them out of hand.

• Explanatory Factors

The various reports diverge on this subject as well, while maintaining some of the preceding oppositions. The first point of disagreement concerns the role of "gateway organizations," in other words non-violent radical organizations. While for King's College they are the main factors of radicalization, they are merely ideological "gateways" between moderate and radical organizations for the CEIS. This institute maintains that, politically speaking, moderate organizations are against radical ones and that "the role of their leaders, many of whom are opposed to the terrorist option, exerts a strong influence on the masses, who remain ambivalent as to the issue of resorting to political violence." For the Change Institute and the ECEGVR, factors of radicalization reside in "root causes" which are exclusion, racism and Islamophobia, combined with the need for political organization in a context of social injustice and the lack of alternative political socialization; radicalized individuals are described as seeking political emancipation or as reacting to foreign policy choices they condemn, and radicalization as the result of a combination of structural factors and conducive circumstances. Radicalized individuals are presented as being cut off from any sort of organization in the CEIS and the King's College reports. The latter describes a process of victimization in which individuals, already made vulnerable by personal crises, are easy prey to be manipulated by militant radicals who exploit these "cognitive openings." The CEIS authors on the other hand focus on psycho-sociological factors such as the rootlessness of second-generation migrants, the breakdown of social bonds and the disintegration of family ties. Both reports share the viewpoint that the phenomenon is essentially related to the exploitation of identity conflicts.

Not surprisingly, the ECEGVR has little to say about the factors common to the various radicalization processes. Having rejected the analytical power of such a concept, it prefers to emphasize the idiosyncratic nature of the decision to engage in political violence. The King's College report thus reproduces an aspect of the manipulation and victimization argument contained in the EU counterterrorism strategy; the CEIS report underscores another – the importance of psychological and social determinants; the Change Institute's studies focus on "root causes" and political action; and the ECEGVR report, once again, departs entirely from the discourse on radicalization.

• Recommendations

Recommendations for combating radicalization divide the reports into two distinct positions. For the ECEGVR, political recommendations make no sense because there are no clearly established profiles, each radicalization process being individual and contingent. The other

reports make a variety of recommendations. An approach aimed more at curbing radicalization places emphasis on targeting militants and *radicalization magnets* such as mosques, radical bookshops and "gateway organizations" (i.e. non-violent radical organizations). As the King's College report sums it up:

> "A 'zero tolerance' policy will not only curb recruitment, but also send a strong and consistent message that racism and incitement to violence will not be tolerated in European democracies. When accompanied by a communication strategy that clearly distinguishes between extremists and the vast majority of moderates, it may even be welcomed by mainstream Muslim communities."

The experts at the Change Institute insist on the importance of civil society organizations (CSOs) and recommend joint training programs bringing these together with public authorities, collaboration with non-violent radicals, creation of representative bodies of all community leaders and increased funding for CSOs. The report suggests several measures likely to address the "root causes" of radicalization, including policies to combat discrimination as well as social and educational policies that look beyond an approach solely in terms of security. The CEIS report also focuses on the "root causes" of radicalization, but lays more stress on the role of education, the fight against discrimination and the need for more diversified research on Islam.

These reports are thus appreciably at variance regarding the process of radicalization: for the ECEGVR, radicalization is a contingent process involving a complex web of causal mechanisms and no policy can prevent them from developing. For King's College, it is the result of radical elements manipulating vulnerable individuals; counter-radicalization should thus not only target organizations but ideologies as well, both "offline" and "online." For the CEIS, radicalization is a psychosocial phenomenon that cannot be combated unless its "root causes" are eliminated through education and the dissemination of knowledge. For the Change Institute, radicalization is the deviant expression of legitimate political disappointments that need to be dealt with at a micro-political level, by endowing community organizations with funding and political legitimacy that would position them as partners of government authorities.

Escalation: A Relational Approach to Understanding Recourse to Political Violence

Another approach should be added to these previous ones, which puts forward a central idea: radicalization should be conceived as a relational process. According to British scholar Arun Kundnani,[15] the main criticism that can be made of the approaches to radicalization adhered to by European institutions, the British and Dutch governments and later the French, is to focus on individuals and groups while "eschew[ing] the role of social and political circumstances in shaping how people make sense of the world and then act upon it." Kundnani is referring to racism and social inequality, as well as repressive state security policies.

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[15] A. Kundnani, *The Muslims Are Coming! Islamophobia, Extremism, and the Domestic War on Terror*, London, New York & Verso, 2014, p. 10.

In a study made in 2008, Didier Bigo and Laurent Bonelli defend a similar viewpoint.[16] Drawing on the work of Charles Tilly and Sidney Tarrow[17] and theories of political mobilization, as well as theories in strategic studies, they advise against focusing solely on the individual or group level but instead on the web of relationships these individuals and groups have with a series of other actors, especially with the government authorities in the countries in which they move. Recourse to political violence can be perceived, according to them, as much as the effect of personal or group trajectories as a reaction to foreign and domestic policy choices, or even policies to combat terrorism. This phenomenon, they explain "is what is called the 'spiral' process and it is significant that the radicalization terminology used in the reports on terrorism is nothing else but the same terminology that has been well-known by any expert on violence: the terminology of escalation." It is worth noting here that they are not talking about processes of political radicalization (which after all can be violent or not), but indeed about the decision to engage in political violence.

Taking as a starting point the relationship between the various social actors rather than individual or group logics paves new avenues for seeking to understand the phenomenon of resorting to political violence. It involves studying the space of reciprocal relationships as well as the moves that various actors make in a given social and political context. As Bigo and Bonelli point out, this context is far from neutral: foreign policy practices, certain wars, security methods, torture and so on are all elements that play an important role in the dynamics leading up to the recourse to violence. Even more, the excesses of some counterterrorism measures, by generating feelings of discrimination among certain populations, paradoxically may reinforce the recruitment capacity of certain radical groups. The example of the effects of the British government's brutal crackdown on separatist demonstrations in Northern Ireland is particularly eloquent: the sharp rise in the number of IRA militants prepared to engage in violent action can be directly ascribed to it.

In this "relational approach," the claims made by various groups and individuals considered as terrorists citing UK, Dutch or French foreign policy toward Iraq, Afghanistan or Palestine, are thus not merely the result of some sort of "indoctrination" that can be combated with a simple ideological response, or a "social malaise" that can be resolved by more welfare state. Some counterterrorism professionals have moreover reached a similar sober conclusion:

> "We see it a lot today. It's obvious, with the phenomenon of youngsters who go off to Syria. It's a total failure. We can't manage to combat radicalization. […] You can invent whatever you like, where there is a groundswell, you can't do anything to fight it. And when there's a highly galvanizing struggle considered as legitimate against an authoritarian, dictatorial and bloodthirsty regime, what can you do?[18]"

While it is urgent to take this dimension into consideration to understand the process of deciding to engage in political violence, two other aspects seem equally important: the distinction between radicalization and recourse to political violence (the former does not imply

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[16] D. Bigo and L. Bonelli, *Preventing Violent Radicalisation and Terrorist Recruitment in the EU. The Threat to Europe by Radical Islamic Terrorist Groups*, Brussels, European Parliament, January 2008.

[17] C. Tilly and S. Tarrow, *Contentious Politics,* Boulder, Paradigm, 2006.

[18] Interview with a French counterterrorism official, Paris, January 2014.

the latter); and the way processes of engaging on the path to violence are rooted in a web of political relations with the state. In this regard, understanding how recourse to political violence occurs involves understanding the reactions to state counter-radicalization measures not only from the angle of their ability to achieve the desired effects, but more generally from the angle of their political consequences. The Egyptian military government's brutal crackdown on the Muslim Brotherhood or the Syrian government's slaughter of civilian populations can of course not be compared with practices in European countries. It would be just as mistaken, however, to disregard the significant role of the "illiberal" practices of Western democracies, particular in matters of discrimination, surveillance, and even torture (for instance in Guantanamo) in certain individuals' decision to engage in political violence.

The following pages will present counter-radicalization measures and their effects from three different angles: first, legal measures, in other words the anti-terrorist legislation that allows states to intervene before an act is committed; then, administrative measures, by which authorities also intervene "before the fact" by enforcing administrative provisions; and lastly, so-called "soft" preventive measures that are on the cusp of security, education and social work.[19]

"HARD" COUNTERTERRORISM: LEGAL PRACTICES AND THEIR EFFECTS

Legal instruments form the central pillar in the prevention of radicalization and terrorism in Europe. Although a distinction must be made between counterterrorism and counter-radicalization, the propensity of anti-terrorist legislation constantly to look further and further back before the act and to criminalize intentions blurs the boundaries between the two. More and more, in the United Kingdom, the Netherlands and France, certain categories of the population—especially Muslim minorities—are caught in the very broad nets of counterterrorism in disproportionate numbers. Over the years, the powers of the anti-terrorist apparatus have been expanded considerably, owing to the extension of the pre-trial detention period, the growing weight of intelligence in the pre-trial investigation of cases and the ever-greater vagueness of the distinction between information and evidence, the broadening of the scope of terrorist investigations and terrorist arrests.

Pre-charge Detention and Pre-trial Detention

One of the first tools in the preventive logic of counterterrorism is the extension of pre-trial detention periods, whether before a formal charge is made or once an individual has been charged. In Europe, the United Kingdom has the longest allowable pre-charge detention period:

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[19] This section as well as those following takes up some of the points in the report by D. Bigo, L. Bonelli, E.-P. Guittet and F. Ragazzi for the European Parliament, *Preventing and Countering Youth Radicalisation in the EU, op. cit.*

the Terrorism Act 2000 (TA 2000) increased it from 48 hours to seven days (until January 2004), then to 14 days (until July 2006). It was subsequently extended to 28 days (until January 25, 2011), before reverting to 14 days. In France, since 2011, exceptional rules of procedure (especially article 421-2-1 of the Code of Criminal Procedure) extended pre-charge custody to up to six days for terrorist offenses, and pre-trial detention can be as long as four years in terrorism cases (this also applies to other criminal charges such as narcotics trafficking, pimping and extortion).[20] In the Netherlands, the law makes no particular distinction as to offenses liable for pre-charge detention, the length of which cannot exceed 6 days and 15 hours. On the other hand, pre-trial detention, limited to 90 days, can be extended for as long as two years in the event of a terrorist offense.

Although in these three countries, counterterrorism legislation contains derogations from ordinary law, it is in the United Kingdom that public debate about their possible abuses is the most heated. British NGOs and civil rights associations have called this extended pre-charge detention "unjustifiable and unnecessary," adding "it is also counterproductive in practice and alienating innocent people, their families and communities."[21] The length of pre-charge detention (or its legal equivalent) in other European countries generally does not exceed one week: in 2010 it was four days in Italy, two in Germany, five in Spain, three in Denmark and in Norway. With a detention period three to seven times longer than in other European countries, the United Kingdom thus appears as an isolated case.

The Balance between Evidence and Intelligence

Prevention of terrorism has justified what Martin and Scott Bray call a "creeping culture of secrecy," referring to the fact that the distinction between intelligence and evidence is increasingly blurred.[22] In criminal procedures, there is normally a clear distinction between the two: whereas any information gleaned by law enforcement agencies in the course of an investigation or outside of it can be considered as intelligence, information admissible as "evidence" is subject to stringent rules. Thus, in French criminal law, evidence cannot be obtained by violating the rights of the defense or through violence, by using underhanded means or trickery, and information obtained via exchanges with a country suspected of practicing torture is not admissible evidence in a court of law.

While the European and British courts have in some instances rejected the use of intelligence, the Al-Rawi case, in which Lord Dyson ruled out the use of "closed material procedures" (CMP), shows the extent to which it had become common practice in previous judgments. The United Kingdom's Joint Committee on Human Rights, the Court of Appeal of England and Wales and the European Court of Justice have expressed that "grave concerns as to the

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[20] Article 145-2, Code of Criminal Procedure.

[21] "Extended pre-charge detention," Liberty, **http://bit.ly/1hprhTk** (accessed September 10, 2014).

[22] G. Martin and R. S. Bray, "Discolouring Democracy? Policing, Sensitive Evidence, and Contentious Deaths in the United Kingdom," *Journal of Law and Society*, 40 (4), 2013, pp. 624-656.

fairness of closed material exist at the very highest levels both of law and of politics and [...] these concerns are only partly tempered by the use of special advocates." Likewise, in the Netherlands, the law of September 28, 2006 on protected witnesses (*Wet afgeschermde getuigen*) introduced the possibility of using intelligence information in criminal proceedings. The investigating judge can now question a member of the intelligence services as an "anonymous witness" and let such witness decide whether or not his testimony should be included in the case file. As Talsma and Ouchan point out, "the rules in this law as a whole constitute a weakening of the rights of the defense," raising the question as to whether enough "counterbalances" are offered to compensate the defense.[23] The same use of intelligence in legal proceedings has also been noted in France.

Terrorist Investigations and the Broadened Definition of Terrorist Acts

The move toward anticipation has resulted in the broadening of the definition of what constitutes a terrorist offense. In the United Kingdom, terrorist acts are defined by section 32 of TA 2000 to include "the commission, preparation or instigation of acts of terrorism," and investigations of acts which appear to have been done for the purposes of terrorism. TA 2000 and TA 2006, however, introduced offenses that do not come directly under acts of terrorism, but the aim of which is to "(a) widen the net by extending the reach of the law to prior acts (e.g. encouragement, dissemination, training, possession for terrorist purposes, preparation), and (b) criminalize those who may be only peripherally involved (e.g. by being in attendance at a place used for terrorist training, or by non-disclosure of information to the police)." Their purpose is therefore to prevent acts of terrorism as well as radicalization, which can lead to perpetrating them.

In the Netherlands, acts of terrorism are defined and regulated by the law of 2004 on "Crimes of Terrorism" and the law of 2006 expanding the scope for investigating and prosecuting terrorist crimes. The law of 2004 added article 83a to the Criminal Code, stipulating that "a terrorist aim means the aim to seriously intimidate the population or part of the population of a country, and/or to unlawfully force a government or international organization into acting, to refrain from acting or to tolerate, and/or to seriously destroy or disrupt the political, constitutional, economical or social structure of a country or international organization." Furthermore, as Eijkman, Lettinga and Verbossen note, the law of 2004, passed in order to implement an EU framework-decision from 2002, increases the sentences of existing crimes (up to 50 %) by adding to the charge, "with the aim of terrorism." It criminalizes the commission of acts of terrorism, participation in a terrorist organization, recruitment and association with the aim to commit acts of terrorism.[24] It moreover amends the Criminal Code by extending the powers of law enforcement officials regarding searches and pre-charge detention, and restricts access to the case file by persons in custody.

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[23] Talsma, L. & Ouchan, S. 2007, "Terrorism, Counterterrorism measures and human rights," pp. 1–20.

[24] Eijkman, Q, Lettinga, D & Verbossen, G 2012, *Impact of Counterterrorism on Communities: Netherlands Background Report*, Institute for Strategic Dialogue.

In France, the law pertaining to the fight against terrorism (law no. 86-1020) was passed on September 9, 1986. Codification of the offense "of criminal conspiracy in connection with a terrorist enterprise" was introduced in 1994. The act of participating or attempting to participate "in an established group or an association established in preparation, characterized by one or more material acts" of terrorism is punishable by ten years' imprisonment (a period increased to 20 years in 2006, when the "criminal conspiracy" changed from the status of an "offense" to a "crime"). This extremely broad and vague incrimination makes it possible to initiate legal action even before crimes are committed. The French intelligence services regularly use these legal provisions to obtain information via a method known as a "dragnet" or "kicking the anthill," which involves arresting a large number of people suspected of being connected in one way or another to radical networks in order to destabilize and weaken them.[25] Combined with legal means of curbing their activities and the opportunity for gathering intelligence, recourse to the "criminal conspiracy" charge has become the vanguard in the fight against terrorism as well as a doctrine of "legal preemptive neutralization" to borrow an expression forged by Pierre Bousquet de Florian, former director of the *Direction de la surveillance du territoire* (DST).

In the three European countries studied, the problem posed by the enrollment of European combatants in Syria, their departure and return, has motivated a number of proposals to further broaden the definition of acts of terrorism. In October 2013, the Netherlands became the first European country to sentence two people on the verge of joining the war in Syria. While the charge attempted to make use of a new article of the Criminal Code (art. 134a) making it illegal to go abroad to participate in training camps,[26] the judge deemed that those charged had gone well beyond the training stage. They were thus found guilty of "preparing to commit murder," "planning arson or explosions" and "adhering to jihadist ideas." In the United Kingdom, section 8 of TA 2006 regarding the issue of European combatants in Syria includes an offence for merely being present in a location where "instruction or training is provided… wholly or partly for purposes connected with the commission or preparation of acts of terrorism"; it moreover specifies that it is immaterial "whether the person concerned receives the instruction or training himself." Any presence in Syria, for any reason, including personal or humanitarian, or in support of recognized groups such as the Free Syrian Army, can therefore potentially lead to prosecution, without any real evidence of the danger represented. In France, the law of December 21, 2012 extends to countries abroad the prosecution of crimes "defined as acts of terrorism" if they are committed by "a French citizen or person habitually residing in France." This law is designed to punish persons who may have joined what the intelligence services consider "terrorist training camps" abroad.

In light of the figures—available only for the United Kingdom—, it becomes clear that the sentencing rate and the ethnic breakdown of arrests affect minorities unequally. In

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[25] L. Bonelli, "Les caractéristiques de l'antiterrorisme français: 'Parer les coups plutôt que panser les plaies'," in D. Bigo, L. Bonelli and T. Deltombe (eds), *Au nom du 11 Septembre… Les démocraties à l'épreuve du terrorisme*, Paris, La Découverte, 2008, pp. 168-187.

[26] "One who furnishes oneself or another intentionally the opportunity, resources or intelligence, or to try to do such, in order to commit a terrorist crime or a crime in preparation or facilitation of a terrorist crime, or to acquire knowledge or skills to this end or impart these to another will be punished by a prison sentence of eight years maximum or a fifth category fine."

2012, 59 individuals were charged with a terrorism-related offense: 43 in Great Britain, 16 in North Ireland, or 17 and 12 % of the terrorism-related arrests respectively. In the other cases, the individuals were released or charged with offenses not related to terrorism. During the 2001-2012 period, out of the 2,174 persons arrested for terrorism-related offenses, 93 % were male, and 94 % of those who were charged (435); 3 % were younger than 18, 50 % were between 18-29 and 47 % were 30 or over. The ethnic breakdown of all the arrests for the 2005-2012 period was as follows: White (26 %), Black (11 %), Asian (India, Pakistan) (41 %), other (20 %). For terrorism-related accusations: White (22 %), Black (21 %), Asian (India, Pakistan) (44 %), other (13 %).

For the Netherlands, Eijkman, Lettinga and Verbossen estimate—on the basis of an investigative journalism report—that 274 people had been arrested in relation to terrorism offenses between 2001 and 2010, and of those, only 2.5 % were convicted. Other sources advance the figure of 156 people arrested between 2001 and 2009, including 20 convictions and two-thirds acquittals. In France, depending on the year, convictions for "criminal conspiracy in connection with a terrorist enterprise" represent from 50 to 80 % of the convictions for terrorism: 31 out of 60 in 2003; 38 out of 45 in 2004; 51 out of 79 in 2006.

New Technologies: "Online Jihad" Versus Freedom of Speech

Online radicalization is a growing concern for European governments and intelligence agencies. Once again, the United Kingdom has played a leading role in this field. The 2006 and 2009 versions of its *Contest* strategy, and in particular its *Prevent* strand, emphasized the role of Internet forums and video sharing platforms as important radicalization factors. In 2010, the Association of Chief Police Officers (ACPO) launched its Counter Terrorism Internet Referral Unit (CTIRU), a special unit in charge of reporting websites and closing them down if necessary.

In France, a law passed in November 2014 allows the authorities to block websites considered illegal. This clause in the new anti-terrorist law borrows the broad outlines of the bill presented by the UMP, rejected by the Socialist majority, which proposed certain measures designed to fight online recruitment and radicalization. These include permission for the Ministry of the Interior to block access to websites promoting terrorism, as well as the creation of a new offense, "habitually visiting websites that instigate acts of terrorism or promote terrorism,"[27] punishable by a two-year prison sentence and a fine of 30,000 euros. The law, which also provided for expanding the scope of offenses for which special "cyberpatrol" investigative techniques can be used, was rejected on June 12, 2014 by the National Assembly, fearing that the Constitutional Court would censor its main provisions.

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[27] The goal of this new offense is to crack down on "habitually visiting an online public communication service providing messages that either directly instigate acts of terrorism or promote such acts if, to that end, the messages include images showing the perpetration of acts of terrorism consisting of deliberate attacks on human life."

On the EU level, initiatives similar to CTIRU, such as Clean IT and Check the Web, have been developed and applied, not without controversy. The main issue raised is the following: to what extent can online content be blocked if it does not directly violate the law? Documents leaked by European Digital Rights (EDRI) on Clean It show that a broad understanding of what constitutes "illegal content" could result in forms of censorship beyond what is required by law.[28]

Preventing Radicalization in Prisons

As the last link in the criminal chain, counter-radicalization in prisons has long been a focus of attention for European security services. The distinct structure of prison life (isolation, confinement, overcrowding, etc.) creates an environment particularly favorable to all forms of radicalization, whether political, religious or criminal.

Of the three countries examined, the United Kingdom has without a doubt gone the furthest in taking an individual approach toward preventing radicalization. Under the jurisdiction of the National Offender Management Service (NOMS), in charge of handling prisoners for England and Wales, and within the NOMS, it is the job of the Extremism Unit to deal with radicalization. In particular the unit has carried out "interventions" such as the Healthy Identity Intervention, which offers interested inmates regular sessions with a "mentor" (an imam or other respected figure). The aim of these sessions is to "deradicalize" potentially violent inmates by providing them with "alternative points of view about their future."[29] Such voluntary follow-up programs are comparable to mentoring methods outside prisons such as Channel (see *infra*). For the most dangerous inmates, more restrictive multi-agency arrangements (MAPPA) can in certain cases be set up upon release from prison. In the Netherlands, it is the Department of Correctional Institutions (*Dienst Justitiële Inrichtingen*) that is in charge of the issue of radicalization, together with the National Coordinator for the Fight against Terrorism (NCTb) and the AIVD. In France, aside from surveillance activities carried out by the Prison Intelligence Office (*Bureau du renseignement pénitentiaire*), it comes under the jurisdiction of the Social and Integration Policy Bureau (*Bureau des politiques sociales et d'insertion*). Except for a manual of 'best practices" drafted in 2008 at the request of Germany, Austria and France,[30] the only real deradicalization policies to have been implemented to date are in the United Kingdom.

In its preventive logic, "hard" counterterrorism in France, the United Kingdom and the Netherlands, namely the repressive aspect of the fight against terrorism and radicalization, is characterized by procedures of legal dispensation and potentially discriminatory practices. Security measures in these three countries share a particular treatment of "terrorist" acts that is frequently criticized by human rights organizations, whether for the length of pre-charge

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[28] In particular "Clean IT – Leak shows plans for large-scale, undemocratic surveillance of all communications," EDRI, **http://bit.ly/1oeKy1x**, September 21, 2012 (accessed September 15, 2014).

[29] Interview with a person in charge of the NOMS Extremism Unit, London, April 14, 2014.

[30] *Autriche – France – Allemagne. La radicalisation violente. Comment les groupes professionnels concernés peuvent la détecter et y faire face?* typescript, 2008.

or pre-trial detention, the severity of sentences, the blurred distinction between evidence and intelligence, the broad definition of terrorist acts, the restrictions applied to freedom of speech and the press, or specific provisions related to detention. "Hard" counterterrorism is not, however, limited to legal practices. In recent years a set of administrative measures has been adopted that is equally restrictive—and even more so in certain cases—than legal measures to "combat radical Islam."

Preventing Radicalization through Administrative Measures

In addition to legal proceedings, French, British and Dutch anti-terrorist operations have developed a broad range of administrative measures that do not necessarily require a judge's ruling yet can have considerable impact on the lives of many citizens, in particular those perceived as "Muslims." Among such measures are the powers to stop and search, banning of organizations, port and border controls, deportation orders, control orders and TPIMs (Terrorism Prevention and Investigation Measures), fundraising offenses, asset-freezing and a certain number of indirect measures.

Identity Checks

Several studies have shown that of all police interventions, identity checks are the ones that generate the most resentment and feelings of discrimination among targeted populations, and for practically no results in terms of the fight against terrorism and radicalization. Identity checks are used differently from one country to another in Europe and are not necessarily related to acts of terrorism. Until recently, sections 44 (1-2) and 45 of TA 2000 had given British police stop and search powers within entire geographic areas without the need for reasonable suspicion linked to a particular person. A similar set of measures was introduced in the Netherlands in 2001 and reinforced in 2004, enabling a prosecutor to submit an area to identity checks for a—renewable—period of 12 hours. In France, identity checks were codified in articles 78-1 to 78-6 of the Code of Criminal Procedure, but with no link to the fight against terrorism.

In the United Kingdom, recourse to such measures increased considerably after September 11, 2001. The number of people searched went from 6,400 in 2000-2001 to 10,200 in 2001-2002 and reached 50,000 in 2005-2006. Yet the usefulness of these checks is quite uncertain: only a very small proportion of them (never more than 1.4 %) led to arrests. While there are no statistics on the religious breakdown of the people searched, certain ethnic categories, including Asian (designating people of Indian, Pakistani and Bangladeshi origin), can be used in some neighborhoods to evaluate the proportion of Muslims among those searched. By virtue of those powers, "Blacks" and "Asians" were found to be three times more likely to be searched than

"Whites."[31] In France, a recent study produced equally disturbing results: "Blacks" in France were found to be six times more likely to be arrested than "Whites," and "Arabs" 7.6 times more.[32] In the Netherlands, a report by Amnesty International and several reports from ECRI and the Council of Europe Human Rights Commission also accused antiterrorist legislation of being particularly discriminatory with respect to the Muslim population, without having any official statistics on the subject.[33] In the United Kingdom, after recommendations from the Independent Reviewer of Terrorism Legislation deeming the measures to be "much used and much resented, but of very limited practical assistance in the fight against terrorism," they were repealed and replaced by a more limited system of checks (art. 43) which to date the police has not put into practice.

Border Controls

The current situation in Syria, increasing concern about European citizens fighting alongside Islamist groups and the fear of the return of "radicalized repatriates" has led to a shift in counterterrorism and counter-radicalization efforts at border control. A set of measures (passport or citizenship revocation) has thus been set up to reduce the mobility of some people.

• Revoking Passports and Citizenship

Many intelligence professionals perceive border controls as a means of inhibiting the development of transnational terrorist networks. In some countries, such as the Netherlands and Germany, passports of individuals suspected of volunteering for such activities can be confiscated. The Netherlands has so far revoked the passports of eleven volunteers to fight in Syria. Moreover, the measures announced in October 2013 by Ivo Opstelten, the Minister of Security and Justice, provide for the expulsion upon their return of persons residing in the Netherlands that do not have Dutch nationality. In France, the law passed in November 2014 also allows the government to temporarily confiscate the passports of French citizens who volunteer for jihad and reinforces the provisions for banning a person from entering the country. As for the United Kingdom, it recently implemented powers—rarely used—depriving persons with dual nationality of their British citizenship (27 altogether), as was revealed by the Bureau of Investigative Journalism.[34] In March 2014, the House of Commons debated the

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[31] *Ethnic Profiling in the European Union: Pervasive, Ineffective, and Discriminatory*, New York, Open Society Institute, 2009; *Without Suspicion. Stop and Search under the Terrorism Act 2000*, New York, Human Rights Watch, 2009; C. Pantazis and S. A. Pemberton, "From the "old" to the "new" suspect community: examining the impacts of recent UK counter-terrorist legislation," *British Journal of Criminology*, 49 (5), 2009, pp. 646-666.

[32] *Profiling Minorities: A Study of Stop-and-Search Practices in Paris*, New York, Open Society Institute, 2009.

[33] *Proactief Politieoptreden vormt risico voor Mensenrecheten*, Amsterdam, Amnesty International – Afdeling Nederland, 2013; *ECRI Report on the Netherlands*, Strasbourg, ECRI, 2013.

[34] "Citizenship Revoked," The Bureau of Investigative Journalism, **http://bit.ly/1e1wFdn** (accessed September 5, 2014).

highly controversial possibility of revoking the citizenship of citizens without dual nationality, making them potentially stateless. Lastly, the British government's new plan provides for new exclusion measures barring British citizens from re-entering the country from Syria.

• Border Control and "High-Risk Areas"

In the Netherlands, in addition to allowing identity checks in certain geographical areas for a fixed period, the "Terrorist Crimes Investigation" decree has established "permanent security risk" areas: all the airports and train stations in The Hague, Amsterdam, Rotterdam and Utrecht—as well as a certain number of other strategic sites—are concerned. Based on this decree, all passengers can be interrogated and searched without a high degree of suspicion weighing on them. Dutch minorities have expressed a sense of discrimination and spoken of "ethnic profiling." According to an EU-MIDIS survey in 2009,[35] 31 % of those interviewed of Turkish origin and 35 % of those interviewed of North African origin felt labeled on the basis of their origins during border controls. While counterterrorism policies are not the only cause of exacerbated feelings of discrimination, the MIDIS report notes that discrimination founded on ethnic or religious affiliation is often linked to police practices justified in the name of counterterrorism.

In the United Kingdom, port and border controls are codified in Schedule 7 of TA 2000. In principle it allows any border police or customs agent to arrest, interrogate and detain anyone, as well as to search luggage and vehicles, for up to 9 hours. It is not necessary to be suspected of having participated in a terrorist act to be subject to these measures.

The measures have prompted much criticism. They have been condemned on several occasions by organizations such as the Muslim Council of Great Britain, FOSIS or StopWatch due to their potentially discriminatory nature. Choudhury and Fenwick have pointed out similar resentment within the Muslim community.[36] While the Independent Reviewer did not find a great difference in the ethnic profiles of people searched with respect to national statistics for indictments, the low proportion of arrests (0.03 %) resulting from provisions in Schedule 7 do not appear to justify this systematic procedure in its current form, including the invasive power to copy and preserve data from laptop computers and mobile phones, in particular in the absence of "reasonable suspicion." The criticism was renewed after the much-publicized arrest of David Miranda (the partner of journalist Glenn Greewald, behind the revelations on the NSA) on August 18, 2013, in particular after the Divisional Court concluded in its February 19, 2014 decision that the arrest was legal. The controversy was about the fact that Miranda had been arrested by virtue of anti-terrorist legislation, but that the reason for his arrest was carrying secret classified documents, raising a number of questions about the reach and scope of these provisions, in particular the definition of "terrorism."

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[35] *European Union Minorities and Discrimination Survey. Data in Focus Report: Muslims*, Brussels, EuropeanUnion Agency for Fundamental Rights (EU-FRA), 2009, p. 216.

[36] T. Choudhury and H. Fenwick, *The Impact of Counter-Terrorism Measures on Muslim Communities*, Manchester, Equality and Human Rights Commission, 2011.

Deportation Orders and Other Restrictions on Freedom

Deportation orders constitute a third kind of power in the preventive administrative apparatus. In this area as well the United Kingdom has been moving toward a gradual rebalancing of civil liberties against national security. Shortly after September 11, 2001, the British government gave the home secretary the—extremely controversial—power to deport non-British citizens suspected of terrorism, and to place in custody for an indeterminate time people who could not and did not wish to be deported. Following a ruling by the House of Lords, these powers were replaced by control orders (2005-2011) then, in 2011, by far more restrictive TPIMs (Terrorism Prevention and Investigation Measures). But this trend could be overturned in the future, in particular under pressure from Home Secretary Theresa May, who recently announced a strengthening of TPIMS and in particular the possibility of removing persons placed under that administrative framework from their regular place of residence (internal displacement).

In the Netherlands, according to section 14 of the law regarding aliens, foreign nationals constituting a threat to national security or law and order may be declared "undesirable" and forbidden entry to the territory for an unlimited period. This measure can be used in cases of terrorism, in addition to or as a substitute to criminal procedures. A person's qualification as "constituting a threat to national security" is based on an individual report from the AIVD. The report is not available to the person being investigated or to their lawyer, and only the judge in charge of immigration affairs has the right to examine the file. The judge may request further information from the intelligence agent or other officials, since the file is examined in camera at AIVD headquarters. It is not known if the complete file was available to the judge, nor how frequently the judges requested further information. The National Counterterrorism Coordinator (NCTb reported that between 2006 and 2012 fifty individuals had been declared undesirable, including thirty-one involving radicalization or jihadism.

In France, the deportation of foreign nationals is often used in the fight against "radical Islam." It may be justified by a serious threat to law and order. Following a criminal conviction, persons who do not have French nationality may be sentenced to deportation and banned from French territory; deportation may also result from an administrative decision, notably an expulsion order from the Ministry of the Interior. It is common for foreign nationals found guilty of criminal conspiracy related to a terrorist enterprise to be banned from France, even if the sentences are relatively short. Expulsion orders most often target individuals designated as "preachers of hate." All foreign nationals demonstrating behavior "against the fundamental interests of the state, or related to activities of a terrorist nature or constituting acts of explicit and deliberate incitement to discrimination, hatred or violence against a specific person or group of people," face possible deportation. The assessment of this "behavior" is usually based solely on memos from intelligence services, with no obligation to disclose their sources. According to the Ministry of the Interior, between September 12, 2001 and December 31, 2011, 166 "Islamists"—among whom 31 imams—were deported.[37]

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[37] See L. Bonelli, "Les caractéristiques de l'antiterrorisme français...," *op. cit.*

Asset-Freezing and Dissolving Organizations

Asset-freezing and dissolution of organizations, measures that come mainly from international agreements translated into national law, are an integral part of the counterterrorism apparatus. Since 1999, several resolutions have been adopted by the UN Security Council to freeze assets linked to terrorism: Security Council resolutions (SCR) 1267 (1999), 1333 (2000) and 1373 (2001). SCR 1267 established a list of persons or entities (linked to the Taliban) to be targeted, SCR 1373 broadened the scope of asset-freezing to persons who "commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts," requesting that individual states determine who these persons or entities are. At the European level, Regulation 881/2002 of May 27, 2002 implements SCR 1267/1999 as well as SCR 1390/2002 and 1455/2003, and Regulation 2580/2001 (article 1 [b]) implements most of the provisions in SCR 1373.

In the Netherlands, asset-freezing is regulated by the "sanctions law" (*Sanctiewet*) of 1977 and the sanctions regulation on terrorism (*Sanctieregeling terrorism*) of 2007, which implements SCR 1373. These two laws govern asset-freezing decisions, which are a preventive administrative measure. The Ministry of Foreign Affairs, in agreement with the Ministry of Finance, Security and Justice, and in consultation with the Public Ministry and AVID, designates persons and entities whose assets must be frozen, being those persons or entities liable to be subjected to sanctions for having "attempted, participated in or facilitated the commission of a terrorist act." Among the elements of proof required are "carrying out an investigation or proceedings by a competent authority due to a terrorist act or an attempt to commit such an act; a sentencing for the above infractions" or "an official note from the AIVD to the Ministry of Foreign Affairs containing a credible indication of the implication of a person or organization in a terrorist act or an attempt to commit such an act, participate in or facilitate the commission of such an act."

In the UK, Part 1 of the Terrorist Asset-Freezing Act 2010 (TAFA 2010) implements SCR 1373, giving the British Treasury "power to freeze the assets of individuals and groups thought to be involved in terrorism, whether in the UK or abroad, and to deprive them of access to financial resources." In addition, by virtue of schedule 2 of TA 2000, organizations can be banned based on reports from intelligence services, provided the reports are updated. In late 2012, 63 organizations were banned in the UK: 14 related to Northern Ireland and 49 "international terrorist organizations;" 39 were placed on schedule 2 between 2000 and 2005 (with the People's Mujahideen of Iran, PMOI, now no longer proscribed); 10 have been added since then, including one in 2010, another in 2011 and two in 2012. Anderson notes[38] that the only organization to have been removed from the list within the framework of TA 2000 is the PMOI, following in 2008 rulings by the Proscribed Organizations Appeal Commission (POAC) and a decision from the Court of Appeal. Starting in September 2013, the EU list contained 11 persons and 26 groups/entities whose assets were frozen, while the British list contains 31 persons and 8 groups/entities. In September 2013, the sums frozen were respectively 91,000 pounds and 13,000 euros. The number of designations has decreased considerably since 2008, in part due to the end of double listing (on national and European lists).

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[38] D. Anderson (QC), *Third Report on the Operation of the Terrorist Asset-Freezing Etc. Act 2010*, London, Crown, 2013, p. 9.

In January 2006, France adopted a regulated system for freezing terrorist assets. A person suspected of having "committed, or attempted to commit terrorist acts, participate in or facilitate those who finance them" may have their assets frozen by a decree of the Minister of Economy. Decisions to freeze are usually valid for six months but may be renewed, the individual receiving during this period a budget for "household expenses" (clothing, food), all other fixed expenses (rent, telephone, electricity, taxes, loans, etc.) being paid directly to creditors. The details of the order (including the name of the suspect) are available to the public in the *Journal Officiel*. Thus the French Minister of the Interior dissolved Forsane Alizza, an Islamist group, "for promoting armed struggle" in March 2012.

Such practices have a considerable impact on the lives of the targeted individuals; as David Anderson has noted, "When applied to persons at liberty in the United Kingdom, however, designation has the potential to be highly intrusive and restrictive of everyday life." Moreover, according to the European Centre for Constitutional and Human Rights, they significantly increase the power of the executive over judicial procedures, in particular by introducing serious limitations on the right to judicial review.

Indirect Measures

Each state has at its disposal a range of ad hoc measures to disrupt the activities of individuals or entities considered suspect without having sufficient evidence to launch an investigation. In France in January 2005, 22 regional units were devoted to "fighting radical Islam." These units comprise several state services (veterinary, tax offices, prefectures, police, etc.) that can take immediate action. Once an establishment is identified as hosting activities linked to "radical Islam" (financing, proselytism, propaganda), these different administrative services are authorized to intervene on site and check hygiene and security conditions, immigration status of those on the premises, and access account books, etc. Halal butchers were thus closed down for breaching public health laws; places of worship for violating security regulations; and streetwear businesses for tax evasion. In May 2007, over five hundred sites were inspected, and more than two thousand people checked.[39]

In the Netherlands, by virtue of the Police Acts of 1992 and 1993 and section 172 of the Municipality Act (which gives the mayor responsibility for maintaining law and order, including the power to give instructions to the police), strategies may be used to "disrupt" or "disturb" an individual believed to pose a terrorist risk. This involves for instance observing and following a person so that they and those in their direct environment will know they are being watched, thus "disturbing" the preparation of possible acts of terrorism. This method of "administrative disturbance" is used to fill the gap between criminal justice and inaction. It is employed when an investigation and/or criminal proceedings are not sufficiently effective and the government seeks to reduce the risk of terrorist acts as much as possible. As Marianne Hirsch Ballin has noted, this

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[39] See L. Bonelli, "Les caractéristiques de l'antiterrorisme français...," *op. cit*.

form of surveillance is akin to harassment and, from a legal standpoint, it conflicts with the basic charter of human rights. For Dutch courts, the verdict depends on the risk: in one trial the Court ruled in favor of the plaintiff, but in the case of one of the members of the so-called Hofstad group (linked to the murder of Theo van Gogh), it ruled in favor of the authorities.[40]

Through their preventive and administrative logic, "hard" counter-radicalization measures— identity checks, border controls, revoking passports and/or citizenship, deportation orders and preventive restriction of freedom, asset-freezing, dissolution of organizations and coordinated checks by public administrations—pose just as many problems as their legal counterpart from the standpoint of civil liberties and implicit or explicit forms of discrimination. Apart from court rulings themselves, the administrative measures they justify reinforce the discretionary powers of state agents mandated to enforce the law, who have thus acquired broad powers of decision in determining which persons are "suspect" or potentially "radical." Justified in the name of anticipation, they authorize the targeting of individuals, groups or entire categories of the population who are not suspected of anything concrete liable to incur legal action, but about whom a kind of general suspicion has been cast.

PREVENTIVE MEASURES AGAINST RADICALIZATION

In addition to antiterrorist legislation and administrative measures, the Netherlands and the United Kingdom have developed policies for early detection and prevention in neighborhoods, communities and prisons. The goal of the policies is to prevent "non-radicals" from becoming radicalized and possibly joining violent groups in Europe and abroad. The subject of little controversy in the Netherlands, they have been criticized from all sides of the political spectrum in the United Kingdom, from human rights organizations to Muslim associations and certain conservative think tanks.

Early Detection and Prevention

According to intelligence professionals, part of their mission is to capture "weak or very weak signals"[41] indicating that an individual could be radicalized. To detect them, they try to enlist other social actors, schools, local authorities and social workers. The Netherlands is probably the first European country to have contemplated setting up anti-terrorist policies that go beyond the mere legal or administrative framework. The "comprehensive approach" (*brede benadering*) it implemented in the early 2000s administers the repressive and preventive aspects

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[40] See M. Hirsch Ballin, *Anticipative Criminal Investigation*, The Hague, Springer, 2012, pp. 201-202.

[41] Interview with a former official at DCRG, DST and DGSE, Paris, October 2013.

around three main lines: assimilating Muslim populations and fighting against the discrimination they are subject to; collaborating with Muslim associations; creating counter-narratives and individualized mentoring schemes. In the United Kingdom, counter-radicalization policies emerged in 2005, then were formalized within the *Prevent* feature of the anti-terrorist strategy *Contest*, which combines different initiatives such as targeted local partnerships with community representatives, broader community cohesion programs and support systems for individuals believed to be vulnerable to radicalization (*Channel*). The British and Dutch strategies are based on four principles: developing social assistance and intercommunity dialogue projects, personalized mentoring schemes, police-community partnerships, creating counter-narratives and supporting "moderate Islam." France has yet to implement the measures announced in April 2014, in particular by setting up a French-style *Channel* program.

• Social Assistance Projects and Intercommunity Dialogue

One common feature in counter-radicalization programs is the deployment of indirect prevention projects designed to reach the individuals most "vulnerable" to radicalization through associations. In Amsterdam, these interventions are aimed at "targeting the breeding ground" of radicalization; their objective is to combat discrimination and intolerance; raise the population's consciousness about the diversity of Islam; reinforce intercultural dialogue and intercommunity relations; increase the "social capital" and "political trust" of the Muslim population in particular and the population in general. Carried out in partnership with local organizations, they involve for example organizing intercommunity dinners in Muslim neighborhoods in Amsterdam, cultural events and discussions on religious and social issues. Thus the "Muslim Youth Amsterdam" organization developed information and consulting activities to offer a "better image of Islam" to Amsterdam's non-Muslim population. Local authorities in the United Kingdom have carried out similar initiatives, using *Prevent* financing to organize discussions, cultural events, athletic activities, school outings, etc.

These initiatives have not failed to draw criticism. First, the *Prevent* strategy is based on the assumption that recourse to political violence is due to dire economic and social conditions within the Muslim community. It was deployed through local authorities *via* the Department for Communities and Local Government (DCLG) on the controversial basis of the percentage of Muslim population in designated target areas. Secondly, support provided to communities within the framework of the fight against terrorism has replaced social assistance in a selective fashion, since the development of *Prevent* following the economic crisis in 2008 coincided with substantial cuts in spending earmarked for developing disadvantaged neighborhoods. Community projects flagged as *Prevent* then became one of the sole sources of funding for numerous NGOs, which then had to make the difficult decision of whether to accept abundant "counterterrorism" funding for their activities, some of them going as far as to "tweak" their projects in order to match the criteria. The effect was not merely rhetorical. NGOs left non-Muslim neighborhoods and refocused their projects in the hope of obtaining funding. For others, the security aspect of *Prevent* corresponded to pure and simple stigmatization of the Muslim community, perceived as a "suspect community" composed of potential terrorists. For

non-Muslim community leaders, these policies generated frustration, as the traditional funding sources they relied on were no longer available. As the Communities and Local Government Committee of the House of Commons concluded in its evaluation of *Prevent* in 2010, "the strategy has contributed to a sense of frustration and alienation amongst Muslims which may increase the risk of making some individuals more vulnerable to radicalisation. *Prevent's* focus on Muslim communities has not, therefore, been constructive." Reactions were similar in the Netherlands, where some of the initiatives were judged particularly discriminatory. Thus, many inhabitants of Rotterdam deemed that the "Islam Debates" organized by the city in 2005 regarding problems posed by that religion and the Muslim minorities' supposed "failed integration" generated more stigmatization than not.

• Mentoring Schemes

Another aspect of the fight against radicalization, an instrument used in both the Netherlands and the United Kingdom, are "mentoring" schemes. In the Netherlands, these are a goal of the "comprehensive approach" to "deradicalize" and are coordinated on the municipal level by cross-disciplinary committees made up of various professionals. In Amsterdam, the Information Center on Radicalization (*Informatiehuishouding Radicalisering* – IHH) brings together teachers, social workers, police and other local actors who flag suspect behavior by individuals in their immediate environment, or ask for advice on how to deal with issues of extremism. A multidisciplinary team analyzes the testimonies and reports submitted to it, and provides advice on possible actions. If a "risk of radicalization" is determined, an "intervention" is envisaged; for instance, a figure of authority from the individual's environment—an imam, teacher, social worker, parent or family member—is asked to "follow" him. In the United Kingdom, the same principle has been implemented through the *Channel* program (part of the *Prevent* strategy). Persons at risk are identified and directed to professionals (police, local authorities, teachers, doctors, social workers, youth services, offender management services), and an individual "support plan" is devised. 1,120 persons were recommended to *Channel* panels between 2007 and 2010.

Although mentoring programs such as *Channel* and IHH are not designed solely for Muslim youth, the feeling is widespread within the Muslim community that "normal" activities such as political involvement in peace movements or pious religious worship, when carried out by young Muslims, automatically trigger a referral to a mentoring program, due to the lack of experience of those referring them and their inability to correctly detect the "symptoms" of radicalization. In the United Kingdom, young Muslim students were referred to these programs just for having taken part in a pro-Palestinian demonstration or being active in peace movements.[42] The risk with these programs is that of limiting the kinds of political activities considered acceptable for Muslim citizens, while the same activities are not problematic when undertaken by the rest of the population.

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[42] Interview with a social worker, Birmingham, June 7, 2014.

• Police-Community Partnerships

The third aspect of the preventive counter-radicalization policies (partnerships set up between the police and various Muslim community and religious representatives) has often been condemned as a covert means of gathering intelligence about the community. In his 2009 report, Arun Kundnani claimed, "there is evidence that the Prevent programme has been used to establish one of the most elaborate systems of surveillance ever seen in Britain."[43] The CLG report also addresses the issue, but deems Kundnani's accusations conveyed to the Office for Security and Counter Terrorism (OSCT) unfounded. Interviews conducted for the present study in London and Birmingham with former *Prevent* program coordinators suggest, however, that there is indeed constant pressure on the part of local police to obtain information about various youths taking part in *Prevent* projects.[44] The controversy around the Champion surveillance camera project in Birmingham in 2010 provided concrete proof of covert counterterrorism intelligence gathering by the police.[45]

It would nevertheless be oversimplifying to see these partnerships solely as covert forms of surveillance. Setting aside the issue of the programs' supposed or real motivations, they generate a considerable source of revenue and political legitimacy for a whole set of more or less self-proclaimed community representatives. In the course of this study, the level of professionalization of certain individuals stood out. After being coopted by various bodies in the counter-terrorist apparatus (*Prevent* coordinators, community representatives assigned to counter-terrorist units, etc.), they had created their own think tanks or consulting firms and now provide advice and visits to Muslim neighborhoods, "radicalization" training and organizing "focus groups" for researchers, representatives of foreign governments or public administrations. These radicalization policies present a moral dilemma however: many people reported hesitating to get involved in them, not wanting to be perceived as "collaborators" in a policy seen as illegitimate, yet ultimately participating in them in order to mitigate their harmful effects. This phenomenon of forming an "indigenous" elite operating in an ambiguous relationship of dependency and resistance regarding state structures is not unlike traditional configurations of the balance of power between colonizers and the colonized. Such government of diversity is one of the main focuses of "policed multiculturalism": the emergence of this category of Muslim representatives is a direct result of the funds invested and administrative positions created for "counter-radicalization."

• Counter-narratives and Promoting "Moderate Islam"

The fourth aspect of the counter-radicalization strategies consists in promoting so-called moderate interpretations of Islam in the Netherlands and the United Kingdom, the more general objective being to set up a certain number of "counter-narratives." In the United

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[43] A. Kundnani, *Spooked! How Not to Prevent Violent Extremism*, London, Institute of Race Relations, October 2009, p. 8.

[44] Interview with a coordinator for the *Prevent* program, London, June 6, 2014.

[45] For further details about the Champion project, see "Birmingham project champion 'spy' cameras being removed," *BBC News*, May 9, 2011, **http://bbc.in/1lfdOPD** (accessed September 5, 2014).

Kingdom, the Radical Middle Way organization was thus established directly with the government to promote "openness, social cohesion and involvement in the community." Similarly, the Quilliam Foundation is a "moderate" think tank created in 2007 by Majid Nawaz and Rashad Zaman Ali, former members of the Islamist organization Hizb ut-Tharir Ed Hussain. The latter, under the cover of apparent independence, is almost entirely funded by the Home Office (845,000 euros in 2008) and espouses a political line of total support for British government policies.

Promoting moderate Islam nevertheless has the effect of limiting the field of political representation. In the Netherlands, the authorities have considerably reduced the spectrum of organizations with which they collaborate. In Amsterdam, the municipal government has become extremely cautious and refuses to collaborate with organizations or individuals considered to be "extremists." For Vermeulen and Bovenkerk, by refusing to talk with moderate organizations, Dutch authorities are not engaging in a true democratic debate with groups and individuals that have contradictory opinions, and furthermore run the risk of alienating presumed extremists.[46] Moreover, public authorities tend to influence the nature of the policies implemented through financial instruments. Thus, organizations and individuals that refuse to follow government guidelines and priorities risk losing municipal funding or being excluded from the selection process.

Similarly, in the United Kingdom, David Cameron's government has stopped engaging with a considerable number of former partners in the *Prevent* programs, such as the Muslim Council of Britain, the Muslim Association of Britain and the Islamic Society of Britain, considering them to be "Islamists." The current approach, which focuses exclusively on partnerships with "ideologically moderate" representatives, runs the risk of being doubly counter-productive in making partnership programs appear to be a means for disseminating a government discourse, and in delegitimizing non-violent organizations by making them out to be radicals. In the name of the fight against "radicalization," it is again the Muslim population's political representation that is at issue.

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[46] F. Vermeulen and F. Bovenkerk, *Engaging with Violent Islamic Extremism*, The Hague, Eleven International Publishing, 2012, pp. 193-194.

CONCLUSION

After years of relative silence on the issue, recent events—the Merah and Memmouche affairs, and cases of French youths going to Syria—as well as informal pressure from European governments and intelligence services, have driven France to adopt "counter-radicalization" measures. Yet the definition of "radicalization" and the means intended to combat it have remained subjects of debate. For numerous academics the term belongs above all to political discourse and corresponds to the need to find a simple explanation to describe the alleged stages, processes and factors of what is in fact a complex and unpredictable phenomenon: young European Muslims turning to political violence. Yet the few researchers that have worked empirically on the issue of resorting to political violence, such as John Horgan,[47] agree that there is no typical profile, no traditional route or specific stages. Enrollment in organizations or networks that advocate political violence is the result of a multiplicity of factors, well-known in sociology, that arise from tendencies acquired over the course of an individual's lifetime (family environment, economic conditions, experience of discrimination, violence, etc.) and the specific conditions of a particular social and political configuration (known as "opportunity structures" in theories of mobilization). It thus depends, as Horgan shows, on a series of coincidences and circumstances due to chance encounters and individual pathways. There is no typical pathway for those who turn to "terrorism," just as there is no typical profile of a "terrorist."

It seems difficult from that standpoint to implement effective strategies to prevent or anticipate "radicalization." In the Netherlands and the United Kingdom, counterterrorism professionals and NGOs interviewed for this study were relatively skeptical about the real usefulness of these strategies. "Hard" legal or administrative measures prompt the most clear-cut reactions: a repressive necessity to some, an excess of executive powers to others. But what are the results of nearly a decade of counter-radicalization measures in the United Kingdom and the Netherlands? The enthusiasm in the second half of the 2000s for counter-radicalization policies subsided in face of what many considered a waste of public funds, the sole result of which was to alienate a large portion of the Muslim population in both countries. Furthermore, the governments' initially open stance gradually hardened. With the change of the political majority in the United Kingdom, the *Prevent* strategy turned away from dialogue with independent Muslim NGOs (Muslim Association of Britain, Muslim Council of Britain, Cordoba Foundation), considered "too radical," and would only deal with a limited group of think tanks aligned with government positions (such as the Quilliam Foundation, which had little legitimacy among the Muslim population in the United Kingdom). In addition, the significant decrease in funds from the *Prevent* strategy in favor of more repressive policies gave a clear signal to social workers in the field that prevention was no longer a government priority. The situation is roughly the same in the Netherlands where dialogue with NGOs is now viewed with suspicion, and efforts are focused on intelligence and repression more than on prevention.

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[47] J. Horgan, *Walking Away from Terrorism*, Oxon, New York, Routledge, 2009.

In this context, the French government's position appears to take into account two necessities. On the one hand, the need to provide a political response to a situation now viewed as urgent: the fact that networks based in France are resorting to political violence and that French youths are leaving for Syria and Iraq; on the other hand, the lack of effective means to deal with the situation (an observation based on the poor results of neighboring countries regarding the fight against radicalization). The timid measures of the "mechanisms for countering jihadist networks," limited for the time being to a toll-free number for alerting the police about potential candidates for jihad, is more a case of a symbolic response than any real policy on the ground, which has remained focused on legal and administrative aspects.

Apart from the issue of their effectiveness, counter-radicalization policies also raise the question of the social order underpinning them. In January 2014, in answer to the question "what differences do you see between the French and British approaches to the fight against radicalization," a police commissioner spontaneously underlined the differences between the concepts of nation and community in the two countries:

> "In Anglo-Saxon countries they frequently use community policing, dialoguing with community leaders; this kind of dialogue is supposed to produce moderation within those communities, and possibly some information that might come out of it, assuming that the community rejects radical elements. The policy is sometimes valid. In any case, it corresponds to Anglo-Saxon culture, whether in the United States, Canada or England. In France, we have not viewed things this way, not until now at any rate. We believe there shouldn't be communities in France, which is one single community, the French community. So speaking about communities would mean dividing the population into several sub-groups. For us, there are only citizens taken individually. That is the fundamental difference that guides our policies."[48]

This discourse, although it remains silent about police practices that in reality deal with the issue of radicalization as a community problem—and in particular the "Muslim community"—, reveals the tension between real practices and the rhetoric justifying the fight against radicalization.

Ineffective from the standpoint of a large number of counterterrorism professionals and social workers who are meant to implement them, counter-radicalization policies have become a formidable tool for social control. This comes through clearly in the response from a civil servant in the city of Birmingham to the question "what is your assessment of *Prevent*?"

> "In Birmingham, the Prevent program has been very successful. [...] Our measure of success there is when communities begin to report. In the Syrian situation communities have reported and in some of the other cases people are beginning to report. [...] The third area of success is Prevent in getting communities to respond to whenever we have an incident and they respond in a mature way. Whenever there's a police operation we call committees, give them a briefing and that normally reduces any tensions or cynicism."

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[48] Interview with an official at UCLAT, Paris, January 19, 2014.

In the United Kingdom, many intellectuals, religious leaders and NGO officials have condemned the program, likening it to a soft form of counter-insurgency doctrine where the government seeks to win "hearts and minds," co-opt Muslim populations, and thus perform a kind of diversity management through the prism of counterterrorism.

Whether of a legal, administrative or preventive type, the fight against radicalization necessarily raises the issue of what model of society and diversity management should be preserved, and of the social order that should serve as a reference. Although counterterrorism professionals in France cannot bring themselves to distinguish between "good" and "bad Muslims"—an ungrateful task that goes against the principles of the Republic—, the logic of counter-radicalization leaves them no other choice; they must therefore maneuver between what distinguishes devout worshippers from a potential drift toward sectarianism, and a potential drift toward sectarianism from a potential drift toward violence. By implementing radicalization detection systems, security professionals are attempting to delegate this task not only to their colleagues from other police forces, but also to a large number of professionals for whom it is not in principle their job (teachers, social workers and hospital staff); or even directly to family members (through the toll-free number). In practical terms the fight against radicalization does not target the entire population. It focuses on one very specific community: the Muslim community.

This study has put forward the idea of "policed multiculturalism" to give an account of the model of diversity management that has emerged through the fight against radicalization. Contrary to the kind of multiculturalism practiced in the United Kingdom, Canada and the Netherlands in the 1990s-2000s, founded on goals for community life respecting ethnic and religious specificities, "policed multiculturalism" purports to manage communities in the name of security imperatives.

The so-called Trojan Horse affair that rocked the United Kingdom in June 2014 is particularly illustrative of this form of counterterrorism, no longer solely interested in criminal acts but also in the "ideology" that supposedly legitimizes them. The case is useful for reflecting on the consequences and possible excesses of such policies. A teacher is fired from a Muslim school in Birmingham. A few days later an anonymous letter condemning conservative Islamic practices in the school is sent to the Department for Education. A committee of inquiry is then set up by the department to inspect twenty-one Muslim schools in Birmingham. Peter Clarke, the former chief of British counterterrorism, is named head of the committee. The inquiry concludes that there are "early signs of extremist behavior" in schools. Among the incriminating points are management problems, the separation of sexes, the absence of any adequate sexual education, the lack of civic instruction and the fact that "the government's 'Prevent' strategy to identify and avoid extremism has only taken place for students in Years 7 and 8."

The goal here is not to judge the soundness of the committee's composition nor its results, which were the subject of considerable public debate in the United Kingdom. What the case highlights is the way in which the discourse on "the fight against radicalization" substantiates the idea that education has become a legitimate place for counterterrorism intervention. One may naturally condemn the misappropriation of funds and be in disagreement with conservative forms of teaching such as separating sexes or narrow interpretations of the Qur'an. But must

these choices be dealt with from the angle of counterterrorism? In the United Kingdom, the Birmingham episode is not an isolated case: plans to remodel mosques, funding for denominational organizations, teaching programs, political and university-level debates are henceforth subject to the imperatives of the "fight against radicalization."

A similar phenomenon is probably emerging in France—as evidenced for example in the document striving to train senior officials in the Ministry of Education in fighting radicalization, published by Médiapart in November 2014.[49] One might well ask what the more long-term political consequences will be of the growing influence of security professionals on issues of education, higher learning, social integration and freedom of religion. And to what extent "counter-radicalization" can be implemented without defining the nature of "policed multiculturalism," which seems to be contrary to an open concept of secularism and a respect for fundamental rights.

Translated from the French by **Cynthia Schoch and William Snow** on December 2014

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[49] **http://www.mediapart.fr/files/QD2_EMS_radicalisation_2014.pdf,** accessed December 26, 2014.