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The Misrepresentation of *Jihad* in Public and Academic Discourse and Its Impact on the Integration of a Multi-faith Society

by

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Dedication

To my father Omar Mubarak Al Shabani and my mother Najiah Hassan Ghous.

This thesis is dedicated to you, for all your sacrifices.

Acknowledgements

In the name of God, the Most Gracious, the Most Merciful

'The praise to Allah, Who hath guided us to this. We could not truly have been led aright if Allah had not guided us' – Quran 7:43

Declaration

I hereby declare and confirm that this thesis is my original work and that it has not been submitted either in part or in full for any degree or diploma to the University of Warwick or any other university.

Bayan Al Shabani
September 2015

Abstract

When a terror attack targets a multi-faith society, the rate of prejudice against the Muslim population suddenly increases. It was reported after the Oklahoma bombing in 1995 that there was a noticeable increase in prejudice against Arab Muslim Americans. Yet, it suddenly decreased after identifying the perpetrator as non-Arab/non-Muslim (Timothy McVeigh). This research argues that the misrepresentation of Islamic legal discourse, particularly *jihad*, participates in framing the cognitive aspect of prejudice against Muslims. It explains further that misrepresentation frames the mental representation of terrorism as 'Islamic terrorism'; an explicit crime that is committed by Muslims, motivated by *jihad* and targets the West.

This thesis concludes that, due to the misrepresentation of *jihad*, terror attacks stimulate prejudice against Muslim populations. Misrepresented discourse confuses the receivers by activating the mental representation of a criminal act when using *jihad* instead of a legal rule, categorises the Muslim population as the out-group that threatens the security of the in-group, mainly the West. Ultimately, misrepresentation causes the domination of radical ideology and demonises the role of legal discourse and counter terrorism policies. This thesis makes recommendations regarding these issues.

This research is library based; the researcher utilises her identity in the writing of this thesis (autoethnography). In addition to this, speech act theory is used as the main theory to reclaim the legal performative of "*jihad*" in Islamic international law by treating the Islamic legal discourse as an authoritative discourse. Other theories have a secondary role in examining the impact of misrepresentation on the social dynamics between the in-group and the out-group, especially after a terror attack; they are social psychology, frame theory, schema theory, discourse theory (pragmatic), and critical discourse analysis.

List of Tables and Figures

Chapter 1

Introduction

1. Rationale and Statement of Problem

The motivation behind this research is purely personal. I am driven by my passion for academic research and as a human being who seeks answers to questions. This thesis attempts to make sense of what I have observed as a legal researcher and an Arabic speaker and what I have experienced as a Muslim international student living in a Western English-speaking country,[1] as Dauphinee explains that 'what autoethnography here accomplishes is to focus attention on the relationship of the self to the world that is investigated'.[2] Conducting this research has been to satisfy my academic curiosity; thus, these different layers of my identity are the motivation behind the research questions as well as the choice of methodology.

The original idea of the misrepresentation of *jihad* started during my master's degree when I choose to write an essay about terrorism in Islamic criminal law for one of my courses. As I looked for references on the topic, I was struck by the fact that most of the references were using the word "*jihad*" to refer to terrorism. At first, I did not understand why "*jihad*" occurred in references on terrorism. Then, I came to realise that the term "*jihad*" is being used to mean terrorism. This was not the context in which the term "*jihad*" would normally be expected to appear, especially to those with a background in Islamic law or native Arabic speakers. Similarly, it would be unexpected to legal professionals in countries where the judicial system is based on Islamic law, as what brings a person to court is

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[1] Carolyn Ellis, Tony E. Adams and Arthur P. Bochner, 'Autoethnography: An Overview' (2010) 12 Forum: Qualitative Social Research <http://www.qualitative-research.net/index.php/fqs/article/view/1589/3095> accessed 10 August 2015.
[2] Elizabeth Dauphinee, 'The ethics of autoethnography' (2010) 36 Review of International Studies 799, 806.

committing terror offences, not *jihad*. Therefore, my mental representation of "*jihad*" clashed with the representation of it in public and academic discourse.[3]

I noticed that, after every terror attack, I would have unsettling emotions. Whenever I heard of a terror attack somewhere, I would hope that the perpetrators were not Muslims or sometimes I would just say in response, "he must have been a Muslim!" (referring to the terror perpetrators). I would also be worried about my safety, as I would expect to face prejudice, especially if the terror attack occurred in the UK. For example, after the Woolwich attack in 2013 in London, one of my Muslim friends who wears the headscarf considered changing the style of her head covering so as to make herself less visible and less easily identified as a Muslim woman; for example, she considered wearing a hat instead of a scarf. I did not experience any prejudice because I was living in Coventry at that time; however, I refrained from visiting my other Muslim friend who lived in Woolwich (she did not wear the headscarf).

I have also noticed that, after every terror attack, the Muslim population had to condemn terror attacks so as to indirectly distant themselves from criminals. It seems to me that when the Muslim population condemn a terror attack, they are rejecting the forced-positioning that has been imposed on them (the association between Islam, Muslims and terrorism).[4] Although this may have political reasons, I reject it personally because my legal mentality imposes a separation of crimes from religion.

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[3] The shock that I suffered as a result of misrepresentation is similar to Carol Cohn's in *Sex and Death in the Rational World of Defense Intellectuals* (1987) in which she was shocked by the language used in the field of nuclear weapons. Cohn used autoethnography from a feminist point of view. She explains her shock first, then she describes how she was fascinated by the language use and learnt to use the same language in meetings, which made her feel powerful over and combatant towards the men in the field. What makes me different from Cohn is that, although I learnt how the discourse misrepresents *jihad*, I do not agree with the language use and so I refuse to adopt the same language.

[4] Rom Harré and Luk Van Langenhove, 'Varieties of Positioning'(1991) 21 Journal for the Theory of Social Behaviour 393.

More important is how I felt as an audience following news in the English language or reading newspapers as a source of information. I noticed how the news headlines casually use *"jihad*", "jihadi', "Islamist", and similar terms, which made me feel like a criminal or the 'bad one' for something that I have not done and only because I share the same belief as some of the terrorists. The use of certain terminology made me equivalent to criminals, as we were all identified based on our faith, despite the fact that those criminals had agency and chose to commit a crime against others and that Muslims are most likely to be a target of terrorism. In addition, in referring to terrorism offenders as jihadists, the discourse made me feel as though it was praising the terrorists; jihadi refers to a person who is performing *jihad* and *jihad* is legitimate, so how can legal discourse prosecute a 'hero' who is practicing a 'legitimate act'? Also, how can a person who has committed a criminal act be identified in the discourse as a 'hero' or, even worse, be promised a place in Heaven? This is what I understand when I hear or read misrepresented discourse or statements.

For all the reasons stated above, I felt that the law that I have studied, the religion that I believe in, and the language that I speak are being misrepresented and perceived as a threat with *jihad* seeming to represent a terror code amongst Muslims instead of a legal rule.

I had always thought that academia was about subjectivity, so I was shocked that academic discourse could be biased and prejudiced towards me. I was hesitant to write this thesis as, to me, misrepresentation seems to be a common belief and I was not sure what the reaction would be if I said that *jihad* and terrorism are different acts or that *jihad* is a legitimate case of the use of force in Islamic legal discourse. I remember during my master's degree I covered up a book on *jihad* because I was on the Tube. I was scared of writing, reading, or buying a book about *jihad* or terrorism, especially after hearing about the British student, Rizwaan Sabir,

who was arrested in 2008 for downloading a resource for research purposes.[5] I felt that pursuing research on terrorism was like stepping into a minefield, but I was reassured by my supervisor and my friend during my master's degree and they encouraged me to write on terrorism for my PhD.

I feel frustrated and angry when I come across academic or public discourse that I consider misrepresented discourse. However, as I progressed with my thesis, despite the severity of misrepresentation that may occur in the discourse subject under analysis, sometimes it made me laugh; generally, though, this has probably been a coping mechanism to avoid taking it personally. Misrepresentation in public and academic discourse appears to legitimise prejudice and is a form of deliberate ignorance that causes post-terror attack prejudice against the Muslim population. What I find exceptional about this type of prejudice is that, as a Muslim woman, I expect to face prejudice after a terror attack. Prejudice against Muslims after terror attacks is the rule, unlike my perception of other prejudices, which I consider exceptions.

2. Research Questions

This thesis asks to what extent the misrepresentation of Islamic legal discourse, particularly *jihad*, has a role in increasing post-terror attack prejudice against the Muslim population in a multi-faith society. This question has led to the following sub-questions:

1. What is the misrepresentation?
2. Do *jihad* and terrorism denote the same act in Islamic legal discourse, namely Islamic criminal and international law?

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[5] Rizwaan Sabir, 'Terror and Academic freedom' (The Guardian, 1 February 2010) < http://www.theguardian.com/commentisfree/2010/feb/05/terrorism-study-uk-university> accessed 10 August 2015.

3. How is 'Islamic terrorism' presented in public and academic discourse after 9/11?

4. How does the misrepresentation of *jihad* affect the integration of a multi-faith society?

This thesis will argue that the misrepresentation of Islamic legal discourse, particularly *jihad*, participates in framing the cognitive aspect of prejudice against Muslims, which causes a sudden increase of post-terror attack prejudice against the Muslim population of a multi-faith society.

3. Methodology

This thesis is library based. It uses autoethnography to explain the motivation behind the research questions.[6] Autoethnography achieves the purpose of this research, as it 'acknowledges and accommodates subjectivity, emotionality, and the researcher's influence on research, rather than hiding from these matters or assuming they don't exist',[7] and it 'opens up in the relationship between a scholar and the production of knowledge'.[8] Writing on misrepresentation is a mere reaction to the prejudices that I have experienced and observed during the time that I have spent here in the UK as an international student; as Dauphinee explains, 'I write because I become aware that something is not the way I thought it was. Something has hurt me. Something has made me angry or sleepless or aggrieved in some way'.[9]

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[6] Due to the nature of prejudicial acts, autoethnography here does not involve conversations because prejudice did not involve a conversation with the person who did it to me.

[7] Carolyn Ellis, Tony E. Adams and Arthur P. Bochner, 'Autoethnography: An Overview' (2010) 12 Forum: Qualitative Social Research <http://www.qualitative-research.net/index.php/fqs/article/view/1589/3095> accessed 10 August 2015.

[8] Roland Bleiker and Morgan Brigg, ' Introduction to the RIS Forum on autoethnography and International Relations' (2010) 36 Review of International Studies 777, 777.

[9] Elizabeth Dauphinee, 'The ethics of autoethnography' (2010) 36 Review of International Studies 799, 808.

It is important that the reader should know about me first before reading this thesis so that they know why I felt the way I did and understand the motivation behind writing on misrepresentation, as 'Autoethnography opens space for the reader to see the intentions – and not just the theories and methodologies – of the researcher. It opens us to a deeper form of judgment'.[10] This is a deliberate self-positioning because, 'when a person is engaged in a deliberate self-positioning process this often will imply that they try to achieve specific goals with their act of self-positioning. This requires one to assume that they have a goal in mind'.[11] I want the reader to recall my biography particularly while reading chapter four.[12] I, myself, am a target of misrepresentation: my social class, nationality, religion, sport of interest specifically in martial arts, personal journey of self-discovery, and even my personal experiences of attempting to integrate and sufferings from prejudice.

In addition, the purpose of this thesis is to mediate between the in-group members of a multi-faith society by utilising my position as an outsider, the academic tools that I have as a researcher, and my personal experience with prejudice to explain the social dynamics post-terror attack and why prejudice increases particularly after a terror attack.[13] In doing so, I do not by any means represent the Muslim population in multi-faith societies simply because coming to the United Kingdom as an international student has positioned me as an out-group; I do not fit within either mainstream British society or British Muslim communities. However, because of my appearance I was forced positioned as a British Muslim woman as I believe that in some incidents I was targeted by prejudicial acts because I was perceived to be a British Muslim woman. There have been many occasions in which I was perceived to be Pakistani or Asian because of my appearance.[14] For this reason I started to introduce myself in some situations by saying, "I am not British, I am an international student from Saudi Arabia".

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[10] ibid 813.

[11] Rom Harré and Luk Van Langenhove, 'Varieties of Positioning'(1991) 21 Journal for the Theory of Social Behaviour 393, 401.

[12] ibid.

[13] ibid.

[14] A Saudi woman who I met at a prayer hall complimented my Arabic pronunciation after I replied to the Islamic salutation because she did not know that I was Saudi. On many other occasions, elderly ladies from Asian backgrounds spoke to me in their language several times.

As I mentioned earlier, during my life in the UK I have experienced some prejudice; these experiences were significant in making me empathise with minority groups (whatever may constitute a minority) because, living in Saudi Arabia, I was a member of the majority and, therefore, had not encountered prejudice for being a minority or for being different.[15] It has also made me empathise particularly with Muslim populations in multi-faith societies. Although I might have been targeted because I am a Muslim, my situation is different; after all, I am a foreigner, while the Muslim population in multi-faith societies may experience prejudicial acts from fellow citizens – from the same in-group members.[16]

This thesis attempts to extend and to push further the boundaries of the work on terrorism, *jihad* and speech act theory to include: law, discourse theory, discourse pragmatic, critical discourse analysis, framing theory, schema theory and social psychology to explain the misrepresentation of legal language. For this reason the main theory used in this thesis is speech act theory; other theories are also used in a secondary capacity to assist in studying the impact of misrepresentation. These include discourse theory, discourse analysis, discourse pragmatic, frame theory, schema theory and social psychology.

This thesis uses van Dijk's and others' scholarship on critical discourse analysis (CDA). However, there are slight differences between my approach and critical discourse analysis. Critical discourse analysis is interested in the study of the relationship between power, dominance and impact. In addition to this, critical discourse analysis is also interested in how the impact is created, and what strategy the dominant group is using to persuade and influence people. For example, Bin Laden was a powerful speaker whose discourse made an impact on some people (and maybe it continues to make an impact). Hence, critical discourse analysis is interested in how this impact comes about and what sort of strategies Bin Laden

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[15] Sandra Harding, 'Rethinking Standpoint Epistemology:"What is Strong Objectivity"?' in Linda Alcoff and Elizabeth Potter (eds), *Feminist Epistemologies: Thinking Gender* (Routledge 1993).

[16] Carolyn Ellis, Tony E. Adams and Arthur P. Bochner, 'Autoethnography: An Overview' (2010) 12 Forum: Qualitative Social Research <http://www.qualitative-research.net/index.php/fqs/article/view/1589/3095> accessed 10 August 2015.

employed in order to influence or persuade people. In this thesis, I look at the power and dominance of knowledge and frames of 'Islamic terrorism', but not at the power and dominance of a group or a speaker as in critical discourse analysis.

The idea of performativity in speech act theory is central to misrepresentation in general. Speech act theory argues that words do things, and so words have an illocutionary and perlocutionary performatives or effects.[17] The performativity of language means that language does things or has an effect on the receiver. For example, the utterance of "careful" to warn someone, warning is an illocutionary performative of the utterance of "careful". If the receiver changed his/her action in response to the utterance of "careful", this is understood as the perlocutionary effect.[18] So the utterance of "careful" changed the behavior of the receiver. The illocutionary and the perlocutionary effects of "careful" are recognised as the performative. This thesis is interested in the performative of legal language particularly *jihad*; what is the performative of "*jihad*" when removed from legal discourse to another discourse, for example what is the performative of *jihad* in legal, radical, public and academic discourse.

Performativity in this thesis is the general framework for misrepresentation which covers the impact of misrepresentation on the individual level, as a producer of a discourse (illocutionary effect), and as a receiver of it (perlocutionary effect). In addition to this, performativity covers the impact of misrepresentation on the social level (perlocutionary effect), for example, the impact of language use on the social dynamics of a multi-faith society. This thesis treats terror attacks and radicalisation as successful perlocutionary effects of radical discourse; Terrorism offences and punishments as successful perlocutionary effects of legal discourse; and treats prejudice against the Muslim population after a terror attack as a successful perlocutionary effect of misrepresented discourse.

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[17] John L. Austin, *How to do things with words* (J. O. Urmson, Marina Sbisà eds, 2nd edn, Harvard University Press 1975).
[18] James Loxley, *Performativity* (Routledge 2007).

In order to explain the impact of misrepresentation on the an individual level, first as a discourse producer; this thesis uses speech act theory to explain that in order for words to produce an effect, they have to be produced in the right circumstances. For this reason, this thesis links speech act theory with discourse theory to explain that, the linguistic behaviour of each discourse reflects the illocutionary effect that each discourse intend to produce on their members. So each discourse provides its own circumstances that govern a successful illocutionary effect for that particular discourse. And so what might be considered the right circumstances for an utterance in one discourse might not be the same situation for another discourse. And that is why the perlocutionary effect of the same word in one discourse is different from the perlocutionary effect of the same word if occurred in another discourse. For example, the perlocutionary effect of the word ″guilty″ on a receiver of legal discourse is different from its perlocutionary effect in ordinary language.

Secondly, to explain the impact of the misrepresentation of *jihad* on the receiver of misrepresented discourse (perlocutionary effect), this thesis uses framing theory and schema theory. This occurs mainly in chapter 4 where public and academic discourse is treated as misrepresented discourse. It will look at the role of these discourses in the process of meaning making and creating knowledge about 'Islamic terrorism'. Framing theory explains the mental representation of 'Islamic terrorism', because the mental representation of words influences the receiver's interpretation of a discourse and behaviour.

In addition, the reason for using frame theory is that, criminal behaviours are not exclusive to certain religious beliefs. Needless to say, religion is not a component of terrorism offences. In other words, Islam does not have any role in diminishing the criminal liability for terrorism offences. In fact, Islamic criminal law establishes the criminal liability of terrorism offences, as I will explain in chapter 3. For this reason, this thesis will use framing theory as the issue here is not about the misrepresentation of Islam and Muslims in public and academic discourse. But it is about framing 'Islamic terrorism', to make it appear as an Islamic crime that is motivated by *jihad* and committed by Muslims.

In using framing theory, I do not deny that some of the criminals are indeed Muslims. However, frames explain the role of misrepresented discourse, which aims to represent such crimes as deriving from Islam and Muslims, in general, by magnifying the religious identity of criminals and their claimed religious motives. This understanding of framing is an adaptation of Entman's definition of framing:

> Framing essentially involves *selection* and *salience.* To frame is to *select some aspects of a perceived reality and make them more salient in a communicating text, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation* for the item described.[19]

Misrepresentation and framing cannot be isolated from each other, as the frame chosen to create the so-called 'new wave' of terrorism cannot function without misrepresentation. The frame seems to select one true feature of some of the criminals and magnify it in order to make it the salient characteristic of the criminal act.

It can be argued that there seems to be causality between misrepresentation and frames for many reasons. First, frames participate in the misrepresentation of Islamic legal discourse by arguing that Islamic international law encourages and motivates terrorism. In doing so, the 'new wave' of terrorism has become a distinct crime with distinctive characteristics that need to be identified and presented unapologetically as 'Islamic terrorism'. Secondly, there is denial of the instrumental use of legal language in radical discourse. Thirdly, there is an exclusion of Islamic legal discourse such that, legally, *jihad* is not a criminal act. Fourthly, that terrorism is a criminal offence in Islamic criminal law. Fifthly, misrepresented discourse excludes Islamic legal discourse on the limits of the use of force. Sixthly,

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[19] Robert M. Entman, 'Framing: Toward Clarification of a Fractured Paradigm' (1993) 43 Journal of communication 51, 52.

misrepresented discourse selectively dismisses the historical context of conflicts between Muslims and non-Muslims, or neglects historical incidents of peaceful relations between Muslims and non-Muslims. Frames state the obvious: some Muslims do commit terror acts or any other crimes. However, their acts are not a reflection of Islamic legal discourse, but rather a breach of it. Thus, frames explain how the criminal behaviour of some Muslims (terror offences, in particular) has become a representation of Islamic legal discourse in misrepresented discourse. For this reason, it has been found that framing is the most appropriate approach to examine the representation of 'Islamic terrorism' in public and academic discourse.[20]

This thesis (particularly in chapter 4) links frame theory with schema theory. Schema theory will explain how public and academic discourse frame knowledge about terrorism as to make it appear 'Islamic' by using different schemas. It explains the relation between words and activating their mental representation.[21] And how words have a role in framing the receiver's knowledge of 'Islamic terrorism' which is known as semantic memory and the receiver experiences with terrorism and or Muslims which is known as episodic memory.[22] Schema theory is compatible with speech act theory, because it explains the relation between language use and it's perlocutionary effect on a receiver, it explains that 'A person's memory structure, his knowledge of the meaning and use of a word, determine whether and how a memory episode will be encoded'.[23]

Chapter 4 uses the concept 'Islamic terrorism' to refer to the general knowledge about terrorism instead of the concept *"jihad",* because *jihad* seems to refer to one aspect of 'Islamic terrorism'. This will not affect the argument of this thesis because, ' There is no difference in principle between the way single words and

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[20] Framing theory plays a secondary role in explaining misrepresentation and misrepresented discourse. On the other hand, speech act theory is the primary theory in this thesis.
[21] Walter Kintsch, *The Representation of Meaning in Memory* (Psychology Press 2014).
[22] ibid.
[23] Ibid78.

general topics of knowledge are defined in semantic memory'.[24] It has been taken into consideration that the misrepresentation of *jihad* has necessitated (although not exclusively) the use of other terms such as "Islamic terrorism", "Islamic extremism", "Islamic militants", "violent *jihad*", "Muslim extremism", "Muslim militant", "Muslim extremism", "Islamists", "Islamism", "Islamist terrorism", etc. For this reason this chapter uses schema theory to treat these keywords as schemas, because 'A concept is defined through its relationship with other concepts in semantic memory, but each semantic memory is subjective. Each person's knowledge consists of only a (small) subset of the culturally shared knowledge'.[25] These schemas either create and frame general knowledge about 'Islamic terrorism', or activate existing knowledge (mental model) of 'Islamic terrorism'. The schemas were categorised in chapter 4 as follows: first, schemas that are related to describing the act, such as "Islamic terrorism", "Islamism", "militant Islamism", etc.; secondly, common schemas (keywords) that are used to describe the motive of this crime, for instance, "*jihad*", "Salafism", "Islamist", "Wahabism" and "violent *jihad*"; and thirdly, schemas that are used to describe terror perpetrators, such as "jihadist", "Salafist", "Muslim extremist",[26] "militant Salafist", and "militant Wahabi".[27]

The rule used for choosing the keywords is whenever the concept seems to imply a direct or indirect link to 'Islamic terrorism'.[28] As a result of this, the choice of academic discourse is multidisciplinary and not limited to a specific field. The choice of academic discourse in chapter 4 is based on the search results for these keywords that are used to describe the 'new wave' of terrorism that is 'Islamic terrorism'. As Fairclough says, 'the relationship of words to meanings is many-to-one rather than one-to-one, in both directions: words typically have various

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[24] ibid 10.

[25] ibid 9.

[26] Kimberly A. Powell, 'Framing Islam: An Analysis of U.S. Media Coverage of Terrorism Since 9/11' (2011) 62 Communication Studies 90, 96 -97.

[27] Frans Wijsen, ''There Are Radical Muslims and Normal Muslims': An Analysis of the Discourse on Islamic Extremism' (2013) 43 Religion 70 and Richard Jackson, 'Constructing Enemies: 'Islamic Terrorism' in Political and Academic Discourse' (2007) 42 Government and Opposition 394.

[28] Richard Jackson, 'Constructing Enemies: 'Islamic Terrorism' in Political and Academic Discourse' (2007) 42 Government and Opposition 394.

meanings, and meanings are typically 'worded' in various ways',[29] as the term 'Islamic terrorism' is not the only term that corresponds to the 'new wave' of terrorism, and thus, as long as the term corresponds to the meaning of 'Islamic terrorism', it has been taken into consideration as a keyword for the search results.

Since misrepresented discourse presents Muslims as people whose purpose in life is to harm non-Muslims and to target them with violence. And that their legal discourse legitimises the use of force for that purpose. This thesis uses social psychology as to examine the impact of the misrepresentation of *jihad* on the social level (perlocutionary effect). Especially the social dynamics in a multi-faith society after terror attacks. Social psychology, explains the role of misrepresented discourse in categorising the Muslim population in a multi-faith society as the out-group. This will be mainly discussed later in chapter 5.

This thesis uses secondary data as the main method of this thesis. It attempts to make sense of existing data, which recognises the issue of the negative representation of Islam and Muslims in the media and in newspapers, as in chapter 4. However, it offers a new perspective of looking at this data attempting to connect the causes and effects of post-terror attack prejudice against the Muslim population in a multi-faith society and terror attacks, and misrepresented discourse.

As part of a critical analysis of the available knowledge on 'Islamic terrorism', I quote extensively from academic discourse and reports specifically in chapter 4. Whilst these long quotes may not normally be acceptable in academic writing, I needed to show the reader how misrepresentation appears in academic or public discourse and strategies that the issuer of misrepresented discourse uses in making misrepresentation acceptable by normalising it in the discourse. If I paraphrased these quotes, I would fail in achieving the thesis' main purpose of making the reader or the receiver of a discourse aware of misrepresentation and able to detect

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[29] Norman Fairclough, *Discourse and Social Change* (Polity Press 1992)185.

it. I also choose to engage with the discourse rather than to make a separate section for the literature review.

In chapter 5, I offer an analysis of three statements given in response to the Woolwich terror attack in 2013 by Prime Minister David Cameron (part of his speech),[30] the Muslim Council of Britain and the Islamic Society of Britain. I also analyse parts of Adebolajo's statement (the suspect of the Woolwich terror attack 2013) from a video available on the Internet, which was released after the victim, Lee Rigby, was killed. In analysing these statements, I use discourse analysis, schema theory and social psychology. I do not, however, use corpus analysis of the same statements or sketch engine as these statements are not long and I wanted to engage myself with these statements to understand the texts. Also, I am not interested in the frequency of the words in those statements.

In this thesis, I normalise prejudicial statements, which may cause discomfort for some readers. It is essential that I address these statements and do not shy away from causing or feeling discomfort, as the aim is to explain why we felt that way as receivers of a discourse,'The risk of autoethnography opens us to the possibility of seeing more of what we ignore in both ourselves and others, asking why it is ignored, and what we might need to do about it'.[31] My identity as a Muslim may allow me to state certain things that might be difficult for other researchers or discourse receivers to admit or address openly without being identified as Islamophobic or prejudiced against Muslims.

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[30] I did not examine the whole speech because I was looking at the similar objectives that the three speeches were trying to achieve. Thus, the part that I did not examine of Cameron's speech does is not common with the other two statements.

[31] Elizabeth Dauphinee, 'The ethics of autoethnography' (2010) 36 Review of International Studies 799, 818.

4. Limitation and Focus

Misrepresentation does not refer implicitly to Islamic law and terrorism, but rather, to the misrepresentation of any non-secular laws and terrorism. Misrepresentation can also explain prejudice towards other religions, religious sects or any subject of misrepresentation; however, due to the limitations of this project, Islam and Muslims were the subject of this thesis. I explained previously, my identity and experiences made me relate to this particular form of misrepresentation. Future projects after the PhD will tackle these other misrepresentations.

It has been considered in this thesis that English is a hosting language for the Arabic concept "*jihad*" (and all other referential keywords, such as "Salafi" or "Wahhabi"). The Western receiver of these concepts has no cultural, historical, or any religious connections with these terms. Because of this disconnect, the mental representation of these concepts can easily be manipulated, especially to frame the meaning of *jihad*.

This does not indicate that misrepresentation is the norm of discourse in the English language only but it is dominant. I use mostly English references in order to show the reader that misrepresentation is not the norm in English language discourses, since there are discourses in the English language that explain *jihad* from a legal perspective. As I will explain later in the thesis, misrepresentation may occur in other languages, for instance, the misrepresentation of *jihad* in the French language. However, English and Arabic are the languages that I speak, so it was the natural decision for me to focus on these languages.

The impact of misrepresentation in English discourse is not limited to the local level. Thus, for example, the misrepresentation that occurs in British public discourse does not exclusively affect the Muslim population in the United Kingdom.

Misrepresentation may also affect the Muslim population in other English speaking countries, as I will explain later in the thesis.

It is worth noting that misrepresentation does not indicate that it is done by non-Muslim scholars. In fact, the religious identity of the scholars has not been given any consideration in this thesis, as the aim is to engage with the discourse and spot misrepresentation wherever it occurs.

This thesis uses three terror attacks as prime cases: the Oklahoma bombing in 1995, the attack on the World Trade Centre in 2001, and the Woolwich terror attack in 2013. In choosing these cases, I did not give any attention to the time frame because this thesis is interested in the dynamics surrounding a terror attack. I was mainly interested in the Oklahoma bombing and 9/11 because of the following: the religious identity of the perpetrators, and available studies on the level of prejudice against the Muslim population after the terror attack. The Woolwich terror attack occurred while writing this thesis and so it has been included to support the main argument because it fits with the criteria stated previously.

This thesis make use of other terror attacks that occurred while writing this thesis, for example, this thesis make brief comments on the Charlie Hebdo attack. Since the attack occurred in France, measuring the misrepresentation of *jihad* in French discourse does not fit with the focus of this research. However, I use it where the language differences is not problematic. In addition to the Charleston church terror attack in South Carolina, USA, and the attacks on Shi'a mosques in Saudi Arabia and Kuwait in 2015.

It should be noted also that the dynamics of the social groups of a multi-faith society after a terror attack is not affected by the perpetrators of the terror attack, whether they are an organized group or self-starting terrorists.

In investigating misrepresented discourse, chapter 4 uses 9/11 as a starting point for examining the academic discourse. However, since this thesis is drawing upon the conclusion of others studies, some of the analyses included on the representation of Islam and Muslims in public discourse includes 9/11 but does not necessarily use it as a starting point. For example, the studies that are used in chapter 4 starts from 1998 to 2010, and these studies examine different types of public discourse that occur in different countries. As previously mentioned, that this thesis is making sense of the existing data, and that what is important is that the discourse is in the English language.

For the English translation of the Quran, I used Quran explorer for all the Qura'nic verses that I cited in this thesis. It is available on this website http://www.quranexplorer.com/Quran/. In the footnote I state that the verse is from the Quran, followed by the title of the verse. Then, I state the number of the chapter followed by the number of the verse. (the footnotes will appear like this: Qur'an *Surah Al-Maeda* 5:38).

For the English translation of the Sunna, I used The Hadith Library website, which is available on this link http://ahadith.co.uk/ (this will be cited as a website link). Sometimes I use Quran Explorer website for the same purpose. However, the footnote will state the title of the Hadith collection. These are: Bukhari, Muslim, Malik or Dawud. Then, the number and the title of the section, for example,81 Limits and punishments set by Allah (Hudood). After that, the footnote will state, for example, Book 8, Volume 81, Hadith 779. These information are necessary to search the Hadith in the website. The list shows these numbers as follows 8:81:779. Then, I cite the link of the website. (the footnote will appear like this: Bukhari, '81 Limits and punishments set by Allah (Hudood), Book 8, Volume 81, Hadith 779' <http://www.quranexplorer.com/Hadith/English/Index.html>). For the Romanization of Arabic references, I used https://en.glosbe.com/transliteration/Arabic-Latin.

It is worth noting that this thesis focuses on prejudice against Muslims that occurs after a terror attack and within a recognised period of two to three months. It is worth mentioning that this thesis does not discuss social inequality and/or discrimination against Muslim citizens, even if it was a result of misrepresentation.

5. Thesis Overview

The structure of the thesis is as follows. Chapter 2 focuses on conceptualising misrepresentation. The aim of this chapter is to define misrepresentation using speech act theory. It explains that terrorism is a result of the clash between legal and radical discourse over the legitimacy of the use of force. It also demonstrates the difference between legal and radical discourse. This chapter argues that legal language loses its legal performative once it is removed from legal discourse and placed in a new discourse of a different nature. It examines "guilty" as an illustration of the differences between legal and ordinary language.

Chapter 3 discusses the legal performative of "*jihad*" in Islamic international law. It argues that the use of force under *jihad* is different from the use of force in terrorism offences in Islamic legal discourse. This chapter asks the question, does *jihad* mean terrorism? and is terrorism criminalised by Islamic criminal law? To this end, this chapter engages with legal texts from the Qur'an and the Sunna, [32] as well as reflecting on Islamic history. This chapter treats Islamic legal discourse as an authoritative discourse that reflects the Islamic position towards terrorism.

Since chapter 3 considers legal discourse as one which reflects the reality about the Islamic position towards terrorism, chapter 4 proceeds with framing 'Islamic terrorism' so as to explain how terrorism has been represented as an 'Islamic'

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[32] The Quran is believed to be Allah (God in Arabic) words that was revealed to Prophet Mohammed peace be upon him. The Sunna (or Hadith) is Prophet Muhammad (peace be upon him) verbal (sayings) and non-verbal communications which were narrated by his companions.

crime. This chapter looks at some examples of post-9/11 public and academic discourse. It argues that misrepresented discourse framed the mental model of 'Islamic terrorism' by using schemas to refer to the act, the criminals, and the motive. These schemas participate in activating the mental model of 'Islamic terrorism' when occurring in misrepresented discourse. This chapter argues that different discourses participated in framing the general knowledge of 'Islamic terrorism'; this has resulted in framing the mental representation of terrorism as an Islamic crime that is committed by Muslims, motivated by *jihad*, and targets the West.

Chapter 5 uses social psychology to explain the impact of misrepresentation and how it affects the integration of a multi-faith society. This chapter argues that misrepresented discourse creates the cognitive aspect of prejudice by confusing a legal term (*jihad*) with criminal act (terrorism), normalising misrepresentation and categorising Muslims as out-group members who pose a threat to the in-group. For that reason, terror attacks targeting a multi-faith society are the stimulus that activates prejudicial acts against the Muslim population. It is also asserted that misrepresentation causes the domination of radical ideology and demonises the role of legal discourse and counter-terrorism policies because misrepresented discourse uses the performative of "*jihad*" as it occurs in radical discourse. Chapter 6 concludes this thesis and makes recommendation based on the findings of the previous chapters.

6. Terminology

It is worth noting that this thesis makes specific use of certain terms to achieve the purposes of it. For instance, on the one hand, it uses the term "multi-faith society" instead of "multi-cultural" or "Muslim communities" and that is due to the fact that this thesis focuses on a particular case of misrepresentation: the misrepresentation of Islamic legal discourse, which results in the misrepresentation of Islam and Muslims. Thus, it is important to address the fact that this type of misrepresentation occurs specifically in a multi-faith society. If the

misrepresentation was of a culture or sect, it would affect a sectarian society or a multi-cultural society. This leads me to point out that this thesis does not treat religion as culture. For that reason, it was necessary to make the distinction that this thesis is about the impact of misrepresentation on a multi-faith society where Islam is one of several religious groups.

On the other hand, this thesis uses the term "integration" differently to how the same term may be used in some counter-terrorism policies. Furthermore, in using the terms "multi-faith society" and "integration", I respect the differences of the individual's choice and their freedom to adopt, follow or not follow a certain belief or faith that may influence their way of living. "integration" suggests unity despite differences, and categorisation is the enemy of integration when used in the context of counter terrorism. It is assumed that all different religious groups in a multi-faith society have the same nationality.

In addition, "Islamic state" is used in this thesis to describe the judicial system that is used in a state. It is also used to denote to an international polity that is recognised by the international community and is a party in international treaties. This thesis do not use the term "Islamic state" to refer to the terror group (unless stated) that is called 'Islamic State of Iraq and the Levant (ISIL) also known as Dawlat al-'Iraq al-Islamiyya, Islamic State of Iraq (ISI), Islamic State of Iraq and Syria (ISIS) and Dawlat al Islamiya fi Iraq wa al Sham (DAISh) and the Islamic State in Iraq and Sham'.[33]

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[33] Home Office, 'Proscribed Terrorists Organisations' (27 March 2015) < https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/417888/Proscription-20150327.pdf> accessed 15 September 2015.

7. About the Researcher

I am an Arab, practicing Muslim woman.[34] I was born and raised in Jeddah, Saudi Arabia, in a middle class family and Arabic is my mother tongue. I attended public schools (government schools) and hold a bachelor's degree in Law from King Abdul Aziz University in Jeddah, Saudi Arabia. After completing my first degree, I got a scholarship from the Ministry of Education.[35] I came to the United Kingdom in 2009 where I pursued a language course in London for 6 months to improve my English. Then, I completed my master's degree (LLM) in Islamic and Middle Eastern Studies from the University of East London.

Throughout my journey as an international student, I have made friends with mainly non-Muslims, Muslims from different backgrounds. I kept my friendship with Saudis limited. This was a conscious decision that I made upon arriving in the UK because I wanted to learn about other cultures, as well as to immerse myself in the new environment. I also became interested in sport, particularly martial arts especially Taekwondo and Judo.

Some instances of prejudice relate to when I was covering my face: once, I was walking with my father when a woman said to me "Hi, Batman".[36] Other incidents

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[34] In stating "practising Muslim" I do not by any means indicate that I am a "good Muslim"; I use it here to state that my religious identity as a Muslim woman is visible because I wear the headscarf. I also do not suggest that a Muslim woman who does not wear the headscarf is not a practising Muslim.

[35] It was known as the Ministry of Higher Education during the rule of King Abdullah bin Abdul Aziz.

[36] When I covered my face I was trying to keep up with my style in Saudi Arabia where I happily cover my face; it is what I am accustomed to. When I came to the UK I thought that it would be more acceptable if I did not wear black coverings as in Saudi, so I used to wear a long coat and colourful headscarves that covered my nose and mouth so only my eyes were visible. At that time, I did not have a problem removing the face covering at the airport for the security check, as I understand the necessity of checking the identity of the person. On the other hand, it was difficult for me to show my face to the public, as it was not something that I was used to. For me, my face was part of my private space so, although I knew that covering the face would be challenging in a Western context, I just could not get rid of it. After I received the prejudicial remarks about my face covering, I decided to remove it for my safety and my dad's. Secondly, I

occurred when I was wearing the headscarf without a face covering. A group of children and young adults aged 9 to 13 shouted the F-word at me. On another occasion, a group of young adults, also in the London underground, attempted to follow me and get into the same train carriage in order to continue with their offensive comments, which I did not hear as the train arrived and I got inside. However, they then tried to get into the train carriage where I was sitting through the glass doors, which connect the carriages from the inside. Once, in London, I was at a restaurant and one of the shopkeepers became angry when I asked his colleague if the food was *halal*,[37] as I had not seen any sign that indicated that it was. He got particularly furious when I put the money on the counter and he shouted at me saying, "Next time, you should put the money in my hand". When I realised that he was getting angry with me for everything I did or said, I told him, "I do not want your sandwich", and I left the restaurant. As I was walking towards the door, he shouted, "take your rubbish with you", referring to the money I had left for the order I had not taken. I also experienced an incident of passive prejudice in that the person did not acknowledge my presence: at Heathrow airport, my father and I were taking the escalator and the woman in front of me was carrying suitcases, one of which was going to fall; as I was right standing behind her, I was able to stop it. The lady thanked my father, who had not done anything, and completely ignored me.

I also experienced prejudice in Coventry. As I was walking to my house in the evening, a man was standing on the street; he was wearing a suit and seemed to be a traveller as the train station was eight minutes' walk from where he was and he had a suitcase with him. I thought that he was lost and wanted to ask me about the directions, but not until I heard "those f***ing hijabis".[38] I ignored what he said and I kept walking. The street was quiet in the evening - only he and I were present, so I

started to think that every culture has its own interpretation of modesty, and the face covering is only a representation of certain cultural interpretations of modesty. Thirdly, I wanted to fit in and make friends with others and I assumed the face covering might be a big barrier to achieving this. The face covering was my first experience of distinguishing between Saudi culture and Islam, and understanding how Islam adapts to life as a minority. Yet, each time I visited Saudi, I followed the dress code of covering the face, as I personally respect it.

[37] *Halal* is a term that refers to the acceptable method of slaughtering the animal in Islam. Both the Islamic and the Jewish way are the same.

[38] *Hijabi* refers to Muslim women who wear the head scarf.

was worried about my safety; my priority was to get home safe, so I did not care about the verbal comment as long as it did not turn into a physical attack.

What shocked me most about prejudice is that, to my knowledge, every action has a reaction but all the instances I have encountered were reactions from people to whom I have done nothing; in fact, I had never met them before in my life. At the beginning, especially with my first encounters of prejudicial incidents in London, I felt sad, unwelcome, and utterly vulnerable for not being able to defend myself, especially since when I first came here I did not speak the language properly.

As I have progressed with writing this thesis, prejudice has had less impact on me; it does sadden me if prejudice happens to me or if I witness others being subjected to prejudicial acts, but I treat them as exceptional cases. My perception of prejudice has changed over time, as I have started to believe that a person committing a prejudicial act is most likely acting upon a discourse. One who commits prejudicial acts seems to believe that he or she has power over the target and so they treat the target the way they do because he or she 'deserves' it.

There are other incidents of prejudice that are distinct in my memory because I witnessed them happening or I was around when they happened. The fact that I was not the target taught me a lot about analysing prejudice in a subjective matter. I was once walking to the bus stop and I passed a group of young adults. When I saw them out of the corner of my eye, I expected some prejudice from them, so I prepared different scenarios of how to defend myself. However, when I passed them, they did not do anything to me. As much as I was relieved that they did not do anything, I felt guilty that I had expected that from young adults and I felt that I was the one who had stereotyped them, believing young adults meant trouble. Previous experiences, when I had been the target of prejudice from similar age groups, had subconsciously made me alert. However, a few minutes later, a white British woman wearing a nice long summer dress came to the same bus stop angry and it turned out that the same young adults had made some unpleasant comments about her, As she was a British white woman who was not wearing a scarf, I did not

consider it prejudice and this made me reflect on my thoughts and perception of prejudice and stereotypes.

In another incident, a group of young students on the bus physically attacked an old man who was sitting few seats in front of me. He was a white British man and they were White British school pupils, so this made me question the role of identity in determining the nature of the act. Is it the victim's perception of the incident that makes it prejudice? Is it the identity of the attackers? Or is it the circumstances surrounding the incident? For example, in one incident when I was cycling on the road, a driver shouted "stupid b****" at me. The language used was not different to my previous experiences when someone said the F-word (both are equally offensive), but I do not consider it prejudice since, in this particular situation, I was not targeted as a Muslim woman but rather as a cyclist. In this way, I began to understand that my representation in the eyes of the person who targets me has an impact on whether I consider an act prejudice and this caused me to analyse situations I found myself in to decide if was being targeted because I am a Saudi, a woman, a Muslim, or a cyclist? As a self-mockery I think of myself as the most hated woman for all the different prejudices that my identity causes me.

Writing this thesis has benefited me personally by allowing me to understand prejudice in general and, more specifically, prejudice against the Muslim population after terror attacks that target a multi-faith society. This was particularly obvious during the attack on the Charlie Hebdo and my French friend thought that I was calm. Perhaps this was because, 'writing personal stories can be therapeutic for authors as we write to make sense of ourselves and our experiences'.[39] This does not mean that the terror attack or prejudice against Muslims are acceptable, rather, that my research has affected my reaction. When I started this thesis, I was a random receiver of a discourse but, as I progressed, I gained a deeper understanding of the role of discourse in changing the behaviour of a person and

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[39] Carolyn Ellis, Tony E. Adams and Arthur P. Bochner, 'Autoethnography: An Overview' (2010) 12Forum: Qualitative Social Research <http://www.qualitative-research.net/index.php/fqs/article/view/1589/3095> accessed 10 August 2015.

the impact of discourse on changing the social dynamics of a multi-faith society, especially after terror attacks; as Anderson explains, 'the autoethnographic interrogation of self and other may transform the researcher's own beliefs, actions, and sense of self'.[40]

Writing on misrepresentation has made me aware of the necessity of informing others of it, as well. Thus, when misrepresentation occurs in public discourse and I am with someone, I use my knowledge to explain misrepresentation to them. I therefore started to take an active role in explaining misrepresentation to other discourse receivers to make them aware of it and how they may receive the message. This has been a particularly practical aspect of my thesis in that the people around me are now more likely to spot misrepresentation and know the difference between *jihad* and terrorism. This is most evident when my friends forward articles or links to me that either suffer from misrepresentation or are on the topic of misrepresentation.

The disadvantage of this is that I become deeply connected with my research, as I am both the subject of misrepresentation and writing on the topic. I see misrepresentation everywhere - any time I check social media or watch the news or listen to the radio. Following the news after terror attacks become overwhelming. Misrepresented discourse affects me probably more than a random receiver of a discourse because I realise the cause and effect of misrepresentation. The advantage of this is that it has made me realise the importance of my thesis, helped me to connect deeply with my own self, thoughts, and feelings and what is around me.

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[40] Leon Anderson, 'Analytic Autoethnography' (2006) 35 Journal of Contemporary Ethnography 373, 383.

Chapter 2

Conceptualising Misrepresentation

'To say something is to do something; or in which by saying or in saying something we are doing something'. [*]

J. L. Austin

1. Introduction

Language is an expression of thought believes and can be a reflection of human behaviour.[41] This chapter uses speech act theory to explain the performative of language, and to answer what does language do on a receiver of a discourse. This chapter aims to define misrepresentation. It will argue that, terrorism is a result of the clash between legal and radical discourse over the legitimacy of the use of force.

On this basis, this chapter will distinguish between the language use of the different discourses; legal, radical, public and academic discourse. It will explain that the language use of each discourse intends to produce certain illocutionary effect. For example, the illocutionary effect of "*jihad*" is different in each discourse. It will explain that the performative of language in radical discourse intends to establish legitimation for example, radical discourse produces successful perlocutionary effect on a receiver by using and presenting "*jihad*" in the discourse as the legal performative. Although, the performative of language in radical discourse can be successful however, legal language loses its legal performative if removed from legal discourse.

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[*] John L. Austin, *How to do things with words* (J. O. Urmson, Marina Sbisà eds, 2nd edn, Harvard University Press 1975)12.

[41] Walter Kintsch, *The Representation of Meaning in Memory* (Psychology Press 2014).

Since both radical and legal discourse use the same legal language and legal argumentation, this chapter will argue that legal discourse is a professional discourse which makes specific use of ordinary language. The performative of legal language is authoritative and normative such that legal discourse specifies the illocutionary and the perlocutionary performatives of its language. This chapter will explain more the performative of legal language by elaborating on a common word between ordinary and legal language, this being "guilty".

2. Background and Definition

One of the central arguments of Huntington's thesis is that terrorism is a result of a clash between two civilisations, Islam and the West. Despite the prejudicial nature of Huntington's argument against Islam and Muslims,[42] it is considered one of the thought provoking articles, 'According to the editors of *Foreign Affairs*, the article that Huntington (1993a) wrote in 1993 generated more discussion in three years than any other article they had published since the 1940s'.[43] Huntington argues that, 'civilization is the ultimate human tribes, and the clash of civilizations is tribal conflict on a global scale'.[44] Furthermore, Huntington says that, 'some Westerners, including President Bill Clinton, have argued that the West does not have problem with Islam but only with violent Islamist extremists. Fourteen hundred years of history demonstrate otherwise'.[45] Huntington seems convinced that Islam is the main and the ultimate cause of terrorism and that Islamic history is replete with incidents that show the inherently violent nature of Islamic civilisation. Huntington seems to reject the role of radical discourse in justifying violence, which is based on distorted interpretations of some Islamic rules as this chapter and chapter 3 will explain. As a result, Huntington does not seem to consider terrorism or violence to be a representation of the agency of some Muslims who commit acts of terror;

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[42] Edward W. Said, 'The Clash of Ignorance' in Jason Dittmer and Joanne Sharp (eds) *Geopolitics: An Introductory Reader* (Routledge 2014).

[43] Giacomo Chiozza, 'Is There a Clash of Civilizations? Evidence from Patterns of International Conflict Involvement, 1946–97' (2002) 39 Journal of Peace Research 711,711.

[44] Samuel P. Huntington, *The Clash of Civilizations and the Remaking of the World Order* (2nd edn, The Free Press 2002) 207.

[45] ibid 209.

instead, Huntington seems to believe that Muslims are following their religion, which commands them to kill people from other civilisations.

Huntington's thesis of a clash of civilisations and his argument that the Islamic faith is naturally violent against other civilisations is rather weak, prejudicial and contradictory for many reasons. Firstly, history is a story that neither reflects nor represents the Islamic faith accurately; the 1,400 years of 'violence' against other nations or civilisations do not reflect Islam as a faith or a legal system. Rather, history is a representation of human behaviour that may or may not reflect the Islamic faith, and this is for the obvious reason that humans make mistakes and sometimes deviate from their religious teachings. This is, of course, if we look at history as Huntington did. Secondly, and most importantly, examining history without understanding the context in which these conflicts occurred is not different from the radical interpretation of Islam, as both readings of Islamic history are based on appropriating historical incidents to support claims that Islam encourages violence against others.

In order to investigate the relations between Islamic civilisation and other nations, it is worth looking at the Qur'an, Allah's (God in Arabic) words, according to the Islamic belief, which was revealed more than 1,400 years ago. Thus, in regards to its religious value within the Islamic belief and its historical value, the Qur'an accurately corresponds to Huntington's view of the tribal conflict at a global level. The Qur'an says, 'O mankind! Lo! We have created you from male and female, and have made you nations and tribes that ye may know one another. Lo! The noblest of you, in the sight of Allah, is the best in conduct. Lo! Allah is Knower, Aware'.[46] It seems evident that Huntington's claims of a clash of civilisations and Muslims' inferiority to other nations and civilisations are invalid, as the Qur'an - the main source of the Islamic faith - clearly does not give any indication of inferiority or any invitation for Muslims to carry out violence against other civilisations without a legitimate reason. As Huntington says,

> The underlying problem for the West is not Islamic fundamentalism. It
> is Islam, a different civilization whose people are convinced of the

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[46] Qur'an *Surah Al-Hujuraat* 49:13.

superiority of their culture and are obsessed with the inferiority of their power. The problem for Islam is not the CIA or the U.S. Department of Defense. It is the West, a different civilization whose people are convinced of the universality of their culture and believe that their superior, if declining, power imposes on them the obligation to extend that culture throughout the world. These are the basic ingredients that fuel conflict between Islam and the West.[47]

This thesis, however, strongly rejects the notion that terrorism is a result of a clash between civilisations. Terrorism is a result of the clash that occurs between legal and radical discourse over the legitimacy of the use of force.[48]

In order to establish an understanding of the clash between discourses that cause terrorism, it is worth liberating acts that constitute terrorist offences from all labels, political, religious or legal, so as not to label the actors committing the act of terrorism. In doing so, terrorism appears to be an act of the use of force in any form or type (I intentionally have not stated the acts so as to avoid legal terms, such as killing or bombing, which indicate that the acts are criminal offences).

There are four types of discourse that occur on the scene of terrorism, these being legal, radical, public and academic discourse. Different discourses are not isolated from each other; rather, they interact,[49] correspond,[50] and sometimes clash with each other,[51] for example, the clash between radical and legal discourse over the legitimacy of the use of force. The representation of the use of force against other people in legal discourse is that the use of force is an illegitimate act that establishes criminal liability. Meanwhile, radical discourse represents the use of force against others as a legitimate act in order to justify violence. Radical discourse members use legal language and argumentation as a covert language, in order to

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[47] Samuel P. Huntington, *The Clash of Civilizations and the Remaking of the World Order* (2nd edn, The Free Press 2002) 217-218.

[48] Since this thesis rejects the notion of a clash of civilisations, there is no consideration of so-called religious terrorism.

[49] Counter terrorism policies interact with radical and legal discourse, as I will explain later in this chapter.

[50] For example, counter terrorism discourse corresponds to radical discourse.

[51] Bernard McKenna, 'Critical Discourse Studies: Where to from Here?' (2004) 1 Critical Discourse Studies 9.

legitimise the use of force and advance logistical goals (such as recruitment) and ideological (to motivate others) goals. Legal discourse, however, disregards covert language and establishes criminal liability based on the act. Thus, legal discourse has the last word in this clash. Even if radical discourse succeeds in using force against others, legal discourse establishes criminal liability based on the act itself.

The clash between the two discourses over the legitimacy of the use of force is more accurate after identifying terrorism as the use of force. If labels were to be given to these discourses based on the discourse position towards the use of force, classifying the discourses has to involve legal and radical discourse. Thus, it may be argued that there is a clash between legal and radical discourse over the legitimacy of the use of force. Legal discourse considers the use of force against others as illegitimate, so it is a criminal act. Meanwhile, radical discourse considers the use of force against others a legitimate act. This clash is evident as, until now, there has been a dilemma with regards to finding a universal definition for terrorism,[52] and whether to identify actors as terrorists or freedom fighters.

For the above stated, terrorism is not particularly a Muslim issue or a crime that is deeply rooted within Islamic civilisation alone. In fact, it can be argued that any civilisation, with no exception, has this clash between legal and radical discourse over the legitimacy of the use of force. The discourses are influenced by the civilisation that produced them because they aim to influence particular receivers.

The reason why the clash between legal and radical discourse is not clear in Islamic civilisation is due to the categorisation that is given to the use of force. Language is powerful and as soon as the use of force that constitutes the terrorism act is defined as *jihad*, the clash between legal and radical discourse dissolved. This also makes the views that Islam encourages violence more inevitable, especially when *jihad* is indeed permissible within the rules of Islamic international law. Furthermore, radical discourse uses *jihad* to legitimise the use of force against

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[52] General Assembly, 'Legal Committee Urges Conclusion of Draft Comprehensive Convention on International Terrorism GA/L/3433' (*United Nations*, 8 October 2012)<http://www.un.org/press/en/2012/gal3433.doc.htm> accessed 01 June 2015; Alex P. Schmid, 'The Response Problem as a Definition Problem' (1992) 4 Terrorism and Political Violence 7.

others. However, as explained earlier, radical discourse addresses specific receivers and, thus, this has lead to the need to produce a discourse that influences, and speaks their language. For this reason, "*jihad*" occurs in radical discourse to legitimise the use of force against others, while "*jihad*" in Islamic international law is used for different purposes, as I will explain later in chapter 3.

Discourse uses language to create a particular world view, reality that justifies the discourse members' actions.[53] Thus, the main components of discourse are language, members of a discourse, and actions. Discourse in this context represents its members and justifies their actions. As a consequence of that, discourse becomes another dimension of language[54] in which language is not only considered to be a system of grammatical rules. Instead, language becomes live through the lens of discourse, which creates, constructs, forms and reforms objects, and develops meanings and identities.[55] Thus language is performative because it does things and it affects the behaviour of the discourse members.

The performativity of language comes from the pragmatic understanding of discourse which is known as speech act theory, and its prominent philosophers are J. L. Austin,[56] and his student, John Searle.[57] Speech act theory does not treat the text as an abstract or system of rules.[58] Instead, discourse as a theory or as a concept designates language as use; in other words, what do we do when we say things?[59] Here, saying is doing,[60] so language exceeds saying to include doing

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[53] Sergiu Mișcoiu, Oana-Raluca Crăciun and Nicoleta Colopelnic, *Radicalism, Populism, Interventionism : Three Approaches Based on Discourse Theory* (Cluj-Napoca: The Publishing House of the Foundation for European Studies 2008).

[54] Paul Simpson and Andrea Mayr, *Language and Power: A Resource Book For Students* (1st edn, Routledge 2009).

[55] Sergiu Mișcoiu, Oana-Raluca Crăciun and Nicoleta Colopelnic, *Radicalism, Populism, Interventionism : Three Approaches Based on Discourse Theory* (Cluj-Napoca: The Publishing House of the Foundation for European Studies 2008).

[56] John L. Austin, *How to do things with words* (J. O. Urmson, Marina Sbisà eds, 2nd edn, Harvard University Press 1975).

[57] John Searle, *Speech Acts: An Essay in the Philosophy of Language* (first published 1969, Cambridge University Press 1999).

[58] Johannes Angermuller, Dominique Maingueneau and Ruth Wodak (eds), *The Discourse Studies Reader Main currents in theory and analysis* (John Benjamins Publishing Company 2014).

[59] Paul Simpson and Andrea Mayr, *Language and Power: A Resource Book For Students* (1st edn, Routledge 2009).

things. Foucault, for example, distinguishes between language and discourse. He alludes to language as "signs" that only signifies and refers to things or objects. On the other hand, Foucault considers discourse as more functional than language, and he sees discourse as using "signs" to form objects. As he states,

> Discourses are composed of signs; but what they do is more than use these signs to designate things. It is this more that renders them irreducible to the language (langue) and to speech. It is this 'more' that we must reveal and describe.[61]

Every discourse uses language differently in order to advance or create a certain reality or world view. Thus, legal, radical, public and academic discourses use language for different purposes. The linguistic behaviour (language use) of each discourse is supposed to be different from the others. As a result of the different language use, the performative of the same language in different discourses are different because every discourse creates its own conditions that give language its unique performativity. In fact, even the same word may have different performatives which consequently may have different impact on different receivers.

Misrepresentation is the inappropriate or mistaken domination of a definition of a concept from one field of discourse in another field of a discourse. For example, the concept "murder"[62] in legal discourse and "surgery"[63] in medical discourse. Murder means an illegal/unlawful killing, and that a person is the direct or the indirect cause of the victim's death, unlike "surgery". Although surgery is an act of scarring/making cuts in the patient's body, it indicates that the act is legal. An act that is considered surgery cannot be murder in the eyes of the law, because legal discourse states the performatives of these two concepts. In addition to this, legal

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[60] John L. Austin, *How to do things with words* (J. O. Urmson, Marina Sbisà eds, 2nd edn, Harvard University Press 1975).

[61] Michel Foucault, *The Archaeology of Knowledge and the Discourse on Language* (A. M. Sheridan Smith tr, Pantheon Books 1972) 49.

[62] Oxford Dictionaries, 'Murder' <http://www.oxforddictionaries.com/definition/english/murder> accessed 17 August 2015.

[63] Oxford Dictionaries, 'Surgery' <http://www.oxforddictionaries.com/definition/english/surgery> accessed 17 August 2015.

discourse states the conditions in which makes murder a legitimate act, while surgery as an illegal act. For example, murder if committed for self-defence it is considered a legitimate act. On the other hand, if abortion were performed in a country where abortion is considered illegal, this type of surgery is a criminal act. However when misrepresentation occurs in a discourse, it defines an act of murder as "surgery" despite the fact that the legal discourse has already determined that the same act is murder. Another example is the misrepresentation of *jihad*, it occurs when public and academic discourse identify "terrorism" as *"jihad"* and claim that it is the definition of "*jihad"* in Islamic legal discourse.

3. Language Use and the Performative of a Discourse

The question that arises here in regard to misrepresentation is how to determine the definition represented by a particular discourse. In other words, how is the performative of a concept determined? When does a concept perform as legal concept? What is the performative of a concept in radical discourse?

Language as consisting of words, signs or codes is not dangerous. However, the use of these words may make them a threat.[64] For example, the word "*jihad*" uttered in an airplane or at an airport is perhaps performs as a threat, as it implies that the speaker is going to commit an act of terror. Alternatively, if "*jihad*" is uttered at an academic conference, the utterance does not suggest a threat. The utterance of "*jihad*" by a stand-up comedian is not questioned as much as if it was uttered by a preacher at a mosque. The intention of the religious preacher is questioned as to whether he/she encourages, glorifies or justifies violence or is explaining *jihad* according to Islamic international law. The importance of questioning language use is depending on the discourse. It should be noted, however, that the identity of the speaker has no role in determining when the utterance of "*jihad*" is considered a threat or otherwise. In other words, radical discourse is not exclusive to Bin Laden's discourse only but rather is applicable to any discourse that legitimises or motivates towards violence regardless of the issuer of the discourse.

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[64] Christopher Peacocke, 'Book Review' (1986) 95 The Philosophical Review 603.

The linguistic behaviour of a discourse determines the performative of the word uttered,[65] as in: *'how what was said was meant* by the speaker or as to *how the words spoken were used*'.[66] Accordingly, the definition is determined by the use of a word in a certain discourse. The notion of illocutionary effect (IE) in speech act theory explains the performative. The illocutionary effect is what the speaker intends to do in saying something, such as declaring, warning, promising, etc.[67] The formulation of the illocutionary effect, according to Searle, is 'the speaker *S* intends to produce an illocutionary effect *IE* in the hearer *H* by means of getting *H* to recognize *S*'s intention to produce *IE*'.[68] Corresponding to Searle's formulation, the illocutionary effect of "*jihad*" can be summarised as follows:

1) S in radical discourse intends to produce an IE, which is to legitimise violence against Muslims and non-Muslims.

2) S in legal discourse intends to produce an IE, which is to regulate a legitimate case of the use of force for self-defence.[69]

3) S in public and academic discourse intends to produce an IE, which is to explain, analyse, report and investigate for academic purposes or commentary in popular media.[70]

It may be argued that "*jihad*" has different performatives. For example, the performative of "*jihad*" in radical discourse is to legitimise violence against Muslims and non-Muslims. Meanwhile, the performative of "*jihad*" in legal discourse is to regulate the use of force for self-defence in restricted cases, as will be explained later in chapter 3. Conversely, the performative of "*jihad*" in public and academic discourse is neither to legitimise violence nor to regulate the use of force, as Schmid noted that 'The universities offer an intellectual forum where

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[65] Joseph Margolis, 'Meaning, Speakers' Intentions, and Speech Acts' (1976) 26 Review of Metaphysics 681.

[66] P. F. Strawson, 'Intention and Convention in Speech Acts' (1964) 73 The Philosophical Review 439, 440.

[67] James Loxley, *Performativity* (Routledge 2007).

[68] John Searle, *Speech Acts: An Essay in the Philosophy of Language* (first published 1969, Cambridge University Press 1999) 47.

[69] *Jihad* is the legitimate use of force that is practiced by the Islamic state after a declaration from the ruler. It is worth noting that there are conditions for and restrictions on practising *jihad*. See chapter 3 of the thesis for more details on *jihad* in Islamic international law.

[70] Alex P. Schmid, 'The Response Problem as a Definition Problem' (1992) 4 Terrorism and Political Violence 7.

scholars can discuss terrorism without being suspected of sympathising with terrorists'.[71] For this reason, although public and academic discourses are two distinctive discourses, this thesis treats them as one discourse, because they are not meant to have a similar performative to radical discourse.

4. The Performative of Language in Radical Discourse

Radical discourse includes any type of material that justifies and legitimises violence against Muslims and/or non-Muslims. Radical discourse in the United Kingdom is identified as follows:

- speeches or essays calling for racial or religious violence
- videos of terrorism or racial or religious violence with messages of 'glorification' or praise for the attackers
- chat forums with postings calling for people to commit acts of terrorism or violent extremism messages intended to stir up hatred against any religious or ethnic group.[72]

Radical discourse is also known as terrorist or extremist materials,[73] or jihadists discourse.[74] Radical discourse is a multimodal legitimation, as van Leeuwen states, 'though language plays the central role in legitimation, some form of legitimation can also be expressed visually, or even musically'.[75] Radical discourse is identified on the basis of the language use, as all different means of communication are permissible. However, the intention behind their use makes the lawful unlawful.

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[71] Alex P. Schmid, 'The Response Problem as a Definition Problem' (1992) 4 Terrorism and Political Violence 7, 7.

[72] GOV.UK, 'Report online terrorist material' (Crown Copyrights) <https://www.gov.uk/report-terrorism#before-you-start> accessed 01 June 2015.

[73] ibid.

[74] Tony McEnery, *Primed for Violence? A Corpus Analysis of Jihadist Discourse* (A lectutre delivered at the annual John Sinclair Lecture at the University of Birmingham's English department on Thursday 9 May 2013) < https://www.youtube.com/watch?v=dj5SXGgT11U> access 17 August 2015.

[75] Theo van Leeuwen, 'Legitimation in Discourse and Communication' (2007) 1 Discourse & Communication 91, 107.

For example, according to a press release by the Crown Prosecution Services, three men were convicted under Terrorism Act 2000 for inciting murder for terrorist purposes on the Internet.[76]

The prominent feature of radical discourse is the use of "*jihad*" outside its legal context. Hence, "*jihad*" in radical discourse performs as a collective obligation on all Muslims to use force against Muslims or non-Muslims.[77] Radical discourse represents *jihad* in the discourse as a 'legal concept' for logistical and ideological purposes. However, the truth is that "*jihad*" loses its performative as a legal concept because legal language and concepts lose their legal performative once removed from legal discourse. In radical discourse, then, "*jihad*" adopts the performative of radical discourse. Hence, it can be argued that "*jihad*" has a different performative in radical discourse, but it cannot be argued that its performative in legal discourse is the same as in radical discourse because "*jihad*" produces different perlocutionary effects in different discourses.

The performative of "*jihad*" in radical discourse is to change the individual perception of terrorist operations, whether the operation/act involves murder, bombing, suicide bombing, or hijacking airplanes, as Jackson says that 'our way of speaking plays an active role in creating and changing our perceptions, our cognition and our emotions'.[78] In consequence, individuals responding to radical discourse do not perceive their acts as criminal acts that subject them to criminal liability in the eyes of the law, and, if they are Muslims, in the eyes of God. Instead, individuals perceive terror acts as legitimate acts, and believe that their acts deserve a reward from God and that they are martyrs, who, in Islam, are believed go to Heaven.

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[76] The Crown Prosecution Service, 'Three men admit using internet to incite terrorism in first British case' (05 July 2007) < http://www.cps.gov.uk/news/latest_news/137_07/index.html> accessed 17 August 2015.

[77] Quintan Wiktorowicz, 'A genealogy of Radical Islam' (2005) 28 Studies in Conflict & Terrorism 75; Mark Sedgwick, 'Jihadist Ideology, Western Counter-Ideology, and the ABC Model' (2012) 5 Critical Studies on Terrorism 359.

[78] Richard Jackson, *Writing the War on Terrorism: Language, Politics, and Counter-Terrorism* (Manchester University Press 2005) 21.

The performative of language in radical discourse also changes perceptions and emotions towards the victims or the targets by identifying them as infidels (whether they are Muslims or non-Muslims); this of course results in dehumanising the victims. Jackson recognises the role of language in affecting preconceptions and cognitions; he says,

> More than affecting perceptions language also structures cognition – it affects the way we think, and particularly how we make strategic choices. By using a restricted set of words and word formulations, some choices can appear perfectly reasonable and commonsensical while others appear absurd.[79]

Radical discourse intentionally uses "*jihad*" and claims that it is the legal performative to change the discourse member's perception of the acts, of the victims' and to change members' perception of themselves. The performative of language in radical discourse is to legitimise the use of force, thus influencing and inspiring potential individuals.

Moreover, Islamic religious terminologies in radical discourse perform as evaluative adjectives in order to give a moral evaluation legitimation to violence against Muslims and non-Muslims. Van Leeuwen identifies the role of evaluative adjectives: 'they communicate both concrete qualities of actions or objects and command them in terms of some domain of values... this too makes moral evaluation covert and seeks to shield it from debate and argument'.[80] Loxley recognises the role of language and its relation to intention and responsibility by stating, 'How we use the words we use to excuse ourselves from responsibility for our actions, such as 'unintentional' or 'inadvertent', is a way of finding both what an excuse is, and beyond that what an action is'.[81] Radical discourse assures perpetrators about their destiny in the Hereafter; thus, a suicide bomber, a

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[79] ibid 22.
[80] Theo van Leeuwen, 'Legitimation in Discourse and Communication' (2007) 1 Discourse & Communication 91, 98.
[81] James Loxley, *Performativity* (Routledge 2007) 24.

murderer, is identified as a 'martyr' and members of the terrorist group and like-minded persons are 'true Muslims'. This is not to dismiss the fact that the targets of terrorists' attacks (victims) in radical discourse are identified as 'infidels'[82] (both Muslims and non-Muslims alike), so as to prevent perpetrators from empathising with the victims (see the figure below).
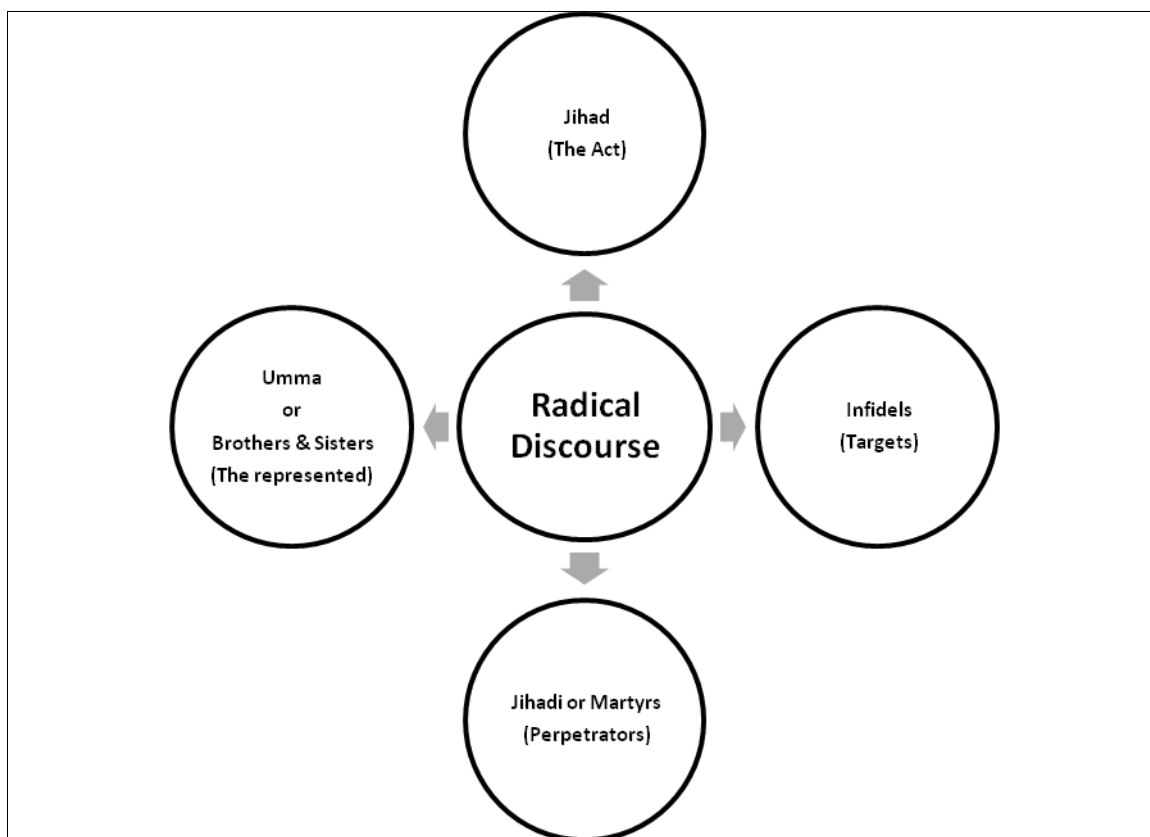
Figure 1 Example of the linguistic behaviour of radical discourse

The figure shows example of the performative of language in radical discourse. For example, the performative of "*jihad*" is to legitimise the act. The performative of "infidels" is to desensitise the terrorists from their targets. The performative of "jihadi" or "martyrs" in radical discourse is to motivate terrorists. And finally, the

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[82] Infidel in radical discourse signifies the enemy, the person who is not following or applying God's rule. There is no difference between Muslims and non-Muslims in this regard.

performative of "Umma" or "brothers and sisters" is to establish empathy with the others for example, other fellow Muslims in conflict zones.[83]

Tony McEnery examines the performative of radical discourse, how language may indeed persuade a person to be willing to commit a terrorist act from a linguistic perspective. McEnery aims to investigate if there is a link between radical discourse (he identifies it as jihadist discourse) and other Islamic writings. He further argues that such a link, if it exists, may create resistance to radicalisation. McEnery focuses on collocations and lexical priming to understand the process of resistance to radicalisation by examining much radical discourse. For example, McEnery found that Islamic concepts in Awlaki's discourse are used for legitimisation purposes. He also looked at the use of the term "*jihad*" in Awlaki, Zwahiri and in Bin Laden. It is interesting to note that even pronouns such as 'we' and 'they' are used to denote certain actors or countries, unlike situations where the same pronouns are uttered in a normal conversation. McEnery concludes that language has a key role in promoting violence.[84]

Radical discourse, like any other discourse, performs (produce perlocutionary effect on a receiver) without restrictions of borders or time. The radical leaders do not have to physically meet potential members to publicise their ideology. As Loxley says, 'you can get my meaning by reading this book, just as well as if I were talking directly to you: the writing here serves to transport my idea across the distance in time and space that separates us'.[85] For example, the interpretations of *jihad* by Sayyed Qutb (the 'father of *jihad*', who died in 1966) influence contemporary radical discourse.[86] Radical discourse can successfully produce a

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[83] Peter Fischer, Julia K. Fischer, Silke Weisweiler and Dieter Frey, 'Terrorism as Collective Communication: The Collective Communication Model of Terrorism (CCMT)' (2010) 4 Social and Personality Psychology Compass 692.

[84] The only objection on McEnery is that he uses the word "*jihad*" to denote radical discourse.

[85] James Loxley, *Performativity* (Routledge 2007) 76.

[86] Thomas Hegghammer, 'Jihadi Salafis or Revolutionaries? On Theology and Politics in the Study of Militant Islamism' in Roel Meijer (ed), *Global Salafism: Islam's New Religious Movement* (Columbia University Press 2009).

perlocutionary effect on the receiver,[87] even in the absence of the issuer. Derrida says,

> It is first of all the absence of the addressee. One writes in order to communicate something to those who are absent. The absence of the sender, of the receiver [*destinateur*], from the mark that he abandons, and which cuts itself off from him and continues to produce effects independently of his presence and of the present actuality of his intentions [*vouloir-dire*], indeed even after his death, his absence, which moreover belongs to the structure of all writing.[88]

The continuity of the discourse to produce a perlocutionary effect on the receivers, as recognised by Derrida, explains the performativity that a radical discourse may have on a receiver.

The ability for radical discourse to make an impact on its members (perlocutionary effect) is a result of the successful performative of "*jihad*" in convincing individuals that the use of force against other people is legal. It can be argued that radical discourse is the immoral use[89] of legal language for instrumental purposes,[90] in other words, 'the agent's having a certain goal, their intending, or desiring, to reach a certain end'.[91] Legal discourse recognises the instrumental use of "*jihad*" in radical discourse, and consequently, a terrorist act committed under the cover of "*jihad*" constitutes a criminal act within criminal law, whether Islamic or secular.[92]

The question that arises here is why do Muslim individuals get radicalised? Most of the notions in radical discourse are Islamic, and thus, radical discourse is highly unlikely to have a perlocutionary effect on a non-Muslim person; for example, the

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[87] Perlocutionary effect is the impact of language use on a receiver.
[88] Jacques Derrida, *Limited Inc* (Northwestern University Press 1988) 5.
[89] Paul Horwich, *Meaning* (Clarendon Press 1998).
[90] Richard Jackson, 'Religion, Politics and Terrorism: A Critical Analysis of Narratives of "Islamic Terrorism"' (2006) Centre for International Politics Working Paper Series 1, 17.
[91] Kathrin Glüer and Åsa Wikforss, 'The Normativity of Meaning and Content' <http://plato.stanford.edu/entries/meaning-normativity/> accessed 01 June 2015.
[92] Secular laws here denotes laws that are not derived from religion.

notions of Umma, brothers and sisters, *jihad*, Islamic state, etc. are notions that are embedded within Islamic legal, cultural and historical traditions, so it will not radicalise a Sikh or Jewish person. Bearing in mind that radical discourse is based on rejecting the Other, Muslim or non-Muslim, there is great emphasis on "infidels", and "true Muslims", as the addressees are supposed to be likeminded individuals or groups.

Nevertheless, the tactics of a terrorist group in claiming 'religious' legitimacy can inspire other groups or individuals, such as Andres Breivik, who claimed that he was inspired by Al-Qaeda.[93] Islamic notions in radical discourse are pronounced in a similar way to other Islamic sources, such as Qur'an, Hadith (Sunna), fatwas, and sermons[94]; this is recognised by van Leeuwen when he says 'legitimation by reference to the authority of tradition, custom and law, and of persons in whom institutional authority of some kind is vested'.[95] Thus, radical discourse that uses Islamic legal language and argumentation is highly likely to have a successful perlocutionary effect on a Muslim individual. It is evident that the discourse is specifically designed to radicalise a Muslim person.[96]

Hence, the performative of language in radical discourse intends to make specific perlocutionary effect on a receiver; to attract potential members and/or to justify attacks against Muslims and non-Muslims to achieve political goals. Jackson recognises that Bin Laden's texts declare political goals rather than religious, stating thus:

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[93] Richard Orange, 'Al-Qaeda rejects Anders Behring Breivik comparison' *The Telegraph* (London, 03 May 2015) <http://www.telegraph.co.uk/news/worldnews/al-qaeda/9244168/Al-Qaeda-rejects-Anders-Behring-Breivik-comparison.html> accessed 01 June 2015.
[94] This does not exclude the fact that radical discourse is also available on the Internet using multimedia as well.
[95] Theo van Leeuwen, 'Legitimation in Discourse and Communication' (2007) 1 Discourse & Communication 91, 92.
[96] David C. Rapoport, 'Fear and Trembling: Terrorism in Three Religious Traditions' (1983) 78 American Political Science Review 658.

>The text reveal a fairly nuanced political analysis and a clear set of political goals, including: support for the establishment of a Palestinian state; ending U.S. military occupation of the Arabian peninsula and its ongoing support for Israel; the replacement of corrupt and oppressive Arab regimes; supporting local insurgences in Kashmir, Chechnya, The Philippines and elsewhere; and the expulsion of Western forces from Iraq and Afghanistan.[97]

The perlocutionary effect of radical discourse also intends to establish empathy with the suffering of other Muslims. Thus, empathy with other Muslims in radical discourse is not transformed into giving charity or aid. Rather, this empathy is translated into violence against Muslims or non-Muslims. This is well represented in the Woolwich attack in 2013, in which Michael Adebolajo said, after attacking the British soldier, 'We swear by Almighty Allah we will never stop fighting you. The only reason we have done this is because Muslims are dying every day. This British soldier is an eye for an eye, a tooth for a tooth'.[98] Adebolajo claimed that he was fighting for Muslims who were suffering. However, Adebolajo expressed his 'empathy' through violence by killing the British soldier Lee Rigby.

5. The Performative of Language in Legal Discourse

Professional discourses produce technical terminologies that differ significantly from other discourse. According to Gunnarsson, 'Professionals have always created appropriate linguistic terminology, expressions and textual patterns to enable performance of the tasks assigned to them'.[99] For example, if a doctor delivered a presentation on medicine to a group of lawyers (assuming that they speak the same

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[97] Richard Jackson, 'Religion, Politics and Terrorism: A Critical Analysis of Narratives of "Islamic Terrorism"' (2006) Centre for International Politics Working Paper Series 1, 17.

[98] Vikram Dodd, Shiv Malik and Ben Quinn, 'Woolwich killing: meat cleaver, knife and jihadist claims filmed on mobile' *The Guardian* (London, 22 May 2013) <http://www.theguardian.com/uk/2013/may/22/woolwich-attack-cleaver-knife-jihadist> accessed 01 June 2015.

[99] Britt-Louise Gunnarsson, *Professional Discourse* (1st edn, Continuum International Publishing Group 2009) 10.

language), lawyers may not fully understand the content of the presentation, and vice versa.[100] This is due to the differences between medical and legal discourse, with each field having its own technical terminologies. Hence, members of one discourse have the same understanding/knowledge of a concept(s).

Although professional discourses use the same language as ordinary language, professional discourse makes a specific use of language. Legal language is a professional discourse that uses ordinary language in specific way, to produce and communicate legal rules. According to Venturi, legal language 'makes a *specific use* of lexical and syntactic peculiarities typical of ordinary language. Consequently, it can be seen both as an *extension* and a *reduction* of the possibilities offered by ordinary language'.[101] Legal language performs its legal effect only when it occurs in legal discourse.

Law as a professional discourse and language cannot be separated. Forensic linguistics is an area that covers the interaction between law and discourse in its different areas, which include legal texts, legal processes in legal settings, and legal evidence.[102] The interaction between law and discourse is illustrated through trials, interrogations, confessions and linguistic evidence, such as suicide notes, as well as the interpretation of legal texts or previous judgments.[103]

Law and the philosophy of language are interested in the same areas: meaning, and linguistic behaviour as an indication of the speaker's behaviour.[104] Law is communicated through language; meaning is essential to formulate contracts, and write constitutions or regulations in which the meaning has to deliver the intention of the legislators, as Gunnarsson says: 'legal terminology, legal sentence structure, legal text patterns, and legal text and discourse content have developed as a means

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[100] Bernard McKenna, 'Critical Discourse Studies: Where to from Here?' (2004) 1 Critical Discourse Studies 9.

[101] Giulia Venturi, 'Legal Language and Legal Knowledge Management Applications' in Enrico Francesconi, Simonetta Montemagni, Wim Peters, and Daniela Tiscornia (eds) *Semantic Processing of Legal Texts Where the Language of Law Meets the Law of Language* (Springer Berlin Heidelberg 2010) 4.

[102] International Association of Forensic Linguists (IAFL), 'Forensic Linguistics' (2013) <http://www.iafl.org/forensic.php> accessed 01 June 2015.

[103] Michael Freeman and Fiona Smith (eds), *Law and language : Current legal issues* (Oxford University Press 2013).

[104] John Searle, 'Philosophy of Language – An Interview With John Searle' (2007) 5 ReVEL 8.

of dealing with reality in a way that suits the purpose of the law'.[105] Language use has a major role in law; for example, in writing a will, the language, written or spoken, declares the intention of the person in regards to how they wish to distribute their wealth after their death. Meanwhile, language use in law is as an indication of the speaker's behaviour; for example, a contract for buying a house is an indication of the speaker's behaviour and action in transferring the ownership of the property to another person.

It can be argued that there are some crimes that are communicated through discourse,[106] where saying is regarded as an offence. For example, the threat of murder is considered an offence; in the Offences against the Person Act 1861 (c.100), section 16, which considers letters threatening murder an offence, the article states, 'Whosoever shall maliciously send, deliver, or utter, or directly or indirectly cause to be received, knowing the Contents thereof, any Letter or Writing threatening to kill or murder any Person...'.[107] The linguistic behaviour of the speaker is a criminal offence in itself. Thus, the law criminalises the declaration of the intention of killing in threat letters or oral threats, so writing or speaking themselves are not criminal acts, but what is expressed through language is what is considered to be a crime. Needless to say, the incitement through the use of terrorist material is also a criminal offence. According to the Terrorism Act 2006, chapter 11 section 2 (2), a person commits an offence if dealing with materials that encourage or motivate terrorism:

> (a) distributes or circulates a terrorist publication;
> (b) gives, sells or lends such a publication;
> (c) offers such a publication for sale or loan;
> (d) provides a service to others that enables them to obtain, read, listen
> to or look at such a publication, or to acquire it by means of a gift, sale
> or loan;
> (e) transmits the contents of such a publication electronically; or

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[105] Britt-Louise Gunnarsson, *Professional Discourse* (1st edn, Continuum International Publishing Group 2009) 18.
[106] Lawrence M. Solan and Peter M. Tiersma (eds), *The Oxford Handbook of Language and Law* (Oxford University Press 2012).
[107] Offences Against the Person Act 1861(UK).

(f) has such a publication in his possession with a view to its becoming

the subject of conduct falling within any of paragraphs (a) to (e).[108]

According to the Intelligence and Security Committee of Parliament,[109] Michael Adebowale, who was guilty of murdering the British soldier Lee Rigby in the Woolwich attack in 2013, expressed his desire to kill a soldier in an online communication. Therefore, exposing the linguistic behaviour of radical discourse, including fatwas, texts, videos, audio, etc. is essential to expose and prevent an imminent or potential criminal act. Indeed, counter terrorism measures are interested in language use.[110] A report published by the Office of the Inspector General, United States of America, (2004) says,

After the terrorist attacks of September 11, 2001, the FBI Director stated that the FBI needed to change from an agency primarily focused on investigating crime to one whose primary focus is the prevention of future terrorist attacks. The FBI's change in focus shifted agent investigative resources to counterterrorism and counterintelligence programs heavily dependent upon electronic surveillance collection.[111]

Linguists assist the FBI for terrorism cases, according to the Federal Bureau of Investigation website, which states that

Since 9/11, we have had a huge influx of linguists, increasing our capability in all languages by 77 percent. And we'll be hiring hundreds

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[108] Terrorism Act 2006 (UK).

[109] David Cameron, 'Government Response to the Intelligence and Security Committee of Parliament Report on the Intelligence Relating to the Murder of Fusilier Lee Rigby' (25 November 2014) <https://www.gov.uk/government/speeches/pm-commons-statement-intelligence-and-security-committee-report-on-fusilier-lee-rigby> accessed 17 August 2015.

[110] Claire Brierley and Eric Atwell, 'Text Analytics for Detecting Terrorist Activities: Making Sense' (International Crime and Intelligence Analysis Conference, Manchester, 2011).

[111] Office of the Inspector General, 'The Federal Bureau of Investigation's Foreign Language Program -- Translation of Counterterrorism and Counterintelligence Foreign Language Material' (Report No. 04-25, July 2004, Office of the Inspector General)< http://www.justice.gov/oig/reports/FBI/a0425/> accessed 17 August 2015.

more over the next several years...Another post-9/11 note: we have increased our language capability in Arabic by 310 percent among linguists and 90 percent among agents.[112]

Thus, it can be argued that language use has a major role in legal discourse, whether to express the intention of the legislators, to change status or to detect criminal acts. The clash between legal and radical discourse comes into play in order to combat terrorism, or to detect plots of terror attacks. All in all, the aim of legal discourse is not exclusive to fighting radical discourse *per se*, but rather to establishing the criminal liability of certain acts, and terrorism is one of the acts that are categorised as criminal acts in legal discourse. This section has explained the main features of legal language and discourse in general. The next chapter, however, will explain the performative of "*jihad"* in legal discourse, namely Islamic international law.

Legal discourse is an example of a professional discourse, as understanding a legal text requires pre-legal knowledge.[113] Gunnarsson conducted a study that tests a sample in their ability to read a legal text, namely the Swedish act of Parliament, the Joint Regulation Act.[114] The subjects of the act – those addressed by it – constituted the sample used by Gunnarsson for the study. The sample of the study involved three groups: law students (the law group), trainees at a vocational centre for the unemployed (the EMP group), and some participants of two courses arranged by the central trade union organisation (the TU group). The study tested the ability of the groups to read the original legal text; then, they were provided with an alternative text, written in simple language. When the three groups were given the original legal text, and then asked some legal questions, the law student group scored the highest percentage of correct responses, 71.7%, in comparison to the TU group, which scored 37.2%, while the EMP group scored 29.2%.[115] Meanwhile, when the same groups were given the alternative text of the Act written in simple language, the law student group also scored the highest in

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[112] The FBI, 'More Than Talk All About FBI Linguists' <http://www.fbi.gov/news/stories/2008/july/linguists_072908> accessed 01 June 2015.
[113] Britt-Louise Gunnarsson, *Professional Discourse* (1st edn, Continuum International Publishing Group 2009).
[114] ibid.
[115] ibid 116.

comparison to the other two groups, 79.4%. Meanwhile, the TU group scored 43%, and the EMP group 40.2%.[116] This study shows that members of legal discourse as a professional discourse share the same knowledge about the illocutionary and the perlocutionary effect of legal language, that enables them to read, understand and interpret legal texts. Bix says, 'When language is used to guide and co-ordinate behaviour, the problems of interpretation and meaning will necessarily be different from those that accompany language *qua* method of expressing one's thoughts or *qua* method of communication between persons'.[117] It also demonstrates that speaking the same language as the discourse members of legal discourse is not sufficient for others to be involved with the discourse members.

Concepts that occur in legal language adopt the nature of the legal discourse,[118] and that is because meaning is 'the product of linguistic activity in a specific context'.[119] Although it is acceptable for ordinary language to develop its performative, this is not particularly true for legal language. Ordinary language allows words to develop different meanings without restrictions, as there is no fixed meaning or use for words.[120] Instead, words can replace and exchange with each other if they have the same value.[121] Meanwhile, Yoos says that 'what is important in developing a realistic perception of language change is to acknowledge that the meaning of words are always contemporary and that what words mean is always open to change'.[122] The word "green", for example, not only refers to a colour, but is also used to refer to the natural environment, or to a political party. Similarly, the word "web" not only means a spider's web, but also refers to the Internet. Terrorism has also changed its meaning; according to Jackson, the word terrorism is used to describe violence that is used by a state against its own people, such as the terror of

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[116] ibid 117.

[117] ibid.

[118] Brian Bix, 'H. L. A. Hart and the "Open Texture" of Language' (1991) 10 Law and Philosophy 51.

[119] Johannes Angermuller, Dominique Maingueneau and Ruth Wodak (eds), *The Discourse Studies Reader Main currents in theory and analysis* (John Benjamins Publishing Company 2014) 17.

[120] For example, it is common for some Arabic speakers (in ordinary language context) to use the French word" *rouge"* (red) to refer to a lipstick that is not necessarily red. Although the use of the Arabic speaker of "*rouge*" does not reflect the colour of the referent (the lipstick), the term *"rouge"* is nonetheless adequate to deliver the meaning for that particular context and speaker.

[121] ibid.

[122] George E. Yoos, *Politics & Rhetoric: Coming to Terms with Terms* (1st edn, Palgrave Macmillan 2009) 97.

the French Revolution. However, the current use of terrorism is to denote groups' or individuals' involvement in violent activity.[123]

It should be noted that there are some official bodies known as language regulators or language academies, such as the Académie française[124], which have the authority to recommend the correct use of a particular language, but these are just recommendations regarding proper language use and these bodies have no legal power to enforce a proper use of language.[125] Ordinary language is not normative[126]; it nonetheless adopts the nature of the discourse that uses it, 'The legal perspective entails attitudes and norms regarding what is legally acceptable, what is right and wrong, etc.'.[127] As a result, once ordinary language enters the territory of legal discourse, it adopts the nature of legal language and becomes normative and authoritative.

Legal language is normative, because legal discourse specifies conditions for a successful illocutionary and perlocutionary performatives.[128] Although improper use of language may not be punished by legal discourse, but the use of language may sometimes constitute a crime, such as a note of threat to kill or radical discourse, which glorifies or motivates violence, as explained previously, or invalidate an act, such as a judge pronouncing a person guilty while he/she is off duty. Legal language not only communicates meanings and intentions, but also expresses rights, duties, and legal liability for certain acts.

Moreover, legal discourse has a performative nature, as Austin states: 'the issuing of the utterance is the performing of an action'.[129] The performativity of legal

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[123] Richard Jackson, *Writing the War on Terrorism: Language, Politics, and Counter-Terrorism* (Manchester University Press 2005).

[124] Académie française, 'Homepage' (2015) <http://www.academie-francaise.fr/> accessed 01 June 2015.

[125] Bernard Spolsky, 'Language Academies and Other Language Management Agencies' (2011) 10 Language Policy 285.

[126] Correct or wrong way of using language.

[127] Britt-Louise Gunnarsson, *Professional Discourse* (1st edn, Continuum International Publishing Group 2009) 18.

[128] Brian Bix, 'H. L. A. Hart and the "Open Texture" of Language' (1991) 10 Law and Philosophy 51.

[129] John L. Austin, *How to do things with words* (J. O. Urmson, Marina Sbisà eds, 2nd edn, Harvard University Press 1975) 6.

discourse consists of: 1) the illocutionary effect is represented in the regulations confessing legal norms and the consequences of complying or not complying with the law; 2) the perlocutionary effect is represented in the punishment and in legal judgements applying legal norms.

In addition to this, whatever is communicated in the context of legal discourse is assumed to communicate the truth (or, as Searle and Austin calls it, a serious utterance). It may be argued that legal discourse evaluates the truth of the discourse communicated within a legal context. This is well represented in cautioning the person who is under arrest about their 'sayings'; according to the Police and Criminal Evidence Act 1984 (PACE), code C under section 10.5/(b), a person who is arrested must be cautioned with the following statement: 'You do not have to say anything. But it may harm your defence if you do not mention when questioned something which you later rely on in Court. Anything you do say may be given in evidence'.[130] Thus, it can be argued that legal discourse eliminates non-serious utterances, for example, joking, lying or acting, as has been noted by Bix:

> In the context of a moral or legal imperative, it is important to know the limits of a term's application, because it is important to know whether an action is included or excluded from a prohibition or authorization.[131]

The meanings of legal concepts are dependent on the intention of the legislator. According to Kwarciński, legal discourse,

> [C]onsists of contextualized utterances (text) that serve a certain primary communicative purpose. This purpose corresponds to the author's perlocutionary intention to change the legal situation – as intention manifested in the text and reflected in the illocutionary force of its component utterances.[132]

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[130] Police and Criminal Evidence Act 1984 .

[131] Brian Bix, 'H. L. A. Hart and the "Open Texture" of Language' (1991) 10 Law and Philosophy 51.

[132] Wojciech Kwarciński, 'What is legal discourse: A pragmatic account' (2015) <http://wa.amu.edu.pl/plm_old/2003/abs_kwarcinski.htm> accessed 01 June 2015.

In the case of an ambiguous legal text or rule, jurists look for the legislator's intention in order to interpret the legal text or rule. The introductory chapter of legislation or an Act usually determines the illocutionary and the perlocutionary effects of legal terms and concepts before introducing the legal rules. In other words, the introductory chapters of legislation or a law allocate the performatives of key terms in legislation or an Act.[133] The Terrorism Act 2006, for example, determines the meaning of concepts that appear in the context of this act. Hence, the use of "publication", according to the Terrorism Act 2006, chapter 11 part 1, section 2 (13) on the dissemination of terrorist publications, is determined as follows:

> "publication" means an article or record of any description that
> contains any of the following, or any combination of them—
> (a) matter to be read;
> (b) matter to be listened to;
> (c) matter to be looked at or watched.[134]

Thus, the Terrorism Act has determined the illocutionary effect of the term "publication" to correspond with the legislator's intention to prohibit the dissemination of terrorist material in any form.

The normativity and authoritative nature of the perlocutionary effect legal language and rules are intertwined; that is, the language and the legal rules are normative in terms of expressing specific ways of doing things in order to be valid legally, such as transactions, and contracts.[135] Legal language is authoritative in

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[133] However, it has been argued that legal rules are not normative. For example, Guest argues that legal rules are not normative; instead, he thinks that legal rules are similar to moral rules. Guest does not seem to consider punishments in legal rules to be an indication of its normativity, as he says that 'they do not say 'If a man steals, he shall be (or ought to be) punished''. Guest goes further to explain that legal rules 'enact that if he does a certain act or acts 'he shall be guilty of an offence', or 'he shall be liable to a term of imprisonment not exceeding three months''. So, according to Guest, punishment in legal rules is nothing but a declaration of the conditions related to when a legal rule is supposed to be applied. It seems that Guest does not distinguish between the normativity and the authoritative nature of the perlocutionary effect of legal rules. A. G. Guest, 'Logic in the Law' in A G Guest (ed), *Oxford Essays in Jurisprudence* (Oxford University Press 1961) 185.
[134] The Terrorism Act 2006 (UK).
[135] ibid.

terms of subjecting the person or the offender to punishment (perlocutionary effect of not complying with the legal rules). As Hart explains,

> The criminal law is something which we either obey or disobey and what its rules require is spoken of as a 'duty'. If we disobey we are said to 'break' the law and what we have done is legally 'wrong', a 'breach of duty', or an 'offence'. The social function which a criminal statute performs is that of setting up and defining certain kinds of conduct as something to be avoided or done by those to whom it applies, irrespective of their wishes. The punishment or 'sanction' which is attached by the law to breaches or violations of the criminal law (whatever other purpose punishment may serve) intended to provide one motive for abstaining from these activities.[136]

Otherwise, what makes the language that is uttered in a courtroom as part of an acting performance different from what is uttered in the same courtroom as part of a real trial? Even if the performance involved uttering the same legal discourse as the one used in the real trial, the legal discourse does not perform its legal performative.

It should be noted that legal language is not only limited to legal rules expressed in texts, as Guest seems to suggest. In fact, the judge's sentence is also a form of legal language in which, if the legal language is similar to moral rules, the punishment and the judge's sentence cannot be enforced. In contrast to legal rules, a person who does not follow a moral rule will not be punished or liable for an offence, but the person may receive social criticism.[137] An example would be giving up seats on public transportation to less able persons: the absence of punishment makes it a moral rule that shows the courtesy of a person (no specific perlocutionary effect). Thus, it can be argued that punishment is an important perlocutionary effect of legal language and discourse,[138] as it is a factor that not only distinguishes a legal rule from a moral one, but also transforms a moral rule into a legal one, such as

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[136] ibid 27.
[137] Brian Bix, 'H. L. A. Hart and the "Open Texture" of Language' (1991) 10 Law and Philosophy 51.
[138] ibid.

imposing fines for smoking in a non-smoking zone or parking a car in a disabled parking space. Legal rules are also expected to be obeyed, yet the disobedience of legal rule results in an official consequence that is implemented by official bodies that may affect the person directly (punishment as imprisonment) or indirectly (for example, the individual has to pay a fine).

Arguing that legal language is different from ordinary language is not to suggest that the two are separate languages, codes or signs. In fact, legal language uses ordinary language; however, as explained previously, it is a particular way of using ordinary language that gives ordinary language a different performative when used in legal discourse. In order to show the different performatives of a concept and how the performative of a concept in ordinary language is different from its performative in a legal context, it is worth looking at 'guilty' as example of common concept between legal and ordinary language.

6. The Difference between the Performative of "Guilty" in Legal and Ordinary Language

"Guilty" is a common word that is shared between legal and ordinary language. "Guilty" has a different performative in legal discourse in that it differs from its performativity in ordinary language from three perspectives: first, definition; second, regarding the circumstances surrounding the utterance in order to perform a legal effect (illocutionary effect); and finally, the perlocutionary effect produced by the utterance of "guilty" in a legal context is different from the effect produced in ordinary language. According to the Oxford English Dictionary, "guilty", if uttered in ordinary language, is

> A feeling of having committed wrong or failed in an obligation: '*he remembered with sudden guilt the letter from his mother that he had not yet read*'.[139]

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[139] Oxford Dictionaries, '*guilty*' <http://www.oxforddictionaries.com/us/definition/american_english/guilt> accessed 17 August 2015.

On the other hand, according to Oxford's A Dictionary of Law, "guilty" is

1. An admission in court by an accused person that he has committed the offence with which he is charged. If there is more than one charge he may plead guilty to some and not guilty to others.
2. A verdict finding that the accused has committed the offence of which he can be convicted on the basis of evidence in the case.[140]

"Guilty" in legal discourse implies the wrongdoing of the convicted that brought him/her before the law, and the decision of guilt is supported with evidence, not feelings. Thus, the dynamics of the trial are entirely based on bringing sufficient evidence to prove the accused's guilt or innocence. Hence, the court seems to pronounce guilt on the accused, who may or may not feel internally guilty. Thus, guilt in legal discourse is externally imposed by the court, unlike ordinary language, in which the individual professes or admits guilt by him/herself.

In order for the term "guilty" to perform its illocutionary and perlocutionary effects in ordinary language, the individual has to realise their own wrongdoing (illocutionary effect). As a consequence of the emotion of guilt, the individual will change their behaviour if their feelings were genuine (perlocutionary effect).[141]

However, in order for the pronouncement of "guilty" to perform its legal effect, it has to be uttered in compliance with certain conditions; otherwise, the utterance alone is not sufficient to produce a legal effect. A successful utterance of "guilty" in legal discourse has to be in accordance with the conditions or procedures described in a given law. Otherwise, the utterance of "guilty" will fail in producing a perlocutionary effect. Strawson recognises this, stating 'Thus the fact that the word "guilty" is pronounced by the foreman of the jury in court at the proper moment constitutes his utterance as the act of bringing in a verdict; and that this is so is

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[140] Elizabith A. Martin and Jonathan Law (eds) *Oxford Dictionary of Law* (sixth edn, Oxford University Press 2006).
[141] James Loxley, *Performativity* (Routledge 2007) 52.

certainly a matter of the conventional procedures of the law'.[142] Thus, if the judge/jury were off duty outside the courtroom, their utterance of the word "guilty" will not perform perlocutionary effect, as would be the case if the judge made a pronouncement of the word 'guilty' before the trial began, or if the judge uttered 'guilty' outside the courtroom and off duty.

The illocutionary act of the judge/jury's utterance of "guilty" involve declaring that the accused is guilty, while the perlocutionary effect resembles changing the 'emotional states and behaviour of many of the people in court'.[143] Yet, the perlocutionary act of 'guilty' is the legal performative that happens after the utterance as the pronouncement of guilt establishes the right to appeal for the convicted, according to section 108/ (1) of the Magistrates' Courts Act 1980 on the right of appeal to the Crown Court:

> (1) A person convicted by a magistrates' court may appeal to the
> Crown Court—
>
>> (a) if he pleaded guilty, against his sentence;
>
>> (b) if he did not, against the conviction or sentence.[144]

The right to appeal is one of the perlocutionary effects of uttering 'guilty' in a legal context. However, the legal effect is valid for a certain period of time. For example, the criminal procedure rules part 68.2. (b) state regarding the service of an appeal notice:

> (1) The general rule is that an appellant must serve an appeal
> notice—
>> (a) on the Crown Court officer at the Crown Court centre where
> there occurred—
>>> (i) the conviction, verdict, or finding,

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[142] P. F. Strawson,'Intention and Convention in Speech Acts' (1964) 73 The Philosophical Review 439, 443.
[143] ibid 18.
[144] Magistrates' Courts Act 1980 (UK).

(ii) the sentence, or

 (iii) the order, or the failure to make an order about which

the appellant wants to appeal; and

(b) not more than—

(i) 28 days after that occurred, or

(ii) 21 days after the order, in a case in which the appellant

appeals against a wasted or third party costs order. [145]

It may be argued that the perlocutionary effect of "guilty" in legal discourse is limited by time, in which, for example, the right to appeal ends after certain time specified by the law. This is not necessarily the case of "guilty" in ordinary situations in that there is no fixed time for the person to feel guilty.

The language use of both legal and radical discourse appear similar, however they perform different illocutionary and perlocutionary effects. There are considerable differences between legal and radical discourses that can be seen from two points of view. The first is the reflexivity between language use and the actions of the discourse members. There is a clear difference between what the radical discourse members do and what they claim to be doing. For example, in a terrorists may claim to "defend" other Muslims, however, neither the victim nor the perpetrators are in an open conflict.[146] For example, in the Woolwich terrorist attack in London 2013, Adebolajo and Adebowale were not in direct conflict with the victim Lee Rigby, and not even in direct relations with the Muslims who they were claiming to be defending. Therefore, Weinberg comments,

[T]he direct targets of violence are not the main targets. The immediate human victims of violence are generally chosen randomly (targets of

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[145] The Criminal Procedure Rules 2013 (UK).
[146] Alex P. Schmid and Albert J. Jongman, *Political Terrorism: A New Guide to Actors, Authors, Concepts, Data Bases, Theories, and Literature* (2nd edn, North-Holland Publishing 1988).

opportunity) or selectively (representative or symbolic targets) from a target population, and serve as message generators.[147]

Secondly, the authority in radical discourse is a personal authority; van Leeuwen defines personal authority as when 'legitimate authority is vested in a person because of their status or role in a particular institution'.[148] This is because the predominant authorities in radical discourse seem to be Bin Laden, Qutb, Zawahiri,[149] Mawdudi, and Abdullah Azzam, who influence individuals and groups alike,[150] while the authority in legal discourse is vested in the judicial system.

7. Conclusion

It has been explained that terrorism is a result of the clash between legal and radical discourse over the legitimacy of the use of force. Accordingly, terrorism is a successful perlocutionary effect produced by radical discourse. Misrepresentation is the inappropriate or mistaken domination of a definition of a concept from one field of a discourse in another field of a discourse, for example, in misrepresented discourse the definition of the concept "surgery" dominates the definition of "murder" in describing a murder, or the misrepresentation of *jihad*. This chapter has explained that despite the misrepresentation of a legal concept, legal language does not perform its illocutionary or perlocutionary effect if removed from legal discourse.

It has also been found that legal discourse recognises the performatives of radical discourse, for using legal argumentation as a technique to legitimise the use of force; therefore, the incitement and dissemination of radical discourse constitute a

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[147] Leonard Weinberg, Ami Pedahzur and Sivan Hirsch-hoefler, 'The Challanges of Conceptualizing Terrorism' (2004) 16 Terrorism and Political Violence 777, 780.

[148] Theo van Leeuwen, 'Legitimation in Discourse and Communication' (2007) 1 Discourse & Communication 91, 94.

[149] Heather S. Gregg, 'Fighting the Jihad of the Pen: Countering Revolutionary Islam's Ideology' (2010) 22 Terrorism and Political Violence 292.

[150] Quintan Wiktorowicz, 'A genealogy of Radical Islam' (2005) 28 Studies in Conflict & Terrorism 75.

criminal offence. For example, it has been found that "*jihad*" does not have its legal effect in radical discourse, despite its representation in radical discourse as legal, and this is due to the fact that legal language loses its legal performative once removed from legal discourse. "*Jihad*" in radical discourse adopts the nature of radical discourse as instrumental. As has been explained, the purpose of using "*jihad*" in radical discourse is to change perceptions and emotions regarding the use of force and violence against others. It has been found that "*jihad*" in radical discourse seems to give legal assurance to the perpetrators of terrorism that their act is legal. It can be summarised that radical discourse uses religious legal concepts to achieve empathy and moral evaluation of the acts.

This chapter has drawn a distinction between the legal performative of a concept in legal discourse and the performative of the same concept once removed from legal discourse. This has been done by examining the performatives of "guilty" in legal and ordinary language.

In regard to the word "guilty", on the one hand in ordinary language it represents emotion. On the other hand, "guilty" that is uttered by the judge or the jury at a court is a legal use of the word, which does not represent the judge/jury's emotions. Instead, the utterance of "guilty" in a legal context has a legal performative, as it suggests the probability that the convicted person might be subject to a punishment, which could be life imprisonment, or even capital punishment.[151] Thus, it may be argued that the same concept can have different performatives, depending on the discourse.

The next chapter will explain the performative of "*jihad*" as a legal concept in Islamic international law, and the conditions for "*jihad*" to produce its legal effect. On the other hand, the next chapter will argue that terrorism is the illegitimate use of force by non-state actors or individuals. This act is criminalised in Islamic criminal law under two *hudud* offences - *hirabah* (unlawful warfare) and *baghi* (unjustified rebellion).

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[151] Robert Cover, 'Violence and the Word' in Martha Minow, Michael Ryan and Austin Sarat (eds), *Narrative, Violence, and the Law : the Essays of Robert Cover* (University of Michigan Press 1993).

Chapter 3

The Performative of "*Jihad*" in Islamic International Law: Drawing a Line between *Jihad* and Terrorism

'There are some words that scare people. Jihad is one of them'

Maxime Rodinson [*]

1. Introduction

Legal discourse is a professional discourse that uses ordinary language in a particular way, so that language takes on a legal performative. Legal discourse has a normative and authoritative perlocutionary and illocutionary effects. Legal language therefore loses its legal performative once removed from legal discourse. In addition to this, punishment is one of the perlocutionary effects of legal discourse insofar as failure to implement or to comply with a legal ruling will have legal consequences.

On the other hand, it has been explained that legal language that occurs in radical discourse has an instrumental performative. It is used as a covert language to legitimise the use of force, and to change the emotions around and perceptions of the acts committed.

This chapter, however, aims to explain the performative of "*jihad*" in legal discourse, namely Islamic international law from a Sunni perspective. It will be argued that "*jihad"* is a legal concept in Islamic international law, which regulates the use of force in an exceptional case that legitimises it. Due to the fact that Islamic international law is a legal and professional discourse, this chapter will examine Islamic criminal law so as to find a legal response to the abuse of the rules of *jihad*.

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[*] As cited in Paul Fregosi, *Jihad in the West: Muslim Conquest From the 7th to the 21st Centuries* (Prometheus Books 1998), 22.

On this basis, the present chapter is divided into three sections. The first section explains *jihad* in Islamic international law. This section will define *jihad* as a legitimate use of force that is practised only by the Islamic state against aggression. It will also explain the *dar al-harb* (the territory of war) and *dar al-Islam* (the territory of peace) as these two concepts are important in Islamic international law discourse that is mostly confused with the notion that *jihad* is about waging war against non-Muslims.

The second section of this chapter will provide a brief general introduction to Islamic criminal law. In this section, the reader will be able to identify Islamic criminal law as a professional legal discourse that is achieved by explaining the limits of human articulation of Islamic criminal law, as determined by the clarity of the legal texts.

The third section of this chapter will explain terrorism offences in Islamic criminal law. Terrorism offences establish the criminal liability of acts of the use of force that are in breach of the rules of *jihad*. Islamic criminal law punishes terrorism under two *hudud* offences: *hirabah* (unlawful warfare) and *baghi* (unjustified rebellion).

For the purposes of representing the Islamic legal stance towards terrorism, this chapter adopts the definition of terrorism as established in the Convention of the Organization of Islamic Conference (OIC) on Combating International Terrorism, and the Fiqh Academy, resolution 154 (17/3) 2006. This chapter will provide two cases from the Saudi court in order to demonstrate how *hirabah* is applied to establish criminal liability for terrorism and other criminal conducts. Moreover, to demonstrate the legal opinion of jurists dealing with legal challenges around applying *hirabah* and *baghi*, examples are given of fatwas issued in the cases of the Riyadh bombing in 1995 (Saudi Arabia), the attack on the Holy Mosque in Makkah in 1979, and the fatwa that was issued to respond militarily in the Gulf War in 1991.

2. *Jihad* in Islamic and International Law

Islamic international law is a legal discourse that uses the Arabic language to communicate legal rules for topics of war, peace, treaties, international relations and the treatment of prisoners. These rules are mainly expressed in the Qur'an.[152] Islamic international law as a professional discourse addresses the Islamic polity, and the head of the Islamic polity, its military and its soldiers.

Islamic legal discourse is mainly expressed in the Qur'an and certain other sources, such as the Sunna. In order to read the Qur'anic texts as legal discourse, it is necessary to adopt legal methods so as to ascertain the topic of the legal text, the addressees and when and how to apply the rules. This chapter seeks to view *jihad* in terms of the addressees of the rule, and when, how and why *jihad* is carried out, as well as the legal opinion on the use of force practised by individuals and non-state actors.

Islamic international law is a significant part of terrorism scholarship, as Schwartz has commented, 'An informed conception of international terrorism **will** not be complete until the *Shari'ah* is included in the analysis'.[153] Islamic international law has been under intensive analysis and scrutiny. Current debates vary in this regard; some believe that Islamic international law has failed to maintain peaceful relations with other states; for example, An-Na'im considers that there is tension and conflict between *shari'ah* and modern international law[154] due to the fact that Islamic international law permits the use of force under the rules of *jihad*.

Others, however, are concerned with the nature of Islamic law; the fact that Islamic law is regarded by Muslims as divine has raised fear, especially with regard to

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[152] Rudolph Peters, *Crime and Punishment in Islamic Law Theory and Practice from the Sixteenth to the Twenty-First Century* (Cambridge University Press 2005).

[153] David Aaron Schwartz, 'International Terrorism and Islamic Law' (1991) 29 Columbia Journal of Transnational Law 629, 630.

[154] Abdullahi Ahmed An-Na'im, 'Islamic Ambivalence to Political Violence: Islamic Law and International Terrorism' (1988) 31 German Year Book for International Law 307.

Muslim perpetrators of terrorism, who seem not only willing to die but also to inhumanely attack people. Silverman expresses such a concern in regard to the attackers of the World Trade Centre in the USA in 2001, as he states, 'The Islamic identities of the hijackers, an identity based in a unique and peculiar interpretation of Islam not shared by the majority of Muslims, was so powerful that it allowed them to go willingly to their deaths'.[155] Furthermore, others express concern about the inseparable relationship between Islam and politics, as this seems to cause the inclination for some Muslims to terrorism, as argued by An-Na'im:

> Historical Islamic religious values and legal norms seem to have a greater impact on the current attitudes and practices of Muslims than appears to be the case with other historical religious and cultural traditions. To the extent that this is true, it would be useful to work with Islamic sources and arguments in order to repudiate the basis of political legitimacy and psychological motivation for political violence and terrorism in the Muslim context.[156]

On the other hand, some views do not seem to be threatened by the divine nature of Islamic international law; instead, the inseparable nature of law and religion in Islam seems to strengthen legal rules. Subjects of Islamic international law are legally and morally obligated to respect its rules.[157] In fact, it has been argued that this feature of Islamic law, and especially Islamic international law, is able to create a neutral atmosphere in which the state's interests cannot influence the rules of international law. This is because Islamic law is divine, such that all states are obliged to follow the same legal and moral rules, and so no state is above Islamic international law if it has chosen Islamic law as its legal system.

Arguably, the purpose of studying Islamic international law in terrorism scholarship is to establish an understanding of perpetrators of terrorism from a

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[155] Adam L. Silverman, 'Just War, Jihad, and Terrorism: A Comparison of Western and Islamic Norms for the Use of Political Violence' (2002) 44 Journal of Church and State 73, 73-74.
[156] Abdullahi Ahmed An-Na'im, 'Islamic Ambivalence to Political Violence: Islamic Law and International Terrorism' (1988) 31 German Year Book for International Law 307, 307.
[157] Rudolph Peters, *Crime and Punishment in Islamic Law Theory and Practice from the Sixteenth to the Twenty-First Century* (Cambridge University Press 2005) 142.

Muslim belief. This approach is problematic, because the opinions and the interpretations of radical Muslims, rather than classical sources, are what have been taken into consideration as a reference point in understanding Islamic law. Common areas of study, such as the Islamic laws of war, rules of *jihad*, and the treatment of non-Muslim individuals and polities have been investigated at length in order to explain terrorists' behaviour, yet not to condemn the criminal act, or at least to establish a counter ideology from an Islamic perspective.

a. *Jihad* (the Legitimate Use of Force)

Jihad has several variants and meanings depending on the context and the tense, as is the case with many other words in the Arabic language.[158]

There are 30 verses in the Qur'an on *jihad*; some identify these verses as the 'sword verses'.[159] The term *jihad* takes 15 linguistic variants in the Qur'an; 6 verses of *jihad* were revealed in Makkah, whereas 24 were revealed in Madinah.[160] As explained previously, the verses that were revealed in Madinah established *jihad* as a legal rule in Islamic international law.

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[158] This chapter focuses on the legal definition of *jihad*. However, linguistically *juhd*, the root of the word *jihad*, refers to the effort made and means to make extra effort when doing something; for example, students make an extra effort to get good grades and whoever makes an effort is a *mujahid* (a person engaged in *jihad*). Meanwhile, *jahada* (the verb in past tense) is used in this context to indicate that a person struggled to do/achieve/get/overcome something. For example, a person might struggle to overcome disability or addiction or make an effort to learn a new skill. *Jihad* refers to the struggle itself (the action). *Juhd, mujahid, jahad,* and *jihad* have no negative meaning for Arabic speakers, because *jihad* is the opposite concept of laziness in English, as *jihad* in general means 'exerting the best efforts against something'. Louay Fatoohi, *Jihad in the Quran: The Truth from the Source* (3rd edn, Luna Plena Publishing 2009), 23.

[159] Rudolph Peters, *Crime and Punishment in Islamic Law Theory and Practice from the Sixteenth to the Twenty-First Century* (Cambridge University Press 2005).

[160] Louay Fatoohi, *Jihad in the Quran: The Truth from the Source* (3rd edn, Luna Plena Publishing 2009).

The verses in the Qur'an that regulate *jihad* make reference not only to the use of force, but also situations of fighting the aggressor, preparations for war, and verses that are aimed at raising the morale of Muslims. For example, the Qur'an says,

> Make ready for them all thou canst of (armed) force and of horses tethered, that thereby ye may dismay the enemy of Allah and your enemy, and others beside them whom ye know not. Allah knoweth them. Whatsoever ye spend in the way of Allah it will be repaid to you in full, and ye will not be wronged.[161]

And says:

> Except those who seek refuge with a people between whom and you there is a covenant, or (those who) come unto you because their hearts forbid them to make war on you or make war on their own folk. Had Allah willed He could have given them power over you so that assuredly they would have fought you. So, if they hold aloof from you and wage not war against you and offer you peace, Allah alloweth you no way against them. Ye will find others who desire that they should have security from you, and security from their own folk. So often as they are returned to hostility they are plunged therein. If they keep not aloof from you nor offer you peace nor hold their hands, then take them and kill them wherever ye find them. Against such We have given you clear warrant.[162]

These verses declare the rules of war that address specifically and publicly the subjects of these rules: the head of the Islamic state, the military and the soldiers. Taking into consideration that these texts are legal texts, these rules must not be separated from each other.[163] As Gunnarsson says, 'the *content base* of a law can be described as a collection of rules, each rule consisting of a condition part, which outlines a *framework situation* for the sphere of application of the rule, and a

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[161] Qur'an *Surah Al-Anfal* 8:60.
[162] Qur'an *Surah An-Nisa* 4:90.
[163] Louay Fatoohi, *Jihad in the Quran: The Truth from the Source* (3rd edn, Luna Plena Publishing 2009).

directive element stating the obligation it imposes'.[164] So, understanding the rules of *jihad* cannot be achieved if separated from the other rules regarding the laws of war.

In the light of what has been previously stated in regard to the legal performativity of *jihad* in Islamic international law, it can be argued that rules of the use of force under the rules of *jihad* do not violate the UN Charter, which prohibits the use of force permitting it only for self-defence in accordance with the conditions provided in Chapter VII UN.[165] It can be argued that the general rule in Islamic international law concerning the use of force is to end aggression against the Islamic state or its allies (by a treaty), and for the sake of Allah, as in *jihad*.

Although the definition of "*jihad*" does not imply violence, it seems that *jihad* has an undeniably negative perception in the West,[166] as *jihad* seems to be understood as the use of force against non-Muslims, despite the emphasise on the unjustified association between *jihad* and violence.[167] Fatoohi explains that *jihad* is,

> *[M]ore than just fighting.* Going to war means coping with the fear of getting killed or seriously injured, overcoming concerns over the family

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[164] Britt-Louise Gunnarsson, *Professional Discourse* (1st edn, Continuum International Publishing Group 2009)107.

[165] Ministry of Defence, *Joint Doctrine Publication 0-01: UK Defence Doctrine* (5th edn, The Development, Concepts and Doctrine Centre 2014).

[166] The negative views about *jihad* were tested in France when a mother sent her son called *Jihad* to his nursery wearing a t-shirt which said '*Jihad*, born September 11, I am a bomb'. This case, in my opinion, confirmed stereotypes about *jihad*. Firstly, the toddler's name was *Jihad*, a common name in the Middle East, especially North African countries, and he was born on September 11, which was outside his choice. In fact, there are many people worldwide who share the same birth date from different generations. Secondly, in modern Arabic slang, "bomb", specifically for males, is an indication that a person is good looking (similarly to English slang); the female equivalent is "rocket". If the intention of this lady was to glorify terrorism, she would have named her child Osama, and the t-shirt should have stated something similar to 'I am Osama, born on September 11, I am a bomb'. Le Monde, 'Prison en appel pour avoir laissé un enfant porter un t-shirt "Jihad"'(20 September 2013) <http://www.lemonde.fr/societe/article/2013/09/20/jihad-sur-un-tee-shirt-d-enfant-la-mere-et-l-oncle-condamnes-en-appel_3481523_3224.html> accessed 29 October 2013.

[167] There is a public education campaign in the USA called 'My Jihad', which aims to give *jihad* positive associations. The campaign website is My Jihad, 'Homepage' (2015) <http://myjihad.org/> accessed 1 June 2015.

and property that the fighter leaves behind, losing earnings for being out of work during that time and all such testing sacrifices.[168]

Fatoohi explains further that donating money is a form of *jihad* in terms of resisting one's desire, selfishness, and evil drive.[169] Thus, it may be argued that the use of force is one amongst many forms of *jihad*, and not the only form.

Jihad in the context of Islamic international law denotes a set of legal rules that deal with the temporary permission for the Islamic state as an international polity to use force against armed aggression.[170] This permission terminates once the external aggression ends.[171] The permission of *jihad* was revealed in Madinah, in a verse of the Qur'an, which states:

> Sanction (to fight) is given unto those who fight because they have been wronged; and Allah is indeed Able to give them victory; Those who have been driven from their homes unjustly only because they said: Our Lord is Allah - For had it not been for Allah's repelling some men by means of others, cloisters and churches and oratories and mosques, wherein the name of Allah is oft mentioned, would assuredly have been pulled down. Verily Allah helpeth one who helpeth Him. Lo! Allah is Strong, Almighty.[172]

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[168] Louay Fatoohi, *Jihad in the Quran: The Truth from the Source* (3rd edn, Luna Plena Publishing 2009)26.

[169] ibid.

[170] Michael Bonner, *Jihad in Islamic History: Doctrines and Practice* (Princeton University Press 2006).

[171] Louay Fatoohi, *Jihad in the Quran: The Truth from the Source* (3rd edn, Luna Plena Publishing 2009).

[172] Qur'an *Surah Al-Hajj* 22: 38,39,40.

The verse was revealed in the second year after Muslims had immigrated to Madinah from Makkah (14 years after the revelation of the Qur'an began).[173] The permission of *jihad* came after twelve years of revelation of Islam in Makkah, despite the fact that Muslims were under prosecution and torture by the Makkans (Quraysh tribe).[174] Yet, Muslims were not permitted to use force against this aggression but, rather, they were instructed to migrate to Abyssinia in 614 CE under the protection of the Christian king,[175] and then to migrate to Madinah in 622 CE where the permission for self-defence was granted.[176] This has led some to argue that there are two forms of *jihad*: peaceful and armed. It has been argued that the Muslims' relations with the Makkans demonstrate the peaceful *jihad* (including the other forms of *jihad*, except the use of force), whereas the armed *jihad* is the one that took place in Madinah. Fatoohi argues that peaceful *jihad* is permanent, while *jihad* in the form of the use of force is temporary.[177] Moreover, Amin seems to be in agreement with Fatoohi in explaining that Muslims in Makkah were prohibited from using force against aggression:

> Although persecution of the nascent Muslim community in Makkah continued for over ten years, and fundamentally threatened its well-being, Muslims were ordered not to fight, even in retaliation. This clearly indicates that the Makkan period, as far as the Quran concerned, was marked by non-violence and non-aggression from the early Muslim community.[178]

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[173] Louay Fatoohi, *Jihad in the Quran: The Truth from the Source* (3rd edn, Luna Plena Publishing 2009).
[174] ibid.
[175] ibid 13.
[176] ibid 14.
[177] ibid 24.
[178] Elsayed M. A. Amin, *Reclaiming Jihad: A Qur'anic Critique of Terrorism* (The Islamic Foundation 2014) 85.

Others, however, argue that *jihad* was temporarily suspended in Makkah and that the Prophet assessed the situation, and chose the form of *jihad* that was most suitable under the circumstances.[179]

Others, still, are of the opinion that the capacity of the Muslim community in Makkah was a determinant factor for not using force for self-defence. Bonner explains thus: 'At first Mohammad and his community in Macca, in a position of weakness, avoid the use of violence... In time, as Muhammad gains in strength and his conflict with Macca grows more bitter, these restrictions are cast away'.[180] In my opinion, arguing that *jihad* was not commanded in Makkah because of the incapacity of Muslims and their unpreparedness to respond to the aggression with force is not sufficient to explain *jihad* as the use of force. The Muslims in Madinah were also small in number compared to the Makkans, and their military was weak in comparison to that of the Quraysh, especially when taking into consideration that *jihad* was commanded after the second year of Muslim immigration from Makkah – realistically, two years were not adequate to establish a military force that outnumbered the Quraysh's force. The first battle of the Muslims in Madinah was the Battle of Badr. Muslim fighters were 300 against 950,[181] however, the Muslims defeated the Quraysh despite their small number.

In fact, the reason behind the strong emphasis in the Qur'an on the reward of *jihad* is to produce a psychological effect on Muslims because the verse of *jihad* was revealed to correspond particularly to the Battle of Badr. The verse states 'Allah had already given you the victory at Badr, when ye were contemptible. So observe your duty to Allah in order that ye may be thankful'.[182] It can be argued that *jihad* was not suspended in Makkah because Muslims were weaker in comparison to the Quraysh or for their incapacity.

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[179] Louay M. Safi, *Peace and the Limits of War: Transcending the Classical Conception of Jihad* (2nd edn, The International Institute of Islamic Thought 2003).

[180] Michael Bonner, *Jihad in Islamic History: Doctrines and Practice* (Princeton University Press 2006), 26.

[181] Bruce M. Borthwick, 'The Islamic Sermon as a Channel of Political Communication' (1967) 21 Middle East Journal, 306.

[182] Qur'an *Surah Al-E-Imran* 3:123.

Commanding *jihad* in Madinah marks the fact that Muslims had established an independent polity from the Makkans. This in turn indicates two main points, the first of which is that *jihad* is not revolutionary as Maududi claims: 'Like all revolutionary ideologies, Islam shuns the use of current vocabulary and adapts a terminology of its own, so that its own revolutionary ideals may be distinguished from common ideals. The word "*jihad*" belongs to this particular terminology of Islam'.[183] Maududi also claims that Islam rejected the use of the word *harb*, which means war in Arabic, and thus introduced the term *jihad*, which reflects the Islamic revolution in the society of Makkah. The revolution that Islam brought to the Arabian Peninsula is a revolution of peace, as warfare was the norm between the different tribes.[184] This peace is the rule for international relations between the Islamic polity and its neighbours and forbids the use of force. However, the use of force is permitted exceptionally for the Islamic state for self-defence against aggression. Furthermore, the Qur'an was revealed in Arabic, a common spoken language for the Arabs, so *jihad* is not a new term that was introduced, but rather its legal performative that denotes the use of force exclusively for the sake of God is what the Arabs were accustomed to use force for material causes or wealth.[185] *Jihad* requires '1) the criterion of right intention, and 2) the criteria of proportionality. They indicate that one can only act in order to right a wrong and in defense'.[186] Secondly, commanding *jihad* in Madinah and not in Makkah indicates that *jihad* as the use of force is only practised by the Islamic polity and not by Muslim individuals, even if Muslims were subject to harsh aggression. The fact that Muslims were members of the Makkan community led them to not avoid the use the force for self-defence. The Muslims' immigration to Abyssinia shows that the Muslims were members of the Makkans, as they were followed by a delegation from the Makkans who were asking the Christian king of Abyssinia to bring the

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[183] Abul A'la Maududi, *Jihad In Islam* (The Holy Koran Publishing House 1980) 5.

[184] Louay M. Safi, *Peace and the Limits of War: Transcending the Classical Conception of Jihad* (2nd edn, The International Institute of Islamic Thought 2003).

[185] Louay Fatoohi, *Jihad in the Quran: The Truth from the Source* (3rd edn, Luna Plena Publishing 2009).

[186] Adam L. Silverman, 'Just War, Jihad, and Terrorism: A Comparison of Western and Islamic Norms for the Use of Political Violence' (2002) 44 Journal of Church and State 73, 78.

Muslim group back to Makkah.[187] However, the king granted Muslims safety in his land.

There are certain conditions that are required in order for *jihad* to be legally valid, and these requirements are related to the type of aggression that *jihad* is responding to, when *jihad* is used, the actors involved in *jihad* (who practices it and against whom?), and how *jihad* is to be carried out.

First, it seems that *jihad* provides the Islamic polity the legal framework for regulating the use of force in cases of self-defence. *Jihad* was first used for self-defence against aggression that was initiated against religious freedom, namely that people were not free to adopt and practise Islam openly. Religious freedom in this context is different to discriminatory acts, such as preventing Muslim women from wearing the headscarf, or banning *halal* meat. Religious freedom indicates that a Muslim is not forced to change his religion, or forced to believe in two gods, for example. So the use of force in this particular context is not valid in recent times.

Secondly, Islamic international law requires that the use of force be initiated with a pure intention that it is for the sake of Allah. The intention is important in distinguishing the use of force in *jihad* from other types.[188] This can be understood from the legal texts in the Qur'an, in which *jihad* is associated with *fi sabeel Allah* (for the sake of Allah*)* in 13 verses.[189]

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[187] Louay M. Safi, *Peace and the Limits of War: Transcending the Classical Conception of Jihad* (2nd edn, The International Institute of Islamic Thought 2003).
[188] Rudolph Peters, *Crime and Punishment in Islamic Law Theory and Practice from the Sixteenth to the Twenty-First Century* (Cambridge University Press 2005).
[189] Elsayed M. A. Amin, *Reclaiming Jihad: A Qur'anic Critique of Terrorism* (The Islamic Foundation 2014) 81.

Thirdly, the military is the only actor that is entitled to perform *jihad* on behalf of the Islamic state.[190] As explained previously, although Muslims in Makkah were subject to harsh aggression, Muslims were prohibited from the use of force. *Jihad* was commanded only after the Muslims established an independent polity from the Makkans. One should not forget that peaceful means failed to stop this aggression, and *jihad* was the last resort for self-defence, after other political means had been tried.[191]

Performing *jihad* is not obligatory on all citizens as long as there is a sufficient number performing it. In this case, the participation of individuals in *jihad* is *fard kifayah* (an obligation bearing on a sufficient number of participants),[192] and citizens are not obligated to perform *jihad* even when a state of aggression occurs, because the official military of the Islamic state represents a sufficient number of participants. On the other hand, *jihad* can be a *fard ain* (individual obligation), and this marks a state of emergency in which all citizens are obliged to perform *jihad*, including the official military of the Islamic state.[193]

The important aspect of performing *jihad* is whom it is performed against. The use of force under the rules of *jihad* is against aggressors only. As the Qur'an says, 'Allah forbiddeth you only those who warred against you on account of religion and have driven you out from your homes and helped to drive you out, that ye make friends of them. Whosoever maketh friends of them - (All) such are wrong-doers'.[194] According to the legal text from the Qur'an, the ruling is to have peaceful relations with non-Muslims, and *jihad* is against the aggressors only. Muslims maintained peaceful relations with non-Muslims. The greatest support for the Prophet Muhammad (peace be upon him) came from his uncle Abu Taleb, who did not

[190] Mmd Adrys Alsẖafʿy, *Alạ̄m* (Dạr Alndwȉ Alʿạlmyȉ 2004) andAsḥạq Brḥạn Aldyn Alḥnbly, *Almbdʿ Fy Sẖrḥ Almqnʿ* (Almktb Alạslạmy 2000).

[191] Louay Fatoohi, *Jihad in the Quran: The Truth from the Source* (3rd edn, Luna Plena Publishing 2009) appendix B.

[192] Michael Bonner, *Jihad in Islamic History: Doctrines and Practice* (Princeton University Press 2006)107.

[193] Michael Bonner, *Jihad in Islamic History: Doctrines and Practice* (Princeton University Press 2006).

[194] Qur'an *Surah Al-Mumtahina* 60:9.

believe in Islam.[195] While the Prophet's other uncle did not believe in Islam either, he was an aggressor of the Prophet and the other Muslims. Arguing that *jihad* is a war against non-Muslims contradicts the historical facts that show that Muslims had peaceful relations with non-Muslims, and the essence of *jihad* as a rule against aggression. Referring back to the first immigration of Muslims, they escaped from an aggressor, they escaped from a non-Muslim aggressor (the Makkans), but sought refuge in another non-Muslim nation (Abyssinia). Here, if *jihad* encouraged the use of force against non-Muslims, Muslims would not have immigrated to Abyssinia in the first place. In fact, the Qur'an clearly states the ruling regarding relations between Muslims and non-Muslims: 'Allah forbiddeth you not those who warred not against you on account of religion and drove you not out from your homes, that ye should show them kindness and deal justly with them. Lo! Allah loveth the just dealers'.[196] Accordingly, 'Muslims must not fight someone who has not chosen to fight them. They must not launch premeditated, preemptive, or unprovoked attack'.[197] The Islamic state throughout history maintained peaceful relations with its non-Muslims neighbours.

In fact, the Islamic state in Madinah had non-Muslims allies, and defended them; for example, 'the conquest of Makkah was precipitated by the Quraysh's attack on Khuzāʿah, which was an ally of the Islamic city-state of Madinah, violating thereby a provision of the Treaty of al-Hdaybiyyah that prohibited such act'.[198] Muslims had treaties for exchanging services with non-Muslims; for example, the treaty with 'Armenians in 22AH/ 642AC'[199] and the treaty with Antakians.[200]

Fourthly, *jihad* requires a declaration from the head of the Islamic state. This declaration is not legally sufficient until it is approved by legal jurists. Jurists have a

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[195] Louay Fatoohi, *Jihad in the Quran: The Truth from the Source* (3rd edn, Luna Plena Publishing 2009).
[196] Qur'an *Surah Al-Mumtahina* 60:8.
[197] Louay Fatoohi, *Jihad in the Quran: The Truth from the Source* (3rd edn, Luna Plena Publishing 2009)40.
[198] Louay M. Safi, *Peace and the Limits of War: Transcending the Classical Conception of Jihad* (2nd edn, The International Institute of Islamic Thought 2003) 29.
[199] ibid 15.
[200] ibid.

supervisory role in approving the use of force to ensure that it is for legitimate purposes and that is in accordance with Islamic international law. Al-Farabi states situations of illegal (unjust) warfare. They are:

1. wars motivated by the Ruler's personal advantage such as lust for power, honor or glory

2. wars of conquest waged by the Ruler for the subordination of peoples other than the people of the city over which he presides

3. wars of retribution, the object of which can be achieved by means other than force

4. wars leading to the killing of innocent men for no reason other than the Ruler's propensity or pleasure for killing.[201]

Legal jurists play a similar role to the Attorney General's role in the United Kingdom, whose role is, amongst many others, a legal adviser to the crown on international law.[202] Similarly, the role of legal jurists in advising the state on the use of force is demonstrated in the example of the Gulf War in 1991, when, before participating in the war, the chairman of the Departments of Scholarly Research and Ifta', Da'wah, and Guidance in Saudi Arabia provided legal opinions regard the legitimacy of using force.[203]

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[201] Muhammad b. Muhammad al- Farabi, *Fusul Al-Madani; Aphorisms of the Statesman* (D. M. Dunlop ed, Cambridge University Press 1961) as cited in Majid Khadduri, *The Islamic Conception of Justice* (The Johns Hopkins University Press 1984) 172.

[202] Gov.uk, 'Ministerial Role: Attorney General' <https://www.gov.uk/government/ministers/attorney-general#responsibilities > accessed 02 May 2015.

[203] Fatwa issued in regard to the use of force against Iraq due to its invasion of Kuwait. Kingdom of Saudi Arabia Portal of the General Presidency of Scholarly Research and Ifta', 'The best Jihad of our time is fighting the ruler of Iraq' <http://www.alifta.net/Fatawa/FatawaSubjects.aspx?languagename=en&View=Page&HajjEntry ID=0&HajjEntryName=&RamadanEntryID=0&RamadanEntryName=&NodeID=2186&PageID=353 8&SectionID=14&SubjectPageTitlesID=26136&MarkIndex=0&0#FightingtheIraqirulerforhisinjust iceandaggressionasthebestformsofJihad> accessed 01 June 2015. It could be said that the role of chairman of the Departments of Scholarly Research and Ifta' Da'wah, and Guidance has a similar role to the Attorney General's Office in the United Kingdom - giving legal advice to the

The use of force must be proportionate for *jihad* to be legitimate. The legal text from the Qur'an sets the limits of the use of force; it says, 'Fight in the way of Allah against those who fight against you, but begin not hostilities. Lo! Allah loveth not aggressors'.[204] The legal texts clearly state the conditions for the use of force and the limitation of responding to aggression. According to the verse, the Islamic state is an aggressor if it abuses its position or initiates aggression against others.[205] Legally, if the Islamic state abuses its right to self-defence (by excessive use of force), the Islamic state is an aggressor, because it is considered to be committing aggression against others.[206] Moreover, *jihad* has to terminate once the attack on the Islamic state ends.

It is worth noting that the rules of *jihad* are the same in the Sunni and the Shi'a branch of Islam. However, there is a slight difference between the two schools concerning who declares *jihad*. For the Sunni school, it is the head of the Islamic state who declares *jihad*, as explained previously. Meanwhile, in the Shi'a school, it is the twelve imams who have the authority to declare *jihad*.[207] The twelve imams in Shi'a school are 'restricted in the line of 'Ali and Fatima, coming from Hasan to Husayn and then through explicit nomination from father to son, usually to the eldest surviving son, until it ended with the twelfth Imam'.[208] For this reason, *jihad* is suspended within the Shi'a school.[209] As Peters says, 'After the Occultation of the last one in 873, theoretically no lawful *Jihad* can be fought.'[210] Jurists of the Shi'a

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government. Appointing a specific body in the Islamic state that is responsible for providing legal advice according to Islamic law has a major role in limiting the legitimacy of fatwas issued by non-scholars or by radical leadership regarding political issues.

[204] Qur'an *Surah Al-Baqara* 2:190.

[205] Louay Fatoohi, *Jihad in the Quran: The Truth from the Source* (3rd edn, Luna Plena Publishing 2009).

[206] ibid.

[207] Michael Bonner, *Jihad in Islamic History: Doctrines and Practice* (Princeton University Press 2006).

[208] Sayyid Husayn Muhammad Ja'fari, *The Origins and Early Development of Shia Islam* (Ansariyan Publications 1976) 204.

[209] Michael Bonner, *Jihad in Islamic History: Doctrines and Practice* (Princeton University Press 2006).

[210] Rudolph Peters, *Crime and Punishment in Islamic Law Theory and Practice from the Sixteenth to the Twenty-First Century* (Cambridge University Press 2005) 4.

schools are considered representatives of the hidden imam; thus they are the eligible authority that declares *jihad* for self-defence.[211]

Jihad appears in Islamic legal scholarship as a possible necessity, not as an ultimate goal. Legal jurists cover different aspects of *jihad*, starting from declaring war to dealing with the outcomes of the war. It is unfortunate that Khadduri only translated a summary of the Siyar, and not the whole book, because reading the whole chapter dedicated to regulating *jihad* provides a crystal clear image of *jihad* as a legitimate use of force, practiced by the official military of the Islamic state after a declaration from the ruler and with the approval of legal jurists. For example, Alḥnbly covered these topics in regard of the use of force: the ruling if the enemy used human shields, and the enemy's palm trees and water resources, the obligations and duties of the Muslim ruler and soldiers and any issues that may occur during a conflict.[212] Alḥnbly's chapter on *jihad* has covered issues related to the outcomes of war, such as the Islamic state's defeat of its enemy and the Islamic state's peaceful conduct with the enemy. He also discussed further aspects that regulate other non-political relations between the Islamic state and the defeated enemy, such as trade, intermarriages, or non-Muslim conversion to Islam.[213]

Jihad in Islamic international law is not equivalent to the Christian phenomenon of holy war.[214] As is the expected approach to understanding different legal systems, they should be put in context using familiar concepts. As Porter comments in this regard:

> If "militancy is not the essence *of jihād,"* then the west sees *jihād* as an
> Islamic war against Christians only because western thought has been

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[211] ibid.

[212] It is worth stating here that classical legal scholars are clear in their terminologies. Alhanbali's Chapter on Regulating *Jihad* (the legitimate use of force) refers to the military and the head of the Islamic state. The language of the chapter was clear that these rules address the military and the Islamic state, not individuals.

[213] Asḥaq Brhan Aldyn Alḥnbly, *Almbdʿ Fy Sḥrḥ Almqnʿ* (Almktb Alạslạmy 2000).

[214] David Aaron Schwartz, 'International Terrorism and Islamic Law' (1991) 29 Columbia Journal of Transnational Law 629.

heavily influenced by the Crusades and medieval Christian ideas about holy war. However, the doctrine of *jihād* was codified during the Muslim conquests of the eighth century, long before Pope Urban II preached the First Crusade in 1095.[215]

However, *jihad* cannot be holy, because the use of force involves armed opposition, which results in the killing of a human being. Murder in Islam is prohibited and is one of the great sins. As the Qur'an states, 'And slay not the life which Allah hath forbidden save with right. Whoso is slain wrongfully, We have given power unto his heir, but let him not commit excess in slaying. Lo! he will be helped.'[216] So if killing in Islam is not holy, ultimately *jihad,* even if it was for self-defence, cannot be holy, because performing *jihad* involves the use of force. None of the verses in the Qur'an describe *jihad* as holy.

Khadduri also suggests that *jihad* is equivalent to holy war. As he comments, 'The jihad was equivalent to the Christian concept of the crusade, or a war of words as well as of the sword'.[217] Khadduri misreads the purpose of regulating *jihad* in Islamic legal references, such as the Siyar of Alshaybani. Khadduri states thus:

> The Islamic faith, born among a single people and spreading to others, used the state as an instrument for achieving a doctrinal or an ultimate religious objective, the proselytization of mankind…This law was designed for temporary purposes, on the assumption that the Islamic state was capable of absorbing the whole of mankind.…[218]

Khadduri has neglected the fact that when the Prophet (peace be up on him) won the battle against the Makkans and entered Makkah, he granted safety to all non-

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[215] J. M. B. Porter, 'Osama Bin-Laden, Jihad, and the Sources of International Terrorism' (2002-2003) 13 Indiana International & Comparative Law Review 871, 873.
[216] Qur'an *Surah Al-Isra* 17:33.
[217] Majid Khadduri, *The Islamic law of nations: Shaybani's Siyar* (The John Hopkins Press 1966) 15.
[218] ibid 5.

Muslims who had fought against the Muslims and tortured them. Thus, if the ultimate goal of Islam was to constantly fight non-Muslims, the Prophet would not have granted them safety.

All in all, *jihad* in Islamic international law does not denote a criminal act. In fact, *jihad* is a legal concept that alludes to the legitimate use of force that is practised by the official military on behalf of the Islamic state. The use of force in Islamic international law is conditioned by a clear declaration from the ruler and the approval of legal jurists to ensure that the ruler is not abusing his authority.

b. *Dar al-Islam* (Territory of Peace) and *Dar al-Harb* (Territory of War)

Dar al-Islam (territory of peace) and *dar al-harb* (territory of war) are concepts that were developed by jurists of Islamic international law so as to classify the territories of peace and war.[219] Understanding *jihad* involves understanding the concepts of *dar al-Islam* and *dar al-harb*, as Abou El Fadl says, 'Every single concept in Islamic law, and every single rule, is founded on a thick bed of juristic determinations that empower it with meaning and legitimacy.'[220]

Dar al-Islam is mostly recognised in English language scholarship as the "territory of Islam" or the "abode of Islam". It is defined as 'the area in which Islamic sovereignty prevailed and where sharia was enforced'.[221] While *dar al-harb* is identified as the "territory of war", this appears (though not exclusively) in Khadduri,[222]An-Na'im,[223] and Esposito.[224] *Jihad, dar al-Islam* and *dar al-harb* are

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[220] Khaled Abou El Fadl, *And God Knows the Soldiers: The Authoritative and Authoritarian in Islamic Discourses* (University Press of America 2001) as cited in Khaled Ali Beydoun, 'Dar Al-Islam Meets Islam as Civilization: An Alignment of Politico-Theoretical Fundamentalisms and the Geopolitical Realism of This Worldview' (2004) 4 UCLA Journal of Islamic and Near Eastern Law 143, 150.

[221] ibid.

[222] Majid Khadduri, 'The Islamic Theory of International Relations and Its Contemporary Relevance' in J. Harris Proctor (ed), *Islam and International Relations* (Pall Mall Press 1965).

commonly interpreted as legitimising war against non-Muslims, for example, as An-Na'im states:

> It is not surprising to find, as documented by *Khadduri* and other writers in the field, that those leading founding jurists of Shari'a who addressed inter-communal/international relations spoke of a permanent state of war between *dar al-Islam*, the abode of Islam or territory under Muslim rule, and *dar al-harb*, the abode of war or territory falling outside Muslim control.[225]

This suggests a division of the world between Muslims and non-Muslims or Islam and others. Khadduri defines *dar al-Islam* as the process of 'comprising Islamic and non-Islamic territories held under Islamic sovereignty',[226] and also claims that *dar al-harb* means 'the rest of the world'.[227] The critical understanding of *dar al-Islam* and *dar al-harb* may be seen in Esposito, who also suggests that Muslim jurists divided the world into the land of Islam and land of war. He observes that:

> Muslim jurists saw *Jihad* as a requirement in a world divided between what they called the dar al-Islam (land of Islam) and the dar al-harb (land of war). The Muslim community was required to engage in the struggle to expand the dar al-Islam throughout the world so that all of humankind would have the opportunity to live within a just political and social order. One school of law, the Shafii, posited a third category,

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[223] Abdullahi Ahmed An-Na'im, 'Islamic Ambivalence to Political Violence: Islamic Law and International Terrorism' (1988) 31 German Year Book for International Law 307.

[224] John L. Esposito, *Unholy War: Terror in the Name of Islam* (Oxford University Press 2002).

[225] Abdullahi Ahmed An-Na'im, 'Islamic Ambivalence to Political Violence: Islamic Law and International Terrorism' (1988) 31 German Year Book for International Law 307, 330.

[226] Majid Khadduri, 'The Islamic Theory of International Relations and Its Contemporary Relevance' in J. Harris Proctor (ed), *Islam and International Relations* (Pall Mall Press 1965), 24-39.

[227] ibid.

the land of treaty (dar al-sulh), a territory that had concluded a truce with a Muslim government.[228]

Esposito's understanding of *dar al-Islam* and *dar al-harb* is not so different from Sayyid Qutb's views, which formed the distorted understanding of *jihad, dar al-harb* and *dar al-Islam* that has influenced radicals as a means of authorising their crimes. Sayyid Qutb is also considered to be the intellectual father of *jihad*.[229] The similarity occurs, as Qutb says, in that:

> There is only one place on earth which can be called the home of Islam (Dar- ul-Islam), and it is that place where the Islamic state is established and the Shari'ah is the authority and God's limits are observed, and where all the Muslims administer the affairs of the state with mutual consultation. The rest of the world is the home of hostility (Dar-ul-Harb). A Muslim can have only two possible relations with Dar-ul-harb: peace with a contractual agreement, or war. A country with which there is a treaty will not be considered the home of Islam.[230]

The reservation regarding Qutb arises from his narrow view of the world, given that Qutb argues that the only home for Muslims is an Islamic state. Thus, Muslims according to Qutb cannot live in a Muslim state or a non-Muslim state. This contradicts the fundamental concept of universality and differences in Islam; the Qur'an says, 'O mankind! Lo! We have created you from male and female, and have made you nations and tribes that ye may know one another'.[231] Qutb, in this small paragraph above, has given legitimacy to Muslim individuals to wage war against *dar al-harb*, which is, according to him, any state that is not Islamic.

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[228]John L. Esposito, *Unholy War: Terror in the Name of Islam* (Oxford University Press 2002) 35.
[229] J. M. B. Porter, 'Osama Bin-Laden, Jihad, and the Sources of International Terrorism' (2002-2003) 13 Indiana International & Comparative Law Review 871, 878.
[230]Sayyid Qutb, *Milestones* (Islamic Book Service 2007) 118.
[231] Qur'an *Surah Al-Hujraat* 49:13.

It seems that scholars form their understanding of Islamic international law from radical sources, yet not from the classical references of legal jurists. It is also worth noting that Qutb's scholarship is banned in Saudi Arabia, for fear of disseminating radical views.[232] The United Kingdom has similar views on Qutb, yet his literature is not banned, according to the report published by the Prime Minister's task force in tackling radicalisation and extremism (December 2013). In terms of the distinction between Islam and extremist ideology, the report says,

> This is a distinct ideology which should not be confused with traditional religious practice. It is an ideology which is based on a distorted interpretation of Islam, which betrays Islam's peaceful principles, and draws on the teachings of the likes of Sayyid Qutb.[233]

Recognising *dar al-Islam* in English language scholarship as the "territory of Islam" or the land of Islam seems to obscure the broader concept of the original term, as it does not seem to reflect the intention of jurists. Since *dar al-Islam* does not suggest any distinction in regard to the religious affiliation of the lands, it is more suitable to recognise *dar al-Islam* in English as the "territory of peace". With this understanding, *dar al-Islam* will be more appropriate when put in context alongside "territory of war". In addition to what has been stated above, the "territory of peace" reflects the rationale for early jurists' development of the two concepts (*dar al-Islam* and *dar al-harb*) because these concepts identify the jurisdiction of Islamic law. Moreover, the "territory of peace" does not suggest warfare between Muslims and non-Muslims, because if that were the purpose, then the other concept should be *dar al-kufr* (the territory of infidels) instead of *dar al-*

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[232] In 2009, the Ministry of Education in Saudi Arabia banned all Qutb books, whether they contained radical views or not. The initial goal was to prevent the youth from idolising Qutb, and then fall in the trap of his radical books. Mflḥ Alḥrby, "Altrbÿ" Tsḥb Ktạby Syd Qṭb: Mʿạlm Fy Alṭryq WạlʿdạlÏ Alạjtmạʿÿ' (28 December 2008)
< http://www.alriyadh.com/2008/12/28/article398355.html> accessed 24 October 2013.
[233] PM Taskforce, *Tackling extremism in the UK Report from the Prime Minister's Task Force on Tackling Radicalisation and Extremism* (December 2013).

harb (the territory of war), bearing in mind that, at the time, there was only one Islamic/Muslim state, as opposed to 59 today.[234]

 Dar al-Islam as a concept includes an Islamic state, or any state where Muslims can practice their religion freely. ʿbd Alqạdr ʿwdï then explains that *dar al-Islam* could be: any territory where Muslims constitute a majority or a minority; any territory governed by Muslims, even if the majority were non-Muslims; and finally, any territory governed by non-Muslims where Muslims can practise Islam freely.[235]

Thus, *dar al-Islam* is more compatible with "territory of peace" than with "territory of Islam". As the concept "territory of peace" does not reflect the religious identity of the territory, as explained earlier, even if it reflects the fundamental right to religious freedom because warfare is not exclusively between Muslims and non-Muslims. War could appear between two Muslim states and between Muslim rulers;[236] after the caliphate period of 632-661 CE (it began with the selection of Abu Bakr and ended with the assassination of the last caliph, Ali ibn Abi Taleb), [237]the Islamic state was ruled by different dynasties, which were overthrown and revolted against each other, such as the Umayyads in 661 CE, who were overthrown by the Abbasids in 749 CE.[238]

It should also be mentioned here that "territory of peace" does not contradict *dar al-ahd* or *dar al-sulh* (territories that have peace agreements with the Islamic state), as it is also considered a "territory of peace". Thus, the territory of peace is conditional upon religious freedom or a peace treaty.

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[234] The Organisation of Islamic Cooperation < http://www.oic-oci.org/oicv2/states/> accessed 01 June 2015.
[235] ʿbd Alqạdr ʿwdï, *Altsẖry ʿ Aljnạ̈y Alạslạmy Mqạrn Bạlwḍ ʿy* (14 edn, Resalah Publishers 2001).
[236] Majid Khadduri, 'The Law of War: The Jihad' in Andrew G. Bostom (ed), *The Legacy of Jihad: Islamic Holy War and the Fate of non-Muslims* (Prometheus Books 2008).
[237] Karen Armstrong, *Islam: A Short History* (Modern Library 2002) xiii-xvii
[238] ibid.

Dar al-harb, in English language scholarship, appears to have one common concept, namely that 'the dar al-harb is consisted of all the states and communities outside the territory of Islam',[239] or, as An-Na'im identifies it, the 'abode of war which is all territory outside the jurisdiction of Islam, must be brought within *dar al-Islam*, the abode of Islam where *Shari'a* prevails'.[240] An-Na'im's view on *dar al-harb* is extreme, because it does not reflect the purpose of the concept in Islamic international law. Islamic international law is, indeed, a whole set of rules and they were not developed purely for the sake of territorial expansion. The purpose of international law in Islam is to regulate international relations between the Islamic state and other nations. These relations may be peace, war, or a peace treaty. Suggesting that *dar al-harb* should be brought under *dar al-Islam* contradicts the fundamental rights of religious freedom, as the Qur'an states, 'Unto you your religion, and unto me my religion',[241] 'There is no compulsion in religion',[242] and 'Say: (It is) the truth from the Lord of you (all). Then whosoever will, let him believe, and whosoever will, let him disbelieve'.[243]

Dar al-Harb is a concept that appears in Islamic jurisprudence in three contexts. First, *dar al-harb* measures the religious freedom of Muslims in a given territory. Accordingly, *dar al-harb* is a territory in which Muslims are not capable of adopting Islam. An example of this is the case of Muslims in Makkah when Islam was introduced. They were forced to engage in practices that were against the Islamic belief.[244] Therefore, preventing Muslims from adopting Islam could be a legitimate reason for *jihad*, as explained in the case of the Makkans (Quraysh tribe) and Muslims in Madinah. It is worth explaining that the ruling of this case is that

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[239]Javaid Rehman, 'Islamic Criminal Justice and International Terrorism: A Comparative Perspective Into Modern Islamic State Practices' (2006) 2 Journal of Islamic State Practices in International Law 18, 20.

[240] Abdullahi Ahmed An-Na'im, 'Islamic Ambivalence to Political Violence: Islamic Law and International Terrorism' (1988) 31 German Year Book for International Law 307, 331. Similar views are also expressed by Mohamed Abdel Dayem and Fatima Ayub, 'In the Path of Allah: Evolving Interpretations of Jihad and Its Modern Challenges' (2008) 7 UCLA Journal of Islamic and Near Eastern Law 67, 79.

[241] Qur'an *Surah Al-Kafiroon* 109:6.

[242] Qur'an *Surah Al-Baqara* 2:256.

[243] Qur'an *Surah Al-Kahf* 18:29.

[244] For instance, some Muslims were forced to bear witness that there are two gods, which is against the fundamental belief in Islam that there is only one God.

Muslims were tortured, killed and under social and financial sanction, therefore Muslims' use of force for self-defence became legitimate.

The absence of Muslims' religious freedom in the contexts explained earlier creates the status of *dar al-harb*, yet it does not necessarily indicate the use of force specifically.[245] Defending against aggression must start first by useful means, and the use of force is just one of the options that can be used to stop an aggression. Since the rule for Muslims is to seek refuge in a place where they can freely adopt Islam, the ruling verse from the Qur'an says:

> Lo! as for those whom the angels take (in death) while they wrong themselves, (the angels) will ask: In what were ye engaged? They will say: We were oppressed in the land. (The angels) will say: Was not Allah's earth spacious that ye could have migrated therein? As for such, their habitation will be hell, an evil journey's end; (97) Except the feeble among men, and the women, and the children, who are unable to devise a plan and are not shown a way.[246]

Secondly, *dar al-harb* appears in the context of regulating international relations in wartime between the two parties. For example, if a war existed between *dar al-harb* and the Islamic state, no residents of *dar al-harb* would be allowed to cross the border of the Islamic State, because this would entail invading the sovereignty of the Islamic state, unless the individual has a peace covenant with the Islamic state. Similar treatment is expected from residents of the Islamic state not to intervene in the sovereignty of *dar al-harb*. Otherwise, this would put the other party in a situation of self-defence, which permits the use of force, and not respecting this rule may put the individual at risk of becoming a prisoner of war.[247]

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[245] Asḥaq Brhan Aldyn Alḥnbly, *Almbdʿ Fy Sẖrḥ Almqnʿ* (Almktb Alạṣlạmy 2000).
[246] Qur'an *Surah An-Nisa* 4:97,98.
[247] ʿbd Alqạdr ʿwdẗ, *Altsẖryʿ Aljnạy̌y Alạṣlạmy Mqạrn Bạlwḍʿy* (14 edn, Resalah Publishers 2001).

Thirdly, jurists use *dar al-Islam* and *dar al-harb* to identify the jurisdiction of the law. Accordingly, *dar al-Islam* is where Islamic laws are implemented, while *dar al-harb* alludes to jurisdictions of other laws. Therefore, Muslims and non-Muslims in *dar al-Islam* are bound to Islamic law.[248] Meanwhile, Muslims in *dar al-harb* are bound to *shari'ah* as a practice (for example, praying, fasting and paying *zakat*), as well as being bound by the law of the land.[249]

To summarise, *dar al-Islam* and *dar al-harb* are legal concepts that have served different aspects of the development of Islamic international law. For example, *dar al-Islam* includes any lands where *shari'ah* is applied, or where Muslims constitute a majority or a minority. However, *dar al-Islam* may simply mean the Islamic state if it appears in the context of the jurisdiction of Islamic law. On the other hand, *dar al-harb* appears in the context of regulating wartime between the Islamic state and any other state, Muslim or non-Muslim, for example, the Gulf war in 1991; yet, religious differences are not a justification for military action or the use of force.

The question raised here regards the legal response to the illegitimate use of force (internal and international terrorism); in other words, the consequences of breaching the rules of *jihad*.

3. Brief Introduction to Islamic Criminal Law

There are three broad categories of offence in Islamic criminal law, these being *hudod*, *qisas*, and the last category includes both *dyyah* and *ta'zseer*. *Hudod* in the

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[248] Exceptionally, non-Muslims in these cases, they are free to follow their own laws and religion.
[249] Muslims have to respect the laws of the land where they live. However, Muslims have to conduct their marriages, divorce and inheritance according to Islamic law. Muslims outside of the Islamic state have to pray, pay *zakat* (a fixed amount of charity), etc.

Arabic language is the plural of *hadd*, which literally means border; it also refers to the line/limit/boundary that cannot be crossed.

Hudod, in Islamic criminal law, refers to seven crimes: *zina* (adultery),[250] *qathf* (accusation of adultery), *alshurb* (use of alcohol), *riddah* (apostasy), *hirabah* (unlawful warfare),[251] *baghi* (unjustified rebellion) and *sariqah* (theft).[252] *Hadd* also denotes the punishment of the criminal acts of *hudod* crimes. For example, the *hadd* of theft means the "punishment of theft".[253] As Kamali states with regard to the concept of *hudod*:

> Hadd literally means boundary or limit which separates and prevents one thing from intruding on another. Fixed punishments are known as hudud, because they are meant to prevent crime and signify the limits of what is tolerable and what is not. And then hadd is also used in reference to the crime itself, such as by saying that so and so committed a hadd.[254]

Hudod offences are the most serious crimes and constitute a serious violation of what is considered in Islam to be the five necessities: the purpose of legal norms in Islam is to preserve the honour, the mind, the faith, the soul, and the wealth of an individual.[255] Accordingly, offences of adultery and accusation of adultery go against the preservation of the honour of an individual.[256] The use of alcohol is an offence against the necessity of preserving the mind. Apostasy is an offence against

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[250] This refers to extramarital sexual intercourse, regardless of the marital status of the individual, so it extends beyond the understanding of adultery in the English language.

[251] This is commonly known as "highway" robbery in most English scholarship.

[252] Matthew Lippman, Sean McConville and Mordechai Yerushalmi, *Islamic Criminal Law and Procedure: An Introduction* (Praeger 1988); ʿbd Alqạdr ʿwdT̈, *Altshryʿ Aljnạẏy Alạslạmy Mqạrn Bạlwḍʿy* (14 edn, Resalah Publishers 2001); Rudolph Peters, *Crime and Punishment in Islamic Law Theory and Practice from the Sixteenth to the Twenty-First Century* (Cambridge University Press 2005); Abdallah bin Bayyah, 'Islamic Criminal Law' < http://binbayyah.net/english/2012/02/05/islamic-criminal-law/> accessed 1 June 2015.

[253] ʿbd Alqạdr ʿwdẗ, *Altshryʿ Aljnạẏy Alạslạmy Mqạrn Bạlwḍʿy* (14 edn, Resalah Publishers 2001).

[254] Mohammad Hashim Kamali, 'Punishment in Islamic Law: A Critique of the Hudud Bill of Kelantan, Malaysia' (1998) 13 Arab Law Quarterly 203, 218.

[255] Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Criminal Law: A System* Approach (The International Institute of Islamic Thought 2008).

[256] ibid.

the preservation of faith, while unlawful warfare and unjustified rebellion are offences against the preservation of soul and wealth. Finally, theft is an offence against preserving the necessity of wealth.

The criminal liability of *hudod* offences cannot be forgone by the victim/victim's family, judge, or the ruler (unless in exceptional and restricted cases), because *hudod* are considered to be Allah's right. However, in exceptional circumstances, the head of the Islamic state may suspend *hudod*. For example, Umar bin Al-Khatab, the second Muslim caliph, temporarily suspended the *hadd* of theft in a year of famine. Based on the rule of Islamic jurisprudence, necessity makes the unlawful permissible. Therefore, the time of famine was a case of prioritising individual's souls over preserving the necessity of wealth. Jurists also understood that, in times of famine, Muslims could consume alcohol to survive if finding water proves extremely difficult. However, it should be noted that in order to suspend one of the *hudod* offences, the *actus reus* has to be within the limits of survival.[257] For example, suspending *hudod* indicates that the person had no other choice but to steal in order to survive.

Qisas (retribution) or *dyyah* (blood money) are punishments for crimes of bodily harm. Bin Bayyah identifies this as follows:

> Retribution is to do with the criminal as he did with the victim. It is often used for killing the killer, wounding the person who wounded another, and cutting off the same organ he cut off from the other. It is a punishment for every crime against body, soul, or organ. Retribution is the right of the victim. He can forgo it if he wills; or else he can get it. This is what is called the personal right, though the ruler still has the right to punish in another way.[258]

The ruling verse from the Qur'an says:

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[257] Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence* (The Islamic Text Society 2003).
[258] Abdallah bin Bayyah, 'Islamic Criminal Law' < http://binbayyah.net/english/2012/02/05/islamic-criminal-law/> accessed 01 November 2013.

O ye who believe! Retaliation is prescribed for you in the matter of the murdered; the freeman for the freeman, and the slave for the slave, and the female for the female. And for him who is forgiven somewhat by his (injured) brother, prosecution according to usage and payment unto him in kindness. This is an alleviation and a mercy from your Lord. He who transgresseth after this will have a painful doom. And there is life for you in retaliation, O men of understanding, that ye may ward off (evil).[259]

Alongside this verse is the following:

And We prescribed for them therein: The life for the life, and the eye for the eye, and the nose for the nose, and the ear for the ear, and the tooth for the tooth, and for wounds retaliation. But whoso forgoeth it (in the way of charity) it shall be expiation for him. Whoso judgeth not by that which Allah hath revealed: such are wrong-doers.[260]

Ta'zseer (in Arabic, 'to discipline') denotes a crime proscribed by the ruler of the Islamic state. *Ta'zseer* crimes are not identified in the Qur'an or the Sunna. Moreover, there are no specific punishments, as the crimes are not defined. However, some jurists have set the limit of the punishment as not exceeding *hudod.* *Ta'zseer* includes any offences that do not belong to *hudod* or *qisas*, for example offences such as cyber terrorism, money laundering or traffic fines, or offences that did not occur when Islam was first introduced and began to enforce order in society. These offences are left uncategorised in the Qur'an and it is for legal jurists to develop this part of the law to accommodate society.

The legal norms of Islamic criminal law derive from three sources agreed upon by all Islamic schools of thought: the Qur'an, the Sunna and *ijma'* (consensus of

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[259] Qur'an *Surah Al-Baqara* 2:178,179.
[260] Qur'an *Surah Al-Maeda* 5: 45.

opinion).[261] Yet not all jurists consider *qiyas* (analogical deduction) to be one of the acceptable sources for constituting criminal offences in Islamic criminal law.[262]

According to Islamic belief, the Qur'an is Allah's words.[263] Meanwhile, the Sunna (or Hadith) is the Prophet Muhammad's (peace be upon him) verbal (sayings) and non-verbal communications, which were narrated by his companions. Accordingly, the Sunna consists of Prophet Muhammad's own practices, and his response to other people's practices; this includes silence or approval.[264] Due to the fact that the Qur'an is one of the main sources of Islamic law,[265] Islamic law is regarded as divine. A further attribute of Islamic criminal law is that lawbreakers are understood to be punished in the Hereafter beside receiving a legal punishment in this world.[266] This is encapsulated in the following excerpt: 'Lo! Those who devour the wealth of orphans wrongfully, they do but swallow fire into their bellies, and they will be exposed to burning flame'.[267] However, there are two important issues arising in regard to Islamic law: first, the diversity and the plurality of Islam, and secondly, the human intervention or articulation of Islamic law.

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[261] I am alluding here to the sources of Islamic criminal law, not the sources of *shari'ah* as a whole. Jurists agree that the main sources of *shari'ah* are the Qur'an, the Sunna, *ijma'* (consensus of opinion), and *qiyas* (analogical deduction). On the hand, there is disagreement amongst jurists in considering the following as sources of shari'ah: *istihsan* (equity in Islamic law), *istishab* (presumption of continuity), *maslahah mursalah* (consideration of public interest), *'urf* (custom), *shar' man qablana* (revealed laws) and *mathab al sahabi* (companion's opinion). For more information, see Mohammad Hashim Kamali, 'Punishment in Islamic Law: A Critique of the Hudud Bill of Kelantan, Malaysia' (1998) 13 Arab Law Quarterly 203.

[262] ʿbd Alqạdr ʿwdÏ, *Altsẖryʿ Aljnạ̈yy Alạslạmy Mqạrn Bạlwḍʿy* (14 edn, Resalah Publishers 2001).

[263] Noor Mohammad, 'The Doctrine of Jihad: An Introduction' (1985) 3 Journal of Law and Religion 381.

[264] Mohamed Abdel Dayem and Fatima Ayub, 'In the Path of Allah: Evolving Interpretations of Jihad and Its Modern Challenges' (2008) 7 UCLA Journal of Islamic and Near Eastern Law 67 and Abdullahi Ahmed An-Na'im, 'Islamic Ambivalence to Political Violence: Islamic Law and International Terrorism' (1988) 31 German Year Book for International Law 307.

[265] In my opinion, the divine nature of Islamic law should not be confused with man-made laws, because Islamic law does not regulate every aspect of the law. However, the Qur'an sets the framework and conditions for man-made laws that must be not contradicted. *Ta'zseer* is a prime example of this.

[266] Noor Mohammad, 'The Doctrine of Jihad: An Introduction' (1985) 3 Journal of Law and Religion 381.

[267] Qur'an *Surah An-Nisa* 4:10.

a. Limits of Plurality and Human Articulation of Islamic Criminal Law

The subject matter of this chapter is *hudod* offences, because it is these offences that are considered terrorism offences, as I will explain later. *Hudod* are clearly prescribed in Qur'an and Sunna, and it is worth noting that the Qur'an and the Sunna are regarded as the only two sources that are agreed upon within all Islamic schools of thought: Maliki, Hanbali, Hanafi, Shafi'i, Ja'fari, Zaydi, Zahiri, Ibadi and Mu'tazili (see the table below).[268] Therefore, what constitutes a *hudod* offence is the same within all Islamic schools of thought. It is highly unlikely, then, that there will be varying interpretations on this topic.

	Qur'an	Sunnah	Consensus	Analogy	Interest	Juridical preference	Custom	Imam's opinion	Companion's opinion	Continuity
Mālikīs	√	√	√	√	√		√		√	√
Hanafīs	√	√	√	√		√	√		√	√
Shāfiīs	√	√	√	√					√	
Hanbalīs	√	√	√	√	√	√			√	√
Ja'farīs	√	√	√					√		√
Zaydīs	√	√	√					√		√
Zāhirīs	√	√								√
Ibādīs	√	√	√	√	√	√				√
Mu'tazilīs	√	√	√	√	√	√				

Table 6 Summary of the sources of legislation used by different Islamic schools of thought. [269]

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[268] Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Criminal Law: A System* Approach (The International Institute of Islamic Thought 2008) 69.

[269] Source of the table Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Criminal Law: A System* Approach (The International Institute of Islamic Thought 2008) 110.

The plurality and diversity of Islam do not constitute a problem regarding the criminality of terrorism. Indeed, the plurality of Islamic law is acknowledged in this chapter whenever it occurs. However, pluralism and diversity in Islamic criminal law may be seen to be limited by the availability of a clear, definite ruling verse from the Qur'an and/or the Sunna (not contested texts).

In my opinion, there is a risk of adopting the theory of pluralism in the context of radicalisation and violence in Islam so as to consider radical interpretations to be as valid as the other Islamic schools of thought; for example, this actually occurs when Bernard Lewis considers radical interpretation as part of the diversity in Islam, stating thus:

> The Quran speaks of peace as well as of war. The hundreds of thousands of traditions and sayings attributed with varying reliability to the Prophet, interpreted in various ways by the *ulema*, offer a wide range of guidance. The militant and violent interpretation is one among many.[270]

Considering the radical interpretation of Islam part of Islamic diversity makes radicalisation appear to be a matter of freedom of speech, which undermines the role of de-radicalisation policies or programmes.

b. Clarity of the Legal Text (definite and indefinite)

Legal texts from the Qur'an and Sunna do not all have the same level of influence for legislating legal norms. Legal texts from the Qur'an and Sunna take two forms: the definite and the indefinite. The division of legal texts according to definite and indefinite is based on the linguistic clarity of the legal texts from the Qur'an, and on the quality of the Hadith in regard to the number of narrators of the Hadith and their agreement on the same wordings. Therefore, as explained earlier, human

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[270] Bernard Lewis, 'License to Kill - Usama bin Ladin's Declaration of Jihad' (1998) 77 Foreign Affairs 14, 19.

intervention and articulation of the legal text is exclusively intended for indefinite texts.

As an example of a definite text from the Qur'an on the accusation of adultery (one of the *hudod* offences), the ruling verse says, 'And those who accuse honourable women but bring not four witnesses, scourge them (with) eighty stripes and never (afterward) accept their testimony - They indeed are evil-doers'.[271] The previous verse from the Qur'an clearly determines the criminal offence, stating that the accusation of adultery creates an offence in the absence of four witnesses. If criminal liability has been proven, the punishment is eighty lashes, and the testimony of the person found guilty of accusation of adultery without four witnesses will never be accepted.[272]

On the other hand, authentic Sunna is the second source of legal norms in Islamic criminal law.[273] Legal norms derived from the Sunna have the same level of enforcement as the legal norms from the Qur'an, because the Qur'an says, 'And whatsoever the messenger giveth you, take it. And whatsoever he forbiddeth, abstain (from it). And keep your duty to Allah. Lo! Allah is stern in reprisal'.[274]

Legal norms deriving from the Sunna could take one of three roles: (1) confirmatory; (2) explanatory; or (3) regulative. Some legal norms in the Sunna confirm the same principles as in the Qur'an, for example, regarding *hudod* offences:

> Narrated Abu Huraira: Allah's Apostle said, 'When an adulterer commits illegal sexual intercourse, then he is not a believer at the time he is doing it; and when somebody drinks an alcoholic drink, then he is not believer at the time of drinking, and when a thief steals, he is not a believer at the time when he is stealing; and when a robber robs and

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[271] Qur'an *Surah Al-Noor* 24:4.

[272] ʿbd Alqạdr ʿwdẗ, *Altsẖryʿ Aljnạẏy Alạslạmy Mqạrn Bạlwḍʿy* (14 edn, Resalah Publishers 2001).

[273] Sunna sources have different forms based on the narrations; they are 'most famous', 'famous' and 'single' chained. Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Criminal Law: A System* Approach (The International Institute of Islamic Thought 2008) ch 4.

[274] Qur'an *Surah Al-Hashr* 59:7.

the people look at him, then he is not a believer at the time of doing it.[275]

The confirmatory role occurs when the Sunna confirms the same rule as has already been stated in the Qur'an. For example, the offence of *sariqah* (theft) is criminalised in the Qur'an as follows: 'As for the thief, both male and female, cut off their hands. It is the reward of their own deeds, an exemplary punishment from Allah. Allah is Mighty, Wise'.[276] The text deriving from the Qur'an states the offence as theft, and the punishment as the cutting of the hand. On the other hand, the text in Sunna regarding theft, states, '... By Allah, if Fatima, daughter of Muhammad, were to steal, I would have her hand cut off',[277] in which the Sunna confirms the offence and the punishment of theft.[278]

The explanatory role of the Sunna occurs when the Qur'an states the offence, while the Sunna explains aspects related to the offence or regarding the implementation of the punishment. For example, in regard to the offence of *zina*, the text deriving from Qur'an states the offence as follows:

> The adulterer and the adulteress, scourge ye each one of them (with) a hundred stripes. And let not pity for the twain withhold you from obedience to Allah, if ye believe in Allah and the Last Day. And let a party of believers witness their punishment.[279]

The text from the Qur'an regarding the offence of adultery may seem similar to the text on the theft offence, as both texts state the criminal offence and the punishment. However, the text on the offence of adultery explains the offence and the main penalty of adultery. Meanwhile, the Sunna explains the complementary punishment of *zina*, which is based upon the marital status of the convicted. Sunna

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[275] Bukhari, 'Book 8, Volume 81, Hadith 763' <http://www.quranexplorer.com/Hadith/English/index.html> accessed 13 January 2014.

[276] Qur'an *Surah Al-Maeda* 5:38.

[277] Bukhari, '81 Limits and punishments set by Allah (Hudood), Book 8, Volume 81, Hadith 779' <http://www.quranexplorer.com/Hadith/English/Index.html> accessed 10 March 2014.

[278] It should be noted that this example that I stated from the Sunna on the offence of theft is not the only example. The Sunna has many other texts regarding this offence. I chose this particular one for the matter of explaining how the Sunna can confirm Qur'anic texts.

[279] Qur'an *Surah Al-Noor* 24:2.

explains the complementary punishment of adultery, which could be banishment for one year or stoning to death. The Sunna states as follows:

> 'Ubada b. as-Samit reported: Allah's Messenger (may peace be upon him) as saying: Receive (teaching) from me, receive (teaching) from me. Allah has ordained a way for those (women). When an unmarried male commits adultery with an unmarried female (they should receive) one hundred lashes and banishment for one year. And in case of married male committing adultery with a married female, they shall receive one hundred lashes and be stoned to death.[280]

Therefore, it could be said that the Sunna has an explanatory role. On the other hand, the regulatory role of the Sunna comes into play when the Sunna regulates aspects that were not mentioned in Qur'an. An example of the regulatory role of the Sunna is well-represented in the offence of *alshurb* (use of alcohol). The Qur'an states of the *actus reus* that creates the offence: 'O ye who believe! Strong drink and games of chance and idols and divining arrows are only an infamy of Satan's handiwork. Leave it aside in order that ye may succeed'.[281] Meanwhile, the Sunna states the punishment of drinking alcohol. The Sunna says regarding the offence of drinking alcohol:

> Narrated As-Sa'ib bin Yazid: We used to strike the drunks with our hands, shoes, clothes (by twisting it into the shape of lashes) during the lifetime of the Prophet, Abu Bakr and the early part of 'Umar's caliphate. But during the last period of 'Umar's caliphate, he used to give the drunk forty lashes; and when drunks became mischievous and disobedient, he used to scourge them eighty lashes.[282]

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[280] Muslim, '17 the book pertaining to punishments prescribed by Islam (Kitab al-Hudud), Hadith 4191' <http://www.quranexplorer.com/Hadith/English/Index.html> accessed 10 March 2014.
[281] Qur'an *Surah Al-Maeda* 5:90.
[282] Bukhari, '81 Limits and punishments set by Allah (Hudood), Volume 81, Hadith 770' <http://www.quranexplorer.com/Hadith/English/Index.html> accessed 10 March 2014.

Hence, definite and clear legal norms, whether derived from the Qur'an or the Sunna, regulate the timeless issues, such as inheritance, divorce, and some serious crimes, such as *hudod* offences. In addition, the Qur'an and the Sunna set the framework and the principles for other issues, which have a changing nature, such as statehood; the Qur'an and the Sunna do not state that the Islamic state has to be a monarchy or a republic, do not regulate financial transactions on the Internet, and so on and so forth.

Therefore, the jurist's articulation of Islamic law occurs exclusively with regard to indefinite and unclear texts from the Qur'an and/or the Sunna. Jurists' interpretations are within the framework and principles of the Qur'an and the Sunna. The interpretive part of Islamic law mostly has a changing nature. For example, rules regulating citizenship or regulating driving vehicles, etc. are rules which organise some aspects that have not been mentioned in Qur'an or the Sunna, yet do not fundamentally contradict them.

Legal jurists developed Islamic law through systematic methods recognised as Islamic jurisprudence. These methods are *ijma'* (consensus of opinion) and *qiyas* (analogical deduction). *Ijma'*, in Arabic, is the unanimity between qualified jurists in forming the same understanding of the same text. There are many requirements for a scholar to be credible and eligible for *ijma'*. These requirements are also known as the qualification of *mujtahid*, and include high level of knowledge on the Qur'an, Sunna, consensus, reason, Arabic grammar, abrogation, and authentication of Hadith, as well as piety.[283] *Qiyas*, in Arabic, refers to analogy; for example, scholars prohibited the use of drugs based on the analogy of the prohibition of consuming alcohol, as both cause intoxication.

Different interpretations of the indefinite texts in the Qur'an and/or Sunna resulted in the different Islamic schools of thought. For example, within the Sunni branch, there are the Hanbali, Hanafi, Maliki and Shafi'i schools.[284] All schools of thought

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[283] Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Criminal Law: A System* Approach (The International Institute of Islamic Thought 2008) chart 4.21, 110.
[284] Each Islamic school of thought is adopted in the legal system of some Muslim/Islamic states. For example, the majority of Saudi Arabia adopts the Hanbali school and the majority of Singapore adopts the Shafi'i school.

have the same understanding of the non-contested part of *shari'ah*.[285] However, Muslim jurists have systematically formulated their understanding of the contested part of *shari'ah* by following *usul al-fiqh* (Islamic jurisprudence).[286] These schools of thought did not exist during the lifetime of Prophet Muhammad (peace be upon him), because he was the only source for religious reference. Islamic schools of thought developed by the end of the 4th/10th CE in response to the legal and religious challenges facing Muslims at that time, especially with the territorial expansion of the Islamic state.[287]

4. Terrorism Offences in Islamic Criminal Law

If *jihad* regulates the use of force for self-defence in Islamic international law, does Islamic criminal law establish criminal liability for terrorism? According to the Convention of the Organization of the Islamic Conference (OIC) on Combating International Terrorism, terrorism is a violation of human rights,

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[285] Rudolph Peters, *Crime and Punishment in Islamic Law Theory and Practice from the Sixteenth to the Twenty-First Century* (Cambridge University Press 2005).

[286] An example of the differences between the schools of thought involves the Qura'nic verse on ablution from *Surah An-Nisa* (4:43), which says:

> O ye who believe! Draw not near unto prayer when ye are drunken, till ye know that which ye utter, nor when ye are polluted, save when journeying upon the road, till ye have bathed. And if ye be ill, or on a journey, or one of you cometh from the closet, or ye have touched women, and ye find not water, then go to high clean soil and rub your faces and your hands (therewith). Lo! Allah is Benign, Forgiving.

The Hanbali school interprets the clause 'or ye touched women' as indicating that Muslim men do not have to make ablution after shaking hands with his wife, unless the touch was intimate. However, the Shafi'i school believes that a Muslim man must make ablution whenever he touches female relatives or a spouse regardless of the nature of the touch (accidentally, shaking hands, etc.). The reason for this difference is that the Hanbali rationale is that the Qur'an does not refer to the intimate relationship between the husband and wife directly; it uses appropriate language and metaphors for the purposes of making the Qur'an appropriate to be read even by children, but the purpose is there. On the other hand, the Shafi'i school seems to apply the literal wording of the Qur'an.

[287] Sherman A. Jackson, 'Jihad and the Modern World' (2002) 7 Journal of Islamic Law and Culture 1.

and it destabilises the state.[288] Article 1/2 identifies international terrorism as follows:

> **"Terrorism"** means any act of violence or threat thereof notwithstanding its motives or intentions perpetrated to carry out an individual or collective criminal plan with the aim of terrorizing people or threatening to harm them or imperiling their lives, honor, freedoms, security or rights or exposing the environment or any facility or public or private property to hazards or occupying or seizing them, or endangering a national resource, or international facilities, or threatening the stability, territorial integrity, political unity or sovereignty of independent States.[289]

It may be argued that this article identifies terrorism from an Islamic perspective. Nevertheless, the OIC does not require its members to apply *shari'ah* since they are varied in their political systems. Article 3 reads '… and combat terrorist crimes in conformity with the provisions of this Convention and their respective domestic rules and regulations…'.[290] The engagement that has been made here in identifying terrorism uses the same definition as that of *hirabah* (highway robbery) in Islamic criminal law, resolution 154 (17/3) of the Fiqh academy, a body of the OIC that considers terrorism as *hirabah* under Islamic criminal law.[291] Although the OIC reflects the Islamic position towards current issues, it respects the integrity and sovereignty of its members by not imposing *shari'ah* on Muslim states. The convention does not state that terrorism is *hirabah*; however, it did so in a separate resolution.

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[288] Convention of the Organization of the Islamic Conference on Combating International Terrorism <http://www.oic-oci.org/english/convenion/terrorism_convention.htm> accessed 04 March 2013.
[289] ibid.
[290] ibid.
[291] Fiqh Academy, Resolution 154(17/3) 2006.

c. Hirabah (Unlawful Warfare)

Hirabah is one of the *hudod* crimes, and appears in English scholarship as banditry, disturbance of the peace,[292] highway robbery,[293] great theft,[294] or unlawful warfare.[295] Yet the most accurate translation of the Arabic concept of *hirabah* is "unlawful warfare". Banditry is already criminalised under theft, which already belongs to *hudod* in a separate category. Meanwhile, highway robbery may appear in classical Islamic books because at that time highway robbery was the most serious crime in the Arabian Peninsula. Thus, *hirabah* was applied to condemn this criminal act, yet not to exclusively punishing it. On the other hand, "disturbance of the peace" seems to reflect the implications of the criminal act, yet does not describe the criminal act itself.

Therefore, "unlawful warfare" best reflects the concept of *hirabah* in English. Linguistically, *hirabah* derives from *harb* ("war" in Arabic) and *hirabah* is unlawful warfare as perpetrators illegitimately use force.[296] Recognising *hirabah* as unlawful warfare makes it easy to follow the wording of the English translation of the ruling verse in the Qur'an, which reads:

> The only reward of those who make war upon Allah and His messenger
> and strive after corruption in the land will be that they will be killed or
> crucified, or have their hands and feet on alternate sides cut off, or will

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[292] Rudolph Peters, *Crime and Punishment in Islamic Law Theory and Practice from the Sixteenth to the Twenty-First Century* (Cambridge University Press 2005).

[293] Matthew Lippman, Sean McConville and Mordechai Yerushalmi, *Islamic Criminal Law and Procedure: An Introduction* (Praeger 1988).

[294] Elsayed M. A. Amin, *Reclaiming Jihad: A Qur'anic Critique of Terrorism* (The Islamic Foundation 2014) 134.

[295] Abdallah bin Bayyah, 'Islamic Criminal Law' < http://binbayyah.net/english/2012/02/05/islamic-criminal-law/> accessed 01 November 2013.

[296] Elsayed M. A. Amin, *Reclaiming Jihad: A Qur'anic Critique of Terrorism* (The Islamic Foundation 2014).

be expelled out of the land. Such will be their degradation in the world,
and in the Hereafter theirs will be an awful doom.[297]

According to the verse, *hirabah* is the use of force taken by an armed group or individuals who threaten the security of the community and terrorise people. In other words, *hirabah* can be defined as any act of war in a time of peace. The ruling verse of *hirabah* did not identify the motives of the criminals, or the religious identity of the victims or the criminals. This indicates that these factors do not have any impact on changing the nature of the crime, or on diminishing criminal liability.

It is worth noting that the *mens rea* is identified in the verse in 'those who make war upon Allah and His messenger and strive after corruption in the land', yet not the *actus reus*. The legal implication of stating the *mens rea* but not the *actus reus* is the ability to establish criminal liability for different offences that could occur after the introduction of Islam, for example, hijacking airplanes. In addition, the *actus reus* can take many forms, such as killing, robbery, damaging the environment or property, or vandalising buildings, but terrorising people cannot take but one form.[298]

Not stating the *actus reus* of *hirabah* prevents duplication in regard to condemning crimes for which criminal liability has already been established under *qisas*. For instance, intentional and wrongful murder goes in the *qisas* group.[299] Here, the punishments would be different from murder under *hirabah*. Murderer in *qisas* has a more personal relationship with the victim, and the *actus reus* affects a specific victim (intentionally or wrongly). It has been noted that 'murder and injury, they affect individuals more than society and these are to some extent personal crimes

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[297] Qur'an *Surah Al-Maeda* 5:33.
[298] ʿly ʿbdạlʿzyz Alʿmyryny, 'Mfhwm Alạrhạb Tạ̌sysạ ʿly̠ Mfhwm Albg̱hy Wạlḥrạbẗ' (2008) 34 mjlẗ ạlʿdl 15.
[299] The criminal responsibility of the criminal can be forgone by the victim(s) or their relatives.

in the sense that their perpetrators do not face everyone they meet with violence, but confine their aggression to a particular individual'.[300]

In contrast to the *actus reus* of murder in *hirabah*, the criminal does not have the intent to target a specific person, but any person. This may be understood from Bin Laden's fatwa, as he says, 'The ruling to kill the Americans and their allies— civilians and military—is an individual duty for every Muslim who can do it in any country in which it is possible to do it'.[301] It is noticeable that the ruling verse emphasises the *mens rea*, because it plays a major role in changing the nature of the crime.

Few scholars agree with the distinction of motivation; for example, An-Na'im says there should be no distinction between politically-motivated crimes and other criminal conducts. As he states:

> I see no distinction between politically motivated criminal activity and
> other forms of criminal conduct. Murder bodily harm, robbery,
> kidnapping or abduction, etc. are crimes under all legal systems, and
> should be treated as such regardless of the motive(s) of culprit(s).[302]

An-Na'im's scholarship seems to suggest that *jihad* is an offensive use of force.[303] For him, Islamic international law does not provide an adequate answer to the use

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[300] Mohammad Hashim Kamali, 'Punishment in Islamic Law: A Critique of the Hudud Bill of Kelantan, Malaysia' (1998) 13 Arab Law Quarterly 203, 224.
[301] Magnus Ranstorp, 'Interpreting the broader context and meaning of Bin-Laden's Fatwa' (1998) 21 Studies in Conflict and Terrorism 321, 329.
[302] Abdullahi Ahmed An-Na'im, 'Islamic Ambivalence to Political Violence: Islamic Law and International Terrorism' (1988) 31 German Year Book for International Law 307, 313.
[303] I strongly disagree with the offensive *jihad* notion. As I explained, *jihad* is the legitimate use of force. However, offensive use of force will fit either under other forms of the use of force such as *harb*, or *qital*. Or it may fit under the use of force that is criminalised under Islamic criminal law (*hirabah* or *baghi*). Richard Bonney, *Jihād from Qur'ān to bin Laden* (Palgrave Macmillan 2004) 400,401.

of force in international terrorism. Accordingly, An-Na'im doubts the credibility of the judicial systems of Islamic states, stating that they might be apologetic or supportive of non-state actors conducting international terrorism in the name of Islam. It seems that the intention of An-Na'im is to guarantee minimal criminal liability for terrorists in Islamic states, so as not to be apologetic to terrorists and international terrorism.

Legal jurists require the liability of *hirabah*, by which perpetrators have to be more powerful than the victims and to challenge the state. Jurists assert that threatening and terrorising people cannot be achieved without a powerful group or individual, and thus, jurists have different opinions about the perpetrators. For example, according to the Hanafi school, women cannot be convicted with *hirabah* because they are physically weak.[304]

Other jurists make the assumption that victims can only be vulnerable, terrorised and threatened outside of the city where help cannot reach them. This has led jurists from the four schools of thought to have different opinions about the crime scene of *hirabah*. For example, Shafi' argues that *hirabah* has to be committed inside the city as a sign of the weakness of the ruler or the legal system. On the other hand, the Hanafi school believes that *hirabah* has to be committed outside the city, where people cannot ask for help. Some Hanbali and Shafi' jurists do not give any consideration to the place where *hirabah* is committed. Malik supported this opinion, on condition that victims are not able to ask for help, and cannot be rescued.[305] Adopting Malik's view makes *hirabah* much more flexible when applied to sea, land, or in the air. Thus, according to Malik, airplane hijackers for example would be guilty of *hirabah*.

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[304] Rudolph Peters, *Crime and Punishment in Islamic Law Theory and Practice from the Sixteenth to the Twenty-First Century* (Cambridge University Press 2005).

[305] Ibn Rushd, *The Distinguished Jurist's Primer: A Translation of Bidayat Al-Mujtahid Wa Nihayat Al-Muqtasid* (Imran Ahsan Khan Nyazee tr, Garnet Publishing 1996).

Jurists measured victims' vulnerability in comparison to criminals' power, which is important for *hirabah* liability. This, of course, is similar to current laws, as Article (1) from the Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo 1963) demonstrates the similarity between international law and the discussion of Muslim jurists regarding the crime scene. The article reads thus:

1. This Convention shall apply in respect of:
   a. offences against penal law;
   b. acts which, whether or not they are offences, may or do jeopardize the safety of the aircraft or of persons or property therein, or which jeopardize good order and discipline on board.
2. Except as provided in Chapter III, this Convention shall apply in respect of offences committed or acts done by a person on board any aircraft registered in a Contracting State, while that aircraft is in flight or on the surface of the high seas or of any other area outside the territory of any State.
3. For the purposes of this Convention, an aircraft is considered to be in flight from the moment when power is applied for the purpose of take-off until the moment when the landing run ends.
4. This Convention shall not apply to aircraft used in military, customs or police services.[306]

The similarity occurs in the following aspects: firstly, the flexibility of the *actus reus* and the emphasis on the *mens rea*, in regard to criminalising any offences which threaten the safety of the aircraft; secondly, the legal definition of when the plane is considered in flight, which is based on victims' vulnerability as when the plane is in flight help cannot reach victims; and thirdly, the article and *hirabah* are not applicable to military aircraft.

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[306] Convention on Offences and Certain Other Acts Committed On Board Aircraft (Tokyo 1963), art 1.

For example, Saudi courts establish the criminal liability of many criminal offences under *hirabah*, such as trafficking, smuggling drugs, abduction for sexual motives, armed attacks, etc. These acts are criminalised as they are identified as coming under 'strive after corruption in the land' from the ruling verse of *hirabah*.[307] As a practical example of applying *hirabah* to non-terrorism related offences in Saudi Arabia, three men hit a woman with a wooden stick on her head until she lost consciousness, then stole her jewellery and ran away. The judge's sentence was to convict them with *hirabah*, and he left the punishment to the ruler to decide what was suitable.[308]

The criminal liability of *hirabah* was established based on the fact that the three men planned their criminal act; the wooden stick was an indication of the *mens rea* and *actus reus*. Although the crime was committed in the city, this did not change the nature of the crime, because the victim in this case was a woman, and this is a sign of the vulnerability of the victim, as a woman cannot easily defend herself.

In another incident, a spokesman for the Ministry of Justice mentioned in a televised interview that *hirabah* had been applied to a member of a terrorist group, and some of them had been sentenced to prison and other penalties, which varied depending on the crimes they had committed.[309] It is difficult, however, to find more information about this sentence since it involves a state security issue. Nonetheless, both cases show that *hirabah* can be applied to domestic crimes, as well as international terrorism.

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[307] Qur'an *Surah Al-Maeda* 5:33.

[308] Ministry of Justice Saudi Arabia <http://www.moj.gov.sa/Arabic/JudicialBlog/Documents/M50.pdf> accessed 15 December 2010.

[309] Trky Alshyl, 'ạ̈ḥkạm ạ̈wlyẗ Bḥq Mthmyn Bạrhạb Alqạʿdẗ Wạḷạḍʿạʾ Ystạ̈nf'(09 July 2009) <http://www.aawsat.com/details.asp?section=4&article=526764&issueno=11181> access 04 April 2013.

On the other hand, the criminal liability of *hirabah* in cases of terrorist attacks is expressed clearly in fatwas. For example, the fatwa issued in response to the bombing in Riyadh in 1995 (Saudi Arabia) was entitled The Enormity and Injustice of Riyadh Bombing. The fatwa says:

> This bombing caused the death and injury of many people, mischief in the land, and destruction of houses, cars and other things. There is no doubt that this is one of the great crimes and mischief in the land. The doers of this evil deserve to be punished by killing and cutting their hands and legs as a recompense for what they did. We ask Allah to defeat their trials.[310]

Accordingly, *hirabah* establishes the criminal liability for some of terrorism offences in Islamic criminal law. The next section will explain *baghi* which is also one of terrorism offences in Islamic criminal law.

d. *Baghi* (Unjustified Rebellion)

Baghi is a crime that belongs to the *hudod* crimes, as with *hirabah*. In the Arabic language, *baghi* implies injustice or seeking corruption . In English language scholarship, *baghi* is commonly known as rebellion.[311] For example, it is stated that 'Rebellion or *baghi* is the intentional forceful overthrow or attempted overthrow of the legitimate leader (imam) of the Islamic state'.[312] It is preferable to identify *baghi* in English as "unjustified rebellion". Identifying *baghi* as "rebellion" seems to give an indication that Islamic criminal law condemns justified rebellion; in contrast, it only condemns unjustified rebellion. Justified rebellion against the ruler

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[310] Portal of The General Presidency of Scholarly Research And Ifta', 'Fatwas of Ibn Baz', < http://www.alifta.net/Fatawa/FatawaSubjects.aspx?languagename=en&View=Page&HajjEntryID=0&HajjEntryName=&RamadanEntryID=0&RamadanEntryName=&NodeID=2193&PageID=4508&SectionID=14&SubjectPageTitlesID=27239&MarkIndex=0&0#Terrifyingandkillingpeople> accessed 05 November 2013.
[311] Matthew Lippman, Sean McConville and Mordechai Yerushalmi, *Islamic Criminal Law and Procedure: An Introduction* (Praeger 1988).
[312] ibid 49.

of the Islamic state is not within the jurisdiction of the criminal law. Rebelling against or overthrowing an unjust ruler is discussed in the context of the Islamic conceptions of the state.

Jurists consider *baghi* as a political crime, in which a group aims to overthrow a legitimate ruler of the Islamic state.[313] Obeying the ruler of the Islamic state is one of the essential principles that guarantee the stability of the Islamic state; the Qur'an states,

> O ye who believe! Obey Allah, and obey the messenger and those of you who are in authority; and if ye have a dispute concerning any matter, refer it to Allah and the messenger if ye are (in truth) believers in Allah and the Last Day. That is better and more seemly in the end.[314]

The Hanafi school identifies features of the ideology of the criminals guilty of *baghi* as a group that seems to believe that every person who commits a sin is an infidel, aims to overthrow the legitimate ruler of the Islamic state, falsely legitimises the use of violence against civilians and non-combatants, and challenges the power of the state.[315] The ruling verse from the Qur'an reads thus:

> And if two parties of believers fall to fighting, then make peace between them. And if one party of them doeth wrong to the other, fight ye that which doeth wrong till it return unto the ordinance of Allah; then, if it return, make peace between them justly, and act equitably. Lo! Allah loveth the equitable.[316]

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[313] ʿbd Alqạdr ʿwdẗ, *Altsẖryʿ Aljnạẏy Alạslạmy Mqạrn Bạlwḍʿy* (14 edn, Resalah Publishers 2001)(in Arabic).

[314] Qur'an *Surah An-Nisa* 4: 59.

[315] Kẖạld mflḥ ʿbdạllh Alḥạmd, 'Alfrq Byn Albgẖạṭ Wạlkẖwạrj Wạtẖạrh: Drạsẗ Fqhyẗ Tṭbyqyh' < http://adl.moj.gov.sa/attach/1071.pdf> accessed 05 November 2013 (in Arabic).

[316] Qur'an *Surah Al-Hujraat* 49:9.

The Qur'anic verse identifies three aspects of *baghi*. Firstly, unlike *hirabah*, the Qur'anic verse identifies the religious identity of both the libels of *baghi*, and the victims, and describes them as believers. Secondly, the Qur'anic verse suggests that *baghi* is committed by a group not individuals. Thirdly, the verse escalates in the method of confronting this group. It encourages their defeat peacefully, saying 'make peace between them', and then, if peaceful means are not successful, it suggests the use of force: 'And if one party of them doeth wrong to the other, fight ye that which doeth wrong till it return unto the ordinance of Allah'.[317]

The previous aspects of *baghi* suggest that this crime is a politically-motivated crime against the Islamic state. Political disagreements can be resolved peacefully; however, if the group uses violence against the state, the Islamic state will be in a situation of self-defence, and will therefore be able to use the required force to enforce law and order and protect the stability of the state. The verse states as follows: 'Then, if it returns, make peace between them justly, and act equitably'.[318]

Jurists focus on state vulnerability in front of the criminals, and, unlike in the case of *hirabah*, victim vulnerability is what is taken into consideration. Why this contrast? *Baghi* is a political crime in which criminals have political goals, and their power challenges the Islamic state and threatens its stability. Thus, *baghi* applies only if it is committed inside the Islamic state territory, which indicates that *baghi* criminalises internal terrorism. The judge has to make sure of the following, in order to convict on the basis of *baghi*:

1. The convicted rely on justifications for their actions (religious or political);

2. The group has power which challenges the state;

3. The group has a leader; and

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[317] ibid.
[318] ibid.

4. The group shows their opposition violently.[319]

The question is does *baghi* criminalise political freedom/or freedom of speech? *Baghi* criminalises those who have abused their rights by committing violence that threatens public safety. Some might consider *baghi* as a political crime, and unrelated to terrorism. Conversely, we may consider that the justification of the criminals is not identified in terms of whether it is political or religious. Terrorism may be seen as another dimension of *baghi*. Three of the Prophet's companions were killed for political reasons of *baghi*: Umar bin Al-Khatab, Othman bin Affan, and Ali ibn Abi Taleb.

Two popular cases establish the criminal liability of *baghi* internally and internationally. The first case elaborates on the liability of *baghi* in internal attacks in Saudi Arabia. In 1979, a group of 200 men took over the Holy Mosque in Makkah after smuggling weapons in coffins, bribing one of the gate guards to allow them to enter the Holy Mosque. The group claimed that their leader was the Mahdi, [320] and forced worshippers to ratify him as such. The group closed all gates of the Holy Mosque and exchanged fire with the police. 451 people were injured and 127 deaths were reported.[321] In response to the attacks in the Holy Mosque in Makkah, scholars of the Permanent Committee of Ifta' issued a statement condemning this criminal act.[322] The statement also stated that the group had violated the Holy Mosque of Makkah by committing violence in a place of worship, breaching the following rules from the Qur'an and the Sunna. Firstly, the Qur'an says, 'They question thee (O Muhammad) with regard to warfare in the sacred month. Say: Warfare therein is a great (transgression)'.[323] Secondly, the Prophet Muhammad (peace be upon him) stated:

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[319] ʿly ʿbdalʿzyz Alʿmyryny, 'Mfhwm Alarhạb Tạsysạ ʿly̱ Mfhwm Albg̱hy Walḥrạbï' (2008) 34 mjlï alʿdl 15 (in Arabic).

[320] It is believed that a man from the Prophet's household will appear at the end of time to unite all Muslims. For more information see Salman al-Oadah, 'The Mahdi in Sunni and Shi'a Traditions' (Islam Today, 01 January 2002) < http://en.islamtoday.net/artshow-440-3464.htm> accessed 09 September 2015.

[321] Full report on the attack on the Holy Mosque in Makkah, Saudi Arabia, in 1979 available in Arabic. '(Wthạ̱yq): Tṭhyr Alḥrm Almky Mn Alfÿï Aldạlï Snï 1400h' (25 August 2010) < http://www.assakina.com/center/files/5421.html> accessed on 05 November 2013.

[322] ibid.

[323] Qur'an *Surah Al-Baqara* 2:217.

Allah, not the people, made Makkah a sanctuary, so anybody who has belief in Allah and the Last Day should neither shed blood in it, nor should he cut down its trees. If anybody tells (argues) that fighting in it is permissible on the basis that Allah's Apostle did fight in Makkah, say to him, 'Allah allowed His Apostle and did not allow you.' Allah allowed me only for a few hours on that day (of the conquest) and today its sanctity is valid as it was before. So, those who are present should inform those who are absent (concerning this fact).[324]

Thirdly, the ruling verse from the Qur'an on obeying the ruler of the Islamic state says,

O ye who believe! Obey Allah, and obey the messenger and those of you who are in authority; and if ye have a dispute concerning any matter, refer it to Allah and the messenger if ye are (in truth) believers in Allah and the Last Day. This is better, and more seemly in the end.[325]

Regarding the rule related to the norm of abusing worshipping places, the Qur'an says, 'And who doth greater wrong than he who forbiddeth the approach to the sanctuaries of Allah lest His name should be mentioned therein, and striveth for their ruin'.[326]

On the other hand, *baghi* is implemented with regard to the international relations of the Islamic state. *Baghi* was the justification for the military response of Saudi Arabia in the Gulf War in 1991 when Iraq invaded Kuwait. The Chairman of the Departments of Scholarly Research, Ifta', Da`wah, and Guidance approved *jihad* (the

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[324] Translation of the Hadith (quote from the Sunna) available in English at: Hadith.co.uk, 'Translation of Hadith' <http://ahadith.co.uk/hadithbynarrator.php?n=Said+bin+Abu+Said+Al-Maqburi&bid=1&let=A> accessed 1st June 2015.
[325] Qur'an *Surah An-Nisa* 4: 59.
[326] Qur'an *Surah Al-Baqara* 2:114.

legitimate use of force) against Saddam Hussain, the ruler of Iraq. He issued a statement to justify the use of force against Iraq to withdraw from Kuwaiti soil.[327] *Baghi*, accordingly, was applied to justify the use of force of the Islamic state. It may be said that the Iraq invasion was a clear implementation of the ruling verse, which stated thus:

> And if two parties of believers fall to fighting, then make peace between them. And if one party of them doeth wrong to the other, fight ye that which doeth wrong till it return unto the ordinance of Allah; then, if it return, make peace between them justly, and act equitably. Lo! Allah loveth the equitable.[328]

Accordingly, it can be argued that *hirabah* and *baghi* are two terrorism offences in Islamic criminal law, which establish the criminal liability for cases of internal and international terrorist attacks.

5. Conclusion

The aim of this chapter has been to explain the performative of "*jihad*" in Islamic international law. It has been found that "*jihad*" in Islamic international law regulates the use of force in an exceptional case of self-defence for religious freedom, in which the intention of initiating the use of force is for the sake of Allah, and must be proportionate to the attack; thus, *jihad* terminates once the aggression stops. It has been argued that not all cases of the use of force are considered *jihad*. For *jihad* to be valid legally, it requires declaration from the head of the Islamic state (for the Sunni branch of Islam), or a declaration from jurists (according to the

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[327] Full statement available on the Kingdom of Saudi Arabia Portal of the General Presidency of Scholarly Research and Ifta', 'The best Jihad of our time is fighting the ruler of Iraq' < http://www.alifta.net/Fatawa/FatawaSubjects.aspx?languagename=en&View=Page&HajjEntryID=0&HajjEntryName=&RamadanEntryID=0&RamadanEntryName=&NodeID=2186&PageID=3538&SectionID=14&SubjectPageTitlesID=26136&MarkIndex=0&0#FightingtheIraqirulerforhisinjusticeandaggressionasthebestformsofJihad> accessed 06 November 2013.
[328] Qur'an *Surah Al-Hujraat* 49:9.

Shi'a branch of Islam), and approval from legal jurists regarding the validity of *jihad* conditions.

It has been explained that *jihad* is practised only by the official military of the Islamic state, and that citizens of the Islamic state are not subject to performing *jihad*, unless a state of emergency is announced by the head of the Islamic state. Moreover, *jihad* is not the use of force against non-Muslims but against the aggressors. As has been explained, the legal texts in the Qur'an do not prevent Muslims from establishing peaceful relations with non-Muslim states or individuals, and the determinate in this multi-faith relationship is hostility towards Muslim individuals or states.

In addition to this, *dar al-Islam* and *dar al-harb* are concepts that are used by legal jurists to regulate the conditions of the use of force. These concepts were not used by the legal texts in the Qur'an, but legal jurists used them to develop Islamic international law. It has been explained that *dar al-harb* does not legitimise the use of force against non-Muslims. In fact, jurists developed these concepts in order to identify the jurisdiction of Islamic law, or for the sake of identifying territories of peace or a reflection of Muslims' religious freedom.

On the other hand, individual practices of the use of force, even in cases of aggression, without following the rules of *jihad* are criminal offences of *hirabah* or *baghi*. Since these offences belong to *hudod* offences, which derive from definite texts from the Qur'an and the Sunna, it has been found that the criminality of terrorism in Islamic criminal law belongs to the uncontested part of the law. Therefore, the criminality of terrorism is established despite the diversity and plurality of Islamic laws. Moreover, the verses in the Qur'an on the use of force are rules of Islamic international law that should not be taken out of context or examined separately.

After examining Islamic international and criminal law, this chapter concluded that *jihad* and terrorism are not the same acts of the use of force. *Jihad* is a legitimate act of the use of force that is defined and regulated in Islamic interactional law, whereas violations of the rules of *jihad* establish the criminal liability of terrorism as *hirabah* or *baghi* offences. Drawing upon the conclusions of the previous chapter, the performative of *jihad* in Islamic legal discourse is different from the performative of terrorism. In fact, it has been found that the perlocutionary effect for not complying with the rules of jihad is stated in the Islamic criminal law; which establishes the criminal liability for terrorism offences. Based on this, the next chapter will examine how terrorism is linked and associated with Islam in different ways, such as in the use of the term "Islamic terrorism" to refer to the 'new wave' of terrorism despite the fact that, as proven in this chapter, *jihad* and terrorism are not the same acts and that terrorism is criminalised in Islamic criminal law.

Chapter 4

Framing 'Islamic Terrorism' in Public and Academic Discourse after 9/11

'If knowledge is power, then knowledge of other people maybe an instrument of power over other people'. [*]

Teun A. van Dijk

1. Introduction

The performativity of "*jihad*" in legal discourse - namely Islamic international law – denotes the legitimacy of the use of force that is practiced by the Islamic state. It is an exceptional and restricted case of self-defence against a specific type of aggression. The use of force that is regulated by the rules of *jihad* is distinctly different from any other acts of the use of force. In particular, the use of force constituting terrorism is in fact an offence in Islamic criminal law. The criminal liability for an illegitimate use of force practiced by individuals and/or organised groups comes under the offences of *baghi* and *hirabah*.

Islamic legal discourse – international and criminal – is an authoritative discourse due to its legal nature. Islamic legal discourse has been treated in this thesis as authoritative discourses that reflect the reality of the Islamic position towards the use of force, especially when the legal texts that have been contested were definite legal texts which express the divine intention of Allah as the divine source of legislation for Islamic law. This chapter aims to explore how terrorism has been framed as an Islamic crime in some public and academic discourse, keeping in mind that there is nothing Islamic about terrorism but rather some of the perpetrators are Muslim.

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[*] Teun A. van Dijk, *Elite Discourse and Racism* (Sage Publications 1993)158.

The main argument of this chapter is that misrepresented discourse has framed a 'new wave' of terrorism categorised as 'Islamic terrorism', and defined as 1) committed by a Muslim perpetrator(s), 2) motivated by *jihad*,[329] and 3) targeting non-Muslims or threatening Western countries.[330] Naseem recognises this issue, stating that,

> Acts of terrorism, as has come to be widely accepted in the twenty-first century, are acts of violence threatened or carried out against Western civilisation by Evildoers-Arabs/Muslim barbarians who are fanatical in their belief in Islam and hatred of liberal norms.[331]

As a result of misrepresentation, 'Islamic terrorism' has become a mental model that is activated once the receiver is exposed to misrepresented discourse. Quartermaine reported in her findings of *A Study of Pupil Understandings of 'Terrorism' in Pupil Conversations (aged 16-18) and Questionnaires from a Sample of Warwickshire Secondary Schools (2010),* that:

> One said that the word terrorism made her instantly think of headscarves and Islam, even though she know [*sic*] that was not the case. This was similar to other comments on the stereotypical views of terrorists: terrorists were those from the Middle East, with a beard who flew planes or wore a turban. One interesting comment was that the [*sic*] 'it looks like the media is trying to increase Islamophobia… [because] it feels like the headlines are trying to give a certain idea or bias'.[332]

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[329] Angel Rabasa and Cheryl Benard, *Eurojihad Patterns of Islamist Radicalization and Terrorism in Europe* (Cambridge University Press 2015).

[330] Richard Jackson, 'Constructing Enemies: 'Islamic Terrorism' in Political and Academic Discourse' (2007) 42 Government and Opposition 394.

[331] Azra Naseem, 'The literal truth about terrorism: an analysis of post 9/11 popular US non-fiction books on terrorism' (2012) 5 Critical Studies on Terrorism 455, 455.

[332] Angela Quartermaine, 'A Study of Pupil Understandings of 'Terrorism' in Pupil Conversations (aged 16-18) and Questionnaires from a Sample of Warwickshire Secondary Schools' (2010) 10 Discourse 101.

This chapter will argue that keywords are schemas that participate in activating the model of Islamic terrorism.[333] Schema describes how a person processes new information and makes sense of it.[334] It also explains how the credibility of the source of information participates in downgrading or upgrading information.[335] Inciting one or more schema in the discourse that describes aspects related to terrorism; the act, the motive of the crime, and criminals is sufficient to activate 'Islamic terrorism'. These schemas manipulate how people perceive terror attacks. Schemas that are related to 'Islamic terrorism' make the receiver perceive terror attacks as an Islamic crime that is committed by Muslims and motivated by *jihad*.[336] The repetition of these schemas over time has an impact on the individual's behaviour, as I will explain later in chapter 5.

The time frame for this chapter ranges from the terror attack on the World Trade Centre on 11th September in 2001 onwards (2001–2015). The terror attack of 9/11 had a significant impact on boosting publications in the field of terrorism studies,[337] increasing the publication on terrorism by 300%. However, this increase does not necessarily reflect the quality of the research.[338] Czwarno noted the impact of 11th September on increasing the publications of academic discourse on the topic of 'Islamic terrorism':

> In the pre-11 September period, news journals published 18% of their articles on Islamic terrorism, mainstream journals published 7% of

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[333] Robert Axelrod, 'Schema Theory: An Information Processing Model of Perception and Cognition' (1973) 67 The American Political Science Review 1248.

[334] ibid.

[335] ibid.

[336] ibid.

[337] Monica Czwarno, 'Misjudging Islamic Terrorism: The Academic Community's Failure to Predict 9/11' (2006) 29 Studies in Conflict & Terrorism 657; Ken Hyland (ed), *Academic Discourse: English in a Global Context* (Continuum international Publishing Group 2009) and Magnus Ranstorp, 'Mapping Terrorism Studies After 9/11 an Academic Field of Old Problems and New Prospects' in Richard Jackson, Marie Breen Smyth and Jeroen Gunning (eds), *Critical Terrorism Studies: A New Research Agenda* (Routledge 2009).

[338] Kris Christmann, 'Preventing religious radicalisation and violent extremism a systematic review of the research evidence' (Report, Youth Justice Board for England and Wales, 2012) <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/396030/preventing-violent-extremism-systematic-review.pdf> accessed 30 August 2015, 8.

their articles on that topic, and specialized journals published 5% of their articles on Islamic terrorism. In the post-11 September category, news-related journals published 38% of their articles on Islamic terrorism, mainstream journals published 14%, and specialized journals significantly increased to 14%—more than half of their pre-11 September average.[339]

This chapter will examine the discourse regardless of its quality, poor or good.[340] The reason why I have not focused on what is considered to be 'real' or 'good quality' academic discourse is that the academic quality or qualification of the authors does not necessarily mean that the discourse is not misrepresented, or that it does not have a negative impact. This is because once the discourse is produced, we cannot control its possible impact on the public (perlocutionary effect). Moreover, both good and poor quality discourse participate in producing the same frame of 'Islamic terrorism', since misrepresentation is about the domination of the ideology of a discourse, and not the quality of this discourse or of its ideology.

Although the terror attack on 11th September has increased interest in Islam and Muslims in public and academic discourse,[341] the time frame does not imply that misrepresentation did not occur before that period.[342] Since this thesis is interested in misrepresentation occurring in English discourse, this chapter will also use the English language as a communicative language that nativises, or borrows, concepts from the Arabic language to refer to terror events or aspects related to it, whether the perpetrators, ideologies or motives.

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[339] Monica Czwarno, 'Misjudging Islamic Terrorism: The Academic Community's Failure to Predict 9/11' (2006) 29 Studies in Conflict & Terrorism 657, 664.

[340] Magnus Ranstorp, 'Mapping Terrorism Studies After 9/11 an Academic Field of Old Problems and New Prospects' in Richard Jackson, Marie Breen Smyth and Jeroen Gunning (eds), *Critical Terrorism Studies: A New Research Agenda* (Routledge 2009). Similar views are expressed in Kris Christmann, 'Preventing religious radicalisation and violent extremism a systematic review of the research evidence' (Report, Youth Justice Board for England and Wales, 2012) <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/396030/preventing-violent-extremism-systematic-review.pdf> accessed 30 August 2015, 8.

[341] Amir Saeed, 'Media, Racism and Islamophobia: The Representation of Islam and Muslims in the Media' (2007) 1 Sociology Compass 443.

[342] Edward W. Said, *Covering Islam: How the Media and the Experts Determine How We See the Rest of the World* (Random House 1997) and Richard Jackson, 'Constructing Enemies: 'Islamic Terrorism' in Political and Academic Discourse' (2007) 42 Government and Opposition 394.

All public and academic discourse that is produced in the English language, whether in the UK, Australia or Canada, is treated similarly, as they all contribute to the process of framing the concept of 'Islamic terrorism' in English-speaking countries. Thus, the impact of framing 'Islamic terrorism' in public and academic discourse participates in the ripple effect of a terror attack; which I will discuss in the next chapter. Accordingly, in this chapter, if the discourse is produced in the United Kingdom or by a British scholar or author, this does not mean that the impact (perlocutionary effect) of this discourse occurs only in a British context, and so on and so forth.

This chapter will be divided into two sections. The first section will explain aspects related to public and academic discourse. It will be a background, which will provide a review of some studies that examine the representation of Islam and Muslims using critical discourse analysis. These studies analyse texts, media and news coverage produced in Australia from 2001 to 2004,[343] Britain from 1998 to 2009,[344] and the US from 2001 to 2010. This section will argue that different jurisdictions and time frames have no impact on the momentum of misrepresentation as long as it is consistent. However, the occurrence of a terror attack affects the intensity of the frames. Subsequently, this section will explain the role of public and academic discourse in framing and the process of meaning making of 'Islamic terrorism'. After that, it will define public and academic

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[343] Shahram Akbarzadeh and Bianca Smith, *The Representation of Islam and Muslims in the Media: The Age and Herald Sun Newspapers* (Monash University 2005).

[344] John E. Richardson, 'British Muslims in the Broadsheet Press: A Challenge to Cultural Hegemony?'(2001)2 Journalism Studies 221; Amir Saeed, 'Media, Racism and Islamophobia: The Representation of Islam and Muslims in the Media' (2007) 1 Sociology Compass 443; Costas Gabrielatos, Paul Baker and Tony McEnery, 'Using Sketch Engine to examine the presentation of Islam and Muslims in the UK press' (Conference paper, The British Association for Applied Linguistic (BAAL), University of Aberdeen, 9-11 September 2010)< http://eprints.lancs.ac.uk/34198/1/Muslims_BAAL-2010.pdf> accessed 30 August 2015; Paul Baker, Costas Gabrielatos and Tony McEnery, *Discourse Analysis and Media Attitudes: The Representation of Islam in the British Press* (Cambridge University Press 2013); Paul Baker, Costas Gabrielatos and Tony Mcenery, 'Sketching Muslims: A Corpus Driven Analysis of Representations Around the Word 'Muslim' in the British Press 1998–2009' (2013) 34 Applied Linguistics 255; Kerry Moore, Paul Mason and Justin Lewis, 'Images of Islam in the UK The Representation of British Muslims in the National Print News Media 2000-2008' (Report, Cardiff School of Journalism, Media and Cultural Studies, 7 July 2008) <http://www.channel4.com/news/media/pdfs/Cardiff%20Final%20Report.pdf> access 30 August 2015.

discourse and distinguish between the schemas produced by public and academic discourse.

The second section of this chapter will be dedicated to framing the mental representation of 'Islamic terrorism' by focusing on schemas that are produced by public and academic discourse, which describe the act, motive, and perpetrators of 'Islamic terrorism' attacks. This section will examine examples of some public and academic discourse after 9/11 that suffer from misrepresentation.

To summarise, this chapter will focus on what the discourse of a multi-faith society in the English language is saying about 'Islamic terrorism'; and how the discourse describes the motives and attributes of people carrying out an act of 'Islamic terrorism'.

2. Public and Academic Discourse

a. Background

Public and academic discourse has a major role in framing the concept of 'Islamic terrorism' by presenting it as a new wave of terrorism that is threatening the West and Europe. Duyvesteyn notes four specific features of a terror act that have resulted in identifying it as 'new':

> First, the perpetrators of terrorism act transnationally and operate in loosely organized networks. Second, they are inspired by religion and are seen as religious fanatics. Third, they seek weapons to attack as many people as possible, notably weapons of mass destruction. Fourth,

their victims are not carefully selected but their targeting is indiscriminate.[345]

Although there is no difference between 'traditional' and 'new' terrorism,[346] it seems that religion is the central feature of the claimed 'new' terrorism that makes it different or new.[347]

It seems to be widely accepted that terrorism is identified as 'Islamic terrorism'; the search results for the keyword 'Islamic terrorism' in books published in 2001-2015 on Amazon.co.uk, where I chose one book title from each year, suggest this notion. The keyword used for this search was 'Islamic terrorism' without quotation marks (' '). This is because the occurrence of the term in the discourse without quotation marks is an indication that 'Islamic terrorism' is an -accepted term, recognised as fact, and that it has been used unapologetically. The search result is as follows: *Eurojihad: Patterns of Islamist Radicalization and Terrorism in Europe (2015)*,[348] *Islamic Violence in America's Streets (2014)*,[349] *Jihadi Culture on the World Wide Web (New Directions in Terrorism Studies) (2013)*,[350] *Engaging with Violent Islamic Extremism: Local Policies in Western European Cities (FORUM reeks) (2012)*,[351] *The Closing of the Muslim Mind: How Intellectual Suicide Created the Modern Islamist Crisis (2011)*,[352] *The Banality of Suicide Terrorism: The Naked Truth About the Psychology of Islamic Suicide Bombing (2010)*,[353] *Defeating Political Islam: The New Cold War (2009)*,[354] *The Suicide of Reason: Radical Islam's Threat to the*

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[345] Isabelle Duyvesteyn, 'How New is the New Terrorism?' (2004)27 Studies in Conflict & Terrorism 439, 443.

[346] ibid.

[347] ibid.

[348] Angel Rabasa and Cheryl Benard, *Eurojihad Patterns of Islamist Radicalization and Terrorism in Europe* (Cambridge University Press 2015).

[349] Ronald K. Pierce, *Islamic Violence in America's Streets* (iUniverse 2014).

[350] Gilbert Ramsay, *Jihadi Culture on the World Wide Web* (Bloomsbury 2013).

[351] Floris Vermeulen and Frank Bovenkerk, *Engaging with Violent Islamic Extremism: Local Policies in Western European Cities (FORUM reeks)* (Eleven International Publishing 2012).

[352] Robert R. Reilly, *The Closing of the Muslim Mind: How Intellectual Suicide Created the Modern Islamist Crisis* (ISI Books 2011).

[353] Nancy Hartevelt Kobrin, *The Banality of Suicide Terrorism: The Naked Truth About the Psychology of Islamic Suicide Bombing* (Potomac Books Inc 2010).

[354] Moorthy S. Muthuswamy, *Defeating Political Islam: The New Cold War* (Prometheus Books 2009).

West (2008),[355] *Defeating Islamic Terrorism: The Wahhabi Factor (2007),*[356] *While Europe Slept: How Radical Islam is Destroying the West from Within (2006),*[357] *Islamic Terrorism: Is There a Christian Response? (Ethics) (2005),*[358] *Understanding Islamic Terrorism: The Islamic Doctrine of War (2004),*[359] *American Jihad: The Terrorists Living among Us (2003),*[360] *War without End: The Rise of Islamist Terrorism and Global Response (2002),*[361] *How Did This Happen?: Terrorism And The New War (2001).*[362] It may be noticed from the titles of some of the academic discourse provided that there is a strong association between 'Islamic terrorism' and *jihad*, Islam, and war against the West or Europe, in particular, in which Muslims seem to constitute a threat.

Some studies have used critical discourse analysis to examine the representation of Islam and Muslims in public discourse; for instance, Martin and Phelan used WordSmith (a lexical analysis software) to analyse the textual corpora of a 4.18-million-word corpus to investigate the representation of Islam on five television networks based in the US after 11th September.[363] The analysis found 15 commonly-used noun phrases from the TV transcripts in which "Islamic" is used as an adjective, presented in the table 2:

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[355] Lee Harris, *The Suicide of Reason: Radical Islam's Threat to the West* (Basic Books 2008).

[356] Patrick Bascio, *Defeating Islamic Terrorism: The Wahhabi Factor* (Branden Publishing Company 2007).

[357] Bruce Bawer, *While Europe Slept: How Radical Islam is Destroying the West from* (Doubleday Books 2006).

[358] Colin Chapman, *Islamic Terrorism: Is There a Christian Response? (Ethics)* (Grove Books Ltd 2005).

[359] Patrick Sookhdeo, *Understanding Islamic Terrorism: The Islamic Doctrine of War* (Isaac Publishing 2004).

[360] Steven Emerson, *American Jihad: The Terrorists Living among Us* (Simon & Schuster 2003).

[361] Dilip Hiro, *War without End: The Rise of Islamist Terrorism and Global Response* (Routledge 2002).

[362] Gideon Rose and James F. Hoge (eds), *How Did This Happen?: Terrorism And The New War* (PublicAffairs 2001).

[363] Patrick Martin and Sean Phelan, 'Representing Islam in the Wake of September 11: A Comparison of US Television and CNN Online Messageboard Discourses' (2002) 20 Prometheus: Critical Studies in Innovation 263.

Noun phrase	Television corpus[a]	
	Frequency	Percentage of all
1 Islamic fundamentalists(s)	51	10.90%
2 Islamic jihad	33	7.05%
3 Islamic world	26	5.56%
4 Islamic militant(s)	25	5.34%
5 Islamic extremist(s)	24	5.13%
6 Islamic group(s)	24	5.13%
7 Islamic country/ies	24	4.49%
8 Islamic faith	17	3.63%
9 Islamic society	15	3.21%
10 Islamic center(s)	15	3.21%
11 Islamic radical(s)	14	2.99%
12 Islamic terrorist(s)	14	2.99%
13 Islamic nation(s)	13	2.78%
14 Islamic community/ies	11	2.35%
15 Islamic conference(s)	10	2.14%

Table 7 The 15 most popularly used noun phrases from the TV transcript corpus where Islamic is used as an adjective.[364]

The same study also analysed the CNN online messageboard corpus of 2.39 million words amongst CNN community members.[365] The results of the analysis can be seen in the table 3:

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[364] Source of the table Patrick Martin and Sean Phelan, 'Representing Islam in the Wake of September 11: A Comparison of US Television and CNN Online Messageboard Discourses' (2002) 20 Prometheus: Critical Studies in Innovation 263, 265.
[365] ibid.

Noun phrase	Messageboard corpus[a]	
	Frequency	Percentage of all
1 Islamic terrorist(s)	174	11.00%
2 Islamic fundamentalist(s)	147	9.29%
3 Islamic jihad	90	5.69%
4 Islamic fundamentalism	80	5.06%
5 Islamic extremist(s)	69	4.36%
6 Islamic countries	60	3.79%
7 Islamic world	54	3.41%
8 Islamic people(s)/persons	42	2.65%
9 Islamic nation(s)	42	2.65%
10 Islamic terrorism	38	2.40%
11 Islamic faith	37	2.34%
12 Islamic group(s)	32	2.02%
13 Islamic religion	28	1.96%
14 Islamic militant(s)	27	1.71%
15 Islamic movements(s)	24	1.52%

Table 8 The 15 most popularly used noun phrases from CNN's online message board where "Islamic" is used as an adjective.[366]

The study concluded that 'A total of ten noun phrases [Islamic fundamentalist(s); jihad; world; militant(s); extremist(s); group(s); faith; countries; terrorist(s); nation(s)] appear in the top 15 of both corpora, accounting for a total of 53% of the television corpus and 46.26% of the messageboard corpus'.[367]

Another corpus-based analysis, which analysed over 100 million words, concluded that the British press tend to link Muslims to an extreme belief. Baker's analysis found that "extremist(s)", "fundamentalist(s)" and "militant(s)" are the most common words to be associated with Muslims (when "Muslim" is used as a noun).[368] The figure 2 shows the result of Baker's analysis of the distribution of

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[366] Source of the table Patrick Martin and Sean Phelan, 'Representing Islam in the Wake of September 11: A Comparison of US Television and CNN Online Messageboard Discourses' (2002) 20 Prometheus: Critical Studies in Innovation 263, 265.
[367] ibid 266.
[368] Paul Baker, 'Acceptable Bias? Using Corpus Linguistics Methods with Critical Discourse Analysis' (2012) 9 Critical Discourse Studies 247.

extreme belief words in the British national press, with a corpus of 143 million words from 200,000 articles published between 1998 and 2009.[369]
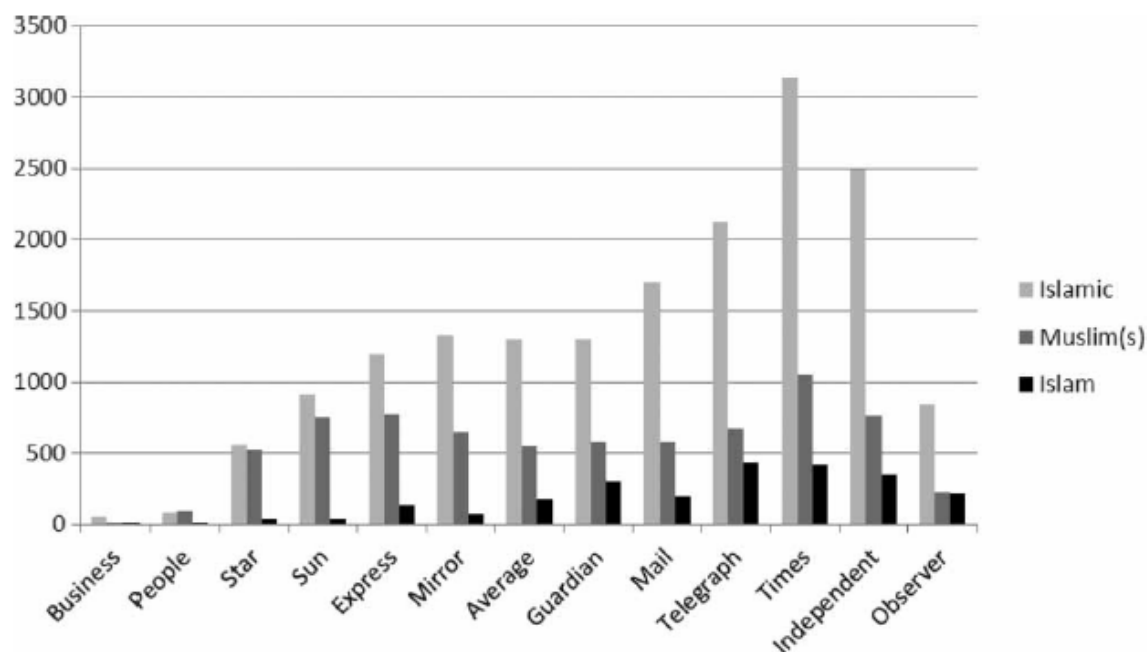
Figure 2 Overall frequencies of extreme belief words occurring before or after "Muslim(s)", "Islamic" and "Islam" for each newspaper.[370]

The negative representation of Muslims and Islam in public discourse does not occur exclusively in the British national press. Akbarzadeh and Smith examined how the words "Islam" and "Muslims" were used in two major newspapers from Victoria, Australia – The Age, and the Herald Sun – from 2001 to 2004. The study examined data related to 451 news articles and news features. Based on this, the study divides the articles into themes: terrorism, race and gender, and the connection between the international and the national. After this, the study classified the articles into positive or negative news. According to Akbarzadeh and Smith's analysis, the words "Islam" and "Muslims" were used 22% of the time in news related to terrorism in comparison to the other themes. However, this percentage is just a reflection of the news theme, and does not necessarily mean

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[369] ibid.
[370] Source of the figure Paul Baker, 'Acceptable Bias? Using Corpus Linguistics Methods with Critical Discourse Analysis' (2012) 9 Critical Discourse Studies 247, 250.

that the use of the words "Muslims" and "Islam" is negative. Furthermore, the analysis found that reporting an international terror attack had an impact on the local Muslims in Victoria and Australia.[371] The study also noted that news reports used terminology such as "*jihad*", "Islamic terrorism", "Muslim fanatic" and other words to describe the type of attack. It states:

> The identification of Islam with acts of terrorism, or terrorism in the name of Islam, is commonly known as 'Islamic terrorism.' Because these 'Islamic jihad fighters' and 'Muslims' come from 'other' parts of the world – namely the Middle East and 'conflict zones,' they have occupied a 'foreign' place in the Australian imagination.[372]

The study concluded that the content of the articles had an impact on the overall impression of language use; thus, journalists find it difficult to avoid stereotypes and the negative association of Islam and/or Muslims with violence.

Akbarzadeh and Smith's findings are based on their view as they treated the newspaper in isolation from other discourse, and focused on the intention of the journalists in reporting terror attacks. However, the discourses cannot be isolated from each other because the receiver or the reader of the news is exposed to other press, not only local newspapers. Not to mention, the framing of knowledge about 'Islamic terrorism' occurs in various sources: not only in public discourse, but even in academic discourse.

In contrast, a report on the representation of British Muslims in the national press from 2000 to 2008, which examined the representation of British Muslims in everyday events, found that stories about British Muslims were used as news hooks

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[371] Shahram Akbarzadeh and Bianca Smith, *The Representation of Islam and Muslims in the Media: The Age and Herald Sun Newspapers* (Monash University 2005).
[372] ibid 23.

in about 36% of cases.[373] It is worth noting that the report does not include news coverage of the attacks on September 2001 and July 2005.[374] The study found that:

> The most common nouns used in relation to British Muslims were *terrorist, extremist, Islamist, suicide bomber* and *militant* with very few positive nouns (such as 'scholar') used. The most common adjectives used were *radical, fanatical, fundamentalist, extremist* and *militant*, suggesting that we see far more references to more threatening versions of Islam than to moderate Islam.[375]

It may be argued that the representation of Islam and Muslims was negative even before the attack on the World Trade Centre. According to Richardson's analysis of British broadsheet newspapers from 1997 to 1998, which included 2540 articles, he found that the representation of British Muslims was predominantly negative,[376] with 38.4 % referring to British Muslims in articles about violence or act of violence.[377] Meanwhile, 50.6% of the articles cited Islam as influencing violence. On the other hand, the percentage of articles that referred to Islam as the enemy was 58.3%,[378] while the notion of 'Islam vs. the West' occurred in 69.4% of the articles.[379] It can be argued that public and academic discourse associated Islam and Muslims with violence and terrorism. This appears despite the fact that the reality of the Muslim population being represented is different, and that the studies examined the discourse in different time frames. It can be seen that the representation of Muslim populations in discourse in Australia, the USA, Britain or Canada is not different. However, the terror attack on 11th September caused an

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[373] Kerry Moore, Paul Mason and Justin Lewis, 'Images of Islam in the UK The Representation of British Muslims in the National Print News Media 2000-2008' (Report, Cardiff School of Journalism, Media and Cultural Studies, 7 July 2008) <http://www.channel4.com/news/media/pdfs/Cardiff%20Final%20Report.pdf> access 30 August 2015.
[374] ibid.
[375] ibid 21.
[376] John E. Richardson, 'British Muslims in the Broadsheet Press: A Challenge to Cultural Hegemony?' (2001)2 Journalism Studies 221, 229.
[377] ibid.
[378] John E. Richardson, 'British Muslims in the Broadsheet Press: A Challenge to Cultural Hegemony?' (2001)2 Journalism Studies 221, 231.
[379] ibid.

increase in the negative reorientation of Muslims and Islam.[380] Thus, it may be argued that the jurisdiction,[381] and the time frame of the production of the discourse[382] have no impact on misrepresentation. This is because misrepresentation has a momentum that is consistent insofar as discourse is consistent in producing the same frame about 'Islamic terrorism'. Nonetheless, there is no doubt that terror attacks participate in increasing the amount of misrepresented discourse and the misrepresentation of Islam and Muslims.

b. Overview

There are many sources of discourse that have participated in framing 'Islamic terrorism';[383] Jackson, for example, looked at authoritative discourse, or discourses produced by authorised speakers, on the topic of 'Islamic terrorism', such as academic books, scholarly articles, reports by policymakers or think tanks, and official speeches.[384] For Jackson, what brings the different discourses together is the topic of 'Islamic terrorism'. Jackson identifies this collection of discourses as a type of discourse (in particular, political discourse) called the 'Islamic terrorism' discourse.[385] Therefore, the 'Islamic terrorism' discourse is only a form of political

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[380] Brian Whitaker, 'Islam and the British press after September 11' (Conference on Islam and the media, Central London Mosque, 20 June, 2002)< http://www.al-bab.com/media/articles/bw020620.htm> accessed 30 August 2015.

[381] Zizi Papacharissi and Maria de Fatima Oliveira, 'News frames Terrorism: A Comparative Analysis of Frames Employed in Terrorism Coverage in U.S. and U.K. Newspaper' (2008) 13 The International Journal of Press/Politics 52 ; Halim Rane and Jacqui Ewart, 'The Framing of Islam and Muslims in the Tenth Anniversary Coverage of 9/11: Implications for Reconciliation and Moving On' (2012) 32 Journal of Muslim Minority Affairs 310 and Paul Baker, Costas Gabrielatos and Tony McEnery, 'The 9/11 Effect: Change Over Time' in Paul Baker, Costas Gabrielatos and Tony McEnery (eds) *Discourse Analysis and Media Attitudes: The Representation of Islam in the British Press* (Cambridge University Press 2013).

[382] Edward W. Said, *Covering Islam: How the Media and the Experts Determine How We See the Rest of the World* (Random House 1997) and Paul Baker, Costas Gabrielatos and Tony McEnery, 'Does History Rhyme? Earlier News Representations of Muslims ' in Paul Baker, Costas Gabrielatos and Tony McEnery (eds) *Discourse Analysis and Media Attitudes: The Representation of Islam in the British Press* (Cambridge University Press 2013).

[383] Richard Jackson, 'Constructing Enemies: 'Islamic Terrorism' in Political and Academic Discourse' (2007) 42 Government and Opposition 394.

[384] ibid.

[385] ibid.

discourse, similar to discourses on freedom, democracy or justice.[386] Similar to the Orientalist approach, Jackson seems to identify 'Islamic terrorism' as a political discourse, arguing that scholars' contribution to 'Islamic terrorism' is manipulated by their political views.[387] Thus, he looked at how the 'Islamic terrorism' discourse functions as a political means that legitimises or delegitimises certain policies in relation to terrorism and insurgent groups, for example, legitimising policies domestically and internationally.[388] Jackson's approach is somewhat practical insofar as he identifies the discourse as 'Islamic terrorism' discourse, regardless of its source. Hence, the discourse type, whether political, academic or the media, has no significant role as long as it contributes to the creation of 'Islamic terrorism'.

However, in this chapter, since one of the roles of a discourse is to construct a reality, I do not want to identify the discourse as 'Islamic terrorism' discourse, because in saying so, I will be indirectly implying some acceptance of the 'reality' that the discourses have produced on the topic. Meanwhile, I have already disapproved of this reality in chapter 3, where I used Islamic international and criminal law and their position towards the claim of the 'new wave' of terrorism to contest the core notion of 'Islamic terrorism', *jihad*. This *jihad*, from a legal perspective, is not the same act as terrorism, according to Islamic criminal and international laws. Essentially, then, I do not seek to consider discourse as a political means. This is not to imply that I deny the functionality of discourse as a political means or its capability to achieve political goals. Rather, I look at discourse as the foundations of meaning making, or where concepts are framed, and seek to view the results of this framing in public and academic discourse.

There are many sources or types of discourse that have participated in forming 'Islamic terrorism'.[389] It can be argued that the concept 'Islamic terrorism' is a

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[386] ibid.

[387] Edward W. Said, *Covering Islam: How the Media and the Experts Determine How We See the Rest of the World* (Random House 1997).

[388] Richard Jackson, 'Constructing Enemies: 'Islamic Terrorism' in Political and Academic Discourse' (2007) 42 Government and Opposition 394.

[389] Karim H. Karim, 'Making Sense of the "Islamic Peril": Journalism as Cultural Practice' in Barbie Zelizer and Stuart Allan (eds), *Journalism After September 11* (Routledge 2002).

result of the knowledge produced by these discourses, as it is not a sudden concept that occurred out of nowhere. Indeed, 'Islamic terrorism' as a concept has gone through a process of meaning making in which public and academic discourse have participated. Thus, it can be said that the roles of public and academic discourse here are several. Firstly, meaning making or framing, in which academic discourse frames the knowledge about what constitutes 'Islamic terrorism'. Public discourse uses and incites schemas to refer to pre-existing knowledge that has already been established in academic discourse. The schemas in public discourse activate the mental representation of 'Islamic terrorism'.

Secondly, discourse has a role in the production and re-production of an ideology. Misrepresented discourse has re-produced a similar ideology to radical discourse;[390] it has been argued that 'the distinction between mainstream and extremist media becomes irrelevant because what provokes feeling is not the form but the substance; not the representation but what is represented, and the sense of continuity to what is represented.'[391] Misrepresented discourse occurs in trusted and credible discourse, that is produced by trusted institutions, for instance, a report published by the police or that the discourse is produced by authoritative bodies or institutions. Here, misrepresentation dominates the discourse as it has been argued by van Dijk that 'the elites dominate these means of symbolic reproduction, they also control the communicative conditions in the formation of the popular mind and hence, the ethnic consensus'.[392] On this basis, 'Islamic terrorism' is not considered a separate discourse, but a concept or a reality that is produced by public and academic discourse.

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[390] Teun A. van Dijk, *Elite Discourse and Racism* (Sage Publications 1993).
[391] Andrew Hoskins and Ben O'loughlin, 'Security Journalism and 'the mainstream' in Britain since 7/7: translating terror but inciting violence? ' (2010) 86 International Affairs 903, 914.
[392] Teun A. van Dijk, *Elite Discourse and Racism* (Sage Publications 1993)10.

c. Definition

The distinction between public and academic discourse in this chapter is based on two factors: first, the target of the discourse, who accesses the discourse, whether the public or specialists; and second, the style of the discourse, and whether the discourse is in an academic style or not.

Academic discourse is discourse that is produced in an academic style, following academic methods, for example, journal articles and books that are not necessarily produced by academics. Thus, the distinction between academic and public discourse is based on following the academic style. In addition, academic discourse is not identified by the academic affiliation of the author. Because academic discourse uses academic style as a persuasive method, it is viewed as a credible source of information according to Maynard and Turowetz who state that 'when, for example, audience members perceive a source as credible and trustworthy, they are more likely to be persuaded by what the source says'.[393]

Meanwhile, public discourse is discourse that is not produced in an academic style, and therefore is accessible to a wider, non-specialised audience. Examples of this are reports published by think tanks, policy reports, news articles, newspapers, and, movies, and so on and so forth, including official statements given by governmental representatives in response to a terror attack. Public discourse is more accessible to the public or has direct contact with them, which makes it influential. It has been argued by Naseem, for instance, that the American public gain their knowledge about the terror attack in 9/11 from the media.[394] Van Dijk too recognises the role of media, newspapers, TV and movies in transmitting

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[393] Douglas W. Maynard and Jason Turowetz, 'Language Use and Social Interaction' in John DeLamater and Amanda Ward (eds), *Handbook of Social Psychology* (Springer Netherlands 2013)252.
[394] Azra Naseem, 'The literal truth about terrorism: an analysis of post 9/11 popular US non-fiction books on terrorism' (2012) 5 Critical Studies on Terrorism 455.

negative representations of minorities.[395] He also recognises that the public uses the media as their source of knowledge about minority groups.[396] However, this chapter and thesis limits itself to the written texts, so despite the role of TV and movies in forming a mental representation of minorities, that is not the focus of this thesis.

Although, this chapter acknowledges two types of discourse, public and academic, they appear in the singular form - discourse - for several reasons. The singular form is used here as a means of indicating the interaction between public and academic discourse. Here, an interaction between the two discourses is highly likely on the topic of 'Islamic terrorism', and public and academic discourses seem to be integrated as one discourse. For instance, a police report by the New York City Police Department (2007) included the views of two external experts: the senior advisor to the president of the Rand Corporation and a criminologist at the Sorbonne University.[397] Members of academic discourse play an important role in advising governmental bodies, and sometimes have a role in judicial systems, such as when academics appear in court as expert witnesses, as Dr Matthew Tariq Wilkinson did in the case of R v Faraz.[398] Many terrorism studies scholars have made contributions as advisers, or as expert witnesses for official bodies.[399] In fact,

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[395] Teun A. van Dijk, *Prejudice in Discourse : An Analysis of Ethnic Prejudice in Cognition and Conversation* (John Benjamins Publications Company 1984).

[396] ibid.

[397] Mitchell D. Silber and Arvin Bhatt, 'Radicalization in the West: The Homegrown Threat' (Report, The New York City Police Department, 2007) < http://www.nypdshield.org/public/SiteFiles/documents/NYPD_Report-Radicalization_in_the_West.pdf> accessed 30 August 2015, 13-15.

[398] Ahmad Faraz faced charges of distributing terrorist materials and the work of Sayed Qutb, Abdullah Azzam and Ibn Taymiyyah at the Makhtabah bookshop. The role of Wilkinson, as the expert witness in this case, was to evaluate the materials found in the bookshop and to investigate whether or not these works were encouraging or influencing 'Islamic terrorism'. Also, the court asked Wilkinson to provide the jury with the basics of Islam and the meanings of certain terms that were highly repeated in the literature such as "*jihad*", "*dar al-harb*", "*dar al-sulh*" and so on and so forth. The full statement of the expert witness can be found in Asim Qureshi, 'R v Faraz - Testimony of Matthew 'Tariq' Wilkinson for the prosecution - Day 1' (Cage , 07 December 2011) < http://www.cageprisoners.com/learn-more/legal-issues/item/2922-r-v-faraz-testimony-of-matthew-tariq-wilkinson-for-the-prosecution-day-1> accessed 15 October 2012.

[399] Richard Jackson, 'Constructing Enemies: 'Islamic Terrorism' in Political and Academic Discourse' (2007) 42 Government and Opposition 394.

some argue that members of academic discourse have a vital role to play in predicting future terror attacks:

> Academic experts, who concern themselves with terrorism and wider global affairs, play a crucial role in government policymaking by appearing as experts on Senate panels, writing policy papers, books, journal articles, and offering their analytical expertise on risk factors that may lead to future conflict. Their analysis of future threats, by examining the historical record and other long-term indicators, is important and much sought after by political decision makers who may then incorporate academic knowledge into their policy considerations. Without academic analysis, government policymakers would lose one crucial resource in their capability to determine which trends may turn into risks.[400]

Thus, academic discourse is able to frame knowledge that helps to understand current or previous terror threats and predict future terror attacks, as well as produce knowledge that can assist policy makers and decision makers. Czwarno claims that after the attack on the World Trade Centre in 2001, the academic community was approached by foreign policy advisers looking for an explanation as to why a terror attack had occurred and for advice on what type of policies should be implemented.[401] Others, meanwhile, propose that the occurrence of terror attacks is a sign of failure of academic discourse, as suggested by Lindsay Hundley in her article *Repeated Failures: Explaining The Rise And Tactics Of The Current Wave Of Radical Islamic Terrorism*,[402] and by Monica Czwarno in her article *Misjudging Islamic Terrorism: The Academic Community's Failure To Predict 9/11*.[403]

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[400] Monica Czwarno, 'Misjudging Islamic Terrorism: The Academic Community's Failure to Predict 9/11' (2006) 29 Studies in Conflict & Terrorism 657, 657.
[401] ibid.
[402] Lindsay Hundley, 'Repeated Failures: Explaining the Rise and Tactics of the Current Wave of Radical Islamic Terrorism' (2011) The Monitor 18.
[403] Monica Czwarno, 'Misjudging Islamic Terrorism: The Academic Community's Failure to Predict 9/11' (2006) 29 Studies in Conflict & Terrorism 657.

Some academic discourse attempts to predict potential 'Islamic terrorism' attacks, such as in the article *Mixed Logit Estimation of Radical Islamic Terrorism in Europe and North America* (2005) by Carlos Pestana Barros and Isabel Proenca, which identifies the characteristics of 'Islamic terrorism' and then estimates the probability of an Islamic terror attack in Europe.[404]

Barros and Proenca have noted the different characteristics of an Islamic terror attack and a non-Islamic terror attack, as shown in the table below:

Variable	Total	Islamic	Non-Islamic	Equality in Means t-Test	
				t-Statistic	p-Value
Terrorist events	2,799	386	2,413		
Armed attack	163	21	142	−0.355	.72
Arson	389	8	381	−13.208	.00
Assassination	249	75	174	5.863	.00
Bomb	1,068	102	966	−5.535	.00
Kidnap	35	4	31	−0.440	.66
Letter bomb	65	7	58	−0.789	.43
Skyjacking	74	11	63	0.263	.79
Wounded	7,157	3,818	3,339	1.438	.15
Killed	4,092	3,528	564	1.223	.22
U.S. victims outside United States	1,076	584	492	0.169	.87

NOTE: The sign of the *t*-statistic is the sign of the differences between the mean of Islamic attacks and that of non-Islamic attacks.

Table 9 Barros' analysis of terrorist events from October 1979 to December 2002.[405]

It should be noted that the model of an Islamic terror attack is designed to measure potential terror attacks against the West that are identified as Islamic. Thus, it can be said that the model suggests that 'Islamic terrorism' constitutes a threat to European countries only. The model seems to exclude terror attacks occurring against Muslim states or Muslim individuals, even when committed by the same terrorist groups. This raises the question of whether or not, according to the same study, the same act is considered a terror attack if the target is non-Western states

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[404] Carlos Pestana Barros, 'Mixed Logit Estimation of Radical Islamic Terrorism in Europe and North America A Comparative Study' (2005) 49 Journal of Conflict Resolution 298.
[405] Source of the table Carlos Pestana Barros, 'Mixed Logit Estimation of Radical Islamic Terrorism in Europe and North America A Comparative Study' (2005) 49 Journal of Conflict Resolution 298, 300.

or individuals? The study also suggests that terror events that occurred in the Middle East in the late 1960s were politically motivated and that the motivations were secular rather than religious.[406]

As the previous table shows, terror attacks identified as Islamic are not significantly different to non-Islamic terror attacks. Indeed, according to Barros and Proenca, Islamic terrorist attacks constitute 13.8% of the total terror attacks.[407] Although the model presented here treated 'Islamic terrorism' as a distinctive type of terrorism, as the statistics provided show, there is no legitimate reason to treat 'Islamic terrorism' in a different manner to 'non-Islamic' terrorism, as the same terror acts were used by both 'types' of terrorism. The difference however occurs only in the preference of the tactics of the terror acts, as the study claims that the preferred type of attack that is identified as 'Islamic terrorism' is explosive bombs.[408] It should be noted that the high number of people killed in an Islamic terror attack recorded in the table is due to the terror attack on the World Trade Centre in 2001, as mentioned by the authors.[409]

Barros and Proenca's study concluded that terror attacks identified as Islamic are more prevalent in Switzerland, France and Italy, while the threat of Islamic terrorism in Germany, the United Kingdom, and the United States is lower.[410] Accordingly, the study suggests that countries facing the threat of Islamic terrorism should consider increasing funds and policies to deter it.[411] Barros and Proenca's model is an example of the interaction between public and academic discourse. Here, academic discourse predicts future terror threats while academically legitimising and justifying policies related to combating 'Islamic terrorism'. However, the fact that 'Islamic terrorism' has been treated as a new wave of terrorism or as a threat to the West seems to encourage the categorisation of

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[406] ibid.

[407] Carlos Pestana Barros, 'Mixed Logit Estimation of Radical Islamic Terrorism in Europe and North America A Comparative Study' (2005) 49 Journal of Conflict Resolution 298.

[408] ibid.

[409] ibid.

[410] ibid.

[411] ibid.

Muslim populations as out-groups or 'the enemy within', as I will explain later in chapter 5.

It seems that academic discourse has a wider role than framing knowledge about 'Islamic terrorism'. It appears that the distinction between academic and public discourse is blurred, as there exists active interaction between the two. This is well represented in Barros and Proenca's study (2005), which found that academic discourse predicts future terror attacks and thus influences policies of counter terrorism. It has been argued that the field of terrorism studies is an open scientific system, but is going to become closed in the future.[412] In a closed scientific communication system, academic discourse influences public discourse, media and/or government policies on counter terrorism. An open communication system is when government policy, for example, is able to influence academic discourse.[413] It may be argued that terrorism studies is an open scientific field because non-academics are contributing to the knowledge. Gordon shows this in her study, which examines the number of contributions of non-academics from 1992 to 1998 in two scientific terrorism journals and compares it to those of non-academics in three journals on comparative politics, and four journals on communications. The study observes that the contributions of non-academics in terrorism studies are higher in comparison to the other fields. Non-academics' contributions on terrorism in only two journals were 11.5% and 35%, while non-academics' contributions on comparative politics in the three journals were between 0 and 4.5% and in communications between 2.6% to 4% in the four journals.[414]

It has also been argued by Naseem that terrorism studies is an open field. Naseem uses Foucault's argument about the order of discourse, and states, 'Whereas previously the field of terrorism appears to have been subject to strong enunciative

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[412] A. Gordon, 'Terrorism and the Scholarly Communication System' (2001) 13 Terrorism and Political Violence 116.

[413] ibid. Gordon distinguishes between an open scientific communication system and a closed one based on the direction of information flow.

[414] A. Gordon, 'Terrorism and the Scholarly Communication System' (2001) 13 Terrorism and Political Violence 116, 122. It should be noted that Gordon's definition of an academic scholar is a person who is a university faculty member.

controls, only admitting credentialed 'experts', in the decade following the 9/11 attacks it was reincarnated as a discourse 'open to all winds''.[415] Thus, it can be argued that public discourse and academic discourse are both sources of knowledge that frame public opinion on 'Islamic terrorism'. For this reason, it is hard to distinguish between public and academic discourse in the field of terrorism, given that the distinction that is made between the two discourses is based on their style. If the discourse is written in an academic style, it is identified as "academic", even if it is written by a non-academic. Accordingly, whatever text is not in an academic style is considered to be public. Public discourse does not necessarily imply only media, but even includes governmental documents or documents that are produced by institutions, for the purposes of this chapter.

Another reason for treating public and academic discourse as one discourse is related to the role of the discourse, as both public and academic discourse seem to produce the same knowledge and frame about 'Islamic terrorism'. Both discourses are also producing the same reality about 'Islamic terrorism'. Thus, they are treated as one discourse. It has been argued that:

> Both academic and non-academic discourses are underwritten by the same 'will to truth'; therefore, this author sees no reason why these two categories should remain rigidly distinct.[416]

Thus, both discourses (academic and non-academic) are produced with the same 'will to truth',[417] so they have been treated as one discourse.

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[415] Azra Naseem, 'The literal truth about terrorism: an analysis of post 9/11 popular US non-fiction books on terrorism' (2012) 5 Critical Studies on Terrorism 455, 457.
[416] Azra Naseem, 'The literal truth about terrorism: an analysis of post 9/11 popular US non-fiction books on terrorism' (2012) 5 Critical Studies on Terrorism 455, 458.
[417] ibid 458.

d. The Nature or the Types of Schemas Produced by Public and Academic Discourse

Public and academic discourse produces statements of misrepresentation, which over time participates in framing public opinion on 'Islamic terrorism'. It has been argued that 'the process by which words obtain meaning is often lengthy and takes place through repetition and their careful and selective use in specific contexts'.[418] Consistency in producing misrepresentation over time is one of the two factors that participate in framing knowledge about 'Islamic terrorism'.[419] Public discourse produces short-term messages, creating an episodic memory, which becomes part of a person's 'store of experiences'.[420] Schemas are produced in response to a terror event; messages carrying schemas of misrepresentation in public discourse transmit the experience of a terror attack to the public, even if they were not directly affected by it, for example, a report or news coverage of the Woolwich attack in 2013 in the United Kingdom. These short schemas, produced regarding this particular terror event, might not be the only news coverage; thus, we may speculate about their impact on the public. I call them short schemas because they are temporary, used to cover an event or to report a news event.

The short schemas produced by public discourse will influence public opinion and frame their knowledge about 'Islamic terrorism' for many reasons.[421] Misrepresentation in public discourse is influential because firstly, the schemas are accompanied by the audio, images, videos or tape recordings of terror organisations or the perpetrators themselves and/or a recording of the terror attack itself, images of the victims, etc. Therefore, the shock of a terror attack does not exclusively affect those who witness the attack but even those who do not. In this way, public discourse participates in transmitting the shock of a terror attack to a wider circle (collective shock). As has been argued by Kellner regarding the role of public discourse, particularly the media, in covering the terror attack on 11th

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[418] Richard Jackson, *Writing the War on Terrorism : Language, Politics, and Counter-Terrorism* (Manchester University Press 2005) 22.
[419] Walter Kintsch, *The Representation of Meaning in Memory* (Psychology Press 2014).
[420] ibid 4.
[421] Teun A. van Dijk, 'Principles of Critical Discourse Analysis' (1993) 4 Discourse & Society 249.

September, 'television functioned largely as propaganda, spectacles, and the producer of mass hysteria (close to brain washing)'.[422] Thus, intensive exposure to short-term schemas is capable of producing a similar effect to long-term schemas produced by academic discourse.[423] This has been noted by Baker who says that 'a group may be negatively represented only 5% of the time it gets referred to. But, it may get talked or written about so much, that that 5% will still amount to recipients of texts being exposed to a great deal of negative representation'.[424] Since there are many sources of public discourse, repeating coverage of a terror attack will make people re-live the incident and revisit the same emotional distress.[425]

Secondly, public discourse may include an interview with an expert on terrorism; thus, academic discourse occurs as a confidential source of information on the scene in the form of a commentary on the terror event. Accordingly, due to the intensive use of 'Islamic terrorism' schemas in public discourse during and after a terror attack occurs, the level of prejudice against Muslims increases over a period of two to three months starting from the terror attack itself, as will be explained in chapter 5, and the terror attack has a ripple effect.[426]

Public discourse formulates the mental representation or the mental model of an attack that is categorised as 'Islamic terrorism'. As van Dijk states, 'it is increasingly accepted that concrete text production and interpretation are based on so-called models, that is representations of experiences, events or situations, as well as the

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[422] Douglas Kellner, 'September 11, the Media, and War Fever' (2002) 3 Television New Media 143, 150.

[423] ibid.

[424] Paul Baker, 'Acceptable Bias? Using Corpus Linguistics Methods with Critical Discourse Analysis' (2012) 9 Critical Discourse Studies 247, 254.

[425] Douglas Kellner, 'Social Memory and the Representation of 9/11 in Contemporary Hollywood Film' (2005) 24 SPIEL 349.

[426] This is similar to the possible the perlocutionary that a movie may have on audiences in the cinema. Because audiences are intensively exposed to the movie, image, script, and audio, they may cry, get scared, or laugh at what they see, but will probably forget the emotions they experienced once they leave the cinema because the messages produced by the movie were short lived. This might be a similar situation to the impact of a terror attack, public discourse and their impact on increasing prejudice for a temporary period.

opinions we have about them'.[427] Public discourse shows the audience what 'Islamic terrorism', 'Muslim extremist' and '*jihad*' look like. A news report on the Woolwich terror event may show the video of Michael Adebolajo (holding the knife while his hands are covered with blood, stating his justification for attacking the victim, Lee Rigby), an official statement by police officials, David Cameron, and some eyewitnesses. This means that, as a result of the previously discussed factors, the messages produced by public discourse participate in creating the episodic memory of 'Islamic terrorism'.[428]

Public discourse does not particularly frame general knowledge of 'Islamic terrorism', but instead, uses schemas that activate pre-existing knowledge of how 'Islamic terrorism' looks and which public discourse uses these schemas. This shows individuals what 'terrorists' look like and provides some schemas about the religious identity of the perpetrators of a terror attack. An example of misrepresented discourse and the possible mental representation of 'Islamic terrorism' is produced by an authoritative source, the New York Police Department: its report, *Radicalization in the West: The Homegrown Threat* (2007), includes a diagram explaining the process of induction into Jihadi-Salafi ideology. In addition to this, five images of terror attacks were represented in the report as examples of foreign cases, since these attacks occurred outside the US. However, "foreign" does not indicate that the terror attacks were committed by foreign actors. In fact, the five cases were committed by national actors. For this reason, the report uses these cases to explain the 'homegrown threat'. Figure 3 is a screenshot of the diagram as it appears in the report (the diagrams appear on different pages in the report).

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[427] Teun A. van Dijk, 'Principles of Critical Discourse Analysis' (1993) 4 Discourse & Society 249, 258.

[428] Teun A. van Dijk, *Prejudice in Discourse : An Analysis of Ethnic Prejudice in Cognition and Conversation* (John Benjamins Publications Company 1984).
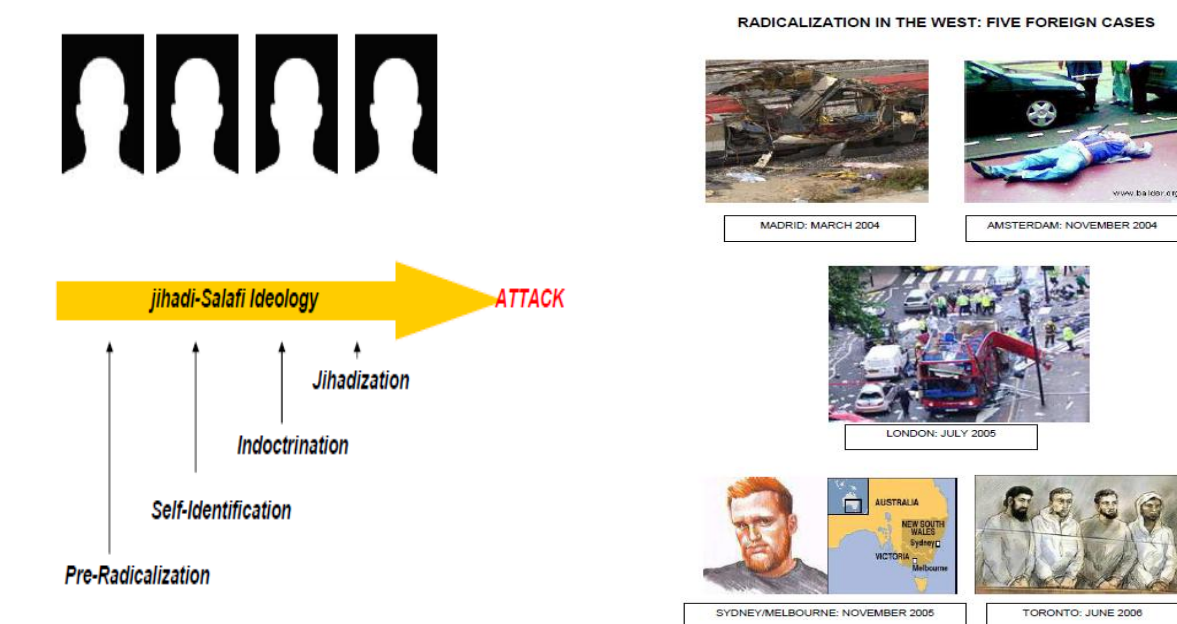
Figure 3 A screenshot from the report of the New York Police Department. [429]

The report uses "*jihad*" to denote "terrorism"; thus, the report schemas activate the mental model of 'Islamic terrorism'. This is well represented in the diagram on the left, with four anonymous images of a person appearing on top of a supposed description of stages of terrorism, and 'Jihadi-Salafi' and 'Jihadization' describing the ideology and the last stage in the process of radicalisation, respectively. There are many factors in the report that are likely to activate the schemas of 'Islamic terrorism'. Firstly, the report uses "homegrown threat" to describe threats of terrorism that are not posed by external or foreign terror groups. Since the report identifies it as 'Jihadi-Salafi ideology', it seems to suggest that the threat is posed internally, namely by the Muslim population.

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[429] Mitchell D. Silber and Arvin Bhatt, 'Radicalization in the West: The Homegrown Threat' (Report, The New York City Police Department, 2007) < http://www.nypdshield.org/public/SiteFiles/documents/NYPD_Report-Radicalization_in_the_West.pdf> accessed 30 August 2015. The diagram on the left explains the Jihadi-Salafi ideology, found on page 21, while the pictures on the right entitled 'Radicalization in the West: Five Foreign Examples' found on page 23.

Secondly, the fact that the report has five 'foreign' cases of terrorism seems to justify considering Muslims a threat because all five of the cases were committed by national actors against their own countries. The use of images in the report coupled with schemas of 'Islamic terrorism' seem to work hand in hand in framing general knowledge about 'Islamic terrorism'. The faceless diagram in figure 3 presenting the 'homegrown threat' suggests that the facial features of the terrorists are not known or are not significant for identifying the criminals. However, most importantly, it implies that 'religious' motives are the core aspect of the terror threat against the US, that it is certain that this crime is to be committed by a Muslim person, as in Madrid, Amsterdam, London, Sydney, and Toronto. It should be mentioned that the report being published by the New York Police Department, a trusted and creditable institution, makes these schemas even more acceptable by a receiver.[430] Thus, it can be argued that the report uses a frame that suggests that terrorism is a threat against the US that is posed by Muslims who are motivated by *jihad*.

The diagram in the report seems to have a similar function to methods used in teaching English as a second language when the teacher shows an image of an apple to the students in order for the student to associate the word with an image. Thus, the learner has a mental image of what an apple looks like, and what to call a fruit that has that distinctive shape, 'As I heard words repeatedly used in their proper places in various sentences, I gradually learnt to understand what objects they signified; and after I had trained my mouth to form these signs, I used them to express my desires'.[431] Either way, when hearing or reading the word "apple" the learners will activate a mental image of the fruit. On the other hand, if the person saw an actual apple, he or she would know that this fruit is called "apple". The report seems to do the same, as it seems to show what a Jihadi-Salafi looks like, and then describe their ideology.

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[430] Robert Axelrod, 'Schema Theory: An Information Processing Model of Perception and Cognition' (1973) 67 The American Political Science Review 1248.
[431] Johannes Angermuller, Dominique Maingueneau and Ruth Wodak (eds), *The Discourse Studies Reader Main currents in theory and analysis* (John Benjamins Publishing Company 2014) 49.

Another point related to the report published by the New York Police Department (2007) is that it provides a section on associating religion with terrorism and justifying the reason behind focusing on al-Qaeda-related terrorism, stating that 'Al Qaeda inspired terrorism is not the only type of terrorism that New York City has faced. In fact, before 9/11, other religious and ethnic groups were responsible for more terrorist related deaths of New Yorkers than any Islamic group'.[432] What is interesting about the previous statement is that it does not reject linking Islam with terrorism; in fact, the statement is associating Islam with terrorism by stating that the US has suffered from other terrorism not only the one caused by 'Islamic' groups. Thus, the statement does not reject the association between religion and terrorism in principle. Rather, in doing so, it attempts to establish equality of racism or prejudice; by making prejudicial statements against other religious or ethnic groups it seems to justify associating Islam with terrorism. It may be said that the equality of prejudicial or misrepresented statements of *jihad* is a strategy to make the misrepresentation of *jihad* acceptable.

Meanwhile, academic discourse produces long-term schemas. Academic discourse creates a semantic memory, and 'refers to a person's knowledge'[433] about what constitutes 'Islamic terrorism'; in this way, the schemas that are produced by academic discourse live longer than those produced by public discourse, as academic discourse includes books that have been published on the topic of 'Islamic terrorism' or articles that have been published in academic journals. These publications are on the bookshelves of libraries or available on line which can be referred to at any time, not necessarily after a terror attack. Thus, academic discourse offers the scientific or academic background on 'Islamic terrorism', which scientifically and academically legitimises misrepresentation in public discourse.

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[432] Mitchell D. Silber and Arvin Bhatt, 'Radicalization in the West: The Homegrown Threat' (Report, The New York City Police Department, 2007) < http://www.nypdshield.org/public/SiteFiles/documents/NYPD_Report-Radicalization_in_the_West.pdf> accessed 30 August 2015, 11.
[433] Walter Kintsch, *The Representation of Meaning in Memory* (Psychology Press 2014) 4.

3. Framing the Mental Representation of 'Islamic Terrorism'

Entman explains frames by saying:

> [T]he concept of framing consistently offers a way to describe the power of a communicating text. Analysis of frames illuminates the precise way in which influence over a human consciousness is exerted by the transfer (or communication) of information from one location - such as a speech, utterance, news report, or novel - to that consciousness.[434]

Meanwhile, Nelson and others define framing as 'the process by which a communication source, such as a news organization, defines and constructs a political issue or public controversy'.[435] Framing is the representation of world events in a certain way, so that audiences or receivers of a discourse have a mental representation of concepts that are linked to these events. Frames suggest little contribution or participation from the receiver, as world events are presented to us in a certain way, with little control given to the audiences. Frames dictate the lens that audiences or receivers use in viewing a world event. An example of frames produced in response to a terror attack is the frame responding to the attack on the World Trade Centre as a 'war on terror'. According to Kellner, the US mainstream media framed the event as an 'attack on America' or, as he calls it, 'war hysteria'.[436]

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[434] Robert M. Entman, 'Framing: Toward Clarification of a Fractured Paradigm' (1993) 43 Journal of communication 51, 51-52.

[435] Thomas E. Nelson, Rosalee A. Clawson and Zoe M. Oxley, 'Media Framing of a Civil Liberties Conflict and its Effect on Tolerance' (1997) 91 The American Political Science Review 567, 567.

[436] Douglas Kellner, 'Social Memory and the Representation of 9/11 in Contemporary Hollywood Film' (2005) 24 SPIEL 349, 143.

Different frames may be produced in response to one event,[437] with some frames dominating others.[438] The terror attack in Paris in 2015 on the Charlie Hebdo newspaper office resulted in different frames. The dominant frame produced in relation to the attack was related to freedom of expression.[439] The other frames were, for example, the slogan 'Je suis Charlie', or the image of a pencil as an indication of the frame topic, freedom of expression. On the other hand, there was another frame linked to the previous frame on freedom of expression, which suggests the limitation of freedom of expression. This frame was predominantly supported by Muslims. Moreover, some secular voices also used the frame represented in the slogan 'Je suis Charlie' as support for freedom of speech, yet not in relation to sensitive religious symbols. Another frame that occurred in response to the terror attack was 'Je suis Ahmad'.[440] This frame was in response to the fact that the terrorists committed their attack defending Islam, and thus, the frame 'Je suis Ahmad' was a rejection of linking Islam with terrorism and showed that Muslims are potential targets of terrorism, along with non-Muslims. 'Je suis Ahmad' is an interesting frame, as it seems to counter 'Je suis Charlie', yet at the same time, Ahmad, a security guard and a victim of the terror attack, symbolises a minority in French society, and is also a member of the out-group. In other words, Ahmad is a representation of the Muslim community in France.

Meanwhile, the subsequent attack on a kosher supermarket in France raised other frames, such as the frame of anti-Semitic violence. Thus, for example, Netanyahu used this frame to support his political agenda by positioning himself as an in-group member, being a victim. A Muslim person appeared on the scene not as a terrorist, but as a hero when he hid customers in a safe location from the attack.

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[437] Zizi Papacharissi and Maria de Fatima Oliveira, 'News frames Terrorism: A Comparative Analysis of Frames Employed in Terrorism Coverage in U.S. and U.K. Newspaper' (2008) 13 The International Journal of Press/Politics 52.

[438] Halim Rane and Jacqui Ewart, 'The Framing of Islam and Muslims in the Tenth Anniversary Coverage of 9/11: Implications for Reconciliation and Moving On' (2012) 32 Journal of Muslim Minority Affairs 310.

[439] Some news used the frame "freedom of expression" which was produced in relation to Charlie Hebdo to highlight other incidents, for example the Saudi blogger incident and freedom of speech. Amnesty International UK, 'Saudi Arabia, Free Raif Badawi' <https://www.amnesty.org.uk/actions/saudi-arabia-free-raif-badawi-flogged-blogger?utm_source=FBPAGE&utm_medium=Social&utm_content=20150113173012&utm_campaign=Freedom_of_expression> accessed 31 August 2015.

[440] Ahmad is the name of the Muslim security guard who was a victim of the attack on the newspaper.

These terror attacks showed that Jews and Muslims shared the same fears of prejudice after the attack in Paris.[441] It may be argued that frames make an impact by using terror attacks as a key event or a news icon, which results in the public having different views on the same terror attack. For example, schemas that are related to freedom of expression were strongly manipulated in regard to the Charlie Hebdo attack in Paris, in comparison to the other schemas as explained previously.[442]

Sometimes frames make the invisible, or the least important, visible. In other words, frames magnify an aspect of an event and make it dominant: 'frames affect opinions simply by making certain considerations seem more important than others; these considerations, in turn, carry greater weight for the final attitude'.[443] Imagine that there is a car that has gone through a red light and caused an accident, resulting in loss of life. There are many possible frames that can be created in response to the car accident, depending on the circumstances surrounding the accident: for example, the age of the driver, whether the driver was under the influence of alcohol, or whether the driver has a valid licence or not. Depending on the frame, a car accident may raise a discussion on restricting driving to a certain age range, on tightening drinking policies or traffic laws, or on how long the driver was driving without a valid licence, since only the accident revealed that the driver was carrying an invalid licence.

Possible frames surrounding the same car accident can be created around the religious identity of the driver, assuming the driver was a Muslim any car accident will be framed as 'Islamic'; accordingly the possible issues could be about the

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[441] The Editorial Board, ''France Without Jews Is Not France': After Paris Attack, French Authorities Move to Protect Jews' (The New York Times, 13 January 2015) < http://www.nytimes.com/2015/01/14/opinion/after-paris-attack-many-jews-question-their-future-in-france.html?smid=fb-nytimes&smtyp=cur&bicmp=AD&bicmlukp=WT.mc_id&bicmst=1409232722000&bicmet=1419773522000&_r=0> accessed 31 August 2015.

[442] W. Lance Bennett and Regina G. Lawrence, 'News Icons and the Mainstreaming of Social Change' (1995) 45 Journal of Communication 20 and Hans Mathias Kepplinger, 'The Impact of Key Events on the Presentation of Reality' (1995) 10 European Journal of Communication 371.

[443] Thomas E. Nelson, Rosalee A. Clawson and Zoe M. Oxley, 'Media Framing of a Civil Liberties Conflict and its Effect on Tolerance' (1997) 91 The American Political Science Review 567, 569.

possibility of religion or Islam motivating speeding or going through a red light, the psychology of Muslim male or female drivers, the ruling in Islam about stopping for a red light as a man-made law not God's law, the rate of 'Islamic car accidents', or the need for issuing a fatwa condemning the violation of traffic laws, and so on. The question that can be asked here is what is the link between the car accident and Islam? It seems that the religious identity of the driver is an unrealistic frame to use to link a car accident with religion. The use of religion as a focus to establish a frame for a car accident has no value in terms of increasing or decreasing the number of car accidents, nor does it seem to provide a valid explanation for the motives of the driver, especially with regard to stopping for red lights. It is, rather, an international sign that is recognised worldwide, regardless of religion, culture or language, whether drivers drive on the right side of the road or on the left.

The car accident is just an example of how frames can be manipulated. Of course, the car accident here was used to represent a terror attack; going through the red light in violation of traffic rules resembles the criminal liability of terrorism in criminal laws, secular and non-secular; and the red light being an international sign for stopping conveys the message that terrorism is a crime, yet some people commit it regardless.

Frames are a double-edged sword that sometimes benefits society; for example, the first scenario of possible frames produced in regard to the car accident can help in increasing road safety for drivers and/or pedestrians. Meanwhile, the second scenario, which focuses on religion, has not done much except distract the audience and did not even benefit society. The car accident example shows that frames are not necessarily affected by the severity of an accident or the event, and it is neither about the number of causalities involved in a terror attack, nor about the weapon used in the attack. It has been noted that:

> Framing, in contrast, is based on the concept of prospect theory; that is, on the assumption that subtle changes in the wording of the description of a situation might affect how audience members interpret this situation. In other words, framing influences how audiences think

about issues, not by making aspects of the issue more salient, but by invoking interpretive schemas that influence the interpretation of incoming information. Although the process of issue selection or agenda-setting by mass media necessarily needs to be a conscious one, framing is based on subtle nuances in wording and syntax that have most likely unintentional effects or at least effects that are hard to predict and control by journalists.[444]

Terrorism is nothing but a criminal act, whether the perpetrators are from the Muslim faith or not. Yet, it seems that the frames produced if a terror attack is committed by a Muslim person are different to the frames produced if the terror attack is committed by a non-Muslim perpetrator. Powell recognises that the religious identity of the perpetrators manipulates the frames produced in response to the attack. He distinguishes in his model the difference in US media coverage in reporting terror events linked to 'Islamic terrorism' and 'secular terrorism'.[445] Then, he explains that if the terrorists are recognised as Muslims, the frames will link the terror attack to a larger terrorist cell, and suggest that the terror act is motivated by Islam, which encourages war against the United States of America. As a result of this frame, the perceived level of a potential Islamist threat increases. Thus, the frame raises the possibility of a future Islamic threat against the United States of America.[446] Meanwhile, with frames produced in response to a terror attack where its perpetrators are not identified as Muslims, the perpetrators are given human characteristics and the frames suggest an investigation into the cause of the terror attack. As a result of this, the frames do not suggest a future terror threat.[447]

This is well presented by Romero, who argues that persons involved in Islamic terrorism are not mentally ill. As he says:

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[444] Dietram A. Scheufele, 'Agenda-Setting, Priming, and Framing Revisited: Another Look at Cognitive Effects of Political Communication' (2000) 3 Mass Communication and Society 297, 309.
[445] Kimberly A. Powell, 'Framing Islam: An Analysis of U.S. Media Coverage of Terrorism Since 9/11' (2011) 62 Communication Studies 90, 106.
[446] ibid.
[447] ibid.

Those who agree to blow themselves up in this type of actions are not usually mentally ill or disordered, but instead they are *'normal'* people. A mentally ill individual would find it difficult to maintain such a complicated life so full of tension, and he could end up being a danger to his own group.[448]

He then gives an example of the Hamas suicide attacks, namely that they usually prepare for their operations and record their intentions on videos. This can be well illustrated by comparing the Charleston church attack in South Carolina, USA, where nine black people were killed,[449] and the attacks on Shi'a mosques in Saudi Arabia[450] and Kuwait,[451] all in 2015. Despite the fact that the attacks in both cases targeted places of worship and the victims were considered 'different' to the attackers, they were framed differently. The victims of the attack on the church were black, and the victims of the mosques in Saudi and in Kuwait were Shi'a. Yet, the attack on the church was framed as a hate crime or shooting, while the attacks on the mosques were terror attacks.[452] It seems that it may be the identity of the attackers that affects the framing of the acts, because the person responsible for the attack on the church was a white man. On the other hand, the responsibility for the attacks on mosques in Saudi Arabia and in Kuwait lay with a terror group, which

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[448] Antonio J. Romero, 'The Different Faces of Islamic Terrorism' (2007) 17 International Review of Sociology: Revue Internationale de Sociologie 443, 446.

[449] The White House Office of the Press Secertary, ' Statement by the President on the Shooting in Charleston, South Carolina' (The White House, 18 June 2015) < https://www.whitehouse.gov/the-press-office/2015/06/18/statement-president-shooting-charleston-south-carolina> accessed 31 August 2015.

[450] Aljazeera, 'Deaths in Blast Near Shia Mosque in Saudi City' (30 May 2015) <http://www.aljazeera.com/news/2015/05/deadly-car-explosion-shia-mosque-saudi-arabia-dammam-150529102343732.html > accessed 31 August 2015.

[451] Aljazeera, 'Kuwait Identifies Suicide Bomber as Saudi Citizen' (28 June 2015) <http://www.aljazeera.com/news/2015/06/kuwait-suicide-bomber-saudi-citizen-shia-mosque-suicide-150628082226519.html> accessed 31 August 2015.

[452] Aljazeera America, 'ISIL Claims Suicide Bombing at Saudi Mosque That Killed At Least 15' (06 August 2015) < http://america.aljazeera.com/articles/2015/8/6/deadly-suicide-attack-at-mosque-in-saudi-arabia.html > accessed 31 August 2015. It should be noted that the frame produced is consistent, even when the targets are Sunnis. For example, when a suicide attack by the same terror group also targeted a mosque of a security force, it was framed as a terror attack. The frames in Saudi Arabia are consistent and are not affected by the religious identity of the attackers, nor the victims.

claims to be Sunni and calls itself the Islamic State of Iraq and the Levant (also known as ISIL/ISIS/DAESH).

It can be said that 'Islamic terrorism' is a frame that mostly dominates other frames in response to terror attacks if committed by a Muslim person. 'Islamic terrorism' is not only a frame, but also a concept that provides a mental representation of a terror attack. This mental representation of the crime is sufficient to anticipate other characteristics in regard to the religion and/or ethnicity of the terrorists, depending on the location of the terror attack. For example, Arabs constitute the majority of American Muslims. In addition to this, the 'Islamic terrorism' frame also seems to predict the motive of the perpetrators: *jihad*. In other words, it can be argued that, as a schema, the concept of 'Islamic terrorism' is sufficient to convey other information about the terror attack without any need for further explanation; Kunda explains:

> A concept is our representation of such a category in our minds. It embodies our knowledge about the category and its members. For example, our concept of lawyer may contain attributes that we think are associated with the class of people (intelligent, argumentative), theories about how these attributes relate to each other and the category as a whole (must be intelligent to get into law school), and examples of particular lawyers we have come across (the characters on a TV show, the lawyers we turned to when we bought our house).[453]

Accordingly, the frame of 'Islamic terrorism' represents a type of terror attack in which the perpetrators are different to other terrorists, and are motivated religiously, unlike other types of terrorism.

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[453] Ziva Kunda, *Social Cognition*:Making Sence of People (The Massachusetts Institute of Technonolgy Press 1999)16. And Edward E. Smith, 'Concepts and Categorization' in Daniel N. Osherson, Edward E. Smith and Lila R. Gleitman (eds), *Thinking: An Invitation to Cognitive Science* (2 edn, vol 3, Massachusetts Institute of Technology 1995).

It is not necessary, however, for a terror attack to be framed as 'Islamic terrorism' *per se* in order to have a certain mental representation of this. In fact, any schema that refers to the religious identity of the perpetrators, or their ethnic background, or even incites an image of the suspect(s), or their motives is sufficient to activate the mental model of 'Islamic terrorism', as it has been argued that:

> This rhetoric gives the impression that the extremists who committed these crimes are Muslims (without an attempt at describing who or what a Muslim is, identifying them with a religion), that Islam is inherently violent and that Muslims are necessarily extremists. Our research aims primarily to discover how this rhetoric works in the construction of social reality, not if it is true.[454]

Making frames is not exclusive to media or public discourse. In fact, it is fairly evident that academic discourse also creates frames,[455] as discourse engages in the process of meaning making, and provides scientific grounds and academic justification for the media frames. According to Fairclough, 'texts are involved in processes of meaning-making, and the text have casual effects (i.e. they bring about changes), which are mediated by meaning-making'.[456] Accordingly, public and academic discourse are seen as participants in the process of meaning-making. Thus, the effect that the discourse has on our knowledge about meanings is recognised as "framing" It has been noted that:

> Most immediately, texts can bring about changes in our knowledge, our
> beliefs, our attitudes, values, experience, and so forth... Texts can also

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[454] Frans Wijsen, ''There Are Radical Muslims and Normal Muslims': An Analysis of the Discourse on Islamic Extremism' (2013) 43 Religion 70, 77.

[455] Thomas E. Nelson, Rosalee A. Clawson and Zoe M. Oxley, 'Media Framing of a Civil Liberties Conflict and its Effect on Tolerance' (1997) 91 The American Political Science Review 567.

[456] Johannes Angermuller, Dominique Maingueneau and Ruth Wodak (eds), *The Discourse Study Reader: Main Currents in Theory and Analysis* (John Benjamins Publishing Company 2014) 382.

have a range of other social, political, and material effects- texts can start wars, for instance, or contribute to changes in economic processes and structures, or in the shape of cities. In sum, texts actions, social relations, and the material world.[457]

Fairclough then continues to explain the effects that texts can bring about, stating 'one of the casual effects of texts which has been of major concern for critical discourse analysis is ideological effects – the effects of texts in inculcating and sustaining ideologies'.[458] It can be argued that academic discourse is more involved in the process of meaning making and framing general knowledge of 'Islamic terrorism' than public discourse. It seems that public discourse uses schemas that have been already established in academic discourse. They are located in academic discourse, while public discourse reflects the result of this process. Public discourse is not involved as intensively as academic discourse in the process of meaning making and framing 'Islamic terrorism'.

Framing in public and academic discourse has direct and indirect impacts. The direct impact is a result of the direct interaction between institutions.[459] Conversely, the indirect impact happens through the ability of public discourse to access public mind; the discourse 'produce self-evaluations, definitions of the situation, selections of the problems, and agendas that may have significant public impact'.[460]

Van Dijk also stresses the impact of academic discourse, as academic discourse may also have a political impact. Van Dijk says:

> Further analysis shows that in present-day societies, the indirect influence and power of scholars are tremendous: Their ideologies, students, research

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[457] ibid 382.
[458] ibid 383.
[459] Teun A. van Dijk, *Elite Discourse and Racism* (Sage Publications 1993).
[460] ibid 45.

results, reports, and advice play a fundamental role in technological advances and the management of corporations and the State.[461]

He further observes that 'influential scholars play an increasingly powerful role, namely, as academic support for other elites, such as politicians, managers, or brokers of knowledge, scholars are among the most prominent symbolic elites of contemporary society'.[462] Terrorism is a crime that is composed of an act, perpetrators and a motive. However, public and academic discourse has created a specific frame, which produces a mental representation surrounding the components of so-called Islamic terrorism. In this case, 'Islamic terrorism' is viewed as a new wave of terrorism and this type of terrorism has different characteristics that make it distinct from other types, such as in Cohen, who states the following:

> For the first time since the end of the Cold War, the United States finds itself fighting a new war of ideas, a war against those who want to destroy America's society and its core values, as well as societies of U.S. allies. The battle for hearts and minds is not a short-term campaign, but a protracted conflict that will take years, decades, and possibly generations to overcome.[463]

The next section argues that public and academic discourse has created a model or a mental representation of 'Islamic terrorism', as van Dijk says:

> Thus models are being expressed and persuasively conveyed that contrast US with THEM, e.g. by emphasizing 'our' tolerance, help or sympathy, and by focusing on negative social or cultural differences, deviance or threats attributed to 'them'.[464]

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[461] ibid 158.

[462] ibid 158.

[463] Ariel Cohen, 'Promoting Freedom and Democracy: Fighting the War of Ideas Against Islamic Terrorism' (2003) 22 Comparative Strategy 207, 207.

[464] Teun A. van Dijk, 'Principles of Critical Discourse Analysis' (1993) 4 Discourse & Society 249, 263-264.

Framing 'Islamic terrorism' in public and academic discourse is an indication that this particular case of terrorism is different to 'other' types of terrorism, so the question that is asked here regards how 'Islamic terrorism' is different from terrorism. In order to answer this question, this part of the chapter is divided into three sections based around schemas that describe the act or crime, the perpetrators, and the motive.

a. Schemas Describing the Act/Crime

Islamic terrorism is a concept formulated from two words, "Islamic" and "terrorism". These two words carry two types of prejudiced idea,[465] as introduced by van Dijk: 'They are different (culture, mentality)',[466] and 'They are involved in negative acts (crime, nuisance).'[467] Thus, it can be argued that the first half of the concept, 'Islamic terrorism', suggests the religious orientation of the terrorists, while the second half indicates the involvement of members of the religious group in terror activities. Van Dijk has found that stories about a minority's aggression and violence are among the leading topics discussed about minorities.[468]

Although some public and academic discourse is careful in its use of the concept of 'Islamic terrorism' by expressing the fact that the link is not between Islam and terrorism, they attempt to justify their argument by suggesting that 'Islamic terrorism' is derived from a distorted interpretation of Islam, in which the incitement of misrepresented statements that link Islam with violence are strategically placed and justified by the disclaimer. For example, O'Duffy uses the schema "Islamic jihad" to refer to 'Islamic terrorism', he says 'Islamic jihad inspired by Salafist and Wahhabi doctrines of Islam oppose U.S. military occupation of Saudi

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[465] Teun A. van Dijk, *Prejudice in Discourse : An Analysis of Ethnic Prejudice in Cognition and Conversation* (John Benjamins Publications Company 1984).
[466] ibid 70.
[467] ibid.
[468] ibid 101.

Arabia and U.S. clientelism in Israel, Egypt, Pakistan and others'.[469] When misrepresented discourse uses "*jihad*" to refer to terrorism, this indirectly implies that terrorism is a legitimate act as explained previously.

However, that is not always the case; sometimes, the discourse expresses clearly and directly that violence is rooted in Islam. This is well presented in Bar, who argues that the apologetic position of Western discourse towards Islam, which views Islam as a peaceful religion with peaceful teachings, is not helpful for understanding 'Islamic terrorism'.[470] Bar argues that terrorism is rooted in the religious teachings of Islam when he says:

> Therefore, to treat Islamic terrorism as the consequence of political and socioeconomic factors alone would not do justice to the significance of the religious culture in which this phenomenon is rooted and nurtured. In order to comprehend the motivation for these acts and to draw up an effective strategy for a war against terrorism, it is necessary to understand the religious-ideological factors – which are deeply embedded in Islam.[471]

Bar's understanding of Islam is very interesting insofar as he shows a good knowledge of the Arabic language; at the same time, it is shocking how he rationalises his views to prove that violence is rooted in Islam. For example, Bar explains that the problem concerning Islam is that the traditional view of Islam does not separate the state from religion. In addition to this, in his view, Islam seems to encourage the world view that calls for a continual fight until the victory of Islam. Moreover, Bar explains that the Islamic identity is also the cause of the victimisation of non-Muslims, as, according to Bar, the proposed killing of Salman Rushdie was justified in Islam through the duty

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[469] Brendan O'Duffy, 'Radical Atmosphere: Explaining Jihadist Radicalization in the UK' (2008) 41 PS: Political Science & Politics 37, 37.

[470] Shmuel Bar, 'The Religious Sources Of Islamic Terrorism' (2004) 125 Policy Review 27.

[471] ibid 28.

for every capable Muslim to kill apostates. Not only this, but Bar argues that *jihad* is a Muslim duty and forms a sixth pillar of Islam. This is in spite of the fact that the Islamic faith only has five pillars, and *jihad* is not one of them. Bar says:

> This duty - if taken seriously – is no less religious imperative than the other five pillars of Islam (the statement of belief or *shahadah*, prayer, fasting, charity, and *haj*). It becomes a de facto (and in the eyes of some a de jure) sixth pillar; a Muslim who does not perform it will inherit hell.[472]

Bar then continues to explain the root of violence in Islam on which the mentality of Islamist radicalism is based: 'I fight, therefore I exist'.[473] Therefore, it is fairly evident that, according to Bar, the Islamic terrorism threat is not established as the criminal act of the individual, but in fact, Islam as a religion is the threat, and that Middle Eastern countries are housing and safeguarding this religion. Bar also considers that the West is naïve when believing that 'Islamic terrorism' is politically motivated. He says:

> It is a tendency in politically oriented Western society to assume that there is a rational pragmatic cause for acts of terrorism and that if the political grievance is addressed properly, the phenomenon will fade. However, when the roots are not political, it is naïve to expect political gesture to change the hearts of radicals. Attempts to deal with the terrorist threat as if it were divorced from its intellectual, cultural, and religious fountainheads are doomed to failure.[474]

As a result of Bar's rationalisation of 'Islamic terrorism' and violence in Islam, he argues that in order to combat Islamic terrorism, there is a need to reform Islamic dogmas, to explain to Muslims that there is no state of *jihad* between Muslims and

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[472] ibid 30.
[473] Shmuel Bar, 'The Religious Sources Of Islamic Terrorism' (2004) 125 Policy Review 27, 30.
[474] ibid 35, 36.

non-Muslim, that the violation of the physical safety of non-Muslims is forbidden in Islam, that suicide acts will lead their perpetrators to hellfire, that moral and financial support for terrorism is also forbidden, and finally, that stating that *jihad* is rooted in Islam is a falsification of the roots of Islam.[475] What is interesting is that Bar seems to be defending the views put forward in order to instigate the roots of violence in Islam, yet, he does not seem to be equally finding the solution or the roots of peaceful teachings of Islam, despite the fact that he seems to show a great knowledge and understanding of Islam. In my opinion, arguing for or proving violence in Islam is a hard task; otherwise, radicalisation would not take a considerable time: 4 to 11 years to convince a person to commit a terror attack.[476] Meanwhile, peace in Islam is more obvious and unquestionable and can be proved in ways as simple as referring to the root of the word Islam, which comes from "*salam*" or "peace" in Arabic. At the same time, Bar seems to contradict himself, because if Islam is prone to violence as Bar argues, and its mentality is based on 'I fight, therefore I exist', how would it be possible to establish peaceful teachings? If it were true that Islam is a violent religion, the only possible solution to stop 'Islamic terrorism' would be to prohibit people from believing in, adopting and practising Islam.

Others, however, like Venkatraman, identify 'Islamic terrorism' as 'a movement in which the violence caused by terrorism is derived from and used to preserve extreme interpretation of the Quran in an Islamic community'.[477] Venkatraman, interestingly, distinguishes between terrorism, religious terrorism and Islamic terrorism. For example, terrorism in her opinion is a non-political act of aggression. Conversely, religious terrorism is caused by a fanatic interpretation of a religious text; whereas 'Islamic terrorism' is identified as mentioned above. Venkatraman

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[475] Shmuel Bar, 'The Religious Sources Of Islamic Terrorism' (2004) 125 Policy Review 27.

[476] This result is drawn from the time frame of radicalisation provided by the New York Police (2007). Mitchell D. Silber and Arvin Bhatt, 'Radicalization in the West: The Homegrown Threat' (Report, The New York City Police Department, 2007) < http://www.nypdshield.org/public/SiteFiles/documents/NYPD_Report-Radicalization_in_the_West.pdf> accessed 30 August 2015, 83.

[477] Amritha Venkatraman, 'Religious Basis for Islamic Terrorism: The Quran and Its Interpretations' (2007) 30 Studies in Conflict & Terrorism 229, 235.

argues that Islam allows violence or terrorism, as its teachings encourage all Muslims to have their own interpretation of the Qur'an. As she says:

> The Quran states that any Muslim can be a 'warrior of God' rather than the "state" based on his religious interpretations. The extent to which violence can be used in Islam for this purpose remains unstipulated by the Quran. It simply states that Jihadis should engage all means required to ensure that the enemy is defeated or accepts defeat. Thus even though violent Jihad can create aggression that amounts to 'terrorism' in the non-Muslim world, in Islam this is not perceived as such as long as it occurs within the guidelines on the use of violence, stipulated in the Quran.[478]

Based on this, Venkatraman lists some Qur'anic texts that allow Muslims to use force.[479] Accordingly, any Muslim can make their own interpretation of *jihad*. As a result, Venkatraman identifies three types of 'Islamic terrorism', these being 'internal, external, and intercommunal'.[480] This understanding of *jihad* denies the legal aspect of the rule governing the use of force in Islamic international law. In addition to this, stating that any Muslims are able to make their interpretations of the Qur'anic text also downplays Islamic law as a legal system and the fact that legal jurists follow *usul al-fiqh* (Islamic jurisprudence) in order to interpret legal texts and extract legal rules from the Qur'an or the Sunna. In fact, the main cause of radicalisation, in my opinion, is that radical leadership does not treat the Qur'an as a source of Islamic legal discourse, and they do not follow the methods that are recognised within jurisprudence when dealing with legal texts, which leads to appropriating legal texts to justify violence and the use of force against people.

Jackson also highlights the most common narratives of 'Islamic terrorism' in political and academic discourse in Western texts from 2001 to 2006. Some of

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[478] ibid 235.

[479] Amritha Venkatraman, 'Religious Basis for Islamic Terrorism: The Quran and Its Interpretations' (2007) 30 Studies in Conflict & Terrorism 229.

[480] ibid 232.

these narratives suggest that 'Islamic terrorism' is linked to the problematic nature of Islam, as there is no clear separation between religion and the state.[481] In addition to this, some Western political or academic discourse seems to support the narrative that 'Islamic terrorism' is motivated by an extreme interpretation of Islam, such as that of 'Islamist', 'Wahabi', and 'Salafi' groups,[482] or that 'Islamic terrorism' is motivated by religious causes, such as to destroy Israel, a deep hatred of the West, to free Muslim lands from Western invasion, or to overthrow regimes in Muslim countries.[483] Alongside the narrative that 'Islamic terrorism' constitutes a great threat to the West, there is also a narrative suggesting that 'Islamic terrorism' is anti-modern/secular/ democratic.[484]

Jackson explains that one of the common narratives of 'Islamic terrorism' is constructed through the argument that 'Islamic terrorism' constitutes a new wave of terrorism that threatens the West. According to this narrative, Muslims, if not terrorists, are sympathisers of 'Islamic terrorism'. Pipes' study suggests that 10 to 15% of the Muslim population of the world are an Islamist threat.[485] Similar views occur in Cohen, who suggests that 'Militant Islamist movements include tens of thousands of active members, hundreds of thousands of supporters, and millions of sympathizers throughout the Middle East, South Asia, Europe, and the Americas'.[486] As a result, terror attacks seem to prove that Islam is inherently violent and that religious extremists are the most dangerous and the most violent.[487]

The 'new wave' of terrorism seems to be a result of Muslims' lack of integration in the West, alienation, the failure of multiculturalism, and unemployment.[488] For this

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[481] Richard Jackson, 'Constructing Enemies: 'Islamic Terrorism' in Political and Academic Discourse' (2007) 42 Government and Opposition 394.
[482] ibid.
[483] ibid.
[484] Richard Jackson, 'Constructing Enemies: 'Islamic Terrorism' in Political and Academic Discourse' (2007) 42 Government and Opposition 394.
[485] ibid 407.
[486] Ariel Cohen, 'Promoting Freedom and Democracy: Fighting the War of Ideas Against Islamic Terrorism' (2003) 22 Comparative Strategy 207, 209.
[487] Richard Jackson, 'Constructing Enemies: 'Islamic Terrorism' in Political and Academic Discourse' (2007) 42 Government and Opposition 394.
[488] ibid.

reason, it has been suggested by some political and academic discourse that in order to combat terrorism, moderate Muslims should take the lead in fighting Islamic extremism.[489] Cohen claims that moderate and liberal secularism in the Islamic world are weak, and that fighting Islamic terrorism should be done by encouraging pluralism and moderate Islamic voices.[490] Moreover, O'Duffy suggests government engagement with the moderate Muslim majority should be a strategy to counter Islamic radicalisation.[491] Suggesting that the best counter-terrorism measure is to engage with moderate Muslims implies that terrorism is a Muslim crime that has to be fought by them, when terrorism should be fought by the whole population and should not be the responsibility of certain groups in society.

Misrepresented discourse follows different methods for activating the mental representation of 'Islamic terrorism'. The discourse does not necessarily have to state the schemas directly, but misrepresented discourse can direct the receiver towards the frame causing the receiver to interpret the text accordingly. The 'Islamic terrorism' frame can be activated by using examples of other terror groups that are committing 'Islamic terrorism', for instance, Al-Qaeda. This appears, for example, in the report on preventing religious radicalisation and violent extremism (2012) published by the Youth Justice Board for England and Wales, which identifies terrorism through directing the reader into 'types' of terrorism by suggesting certain aspects about the act, the victims, and the perpetrators. For example, the report first refers to the ideology of terrorism as 'al-Qaida-influenced radicalisation'.[492] Then, in case the receiver does not understand what sort of terrorism the report is focusing on, the author gives a second hint that this type of terrorism is sometimes referred to as '"Islamic militancy" or "Islamic extremism"'.[493] The third strategy of directing the receiver appears when the report

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[489] Richard Jackson, 'Constructing Enemies: 'Islamic Terrorism' in Political and Academic Discourse' (2007) 42 Government and Opposition 394.

[490] Ariel Cohen, 'Promoting Freedom and Democracy: Fighting the War of Ideas Against Islamic Terrorism' (2003) 22 Comparative Strategy 207.

[491] Brendan O'Duffy, 'Radical Atmosphere: Explaining Jihadist Radicalization in the UK' (2008) 41 PS: Political Science & Politics 37.

[492] Kris Christmann, 'Preventing religious radicalisation and violent extremism a systematic review of the research evidence' (Report, Youth Justice Board for England and Wales, 2012) <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/396030/preventing-violent-extremism-systematic-review.pdf> accessed 30 August 2015, 6.

[493] ibid 6.

states 'taking place in the West'.[494] Thus, this form of terrorism, according to the report, does not target the Middle East. Fourthly, the report addresses the need 'to focus on the (mostly) Muslim population in the West who are subject to radicalisation that leads to violence and jihadist terrorism'.[495] The report states:

> Throughout this review, the explicit focus is upon Al-Qa'ida-influenced radicalisation (sometimes referred to as 'Islamic militancy' or 'Islamic extremism' by some commentators) taking place in the West. We have not examined other form of 'extremism' such as that of the far-right, except where there was direct relevance to the radicalisation process or where there was some valuable crossover in programmes and interventions concerning prevention, or other applicable joint learning. This narrows down the field of study to a focus on the (mostly) Muslim population in the West who are subject to radicalisation that leads to violence and jihadist terrorism.[496]

What is interesting about this report is that it focuses on 'Islamic extremism' more than it does on far right extremism, despite the fact that so-called 'Islamic extremism' is an issue that is posed by a minority within a minority (Muslim population). If compared to far right extremism, it is less of a threat, because far right extremism is a threat that is posed from the majority group against minority groups.

It seems that the report is struggling to explain terrorism without linking it to Islam and/or Muslims. For this reason, the report seems to avoid using the frame of 'Islamic terrorism' directly, and instead follows certain strategies, as follows:

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[494] ibid.

[495] ibid.

[496] Kris Christmann, 'Preventing religious radicalisation and violent extremism a systematic review of the research evidence' (Report, Youth Justice Board for England and Wales, 2012) <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/396030/preventing-violent-extremism-systematic-review.pdf> accessed 30 August 2015, 6.

1) The report avoids the responsibility of making stereotypical remarks by using positive self-representation to show tolerance. This is a strategy that misrepresented discourse may use in order to distance itself from producing directly misrepresented statements about Islam and/or Muslims. This occurs when the report claims that other commentators call this type of terrorism 'Islamic militancy', or 'Islamic extremism'. In so doing, the report frees itself from responsibility for such terms, but still achieves the impact of the terms on the receiver [informally this strategy can be perceived as, it is not me who says so, it's other people calling it this way! I don't do that].

2) Another strategy of positive self-representation occurs when the report addresses other 'types' of extremism, for example, the far right. [Informally this can be perceived as, before you judge us that we are prejudiced towards Muslims, we know that there are other groups who are also a source of concern, but we want to focus on the one posed by Muslims!]. This is to avoid being stereotypical in saying that the only threat posed is by 'Islamic extremism'.

3) Sometimes extremism that is drawn from Islamic belief is magnified. This occurs when the report claims to focus on 'Islamic extremism', but only mentions far right extremism when necessary, which suggests that this 'type' of extremism poses a greater threat on the West. [Informally this can be perceived as, we can deal and cope with the extremism of our people but those! How do we deal with them?]

4) Claiming academic focus when the report narrows down the focus to Muslim populations in the West is another technique used. Although it is justified academically as a limitation for the study, it makes Muslims appear as an out-group. However, it can be argued that the final sentence of the paragraph above quoted from the report is a statement that puts the Muslim population in the West as out-group members who poses threat to the West (in-group). In addition to this, it also makes the Muslim population in the West appear to be extremists, and then they are potential extremists.

Misrepresented statements about 'Islamic terrorism' gradually increase in intensity in the report, as the paragraph starts with positive self-representation on how

other commentators identify terrorism. However, by the end of the paragraph, the author seems to produce direct stereotypical statements by associating Muslims with extremism. Not only this, but also the report seems to introduce its own labels for terrorism without referring to other commentators, such as 'jihadist terrorism', which were avoided at the beginning of the paragraph. The gradual increase of stereotypical statements in the report may be explained by the possibility that the report hoped to show enough positive self-representation to forgive stereotypical statements. It could also be related to the fact that 'Islamic terrorism' and its associated terms have become hard to escape from.

The most common norm in some public and academic discourses is that "*jihad*" refers to the motives (motivated by '*jihad*') or to the perpetrators ('jihadist'). However, "*jihad*" can also denote 'Islamic terrorism'. For example, O'Duffy uses the terms "violent jihad" and "violent jihadi terror" to refer to terrorism, as he explains:

> This paper attempts to do so by examining the rhetoric and actions of a range of young British Muslims including: examples of 48 persons convicted of, charged for, or killed by violent jihad – evidence of young Muslim opinion on extremism and causes of violent jihadi terror in Britain.[497]

In doing so, O'Duffy suggests that terrorism is an exclusive crime that is committed by Muslims. The sample of the study focuses on Muslims, especially when O'Duffy uses religious references extensively throughout the article, leading the reader to think that the article is not about terrorism anymore but on another topic that tackles a crime called "jihadist radicalisation", which is significantly different from terrorism.

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[497] Brendan O'Duffy, 'Radical Atmosphere: Explaining Jihadist Radicalization in the UK' (2008) 41 PS: Political Science & Politics 37, 37.

Misrepresentation does not exclusively occur in academic discourse, but also appears in trusted governmental institutions, as seen in the report published by the New York Police Department (2007). For a receiver, the misrepresentation produced by police institutions is reliable and factual, because the police are the medium between law enforcement and people. The New York police Department defines "jihadization" as:

> The phase in which members of the cluster accept their individual duty to participate in jihad and self-designate themselves as holy warriors or mujahedeen. Ultimately, the group will begin operational planning for the jihad or a terrorist attack. These "acts in furtherance" will include planning, preparation and execution.[498]

It is fairly evident that the report is using "*jihad*" to allude to a criminal act, as "*jihad*" here includes operational planning, perpetration and execution or terror attacks. Here, "*jihad*" seems to replace "terrorism". This denies the legal performativity of "*jihad*" in Islamic legal discourse as explained previously in chapter 3, since the report suggests that members of the cluster accept their duty to participate in *jihad*. In other words, the report means terrorism when saying "*jihad*".

It is worth noting that when replacing "*jihad*" and all other Islamic terms from the above paragraph with "terrorism", the paragraph will convey the same meaning and this will not affect the meaning produced by the paragraph.[499] The paragraph, after replacing "*jihad*" with "terrorism", and other Islamic terms, the paragraph, will read as follows:

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[498] Mitchell D. Silber and Arvin Bhatt, 'Radicalization in the West: The Homegrown Threat' (Report, The New York City Police Department, 2007) < http://www.nypdshield.org/public/SiteFiles/documents/NYPD_Report-Radicalization_in_the_West.pdf> accessed 30 August 2015, 7.
[499] Richard Jackson, *Writing the War on Terrorism : Language, Politics, and Counter-Terrorism* (Manchester University Press 2005).

The phase in which members of the cluster accept their duty to participate in violent activities. Ultimately, the group will begin operational planning for a terrorist attack. These "acts in furtherance" will include planning, preparation and execution.

The above paragraph seems to address all 'types' of radicalisation. Moreover, it corresponds more appropriately with US legal discourse in terms of using "terrorism" instead of "*jihad*", because since *jihad* does not constitute a criminal offence in US law or in Islamic legal discourse, there is no justification for using it. Thus, if legal documents identify the offences as "terrorism", why do not all discourses comply with the legal language and use "terrorism" to identify the act instead of "*jihad*", especially since religion is not fundamentally an important aspect in radicalisation or terrorism? What is supposed to be taken into consideration is the act itself, stripped of all the labels that the perpetrators are giving it to justify their criminal activities. For example, the report provides 28 elements of the violent extremist risk assessment by Pressman (2009), which are applicable to all sorts of extremism, and not only to so-called 'Islamic terrorism'.[500]

Islamic terrorism is not only a threat that is linked to Islam or to the 'new wave' of terrorism. In fact, some argue that 'Islamic terrorism' is an alien threat or crime to the West that is brought from Arab Muslim countries. Romero, for example, defines 'Islamic terrorism' as follows:

Islamic fundamentalist terrorism is not a monolithic phenomenon, as its protagonists have been multiple and varied actors. In spite of its diversity, the roots of this phenomenon can be found in a series of

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[500] Kris Christmann, 'Preventing religious radicalisation and violent extremism a systematic review of the research evidence' (Report, Youth Justice Board for England and Wales, 2012) <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/396030/preventing-violent-extremism-systematic-review.pdf> accessed 30 August 2015.

psychological factors, in the historical background itself of the Arab-Muslim countries, in the political, social and economic structure of these societies, and finally, in the dominant ideological and religious superstructure in these cultures.[501]

Thus, according to Romero, 'Islamic terrorism' is linked not only to Islam as a religion, but also to the historical, political, psychological, social and economic aspects of Arab Muslim society. Romero seems to frame 'Islamic terrorism' as an inclusive act by Muslim human beings from all Arab countries. In addition to this, Romero explains that the significance of Islamic fundamentalist terrorism lies in suicide attacks, which he argues are not exclusive to the Islamic model of terrorism but are the main feature of it.[502] Romero also suggests three forms of Islamic terrorism: the first, a form that attempts to convert an existing state into Islam; the second, the creation of a new state; and the last, global terrorism.[503] It has been noticed that misrepresented discourse uses different schemas to refer to the act as a way of framing terrorism as a 'new wave' or an 'Islamic threat'.

It seems that there are different schemas that occur in misrepresented discourse which refer to the act of 'Islamic terrorism', for example, "Islamic jihad", "Islamism", "Islamic extremism",[504] "Islamic militancy",[505] "militant jihad",[506] "jihadization",[507] "Islamic fundamentalist terrorism",[508] or "violent jihad".[509] These

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[501] Antonio J. Romero, 'The Different Faces of Islamic Terrorism' (2007) 17 International Review of Sociology: Revue Internationale de Sociologie 443, 443.

[502] ibid.

[503] ibid.

[504] Kris Christmann, 'Preventing religious radicalisation and violent extremism a systematic review of the research evidence' (Report, Youth Justice Board for England and Wales, 2012) <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/396030/preventing-violent-extremism-systematic-review.pdf> accessed 30 August 2015.

[505] ibid.

[506] Mitchell D. Silber and Arvin Bhatt, 'Radicalization in the West: The Homegrown Threat' (Report, The New York City Police Department, 2007) < http://www.nypdshield.org/public/SiteFiles/documents/NYPD_Report-Radicalization_in_the_West.pdf> accessed 30 August 2015, 7.

[507] ibid.

[508] Antonio J. Romero, 'The Different Faces of Islamic Terrorism' (2007) 17 International Review of Sociology: Revue Internationale de Sociologie 443.

schemas frame 'Islamic terrorism' as a 'new wave', which targets the West and committed by Muslims or Arabs. The teachings of Islam seem to motivate Muslims to commit terror offences. It has been noticed that the discourse follows certain strategies in order to avoid making direct prejudicial references towards Muslims or Islam. It has been noticed that misrepresented discourse seems to struggle to explain terrorism without using schemas related to 'Islamic terrorism'.

b. Schemas Describing the Motive

One of the common schemas that are used to describe the motive behind 'Islamic terrorism' is "Salafism". Kruglanski claims that the Salafist interpretation of Islam provides a justification for Islamic terrorism in general, and regarding Indonesian terrorists, he says, 'their Salafist interpretation of Islam. Specific, too is their belief in the nobility of *jihad fi sabilillah*, and the notion that commitment to violence in the name of Islam is likely to bestow eternal glory and provide immense significance for one's own existence'.[510] "Salafi" in this context seems to refer to an Islamic school of thought that justifies extremism and violence. Despite the fact that, within the Sunni schools, there are only Maliki, Hanafi, Shafi'i and Hanbali, and Salafi is not a school of thought.

Jihad in misrepresented discourse has been framed as a cause which legitimises 'Islamic terrorism', or the 'holy war' in Islam. Thus, Islamic history has been appropriated with this concept as a means to explain that *jihad* is not a new phenomenon, and that terrorism is not a new wave of terrorism, but rather that the violent relations between Muslims and non-Muslims, and Muslims using *jihad* to

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[509] Brendan O'Duffy, 'Radical Atmosphere: Explaining Jihadist Radicalization in the UK' (2008) 41 PS: Political Science & Politics 37.
[510] Arie W. Kruglanski, 'Psychological insights into Indonesian Islamic terrorism: The what, the how and the why of violent extremism' (2013) 16 Asian Journal of Social Psychology 112, 115.

legitimise war and violence against non-Muslims is the norm in Islamic international relations.[511]

Some confuse *jihad* with suicide, such as Romero, who argues that Islam condemns suicide, yet on the other hand, encourages *shahadah* (martyrdom) or the figure of *shahid* (martyr). He says, 'although the Islamic creed condemns suicide, it exalts the figure of the *shahid*, the warrior martyr who is proud to give his life for Allah *(istishhad)* and the jihad, which will provide him with privileged access to paradise'.[512] It is interesting how the discourse surrounding *jihad* explains the notions using Arabic terms. The Arabic term here is a persuasive method used to claim knowledge about Islamic discourse. In this position, confusing the criminal act with the rules seems similar to radical discourse. Misrepresentation of *jihad* in academic discourse allows scholars to make similar statements to radical discourse as if it is acceptable for scholars to do so, as they are in a position of framing knowledge about 'Islamic terrorism'. Meanwhile, if the identity of the scholar and the source of the misrepresented statement were concealed, there would be no difference between the academic discourses: for example, between Romero's explanation of *jihad* and the texts of Sayed Qutb.

In addition to this, Romero states that "*jihad*" is an Arabic word and that it means that Muslims have to comply completely with their faith.[513] Considering that Romero previously claimed that Islam encourages *shahadah*, the ultimate result of the mental representation of Muslims and Islam is that all Muslims may commit violence, as they are asked to comply with their religion. Moreover, Romero explains that the doctrinal basis for 'Islamic terrorism' derives from Wahabism and Salafism, which he argues were established at the end of the eighteenth century,

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[511] Andrew G. Bostom, 'Jihad Conquests and the Imposition of Dhimmitude- a Survey' in Andrew G. Bostom (ed), *The legacy of Jihad Islamic Holy War and the Fate of non-Muslims* (Prometheus Books 2008).

[512] Antonio J. Romero, 'The Different Faces of Islamic Terrorism' (2007) 17 International Review of Sociology: Revue Internationale de Sociologie 443, 446. Similar views are also expressed in Shmuel Bar, 'The Religious Sources Of Islamic Terrorism' (2004) 125 Policy Review 27.

[513] Antonio J. Romero, 'The Different Faces of Islamic Terrorism' (2007) 17 International Review of Sociology: Revue Internationale de Sociologie 443.

and that these religious doctrines brought the Saudi royal family to political power.[514] A similar argument occurs in the case of O'Duffy, who claims that Islamic *jihad* is inspired by Salafist and Wahabi doctrines of Islam,[515] despite the fact these Wahabi and Salafi notions are not schools of thought within the Sunni school, as mentioned previously.

The New York Police Department report (2007) defines 'Jihadist-Salafi' ideology as 'the driver that motivates young men and women, born or living in the West, to carry out "autonomous jihad" via acts of terrorism against their host countries. It guides movements, identifies the issues, drives recruitment and is the basis for action'.[516] "*Jihad*" in this context seems to denote the motive or the ideology of the terrorists, in which *jihad* triggers the motivation for carrying out acts of terrorism against the West. *Jihad*, according to the report, influences young men and women to turn their back on their host countries. According to the report, the evidence of *jihad* influencing acts of terrorism is the Madrid bombings in 2004, and the London bombings in 2005. It can be argued that, according to the New York Police Department, *jihad* is fundamentally responsible for causing terrorism. In addition to this, "host countries" seems to categorise Muslims as out-groups. It also implies that the Muslim population are not grateful for their host countries.

The motivation of so-called 'Islamic terrorism' in misrepresented discourse is identified as 'Islamist', as in the Prime Minister's Task Force on Tackling Radicalisation and Extremism report, *Tackling Extremism in the UK* (2013), published after the Woolwich terror attack, which resulted in the killing of the British soldier Lee Rigby. Thus, although the report claims that the UK aims to fight all types of extremism, such as the extreme right wing and Islamists, the report seems to focus only and particularly on the 'Islamist' threat, which indicates that the report is using other types of extremism to acquire positive self-representation and to avoid associating Islam with terrorism. For example, some of the points that

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[514] ibid.

[515] Brendan O'Duffy, 'Radical Atmosphere: Explaining Jihadist Radicalization in the UK' (2008) 41 PS: Political Science & Politics 37.

[516] Mitchell D. Silber and Arvin Bhatt, 'Radicalization in the West: The Homegrown Threat' (Report, The New York City Police Department, 2007) < http://www.nypdshield.org/public/SiteFiles/documents/NYPD_Report-Radicalization_in_the_West.pdf> accessed 30 August 2015, 6.

give the impression that the report is focusing only on 'Islamist' extremism and not right-wing are as follows. The report refers to:

1) The removal of online terrorist material and hate speech preachers.

2) The need to fight extremist ideology that speaks against British values, such as freedom of speech, democracy and equal rights.

3) The claim by extremists that the West is at war with Islam, which does not seem to correspond to right-wing extremist ideology.

4) The definition of Islamist extremist ideology without defining right-wing extremist ideology.

5) The need for integration, which indicates differences, thus assuming the differences between British Muslims and non-Muslims, as right-wing extremists do not seem to raise an issue of integration as they seem to be part of the in-group (a crime committed by a member of the group, thus it is not magnified).

6) The exploitation of charity organisations.

7) The role of mosques, prisons, universities and schools in tackling extremism.[517]

Another means of positive self-representation is that the report acknowledges that Islamophobia is a type of extremism. Using the case of the killing of Mohammed Saleem and the terror attacks on mosques in the West Midlands, the report states:

> We know that the international terrorist threat to the UK comes primarily from those people who are inspired by Al-Qa'ida's distorted interpretation of Islam and use that as justification for killing innocent people. But we must tackle extremism of all kinds, including the Islamophobia and neo-Nazism espoused by the murderer of Mohammed Saleem to justify his terrorist attacks against mosques in the West Midlands.[518]

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[517] The Prime Minister's Task Force, 'Tackling Radicalisation and Extremism, Tackling Extremism in the UK' (Report, December 2013)<https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/263181/ETF_FINAL.pdf> accessed 30 August 2015.

[518] ibid 1.

In the previous quote, the report describes the motives of people inspired by Al-Qaeda as a distorted interpretation of Islam. As the report continues, it explains that there is a difference between Islamists and traditional religious practices; however, the motive is still identified as Islamist. This raises the question if the motive is based on a distorted interpretation of Islam, why it is still identified as Islamist? The report continues:

> It is an ideology which is based on a distorted interpretation of Islam, which betrays Islam's peaceful principles, and draws on the teachings of the likes of Sayyid Qutb. Islamists extremists deem Western intervention in Muslim-majority countries as a 'war on Islam', creating a narrative of 'them' and 'us'. They seek to impose a global Islamic state governed their interpretation of Shari'ah as state law, rejecting liberal values such as democracy, the rule of law and equality. Their ideology also includes the uncompromising belief that people cannot be Muslim and British, and insists that those who do not agree with them are not true Muslims.[519]

As has been explained previously, public discourse does not establish general knowledge here. In saying this, I mean that understanding the report or the paragraph is dependent on the receiver's previous knowledge and personal experience. Thus, even if the report was articulated in an innocent or positive manner, it does not mean that it will not have a negative impact. As the model of 'Islamic terrorism' has been well established by public and academic discourse, the reader may link this paragraph with the model that has been established in other discourses on 'Islamic terrorism'.

The report suggests two versions of Islam: the traditional religious practice, the 'peaceful' Islam; and the extremist Islam, which is identified as Islamist. Each version of Islam is said to have its own followers, and its distinctive teachings.

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[519] The Prime Minister's Task Force, 'Tackling Radicalisation and Extremism, Tackling Extremism in the UK' (Report, December 2013)<https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/263181/ETF_FINAL.pdf> accessed 30 August 2015 (emphasis added).

Thus, it can be argued that the aim of the paragraph quoted from the report is to explain the threat imposed by the ideology of Islamism and Islamist extremism.

The identity of the reader plays a significant role in how the passage is interpreted. In other words, the conceptualisation of the text targets certain readers, or as Kellner calls it, 'codes to specific audiences'.[520] There are two things that the paragraph causes. The underlined part represents what might be known or familiar for a Muslim person, while the double underlined part represents the known or familiar for a non-Muslim person. In each part, individuals use their personal experience and their previous knowledge about the known section. While they (the receivers) use previously established models produced by other discourses to understand the unknown section for the Muslim and non-Muslim British citizen, 'the new information is connected in a meaningful way with a person's background of experience and knowledge'.[521] Kintsch explains:

> Understanding a text, therefore, consists in assimilating it with one's general store of knowledge which is not the same, of course, as making it permanent part thereof). [*sic*] Since every person's knowledge and experience is somewhat different from every other's, it follows as a corollary of this claim that the way in which different people understand the same text may not always be the same, just as it may not be quite what the transmitter of the message had originally intended.[522]

Considering that the dominant frame is the one that associates Islam and violence, the unknown for a non-Muslim person is the peaceful teachings of Islam.[523] In particular, the report has already stated that they are reflecting on the Woolwich attack in 2013. As the report states, 'the killing of Drummer Lee Rigby in Woolwich was the impetus to look closely at whether the government was doing all it could to

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[520] Douglas Kellner, 'Social Memory and the Representation of 9/11 in Contemporary Hollywood Film' (2005) 24 SPIEL 349, 145.
[521] Walter Kintsch, *The Representation of Meaning in Memory* (Psychology Press 2014) 4.
[522] ibid 11.
[523] Shahram Akbarzadeh and Bianca Smith, *The Representation of Islam and Muslims in the Media: The Age and Herald Sun Newspapers* (Monash University 2005).

confront extremism and radicalisation'.[524] In this way, the report has automatically activated the model of 'Islamic terrorism' in the receiver's mind, in which religious terms in the report automatically trigger the image of Islam motivating terrorists and Muslims being terrorists. Although the report has made the distinction between Muslims and terrorists, the image of Adebolajo holding the knife on which he has the blood of the soldier Lee Rigby and claiming to defend Islam is more powerful and fresh in the reader's mind. In other words, recalling the terror attack is automatically nearer in the receiver's mind than peaceful events. The dominant frame about Islam is "Islamic terrorism" rather than "peaceful Islam". Baker has noted that the negative representation of a social group raises concerns if it overpowers the positive representation of the same social group.[525] Baker found in his analysis of British national press produced between 1998 and 2009 that the collocates linked to "Islam", "Muslim(s)" and "Islamic" are more likely to be associated with sets of words referring to extreme belief than to those referring to strong or moderate belief.[526] Thus, even though the report has said that the terror attack betrayed the peaceful teachings of Islam, it has little impact, as it is highly unlikely that a model for peaceful Islam can be found that is able to balance the model of 'Islamic terrorism'.

This is particularly evident when taking into consideration that the representation of Islam as a danger or a threat overpowers the representation of Islam as a peaceful religion; for example, the representation of Islam as a peaceful religion in British newspapers from 2000 to 2008 is less than 5%. On the other hand, the representation of Islam as a threat in the same timeframe has scored 26%.[527] Thus, even if the report is published by an authoritative institution and there is an attempt to reclaim the peaceful teaching of Islam, yet again the statement has less

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[524] The Prime Minister's Task Force, 'Tackling Radicalisation and Extremism, Tackling Extremism in the UK' (Report, December 2013)<https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/263181/ETF_FINAL.pdf> accessed 30 August 2015, 1.

[525] Paul Baker, 'Acceptable Bias? Using Corpus Linguistics Methods with Critical Discourse Analysis' (2012) 9 Critical Discourse Studies 247.

[526] ibid.

[527] Kerry Moore, Paul Mason and Justin Lewis, 'Images of Islam in the UK The Representation of British Muslims in the National Print News Media 2000-2008' (Report, Cardiff School of Journalism, Media and Cultural Studies, 7 July 2008)<http://www.channel4.com/news/media/pdfs/Cardiff%20Final%20Report.pdf> access 30 August 2015, 14.

impact on the receiver. It may be said that, for a non-Muslim person, the unknown is the questions that arise: how do I balance the claim of peaceful teachings of Islam with the Woolwich attack and Adebolajo's claim? who, then, is Sayed Qutb? what is *shari'ah* (see the figure 4)? is it the veil,[528] the beard, the cutting of the hands, and *halal* meat? in talking about extremist ideology, is this the demand of *shari'ah* as a state law? and does this mean that Islamic countries are extremist or Islamist? *Shari'ah*, in particular, has negative representation; for example, Cohen states that 'Shari'a states tend to be more supportive of terrorists'.[529] This view of *shari'ah* is not necessarily shared with a Muslim person, so it can be said that *shari'ah* and Islamic states are linked to the support of terrorism or undemocratic political systems in misrepresented texts.[530] As a result of this, the non-Muslim receiver may attempt to focus on the known and the familiar while interprets and corresponds to the unknown using dominant frames. Thus, their reflection might be around liberal values, democracy and the rule of law and equality. The individuals here reflect on their personal experience as British citizens, and on their knowledge about these terms.

For example, the picture in figure 4 was used in an article in The Guardian with a caption that explained that it was an image from an Indonesian province, which partly applies *shari'ah* law. The photo is not related to the topic of the article, which was about a Somali-born woman who published a book calling for reforming Islam. The article, 'Heretic: Why Islam Needs a Reformation Now by Ayaan Hirsi Ali – review', was published on 27th April 2015.[531] Although "*shari'ah*" in the article was not used in the context of 'Islamic terrorism', as explained before, a person frames their knowledge and makes sense of Islamic discourse from different sources and *shari'ah* was represented here in a negative context instead of treating it as an example of law enforcement. The picture does not show the offence that leads to

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[528] According to Richardson, the hijab is used by journalists to represents "Islamicness". John E. Richardson, 'British Muslims in the Broadsheet Press: A Challenge to Cultural Hegemony?' (2001)2 Journalism Studies 221.

[529] Ariel Cohen, 'Promoting Freedom and Democracy: Fighting the War of Ideas Against Islamic Terrorism' (2003) 22 Comparative Strategy 207, 208.

[530] ibid.

[531] Andrew Anthony, 'Heretic: Why Islam Needs a Reformation Now by Ayaan Hirsi Ali – review' (The Guardian, Politics, The Observer, 27 April 2015) <http://www.theguardian.com/books/2015/apr/27/heretic-islam-reformation-ayaan-hirsi-ali-highlights-scale-of-the-task> accessed 31 August 2015.

this punishment; rather, it shows cruelty against Muslim women, and barbarism. Thus, it is highly unlikely that a non-Muslim person who knows little about Islamic countries or discourse will have a positive impression of *shari'ah*. This is not because the non-Muslim person is being prejudiced against Muslims and Islam, but because this is the dominating frame in which *shari'ah* is being represented to them. In Moore's analysis of British newspapers from 2000 to 2008, found that *shari'ah* law is commonly associated with acts of stoning, limb removal, and beheading. 53% of the British newspapers were found to be representing *shari'ah* negatively.[532]

Figure 4 Example of the representation of *Shari'ah* in public discourse. [533]

On the other hand, "liberal values", "democracy" and "equality" may not have the same triggers for a Muslim person. This may lead to questions, such as what are liberal values? what is democracy? and what is equality? Such concepts, in turn, may induce negative images in a Muslim person. However, a Muslim person may agree with the identification of extremist ideology, as the model of extremism that

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[532] Moore and other, 53% negative representation of shari'a (stoning 26%, limb(s) removal 16%, whereas beheading and execution is 11%. Kerry Moore, Paul Mason and Justin Lewis, 'Images of Islam in the UK The Representation of British Muslims in the National Print News Media 2000-2008' (Report, Cardiff School of Journalism, Media and Cultural Studies, 7 July 2008) <http://www.channel4.com/news/media/pdfs/Cardiff%20Final%20Report.pdf> access 30 August 2015, 32.

[533] Source of the picture Andrew Anthony, 'Heretic: Why Islam Needs a Reformation Now by Ayaan Hirsi Ali – review' (The Guardian, Politics, The Observer, 27 April 2015) <http://www.theguardian.com/books/2015/apr/27/heretic-islam-reformation-ayaan-hirsi-ali-highlights-scale-of-the-task> accessed 31 August 2015.

the paragraph triggers in a Muslim person is based on their personal experience as practising Muslims, their understanding of Islam and its teachings.

Thus, activating certain mental models depends on what is familiar for the receiver, and every reader will articulate their knowledge or respond to the paragraph differently, as they will focus on what is familiar and known for them. Therefore, the receiver may accept or reject what is familiar, but will most likely accept the unfamiliar as represented to him or her by the frame because the unfamiliar is new information, and the receiver will therefore have little or no knowledge about it with which to judge.

Misrepresented discourse uses certain schemas to describe the motive of 'Islamic terrorism', for example, "*jihad*", "jihadism", "Jihadist terrorism or radicalisation",[534] "Jihadi-Salafi ideology",[535] "jihadi-Salafi Islam" [536] or "Islamist".[537] These schemas seem to link terrorism with Islam or *jihad*. In doing so, misrepresented discourse has denied criminal's agency in committing a terror act or joining a terror group.

c. Schemas Describing the Criminals

One of the schemas used to describe the perpetrators of 'Islamic terrorism', is "Islamist". According to Cohen, Islamists 'refer to those forces that use and abuse Islamic ideology to achieve political power. They often advocate use of violence

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[534] Kris Christmann, 'Preventing religious radicalisation and violent extremism a systematic review of the research evidence' (Report, Youth Justice Board for England and Wales, 2012) <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/396030/preventing-violent-extremism-systematic-review.pdf> accessed 30 August 2015, 7.

[535] Mitchell D. Silber and Arvin Bhatt, 'Radicalization in the West: The Homegrown Threat' (Report, The New York City Police Department, 2007) < http://www.nypdshield.org/public/SiteFiles/documents/NYPD_Report-Radicalization_in_the_West.pdf> accessed 30 August 2015.

[536] ibid.

[537] The Prime Minister's Task Force, 'Tackling Radicalisation and Extremism, Tackling Extremism in the UK' (Report, December 2013)<https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/263181/ETF_FINAL.pdf> accessed 30 August 2015.

against their political opponents';[538] this seems to suggest a distinction between the 'good' and the 'bad' Muslims. That is to say, not all Muslims are terrorist or extremists, just some of them. The distinction between the good and the bad is a strategy to escape the label of being stereotypical, and indicates some sense of 'tolerance'. Van Dijk identifies it as a 'stereotypically formulated topic' as in 'There are good ones and bad ones among them.'[539]

This distinction between militants, extremists or radical Muslims and peaceful, non-radical Muslims magnifies the criminal activities of Muslims in a multi-faith society,[540] and the religious identity of the criminals becomes salient when the criminal act is terrorism or the criminal belongs to the Muslim faith. However, the religious identity of the criminal is not salient if the criminal act was murder or theft, or when the criminal act is done by citizens who belong to different faith groups. This phrase also suggests that Muslims are troublemakers, and that other citizens are not involved in criminal activities. This phrase magnifies religion although religion plays a minor role in motivating terrorism.

Goodwin, for example, uses the term "violent jihadist" to denote religiously motivated terrorism.[541] The characteristics of Muslim extremists in academic discourse encourage the state to adopt all risk policies, because it provides a general model which includes any Muslim. For example, according to Bonino, the potential terrorist is identified as follows:

- Sex: Male
- Age: 18–35

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[538] Ariel Cohen, 'Promoting Freedom and Democracy: Fighting the War of Ideas Against Islamic Terrorism' (2003) 22 Comparative Strategy 207, 219.

[539] Teun A. van Dijk, *Prejudice in Discourse : An Analysis of Ethnic Prejudice in Cognition and Conversation* (John Benjamins Publications Company 1984) 73.

[540] Brendan O'Duffy, 'Radical Atmosphere: Explaining Jihadist Radicalization in the UK' (2008) 41 PS: Political Science & Politics 37.

[541] Matthew Goodwin, 'The Roots of Extremism: The English Defence League and the Counter-Jihad Challenge' (Briefing Paper, Chatham House, March 2013) < http://www.chathamhouse.org/sites/files/chathamhouse/public/Research/Europe/0313bp_goodwin.pdf> accessed 30 August 2015.

- Religion: Islam

- Relationship with religion: recent convert, does not start as a fanatic

- Ethnic background: mixed, but often a second/third generation in his home country

- Place of residence or citizenship: Western country

- Socio-economic class: middle class

- Education: from high school up to university

- Life and job: unremarkable, ordinary

- Criminal background: little or non-existent.[542]

It should be noted from the characteristics of the potential Muslim candidate in the pre-radicalisation stage that they are merely a reflection of the demography of the Muslim population in Western countries. The most striking fact is that the article found it necessary to state the religious belief of potential individuals as if religion plays a major role in radicalising a person. Stating the religious background of the individuals makes Muslims appear to be problematic or troublemakers in comparison to the rest of the population, neglecting the fact that radical discourse is specifically designed to radicalise a Muslim person. Not only this, but the characteristic suggests that 'Islamic terrorism' is only a threat to those Western countries that are hosting those individuals and to non-Muslims. This is a rather contested claim, as terror attacks occur in Muslims countries and against Muslims as well. Needless to say, even terror attacks in Western countries may target Muslims as well as non-Muslims, and this is because most of the terror attacks target public transportation or crowded residential areas and there is a high chance that in these places there will be not only non-Muslims.. It may be argued that Bonino's model for potential terrorists seems to be based on the rule that all Muslims are suspected of terrorism until proven innocent.

It can be argued that the schemas describing the perpetrators of 'Islamic terrorism' have been developed in order to correspond to unusual methods of attack and to

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[542] Stefano Bonino, 'Policing Strategies against Islamic Terrorism in the UK after 9/11: The Socio-Political Realities for British Muslims' (2012) 32 Journal of Muslim Minority Affairs 5, 13.

religious legitimacy, in particular for suicide bombing and hijacking airplanes; Sageman says:

> One specific characteristic of terrorist activity, their suicide in the process of killing, immediately raises the possibility of mental illness. Most people can conceive of killing for a cause, as police and military are called to do. But for most, suicide is simply beyond the call of duty and therefore must be an indicative of some sort of underlying pathology.[543]

The schema produced in describing the criminals of a terror attack that is classified as Islamic is that scholars try to look in depth at the personal background of the terrorist's persona from different angles: childhood, financial status, family issues, religious interest, any trips, connections with 'influential' radical personalities, the person's political activity, and so on and so forth. Jackson observed that:

> Interestingly, the data compiled in these two projects also demonstrate that the notion that 'Islamic terrorism' results from poverty, disaffection and alienation is unsupported. In fact, both of these studies show that the overwhelming majority of 'terrorists' are middle or upper class, of above-average educational standing, professionally employed, often married or in relationships, are well integrated into their communities and generally have good future prospects.[544]

According to these analyses of the terrorist persona, it seems that Muslim individuals are potential terrorists and pose a real threat. Whether they were well integrated into their societies and politically active or not, they are suspects because the analysis does not seem to have any value in terms of detecting a criminal act. Instead, it seems to present a general model that puts any Muslim person in the category of potential terrorist. However, it is preferable to recognise it as a psychological approach, because it has psychological indications, and scholars aim to find mutual characteristics between terrorist individuals.

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[543] Marc Sageman, *Understanding Terror Networks* (University of Pennsylvania Press 2004) 82.
[544] ibid 417.

Thus, the psychological approach appears in two ways. The first form of the psychological approach focuses on radical leadership, for instance, Osama Bin Laden, Al Zawahiri, and Abu Qatada, or focuses on members who had operational roles in suicide bombing or hijacking airplanes, for instance, Mohammad Atta. The aim of this approach is to study the psychological side of the radicalised persons, mainly to investigate why they became terrorists, and if their personal history shows any early signs of criminal involvement. It is an attempt to find the common and the mutual aspects of a terrorist's personality in order to predict the warning signs of potential candidates.

Some academic discourse argues that terrorists suffer from mental illness (this frame is the dominant frame that occurs if a terrorist is not Muslim, for instance, Anders Behring Breivik). Others argue that terrorism and radicalisation is not a mental illness. Others, meanwhile, argue that some social factors may participate in creating the willingness for a person to adopt radical views; for example, Steven says:

> Psychopathology theory claims that terrorists are mad or psychopaths (suffering from a psychopathological disorder), and thus are irrational actors... The basis of Rational Choice Theory is the notion that the decision to both become terrorist and commit terrorist act influenced by factors in the environment, and that the actor is a rational one who responds and reacts to these environmental factors.[545]

Meanwhile, Silke claims that there are some factors that might have an impact on a person's decision to join a terrorist group: age and gender, education, career and marriage, social identity, marginalisation, discrimination, catalyst event/perceived injustice, status and personal reward. However, Silke mentions that it is not necessary for these factors to create a 'terrorist' without a valid opportunity for recruitment.[546] He says:

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[545] Graeme C. S. Steven and Rohan Gunaratna, *Counterterrorism: A Reference Handbook* (ABC-CLIO 2004) 14-15.
[546] Andrew Silke, 'Holy Warriors; Exploring the Psychological Process of Jihadi Radicalisation' (2008) 5 European Journal of Criminology 99, 99-123.

The preceding discussion has highlighted that Islamist terrorists do not fit many of the stereotypes that shape public expectations. The individuals involved do not suffer from mental illness or disorders, but instead are generally ordinary and unremarkable in psychological terms. Their involvement in terrorism is usually the result of a gradual process – typically occurring over a period of years. The sense of personal identity and social networks of potential recruits are both extremely important factors. Most terrorists become radicalized as members of a small group of like-minded individuals. These groups do not start out as radical but become so gradually over time.[547]

On the other hand, Sageman does not support the view that calls for 'terrorist' mental illness, unless it is supported and proved scientifically.[548] Sageman also conducted his own studies to investigate whether any of the 'terrorist' persona experienced any trauma in their childhood, or if they suffered from any mental illness. From his observation, he found that they are normal people who have their own individual characteristics. He considers that Osama Bin Laden had a privileged life and that the only sad experience he had was related to the death of his father when he was ten years old.[549]

As a consequence of treating 'Islamic terrorism' as a new threat, academic discourse has resulted in two types of personalities. The first type is the typical image of a terrorist. This may be summarised as failure in education, some criminal activities, being bullied in his childhood, poverty, and a sudden interest in Islam. For instance, this is well presented in Pargeter's analysis of Al-Suri. She says:

He managed in 1984 to achieve a black belt in Judo, he was not able to complete his education. Indeed it was not long before he was sidetracked once again, as his love of jihad and his homeland pushed

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[547] Andrew Silke, 'Holy Warriors; Exploring the Psychological Process of Jihadi Radicalisation' (2008) 5 European Journal of Criminology 99, 118.
[548] Marc Sageman, *Understanding Terror Networks* (University of Pennsylvania Press 2004).
[549] ibid.

him to abandon his studies and to try to work from his adopted home

in Europe to further the cause of bringing down the Syrian regime.[550]

According to this analysis, there are common factors that created a willingness in the individual to adopt radicalisation and violence, though the existence of some factors in any individual means that they are willing to adopt radical Islamic views. A similar analysis also occurs in Pargeter (2008). About the 7/7 terrorist, Muktar Said Ibrahim, she states:

> Ibrahim arrived with his family as an asylum seeker from Eritrea and
> was granted exceptional leave to remain in 1992 as a dependant aged
> 14... He attended Canons High School, a comprehensive in Edgware,
> north London, until he was 16. A year after leaving he was arrested
> with four other youths... after street robbery... Ibrahim received five
> years because he had been carrying a knife.[551]

On the other hand, the second type of 'Muslim extremist' is a normal individual, who had a good education, came from middle or upper class, and had a normal social life. For example, this is well represented in Williams' analysis of Mohamed Atta:

> Mohamed Atta came from a privileged Cairo family and, when he was
> 24, went to Hamburg to study urban planning. Friends who knew him
> in Cairo and during his first few years at Hamburg's Technical
> University thought of him as a good guy and basically unremarkable.[552]

The same attributes were also highlighted about Ahmed Saeed Sheikh:

> The British born son of a wealthy Pakistani clothes merchant, grew up
> in the affluent London suburb of Wanstead. Sheikh attended the forest

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[550] Alison Pargeter, *The New Frontiers of Jihad: Radical Islam In Europe* (University of Pennsylvania Press 2008) 2.

[551] Duncan Gardham and Philip Johnston, 'Terror Suspect Is a Convicted Mugger' (*The Telegraph, 27 Jul 2005*) < http://www.telegraph.co.uk/news/uknews/1494872/Terror-suspect-is-a-convicted-mugger.html> accessed 31 August 2015.

[552] Paul L. Williams, *Al Qaeda: Brotherhood of Terror* (Alpha Books 2002) 159.

school in East London, a prestigious private institution where he was well-liked by the other mostly white and native English pupils. A spokesman at Forest described him as a model student, ' a good all-round, solid and very supportive pupil'. After three years in Pakistan, where he attended Aitchison college, a school favoured by the Pakistani elite, Sheikh returned to Forest. His peers admired him for his good humor and strength – he had become a member of the British arm-wrestling squad, and he was always ready to show off against other students.[553]

Moreover, academic discourse has created a general model for the perpetrators of 'Islamic terrorism'. For example, Roy thinks that the process of radicalisation is commonly seen amongst:

1) second generation young males whose families usually originated from North-Africa, 2) young men who came from North Africa or the Middle-East and settled in the West either to study or to work, 3)converts who are often outcasts (non-Muslim racial minorities, usually black and/or Caribbean, former delinquents converted in jail, drug-addicts who found in Islam a way to quit addiction, or just "buddies" who joined their Muslim friends when the latter became "born-again").[554]

Both the models of potential and previous Muslim extremists that are represented in academic discourse have made the Muslim population in the West suspect, as the discourse seems to encourage the views that Muslims are prospective terrorists, given that the models presented in the discourse appear to reflect the demography of the Muslim population in the West.

It should be mentioned that former perpetrators or members of terror organisations have given their perspective on the causes that led them to

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[553] Lorenzo Vidino, *Al Qaeda in Europe : The New Battleground of International Jihad*, (Prometheus Books 2006) 39-40. As cited in Frazer Egerton, *Jihad in the West the Rise of Militant Salafism*, (Cambridge Press University 2011).
[554] Oliver Roy, 'A Clash of Cultures or a Debate on Europe's Values?' (2005) 15 ISIM Review, 6.

radicalisation. This appears, for example, in the works of Ed Hussain and Maajid Nawaz. This has an optimistic effect, as it shows that the process of radicalisation may not be a permanent stage of the individual experience. It also proves at some level that de-radicalisation can be self-guided, and not necessarily guided by external factors. One of the advantages of this approach is that it gives detailed information about how the terrorist groups function from within, how a terror group or organisation attracts potential members, and how their financial resources are managed.

Confusion around identity and a lack of belonging appears in the case of Maajid Nawaz, who says:

> Am I really Asian? Do I really fit? Am I really British? Or am I something else?" And it was at this time that one of the activists of the political party, which I ended up joining, found me and gave me my identity. What was my identity? I'm not British because I'm not accepted in this society. I'm not Pakistani because I'm not accepted in that society. So who am I? I am Muslim. I belong to this international group, this international body of people who associate with nothing but the fact that they are Muslims.[555]

Nawaz experienced racism and identity confusion during his teenage years, which proves the hypothesis about the 'terrorist personality'. However, this should be taken as an individual experience that cannot be generalised and extended to others. For example, an ex-radical person from a Muslim majority country may not experience racism. However, this is highly likely for a Muslim person living in the West. For instance, the Muslim community in the UK suffers from racism, and it does not occur exclusively to terrorist persona; if racism lead most of the terrorists to commit a terror attack then most people, not only Muslims, would be radicals. According to data conducted by the Citizenship Survey 2007-08, 7% of Muslims think that racial or religious harassment is a very big problem in their local area

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[555] Maajid Nawaz, *In and Out of Islam* (Quilliam Foundation 2008) 2.

compared to 2% of other groups.[556] The same data demonstrated that young Muslims reported higher levels of harassment.[557] Thus, in my opinion, experiences of racism or identity confusion are not sufficient factors to create the willingness for radicalisation.

Misrepresented discourse has given little attention to the main driving factor for radicalisation, namely misunderstanding Islam, which if not corrected is the main driving force that leads a person to radicalisation and terrorism. This is well represented by Nawaz, who says:

> … All this is Islam; it's a revolutionary doctrine, so I must be prepared to give my life for this revolutionary doctrine and be prepared to give my life for overthrowing every single ruler in the Muslim world and on the ashes of their regimes one caliphate which will then have the expansionist idea of Jihad as its foreign policy. It would begin by inviting all other countries that surround it to either: accept Islam; to pay the jizya (the tax); or to face the sword. Because this is how the Prophet taught us, peace be upon him.[558]

Likewise, Ed Hussain states:

> I quickly learnt that as long as Muslims accepted the Hizb's premise that the Islamic state was *wajib*, just like praying, fasting, almsgiving, we were in the ascendant. The acceptance of that principle, that radical politics was the same as prayer, meant that whereas traditional

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[556] Department for Communities and Local Government, 'Attitudes, values and perceptions; Muslims and the general population in 2007-08' (Report, February 2010) < http://webarchive.nationalarchives.gov.uk/20120919132719/http://www.communities.gov.uk/ documents/statistics/pdf/1484586.pdf> accessed 30 August 2015.

[557] ibid 36.

[558] Department for Communities and Local Government, 'Attitudes, values and perceptions; Muslims and the general population in 2007-08' (Report, February 2010) < http://webarchive.nationalarchives.gov.uk/20120919132719/http://www.communities.gov.uk/ documents/statistics/pdf/1484586.pdf> accessed 30 August 2015, 4.

scholars provided guidance in prayer, we provided leadership in political matters.[559]

Radicalisation heavily depends on an individual's understanding of Islamic legal discourse in regard to *jihad*. Other factors, such as age, education, financial status, or experience with racism, are secondary factors that could be the driving factors that lead a person to commit any crime, not only terrorism. As Ed Hussain and Nawaz are the same people before and after radicalisation, the main reason for their transformation is their understanding of Islamic international rules, whereas experiences of racism and confusion of identity are part of their individuality as human beings that did not change and was not forgotten, even if the person got de-radicalised. In fact, it has been found that these terrorists' profiles are not useful or accurate for law enforcement, nor even for predicting terrorist persona.[560]

Some of the Schemas that describe the criminals of 'Islamic terrorism' in misrepresented discourse are: "Islamists",[561] "Muslim extremists", "violent jihadist".[562] These schemas seem to confirm the general frame of 'Islamic terrorism'. That Islam is inherently violent and that Muslims seem to commit 'Islamic terrorism' in respond to the teachings of Islam. It has been found that the schemas referring to the criminal seem to provide models of a terrorist persona. These models of a terrorist model include any Muslim person.

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[559] Ed Husain, *The Islamists: Why I Joined Radical Islam in Britain, What I Saw Inside and Why I Left* (Penguin 2007) 91.
[560] Mitchell D. Silber and Arvin Bhatt, 'Radicalization in the West: The Homegrown Threat' (Report, The New York City Police Department, 2007) < http://www.nypdshield.org/public/SiteFiles/documents/NYPD_Report-Radicalization_in_the_West.pdf> accessed 30 August 2015.
[561] Ariel Cohen, 'Promoting Freedom and Democracy: Fighting the War of Ideas Against Islamic Terrorism' (2003) 22 Comparative Strategy 207. The term Islamists is also used by Hundley, Lindsay Hundley, 'Repeated Failures: Explaining the Rise and Tactics of the Current Wave of Radical Islamic Terrorism' (2011) The Monitor 18.
[562] Matthew Goodwin, 'The Roots of Extremism: The English Defence League and the Counter-Jihad Challenge' (Briefing Paper, Chatham House, March 2013) < http://www.chathamhouse.org/sites/files/chathamhouse/public/Research/Europe/0313bp_goodwin.pdf> accessed 30 August 2015. And Mitchell D. Silber and Arvin Bhatt, 'Radicalization in the West: The Homegrown Threat' (Report, The New York City Police Department, 2007) < http://www.nypdshield.org/public/SiteFiles/documents/NYPD_Report-Radicalization_in_the_West.pdf> accessed 30 August 2015.

Finally, misrepresented discourse has framed a mental representation of Muslim extremists in which all Muslims are potential threats, as it has been academically and scientifically proven that they are terrorists. Both the data provided and the empirical evidence has lead to no other conclusion but to make Muslims appear to be dynamite that might explode at any moment. Thus, it can be argued that misrepresentation is not prejudice thought, but scientific fact, as it has been proved academically that there is 'Islamic terrorism' and Muslims are the main perpetrators of this crime.

4. Conclusion

This chapter has examined examples of misrepresentation in some public and academic discourse after 2001 that framed a new terror threat called 'Islamic terrorism'. It has been found that public and academic discourse can produce many frames in response to one terror event. Frames can be manipulated and some frames can dominate others, as seen from the different frames produced in response to the terror attack in Paris 2015 on the Charlie Hebdo newspaper. It has been explained that public and academic discourse has framed 'Islamic terrorism' by forming certain ideas about terrorism that make it appear to be an Islamic crime, motivated by *jihad* and committed by Muslims.

It has been argued that discourses cannot be separated from each other, because some discourses do not offer new knowledge. Thus, if one of these discourses uses one of the schemas related to 'Islamic terrorism', a person can interpret this information using pre-existing knowledge that has been framed previously by other discourse, as explained in the paragraph quoted from the report published in response to the Woolwich terror attack 2013. Thus, if a schema of 'Islamic terrorism' appears in a discourse, it is highly likely to automatically activate the model of 'Islamic terrorism'.

Public discourse is able to produce short messages that participate in creating an episodic memory of 'Islamic terrorism'.[563] Thus, public discourse is capable of transmitting the emotional distress of a terror attack to a wider audience, even if they have not been directly affected by the terror attack. It has been explained that intensive exposure to short-term messages will produce a similar effect to that produced by long-term messages, as public discourse has the ability to use images and visual aids, and is not only dependent on texts, unlike academic discourse.

While academic discourse produces long-term messages that are responsible for creating a semantic memory, as a result of constant exposure to messages produced both by public and academic discourse, this chapter suggested that the concept of 'Islamic terrorism' has created a mental representation of the terror attack perpetrators that is classed as Islamic.

Public and academic discourse has produced schemas that are linked to the act, the perpetrators and the motive. Examples of schemas related to the act include "Islamic terrorism", "Islamism", "Islamic extremism", "Islamic militancy", "militant jihad", "jihadization", "Islamic fundamentalist terrorism", and "violent jihad". Schemas related to the perpetrators might be "jihadi", "jihadism", "Jihadist terrorism or radicalisation", "Jihadi-Salafi ideology", "Jihadi-Salafi Islam" or "Islamist". Meanwhile, common schemas describing the motives are "Muslim extremist", "violent jihadist", or "Islamist". As a consequence of that, one schema is sufficient to produce the mental representation and activate the mental model of 'Islamic terrorism'.

Although discourse sometimes avoids making direct misrepresented statements, some schemas in discourse activate the model of 'Islamic terrorism' nonetheless.

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[563] John A. Bargh and Paula Pietromonaco, 'Automatic Information Processing and Social Perception: The Influence of Trait Information Presented Outside of Conscious Awareness on Impression Formation' (1982) 43 Journal of Personality and Social Psychology 437; Patricia G. Devine, 'Stereotypes and Prejudice: Their Automatic and Controlled Components' (1989) 56 Journal of Personality and Social Psychology 5 and Ziva Kunda, *Social Cognition*: Making Sence of People (The Massachusetts Institute of Technonolgy Press 1999) ch 8.

For example, when setting the scene of the terror attack, the report produced by the New York Police Department begins by focusing on the 9/11, Madrid and 7/7 terror attacks, thus possibly activating the model of 'Islamic terrorism'.

In addition to this, positive self-representation is efficient for activating the mental model of 'Islamic terrorism'. This occurs when the discourse reports the misrepresentation occurring in other discourses on 'Islamic terrorism': a strategy to avoid making misrepresented statements themselves, as shown in the report on preventing religious radicalisation and violent extremism (2012) published by the Youth Justice Board for England and Wales. Such self-representation may also make the distinction between 'peaceful' and 'radical' or 'extremist' Islam, Muslims or *jihad*, or call for equality of misrepresentation, in which the misrepresentation of other ethnic groups or religions makes the misrepresentation of Islam acceptable, as appeared in the report published by the New York Police Department (2007).

This chapter has concluded that public and academic discourse is but misrepresented discourse, that inspires or legitimises scientifically prejudice against the Muslim population.[564] In other words, public and academic discourse is an 'elite discourse'[565] that offers 'acceptable biases'[566] towards Islam and Muslims.

The consistency of public and academic discourse in framing the new threat caused by 'Islamic terrorism' has created an Islamic crime. On the other hand, we cannot undermine the role of language use in framing Islamic terrorism.[567] Here, the receiver cannot help but have prejudicial thoughts about Islam and Muslims, as language unconsciously and automatically activates the mental model of 'Islamic terrorism'. As a result of this, the words "terrorism" or "terror attack" activate the model about Islam and Muslims in the context of 'Islamic terrorism'; for example, in

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[564] Teun A. van Dijk, *Elite Discourse and Racism* (Sage Publications 1993) 286.
[565] ibid.
[566] Paul Baker, 'Acceptable Bias? Using Corpus Linguistics Methods with Critical Discourse Analysis' (2012) 9 Critical Discourse Studies 247.
[567] Shahram Akbarzadeh and Bianca Smith, *The Representation of Islam and Muslims in the Media: The Age and Herald Sun Newspapers* (Monash University 2005).

the news coverage of the Oklahoma bombing in 1995, public discourse suggested that the attack was a Middle Eastern attack.[568]

To conclude, "Islamic terrorism" is a frame that produces a mental model of terrorism. Thus, any schemas related to the act, perpetrators, or the motive that occur in the discourse are able to activate the model of 'Islamic terrorism', because 'by receiving and processing information, individuals develop memory traces'.[569] The next chapter aims to explore the impact (perlocutionary effect) of misrepresentation on the integration of a multi-faith society and how terror attacks may increase the level of prejudice against Muslims, especially when multi-faith societies are exposed to long-term misrepresentation.

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[568] ChallengingMedia, 'Edward Said: On Orientalism'(Video, uploaded on 4 October 2006) < https://www.youtube.com/watch?v=BjlRR-qRkcc> accessed 30 August 2015.
[569] Dietram A. Scheufele, 'Framing as a Theory of Media Effects' (1999) 49 Journal of Communication 103, 299.

Chapter 5

The Impact of the Misrepresentation of *Jihad* on the Integration
of a Multi-faith Society

'Muslims are evil and have no respect for our ways'. *
Anti-Islam graffiti on Brisbane mosque - Australia, 2014

1. Introduction

Misrepresented discourse is consistent in producing 'Islamic terrorism' schemas, resulting in framing a 'new wave' of terrorism that is committed only by Muslim perpetrator(s), is motivated by *jihad*, and targets non-Muslims or threatens Western countries.

This chapter will draw upon the conclusions of the previous chapters and will argue that, by framing 'Islamic terrorism', misrepresented discourse has participated in creating the cognitive aspect of prejudice against Islam and Muslims, and that terror attacks which target multi-faith societies stimulate prejudice against the Muslim population of that particular society.

This chapter will use social psychology to examine the impact of a terror attack targeting a multi-faith society on the dynamics of relations between the in-group

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* 'Vandals spray anti-Islam graffiti on Brisbane mosque '(The Australian, 25 September 2014) <http://www.theaustralian.com.au/news/vandals-spray-antiislam-graffiti-on-brisbane-mosque/story-e6frg6n6-1227069793961?nk=81e7ce1d37494db56de3ea4d9c7b91a5> accessed 04 September 2015 and Bob Pitt, 'Brisbane mosque vandalised with anti-Muslim graffiti' (Islamophobia Watch Documenting Anti-Muslim Bigotry, 24 September 2014) <http://www.islamophobiawatch.co.uk/brisbane-mosque-vandalised-with-anti-muslim-graffiti/> accessed 04 September 2015.

and the out-group.[570] Misrepresentation defines the in-group as the West or non-Muslim individuals who are threatened by the out-group, which is defined in misrepresented discourse as those Muslims who are motivated by *jihad*. Thus, the out-group members include the perpetrators of a terror attack alongside the Muslim population who are considered as either 'potential' terrorists or, in more positive discourse, the people who are supposed to safeguard the 'in-group' from their fellow Muslims' terror.[571]

This is opposite to the categorisation of legal discourse as, from a social psychology perspective, obedience of the law is the central criterion in categorising the in-group and the out-group. The out-group in legal discourse is the criminals who violate legal norms and thus threaten the rest of society, while the rest of society is supposed to obey the law and thus is treated as the in-group. A report published in 2013, *Terrorism Arrests – Analysis of Charging and Sentencing Outcomes by Religion,* which compares Muslim offenders with offenders of other religions or no religion, confirms that the religious identity of the offenders have no impact on the seriousness of the offence, or on the length of the sentence. The report states,

> [T]he data on charges and convictions following terrorism-related arrest shows that, statistically, there are no significant differences in the proportions charged, sentence length, or seriousness of offence between Muslim offenders and offenders of other or no religion.[572]

This indicates that legal discourse does not use religious categorisation, and religion is not taken into account when establishing the criminal liability of terrorism.

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[570] Douglas W. Maynard and Jason Turowetz, ' Language Use and Social Interaction' in John DeLamater and Amanda Ward (eds), *Handbook of Social Psychology* (2nd edn, Springer Netherlands 2013) ch 9; Teun A. van Dijk, *Prejudice in Discourse : An Analysis of Ethnic Prejudice in Cognition and Conversation* (John Benjamins Publications Company 1984) and Teun A. van Dijk, *Elite Discourse and Racism* (Sage Publications 1993).

[571] Charles W. Perdue and others, 'Us and them: Social categorization and the process of intergroup bias' (1990) 59 Journal of Personality and Social Psychology 475.

[572] Home Office, 'Terrorism Arrests- Analysis Of Charging And Sentencing Outcomes By Religion' (Report, 2013) < https://www.gov.uk/government/publications/terrorism-arrests-analysis-of-charging-and-sentencing-outcomes-by-religion/terrorism-arrests-analysis-of-charging-and-sentencing-outcomes-by-religion> accessed 03 September 2015.

This chapter consists of four main sections. The first section is an introduction that will briefly tackle integration as part of the Prevent strategy for countering terrorism in the United Kingdom (2011). This section will argue that prejudice is a threat to integration in a multi-faith society. It will discuss the nature of the act - is it prejudice, hate crime, racism, or Islamophobia? It will then explain that post-terror attack prejudice involves three factors that make it distinctive: Muslims and non-Muslims who appear to be Muslims are the main victims of prejudice, the terror attack is the main stimulus, and prejudice increases over a period of two to three months after the attack.

The second section of this chapter will explain the impact of misrepresentation in forming the cognitive aspect of prejudice against Muslims. This happens firstly by confusing the mental representation of *jihad* the legal rule with terrorism offences. Secondly by creating a state of normalisation in which misrepresented statements are not recognised as motivating prejudice against Muslims. Thirdly, misrepresentation categorises Muslims and the terrorists as the out-group members.

The third section of this chapter is on the ripple effect of terror attacks. This section will argue that terror attacks are the stimulus which activates prejudice against Muslims in a multi-faith society. This section will look at the dynamics of a multi-faith society before and after a terror attack by looking at the Woolwich terror attack in 2013 in the United Kingdom as an example of a terror attack in a multi-faith society.

The fourth section of this chapter will argue that misrepresentation is not only a threat to integration but also constitutes an obstacle to counter-terrorism policies achieving their goals for creating a cohesive society that is able to fight radicalisation, since misrepresentation causes the domination of radical ideology. In addition to this, misrepresented discourse undermines the role of counter-terrorism policies and de-radicalisation programmes. Misrepresentation also makes the Muslim population the subject of some counter-terrorism policies, such

as racial profiling and stop and search[573] in which British Muslims or Muslim citizens in a multi-faith society seem to be held responsible for not preventing their fellow 'in-group' members from being radicalised or being a terrorist.[574]

2. Background

Integration implies that there are diverse groups who can live cohesively, and the salient focus is on the common factors that bring the diverse groups together. Therefore, racial, religious, or ethnic differences are not salient for establishing an integrated society.[575] In other words, one of the objectives of integration is to find a common feature between diverse groups that makes them all members of the same group - in-group members. For instance, the British approach for integration as a counter-terrorism policy focuses on nationalism and Britishness.[576]

Integration is one of the objectives of the Prevent strategy for counter-terrorism in the United Kingdom;[577] the report on the Prevent strategy (2011) states:

> There is evidence to indicate that support for terrorism is associated with rejection of a cohesive, integrated, multi-faith society and of parliamentary democracy. Work to deal with

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[573] Tufyal Choudhury, 'Impact of Counter-Terrorism on Communities: UK Background Report' (Country background report, Institute for Strategic Dialogue, 2012) < http://www.strategicdialogue.org/UK_paper_SF_FINAL.pdf> accessed 03 September 2015 .

[574] Brian Lickel, Norman Miller, Douglas M. Stenstrom, Thomas F. Denson and Toni Schmader, 'Vicarious Retribution: The Role of Collective Blame in Intergroup Aggression' (2006) 10 Personality and Social Psychology Review 372.

[575] Communities and Local Government, 'Creating the Conditions for Integration' <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7504/20921 03.pdf> accessed 04 September 2015.

[576] ibid 10.

[577] The Secretary of State for the Home Department (United Kingdom), 'Prevent Strategy' (Report, 2011) < https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97976/preve nt-strategy-review.pdf> accessed 03 September 2015.

radicalisation will depend on developing a sense of belonging to this country and support for our core values.[578]

This seems to suggest that the Prevent strategy considers integration as one of the solutions that prevents radicalisation or prevents individuals from joining terrorist groups or committing terrorist acts. Therefore, it can be argued that integration is a defence mechanism of a multi-faith society to prevent radicalisation or extremism.[579] In addition to this, integration seems to be a coping or recovering mechanism after a terror attack, which targets a multi-faith society.[580] The question is why is a terror attack considered a threat to the integration of a multi-faith society?

Terrorism has a ripple effect on multi-faith societies because the terror attack targets the in-group, and thus, they are threatened by the terrorists who are the out-group due to their criminality (following the categorisation of the social groups in legal discourse). Misrepresented discourse makes religion the salient categorising factor between different social groups. The severity of the ripple effect of a terror attack is dependent on the degree of misrepresentation that dominates the discourse in the targeted multi-faith society. The terror attack disturbs the dynamics between the social groups in a multi-faith society because radical discourse categorises a society as in-group and out-group. The in-group of radical discourse includes the group members of a terrorist organisation, or like-minded individuals who are considered 'true Muslims', as well as Muslims in general, as radical discourse claims to represent them. Meanwhile, radical discourse excludes everyone who opposes its radical views - Muslims and non-Muslims alike - by defining them as members of the out-group. The common expression that appears in radical discourse, which is used to define the out-group members, is "infidels". It should be noted that in radical discourse "infidels" does not allude only to non-

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[578] ibid 5.

[579] The Secretary of State for the Home Department (United Kingdom), 'Prevent Strategy' (Report, 2011) < https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97976/prevent-strategy-review.pdf> accessed 03 September 2015.

[580] Integration has been an attribute of counter-terrorism policies in sectarian societies as well, for example, Saudi Arabia or Kuwait.

Muslims, but even to Muslims. Consequently, a terrorist organisation and/or self-starting terrorists target the out-group with terror attacks. It is not necessary that the categorisation for the out-group is expressed with direct referent terms because pronouns can also be used as referent terms to the in-group and out-group members.[581]

There were many actors on the Woolwich terror attack scene who represented the out-group: the main victim of the terror attack, Lee Rigby; the women witnessing the attack; and the future targets, as Adebolajo threatened that they are not going to be safe. Yet, Adebolajo's real and prime target was the British government. It can be argued that Adebolajo realises that the direct victims of his terror attack are not the 'real' target. That was made clear when Adebolajo apologised for the fact that women had to witness the attack even though he had already defined them as the out-group. Interestingly, Adebolajo advised the out-group members to remove their government because the government does not care about them, according to his claim. Thus, as seen from Adebolajo's statement, terror attacks are based on categorising the social groups into an out-group and an in-group. In the case of Adebolajo's categorisation, the in-group members are himself, Adebowale, Muslim women and Muslims in general, despite the fact that both Adebolajo and Adebowale are self-starting terrorists and there is a question about how they made themselves representatives of Muslims. When a terror attack is committed with a claim of representing Muslims and the targets of the attack are people who have nothing to do with the government of a certain state, the attack threatens the integration of the social groups in multi-faith societies because neither the representees nor the targets of the terror attack are actually involved in a real conflict.

The dilemma occurs when misrepresented discourse identifies terrorist personas or groups based on their religious identity rather than their criminal act. As explained in the previous chapter, misrepresented discourse has framed 'Islamic

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[581] Charles W. Perdue and others, 'Us and them: Social categorization and the process of intergroup bias' (1990) 59 Journal of Personality and Social Psychology 475, 484.

terrorism' and so the discourse encourages the identification of terrorists using cultural and religious terms, such as "Wahabi" or "Salafi", or by giving terrorists heroic status by identifying them as "jihadists". It is even more problematic when misrepresented discourse legitimises terrorism by identifying violence as "*jihad*". In doing so, misrepresented discourse has made its own categorisation of an out-group and in-group. The in-group in misrepresented discourse are the actual/potential victims of a terror attack and are usually Western, non-Muslim targets, while the out-group members are the terrorists, and the Muslim population who have been excluded from the in-group because they were 'represented' by the terrorist. Thus, religious categorisation in misrepresented discourse encourages the exclusion and alienation of individuals who belong to the same religious group as the terrorists in multi-faith societies, because the out-group is defined based on religious belief, not on the criminality of the acts.

The above demonstrates that misrepresented discourse contributes to the ripple effect of a terror attack in a multi-faith society, as it seems to encourage further religious categorisation that appears to challenge the integration of a multi faith-society.

3. Misrepresented Discourse and the Cognitive Aspect of Prejudice

Misrepresented discourse participates in framing the cognitive aspect of prejudice that is linked to the so-called 'Islamic terrorism' phenomenon.[582] Van Dijk explains that:

> Prejudice should be seen as a set of specific strategies of social (ethnic) information processing of 'thinking', based on some more or less fixed opinions or attitudes, but flexibility adopted to the various other kinds

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[582] Teun A. van Dijk, *Prejudice in Discourse : An Analysis of Ethnic Prejudice in Cognition and Conversation* (John Benjamins Publications Company 1984) 13.

of social information people possess as well as the information from the actual context.[583]

The Oklahoma bombing in 1995 lead to an increase of the level of prejudice against Arab Americans.[584] However, the level of prejudice decreased only after the identity of the terrorist was released that the terrorist was neither a Muslim nor of Arab origin. The rise of prejudice against Arabs Americans after the Oklahoma bombing and before the release of the perpetrator's identity is an indication that the terror attack made offenders of prejudice believe that the terrorists were either Arabs or Muslims. Similarly, according to a study published in the journal of Muslim Mental Health (2012), prejudice against Muslim Americans increased by 1,700% after the terror attack in September 2001.[585] Otherwise, Arabs and/or Muslims would not be victims of prejudice. Misrepresented discourse suggests that *jihad* is terrorism. Thus, any terror attack seems to indicate that the perpetrators are Muslims. Horwich explains, 'Occurrences of *x* provide reason to believe in the presence of *y*',[586] as smoke means fire, a terror attack means Muslim perpetrators.

Misrepresented discourse is the most important device that not only expresses misrepresented statements but also transmits prejudice.[587] It can be argued that misrepresented discourse is 'prejudiced discourse'[588] and that prejudiced discourse occurs in various contexts.[589] Van Dijk says, 'prejudiced discourse is a form of language use and interaction of social members in social situations of ingroup communication'.[590] Misrepresented discourse changes believes, emotions and perceptions of a terror attack, Muslims and Islam. This is confirmed by Salancik,

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[583] ibid 152.

[584] Fauzia Ahmad, 'British Muslim Perceptions and Opinions on News Coverage of September 11' (2006) 32 Journal of Ethnic and Migration Studies 961.

[585] Mussarat Khan and Kathryn Eckluund, 'Attitudes Toward Muslim Americans Post-9/11' (2012) 7 Journal of Muslim Mental Health 1.

[586] Paul Horwich, *Meaning* (Clarendon Press 1998).

[587] Teun A. van Dijk, *Prejudice in Discourse : An Analysis of Ethnic Prejudice in Cognition and Conversation* (John Benjamins Publications Company 1984) and Teun A. van Dijk, *Elite Discourse and Racism* (Sage Publications 1993).

[588] Teun A. van Dijk, *Prejudice in Discourse : An Analysis of Ethnic Prejudice in Cognition and Conversation* (John Benjamins Publications Company 1984) 43.

[589] ibid.

[590] ibid 43.

who observed that 'subjects derive their attitudes from processing information about related behaviors. The manipulation of cognitive set had a powerful effect on directing the information used to derive the attitude'.[591] Slone[592] also found that media reports on terror attacks influence the audience, and that biased coverage may influence the public in different directions.[593]

Misrepresented statements and stereotypes are both about sharing a belief about a group.[594] It can be argued that a misrepresented statement is a form of stereotyping Muslims. Allport explains that stereotypes cause prejudice, that 'The stereotype acts as both a justificatory device for categorical acceptance or rejection of a group, and as a screening or selective device to maintain simplicity in perception and in thinking'.[595] Therefore, misrepresentation generates a certain belief about *jihad* - that *jihad* is a 'terror code', which communicates violence against non-Muslims. Ultimately, this makes Muslims appear to be a threat or causes suspicion, since they are believed to commit 'Islamic terrorism'.[596]

Stereotypes and prejudice can restrict the social role of individuals subject to prejudice or downplay their social role, as Allport suggests, similar to the way prejudice and stereotypes against women affect their ability to access professional fields that are dominated by men.[597] However, since this chapter is specifically dedicated to prejudice after a terror attack only. This does not deny that

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[591] J.R Salancik, 'Inference of one's attitude from behavior recalled under linguistically manipulated cognitive sets' (1974) 10 Journal of Experimental Social Psychology 415, 426.

[592] Michelle Slone, 'Responses to Media Coverage of Terrorism' (2000) 44 Journal of Conflict Resolution 508.

[593] ibid 509.

[594] Craig McGarty, Vincent Y. Yzerbyt and Russell Spears, 'Social, Cultural and Cognitive Factors in Stereotype Formation' in Craig McGarty, Vincent Y. Yzerbyt and Russell Spears (eds), *Stereotypes as Explanations The Formation of Meaningful Beliefs about Social Groups* (Cambridge University Press 2002). and Ziva Kunda, *Social Cognition* (The Massachusetts Institute of Technology Press 1999) 313.

[595] Gordon W. Allport, *The Nature of Prejudice* (Addison-Wesley 1954) 192

[596] Kathleen Deloughery, Ryan D. King, Victor Asal and R. Karl Rethemeyer, ' Analysis of Factors Related to Hate Crime and Terrorism: Final Report to the National Consortium for the Study of Terrorism and Responses to Terrorism' (Report, Start, December 2012).

[597] Alice H. Eagly and Amanda B. Diekman, 'What is the problem? prejudice as an attitude-in-context' in John F. Dovidio, Peter Glick and Laurie A. Rudman (eds), *On the Nature of Prejudice :Fifty years after Allport* (Blackwell Publishing 2005).

misrepresentation may affect the social role of the Muslim population, Allport argues that discrimination may affect the social role of the discriminated group or individual; he says, 'discrimination comes about only when we deny to individuals or groups of people equality of treatment which they may wish'.[598] In my opinion, stereotypes differ from prejudice in that stereotypes are cognitive - they include negative or positive beliefs that are associated with a group of people. Negative stereotypes may associate a black person with criminal behaviour or Muslims with terrorism, while positive stereotypes may suggest that other people are privileged, for example, that all Saudis are rich. In other words, stereotypes are negative or positive generalisations that undermine the individual experiences of a person or their sufferings, while prejudice acts transform the cognitive aspects into action.

It can be argued that part of the impact of misrepresentation that occurs in relation to 'Islamic terrorism' is that Muslims become the target of special counter-terrorism policies:[599] for example, stop and search and random checks at the airport, and making Muslims appear to be 'suspect communities'. Thus, misrepresentation contributes to increasing the victimisation of citizens of Muslim faith by different actors through unexpected/uncontrolled prejudice that is committed by individuals, and controlled prejudice in the form of special counter-terrorism policies which target Muslims, requiring them to be active citizens and to engage with the state in countering radicalisation. The victimisation of Muslims has been noted by Mythen and Khan from the findings of their interviews with young Muslims. They found that:

> Whatever the nature of the qualm, be it general, experiential or specific, the net consequences for the young people that we spoke to were restrictions in movement, intimidation and harassment in the public sphere and an overall feeling of unnecessary blanket

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[598] Gordon W. Allport, *The Nature of Prejudice* (Addison-Wesley 1954) 51.

victimization based not on suspicion of their actions but suspicion of their skin colour.[600]

There are four criteria that led misrepresented discourse into creating the cognitive aspect of prejudice against Muslims following a terror attack. These are: confusion, normalisation, categorising Muslims as out-group members, and the occurrence of a terror attack.

a. Confusion

As a consequence of misrepresentation, the performative of "*jihad*" in radical discourse dominates the performative of "*jihad*" in legal discourse, so that *jihad* is defined as the use of force and violence against Muslims and non-Muslims instead of being a legal rule that regulates the use of force. Saussure explains, 'Any conceptual difference perceived by the mind seeks to find expression through a distinct signifier, and two ideas that are no longer distinct in the mind tend to merge into the same signifier'.[601] Due to misrepresentation, *jihad* activates the mental representation of terrorism. As a result, the receiver of misrepresented discourse can longer distinguish between what constitute terrorism offence or a legal rule that legitimise the use of force for self-defense. Receivers of misrepresented discourse are victims of misrepresentation because it is deeply rooted in the discourse. For example, even the basic source of information, the dictionary suffers from misrepresentation. According to the Oxford Dictionary, "*jihad*" is, '(Among Muslims) a war or struggle against unbelievers: *he declared a jihad against the infidels [mass noun]: the importance of jihad as a uniting force'.*[602] Meanwhile, the Collins Dictionary defines *"jihad"* as '(*Islam*) a holy war against

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[600] Gabe Mythen and Fatima Khan, ' Futurity, Governance and the Terrorist Risk: Exploring the Impacts of Pre-emptive Modes of Regulation on Young Muslims in the UK' (Conference paper, Managing the Social Impacts of Change from a Risk Perspective, Beijing Normal University, Beijing, 17 April 2009) 10.

[601] Johannes Angermuller, Dominique Maingueneau and Ruth Wodak (eds), *The Discourse Studies Reader Main currents in theory and analysis* (John Benjamins Publishing Company 2014) 26.

[602] Oxford Dictionaries, '*Jihad*' < http://www.oxforddictionaries.com/definition/english/jihad> accessed 17 August 2015.

infidels undertaken by Muslims in defence of the Islamic faith'.[603] The receiver of misrepresentation is not an illiterate or a prejudicial person, in fact they are exposed to misrepresented discourse that participated in framing these believes about *jihad*, Muslims and Islam.

Misrepresented discourse confused *jihad* with terrorism, for example, the definition of *jihad* does not seem different from the definition of terrorism. According to Schmid, terrorism is

> An anxiety-inspiring method of repeated violent actions, employed by (semi-)clandestine individual, group, or state actors, to assassination – the direct targets of violence are not the main targets. The immediate human victims of violence are generally chosen randomly (targets of opportunity) or selectively (representative or symbolic targets) from a target population, and serve as message generators. Threat – and violence-based communication process between terrorist (organisation), (imperiled) victims, and main targets are used to manipulate the main target (audience(s)), turning it into a target of terror, a target of demands, or a target of attention, depending on whether intimidation, coercion, or propaganda is primarily sought.[604]

Schmid's definition of terrorism is rather lengthy.[605] However, it defines the four main schemas of terrorism, they are the following:

1) The schemas describing the act: violence and threat
2) Schemas describing the actors involved in terrorism:
   a. Victims - representatives or symbolic targets.
   b. Perpetrators - (semi-)clandestine individual, group, or state actors.

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[603] Collins Dictionary,' *Jihad*'
<http://www.collinsdictionary.com/dictionary/english/jihad?showCookiePolicy=true> accessed 17 August 2015.
[604] Alex P. Schmid and Albert J. Jongman, *Political Terrorism: A New Guide to Actors, Authors, Concepts, Data Bases, Theories, and Literature* (2nd edn, North-Holland Publishing 1988) 2.
[605] Weinberg and others also specifies 22 definitional elements of terrorism , in Leonard Weinberg, Ami Pedahzur and Sivan Hirsch-hoefler, 'The Challanges of Conceptualizing Terrorism' (2004) 16 Terrorism and Political Violence 777.

3) Schemas describing the methods of conducting the act: threat and random targeting.

4) Schemas describing the motives: demands, seeking attention, intimidation, or propaganda.

What is interesting about Schmid's definition is that he separates terrorism from religion, and this is probably due to the fact that Schmid adopted a legal approach in defining terrorism.

On the other hand, what constitutes the schemas of *jihad* as a legal concept in Islamic international law is the following (as defined in chapter 3):

1) Schemas describing the act: legitimate case of the use of force.[606]

2) Schemas describing the actors involved in *jihad* as defined in chapter 3:

     a. Target – only the direct participants in the conflict. According to the Islamic law of war, it is prohibited to target non-combatants, women, children, or the elderly.[607]

     b. Who carry out the act - the Islamic state is represented in the official military. Only in rare cases when an attack on the Islamic state is imminent might the head of the Islamic state declare a state of emergency in which all citizens have to participate in the war.

3) Schemas describing the methods of conducting the act: it has to be declared by the head of the Islamic state, and then the declaration has to be approved by the scholars, not forgetting that the use of force must be proportionate to the attack and in respect of the Islamic law of war.

4) Schemas describing the Motives: to defend the sovereignty of the religion. The fight between the early Muslims in Madinah and the Quraish tribe in Makkah is an example of *jihad* in which "the Muslims were persecuted, reviled, tortured, pitted against their own families, exiled, embargoed, and killed".[608]

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[606] The Royal Aal Al-Bayt Institute for Islamic Thought, 'Jihad and the Islamic Law of War' (The Royal Islamic Strategic Studies Centre 2009).
[607] ibid.
[608] ibid 3.

Although that *jihad* and terrorism have different definitions and schemas; however, it seems that *jihad* is misrepresented as terrorism in public and academic discourse.

Misrepresentation is not an issue of mistranslation, as the English language has sufficient tools to correspond to *jihad*'s schemas and to terrorism. Due to misrepresentation, a receiver of misrepresented discourse can no longer distinguish the difference between the performative of *jihad* in legal discourse and the performative of terrorism. And so *jihad* activates the mental representation of terrorism offences instead of legal rule that regulates the use of force.

b. Normalisation

Normalisation means the issuers of misrepresented statements realise the impact of their language use but they do it anyway. The effect of normalisation is that the issuers of misrepresented statements no longer recognise the difference. Jackson recognises this as being when 'the discourse as a whole consists of a number of over-simplifications, misconceptions and mistaken inferences'.[609]

Normalisation is a cognitive strategy for expressing misrepresented statements, which gives the misrepresented statement 'normal' status and allows it to pass without being detected. Van Dijk recognises the cognitive strategy for prejudice discourse; he identifies it as "correction", which means:

> A formulation or rhetorical strategy (often lexical). Monitoring one's own production leads to the assumption that the formulation is either referentially 'wrong', or may lead to unwanted interpretation and evaluation by the hearer about underlying implications or associations.[610]

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[609] Richard Jackson, 'Constructing Enemies: 'Islamic Terrorism' in Political and Academic Discourse' (2007) 42 Government and Opposition 394, 412.

[610] Teun A. van Dijk, *Prejudice in Discourse : An Analysis of Ethnic Prejudice in Cognition and Conversation* (John Benjamins Publications Company 1984), 130-131.

Thus, the issuers of a misrepresented statement realise the IE (Illocutionary effect) they are producing. However, issuers of misrepresented statements use certain strategies to avoid admitting or defend their linguistic behaviour.

Accordingly, normalising misrepresented statements is done using the following three strategies. The first form of normalisation is the defensive position in which the issuer of the misrepresented statement defends their language use by declaring that they understand that terrorists are abusing *jihad* or that the interpretation of *jihad* occurring in radical discourse is based on a distorted interpretation of Islam.

Normalisation occurs in the classical form of stereotypical statements in which the issuers of a misrepresented statement state that they are using the term "*jihad*" in a similar manner to the radical use, and not how *jihad* is regulated in Islamic international law. For example, to allude to the 'new wave' of terrorism requires the distinction between 'Islamic terrorism' and other types of terrorism, or the distinction of the motives of the perpetrators. Additional justification for the use of this form of normalisation is that it describes terrorism in the terrorist's own terms. Hence, this form of normalisation seems to serve as a stereotypical statement as it appears that the issuer of a misrepresented statements is trying to save time, as Lippmann says, 'consequently the stereotype not only saves time in a busy life and is a defense of our position in society, but tends to preserve us from all the bewildering effect of trying to see the world steadily and see it whole'.[611] The issuer here warns the reader about their language use, yet follows the radical use, for whatever reason.

Normalising misrepresentation also occurs as a disclaimer[612], such as 'but' statements – 'I know it is wrong, but I am going to use it anyway'[613] – in which the issuer of the statement recognises that the misrepresentation of *jihad* implies that Islam is a violent religion. Van Dijk explains that this form is '(apparent) concessions', that is a 'move which allows conditional generalization even if counter examples can be mentioned, or which may display real or imagined

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[611] Walter Lippmann, *Public Opinion* (Merchant Books 2013) 70.
[612] Teun A. van Dijk, 'Discourse and the Denial of Racism' (1992) 3 Discourse & Society 87.
[613] ibid.

tolerance and understanding as part of a positive self-representation strategy'[614], for example, making a distinction between moderate *jihad* and violent *jihad*, moderate Islam and radical Islam or militant Islam, *jihad*, Salafism or Wahabism, and so on and so forth. Van Dijk explains that the typical expression of such a strategy is 'there also good ones among them, we may not generalize'.[615] This form of normalisation may also occur when the issuer makes a balance between 'Islamic extremists' and the far right to indicate that they are not prejudiced against Muslims.

It is worth noting, however, that sometimes normalisation occurs without following any of these forms; this is when it occurs without any justification for the language use, especially in newspapers or media coverage. These cognitive strategies of normalisation allow misrepresented statements to occur and reoccur over time. Normalisation numbs our senses from detecting and receiving misrepresented statements as prejudicial.

In other words, normalisation justifies misrepresentation, which seems to prevent or stop us questioning or observing the impact of these misrepresented statements, and makes it normal to denote terrorists as "jihadists", or to identify violence that targets non-Muslims as "Islamic terrorism" and similar notions that emphasise the religious identity of the perpetrators rather than their criminal act.

c. Categorising the Muslim Population as the Out-group

Individuals are subject to different types of categorisation. In other words, a person can be categorised based on ethnicity, dietary preferences (vegetarian or non-vegetarian), health (disability), citizenship (citizen/immigrant), and/or religion (believer/non-believer).[616] However, since misrepresented discourse introduces

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[614] Teun A. van Dijk, *Prejudice in Discourse : An Analysis of Ethnic Prejudice in Cognition and Conversation* (John Benjamins Publications Company 1984) 131.
[615] ibid 131.
[616] John F. Dovidio, Peter Glick and Laurie A. Rudman, 'Introduction: Reflecting on the Nature of Prejudice: Fifty Years after Allport' in John F. Dovidio, Peter Glick and Laurie A. Rudman (eds), *On The Nature of Prejudice: Fifty years after Allport* (Blackwell Publishing 2005).

the notion of 'Islamic terrorism', a terror attack motivates religious categorisation in which religion becomes the salient category that divides a multi-faith society. For example, misrepresentation categorises the social group into 'Islamic terrorism' vs. 'non-Muslims'.[617]Accordingly, misrepresentation causes the exclusion of Muslims, especially when a terror attack is sufficient to raise such categorisation of 'Muslim communities' or questions regarding, for example, British Muslims, American Muslims, etc., and doubts about their loyalty. [618] It has been noted that:

> Ingroup control is fundamental in that threats to the ingroup operate as a threat to self. People treat the ingroup as an extension of self, protecting it as they do the self. Vicarious dissonance, the finding that individuals change their attitudes when ingroup members engage in inconsistent behavior, is a clear example.[619]

Thus, a terror attack in a multi-faith society raises the question of who to consider the in-group and out-group. In other words, who is the 'enemy' and who is with 'us'? The report by the Communities and Local Government Committee – House of Commons, Preventing Violent Extremism (2009–10), recognises that some counter-terrorism policies can cause the Muslim population to be categorised as the out-group. The report states, 'The Government should learn lessons from the Prevent experience, that any programme which focuses on a single community risks alienating that community, and ignores the fact that no section of a population exists in isolation from others'.[620]

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[617] Brian Mullen and Tirza Leader, 'Linguistic Factors: Antilocutions, Ethnonyms, Ethnophaulism, and Other Varieties of Hate Speech' in John F. Dovidio, Peter Glick and Laurie A. Rudman (eds), *On the Nature of Prejudice:Fifty years after Allport* (Blackwell Publishsing 2005).

[618] ibid.

[619] Susan T. Fiske, 'Social Cognition and the Normality of prejudgment' in John F. Dovidio, Peter Glick and Laurie A. Rudman (eds), *On the Nature of Prejudice: Fifty years after Allport* (Blackwell Publishing 2005) 45.

[620] House of Commons, Communities and Local Government Committee, 'Preventing Violent Extremism' (Sixth Report of Session 2009-10, 16 March 2010)<http://www.publications.parliament.uk/pa/cm200910/cmselect/cmcomloc/65/65.pdf> accessed 04 September 2015, 67. And HM Government, 'Prevent Strategy: Equality Impact Assessment' (June

Categorising part of the population as the out-group affects in-group emotions towards them, thus the in-group may experience fear of or anxiety towards the out-group.[621] Dumont and others (2003) conducted an experiment in which the same group (the study sample) showed different emotions towards the out-group when the label of the out-group was manipulated. The experiment, however, focused on fear and found that the participants of the study experienced more fear towards the out-group when the participants were categorised as similar to the victims of out-group behaviour.[622] The study concluded that:

> Our manipulation of the identity categorization, through its impact on the way participants associated with the victims, affected their reactions to such catastrophic events as the September 11th terrorist attacks perpetrated against the World Trade Center in New York. Experience of fear, fear-related action tendencies, and behaviors were more present when participants were led, albeit in a very subtle way, to see the victims as ingroup fellows.[623]

In principle, terrorism is a criminal act; thus, when a crime is committed, regardless of its nature, there is a distinction between an in-group and an out-group in which criminals are considered the out-group for breaching the law. By committing a criminal act, the out-group threatens the safety and/or security of the in-group. Thus, law obedience is the salient categorisation of the social group when a crime is committed. For example, in a prison or exile, criminals are categorised as the out-group and they are removed physically from being with the in-group as a

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2011)<https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97979/prevent-review-eia.pdf> accessed 04 September 2015.

[621] Diane M. Mackie, Thierry Devos and Eliot R. Smith, 'Intergroup emotions: explaining offensive action tendencies in an intergroup context' (2000) 79 Journal of Personality and Social Psychology 602; Ernestine H. Gordijn, Daniël Wigboldus and Vincent Yzerbyt, 'Emotional Consequences of Categorizing Victims of Negative Outgroup Behavior as Ingroup or Outgroup' (2001) 4 Group Process and Intergroup Relations 317 and Muriel Dumont, Vincent Yzerbyt, Daniël Wigboldus and Ernestine H. Gordijn, 'Social Categorization and Fear Reactions to the September 11th Terrorist Attacks' (2003) 29 Personality and Social Psychology Bulletin 1509.

[622] Muriel Dumont, Vincent Yzerbyt, Daniël Wigboldus and Ernestine H. Gordijn, 'Social Categorization and Fear Reactions to the September 11th Terrorist Attacks' (2003) 29 Personality and Social Psychology Bulletin 1509.

[623] ibid 1519.

punishment. Therefore, in this context, the categorisation of the in-group and the out-group is actually a categorisation between criminals and non-criminals. It is a categorisation that is based on differences and the victim of a crime is part of the in-group.[624]

Interestingly, despite the fact that terrorism is a criminal act, it does not seem to raise the same standard of categorisation in misrepresented discourse. Instead of a categorisation that is based on law obedience and disobedience, or between terrorists and victims, misrepresentation encourages religious categorisation in which the out-group members are considered the representation of an entire Muslims. Thus, the out-group includes terrorists and Muslims, while the in-group is the rest of the population even if some Muslims may share the same position in rejecting terrorism and violence as the in-group does.

Misrepresentation motivates religious categorisation in a multi-faith society by focusing on the similarities between the victim(s) of terror attacks and the in-group, and between the terrorists (out-group) and the Muslim citizens of a multi-faith society (a subgroup of the in-group).[625] As a consequence of that, a terror attack participates in inducing anger towards Muslims, as they are seen as members of the out-group (Islamic extremist/terrorists). Thus, in this situation prejudice occurs as the offenders may feel angry towards the out-group (which consists of terrorists and Muslims).[626] Gordijn, Wigboldus and Yzerbyt (2001) conducted an experiment, *The Emotional Consequences of Categorizing Victims of Negative Outgroup Behavior as Ingroup or Outgroup*, and found that:

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[624] Ernestine H. Gordijn, Daniël Wigboldus and Vincent Yzerbyt, 'Emotional Consequences of Categorizing Victims of Negative Outgroup Behavior as Ingroup or Outgroup' (2001) 4 Group Process and Intergroup Relations 317.

[625] ibid, and Muriel Dumont, Vincent Yzerbyt, Daniël Wigboldus and Ernestine H. Gordijn, 'Social Categorization and Fear Reactions to the September 11th Terrorist Attacks' (2003) 29 Personality and Social Psychology Bulletin 1509.

[626] Ernestine H. Gordijn, Daniël Wigboldus and Vincent Yzerbyt, 'Emotional Consequences of Categorizing Victims of Negative Outgroup Behavior as Ingroup or Outgroup' (2001) 4 Group Process and Intergroup Relations 317.

It is shown that compared to a situation in which no categorization is made salient, a focus on similarities tends to lead to an increase in anger and a reduction in happiness, while the focus on differences does not differentially influence anger or happiness.[627]

Thus, religious categorisation in misrepresented discourse offers schemas that, on the one hand, focus on the similarities between the victim(s) of a terror attack and the in-group and, on the other hand, focus on the similarities between Muslims and the out-group (terrorists). Ultimately, this changes emotions towards the Muslim population, especially after a terror attack.

4. The Ripple Effect of Terror Attacks

The ripple effect of a terror attack does not occur only at a local level, but also at a global level. For example, the terror attack in Paris in 2015 on the French newspaper Charlie Hebdo contributed to raising terror threat level in the United Kingdom to severe.[628] Suggesting that terrorism has a ripple effect on a multi-faith society does not necessarily imply that a terror attack will result only in another terror attack. In fact, religious prejudice is part of the ripple effect of terrorism.[629] For example, in the months following the London bombing in July 2005, a third of Muslim citizens were targets of hostility.[630]

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[627] ibid 324.

[628] Home Office and The Rt Hon Theresa May MP, 'Terrorist attacks in Paris' (Oral statement to Parliament, House of Commons, 14 January 2015) < https://www.gov.uk/government/speeches/terrorist-attacks-in-paris> accessed 04 September 2015.

[629] Kathleen Deloughery, Ryan D. King, Victor Asal and R. Karl Rethemeyer, ' Analysis of Factors Related to Hate Crime and Terrorism: Final Report to the National Consortium for the Study of Terrorism and Responses to Terrorism' (Report, Start, December 2012).

[630] Communities and Local Government, 'Creating the Conditions for Integration' <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7504/209210 3.pdf> accessed 04 September 2015, 23.

This is due to the fact that terrorism and religious prejudice are all acts that are based on categorisation and targeting the out-group.[631] Yet, the only difference between religious prejudice and terrorism, according to Ronczkowski, is that terrorists are politically oriented while other criminals seek opportunities and are not committed to a cause or ideology.[632] How, to define prejudice against Muslims that occurs after a terror attack?

The most important features of post-terror attack prejudice are, firstly, time - prejudice occurs after the terror attack within a period of two to three months; secondly, victims of prejudice are mainly Muslims or persons who appear to be Muslim, such as Sikhs; and thirdly, prejudice against Muslims increases particularly after a terror attack.

The motivation behind targeting the victim determines the nature of the act, and also depends on the legal jurisdiction of the multi-faith society. Certain motivations define the criminal offence as hate crimes in the US. Congress defines hate crimes as follows: 'criminal offense against a person or property motivated in whole or in part by an offender's bias against a race, religion, disability, ethnic origin or sexual orientation'.[633] However, in the United Kingdom, it seems that different motivations change the nature of the criminal offence. For example, racism is defined as 'any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person's race or perceived race',[634] while religious hate crime is defined as 'any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on

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[631] Kathleen Deloughery, Ryan D. King, Victor Asal and R. Karl Rethemeyer, 'Analysis of Factors Related to Hate Crime and Terrorism: Final Report to the National Consortium for the Study of Terrorism and Responses to Terrorism' (Report, Start, December 2012).

[632] Michael R. Ronczkowski, *Terrorism and Organized Hate Crime intelligence gathering, analysis, and investigations* (Third edn, CRC Press) 39.

[633] The FBI Federal Bureau of Investigation, 'Hate Crime - Overview' <http://www.fbi.gov/about-us/investigate/civilrights/hate_crimes/overview> accessed 13 October 2014.

[634] True Vision, 'Racist or Religious Hate Crime' <http://www.report-it.org.uk/racist_or_religious_hate_crime1> accessed 13 October2014.

a person's religion or perceived religion'.[635] The distinction, based on motivation, between racism and religious hate crime seems to undermine the fact that, in multi-faith societies, race can be an indicator of religion, and they seem to be inseparable. Based on the above, acts against Muslims post-terror attack are recognised as hate crimes in American jurisdiction, while in the UK the act can be identified as religious prejudice.

It worth noting that post-terror attack prejudice is not identified as "Islamophobia", at least not in this thesis. Islamophobia, according to Abbas, is 'the fear or the dread of Islam or Muslims'.[636] Accordingly, "Islamophobia" seems to denote an internal experience or personal feeling towards Muslims and/or Islam. However, this thesis is interested in actions not negative emotions towards a religious group because negative feelings or emotions, such as fear, are not harmful as long as these emotions are not transformed into actions. Lambert, however, links Islamophobia with racism, as he says:

> In the immediate aftermath of September 11th many Muslims in England were subjected to racist violence, abuse and harassment. In consequence a term – *Islamophobia* – first coined in 1997 has increasingly come to be used to describe a form of racism that is aimed specifically at Muslims and Islam.[637]

Although Lambert seems to identify Islamophobia as a type of racism against Muslims and Islam, I think that the term "Islamophobia" does not explain post-terror attack prejudice, but rather it refers to discrimination or racism against Muslims, in general.

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[635] True Vision, 'Racist or Religious Hate Crime' <http://www.report-it.org.uk/racist_or_religious_hate_crime1> accessed 04 September 2015.
[636] Tahir Abbas, 'British South Asian Muslims: Before and After September 11' in Tahir Abbas (ed), *Muslim Britain Communities Under Pressure* (Zed Books 2005) 11.
[637] Robert Lambert, 'Islamophobia in Early Modern England' (2011) 4 Arches Quarterly 98, 99.

One of the reasons for not identifying post-terror attack prejudice as Islamophobia is that Muslims are not the only victims. In fact, this issue occurs in a multi-faith society against any group that may share cultural or religious characteristics with terror attack perpetrators.[638] In addition to this, Islamophobia seems to exclude those individuals who are not Muslims but who were targeted because of their appearance, which makes them appear Muslim, such as Sikhs.

a. Terror Attacks as the Stimulus to Prejudice against Muslims

Prejudice against Muslims increases dramatically after a terror attack in the period starting from the day of the terror attack to two to three months after the terror attack itself, as I will explain later in this chapter.[639] Muslims seem to be targeted not because of their religion, race, or for being a minority group, but because they seem to constitute a threat to the in-group members (the rest of the population). According to the final report of the National Consortium for the Study of Terrorism and Responses to Terrorism (2012):

> It is possible that some hate crimes constitute a form of 'vicarious retribution' in which perpetrators seek retribution against members of a group that they view as responsible for the act of terrorism. As noted above, this pattern was particularly evident following the 9/11 attacks.[640]

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[638] Ingrid Ramberg, 'Islamophobia and its Consequences on Young People'(Seminar report, European Youth Centre Budapest 1–6 June 2004) < http://www.coe.int/t/dg4/youth/Source/Resources/Publications/Islamophobia_consequences_young_people_en.pdf> accessed 03 September 2015.

[639] Kathleen Deloughery, Ryan D. King, Victor Asal and R. Karl Rethemeyer, ' Analysis of Factors Related to Hate Crime and Terrorism: Final Report to the National Consortium for the Study of Terrorism and Responses to Terrorism' (Report, Start, December 2012).

[640] ibid 21.

Thus, post-terror attack prejudice against Muslims suggests that the terror attack motivates the offenders to categorise Muslims as out-group members who threaten and/or cause harm to the in-group and thus deserve punishment or 'vicarious retribution'.[641] In this case, the offender of prejudice puts all Muslims in the same category as the perpetrators of terrorism. Based on this, the motivation for post-terror attack prejudice is not race, ethnicity, or religion; instead, these factors are indicators of out-group membership, as Allport puts it: 'an aversive or hostile attitude toward a person who belongs to a group, simply because he belongs to that group, and it is therefore presumed to have objectionable qualities ascribed to the group'.[642]

It can be argued that a terror attack is the main stimulus for increasing the level of prejudice against Muslims.[643] A terror attack that targets a multi-faith society seems to activate the cognitive aspect of misrepresentation causing prejudice against Muslims and those who appear to be Muslim. However, in post-terror attack prejudice, race and ethnicity are regarded as indicators of religion since the likely targets for prejudice are those who appear similar to the image of 'Islamic terrorism' that has been created in misrepresented discourse. *Summary Report on Islamophobia in the EU after 11 September 2001* refers to these images as 'visual identifiers' and suggests them as an explanation for such prejudice.[644]

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[641] ibid.

[642] Teun A. van Dijk, *Prejudice in Discourse : An Analysis of Ethnic Prejudice in Cognition and Conversation* (J. Benjamins Publications Company 1984) 14.

[643] Ernestine H. Gordijn, Daniël Wigboldus and Vincent Yzerbyt, 'Emotional Consequences of Categorizing Victims of Negative Outgroup Behavior as Ingroup or Outgroup' (2001) 4 Group Process and Intergroup Relations 317.

[644] Christopher Allen and Jørgen S. Nielsen, 'Summary Report on Islamophobia in the EU after 11 September' (Report, European Monitoring Centre on Racism and Xenophobia (EUMC), May 2002).

It can be argued that the rate of events of discrimination against Muslims before a terror attack is steady in comparison to that of other minority groups. However, a terror attack causes a dramatic increase in prejudice against Muslims. The final report to the National Consortium for the Study of Terrorism and Responses to Terrorism (2012) on the analysis of factors related to hate crime and terrorism compares the rate of hate crimes against Muslims and Arabs in the United States after the Oklahoma City bombing in 1995 and the terror attack on the World Trade Centre in 2001.[645] The report interestingly shows that on the day of the Oklahoma City bombing the rate of hate crimes against Muslims and Arab reached its peak before the identity of the perpetrator was released.[646] However, the report highlights a rapid decrease of hate crimes against Arabs and Muslims after the announcement of the identity of the Oklahoma City bombing[647] (see figure 5).

On the other hand, the terror attack on the World Trade Centre in 2001 caused a dramatic increase of hate crimes against Arab and Muslims, which, according to the figures, lasted for almost three months after the actual attack[648] (see the figure 6). Another study has reported that prejudice against Arab Muslim Americans increased after September 2001 by 1,700%, as previously stated.[649]

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[645] Gabe Mythen and Fatima Khan, ' Futurity, Governance and the Terrorist Risk: Exploring the Impacts of Pre-emptive Modes of Regulation on Young Muslims in the UK' (Conference paper, Managing the Social Impacts of Change from a Risk Perspective, Beijing Normal University, Beijing, 17 April 2009).

[646] Since the source of the report is from the US and shows terror attacks which happened in the US, I am following the terminology of the report in defining the act as a "hate crime".

[647] Kathleen Deloughery, Ryan D. King, Victor Asal and R. Karl Rethemeyer, ' Analysis of Factors Related to Hate Crime and Terrorism: Final Report to the National Consortium for the Study of Terrorism and Responses to Terrorism' (Report, Start, December 2012).

[648] ibid.

[649] Mussarat Khan and Kathryn Eckluund, 'Attitudes Toward Muslim Americans Post-9/11' (2012) 7 Journal of Muslim Mental Health 1.
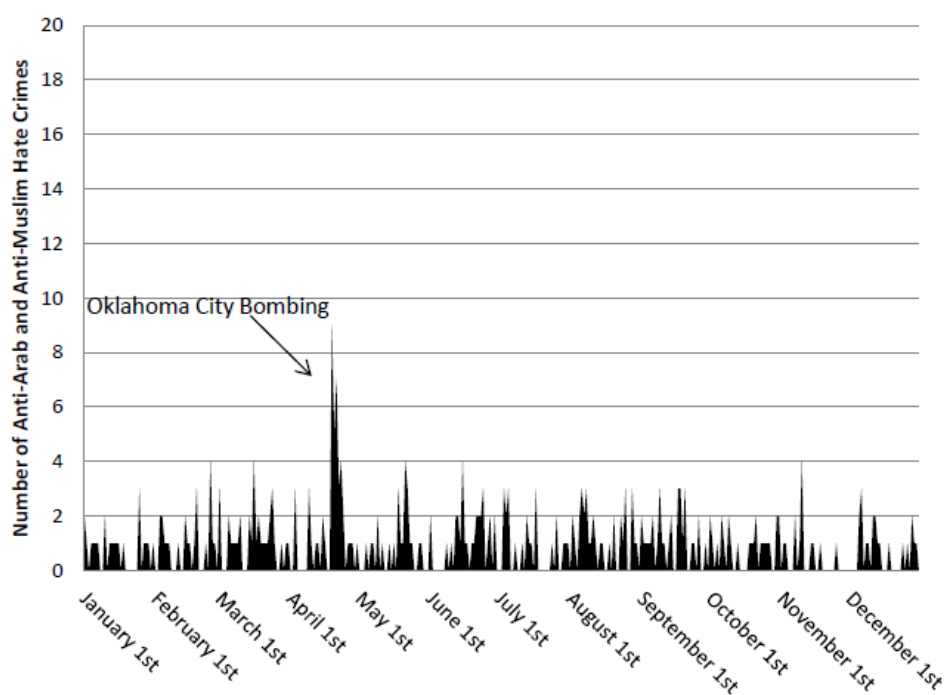
Figure 5 Hate Crimes against Arabs and Muslims, 1995. [650]
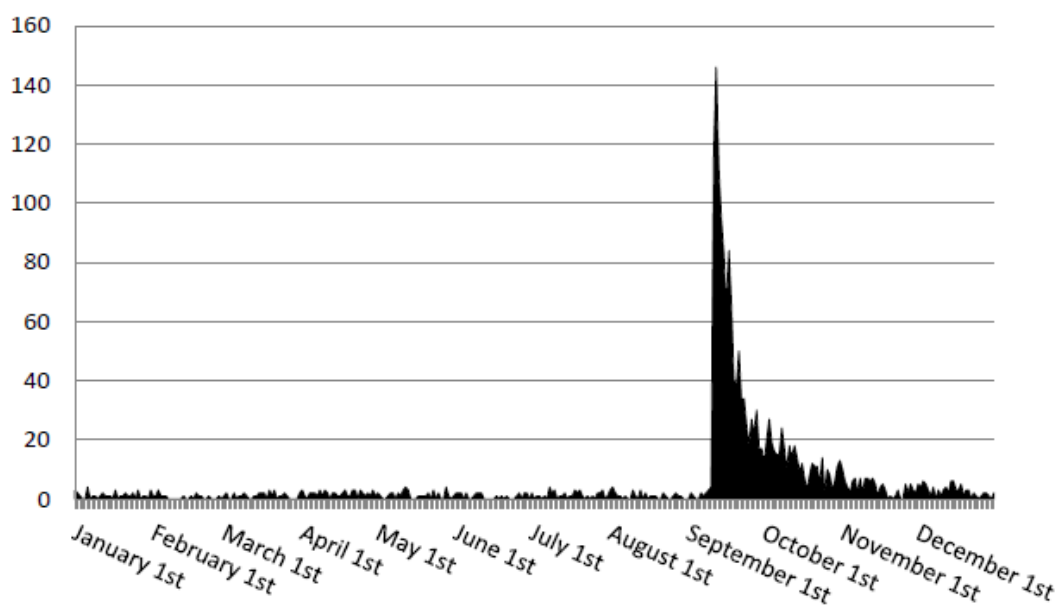

Figure 6 Hate crimes against Arabs and Muslims, 2001. [651]

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[650] Source Kathleen Deloughery, Ryan D. King, Victor Asal and R. Karl Rethemeyer, ' Analysis of Factors Related to Hate Crime and Terrorism: Final Report to the National Consortium for the Study of Terrorism and Responses to Terrorism' (Report, Start, December 2012) 18.
[651] Source ibid 17.

What is interesting about the figures (5 and 6) is that there is an increase of prejudice against Muslims after a terror attack and that the duration of such prejudice differs depending on the perpetrator's identity. For example, in the first case - the Oklahoma bombing - the terror attack increased prejudice against Muslims dramatically, yet it ended after the identification of the perpetrator, McVeigh, who turned out to be a non-Muslim and a non-Arab. On the other hand, the attack on the World Trade Centre in 2001 had a similar effect in increasing the level of prejudice against Muslims, but the duration of prejudice lasted for almost three months after the terror attack.

It is fairly evident from the rate of prejudice against Arabs and Muslims in the Oklahoma City bombing 1995 that terrorism is perceived as a 'Muslim/Arab crime', and that Arabs and Muslims are a representation of the terrorist persona in the United States.[652] In other words, race here is an indicator of religion; it is assumed that terrorists are always Muslims of Arab origin, especially in the US. The report states the following:

> When considering the results of our statistical analysis along with the graphical depictions of hate crimes following the September 11th and Oklahoma City attacks, the weight of the evidence points to a higher likelihood of hate crimes against minorities, particularly victims that appear to resemble the actual or alleged perpetrators, in the days or weeks following the attack.[653]

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[652] This is in respect to the demography of the multi-faith society. For example, the majority of American Muslims are Arabs. While, for example in the UK, the majority of British Muslims are of Pakistani origin.

[653] Kathleen Deloughery, Ryan D. King, Victor Asal and R. Karl Rethemeyer, 'Analysis of Factors Related to Hate Crime and Terrorism: Final Report to the National Consortium for the Study of Terrorism and Responses to Terrorism' (Report, Start, December 2012) 18.

It is an indication that we are dealing with a unique type of prejudice in which Muslims are associated with terrorism, thus the motivation of this type of prejudice is to punish a whole group for the fact that they share the same faith as the terrorists. The fact that this specific act of prejudice only occurs after a terror attack is an indication that the targeted group appears to threaten the in-group (rest of the population).

The question is why did the rate of prejudice against Muslims increase after the Oklahoma City bombing in 1995 and then decrease after announcing the identity of the perpetrators of the attack? At the same time, why did prejudice against Muslims also increase after 9/11? Also, why does it seem that the religious identity of the perpetrators of the terror attack affects/anticipates the duration of prejudice against Muslims?

It can be argued that terror attacks on multi-faith societies are an uncontrolled stimulus for prejudice acts against Muslims because it is hard to control the impact of misrepresentation and terror attacks on a recipient since not all receivers of misrepresentation are active prejudicial actors.[654] Thus, a terror attack seems to induce anger in some of the in-group members towards Muslims.[655] If Muslims were not seen as an out-group that intentionally targets the in-group to harm them, Muslims would not be the subjects of post-terror attack prejudice.

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[654] It is worth noting that conflicts are also uncontrolled stimuli for radicalisation. For example, the conflict in Syria or the political situation in Iraq can be stimuli for radical discourse or for an individual to join a terror organisation. John A. Bargh and Paula Pietromonaco, 'Automatic Information Processing and Social Perception: The Influence of Trait Information Presented Outside of Conscious Awareness on Impression Formation' (1982) 43 Journal of Personality and Social Psychology 437; Patricia G. Devine, 'Stereotypes and Prejudice: Their Automatic and Controlled Components' (1989) 56 Journal of Personality and Social Psychology 5; Ziva Kunda, *Social Cognition* (The Massachusetts Institute of Technology Press 1999) and Russell H. Fazio, 'On the Automatic Activation of Associated Evaluations: An Overview' (2001) 15 Cognition and Emotion 115.

[655] Ernestine H. Gordijn, Daniël Wigboldus and Vincent Yzerbyt, 'Emotional Consequences of Categorizing Victims of Negative Outgroup Behavior as Ingroup or Outgroup' (2001) 4 Group Process and Intergroup Relations 317.

Prejudice against Muslims does not happen overnight. In fact, prejudice is the tip of the iceberg of long-term exposure to misrepresentation.[656] Offenders of prejudice categorise Muslims as the out-group. Thus, Muslims are targeted because they constitute a threat to the in-group members, deserving punishment for belonging to the same religion as the terrorists. As mentioned previously, misrepresentation can participate in nurturing prejudice in a multi-faith society, as:

> Prejudice is ultimately as *intergroup* phenomenon. That is, it involves relations between a person's (or people's) ingroup and some outgroup(s). Second, prejudice carries with it an implication that the ingroup should be regarded or treated in some more favourable way than the outgroup.[657]

It has been also explained previously that misrepresented discourse changes the categorisation of the social group of a multi-faith society, particularly when defining the in-group and the out-group and when misrepresented discourse is full of schemas that are able to activate prejudicial behaviour in certain individuals.

In order to explain the link between a terror attack and post-terror attack prejudice against Muslims in a multi-faith society, it is worth examining the dynamics of the society before and after the terror attack and how different actors behave in response to it.

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[656] John A. Bargh and Paula Pietromonaco, 'Automatic Information Processing and Social Perception: The Influence of Trait Information Presented Outside of Conscious Awareness on Impression Formation' (1982) 43 Journal of Personality and Social Psychology 437; Patricia G. Devine, 'Stereotypes and Prejudice: Their Automatic and Controlled Components' (1989) 56 Journal of Personality and Social Psychology 5 and Russell H. Fazio, 'On the Automatic Activation of Associated Evaluations: An Overview' (2001) 15 Cognition and Emotion 115.

[657] Rupert Brown and Hanna Zagefka, 'Ingroup affiliations and Prejudice' in John F. Dovidio, Peter Glick and Laurie A. Rudman (eds), *On the Nature of Prejudice:Fifty years after Allport* (Blackwell Publishsing 2005) 54.

b. Before the Terror Attack

Discrimination against Muslims is similar to discrimination against any minority group, for example, other religious groups, such as Jews, Hindus, or Sikhs, or even certain race groups. Muslims are targeted with different forms of discrimination depending on their representation in the eyes of the offender: do they represent a race or an ethnicity (e.g. Asian, Arab, etc.)? or does their appearance represent religion (a veiled Muslim women, a Sikh person wearing the turban, or the beard as a representation of Muslim men)? Thus, the motivation for prejudice against Muslims takes different forms: it can be racially motivated or religiously motivated.

Cases of prejudice or discrimination against Muslims may occur before a terror attack. However, there is a great possibility that the prejudice against Muslims is racially and/or religiously motivated.[658] Therefore, these acts can be considered racism and/or religious hate crimes. It follows then that the motivation of prejudice against Muslims can be race and/or religion because sometimes race is an indicator of religion, as 'analysis of racially motivated hate crime by religion shows that Muslim adults were more likely to be a victim of racially motivated hate crime (2%) than other adults'.[659] Prejudice in this context is therefore compatible with the Crime and Disorder Act 1998, under section 28, Racially Aggravated Offences: England and Wales, which states:

> (a) at the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based on the victim's membership (or presumed membership) of a racial group; or

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[658] Home Office, Office of National Statistics and Ministry of Justice, 'An Overview of Hate Crime in England and Wales' (Report, December 2013) 18.
[659] ibid 23.

(b) the offence is motivated (wholly or partly) by hostility towards members of a racial group based on their membership of that group.[660]

Before a terror attack in a multi-faith society, it has to be recognised that radical discourse is active in categorising the social group at this stage. Radical discourse is also active in terms of recruiting in-group members and defining the out-group in preparation for the terror attack.

Both radical discourse and misrepresented discourse are making categorisations of the social group at this point. Radical discourse categorises in terms of 'true Muslims' and 'infidels',[661] while public and academic discourses categorise in terms of 'Islamic terrorism' and 'other' types of terrorism. Therefore, both discourses are defining the in-group and the out-group. In principle, both discourses are similar in feeding certain beliefs to vulnerable individuals. Misrepresented discourse produces the same IE as radical discourse (that *jihad* justifies violence against non-Muslims). Yet, the two discourses have different receivers; radical discourse produces a successful perlocutionary effect on Muslim persons, whereas misrepresented discourse produces a successful perlocutionary effect on non-Muslims. Terrorism against non-Muslims and prejudice against Muslims are therefore both signs of a successful perlocutionary effects.

However, it should be noted that both radical and misrepresented discourse only have a successful perlocutionary effect on certain receivers, Kunda explains that only highly prejudiced individuals will respond to prejudicial priming.[662] Therefore, long-term exposure to radical discourse may result in increasing the risk of radicalisation that may, in turn, lead to creating the willingness to commit a terror act. It can also be argued that long-term exposure to misrepresented discourse may result in acts of prejudice. Indeed, Allport recognises that language is the

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[660] Crime and Disorder Act 1998 .

[661] Fathali M. Moghaddam, 'De-Radicalization and the Staircase from Terrorism' in David Canter (ed), *The Faces of Terrorism: Multidisciplinary Perspectives* (Wiley-Blackwell 2010).

[662] Ziva Kunda, *Social Cognition* (The Massachusetts Institute of Technology Press 1999).

mechanism that spreads social prejudice.[663] Thus, long-term exposure can contribute to forming a belief about an in-group or an-out group. Van Dijk also argues that discourse plays the leading role in the reproduction of prejudice discourse and especially that 'elite discourse' is a dominating means of communication.[664] He says, 'elite discourse is one of the important means that establishes, enacts, maintains, expresses, and legitimates such dominance'.[665]

c. After the Terror Attack

Supposing a terror attack has already been committed by a terrorist in a multi-faith society, the terror attack is an indication of a successful perlocutionary effect in which the issuer of the radical discourse succeeded in making the receiver understand the message (illocutionary effect), which is evidenced in the committing of violence against non-Muslims and/or Muslims (perlocutionary effect).

What follows the terror attack is the issuing of statements by representatives of the state and representatives of the Muslim community. These statements aim to condemn and reject the terror attack.[666] A statement in response to a terror attack aims to achieve five objectives: 1) condemnation and rejection of the terrorist attack, which could be direct in the form of a statement of rejection, or indirect, such as in the way the statement identifies the terror act and the perpetrators; 2) creating a sense of belonging between Muslims and non-Muslims, for example, a terror attack in the United Kingdom will aim to assert the Britishness of citizens from different religious backgrounds, as can be seen from the way the statements allude to the United Kingdom, and British Muslims, (as I will explain later with

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[663] John F. Dovidio, Peter Glick and Laurie A. Rudman, 'Introduction: Reflecting on the Nature of Prejudice: Fifty Years after Allport' in John F. Dovidio, Peter Glick and Laurie A. Rudman (eds), *On The Nature of Prejudice: Fifty years after Allport* (Blackwell Publishing 2005).

[664] Teun A. van Dijk, *Elite Discourse and Racism* (Sage Publications 1993).

[665] ibid 17.

[666] Charles Kurzman, 'Islamic Statements Against Terrorism' <http://kurzman.unc.edu/islamic-statements-against-terrorism/> accessed 04 September 2015.

reference to the Woolwich attack); 3) creating a sense of togetherness in defeating terrorism; 4) expressing sympathy with the victim(s)/ and or victim's families; and 5) warning the public of the rise/spread of prejudice. It might be noticeable that after the terror attack that there is a rapid increase of prejudice against Muslims.[667]

Statements issued after the terror attack by different representatives in a multi-faith society (governmental and religious) do not have the required effect in controlling the level of prejudice that is sparked after a terror attack. A terrorist individual was radicalised because he/she was exposed to radical discourse over time and a certain conflict or political event 'stimulated' the person to undertake a terrorist act; the radical discourse forms the cognitive aspect of the crime of terrorism, while political conflicts are stimuli that may encourage individuals to participate in terror activity.

Similarly, concerning the rise of prejudice against Muslims, long-term exposure to misrepresented discourse is one of the most important factors that contribute to forming the cognitive aspect of prejudice and the terror attack is merely a confirmation or evidence for misrepresented statements about Muslims: 'prejudice and racism are not simply an isolated consequence of media stereotyping or ill conceived counter-terrorism laws. Rather they are endemic phenomena, expressed through and across institutional discourses and practices'.[668] Thus, the issuing of a statement by governmental or religious bodies after a terror attack is not sufficient to confront misrepresented discourse that has been producing alienating schemas and misrepresented statements about Muslims and/or Islam for a long time. Due to the nature of the statements issued after a terror attack by political and religious representatives in response to the attack, these statements have a short-term impact. Thus, the perlocutionary effect of these statements, if successful, cannot

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[667] Christopher Allen and Jørgen S. Nielsen, 'Summary Report on Islamophobia in the EU after 11 September' (Report, European Monitoring Centre on Racism and Xenophobia (EUMC), May 2002).

[668] Gabe Mythen and Fatima Khan, ' Futurity, Governance and the Terrorist Risk: Exploring the Impacts of Pre-emptive Modes of Regulation on Young Muslims in the UK' (Conference paper, Managing the Social Impacts of Change from a Risk Perspective, Beijing Normal University, Beijing, 17 April 2009) 5.

intervene alone in the social formation processing of radical discourse or the misrepresented discourse (see Figure 7, which explains that terrorism is a successful perlocutionary effect of long-term exposure to radical discourse. While prejudice is a successful perlocutionary effect as a result of long-term exposure to misrepresented discourse, a terror attack is an important factor that compounds the effect of motivating prejudice, as it seems that the attack confirms misrepresented statements).
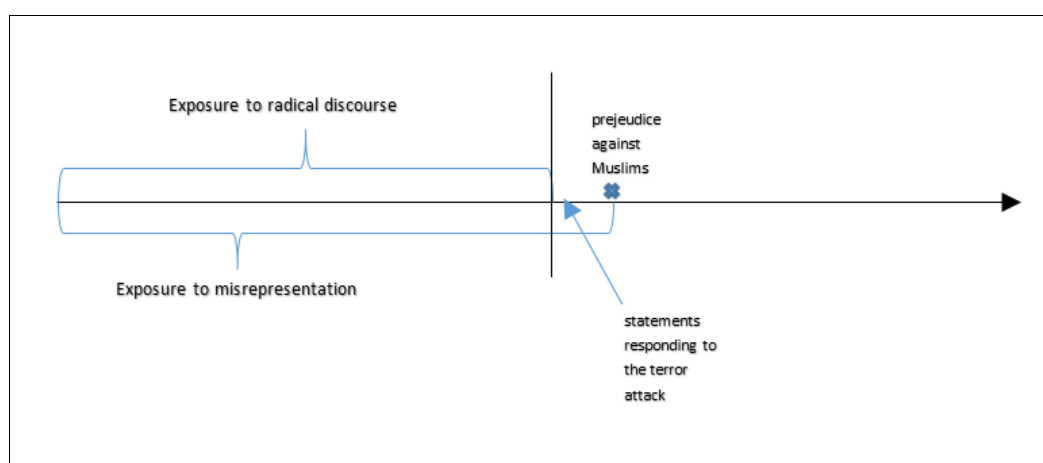
Figure 7 Illustration of what happens before and after a terror attack

After the Woolwich terror attack in 2013 in the United Kingdom, a few statements were released condemning it. These statements were issued by governmental (or political) representatives and by religious leadership supposedly representing British Muslims. Suggesting that the United Kingdom is a multi-faith society that consists of multiple social groups, it is worth examining how the social groups within the UK responded to the Woolwich attack, paying particular attention to British citizens, Muslim and non-Muslim.

I have chosen three statements issued after the Woolwich terror attack in 2013. Two of the statements demonstrate how British citizens of Muslim faith perceive themselves in relation to the social group as a whole. I have chosen the Islamic Society of Britain, as it represents itself as a British organisation, and the Muslim Council of Britain, as it represents itself as an Islamic organisation. The third statement was given by the Prime Minister, David Cameron, is also important as he

represents the social group of Britain, British citizens consisting of Muslims and non-Muslims (see Table 5, which compares the schemas of the three statements in relation to the objectives of statements in response to a terror attack).[669] Allport argues that there are two types of categorisation that apply to a given group. The first one is how the group identifies itself; Allport defines these as "ethnonyms". The second one is how the same group is identified as an out-group; this is known as "ethnophaulisms".[670]

The Islamic Society of Britain issued a statement that rejects the terror attack in the name of religion; the statement says, 'justifying the killing in the name of faith or religion is false and rejected. Rejected by the Islamic Society of Britain. Rejected by scripture. Rejected by those who commit to God. Rejected by civil society. And rejected by truth'.[671]

Likewise, the Muslim Council of Britain issued a statement in response to the Woolwich attack, which also rejects and condemns terrorism in the name of Islam; it says:

> This is a truly barbaric act that has no basis in Islam and we condemn this unreservedly. Our thoughts are with the victim and his family. We understand the victim is a serving member of the Armed Forces. Muslims have long served in this country's Armed Forces, proudly and with honour.

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[669] You will find the examined parts of the three statements in Appendix A,B,C.

[670] Brian Mullen and Tirza Leader, 'Linguistic Factors: Antilocutions, Ethnonyms, Ethnophaulism, and Other Varieties of Hate Speech' in John F. Dovidio, Peter Glick and Laurie A. Rudman (eds), *On the Nature of Prejudice:Fifty years after Allport* (Blackwell Publishsing 2005).

[671] The Islamic Society of Britain, 'Woolwich Terror Statement' (Press release, 22 May 2013) < http://www.isb.org.uk/wp-content/uploads/2013/05/WOOLWICH-TERROR-20131.jpg> accessed 03 September 2015.

This attack on a member of the Armed Forces is dishonourable and no cause justifies this murder.[672]

The statements by the Islamic Society of Britain and the Muslim Council of Britain both reject and condemn the terror attack and killing in the name of Islam. The public statement given by the Prime Minister, David Cameron, also condemned the terror attack and confirmed that the terror attack has no relation to the peaceful teachings of Islam; Cameron stated, 'This was not just an attack on Britain – and on our British way of life. It was also a betrayal of Islam – and of the Muslim communities who are give so much to our country. There is nothing in Islam that justifies this truly dreadful act'.[673]

The Woolwich terror attack, like any terror attack, threatened the integration of the social groups in the United Kingdom. The statement by Adebolajo, the suspect of the Woolwich terror attack in 2013, is an ideal example to showcase the definition of the in-group and out-group in radical discourse. Perdue and others (1990) have noted that 'in English, the pronouns *us*, *we*, and *ours* are almost exclusively used to refer to social entities involving the self and thus implicate the perceiver's self-schema in the processing of information regarding these entities'.[674] Adebolajo positioned himself as a member of the in-group that has been threatened and victimised by the out-group, in which he 'must act' to carry out this 'attack' as a self-starting terrorist. For instance, Adebolajo used pronouns to categorise social groups in his video footage when he said, 'We must fight them as they fight us. An eye for an eye, a tooth for a tooth',[675] and when he said, 'I apologise that women

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[672] The Muslim Council of Britain, 'Muslims Condemn Attack on Soldier in Woolwich' (Statement) < http://www.mcb.org.uk/muslims-condemn-attack-on-soldier-in-woolwich/> accessed 03 September 2015.

[673] Prime Minister David Cameron, 'Statement on Woolwich Incident' (Statement, Cabinet Office, Prime Minister's Office, 10 Downing Street, 2013)<https://www.gov.uk/government/speeches/statement-on-woolwich-incident> accessed 04 September 2015.

[674] Charles W. Perdue and others, 'Us and them: Social categorization and the process of intergroup bias' (1990) 59 Journal of Personality and Social Psychology 475, 483.

[675] BBC News,'Woolwich machete attack leaves man dead' (London, 23 May 2013) <http://www.bbc.co.uk/news/uk-22630303> accessed 04 September 2015.

have had to witness this today, but in our land our women have to see the same. You people will never be safe. Remove your government, they don't care about you'.[676] Adebolajo uses "I", "we", "us", "our land", and "our women" to refer to the in-group members. On the other hand, he uses "them", "they", "you people", "your government", and "you" to refer to the out-group members.[677] The terror attack in Woolwich defined the British soldier as a member of the out-group, and the perpetrators positioned themselves as members of the in-group who are threatened by the out-group.

Thus, the statements issued by Cameron, the Islamic Society of Britain and the Muslim Council of Britain were aiming to re-define the categorisation of the social groups. So, how did the Islamic Society of Britain and the Muslim Council of Britain situate themselves in relation to the social groups in Britain and how did Cameron position the Muslims in relation to the social groups in the United Kingdom?

Undeniably, the way the three statements are articulated is influenced by the identity of the issuers.[678] The Islamic Society of Britain presents itself as an organisation that represents Islam in a British context or, as it states on the website, brings 'a uniquely British flavour to Islam',[679] which expresses a strong sense of belonging and defines all British citizens as the in-group regardless of religion. In doing so, the statement successfully used its schemas to categorise the terrorist of the Woolwich attack as the out-group. The statement issued by the Islamic Society of Britain showed a strong sense of belonging and nationalism, as it seemed to avoid making any distinction between Muslims and non-Muslims. Thus, the statement did not signal "Muslim", "Islam", "Muslim community/communities", or even "British Muslims". In fact, the only time where the word "Islamic" appeared in the statement was when citing the name of the organisation itself.

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[676] ibid.

[677] Charles W. Perdue and others, 'Us and them: Social categorization and the process of intergroup bias' (1990) 59 Journal of Personality and Social Psychology 475.

[678] Teun A. van Dijk, 'Principles of Critical Discourse Analysis' (1993) 4 Discourse & Society 249.

[679] Islamic Society of Britain, 'The organisation' <http://www.isb.org.uk/the-organisation/> accessed 04 September 2015.

Part IV of the Muslim Council of Britain constitution states that it aims 'to establish a position for the Muslim community within British society that is fair and based on due rights'.[680] Meanwhile, the statement of the Muslim Council of Britain seemed to make religious categorisation the salient factor in defining the in-group and the out-group, since it used "British Muslims", "Muslims", and "Muslim communities", as in 'Muslims have long served in this country's armed forces'. This religious distinction is reflected even in the constitution of the Muslim Council of Britain, which seems to categorise the social groups in Britain based on religion, such as in the Aims and Objectives section. Making a religious distinction between Muslims and non-Muslims in the statement of the Muslim Council of Britain did not seem to acknowledge the fact that the terror attack targeted a British soldier because he was not a Muslim, thus he (Lee Rigby) was identified as a member of the out-group. Such categorisation in a statement puts perceptions of Muslims' loyalty, Britishness, and sense of belonging at stake.[681] Therefore, it can be said that the Muslim Council of Britain failed in redefining the social group in Britain and in positioning British Muslims as members of the in-group alongside other social groups in Britain.

A similar religious categorisation appeared in the Prime Minister's statement, as he says, '… and of the Muslim communities who are give so much to our country…',[682] similarly to the Muslim Council of Britain, which stated 'Muslims have long served in this country's armed forces'.[683] It can be argued that the Prime Minister's

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[680] The Muslim Council of Britain, 'The Constitution of the Muslim Council of Britain'< http://demo.mcb.org.uk/wp-content/uploads/2014/04/MCBCON2002.pdf> accessed 10 October 2014, aims and objective section IV, 7.

[681] Gabe Mythen and Fatima Khan, 'Futurity, Governance and the Terrorist Risk: Exploring the Impacts of Pre-emptive Modes of Regulation on Young Muslims in the UK' (Conference paper, Managing the Social Impacts of Change from a Risk Perspective, Beijing Normal University, Beijing, 17 April 2009).

[682] Prime Minister David Cameron, 'Statement on Woolwich Incident' (Statement, Cabinet Office, Prime Minister's Office, 10 Downing Street, 2013) <https://www.gov.uk/government/speeches/statement-on-woolwich-incident> accessed 04 September 2015.

[683] The Muslim Council of Britain, 'Muslims Condemn Attack on Soldier in Woolwich' (Statement) < http://www.mcb.org.uk/muslims-condemn-attack-on-soldier-in-woolwich/> accessed 03 September 2015.

statement was defensive of British Muslims from post-terror attack prejudice and thus was trying to emphasise the difference between Islam and Muslims and the two suspects of the terror attack. However, Cameron's statement seemed to alienate Muslims,[684] and even more so as it came from a white English man addressing British citizens and the whole world. Despite the fact that Cameron did position Muslims as victims of terrorism, the religious schemas that referred to Muslims in the statement conflicted with the schemas that referred to the United Kingdom, such as "our country", while British Muslims were referred to as "Muslim community", which suggests that British citizens who are Muslims are excluded from his representation. This issue is addressed by Appleby who says that:

> Talking about community cohesion actually prevents it through the use of labels such as 'British Sikh', 'British Muslim', 'British Chinese' and so on and so forth, which emphasise the perceived differences from mainstream British society that is then considered not to consist of Sikh, Islam, Buddhist and so on. In other words, labelling someone according to their religion or ethnicity denies them the opportunity to be identified simply as 'British', and extending the label to British Hindu/Muslim/Sikh/etc.' qualifies the terms of inclusion in 'British'. Those that belong to the dominant group of 'Christian' need not qualify their inclusion in the group of 'British' with 'British Christian', precisely because they belong to the group creating the discourse of exclusion.[685]

The absence of religious schemas in the statement given by the Islamic Society of Britain, coupled with belonging schemas such as "we" in 'we, the British'[686] and, in the closing statement, 'we will carry on',[687] "our" in 'an attack on our nation',[688] and

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[684] Nicholas Appleby, 'Labelling the innocent: how government counter-terrorism advice creates labels that contribute to the problem' (2010) 3 Critical Studies on Terrorism 421-423.

[685] Nicholas Appleby, 'Labelling the innocent: how government counter-terrorism advice creates labels that contribute to the problem' (2010) 3 Critical Studies on Terrorism 421, 425.

[686] The Islamic Society of Britain, 'Woolwich Terror Statement' (Press release, 22 May 2013) < http://www.isb.org.uk/wp-content/uploads/2013/05/WOOLWICH-TERROR-20131.jpg> accessed 03 September 201.

[687] ibid.

the emphasis on Britishness, give the statement a stronger position. In doing so, the Islamic Society of Britain defined itself as part of the in-group that was victimised by the Woolwich terror attack. Dumont, Yzerbyt, Wigboldus and Gordijn (2003) noted that 'when observers endorse an identity such that, for instance, victims of harmful behavior are categorized as ingroup rather than outgroup members, observers' emotions should likely resemble the emotions experienced by the victims themselves'.[689] Accordingly, when the Islamic Society of Britain categorised themselves as the in-group (being similarly victimised by the terror attack in Woolwich) this indicated that they share the same position as the rest of the in-group, unlike the statements by the Muslim Council of Britain and Cameron, which seem to exclude British Muslims from the in-group.

The Prime Minister's statement had two indicative schemas that contradicted the purpose of the statement in enforcing the integration of a multi-faith society: "our British way of life" and "the Muslim communities".[690] In addition, he used many vague schemas, such as "those people", when denoting the perpetrators, which raise the possibility that he was referring to Muslim perpetrators or Muslims, in general. Who are 'those people'? He also refers to the Muslim community by saying 'they give so much to the country'.[691] In addition, there are some alienating schemas, such as the use of "Muslim community" coupled with "our country" and "our British way of life". The phrase "our British way of life" is the most dangerous. Similar statements were observed by van Dijk in interviews with members of the Dutch majority group about minorities in which the interviewees say, 'they should adopt themselves to our norms, values, or rules'.[692] Practising Muslims are easily identifiable, which seems to exclude them from the rest of the British society, as 'Muslim identities that appear to value the Ummah over feelings of Britishness, or

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[688] ibid.

[689] Muriel Dumont, Vincent Yzerbyt, Daniël Wigboldus and Ernestine H. Gordijn, 'Social Categorization and Fear Reactions to the September 11th Terrorist Attacks' (2003) 29 Personality and Social Psychology Bulletin 1509, 1510.

[690] Arun Kundnani, 'Integrationism: the politics of anti-Muslim racism' (2007) 48 Race Class 24.

[691] For more information check the common ingroup identity model in John F. Dovidio, Peter Glick and Laurie A. Rudman (eds), *On the Nature of Prejudice: Fifty Years After Allport* (Blackwell Publishing 2005) 78.

[692] Teun A. van Dijk, *Prejudice in Discourse : An Analysis of Ethnic Prejudice in Cognition and Conversation* (John Benjamins Publications Company 1984) 69.

who appear to isolate themselves from wider society, are negatively judged and seen as a great threat to social cohesion'.[693] As Lippman puts it, 'and since my moral system rests on my accepted version of the facts, he who denies either my moral judgments or my version of the facts, is to me perverse, alien, dangerous'.[694] Thus, stating 'our British way of life' failed in defining British citizens as members of the in-group, and positioned them as the out-group for the apparent differences between the citizens, such as dress code like the headscarf or the beard, or even lifestyle and diet. The following table compares the three statements in terms of schemas used to refer to the act, the perpetrators, the victim, British Muslims and the United Kingdom.

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[693] Basia Spalek and Robert Lambert, 'Muslim Communities, Counter-Terrorism and Counter-Radicalisation: A Critically Reflective Approach to Engagement' (2008) 36 International Journal of Law, Crime and Justice 257, 261.

[694] Walter Lippmann, *Public Opinion* (Merchant Books 2013) 77.

	David Cameron Statement	Islamic Society of Britain	The Muslim Council of Britain
Schemas describing the act **(the Woolwich attack)**	'something like this' 'violent extremism and terror' 'terror' 'terrorism - in any of its forms' 'attack on Britain – and on our British way of life' 'betrayal of Islam and of the Muslim communities' 'truly dreadful act'	'murdering' 'an attack on our nation' 'this killing'	'this murder' 'barbaric act' 'horrific murder' 'heinous action' 'truly a barbaric act' 'attack'
Schemas describing the perpetrators	'the people who did this' 'sickening individuals' 'attackers' 'attacker' 'the two suspects'	Not mentioned	'murderer'
Schemas describing the victim **(the soldier)**	'the victim' 'a brave soldier'	'a British soldier' 'the deceased'	'the victim' 'a member of the Armed Forces'
Schemas describing British Muslims	'Muslim communities'	'we, the British'	'British Muslims' 'Muslims' 'all our communities, Muslims and non-Muslims'
Schemas describing the United Kingdom	'our country' 'this country' 'Britain' 'the whole country'	'our nation'	'this country' 'United Kingdom'

Table 10 A comparison between the different schemas produced by the three statements issued in respond to the Woolwich attack 2013.

It should be noted that the statement of the Islamic Society of Britain categorised the social group in Britain based on criminal activity, which left no doubt regarding the fact that terrorism is rejected by the in-group; the statement says, 'Justifying this killing in the name of faith or religion is false and rejected. Rejected by the Islamic Society of Britain. Rejected by scripture. Rejected by those who commit to God. Rejected by civil society. And rejected by truth'.[695] However, the other two statements seemed to struggle in defining the in-group and the out-group, which caused more confusion regarding who actually rejected terrorism.

The identity of the statement issuer and the receiver play a vital role in deciding how to read the three statements. Indeed, these roles dictate how much the speaker will focus on each of the five aforementioned objectives in a post-terror attack statement. For example, Cameron's statement has a section about the security services and their role in investigating the terror attack. This aspect is absent in the other two statements, but is directly relevant to the role of the Prime Minister in calming the public and assuring them that the police forces are in control of the situation. It also delivers a strong message to terrorism and terrorists that the state is capable of deterring and preventing terror attacks.

Political and religious representatives issuing statements in response to a terror attack is an act of integration itself, regardless of the mistakes that might be made in the statements. However, statements that were issued after the Woolwich terror attack in 2013 did not stop the ripple effect of terrorism as many cases of prejudice were reported after the attack. For example, after the terrorist attack on the British soldier in Woolwich 2013, a firebomb attack took place in the Al-Rahma Islamic Centre in North London.[696] Many cases of harassment against Muslims and

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[695] The Islamic Society of Britain, 'Woolwich Terror Statement' (Press release, 22 May 2013) < http://www.isb.org.uk/wp-content/uploads/2013/05/WOOLWICH-TERROR-20131.jpg> accessed 03 September 2015.
[696] The Muslim Council of Britain, 'North London Mosque Attack: Time to Treat Islamophobia Seriously' (5 June 2013) < http://www.mcb.org.uk/index.php?option=com_content&view=article&id=2341:north-london-mosque-attack-time-to-treat-islamophobia-seriously&catid=40:press-release> accessed 13 June 2013 (alternative link to the same press release can be found in Bob Pitt, Islamophobia Watch:

religious prejudice were also reported to Measuring Anti-Muslim Attacks (Tell MAMA).[697] The killing of Mohammad Saleem on 29th April 2013, and the three explosives placed at three mosques – Walsall's Aisha Mosque on 21st June, Wolverhampton Central Mosque on 28th June, and outside the Kanzul Iman Masjid mosque in Tipton on 12th July 2013 - by Pavlo Lapshyn, are examples of what the Muslim community suffered for a crime they did not commit.[698]

It can be said that although statements issued after the terror attack underline the peacefulness of Islam and the integration of British society as a multi-faith society by addressing notions of togetherness, they are not sufficient to tackle or reduce the ripple effect of the terror attack. This is due to the fact that these statements have a short-lived/short-term perlocutionary effect (instant nature) in comparison to radical and misrepresented discourse, as explained in the previous chapter. The statements have a short-term perlocutionary effect because they were issued in response to a terror attack; thus, one of the IEs of the statements is to calm the public after the terror attack. As the Woolwich terror attack left the public in shock, it can be argued that peacefulness, Britishness, and togetherness are intended IEs of the statements. However, these sorts of effect have to be consistent within the discourse and not occur suddenly in times of crisis, especially since the statements are challenging the terror attack, and the consistency of radical and misrepresented discourse. For that reason, the perlocutionary effect of these statements might be comforting but do not completely absorb the shock after a terror attack,[699] particularly when religious prejudice against Muslims increases after the terror attack.

Documenting anti-Muslim Bigotry < http://www.islamophobiawatch.co.uk/north-london-mosque-attack-time-to-treat-islamophobia-seriously/> accessed 04 September 2015.

[697] Hate crimes were sparked after the Woolwich terrorist attack; for example, a Muslim soldier's house was targeted by a hate graffiti. BBC Sussex, 'Hate graffiti at Sussex home of soldier's Muslim mother' (6 June 2013) < http://www.bbc.co.uk/news/uk-england-sussex-22802619> accessed 26 July 2013.

[698] David Lumb and Dominic Casciani, 'Pavlo Lapshyn's 90 days of terror' (21 October 2013) <http://www.bbc.co.uk/news/uk-england-birmingham-24586050> accessed 12 February 2014.

[699] Ziva Kunda, *Social Cognition* (The Massachusetts Institute of Technology Press 1999).

Arguably, a person who has prejudiced beliefs about religion has been exposed to misrepresented discourse, which contains schemas with IEs and their perlocutionary effects are not short-lived. In fact, misrepresented discourse has a long-term impact as it normalises misrepresented statements about *jihad*, some Muslims and a violent version of Islam and it participates in forming the cognitive aspect of prejudice against Muslims.[700]

5. Misrepresented Discourse and the Domination of Radical Ideology

Misrepresented statements suggest that Islamic criminal law does not punish/criminalise terrorism. In addition to this, misrepresented statements – particularly those misrepresenting *jihad* – imply the legitimacy of terrorism, not the criminality of the act.

There are two cases in which public discourse and academic discourse participate in the clash. First, it is assumed that public and academic discourse sides with legal discourse. This happens when public and academic discourse enforces legal ideology by using the same legal language and argumentation in identifying terrorism. The engagement of public and academic discourse is productive, because the definition of *jihad* demonises the performative of it in radical discourse, which creates an effective counter terrorism ideology (see figure 8).

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[700] Gabe Mythen and Fatima Khan, ' Futurity, Governance and the Terrorist Risk: Exploring the Impacts of Pre-emptive Modes of Regulation on Young Muslims in the UK' (Conference paper, Managing the Social Impacts of Change from a Risk Perspective, Beijing Normal University, Beijing, 17 April 2009).
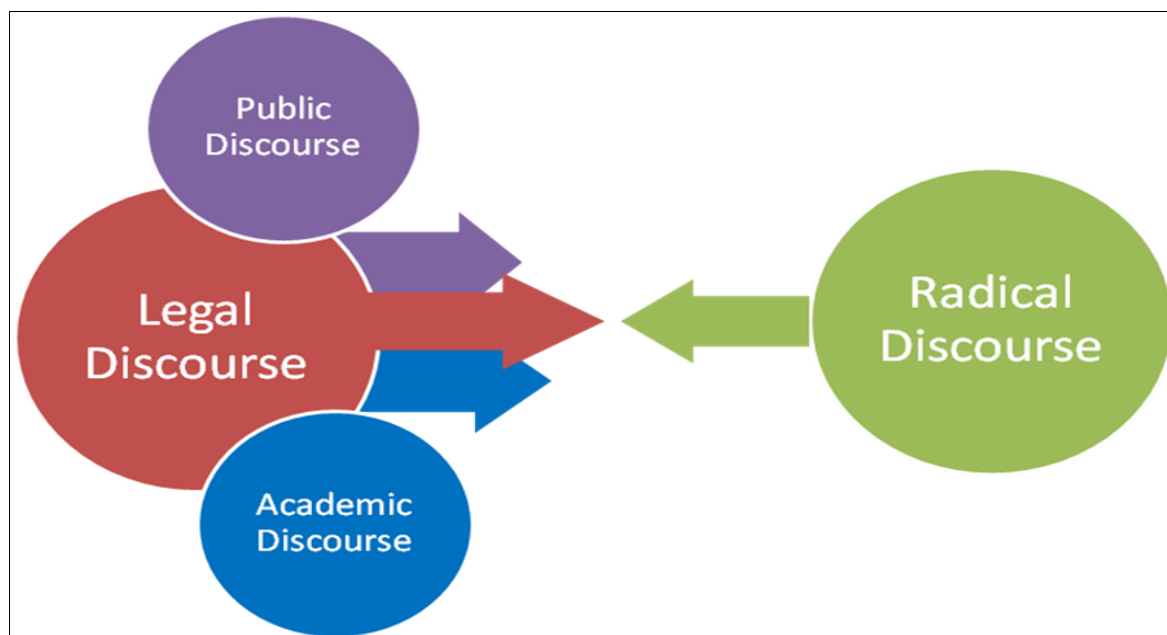
Figure 8 The effective role that public and academic discourses take in the clash causing terrorism (without misrepresentation).

However, the second case is when misrepresentation occurs in public and academic discourse. As a result, the engagement of public and academic discourse in the clash becomes counterproductive, because public and academic discourse are weakening and jeopardising the role of legal discourse in countering radical discourse, as public and academic discourse use covert legal argumentation, which legitimises violence against others. Misrepresentation results in a counterproductive engagement of public and academic discourse in the clash between legal and radical discourse over the legitimacy of the use of force, causing the domination of radical ideology (see figure 9).
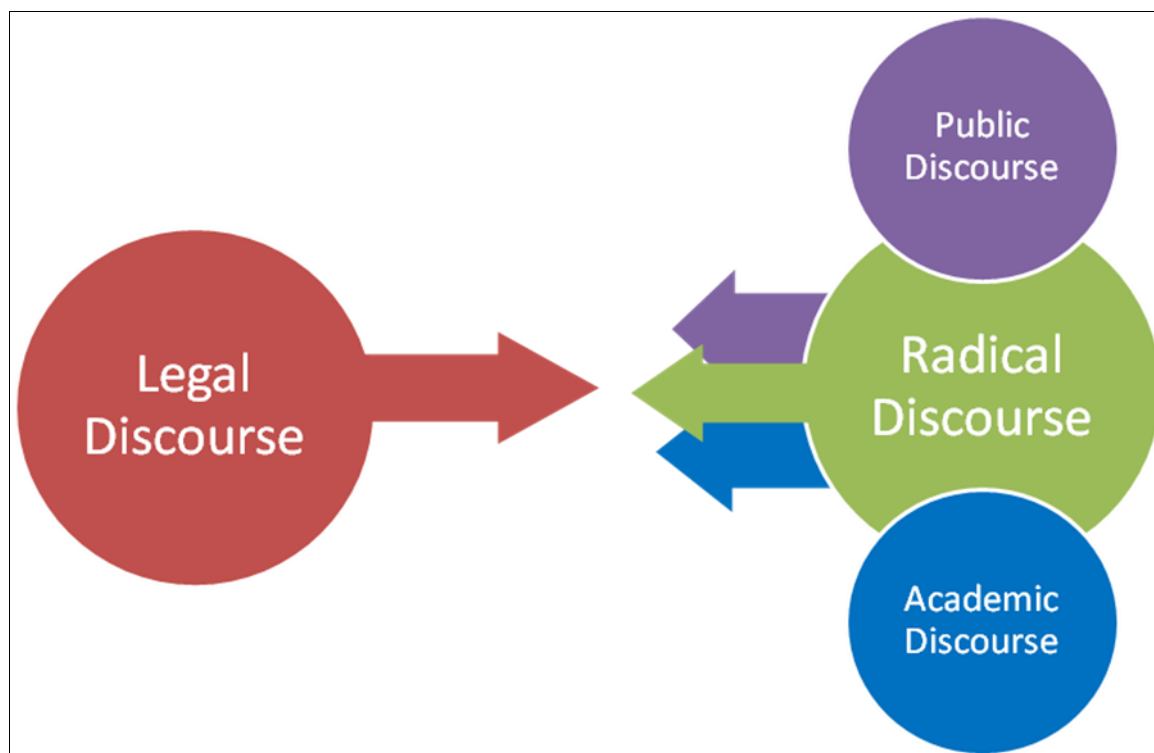
Figure 9 The ineffective engagement of misrepresented discourse (public and academic discourse) in the clash causing terrorism.

Thus, misrepresented discourse causes the domination of radical ideology as it seems to enforce similar legitimacy of terrorism as that produced by radical discourse. How does misrepresentation cause the dominance of radical ideology? Radical discourse intends to influence potential targets to commit violence. If the perlocutionary effect of radical discourse is successful, it could lead us to face a radicalised person and/or a person who is willing to commit a terrorism offence. On the other hand, the perlocutionary effect of radical discourse could be unsuccessful if the target does not respond to its IE as intended.

Counter-terrorism policies intervene in successful perlocutionary effect of radical disocurse. Some governments conduct programmes that aim to rehabilitate radicalised persons: for example, the rehabilitation programme in prisons in Saudi

Arabia[701] or the IBBANNA programme in the UK. Part of the policy is to understand the factors that make a person at risk of responding to the IE of radical discourse.[702] For example, according to the report published by HM Government in 2012 on the vulnerability assessment framework, there are three factors that measure the vulnerability of an individual susceptible to radicalisation: 'engagement, intent and capability'.[703]

The Prevent counter-terrorism strategy by the UK government recognises the perlocutionary effect of radical discourse on targeted persons; therefore, it aims to stop vulnerable people from being radicalised.[704] The Channel report, *Protecting vulnerable people from being drawn into terrorism* (2012), says:

> Channel is a key element of the Prevent strategy. It is a multi-agency approach to protect people at risk from radicalisation. Channel uses existing collaboration between local authorities, statutory partners (such as the education and health sectors, social services, children's and youth services and offender management services), the police and the local community to:
>
> • identify individuals at risk of being drawn into terrorism;
>
> • assess the nature and extent of that risk; and
>
> • develop the most appropriate support plan for the individuals concerned.[705]

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[701] Christopher Boucek, 'Saudi Arabia's "Soft" Counterterrorism Strategy: Prevention, Rehabilitation, and Aftercare' (Carnegie papers, September 2008) <file:///C:/Users/Bayan%20Omar/Downloads/Saudi%20Arabias%20soft%20counterterrorism%20strategy.pdf> accessed 03 September 2015.

[702] Yousiff Meah and Colin Mellis, 'Recognising and Responding to Radicalisation Considerations for Policy and Practice Through the Eyes of Street Level Workers' (Report, The RecoRa Institute, 2008) <http://www.recora.eu/media/The%20RecoRa%20Report.pdf> accessed 03 September 2015.

[703] HM Government, 'Channel: Vulnerability Assessment Framework' (Report, October 2012) <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118187/vul-assessment.pdf> accessed 04 September 2015, 1.

[704] Kris Christmann,' Preventing Religious Radicalisation and Violent Extremism: A Systematic Review of the Research Evidence' (Report, Youth Justice Board for England and Wales, 2012).

[705] HM Governemnt, 'Channel : Protecting Vulnerable People from Being Drawn into Terrorism A Guide for Local Partnership: Statutory Guidance for the Channel Panel Members and Partners of Local Panels' (Report, 2015) <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/425189/Channel_Duty_Guidance_April_2015.pdf> access 04 September 2015, 4.

The perlocutionary effect of radical discourse is recognised even within legal discourse. Therefore, the law responded to the perlocutionary effect of radical discourse by criminalising the same act that radical discourse legitimises. For example, reading the Terrorism Act 2000, we get a sense of all the terrorism offences, such as suicide bombings or targeting UK officials/military; all these acts are legitimate within radical discourse.

In addition, recognising the perlocutionary effect of radical discourse on the agency of individuals, the act even defines disseminating radical materials as a criminal offence. Disseminating terrorist material is a crime according to the Terrorism Act 2000, section 23A, under Forfeiture: Other Terrorism Offences and Offences with a Terrorist Connection.[706] The fact that disseminating terrorist materials is considered a criminal offence means that the law recognises the role of discourse in influencing the behaviour of an individual.

The interaction between radical and legal discourse involves recognising the illocutionary and perlocutionary effects of radical discourse. While public discourse seems to be interested only in reporting the action, academic discourse seems to examine the root causes of the actions and the study of *jihad*.

There are three possibilities for the perlocutionary effect of misrepresented discourse: it radicalises a person by asserting the legitimacy of the act in identifying it as *jihad*; it has no impact on the receiver; or it fuels and increases prejudice against Muslims (persons, communities, or even policies). In addition to this, misrepresentation may influence counter-terrorism policies in which Muslim citizens may become the main subject and/or the target of such policies, or the target of disproportionate use of certain powers, such as the use of Section 44 of the Terrorism Act 2000 (UK): stop and search or racial profiling.[707] Van Dijk says, in explaining the impact of elite discourse on influencing policies, 'indeed their

[706] Terrorism Act 2001 (UK).
[707] Basia Spalek and Robert Lambert, 'Muslim Communities, Counter-Terrorism and Counter-Radicalisation: A Critically Reflective Approach to Engagement' (2008) 36 International Journal of Law, Crime and Justice 257; Tahir Abbas,' Muslim Minorities in Britain: Integration, Multiculturalism and Radicalism in the Post-7/7 Period' (2007) 28 Journal of Intercultural Studies 287and Clive Walker,' Neighbor Terrorism and the All-Risks Policing of Terrorism' (2009) 3 Journal of National Security Law & Policy 121.

control is limited to the domain of words and ideas, even when indirectly, these may have a significant effect on the minds of other elites (e.g. those of the politicians) and hence on public policy'.[708] For example, surveillance cameras in Muslim areas in Birmingham raised the question about Muslims being a suspect community.[709]

Misrepresented discourse causes the domination of radical discourse by producing the same perlocutionary effect as radical discourse, which creates a major obstacle to counter-terrorism policy as two sources are producing a radical ideology. However, while radical discourse might be controllable, misrepresented discourse is not, as misrepresented discourse sources are considered 'credible' or, as van Dijk identifies them, 'elite discourse'.

6. Conclusion

This chapter has explained the impact of the misrepresentation of *jihad* on the integration of a multi-faith society. It has been argued that terrorism from a social psychology perspective is a crime that threatens the integration of multi-faith societies. A terror attack targeting multi-faith societies has a ripple effect. The increase of prejudice against the Muslim population after terror attacks is part of the ripple effect of the terror attack targeting a multi-faith society. It has been found also that misrepresented discourse is a threat to the integration of a multi-faith society, because it forms the cognitive aspect of prejudice in which the Muslim population is perceived as constituting a threat against the rest of the population. As a result, misrepresented discourse justifies and legitimises prejudice against Muslims, and other acts of counter terrorism polices. For example, targeting the Muslim population with special measures for countering terrorism, random checks at the airports, stop and search, and encourages profiling terrorists.

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[708] Teun A. van Dijk, *Elite Discourse and Racism* (Sage Publications 1993) 47.

[709] Mary J Hickman, Lyn Thomas, Sara Silvestri and Henri Nickels, ''Suspect Communities'? Counter-terrorism policy, the press, and the impact on Irish and Muslim communities in Britain' (Report, London Metropolitan University, 2011) <https://www.city.ac.uk/__data/assets/pdf_file/0005/96287/suspect-communities-report-july2011.pdf> accessed 04 September 2015.

This chapter has made a distinction between discrimination that appears before a terror attack, which Muslims are subjected to like any other minority group, and after. What has been emphasised is the increase of prejudice against Muslims following a terror attack, such as the increase of prejudice against Muslims after the Oklahoma bombing.

There are three features of prejudice against Muslims following a terror attack that make the act distinctive from other types of prejudice: Muslims or people who appear to be Muslim are targeted and the level of prejudice decreases only when the terrorists are not Muslims (the Oklahoma bombing is an example); the increase of prejudice follows a terror attack; and the terror attack seems to confirm the cognitive aspect of prejudice against Muslims and race and ethnicity are indicators of religion.

This chapter has found that misrepresented discourse causes confusion because *jihad* activates the mental representation of a criminal act instead of a legal rule, categorises the Muslim population as the out-group and this misrepresentation participates in forming the cognitive aspect of prejudice against Muslims. It has been found that misrepresentation creates a state of normalisation in which misrepresented statements seem to be normalised, unproblematic and acceptable.

In order to explain the impact of misrepresentation, this chapter has looked at the dynamics of the interaction between the social groups following a terror attack, particularly the Woolwich attack in the UK. It has been noted that, following a terror attack, political and religious representatives issue statements that involve condemnation of the terror attack, a confirmation that Islam is a peaceful religion, and emphasis on the integration and togetherness of the society in the face of terrorism.

Finally, this chapter has concluded that misrepresentation causes the dominance of radical ideology over all the discourses particularly legal discourse which weakens

the de-radicalisation process and counter-terrorism policies. Thus, in order to decrease the ripple effect following a terror attack in a multi-faith society, there is a need to reinforce schemas of Britishness, and integration of the United Kingdom as a multi-faith society. Such schemas have to be produced by public and academic discourse because they are more influential than statements of political and religious representatives in a multi-faith society due to its long term perlocutionary effect.

Chapter 6

Conclusions and Recommendations

This thesis used speech act theory to explain that terrorism, prejudice, law enforcement (punishment) as perlocutory effects of different discourses. It argued that terrorism is not a result of the clash between civilisations, it is a result of the clash between legal and radical discourse over the legitimacy of the use of force. It has been found that language has a major role in this clash in establishing the legitimacy and illegitimacy of the use of force. Radical discourse uses legal language for instrumental and logistical purposes to legitimise the use of force, influence and encourage self-starting individuals to commit terror acts. However, legal language loses its legal performative when used in radical discourse and, instead, such language adopts radical discourse performatives.

Legal discourse is a professional discourse that has a normative and authoritative perlocutionary effect. Legal discourse contests claims, as judgements are based on evaluating evidence that appears to reflect the truth. Chapter 3 has examined Islamic legal discourse as a professional discourse that is authoritative. It has been found that *jihad* as a legal concept is understood by jurists as a legitimate case of the use of force. Not every use of force is legitimate, nor is every use of force *jihad*. Islamic international law requires certain conditions in order for the use of force to be legally valid. Most importantly, *jihad* deals with a specific case of the use of force, which is rarely applicable in current times, especially when the religious freedom of an individual to adopt and believe in Islam openly is present. Chapter 3 has also looked at the legal consequences of the use of force carried out by individuals and/or organised groups in which they use force that violates Islamic international law, and it has been found that Islamic criminal law establishes legal liability under the offences of *baghi* and *hirabah*.

Terrorism offences in Islamic criminal law derive from definite texts from the Qur'an – the main source of legislation, agreed upon by all Islamic schools of thought despite their other differences.

This thesis defined Misrepresentation as the inappropriate or mistaken domination of a definition of a concept from one field of discourse in another field of a discourse. The misrepresentation of *jihad* occurs when public and academic discourse uses the performative of *jihad* in radical discourse and present it as the legal performative of *jihad*. As a consequence, the performative of *"jihad"* in radical discourse dominates the performative of "*jihad*" in legal discourse (Islamic international law). Misrepresented discourse defines *jihad* as the use of force and violence against Muslims and non-Muslims. As a result, it has been found that misrepresented discourse produces a similar reality to radical discourse, which legitimises violence against Muslims and non-Muslims, and has a similar perlocutionary effect to radical discourse on the emotions, cognition and perception of *jihad*.[710] In addition to this, misrepresentation encourages the categorising of the Muslim population in multi-faith societies as the out-group, and ultimately increases the level of prejudice against Muslims after any terror attack, as I will explain later in this thesis.

Misrepresentation denies individual agency in choosing to commit an act of terrorism by magnifying their religious identity. This is because of the frame used in misrepresented discourse, that if terrorists are of Muslim faith, it is their religious identity that seems to be the most obvious factor motivating them to commit a terrorist act. This is noticeable from the notions that suggest that the terrorist persona has shown a sudden interest in Islam, or has recently embraced Islam.[711] As they are the followers of God's rules, Muslims seem to be perceived as

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[710] George Readings, James Brandon and Richard Phelps, *Islamism and Language: How Using the Wrong Words Reinforces Islamist Narratives* (Quilliam 2010).
[711] Alison Pargeter, *The New Frontiers of Jihad: Radical Islam In Europe* (University of Pennsylvania Press 2008). It should be noted that the denial of Muslims' agency occurs in different contexts, for example, the denial of Muslim women's agency in wearing the headscarf or the face covering, but this is not the topic of this thesis.

God's representatives on earth whose actions are always a representation of their faith, so they are considered as practising '*jihad*' as their religious duty.

It has been found that the misrepresentation of *jihad* is the foundation from which other forms of misrepresentation can be encouraged. For example, the misrepresentation of Islamic cultural phenomena occurs when Islamic cultural phenomena represent an ideology that nurtures violence, such as the misrepresentation of Salafism and Wahabism.[712] Passive misrepresentation[713] (or visual misrepresentation - the use of images or videos) occurs when Islamic symbols signify the notion of 'Islamic terrorism',[714] such as images of Muslims praying, Islamic manuscripts, veiled Muslim women, mosques or crescents, which occur on book covers on terrorism, or in news reporting a terrorist attack.[715]

The misrepresentation of *jihad* has lead to link the Islamic civilisation in general (culture) and to the identity of Muslim individuals in particular (such as physical, psychological, and social characteristics). For example, misrepresentation has framed a mental model of 'Islamic terrorism' by citing schemas in the discourse. These schemas describe the act, the criminals, and the motive in ways that activate a certain image of 'Islamic terrorism' or of the terrorists themselves who are known as 'Islamist terrorists' or 'extremists'. They have catagorised all Muslims with no exception as out-group members who threaten the security and safety of the in-group members. In fact, it has been found that the researcher also fits the

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[712] Mahmood Mamdani, 'Good Muslim, Bad Muslim: A Political Perspective on Culture and Terrorism'(2002) 104 American Anthropologist 766.

[713] Theo van Leeuwen identifies it as "the visual representation of social actors". Theo van Leeuwen, *Discourse and Practice: New Tools for Critical Discourse Analysis* (Oxford University Press 2008) ch 8.

[714] Richard Jackson, 'Constructing Enemies: 'Islamic Terrorism' in Political and Academic Discourse' (2007) 42 Government and Opposition 394; Richard Jackson, 'Religion, Politics and Terrorism: A Critical Analysis of Narratives of "Islamic Terrorism"' (2006) Centre for International Politics Working Paper Series 1.

[715] For example, Islamic symbols occur on the cover of these books: Gilles Kepel, *Jihad: the Trail of Political Islam* (4th edition, I.B. TAURIS 2009); David A Chambers, *Jihad Code* (2007); Patrick Grady, *Royal Canadian Jihad* (Global Economics Ltd 2005); Andres Steinmetz, *Jihad as a Word* (Internal Conversations 2010); Cheikh M Kabbani, *Le Concept de Jihad En Islam* (Islamic Supreme Council of America, 2007) and Tilman Ludke, *Jihad Made in Germany: Ottoman and German Propaganda and Intelligence Operations in the First World War* (Transaction Publishers 2006). For more information about passive misrepresentation, Elizabeth Poole and John E Richardson, *Muslims and the news media* (IB Tauris 2006).

profile of a terrorist persona as represented in misrepresented discourse despite the fact that the researcher does not belong to a multi-faith society. This indicates that misrepresentation affects Muslims in general (see the short biography included in chapter 1).

It has been found that the main causes of the misrepresentation are the following; misrepresented discourse does not treat the Islamic legal discourse as a professional discourse which requires pre legal knowledge. Misrepresentation is a result of selective ignorance as some of the misrepresented discourse show great knowledge of Islamic legal discourse, and about the Arabic language. It has been found also that misrepresented discourse appropriates historical facts, and apply Quran and Sunna out of context which is similar characteristics of radical discourse.

It has been found that misrepresentation is not implicitly found in 'bad quality' discourse or by scholars who do not have an academic background; it has been found that misrepresentation even occurs in 'good quality' academic discourse and in credible discourse, such as reports published by police institutions, governmental reports, and political statements. The religious identity of the issuers has no effect on the schemas that categorise the Muslim population in a multi-faith society as the out-group, as seen in the statements produced by the Prime Minister David Cameron and the Muslim Council of Britain in response to the Woolwich attack in 2013. Both of the statements used schemas that out-grouped the Muslim populations from the rest of society. However, perception of these schemas is dependent on the receiver's interpretation and their pre-knowledge of the schemas.

This thesis has found that how the issuers represent themselves affects their schemas and whether they position themselves as out-group or in-group members. In statements following the Woolwich attack, some positioned themselves as the out-group and recognised their differences and religious and cultural attributes, as seen in the example of the Muslim Council of Britain who used their Islamic identity to reject the terror attack. . Similarly the statement given by David Cameron used

religious schemas. However, the most appropriate approach was the statement given by the Islamic Society of Britain, as they used in-group schemas to reject and condemn the terror attack.

Misrepresentation is an alarming issue as it dominates legal discourse. It is particularly dangerous as these misrepresentations have been normalised in the discourse, have been proven academically and scientifically, and have been validated by elite discourse. Since misrepresented discourse represents *jihad* as the 'real representation' of Islamic legal discourse, it indicates the legitimacy of terrorism, as well as it gives the terrorists a heroic status and promises them a high status in Heaven.

Due to the misrepresentation of *jihad*, radical discourse has succeeded in dominating all the discourses (legal, public, and academic), as legal discourse is not able to confront it alone.[716] Law intervenes in the final stages of radicalisation, after the cognitive aspect of the crime has transformed into an act. Thus, legal discourse cannot intervene in the earlier stages in the way that academic and public discourse are able to. Law produces one of its perlocutionary effects after terror offences is committed, for example, law can prosecute an attempt of committing a terror attack, or in citing terrorist material or after a terror attack has actually been committed (if the perpetrators are caught alive). However, the perlocutionary effect of public and academic discourse has a major role in countering terrorism because it generates believes and knowledge. Due to misrepresentation, unfortunately public and academic discourse has been participating and cooperating with radical discourse on a global level by feeding and nurturing the perlocutionary effect of radical ideology through misrepresentation.

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[716] The New York Times, 'State Department Memo on the Islamic State Group' (12 June 2015) < http://www.nytimes.com/interactive/2015/06/12/world/middleeast/document-state-department-memo-on-the-islamic-state-group.html> accessed 04 September 2015 and Mark Mazzetti and Michael R. Gordon, 'ISIS Is Winning the Social Media War, U.S. Concludes' (The New York Times, 12 June 2015) <http://www.nytimes.com/2015/06/13/world/middleeast/isis-is-winning-message-war-us-concludes.html?smid=fb-nytimes&smtyp=cur&_r=0> accessed 04 September 2015.

This thesis recommends that public and academic discourse use the illocutionary and the perlocutionary effects of legal discourse, and to use the same schemas that describe the act, motive and criminals in legal discourse. This would be particularly beneficial for establishing counter-radicalisation/terrorism policies in multi-faith societies, because legal discourse positions the lawbreakers as the out-group regardless of their ethnicity or religion.

In order to decrease the ripple effect of terror attacks, particularly post-terror attack prejudice against the Muslim population, a multi-faith society needs a policy on reporting and covering terror attacks in the media and newspapers, so as not to use religious or cultural schemas. This thesis recommends that, reporting terror attacks should involve three aspects: reporting the attack, police control of the situation, and the announcement of legal procedures and trial outcomes, if available. These are preferably to be issued by the police spokeperson or the Ministry of Defence with less involvement of news agencies. Reporting terror attacks has to lay emphasis on schemas that show that the state and the police are in control. Because it has been found that terror attacks mainly aim to target the state, and therefore they usually target state symbols to put the state in a vulnerable position. The less attention is given to terror groups, the less terror attacks will have a ripple effect.

In addition to this, counter-terrorism policies, and public and academic discourse have to lay emphasis on the common factors that bring the in-group together in a multi-faith society,[717] as terror attacks which target a multi-faith society where misrepresentation dominates disturb in-group relations, and prejudice is a sign of that. The most appropriate way is to focus on nationalism, yet not on a certain way of living. Natinonalism offers a solid schema for defining the in-group while, a specific way of living is a loose schema that does not define the in-group and may leads into preferring the majority way of living over the minority.

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[717] Samuel L. Gaertner, Jeffrey Mann, Audrey Murrell and John F. Dovidio, 'Reducing Intergroup Bias: The Benefits of Recategoraization' (1989) 57 Journal of Personality and Social Psychology 239.

Since *jihad* has been subject to long-term misrepresentation, religious education at schools has to consider discussing and teaching the rules of *jihad* according to Islamic international law to both Muslims and non-Muslims. This is a two-sided solution to tackle prejudice against Muslims and to establish knowledge that protects Muslim students and vulnerable individuals from being influenced by radicalisation. It is even beneficial for a multi-faith society to teach the rules of *jihad* in order to show that the religious freedom that is practiced in the state does not validate a legal reason to use force, especially when one of the main reasons an individual may join a terror group or commit terror acts is their misunderstanding of Islamic discourse. It should be noted that countering terrorism should not be the responsibility of one community, or one institution. Changing the way we speak is costless and effective. If radical discourse succeeds in radicalising people by producing a discourse, then discourse can also be used to counter radical ideology. Certainly, saying is doing, as Austin argued.

This thesis recommends that in a multi-faith society there has to be open channels for discussion with vulnerable individuals to engage them in conversation using their discourse to de-radicalise them, if possible. For instance, the Saudi experience of Assakinah is available on the Internet and on social media.[718] Radical discourse is designed to target Muslim individuals, thus, it is highly recommended to use Islamic discourse in establishing a conversation with vulnerable individuals. Using secular discourse to establish a conversation with radical people will not be successful, especially if the radical person rejects the multi-faith society because of its religious differences. Thus, this thesis recommends avoiding, for instance, "our British way of life", or "democracy" when speaking to a person who has been radicalised using religious discourse. Despite their positive implications, democracy and the British way of life are probably what led this radicalised person to join a terrorist organisation, as these concepts have been misrepresented in radical discourse as 'non-Islamic'. In other words, de-radicalisation programmes have to establish a counter-ideology built on an understanding of radical discourse itself. If the radical discourse uses religious legitimacy, then the counter-ideology

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[718] Assakina Campaign for dialogue < http://en.assakina.com/> accessed 04 September 2015.

has to follow, if it is secular, then the counter-terrorism ideology has to use secular discourse, and so on and so forth.

This thesis stresses the need for the discourses to counter the misrepresentation of Islamic civilisation. They have to emphasise the positive and human aspects of Islamic law, Muslims, and its rich culture and civilisation.

To summarise misrepresentation is the enemy of integration, because misrepresented discourse disrupts three key factors of integration.[719] These are: 1) tackling extremism and intolerance, because from a discourse perspective, misrepresentation has caused the domination of radical ideology. 2) common ground because from a social psychology perspective, misrepresentation has led to the categorisation of the Muslim population as the out-group and, thus, prejudice is directed at them specifically. 3) Responsibility because from a frame theory perspective, misrepresented discourse has represented terrorism as an Islamic crime by framing it as 'Islamic terrorism'. Thus it seems that as the Muslim population has the responsibility for tackling 'Islamic extremism'.

In conclusion, this thesis has suggested and recommended that there is a need for re-representing *jihad* as a legal rule, in order to re-categorise the Muslim population in multi-faith societies as the in-group, and to re-frame what is called 'Islamic terrorism' to terrorism.

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[719] Department for Communities and Local Government, 'Creating the conditions for integration' (UK 2012) < https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7504/2092103.pdf> accessed 26 September 2015.

Bibliography

Books

Abbas T, 'British South Asian Muslims: Before and After September 11' in Tahir Abbas (ed), *Muslim Britain Communities Under Pressure* (Zed Books 2005)

Akbarzadeh S and Smith B, *The Representation of Islam and Muslims in the Media: The Age and Herald Sun Newspapers* (Monash University 2005)

Alḥnbly A, *Almbdʿ Fy Shrḥ Almqnʿ* (Almktb Alạslạmy 2000)(in Arabic)

Allport G, *The Nature of Prejudice* (Addison-Wesley 1954)

Al- Farabi M, *Fusul Al-Madani; Aphorisms of the Statesman* (D. M. Dunlop ed, Cambridge University Press 1961)

Alshạfʿ y M, *Alặm* (Dạr Alndwẗ Alʿạlmyẗ 2004)(In Arabic)

Amin E, *Reclaiming Jihad: A Qur'anic Critique of Terrorism* (The Islamic Foundation 2014)

Amin S, *Arabic-English law dictionary* (3rd edn, Royston Publishers 1993)

Angermuller J, Maingueneau D and Wodak R (eds), *The Discourse Studies Reader Main currents in theory and analysis* (John Benjamins Publishing Company 2014)

Armstrong K, *Islam: A Short History* (Modern Library 2002)

Auda J, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (International Institute of Islamic Thought 2008)

Austin J, *How to do things with words* (J. O. Urmson, Marina Sbisà eds, 2nd edn, Harvard University Press 1975)

Baker P, Gabrielatos C and McEnery T, 'Does History Rhyme? Earlier News Representations of Muslims ' in Paul Baker, Costas Gabrielatos and Tony McEnery (eds) *Discourse Analysis and Media Attitudes: The Representation of Islam in the British Press* (Cambridge University Press 2013)

Baker P, Gabrielatos C and McEnery T, 'The 9/11 Effect: Change Over Time' in Paul Baker, Costas Gabrielatos and Tony McEnery (eds) *Discourse Analysis and Media Attitudes: The Representation of Islam in the British Press* (Cambridge University Press 2013)

Baker P, Gabrielatos C and McEnery T, *Discourse Analysis and Media Attitudes: The Representation of Islam in the British Press* (Cambridge University Press 2013)
Bascio P, *Defeating Islamic Terrorism: The Wahhabi Factor* (Branden Publishing Company 2007)

Bawer B, *While Europe Slept: How Radical Islam is Destroying the West from* (Doubleday Books 2006)

Bonner M, *Jihad in Islamic History: Doctrines and Practice* (Princeton University Press 2006)

Bonney R, *Jihād from Qur'ān to bin Laden* (Palgrave Macmillan 2004)

Bostom A, 'Jihad Conquests and the Imposition of Dhimmitude- a Survey' in Andrew G. Bostom (ed), *The legacy of Jihad Islamic Holy War and the Fate of non-Muslims* (Prometheus Books 2008)

Brown R and Zagefka H, 'Ingroup affiliations and Prejudice' in John F. Dovidio, Peter Glick and Laurie A. Rudman (eds), *On the Nature of Prejudice:Fifty years after Allport* (Blackwell Publishsing 2005)

Chambers D, *Jihad Code* (2007)

Chapman C, *Islamic Terrorism: Is There a Christian Response? (Ethics)* (Grove Books Ltd 2005)

Cover R, 'Violence and the Word' in Martha Minow, Michael Ryan and Austin Sarat (eds), *Narrative, Violence, and the Law : the Essays of Robert Cover* (University of Michigan Press 1993)

Derrida J, *Limited Inc* (Northwestern University Press 1988)

Dovidio J, Glick P and Rudman L (eds), *On the Nature of Prejudice: Fifty Years After Allport* (Blackwell Publishing 2005)

Dovidio J, Glick P and Rudman L, 'Introduction: Reflecting on the Nature of Prejudice: Fifty Years after Allport' in John F. Dovidio, Peter Glick and Laurie A. Rudman (eds), *On The Nature of Prejudice: Fifty years after Allport* (Blackwell Publishing 2005)

Eagly A and Diekman A, 'What is the problem? prejudice as an attitude-in-context' in John F. Dovidio, Peter Glick and Laurie A. Rudman (eds), *On the Nature of Prejudice :Fifty years after Allport* (Blackwell Publishing 2005)

Egerton F, *Jihad in the West the Rise of Militant Salafism* (Cambridge Press University 2011)

El Fadl K, *And God Knows the Soldiers: The Authoritative and Authoritarian in Islamic Discourses* (University Press of America 2001)

Emerson S, *American Jihad: The Terrorists Living among Us* (Simon & Schuster 2003)

Esposito J, *Unholy War: Terror in the Name of Islam* (Oxford University Press 2002)

Fairclough N, *Discourse and Social Change* (Polity Press 1992)

Fatoohi L, *Jihad in the Quran: The Truth from the Source* (3rd edn, Luna Plena Publishing 2009)

Fiske S, 'Social Cognition and the Normality of prejudgment' in John F. Dovidio, Peter Glick and Laurie A. Rudman (eds), *On the Nature of Prejudice: Fifty years after Allport* (Blackwell Publishing 2005)

Foucault M, *The Archaeology of Knowledge and the Discourse on Language* (A. M. Sheridan Smith tr, Pantheon Books 1972)

Freeman M and Smith F (eds), *Law and language : Current legal issues* (Oxford University Press 2013)

Fregosi P, *Jihad in the West: Muslim Conquest From the 7th to the 21st Centuries* (Prometheus Books 1998)

Grady P, *Royal Canadian Jihad* (Global Economics Ltd 2005)

Guest A, 'Logic in the Law' in A G Guest (ed), *Oxford Essays in Jurisprudence* (Oxford University Press 1961)

Gunnarsson B, *Professional Discourse* (1st edn, Continuum International Publishing Group 2009)

Harding S, 'Rethinking Standpoint Epistemology:"What is Strong Objectivity"?' in Linda Alcoff and Elizabeth Potter (eds), *Feminist Epistemologies: Thinking Gender* (Routledge 1993)

Harris L, *The Suicide of Reason: Radical Islam's Threat to the West* (Basic Books 2008)

Hart H , *The Concept of Law* (1st edn, Oxford University Press 1961)

Hegghammer T, 'Jihadi Salafis or Revolutionaries? On Theology and Politics in the Study of Militant Islamism' in Roel Meijer (ed), *Global Salafism: Islam's New Religious Movement* (Columbia University Press 2009)

Hiro D, *War without End: The Rise of Islamist Terrorism and Global Response* (Routledge 2002)

Horwich P, *Meaning* (Clarendon Press 1998)

Huntington S, *The Clash of Civilizations and the Remaking of the World Order* (2nd edn, The Free Press 2002)

Husain E, *The Islamists: Why I Joined Radical Islam in Britain, What I Saw Inside and Why I Left* (Penguin 2007)

Hyland K (ed), *Academic Discourse: English in a Global Context* (Continuum international Publishing Group 2009)

Ibn Khaldun, *The Muqaddimah: An Introduction to History The Muqaddimah* (N. J. Dawood ed, Franz Rosenthal tr, Routledge & Kegan Paul 1967)

Ibn Manzur, *Lisan al-Arab* (Dar al ma'arif 1883)

Ibn Rushd, *The Distinguished Jurist's Primer: A Translation of bidayat Al-Mujtahid Wa Nihayat Al-Muqtasid* (Imran Ahsan Khan Nyazee tr, Garnet Publishing 1996)

Jackson R, *Writing the War on Terrorism : Language, Politics, and Counter-Terrorism* (Manchester University Press 2005)

Jackson R, *Writing the War on Terrorism: Language, Politics, and Counter-Terrorism* (Manchester University Press 2005)

Ja'fari S, *The Origins and Early Development of Shia Islam* (Ansariyan Publications 1976)

Kabbani C, *Le Concept de Jihad En Islam* (Islamic Supreme Council of America, 2007)

Kamali M, *Principles of Islamic Jurisprudence* (The Islamic Text Society 2003)

Karim K, 'Making Sense of the "Islamic Peril": Journalism as Cultural Practice' in Barbie Zelizer and Stuart Allan (eds), *Journalism After September 11* (Routledge 2002)

Kepel G, *Jihad: the Trail of Political Islam* (4th edition, I.B. TAURIS 2009)

Khadduri M, 'The Law of War: The Jihad' in Andrew G. Bostom (ed), *The Legacy of Jihad: Islamic Holy War and the Fate of non-Muslims* (Prometheus Books 2008)

Khadduri M, *The Islamic law of nations: Shaybani's Siyar* (The John Hopkins Press 1966)

Khadduri M, 'The Islamic Theory of International Relations and Its Contemporary Relevance' in J. Harris Proctor (ed), *Islam and International Relations* (Pall Mall Press 1965)

Kintsch W, *The Representation of Meaning in Memory* (Psychology Press 2014)

Kobrin N, *The Banality of Suicide Terrorism: The Naked Truth About the Psychology of Islamic Suicide Bombing* (Potomac Books Inc 2010)

Kunda Z, *Social Cognition*:Making Sence of People (The Massachusetts Institute of Technology Press 1999)

Lane E, *Arabic-English Lexicon* (Williams & Norgate 1863)

Lippman M, McConville S and Yerushalmi M, *Islamic Criminal Law and Procedure: An Introduction* (Praeger 1988)

Lippmann W, *Public Opinion* (Merchant Books 2013)

Loxley J, *Performativity* (Routledge 2007)

Ludke T, *Jihad Made in Germany: Ottoman and German Propaganda and Intelligence Operations in the First World War* (Transaction Publishers 2006)

Martin E and Law J (eds) *Oxford Dictionary of Law* (sixth edn, Oxford University Press 2006)

Maududi A, *Jihad In Islam* (The Holy Koran Publishing House 1980)

Maynard D and Turowetz J, ' Language Use and Social Interaction' in John DeLamater and Amanda Ward (eds), *Handbook of Social Psychology* (2nd edn, Springer Netherlands 2013)

Maynard D and Turowetz J, 'Language Use and Social Interaction' in John DeLamater and Amanda Ward (eds), *Handbook of Social Psychology* (Springer Netherlands 2013)

McGarty C, Yzerbyt V and Spears R, 'Social, Cultural and Cognitive Factors in Stereotype Formation' in Craig McGarty, Vincent Y. Yzerbyt and Russell Spears (eds), *Stereotypes as Explanations The Formation of Meaningful Beliefs about Social Groups* (Cambridge University Press 2002)

Mişcoiu S, Crăciun O and Colopelnic N, *Radicalism, Populism, Interventionism : Three Approaches Based on Discourse Theory* (Cluj-Napoca: The Publishing House of the Foundation for European Studies 2008)

Moghaddam F, 'De-Radicalization and the Staircase from Terrorism' in David Canter (ed), *The Faces of Terrorism: Multidisciplinary Perspectives* (Wiley-Blackwell 2010)

Mullen B and Leader T, 'Linguistic Factors: Antilocutions, Ethnonyms, Ethnophaulism, and Other Varieties of Hate Speech' in John F. Dovidio, Peter Glick and Laurie A. Rudman (eds), *On the Nature of Prejudice:Fifty years after Allport* (Blackwell Publishsing 2005)

Murawiec L, *The Mind of Jihad* (Cambridge University Press 2008)

Muthuswamy M, *Defeating Political Islam: The New Cold War* (Prometheus Books 2009)

Nawaz M, *In and Out of Islam* (Quilliam Foundation 2008)

Oxford Dictionaries, *Oxford English Dictionary* (3rd edn, Oxford University Press 2010)

Pargeter A, *The New Frontiers of Jihad: Radical Islam In Europe* (University of Pennsylvania Press 2008)

Peters R, *Crime and Punishment in Islamic Law Theory and Practice from the Sixteenth to the Twenty-First Century* (Cambridge University Press 2005)

Pierce R, *Islamic Violence in America's Streets* (iUniverse 2014)

Poole E and Richardson J, *Muslims and the news media* (IB Tauris 2006)

Qutb S, *Milestones* (Islamic Book Service 2007)

Rabasa A and Benard C, *Eurojihad Patterns of Islamist Radicalization and Terrorism in Europe* (Cambridge University Press 2015)

Ramsay G, *Jihadi Culture on the World Wide Web* (Bloomsbury 2013)

Ranstorp M, 'Mapping Terrorism Studies After 9/11 an Academic Field of Old Problems and New Prospects' in Richard Jackson, Marie Breen Smyth and Jeroen Gunning (eds), *Critical Terrorism Studies: A New Research Agenda* (Routledge 2009)

Readings G, Brandon J and Phelps R, *Islamism and Language: How Using the Wrong Words Reinforces Islamist Narratives* (Quilliam 2010)

Reilly R, *The Closing of the Muslim Mind: How Intellectual Suicide Created the Modern Islamist Crisis* (ISI Books 2011)

Ronczkowski M, Terrorism and Organized Hate Crime intelligence gathering, analysis, and investigations (Third edn, CRC Press)

Rose G and Hoge J (eds), *How Did This Happen?: Terrorism And The New War* (PublicAffairs 2001)

Safi L, *Peace and the Limits of War: Transcending the Classical Conception of Jihad* (2nd edn, The International Institute of Islamic Thought 2003)

Sageman M, *Understanding Terror Networks* (University of Pennsylvania Press 2004)

Said E, 'The Clash of Ignorance' in Jason Dittmer and Joanne Sharp (eds) *Geopolitics: An Introductory Reader* (Routledge 2014)

Said E, *Covering Islam: How the Media and the Experts Determine How We See the Rest of the World* (Random House 1997)

Schmid A and Jongman A, *Political Terrorism: A New Guide to Actors, Authors, Concepts, Data Bases, Theories, and Literature* (2nd edn, North-Holland Publishing 1988)

Searle J, *Speech Acts: An Essay in the Philosophy of Language* (first published 1969, Cambridge University Press 1999)

Simpson P and Mayr A, *Language and Power: A Resource Book For Students* (1st edn, Routledge 2009)

Smith B, 'Towards a History of Speech Act Theory' in Armin Burkhardt (ed), *Speech Acts, Meaning and Intentions Critical Approaches to the Philosophy of John R. Searle* (de Gruyter 1990)

Smith E, 'Concepts and Categorization' in Daniel N. Osherson, Edward E. Smith and Lila R. Gleitman (eds), *Thinking: An Invitation to Cognitive Science* (2 edn, vol 3, Massachusetts Institute of Technology 1995)

Solan L and Tiersma P (eds), *The Oxford Handbook of Language and Law* (Oxford University Press 2012)

Sookhdeo P, *Understanding Islamic Terrorism: The Islamic Doctrine of War* (Isaac Publishing 2004)

Steinmetz A, *Jihad as a Word* (Internal Conversations 2010)

Steven G and Gunaratna R, *Counterterrorism: A Reference Handbook* (ABC-CLIO 2004)

The Royal Aal Al-Bayt Institute for Islamic Thought, *Jihad and the Islamic Law of War* (The Royal Islamic Strategic Studies Centre 2009)

Van Dijk T, *Elite Discourse and Racism* (Sage Publications 1993)

Van Dijk T, *Prejudice in Discourse : An Analysis of Ethnic Prejudice in Cognition and Conversation* (John Benjamins Publications Company 1984)

Van Leeuwen T, 'The Representation of Social Actors' in Carmen Rosa Caldas-Coulthard and Malcolm Coulthard (eds), *Texts and Practices: Readings in Critical Discourse Analysis* (Routledge 1996)

Van Leeuwen T, *Discourse and Practice: New Tools for Critical Discourse Analysis* (Oxford University Press 2008)

Venturi G, 'Legal Language and Legal Knowledge Management Applications' in Enrico Francesconi, Simonetta Montemagni, Wim Peters, and Daniela Tiscornia (eds) *Semantic Processing of Legal Texts Where the Language of Law Meets the Law of Language* (Springer Berlin Heidelberg 2010)

Vermeulen F and Bovenkerk F, *Engaging with Violent Islamic Extremism: Local Policies in Western European Cities (FORUM reeks)* (Eleven International Publishing 2012)

Vidino L, *Al Qaeda in Europe : The New Battleground of International Jihad*, (Prometheus Books 2006)

ʿwdĬ ʿb, *Altsẖryʿ Aljnạÿy Alạslạmy Mqạrn Bạlwḍ̣ʿy* (14 edn, Resalah Publishers 2001)(in Arabic)

Williams P, *Al Qaeda: Brotherhood of Terror* (Alpha Books 2002)

Yoos G, *Politics & Rhetoric: Coming to Terms with Terms* (1st edn, Palgrave Macmillan 2009)

Zelizer B and Allan S (eds), *Journalism After September 11* (Routledge 2002)

Articles

Abbas T,' Muslim Minorities in Britain: Integration, Multiculturalism and Radicalism in the Post-7/7 Period' (2007) 28 Journal of Intercultural Studies 287

Abdel Dayem M and Ayub F, 'In the Path of Allah: Evolving Interpretations of Jihad and Its Modern Challenges' (2008) 7 UCLA Journal of Islamic and Near Eastern Law 67

Ahmad F, 'British Muslim Perceptions and Opinions on News Coverage of September 11' (2006) 32 Journal of Ethnic and Migration Studies 961

Alʿmyryny ʿl, 'Mfhwm Alạrḥạb Ṭ̣sysạ ʿly Mfhwm Albgẖy WạlḥṛạbĬ' (2008) 34 mjlĬ ạlʿdl 15 (in Arabic)

Anderson L, 'Analytic Autoethnography' (2006) 35 Journal of Contemporary Ethnography 373

An-Na'im A, 'Islamic Ambivalence to Political Violence: Islamic Law and International Terrorism'(1988) 31 German Year Book for International Law 307

Appleby N, 'Labelling the innocent: how government counter-terrorism advice creates labels that contribute to the problem' (2010) 3 Critical Studies on Terrorism 421

Axelrod R, 'Schema Theory: An Information Processing Model of Perception and Cognition' (1973) 67 The American Political Science Review 1248

Baker P, 'Acceptable Bias? Using Corpus Linguistics Methods with Critical Discourse Analysis' (2012) 9 Critical Discourse Studies 247

Baker P, Gabrielatos C and Mcenery T, 'Sketching Muslims: A Corpus Driven Analysis of Representations Around the Word 'Muslim' in the British Press 1998–2009' (2013) 34 Applied Linguistics 255

Bar S, 'The Religious Sources Of Islamic Terrorism' (2004) 125 Policy Review 27

Bargh J and Pietromonaco P, 'Automatic Information Processing and Social Perception: The Influence of Trait Information Presented Outside of Conscious Awareness on Impression Formation' (1982) 43 Journal of Personality and Social Psychology 437

Barros C, 'Mixed Logit Estimation of Radical Islamic Terrorism in Europe and North America A Comparative Study' (2005) 49 Journal of Conflict Resolution 298

Bennett W and Lawrence R, 'News Icons and the Mainstreaming of Social Change' (1995) 45 Journal of Communication 20

Beydoun K, 'Dar Al-Islam Meets Islam as Civilization: An Alignment of Politico-Theoretical Fundamentalisms and the Geopolitical Realism of This Worldview' (2004) 4 UCLA Journal of Islamic and Near Eastern Law 143

Bix B, 'H. L. A. Hart and the "Open Texture" of Language' (1991) 10 Law and Philosophy 51

Bleiker R and Brigg M, ' Introduction to the RIS Forum on autoethnography and International Relations' (2010) 36 Review of International Studies 777

Bonino S, 'Policing Strategies against Islamic Terrorism in the UK after 9/11: The Socio-Political Realities for British Muslims' (2012) 32 Journal of Muslim Minority Affairs 5

Borthwick B, 'The Islamic Sermon as a Channel of Political Communication' (1967) 21 Middle East Journal, 306

Chiozza G, 'Is There a Clash of Civilizations? Evidence from Patterns of International Conflict Involvement, 1946–97' (2002) 39 Journal of Peace Research 711

Cohen A, 'Promoting Freedom and Democracy: Fighting the War of Ideas Against Islamic Terrorism' (2003) 22 Comparative Strategy 207

Czwarno M, 'Misjudging Islamic Terrorism: The Academic Community's Failure to Predict 9/11' (2006) 29 Studies in Conflict & Terrorism 657

Dauphinee E, 'The ethics of autoethnography' (2010) 36 Review of International Studies 799

Devine P, 'Stereotypes and Prejudice: Their Automatic and Controlled Components' (1989) 56 Journal of Personality and Social Psychology 5

Devine P, 'Stereotypes and Prejudice: Their Automatic and Controlled Components' (1989) 56 Journal of Personality and Social Psychology 5

Dumont M, Yzerbyt V, Wigboldus D and Gordijn E, 'Social Categorization and Fear Reactions to the September 11th Terrorist Attacks' (2003) 29 Personality and Social Psychology Bulletin 1509

Duyvesteyn I, 'How New is the New Terrorism?' (2004)27 Studies in Conflict & Terrorism 439

Entman R, 'Framing: Toward Clarification of a Fractured Paradigm' (1993) 43 Journal of communication 51

Fazio R, 'On the Automatic Activation of Associated Evaluations: An Overview' (2001) 15 Cognition and Emotion 115

Fischer P, Fischer J, Weisweiler S and Frey D, 'Terrorism as Collective Communication: The Collective Communication Model of Terrorism (CCMT)' (2010) 4 Social and Personality Psychology Compass 692

Gaertner S, Mann J, Murrell A and Dovidio J, 'Reducing Intergroup Bias: The Benefits of Recategoraization' (1989) 57 Journal of Personality and Social Psychology 239

Gordijn E, Wigboldus D and Yzerbyt V, 'Emotional Consequences of Categorizing Victims of Negative Outgroup Behavior as Ingroup or Outgroup' (2001) 4 Group Process and Intergroup Relations 317.

Gordon A, 'Terrorism and the Scholarly Communication System' (2001) 13 Terrorism and Political Violence 116

Gregg H, 'Fighting the Jihad of the Pen: Countering Revolutionary Islam's Ideology' (2010) 22 Terrorism and Political Violence 292

Harré R and Van Langenhove L, 'Varieties of Positioning'(1991) 21 Journal for theTheory of Social Behaviour 393

Hellyer H, 'Jihad Re-examined or Jihad Repaired? Bellum Iustum in a World of International (Dis)-order (2012) 10 Santa Clara Journal of International Law 35

Hoskins A and O'loughlin B, 'Security Journalism and 'the mainstream' in Britain since 7/7: translating terror but inciting violence? ' (2010) 86 International Affairs 903

Hundley L, 'Repeated Failures: Explaining the Rise and Tactics of the Current Wave of Radical Islamic Terrorism' (2011) The Monitor 18

Jackson R, 'Constructing Enemies: 'Islamic Terrorism' in Political and Academic Discourse' (2007) 42 Government and Opposition 394

Jackson R, 'Constructing Enemies: 'Islmaic Terrorism' in Political and Academic Discourse' (2007) 42 Government and Opposition 394

Jackson R, 'Religion, Politics and Terrorism: A Critical Analysis of Narratives of "Islamic Terrorism"' (2006) Centre for International Politics Working Paper Series 1

Jackson R, 'Constructing Enemies: 'Islamic Terrorism' in Political and Academic Discourse' (2007) 42 Government and Opposition 394

Jackson S, 'Jihad and the Modern World' (2002) 7 Journal of Islamic Law and Culture 1

Kamali M, 'Punishment in Islamic Law: A Critique of the Hudud Bill of Kelantan, Malaysia' (1998) 13 Arab Law Quarterly 203

Kellner D, 'September 11, the Media, and War Fever' (2002) 3 Television New Media 143

Kellner D, 'Social Memory and the Representation of 9/11 in Contemporary Hollywood Film' (2005) 24 SPIEL 349

Kepplinger H, 'The Impact of Key Events on the Presentation of Reality' (1995) 10 European Journal of Communication 371

Khan M and Eckluund K, 'Attitudes Toward Muslim Americans Post-9/11' (2012) 7 Journal of Muslim Mental Health 1

Kruglanski A, 'Psychological insights into Indonesian Islamic terrorism: The what, the how and the why of violent extremism' (2013) 16 Asian Journal of Social Psychology 112

Kundnani A, 'Integrationism: the politics of anti-Muslim racism' (2007) 48 Race Class 24

Lambert R, 'Islamophobia in Early Modern England' (2011) 4 Arches Quarterly 98

Lewis B, 'License to Kill - Usama bin Ladin's Declaration of Jihad' (1998) 77 Foreign Affairs 14

Lickel B, Miller N, Stenstrom D, Denson T and Schmader T, 'Vicarious Retribution: The Role of Collective Blame in Intergroup Aggression' (2006) 10 Personality and Social Psychology Review 372

Mackie D, Devos T and Smith E, 'Intergroup emotions: explaining offensive action tendencies in an intergroup context' (2000) 79 Journal of Personality and Social Psychology 602

Mamdani M, 'Good Muslim, Bad Muslim: A Political Perspective on Culture and Terrorism' (2002)104 American Anthropologist 766

Margolis J, 'Meaning, Speakers' Intentions, and Speech Acts' (1973) 26 The Review of Metaphysics 681

Martin P and Phelan S, 'Representing Islam in the Wake of September 11: A Comparison of US Television and CNN Online Messageboard Discourses' (2002) 20 Prometheus: Critical Studies in Innovation 263

McIntyre R, 'Husserl and the Representational Theory of Mind' (1986) 5 Topoi 101

McKenna B, 'Critical Discourse Studies: Where to from Here?' (2004) 1 Critical Discourse Studies 9

Mohammad N, 'The Doctrine of Jihad: An Introduction' (1985) 3 Journal of Law and Religion 381

Naseem A, 'The literal truth about terrorism: an analysis of post 9/11 popular US non-fiction books on terrorism' (2012) 5 Critical Studies on Terrorism 455

Nelson T, Clawson R and Oxley Z, 'Media Framing of a Civil Liberties Conflict and its Effect on Tolerance' (1997) 91 The American Political Science Review 567

O'Duffy B, 'Radical Atmosphere: Explaining Jihadist Radicalization in the UK' (2008) 41 PS: Political Science & Politics 37

Papacharissi Z and Oliveira M, 'News frames Terrorism: A Comparative Analysis of Frames Employed in Terrorism Coverage in U.S. and U.K. Newspaper' (2008) 13 The International Journal of Press/Politics 52

Peacocke C, 'Book Review' (1986) 95 The Philosophical Review 603

Perdue C, Dovidio J, Gurtman M and Tyler R, 'Us and them: Social categorization and the process of intergroup bias' (1990) 59 Journal of Personality and Social Psychology 475

Porter J, 'Osama Bin-Laden, Jihad, and the Sources of International Terrorism' (2002-2003) 13 Indiana International & Comparative Law Review 871

Powell K, 'Framing Islam: An Analysis of U.S. Media Coverage of Terrorism Since 9/11' (2011) 62 Communication Studies 90

Quartermaine A,'A Study of Pupil Understandings of 'Terrorism' in Pupil Conversations (aged 16-18) and Questionnaires from a Sample of Warwickshire Secondary Schools' (2010) 10 Discourse 101

Rane H and Ewart J, 'The Framing of Islam and Muslims in the Tenth Anniversary Coverage of 9/11: Implications for Reconciliation and Moving On' (2012) 32 Journal of Muslim Minority Affairs 310

Ranstorp M, 'Interpreting the broader context and meaning of Bin-Laden's Fatwa'(1998) 21 Studies in Conflict and Terrorism 321

Rapoport D, 'Fear and Trembling: Terrorism in Three Religious Traditions' (1983) 78 American Political Science Review 658

Rehman J, 'Islamic Criminal Justice and International Terrorism: A Comparative Perspective Into Modern Islamic State Practices' (2006) 2 Journal of Islamic State Practices in International Law 18

Richardson J, 'British Muslims in the Broadsheet Press: A Challenge to Cultural Hegemony?' (2001)2 Journalism Studies 221

Romero A, 'The Different Faces of Islamic Terrorism' (2007) 17 International Review of Sociology: Revue Internationale de Sociologie 443

Roy O, 'A Clash of Cultures or a Debate on Europe's Values?' (2005) 15 ISIM Review 6

Saeed A, 'Media, Racism and Islamophobia: The Representation of Islam and Muslims in the Media' (2007) 1 Sociology Compass 443

Salancik J, 'Inference of one's attitude from behavior recalled under linguistically manipulated cognitive sets' (1974) 10 Journal of Experimental Social Psychology 415

Scheufele D, 'Agenda-Setting, Priming, and Framing Revisited: Another Look at Cognitive Effects of Political Communication' (2000) 3 Mass Communication and Society 297

Scheufele D, 'Framing as a Theory of Media Effects' (1999) 49 Journal of Communication 103

Schmid A, 'The Response Problem as a Definition Problem' (1992) 4 Terrorism and Political Violence 7

Schwartz D, 'International Terrorism and Islamic Law' (1991) 29 Columbia Journal of Transnational Law 629

Searle J, 'Philosophy of Language – An Interview With John Searle' (2007) 5 ReVEL 8

Sedgwick M, 'Jihadist Ideology, Western Counter-Ideology, and the ABC Model' (2012) 5 Critical Studies on Terrorism 359

Silke A, 'Holy Warriors; Exploring the Psychological Process of Jihadi Radicalisation' (2008) 5 European Journal of Criminology 99

Silverman A, 'Just War, Jihad, and Terrorism: A Comparison of Western and Islamic Norms for the Use of Political Violence' (2002) 44 Journal of Church and State 73

Slone M, 'Responses to Media Coverage of Terrorism' (2000) 44 Journal of Conflict Resolution 508

Spalek B and Lambert R, 'Muslim Communities, Counter-Terrorism and Counter-Radicalisation: A Critically Reflective Approach to Engagement' (2008) 36 International Journal of Law, Crime and Justice 257

Spolsky B, 'Language Academies and Other Language Management Agencies' (2011) 10 Language Policy 285

Strawson P, 'Intention and Convention in Speech Acts' (1964) 73 The Philosophical Review 439

Taylor M and Horgan J, 'The Psychological and Behavioural Bases of Islamic Fundamentalism'(2001) 13 Terrorism and Political Violence 37

Van Dijk T, 'Discourse and the Denial of Racism' (1992) 3 Discourse & Society 87

Van Dijk T, 'Principles of Critical Discourse Analysis' (1993) 4 Discourse & Society 249

Van Leeuwen T, 'Legitimation in Discourse and Communication' (2007) 1 Discourse & Communication 91

Venkatraman A, 'Religious Basis for Islamic Terrorism: The Quran and Its Interpretations' (2007) 30 Studies in Conflict & Terrorism 229

Walker C,' Neighbor Terrorism and the All-Risks Policing of Terrorism' (2009) 3 Journal of National Security Law & Policy 121

Weinberg L, Pedahzur A and Hirsch-hoefler S, 'The Challanges of Conceptualizing Terrorism' (2004) 16 Terrorism and Political Violence 777

Wijsen F, "There Are Radical Muslims and Normal Muslims': An Analysis of the Discourse on Islamic Extremism' (2013) 43 Religion 70

Wiktorowicz Q, 'A genealogy of Radical Islam' (2005) 28 Studies in Conflict & Terrorism 75

Online Journals

Ellis C, Adams T and Bochner A, 'Autoethnography: An Overview' (2010) 12(1) Forum Qualitative Sozialforschung / Forum: Qualitative Social Research <http://www.qualitative-research.net/index.php/fqs/article/view/1589/3095> accessed 10 August 2015

Status, Conventions and Reports

Convention of the Organization of the Islamic Conference on Combating International Terrorism (OIC)

Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo 1963)

Crime and Disorder Act 1998 (UK)

Fiqh academy, resolution 154(17/3)2006

Magistrates' Courts Act 1980 (UK)

Offences Against the Person Act 1861 (UK)

Police and Criminal Evidence Act 1984 (UK)

The Terrorism Act 2000 (UK)

Terrorism Act 2006 (UK)

The Criminal Procedure Rules 2013 (UK)

Allen C and Nielsen J, 'Summary Report on Islamophobia in the EU after 11 September' (Report, European Monitoring Centre on Racism and Xenophobia (EUMC), May 2002)

Ameli S, Elahi M and Merali A, 'British Muslims' Expectations of the Government: Social Discrimination: Across the Muslim Divide' (Report, Islamic Human Rights Commission, Great Britain, 2004) < http://www.ihrc.org.uk/file/1903718287 content.pdf> accessed 04 September 2015

Boucek C, 'Saudi Arabia's "Soft" Counterterrorism Strategy: Prevention, Rehabilitation, and Aftercare' (Carnegie papers, September 2008) <file:///C:/Users/Bayan%20Omar/Downloads/Saudi%20Arabias%20soft%20counterterrorism%20strategy.pdf> accessed 03 September 2015

Choudhury T, 'Impact of Counter-Terrorism on Communities: UK Background Report' (Country background report, Institute for Strategic Dialogue, 2012) < http://www.strategicdialogue.org/UK_paper_SF_FINAL.pdf> accessed 03 September 2015

Christmann K,' Preventing Religious Radicalisation and Violent Extremism: A Systematic Review of the Research Evidence' (Report, Youth Justice Board for England and Wales 2012)

Deloughery K, King R, Asal V and Rethemeyer R, ' Analysis of Factors Related to Hate Crime and Terrorism: Final Report to the National Consortium for the Study of Terrorism and Responses to Terrorism' (Report, Start, December 2012)

Department for Communities and Local Government, 'Creating the conditions for integration' (UK 2012) < https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7504/2092103.pdf> accessed 26 September 2015.

Department for Communities and Local Government, 'Attitudes, values and perceptions; Muslims and the general population in 2007-08' (Report, February 2010) < http://webarchive.nationalarchives.gov.uk/20120919132719/http://www.communities.gov.uk/documents/statistics/pdf/1484586.pdf> accessed 30 August 2015

Gabrielatos C, Baker P and McEnery T, 'Using Sketch Engine to examine the presentation of Islam and Muslims in the UK press' (Conference paper, The British Association for Applied Linguistic (BAAL), University of Aberdeen, 9-11 September 2010)< http://eprints.lancs.ac.uk/34198/1/Muslims_BAAL-2010.pdf> accessed 30 August 2015

Goodwin M, 'The Roots of Extremism: The English Defence League and the Counter-Jihad Challenge' (Briefing Paper, Chatham House, March 2013) < http://www.chathamhouse.org/sites/files/chathamhouse/public/Research/Europe/0313bp_goodwin.pdf> accessed 30 August 2015

Hickman M, Thomas L, Silvestri S and Nickels H, ''Suspect Communities'? Counter-terrorism policy, the press, and the impact on Irish and Muslim communities in Britain' (Report, London Metropolitan University, 2011) <https://www.city.ac.uk/__data/assets/pdf_file/0005/96287/suspect-communities-report-july2011.pdf> accessed 04 September 2015

HM Governemnt, 'Channel : Protecting Vulnerable People from Being Drawn into Terrorism A Guide for Local Partnership: Statutory Guidance for the Channel Panel Members and Partners of Local Panels' (Report, 2015)<https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/425189/Channel_Duty_Guidance_April_2015.pdf> access 04 September 2015

HM Government, 'Channel: Vulnerability Assessment Framework' (Report, October 2012) <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118187/vul-assessment.pdf> accessed 04 September 2015

HM Government, 'Prevent Strategy: Equality Impact Assessment' (June 2011) <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97979/prevent-review-eia.pdf> accessed 04 September 2015

Home Office and The Rt Hon Theresa May MP, 'Terrorist attacks in Paris' (Oral statement to Parliament, House of Commons , 14 January 2015) < https://www.gov.uk/government/speeches/terrorist-attacks-in-paris>   accessed 04 September 2015

Home Office, Office of National Statistics and Ministry of Justice, 'An Overview of Hate Crime in England and Wales' (Report, December 2013)

Home Office, 'Terrorism Arrests- Analysis Of Charging And Sentencing Outcomes By Religion' (Report, 2013) < https://www.gov.uk/government/publications/terrorism-arrests-analysis-of-charging-and-sentencing-outcomes-by-religion/terrorism-arrests-analysis-of-charging-and-sentencing-outcomes-by-religion> accessed 03 September 2015

Home Office,' Counter-Terrorism and Security Bill' (Factsheet, part 5 Chapter 1, 'Prevent'   Duty, 2014)<https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/382410/CTS_Bill_-_Factsheet_7_-_Prevent.pdf>   accessed   04   September 2015

House of Commons, Communities and Local Government Committee, 'Preventing Violent Extremism' (Sixth Report of Session 2009-10, 16 March 2010) <http://www.publications.parliament.uk/pa/cm200910/cmselect/cmcomloc/65/65.pdf> accessed 04 September 2015

Meah Y and Mellis C, 'Recognising and Responding to Radicalisation Considerations for Policy and Practice Through the Eyes of Street Level Workers'(Report, The RecoRa   Institute,

2008)<http://www.recora.eu/media/The%20RecoRa%20Report.pdf> accessed 03 September 2015

Ministry of Defence, *Joint Doctrine Publication 0-01: UK Defence Doctrine* (5th edn, The Development, Concepts and Doctrine Centre 2014)

Moore K, Mason P and Lewis J, 'Images of Islam in the UK The Representation of British Muslims in the National Print News Media 2000-2008' (Report, Cardiff School of Journalism, Media and Cultural Studies, 7 July 2008) <http://www.channel4.com/news/media/pdfs/Cardiff%20Final%20Report.pdf> access 30 August 2015

Mythen G and Khan F, ' Futurity, Governance and the Terrorist Risk: Exploring the Impacts of Pre-emptive Modes of Regulation on Young Muslims in the UK' (Conference paper, Managing the Social Impacts of Change from a Risk Perspective, Beijing Normal University, Beijing, 17 April 2009)

PM Taskforce, *Tackling extremism in the UK Report from the Prime Minister's Task Force on Tackling Radicalisation and Extremism* (December 2013)

Prime Minister David Cameron, 'Statement on Woolwich Incident' (Statement, Cabinet Office, Prime Minister's Office, 10 Downing Street, 2013) <https://www.gov.uk/government/speeches/statement-on-woolwich-incident> accessed 04 September 2015

Ramberg I, 'Islamophobia and its Consequences on Young People'(Seminar report, European Youth Centre Budapest 1–6 June 2004)<http://www.coe.int/t/dg4/youth/Source/Resources/Publications/Islamophobia_consequences_young_people_en.pdf> accessed 03 September 2015

Silber M and Bhatt A, 'Radicalization in the West: The Homegrown Threat' (Report, The New York City Police Department, 2007) < http://www.nypdshield.org/public/SiteFiles/documents/NYPD_Report-Radicalization_in_the_West.pdf> accessed 30 August 2015

The Islamic Society of Britain, 'Woolwich Terror Statement' (Press release, 22 May 2013) < http://www.isb.org.uk/wp-content/uploads/2013/05/WOOLWICH-TERROR-20131.jpg> accessed 03 September 2015

The Muslim Council of Britain, 'Muslims Condemn Attack on Soldier in Woolwich' (Statement) < http://www.mcb.org.uk/muslims-condemn-attack-on-soldier-in-woolwich/> accessed 03 September 2015

The Prime Minister's Task Force, 'Tackling Radicalisation and Extremism, Tackling Extremism in the UK' (Report, December 2013) <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/263181/ETF_FINAL.pdf> accessed 30 August 2015

The Secretary of State for the Home Department (United Kingdom), 'Prevent Strategy' (Report, 2011) <
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97976/prevent-strategy-review.pdf> accessed 03 September 2015

Whitaker B, 'Islam and the British press after September 11'(Conference on Islam and the media, Central London Mosque, 20 June, 2002)< http://www.al-bab.com/media/articles/bw020620.htm> accessed 30 August 2015

Websites

Academie francaise, 'Homepage' (2015) <http://www.academie-francaise.fr/> accessed 01 June 2015

Al-Oadah S, 'The Mahdi in Sunni and Shi'a Traditions' (Islam Today, 01 January 2002) < http://en.islamtoday.net/artshow-440-3464.htm> accessed 09 September 2015

Alshyl T, 'ảḥkạm ảwlyẗ Bḥq Mthmyn Bạrhạb Alqaʿdẗ Wạlạḍʿaʾ Ystảnf'(09 July 2009)
<http://www.aawsat.com/details.asp?section=4&article=526764&issueno=11181 > access 04 April 2013(in Arabic)

Alḥạmd K, 'Alfrq Byn Albg̱ẖạẗ Wạlkẖwạrj Wạtẖạrh: Drạsẗ Fqhyẗ Tṭbyqyh' < http://adl.moj.gov.sa/attach/1071.pdf> accessed 05 November 2013(in Arabic)

Alḥrby M, "Altrbyẗ" Tsḥb Ktạby Syd Qṭb: Mʿạlm Fy Alṭryq Wạlʿdạlẗ Alạjtmạʿyẗ' (28 December 2008)
< http://www.alriyadh.com/2008/12/28/article398355.html> accessed 24 October 2013(in Arabic)

Aljazeera, 'Deaths in Blast Near Shia Mosque in Saudi City' (30 May 2015)
<http://www.aljazeera.com/news/2015/05/deadly-car-explosion-shia-mosque-saudi-arabia-dammam-150529102343732.html > accessed 31 August 2015

Aljazeera, 'Kuwait Identifies Suicide Bomber as Saudi Citizen' (28 June 2015)
<http://www.aljazeera.com/news/2015/06/kuwait-suicide-bomber-saudi-citizen-shia-mosque-suicide-150628082226519.html> accessed 31 August 2015

Aljazeera America, 'ISIL Claims Suicide Bombing at Saudi Mosque That Killed At Least 15' (06 August 2015) <
http://america.aljazeera.com/articles/2015/8/6/deadly-suicide-attack-at-mosque-in-saudi-arabia.html > accessed 31 August 2015

Amnesty International UK, 'Saudi Arabia, Free Raif Badawi'
<https://www.amnesty.org.uk/actions/saudi-arabia-free-raif-badawi-flogged-blogger?utm_source=FBPAGE&utm_medium=Social&utm_content=20150113173012&utm_campaign=Freedom_of_expression> accessed 31 August 2015

Anthony A, 'Heretic: Why Islam Needs a Reformation Now by Ayaan Hirsi Ali –
review' (The Guardian, Politics, The Observer, 27 April 2015)
<http://www.theguardian.com/books/2015/apr/27/heretic-islam-reformation-
ayaan-hirsi-ali-highlights-scale-of-the-task> accessed 31 August 2015

Assakina Campaign for dialogue < http://en.assakina.com/>

Bayyah A, 'Islamic Criminal Law' <
http://binbayyah.net/english/2012/02/05/islamic-criminal-law/> accessed 01
November 2013.

BBC Sussex, 'Hate graffiti at Sussex home of soldier's Muslim mother' (6 June 2013)
< http://www.bbc.co.uk/news/uk-england-sussex-22802619> accessed 26 July
2013

BBC News,'Woolwich machete attack leaves man dead' (London, 23 May 2013)
<http://www.bbc.co.uk/news/uk-22630303> accessed 04 September 2015

Bukhari, 'Book 8, Volume 81, Hadith 763'
<http://www.quranexplorer.com/Hadith/English/index.html> accessed 13 January
2014

Bukhari, '81 Limits and punishments set by Allah (Hudood), Book 8, Volume 81,
Hadith 779' <http://www.quranexplorer.com/Hadith/English/Index.html>
accessed 10 March 2014

Bukhari, '81 Limits and punishments set by Allah (Hudood), Volume 81, Hadith
770' <http://www.quranexplorer.com/Hadith/English/Index.html> accessed 10
March 2014

Cameron D, 'Government Response to the Intelligence and Security Committee of
Parliament Report on the Intelligence Relating to the Murder of Fusilier Lee Rigby'

(25 November 2014) <https://www.gov.uk/government/speeches/pm-commons-statement-intelligence-and-security-committee-report-on-fusilier-lee-rigby> accessed 17 August 2015

Collins Dictionary,' *Jihad*'
<http://www.collinsdictionary.com/dictionary/english/jihad?showCookiePolicy=true> accessed 17 August 2015

Dodd V, Malik S and Quinn B, 'Woolwich killing: meat cleaver, knife and jihadist claims filmed on mobile' *The Guardian* (London, 22 May 2013)
<http://www.theguardian.com/uk/2013/may/22/woolwich-attack-cleaver-knife-jihadist> accessed 01 June 2015

Gardham D and Johnston P, 'Terror Suspect Is a Convicted Mugger' (*The Telegraph, 27 Jul 2005*) < http://www.telegraph.co.uk/news/uknews/1494872/Terror-suspect-is-a-convicted-mugger.html> accessed 31 August 2015

General Assembly, 'Legal Committee Urges Conclusion of Draft Comprehensive Convention on International Terrorism GA/L/3433' (*United Nations*, 8 October 2012) <http://www.un.org/press/en/2012/gal3433.doc.htm> accessed 01 June 2015
International Association of Forensic Linguists (IAFL), 'Forensic Linguistics' (2013)
<http://www.iafl.org/forensic.php> accessed 01 June 2015

Glüer K and Wikforss A, 'The Normativity of Meaning and Content'
<http://plato.stanford.edu/entries/meaning-normativity/> accessed 01 June 2015

GOV.UK, 'Report online terrorist material' (*Crown Copyrights*)
<https://www.gov.uk/report-terrorism#before-you-start> accessed 01 June 2015

Gov.uk, 'Ministerial Role: Attorney General'
<https://www.gov.uk/government/ministers/attorney-general#responsibilities > accessed 02 May 2015

Hadith.co.uk <
http://ahadith.co.uk/hadithbynarrator.php?n=Said+bin+Abu+Said+Al-
Maqburi&bid=1&let=A> accessed 06 November 2013

Home Office, 'Proscribed Terrorists Organisations' (27 March 2015) <
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file
/417888/Proscription-20150327.pdf> accessed 15 September 2015

Islamic Society of Britain, 'The organisation' <http://www.isb.org.uk/the-
organisation/> accessed 04 September 2015

Kingdom of Saudi Arabia Portal of the General Presidency of Scholarly Research
and Ifta', 'The best Jihad of our time is fighting the ruler of Iraq'<
http://www.alifta.net/Fatawa/FatawaSubjects.aspx?languagename=en&View=Pag
e&HajjEntryID=0&HajjEntryName=&RamadanEntryID=0&RamadanEntryName=&
NodeID=2186&PageID=3538&SectionID=14&SubjectPageTitlesID=26136&MarkIn
dex=0&0#FightingtheIraqirulerforhisinjusticeandaggressionasthebestformsofJihad
> accessed 31 October 2013

Kurzman C, 'Islamic Statements Against Terrorism'
<http://kurzman.unc.edu/islamic-statements-against-terrorism/> accessed 04
September 2015

Kwarciński W, 'What is legal discourse: A pragmatic account' (2015)
<http://wa.amu.edu.pl/plm_old/2003/abs_kwarcinski.htm> accessed 01 June
2015

Le Monde, 'Prison en appel pour avoir laissé un enfant porter un t-shirt "Jihad"'(20
September 2013) <http://www.lemonde.fr/societe/article/2013/09/20/jihad-

sur-un-tee-shirt-d-enfant-la-mere-et-l-oncle-condamnes-en-
appel_3481523_3224.html> accessed 29 October 2013(in French)

Lumb D and Casciani D, 'Pavlo Lapshyn's 90 days of terror' (21 October 2013)
<http://www.bbc.co.uk/news/uk-england-birmingham-24586050> accessed 12
February 2014

Mazzetti M and Gordon M, 'ISIS Is Winning the Social Media War, U.S. Concludes'
(The New York Times, 12 June 2015)
<http://www.nytimes.com/2015/06/13/world/middleeast/isis-is-winning-
message-war-us-concludes.html?smid=fb-nytimes&smtyp=cur&_r=0> accessed 04
September 2015

Muslim, '17 the book pertaining to punishments prescribed by Islam (Kitab al-
Hudud), Hadith 4191'
<http://www.quranexplorer.com/Hadith/English/Index.html> accessed 10 March
2014

My Jihad, campaign website is < http://myjihad.org/ >accessed 29 October 2013

Office of the Inspector General, 'The Federal Bureau of Investigation's Foreign
Language Program -- Translation of Counterterrorism and Counterintelligence
Foreign Language Material' (Report No. 04-25, July 2004, Office of the Inspector
General)< http://www.justice.gov/oig/reports/FBI/a0425/> accessed 17 August
2015

Okaz, 'ạlsjn 87 snẗ l9 ạrhạbyyn wạḥdhm yʿtdy ʿly rjl ạ̈mn dạkẖl ạlmḥkmẗ' (02
December 2013)
<http://www.okaz.com.sa/new/Issues/20131202/Con20131202658708.htm>
accessed 03 December 2013(in Arabic)

Orange R, 'Al-Qaeda rejects Anders Behring Breivik comparison' *The Telegraph* (London, 03 May 2015) <http://www.telegraph.co.uk/news/worldnews/al-qaeda/9244168/Al-Qaeda-rejects-Anders-Behring-Breivik-comparison.html> accessed 01 June 2015

Oxford Dictionaries, '*guilty*' <http://www.oxforddictionaries.com/us/definition/american_english/guilt> accessed 17 August 2015

Oxford Dictionaries, '*Jihad*' < http://www.oxforddictionaries.com/definition/english/jihad> accessed 17 August 2015

Oxford Dictionaries, 'Murder' <http://www.oxforddictionaries.com/definition/english/murder> accessed 17 August 2015

Oxford Dictionaries, 'Surgery' <http://www.oxforddictionaries.com/definition/english/surgery> accessed 17 August 2015

Online Etymology Dictionary, '*Jihad*' <http://www.etymonline.com/index.php?allowed_in_frame=0&search=jihad&searchmode=nl> accessed 17 August 2015

Portal of The General Presidency of Scholarly Research And Ifta', 'Fatwas of Ibn Baz', < http://www.alifta.net/Fatawa/FatawaSubjects.aspx?languagename=en&View=Page&HajjEntryID=0&HajjEntryName=&RamadanEntryID=0&RamadanEntryName=&NodeID=2193&PageID=4508&SectionID=14&SubjectPageTitlesID=27239&MarkIndex=0&0#Terrifyingandkillingpeople> accessed 05 November 2013

Pitt B, 'Brisbane mosque vandalised with anti-Muslim graffiti' (Islamophobia Watch Documenting Anti-Muslim Bigotry, 24 September 2014) <http://www.islamophobiawatch.co.uk/brisbane-mosque-vandalised-with-anti-muslim-graffiti/> accessed 04 September 2015

Pitt B, Islamophobia Watch: Documenting anti-Muslim Bigotry < http://www.islamophobiawatch.co.uk/north-london-mosque-attack-time-to-treat-islamophobia-seriously/> accessed 04 September 2015

Qureshi A, 'R v Faraz - Testimony of Matthew 'Tariq' Wilkinson for the prosecution - Day 1' (Cage , 07 December 2011) < http://www.cageprisoners.com/learn-more/legal-issues/item/2922-r-v-faraz-testimony-of-matthew-tariq-wilkinson-for-the-prosecution-day-1> accessed 15 October 2012

Sabir R, 'Terror and Academic freedom' (the guardian, 1 February 2010) < http://www.theguardian.com/commentisfree/2010/feb/05/terrorism-study-uk-university> accessed 10 August 2015

The attack on the Holy Mosque in Makkah- Saudi Arabia in 1979 available in Arabic. '(Wtẖaẏq): Tṭhyr Alḥrm Almky Mn Alfÿẗ Alḍalẗ Snẗ 1400h' (25 August 2010) < http://www.assakina.com/center/files/5421.html> accessed on 05 November 2013

The Crown Prosecution Service, 'Three men admit using internet to incite terrorism in first British case' (05 July 2007) < http://www.cps.gov.uk/news/latest_news/137_07/index.html> accessed 17 August 2015

The Editorial Board, ''France Without Jews Is Not France': After Paris Attack, French Authorities Move to Protect Jews' (The New York Times, 13 January 2015) <

http://www.nytimes.com/2015/01/14/opinion/after-paris-attack-many-jews-question-their-future-in-france.html?smid=fb-nytimes&smtyp=cur&bicmp=AD&bicmlukp=WT.mc_id&bicmst=1409232722000&bicmet=1419773522000&_r=0> accessed 31 August 2015

The FBI, 'More Than Talk All About FBI Linguists' <http://www.fbi.gov/news/stories/2008/july/linguists_072908> accessed 01 June 2015

The FBI Federal Bureau of Investigation, 'Hate Crime - Overview' <http://www.fbi.gov/about-us/investigate/civilrights/hate_crimes/overview> accessed 04 September 2015

The Muslim Council of Britain, 'The Constitution of the Muslim Council of Britain'< http://demo.mcb.org.uk/wp-content/uploads/2014/04/MCBCON2002.pdf> accessed 10 October 2014

The Muslim Council of Britain, 'North London Mosque Attack: Time to Treat Islamophobia Seriously' (5 June 2013) < http://www.mcb.org.uk/index.php?option=com_content&view=article&id=2341:north-london-mosque-attack-time-to-treat-islamophobia-seriously&catid=40:press-release> accessed 13 June 2013

The New York Times, 'State Department Memo on the Islamic State Group' (12 June 2015) < http://www.nytimes.com/interactive/2015/06/12/world/middleeast/document-state-department-memo-on-the-islamic-state-group.html> accessed 04 September 2015

The Organisation of Islamic Cooperation (Islamic and Muslim states), < http://www.oic-oci.org/oicv2/states/>

The Saudi Press Agency, (03 February 2014) <http://www.was.sa/1194732 > accessed 21 April 2015. News coverage of the decree is available in English at Alarabiya, 'Saudi Jihadi Fighters To Face 3-20 Years In Jail' (03 February 2014)< http://english.alarabiya.net/en/News/middle-east/2014/02/03/Saudi-jihadists-abroad-to-face-3-20-years-in-jail.html> accessed 21 April 2015

The White House Office of the Press Secertary, ' Statement by the President on the Shooting in Charleston, South Carolina' (The White House, 18 June 2015) < https://www.whitehouse.gov/the-press-office/2015/06/18/statement-president-shooting-charleston-south-carolina> accessed 31 August 2015

'Vandals spray anti-Islam graffiti on Brisbane mosque '(The Australian, 25 September 2014) <http://www.theaustralian.com.au/news/vandals-spray-antiislam-graffiti-on-brisbane-mosque/story-e6frg6n6-1227069793961?nk=81e7ce1d37494db56de3ea4d9c7b91a5> accessed 04 September 2015

True Vision, 'Racist or Religious Hate Crime' <http://www.report-it.org.uk/racist_or_religious_hate_crime1> accessed 04 September 2015

Videos

ChallengingMedia, 'Edward Said: On Orientalism'(Video, uploaded on 4 October 2006) < https://www.youtube.com/watch?v=BjlRR-qRkcc> accessed 30 August 2015

McEnery T, *Primed for Violence? A Corpus Analysis of Jihadist Discourse* (A lectutre delivered at the annual John Sinclair Lecture at the University of Birmingham's English department on Thursday 9 May 2013) < https://www.youtube.com/watch?v=dj5SXGgT11U> access 17 August 2015

Conference Paper

Brierley C and Atwell E, 'Text Analytics for Detecting Terrorist Activities: Making Sense' (Conference paper, International Crime and Intelligence Analysis Conference, Manchester, 2011)

Verses from Quran

Qur'an *Surah Al-Anfal* 8:60

Qur'an *Surah Al-Baqara* 2:114,178,179, 190, 217, 256

Qur'an *Surah Al-E-Imran* 3:123

Qur'an *Surah Al-Hajj* 22: 38,39,40

Qur'an *Surah Al-Hashr* 59: 9, 7,13

Qur'an *Surah Al-Isra* 17:33

Qur'an *Surah Al-Kafiroon* 109:6

Qur'an *Surah Al-Kahf* 18:29

Qur'an *Surah Al-Maeda* 5: 33, 38,45, 90

Qur'an *Surah Al-Mumtahina* 60:8

Qur'an *Surah Al-Noor* 24:2, 4

Qur'an *Surah An-Nisa* 4: 10, 59, 90, 97,98

Appendix A

The Examined Part of the Prime Minister David Cameron's Statement on Woolwich Incident 2013

What happened yesterday in Woolwich has sickened us all. On our televisions last night – and in our newspapers this morning – we have all seen images that are deeply shocking.

The people who did this were trying to divide us. They should know: something like this will only bring us together and make us stronger.

Today our thoughts are with the victim – and with his family. They are grieving for a loved one. And we have lost a brave soldier.

This morning I have chaired a meeting of COBRA. And I want to thank the police and security services for the incredible work they do to keep our country safe. There are police investigations and security service operations underway – so obviously there is a limit on what I can say. But already a number of things are clear.

First, this country will be absolutely resolute in its stand against violent extremism and terror. We will never give in to terror – or terrorism - in any of its forms. Second, this view is shared by every community in our country. This was not just an attack on Britain – and on our British way of life. It was also a betrayal of Islam – and of the Muslim communities who are give so much to our country. There is nothing in Islam that justifies this truly dreadful act. We will defeat violent extremism by standing together, by backing our police and security services and above all by challenging the poisonous narrative of extremism on which this violence feeds.

Britain works with our international partners to make the world safe from terrorism. Terrorism that has taken more Muslim lives than any other religion. It is an utter perversion of the truth to pretend anything different. That is why there is

absolutely no justification for these acts, and the fault for them lies solely and purely with the sickening individuals who carried out this appalling attack.

Confronting extremism is a job for us all. And the fact that our communities will unite in doing this was vividly demonstrated, by the brave cub pack leader - Ingrid Loyau-Kennett - who confronted one of the attackers on the streets of Woolwich yesterday afternoon. When told by the attacker that he wanted to start a war in London, she replied "You're going to lose. It's only you versus many." She spoke for us all…

Appendix B

The Islamic Society of Britain Statement on Woolwich Terror Attack 2013

Murdering a British soldier is an attack on our nation. No effort should be spared in purging this hate.

Our thoughts and sympathies are with the family of the deceased.

Justifying this killing in the name of faith or religion is false and rejected. Rejected by the Islamic Society of Britain. Rejected by scripture. Rejected by those who commit to God. Rejected by civil society. And rejected by truth.

We the British, will remain together, resolute and strong.

And we will carry on.

Appendix C

The Muslim Council of Britain Statement on the Woolwich Attack 2013

The Muslim Council of Britain this evening spoke out, in the strongest possible terms, the news of a horrific murder that has taken place in Woolwich, London. Eye-witnesses suggest that the murderers made Islamic slogans during their heinous action and were thus motivated by their Islamic faith.

This is a truly barbaric act that has no basis in Islam and we condemn this unreservedly. Our thoughts are with the victim and his family. We understand the victim is a serving member of the Armed Forces. Muslims have long served in this country's Armed Forces, proudly and with honour. This attack on a member of the Armed Forces is dishonourable, and no cause justifies this murder.

This action will no doubt heighten tensions on the streets of the United Kingdom. We call on all our communities, Muslim and non-Muslim, to come together in solidarity to ensure the forces of hatred do not prevail. It is important we allow our police authorities to do their job without speculation. We also urge the utmost vigilance and ask the police authorities to calm tensions.

Appendix D

List of the 30 Verses in Quran on "*jihad*" and its Variants

Surah Al-Baqara 2:218	*Surah Al-Tawba 9:24*	*Surah Al-Ankaboot 29:69*
Surah Al-E-Imran 3:142	*Surah Al-Tawba 9:41*	*Surah Al-Ankaboot 29:8*
Surah An-Nisa 4:95	*Surah Al-Tawba 9:44*	*Surah Luqman 31:15*
Surah Al-Maeda 5:35	*Surah Al-Tawba 9:73*	*Surah Muhammad 47:31*
Surah Al-Maeda 5:54	*Surah Al-Tawba 9:81*	*Surah Al-Hujraat 49:15*
Surah Al-Anfal 8:72	*Surah Al-Tawba 9:86*	*Surah Al-Mumtahina 60:1*
Surah Al-Anfal 8:74	*Surah Al-Tawba 9:88*	*Surah As-Saff 61:11*
Surah Al-Anfal 8:75	*Surah An-Nahl 16:110*	*Surah At-Tahrim 66:9*
Surah Al-Tawba 9:16	*Surah Al-Hajj 22:78*	
Surah Al-Tawba 9:19	*Surah Al-Furqan 25:52*	
Surah Al-Tawba 9:20	*Surah Al-Ankaboot 29:6*	