

# Ideology, utopia and Islam on campus: How to free speech a little from its own terrors

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## Abstract

A dominant narrative on many British campuses is 'Prevent', which is part of the government's counter-terror policy, an ideology based on fear. Muslims, in particular, are considered to be at risk of radicalisation on campus, and being under suspicion makes them self-censor. Additionally, the no-platforming student lobby creates a utopian, idealised atmosphere that seeks to reduce dissent. Self-censorship and no-platforming are reducing the diversity of opinions expressed at universities, yet there is no evidence of illegality on campus. Spinoza, JS Mill and Hannah Arendt demanded various forms of free speech for a healthy society, and the free speech issue is the key to 'Prevent' which suppresses opinions that are different from the dominant government narratives. The challenge now, in the tide of BREXIT and Trump, is how to free speech, even a little, from the pincer grip of establishment ideology and student utopia. Between the extremes of ideology and utopia is a vacuum that must be filled; if we do not fill it with free speech and discussion, others can colonise it with stories that inspire fear and suspicion. Similarly, a vacuum exists naturally between laws (that set norms) and state guidance on laws (application). If we do not use debate to negotiate the contents of this vacuum, it will be filled with the bureaucracy of fear and even a state of exception. A vacuum demands to be filled. In both cases, we need to actively reclaim each 'vacuum' for discussion, debate and questioning in order to try and understand our current cultural imagination and develop a better one.

## Keywords

ideology, law, logic, Prevent, racism, solitude, state of exception, terror, utopia

Different and contradictory stories abound around Islam on the British university campus. How do they all survive and multiply so successfully, and why do some seem more plausible than others? Some of these stories have become rooted in the national discourse; taxi drivers and politicians tell each other stories about radicalisation on campus with confidence and conviction. The most fundamentally important question is to consider whether we are free to challenge the veracity of all these stories or only of some. Freedom of speech is surely one of the necessary privileges of university

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life: this is not a self-indulgent liberal position that can be trumped by those who argue that freedom must be restricted when there are existential risks. Rather, I propose that open – civil – discussion is vitally important if we are to manage existential risks, not least by challenging the perceived severity of some such risks. Thus, the issues around Islam on campus are inextricably bound up with free speech across the whole of the university and I will analyse the counterproductive polarisation of ideological and utopian thinking on campus.

French philosopher Paul Ricoeur identified the natural gaps both between and within ideology and utopia: ideology seeks to maintain domination, and utopia seeks to liberate us with extreme versions of humanity at its best. The two dialectically imply each other, and there is always a gap, a distance between them which I will call a vacuum. Currently, we are ignoring the vacuum which the bureaucratic state locates and fills with reified fear, following ideology's development through three stages: distortion ('we will die ...'), legitimisation ('if we don't watch these people ...') and symbolisation ('who can be recognised by their skin colour and clothes'). Yet, filling this vacuum with a bureaucratisation of fear is not inevitable. A vacuum is neutral; it demands to be filled and can be populated with pathological or idealistic and transformative impulses. The possibilities of such impulses form our cultural imagination. Ricoeur (1976) argued that it is precisely these irresolvable yet instructive tensions between the imposed and the ideal that allow us to work towards better cultural imaginations. I will also show how Ricoeur's understanding of cultural imagination shares some similarities with Agamben's state of exception and how they each help us to understand our cultural imagination, in which the vacuum created by tension between ideology and utopia is currently filled with surveillance, when it should be full of constructive and questioning discussion leading to social action.

For now, we need to consider Arendt, who is more in sympathy with Mannheim; for her, ideology and utopia exemplify the totalitarian state. When Mannheim paired up ideology and utopia, he viewed them as deviant social realities. Learning from Mannheim and Arendt, I will argue that these two disparate yet interrelated phenomena are choking free speech on campus in a pincer grip by, on the one hand, government surveillance ideology that seeks to eliminate non-violent extremism and, on the other hand, students' utopian no-platforming that seeks to reduce offence to the audience.<sup>1</sup> These phenomena, if unchecked, will diminish the individual and the university sector by giving staff and students less experience, fewer powers of discussion, less robust debate and decision-making and less understanding of political realities. All issues are political issues and university is a good place to begin to be a citizen (in Britain, subject of the crown). We must encourage confidence in the Orwellian sense of politics being *everything*, and yet, that is precisely what is being lost with the denial of free speech. However, speech is never really free, and I will consider the price to be paid for suppressing it and the price to be paid for encouraging it as well as the possibility of adopting Ricoeur's dialectical model: he detected tensions and a vacuum between and within ideology and utopia and believed we should reclaim the vacuum for discussion to develop cultural imagination. It is this tension between ideology and utopia that creates our cultural imagination, which is currently in a state of exception.

In order to understand the many narratives about Islam on campus, I therefore propose to describe the major stories, to seek and then analyse some of the inconsistencies between them by using thinkers who can help us to see where these stories come from and how believable they are. In academic writing and the media, various different narratives have arisen to both create and explain the situation by which the government has created new quasi-legal guidance for surveillance of staff and students on campus. The most dominant narrative is that of 'Counter-terror Law and guidance' that demonstrates Agamben's state of exception. Then we have a sequence of five stories listed in descending order of potency: first, there is the 'campus as breeding grounds for terror' story. Second, there is the 'impending doom/Islam as pathology' story. Third, there is the

story that pleads for ‘balanced understanding’. Fourth, there is the story that Muslims ask of Muslims: ‘how can we make this better?’ Finally, there is the ‘moderate hopeful story’ that is hardly ever told and even less heard. I will show how the ‘breeding grounds for terror’ and the ‘Islam as pathology’ stories choke free speech and need to be discussed openly on campus.

In his *Theologico-Political Treatise*, Spinoza (2004) argued that the human mind can and should never be fully controlled and also that state attempts to do so will breed resentment. He wanted freedom of expression to be guaranteed for these moral and practical reasons and also for utilitarian reasons, since the state requires creative ideas and open debate for its survival and its well-being. He differentiated between thought and action yet also wanted rulers to be able to control seditious talk, which he hoped they themselves would define. This is a difficulty, as we shall see that the current surveillance policies depend upon unclear definitions of seditious talk coming from government.

Here, we can instructively consider the tension between ideology and utopia: I take ideology to mean ideas and ideals about governance, such that they form an unchallenged and hegemonic basis for political and economic policies, claims and practice. I take utopian thought to assert that it must be possible to develop a place where life and laws are deemed perfect and everyone is in agreement. Clearly ideology can be uplifting and productive, yet because it is used to legitimate power, it is extremely difficult to challenge: it brooks no discussion, no dissent. Ideology will seek to reduce any serious discrepancies that emerge between evidence and claim, when that discrepancy maps onto a population group whose own evidence base may be at odds with its government’s claims. This may be the case for Muslims in Britain right now, whose views on British foreign policy may differ from those of government – and they will not be alone in this. Ideology seeks to shape the ideal state that is its goal, and utopia presents this idealised dream. The tension between ideology and utopia, *and* their capacity to be allies, necessitates our constant challenging of received wisdoms. In order to present a utopian vision, it is necessary that ideology distorts reality and in the process, it will have to distort the complexities of human life. Ideology may seek to simplify reality by overrating human differences and underrating similarities; it may assert the superiority of one group over another, and it will make it impossible to challenge these postulated superiorities by denying that such arguments have ever been used, as Ricoeur (1981: 155) shows us. Cultural imagination arises from the creative tension between the ideological and the utopian.

No evidence has been produced to demonstrate that universities radicalise students into terrorist sympathy (non-violent extremism) and then into violent action (violent extremism). Advisory parliamentary groups have been expressing grave concerns for the last 2 years about this lack of evidence and lack of clear terms. This is stated emphatically by the House of Lords, House of Commons Joint Committee on Human Rights (2016):

107. The Government’s approach, set out in its Counter-Extremism Strategy, appears to be based on the assumption that there is an escalator that starts with religious conservatism and ends with support for jihadism; and that combating religious conservatism is therefore the starting point in the quest to tackle violence. However, it is by no means proven or agreed that conservative religious views are, in and of themselves, an indicator of, or even correlated with, support for jihadism. (*Counter-Extremism* Second Report of Session 2016–2017)

At the time of writing (winter 2016), Lords Dubs and Macdonald tabled an amendment to the Higher Education and Research Bill, to disapply the statutory Prevent duty insofar as it applies to higher education institutions.<sup>2</sup> However, despite various joint committees’ pleas for an independent review and for clarification of terms that are vague and yet nevertheless used for court rulings, it is likely that the dominant ‘Prevent’ ideology will prevail. So we may need to step outside the policy documentation and the research literature for guidance, and seek alternative and equally radical

interpretations that can help us to understand. In Arendt's (1954) essay, *On the nature of totalitarianism* (pp. 341–360), she alerts us to four major tools of totalitarian thinking: terror, racism, logic and solitude. She was writing at a time that resembles ours in several ways, including the mass and uncontrolled migrations of displaced people across Europe and economic weaknesses across the continent. There are parallels in Europe now, so let us see if we can identify her four features of repressive regimes.

I will begin with the legal story that focusses upon terrorism and analyse it with the help of Agamben's state of exception. Then I will look at a range of five stories and conclude with an attempt to configure a new cultural imagination in which I propose that we need to consider the chilling effect on free expression across the campus, not only with regard to Islam and especially with regard to students (Scott-Baumann and Tomlinson 2016).

## The legal story

In the light of conflicting and often colourful stories about campus risks, it is necessary to see what the law says. The Counter Terrorism and Security Act 2015 places certain duties on higher education authorities, of which three are worth discussing. The Act includes, firstly, a reiteration of the 1986 Act instruction to universities to 'have particular regard' to actively protecting academic freedom and freedom of speech, secondly a duty to 'have due regard' to the need to prevent people from being drawn into terrorism and thirdly a duty to 'have due regard' to the guidance that accompanies the Act. So the Act gives the Secretary of State the power to issue guidance about how the duty should be exercised and universities must 'have regard' to such guidance. Contrary to what many public and media discussions assume, this does not place a statutory duty on universities to monitor or record information or to use surveillance techniques. Moreover, as one would expect, if the guidance to a law goes beyond or is contradictory of the law, the law takes precedence over the guidance.

The 1986 Education Act, to which the CTSA 2015 refers, pays particular attention to the importance of free expression: it confers on universities not just a duty to 'have regard' to freedom of speech but a much stronger duty to 'take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees ... and visiting speakers'. Universities must ensure, insofar as is reasonably practicable, that no individual is denied use of university premises on any ground connected with 'the beliefs or views of that individual'. JS Mill (1985: 108) in his extended essay *On Liberty* presents an Austinian-type speech-act distinction: constatives are legally acceptable even when highly offensive while performatives with malign or dangerous perlocutionary effects may be subject to legal intervention. (Mill does not use Austin's terms, and of course, Derrida warns us that the distinction is not so clear, yet such distinctions must be attempted). Research evidence is building up to show that current understanding is implemented in a uniformly risk averse manner and does not attempt such distinctions:

The state is trying to attack Islam. It's now problematic to bring a scholar in to speak. If you do this you need to evaluate the risk of being excluded from public debate. If you protest the ban, the Daily Mail gets your name and shames you as un-British. This shaming is then on all your twitter stuff and Facebook and any online bits about you. You go for a job, they can find this easily if they look. (Anonymous PhD student statement, November 2016<sup>3</sup>)

Universities are public authorities and are therefore also prevented by the Human Rights Act 1998 from acting in a way that is incompatible with the European Convention on Human Rights.

The Convention stipulates that everyone has the right to freedom of expression, and that right can only be restricted if the restriction is legal, for a proper purpose and if the restriction is necessary and proportionate to achieve that purpose. It is only legal to restrict visiting speakers or to restrict the expression of ideas by students or staff if they can be shown to fail to comply with this: the fact that a speaker may say something provocative or offensive does not mean that his or her rights can lawfully be interfered with.<sup>4</sup> JS Mill guides us here, and David Bromwich's (2016) article in *London Review of Books* provides up-to-date examples. As long as what is said does not incite, threaten or provoke violence nor is otherwise contrary to the criminal law, it can be unlawful for a university to prohibit or restrict it.

Certainly, universities need to carefully monitor events such as outside speakers, decide what to do on a case-by-case basis and keep proper records. They should record the fact that they have considered the risks and explain why they have decided that a particular event should proceed. But they would be in breach of their duty to ensure freedom of speech and of duties under the Counter Terrorism Act if they adopted any strict rules and applied them to every situation without specific consideration of individual circumstances.

However, the manner in which the Act and the Guidance are presented to the higher education sector by the Higher Education Funding Council for England's (HEFCE) Prevent monitoring framework demonstrates suppression of legal free speech, seen in visiting speaker protocols (Scott-Baumann 2017). The lengthy paperwork for inviting a speaker must seek to remove all risk of difficulties and

This form [for external speakers] is so long [29 pages] and has to be agreed by all parties some weeks before the event. This is impractical and people often give up. The form may not say PREVENT, we just all know it is. It takes away personal agency, it gives a false sense of security because it actually takes away your agency for thinking for yourself; is this really a risk or not? Survival becomes based on cautiousness. Stifling. We should have some trust in the level of intelligence of people to recognise what is useful to hear. (Anonymous student officer statement, November 2016<sup>5</sup>)

Moreover HEFCE's 'Prevent' monitoring framework strikes a different note from the measured tone of the Counter Terror and Security Act 2015, giving the impression that the guidance must be followed as if it is law. The monitoring framework presents the guidance in terms of the onerous-sounding 'Prevent duty obligation', and many universities fear reputational damage if they do not take the guidance seriously. The revised guidance upon which the HEFCE monitoring framework is based is also imprecise and therefore difficult to implement. Its broad definition of extremism seems to be linked to equally imprecise definitions of 'terrorism', 'non-violent extremism', 'radicalisation' and 'fundamental British values', which could be taken to imply that people who, for example, discriminate against different faiths and beliefs would be at risk of radicalisation. Yet, that act of discrimination is what universities are being instructed to implement for Prevent. By doing so, they will in fact contravene the government's vague definition of fundamental British values:

We define 'extremism' as vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. (Channel Duty Guidance, 2015: 3)

It is clear then that the Prevent and Channel Guidances are shifting on a quicksand of opaque lexical items. In particular, the term *non-violent extremism* must be challenged: in a functioning democracy, non-violent extremism means questioning the status quo.

### *The term non-violent extremism threatens freedom of speech*

Terrorism is very loosely defined to include many criminal activities and it also includes extremism and non-violent extremism.<sup>6</sup> Here is the definition of non-violent extremism which is also highly unsatisfactory: in the quotation below, terrorism's propinquity to non-violent extremism makes it seem causally related. Yet no evidence is provided for such inferred causality:

8. The Prevent strategy was explicitly changed in 2011 to deal with all forms of terrorism and with non-violent extremism, which can create an atmosphere conducive to terrorism and can popularise views which terrorists then exploit. It also made clear that preventing people becoming terrorists or supporting terrorism requires challenge to extremist ideas where they are used to legitimise terrorism and are shared by terrorist groups. And the strategy also means intervening to stop people moving from extremist (albeit legal) groups into terrorist-related activity.<sup>7</sup>

At the time of writing (winter 2016), the government had also established an Extremism Analysis Unit (EAU) which monitors extremism, yet the EAU has no Statutory Code of Conduct, produces no publicly available guidance or functions and is, I believe, the product of an unclear and therefore unstable ideology, acting upon unclear definitions of extremism. If you wish to know whether personal data are being collected about you by the government, you have to request that information from the Home Office and, if you wish, from the Henry Jackson Society. Taking power covertly to collect personal data in the supposed interests of the general good is in contravention of the Data Protection Act Principle 1 (Information Commissioners' Office 2016).

It is not the *existence* of non-violent extremism that threatens freedom of speech; on the contrary, it is the *outlawing* of 'non-violent extremism' that threatens freedom of speech. Perceived fear of terrorism is being used to exert control, but somewhat differently from Arendt's picture: she was describing active persecution of Jews; here, we see a more subtle yet analogous focus on the free expression of one particular group: Muslims and those who look as if they might be Muslim. So this situation also fits Arendt's historic charge against the state of racism. Heath-Kelly's (2013) research demonstrates how this works:

[T]he radicalisation discourse produces (discursively) the threats it claims to identify for the performance of governance, rather than as reacting to the existence of such risks. (p. 408)

Under this discourse, certain opinions now count as non-violent extremism or may suggest the potential for the individual to become radicalised in the government's lexicon of risk: environmental activism, opposition to whale hunting, support for Palestine or critique of Israeli government policies, to name a few. This will potentially criminalise many academics and students involved in legitimate research, and many of those interested in the Middle East, for example. Academics and students accustomed to expressing personal and/or political views at university would need to be warned of the risks of discussing certain issues, in case they are referred to 'Prevent'. This is a challenge to free speech.

It is instructive to analyse this legal story with Agamben's (2005) 'state of exception' (ch. 1, especially pp. 22-31). He describes how a state can plead that necessity requires certain *applications* of the law and will be difficult to challenge for two reasons; one is that 'necessity' is highly subjective and related to the aims one wishes to achieve. Other people's aims can be rejected as irrelevant to the *norms* embedded in the laws. The other reason is that this very subjectivity makes it impossible for either fact or law to adjudicate the accuracy of the proposed exceptions when they are turned into a plea for exceptionalising the law. Agamben shows how established laws can be subverted by pleading for an exception. In such an instance, the existing laws remain in place and

thus it appears that no illegality is committed. Yet, he detects ‘an empty space’, ‘the empty centre’ at the core of the laws that renders them incapable of arresting their own distorted use when harnessed for exceptional purposes (Agamben, 2005: 86). I use the term *vacuum* to emphasise that this space, like a vacuum in nature, must be filled, so we need to act.

I will exemplify this vacuum at the heart of the juridical processes of law by analysing the relationship between the Counter Terror and Security Act 2015 and its Guidance. As usual, with an act of parliament, the Act establishes the *norm* and also instructs the citizen to ‘have due regard to’ any guidance created to clarify the application of the Act. The Guidance establishes the *application* of the norm and should, as usual with guidance, be ignored where it goes beyond the Act. The normal juridical order is embodied in the Act, which empowers the Guidance but has no power to control the Guidance. Any Act requires citizens to go to court if they have the courage to challenge the guidance, and when this does not happen, the guidance can get away with a great deal. By this means, illegality can occur that appears legal, and this situation facilitates and perpetuates a state of exception: in this case, the exception is called terrorist activity.

Criminal activities are dealt with by normal laws; if we call them terrorist, the aim can be achieved of making them seem beyond criminal law. If people, thus, become the exception, they and their crimes can be argued to require different legal procedures. It is the general public’s apparent acceptance of this ruse that makes it possible for the state to populate with ‘surveillancing’ the vacuum that Agamben (following Schmitt) identifies at the heart of the juridical system: the vacuum between *norm* and *application* is integral to the system and can be exploited and turned into a state of exception. This happens despite human rights legislation that exists to protect humans from abuse. In addition, the unsound use of imprecise lexical items facilitates continued manipulation of the Guidance, because those who impose it continue to be able to decide what the terms mean.

The state of exception can also be compared with Ricoeur’s depiction of the relationship between ideology and utopia: each term (ideology, utopia) represents an inescapable aspect of the way we imagine our cultural lives and each requires modification in order to be useful in the real world. Yet both can, like law and guidance, become hopelessly weak or exaggeratedly strong. I am not arguing for a direct relationship between these pairs (ideology, utopia and law, state guidance). I am proposing that there are similarities in the way they contribute to our cultural imagination.

Each argument – Ricoeur’s cultural imagination and Agamben’s state of exception – demonstrates how human thought creates a bipolarity, a duality of sorts that oversimplifies a situation and allows exaggerated existential crises to seem credible. Such a dialectic is, of course, only one imperfect way of articulating a problem, yet cannot be ignored because many of us think naturally in these binary forms (Scott-Baumann, 2013). Such a dialectic also helps us to understand how both Ricoeur and Agamben insist that we must grapple with the extreme versions of our cultural imagination and our state of exception, in order to locate and fill with free speech the gap, the vacuum, the lacuna that naturally exists between our hopes (utopia) and our fears (ideology), and between the functioning of the law (norms) and the state guidance (applications). The next two ‘stories’ exemplify wilfully evil use of such binaries in the narratives that make it possible to impose a state of exception: Muslims depicted as the dark side of human nature versus the nice bright white side. Stories 3–5 provide alternatives to the dominant stories presented in 1 and 2.

### **The ‘universities as breeding grounds for terror’ story**

The attitude towards Muslims on campus, as reflected in the UK national debate about identity, is unequivocally racist, that is, protected characteristics such as skin colour, religion and ethnicity are interpreted as synonymous with fear, maiming or death by terrorist acts. David Anderson (2015), Independent Reviewer of counter-terror legislation, clarifies that ‘Prevent’ (the government

counter-terror plan) is ‘predominantly though not entirely focused on Islamist extremism’ (p. 58). There is an assumption that all Muslims may harbour dangerous ideas that they pick up on campus; they may become radicalised and put non-Muslims in danger. Glees and Pope (2005) argue that the university environment is responsible for this:

We must ask, from where do young people get the very idea of extremism and radicalism? The idea always predates the act itself and universities have always been places where ideas dominate the environment. (p. 24)

This attempt to criminalise thought is quite widespread. Reports by the Centre for Social Cohesion (2010), the Quilliam Foundation (2010) and the Henry Jackson Society (2015a, 2015b) portray universities as places of danger as a result of the reported radicalisation activities on campus. The establishment and growth of the government’s counter-terror agenda is implemented on campus through the ‘Prevent’ guidance and supported ideologically by various organisations such as the Henry Jackson Society and its project known as Student Rights (2016). The Centre for Social Cohesion, in their report ‘Radical Islam on Campus’ (Henry Jackson Society, 2010: 7), asserts that ‘Islamic extremism on campuses not only continues unabated, it continues to flourish’. The Centre’s 2010 report uses the 2008 (Centre for Social Cohesion, 2008) report *Islam on Campus: A survey of UK student opinions*. This report identified politicised Islam on UK campuses, particularly among active members of Islamic Student societies. University life is being depicted as fraught with danger – potential and actual – because of a perceived terrorist threat and the implication that thought itself is dangerous, deviant and extremist. There is a danger that this ‘breeding grounds for terror’ story has already had a real effect on university culture. ‘Prevent’ clearly plays a role with its bureaucratisation of fear.

### The ‘impending doom/Islam as pathology’ story

When Islamic scholar Bernard Lewis was consulted by the George W Bush administration about Islam, he argued that Islam is aggressively anti-modern, leading to terrorism. His approach was used to justify the Iraq war. This war proved catastrophic and then a new phenomenon arose, the readiness of European citizens to carry out criminal acts that were classified as terrorist acts (e.g. Madrid 2004, London 2005 and Paris 2015). Subsequent attempts to analyse this have included the escalator or conveyor belt model and the identification of certain types of Islamic thought as ‘poisonous extremist ideology that can lead people to violence’ (HM Government, 2013: 1). There is a corollary to this in intellectual circles where some writers depict Islam as a persistently violent religion, and decry the efforts of others to represent a more subtle and complex picture: when Small (2016) reviews Kennedy’s book *The Caliphate*, he criticises Kennedy for failing to take account of the religiosity of the Caliphate, asserting that it is Islam that is the source of danger. This is reflected in the title of Small’s review article, *Wars of religion. How Islam is designed to fight for a theocratic state*. Pervasive suspicion suggests that I know more about your real motives than you do, which allows me to judge you negatively without providing evidence. Such a hermeneutic of suspicion unbalances relations among people (Scott-Baumann, 2009).

Despite the impending doom narrative, there is no evidence that universities are encouraging extremist ideas among Muslims. Indeed there are no satisfactory definitions of these much used terms: fundamentalism, radicalisation, extremism, Muslim, extremist ideas. However, there is a clear tendency to define danger as emanating from interest in the politics of the Middle East, including Syria, Israel and Palestine, reflected in ‘Prevent’ counter-terror online training manuals. So it is possible that interest in politics of a region about which the ruling British political party has

a particular view is conflated with extremism. Yet this connection is not openly acknowledged or justified; indeed, it is kept covert and implied. Such covert connections mean that universities are allowing British political power to interrupt much needed discussion and understanding of the Middle East. Here is a form of covert action that distorts the situation with the bias of the ruling party, as seen in parts of the working of the state. If universities are following a political bias without acknowledging it or even noticing it, and are thereby mirroring the so-called deviance that they are charged with stamping out, it is imperative to critique this phenomenon and consider its impact not only upon students (mis)identified as Muslims and presumed dangerous but also upon the wider possibility of free speech being curtailed for all students and staff on university campuses. I believe ordinary citizens in positions of power in the government have been radicalised by extremist discourse about 'dangerous' Muslims and by discouraging free speech, they are putting in danger the capacity of the university sector to challenge such dangerous ideas. Government is supported in this auto-radicalisation by various think tanks. Murray of the Henry Jackson Society expresses this clearly:

It is time the West woke up to the fact that the militants in our midst – however large a percentage of the Muslim population – will never like us. (Murray, 2006)

These two stories, the 'campus as breeding grounds for terror' and the 'impending doom/Islam as pathology', are clearly reflected in the government documentation I have quoted, which underpins the counter-terror narrative.

## The 'challenging paranoia' story

The islamophobia industry is flourishing, as documented by the ongoing critical work of Spinwatch (2015) and by Robin Richardson's work at INSTED. They show how evidence that seems to go against basic moral standards should be challenged: how do accusatory stories with no evidence base about specific groups compare with Kant's view that we should behave towards others as we wish them to behave towards us? This 'challenging paranoia' story characteristically challenges the idea that Muslims are vulnerable to extremist discourse and, therefore, also challenges the supposed corollary that Muslims can be construed as vulnerable to becoming terrorists.

The 'challenging paranoia' story interrogates the idea of inherent vulnerability in a particular community, and this interrogation has echoes in research practices because work has been done within research communities to self-critically evaluate the use of the term *vulnerable*. The groundwork for preparing such an argument can be found in Fisher (2012). She shows us how, for academic researchers, groups considered vulnerable are often also considered 'deficient citizens'. We can find an echo of this when Hannah Arendt (1954) described in *On the nature of totalitarianism* how European Jews were persecuted *so that* they became vulnerable and thus came to be regarded as socially burdensome and potentially dangerous: 'If it is untrue, said *Das Schwarze Korps*, for instance, that all Jews are beggars without passports, we shall change facts in order to make this statement true' (p. 350).

This aspect of the argument resembles Arendt's charge of how logic can be used to oppress: by this she means logic becomes pseudo-logic, which is always bad: fallacious, distorted, misapplied or premise-begging. In *Words of Power*, Andrea Nye takes this further to challenge all logical models: she detects the exclusivity and uncompromising nature of logical debate (Nye, 1990). This may be too extreme a position. Yet Arendt herself personally experienced the ways in which Hitler and Mussolini presented arguments that seemed logical: weak members of a population can become a security risk, which seems self-evidently possible, and then they made that happen so the 'logic' became justified, as *Das Schwarze Korps* demonstrated.

Under the 'Prevent' agenda, the Muslim population of Britain is considered to be vulnerable to radicalisation and therefore potentially dangerous as terrorists or terrorist sympathisers. Thus, racial and religious characteristics are combined to show both deficiency and a source of danger, even when challenged by British Muslims, as demonstrated by O'Toole et al (2016). Brown and Saeed (2014) and Scott-Baumann and Cheruvallil-Contractor (2016) show this clearly with regard to Muslim women on campus who are labelled in a separate category of riskiness that means they can never belong. Qureshi (2015) demonstrates this process of identifying 'radicals'. Heath-Kelly (2013) clarifies how this is achieved in her research on campus on the British counter-terror agenda 'Prevent':

The at-risk subject of radicalisation is vulnerable to developing a propensity of dangerousness – meaning that they are *always already rendered as dangerous*. (p. 408)

The development of such a pervasive ideological position exerts pressure upon the way the public thinks and also upon the way researchers think, and should lead all researchers to question whether we can be sure that we are indeed following the *Declaration of Helsinki* with its emphasis upon autonomy, beneficence, non-maleficence and distributive justice. These principles are the cornerstones of modern research ethics as set out in the *Declaration*.

Research ethics should be supporting these principles in order to ensure that a good university curriculum is available that represents world events, not asking researchers to declare interest in extremism, which immediately arouses suspicion. Analysis of Islamic Studies curricula in British universities demonstrates that militant Islam is taught much more often than peaceful Islam, as seen in the paucity of studies on Sufism, for example (Cheruvallil-Contractor and Scott-Baumann, 2016). Militant Islam needs to be balanced by understanding, for example, the roles of Britain, the United States and Russia in the politics of Iran, Israel, Saudi Arabia and Syria, seldom taught yet vitally important. This discrepancy may disenfranchise young Muslims or even 'radicalise' them. The Open Society Report *Eroding Trust*, based on Amrit Singh's research into 'Prevent', also provides evidence that British Muslims have felt the urge to affiliate themselves with terrorism as a direct result of being targeted by 'Prevent' team (Open Society Foundations, 2016). When applied to the United States, Kundnani (2014) argues that

[f]or all its rhetoric, the real fear that lies behind US Islamophobia is not the Muslim fanatic but the possibility that this new generation of American Muslims might express itself politically. (p. 275)

We can wonder whether this may be the case in the United Kingdom too, with British Muslims being told to explain themselves.

## The 'how can we Muslims make this better?' story

There are hundreds of think tanks and charities and pressure groups set up by British Muslims to support their communities and reach out to wider communities. They do good work, which rarely reaches the media. Actions take various forms, ranging from the asserted need of some in Muslim communities to embrace 'Prevent' and protect the young from indoctrination online by radical preachers (Sara Khan), to community activism that aims to track and reduce Islamophobia (Measuring Anti-Muslim Attacks: Tell MAMA) and encouraging British Muslims to become involved in local and national media and politics (MEND: Muslim Engagement and Development and the Islamic Society of Britain). Numerous organisations thrive on providing interfaith guidance: Three Faiths Forum, Faith Matters, the Joseph Faith Foundation and Faith in Society. There

is explicit challenge to the dominant political ideologies in some groups, of which CAGE is the most high profile.

There are also many projects that attempt to engage with non-Muslim Britain. The Poppy hijab is a hijab made of material with a poppy pattern, designed by Tabinda-Kauser Ishaq. It is an attempt by a Muslim group, supported by The Islamic Society of Britain, to create a strong symbol of British Muslim integration into mainstream society. Püttmann researched this phenomenon, which he entitled *The Making of the Good British Muslim. How the Phenomenon of the Poppy Hijab Shapes Britain's Sense of Self and Belonging*. Püttmann (2016) points out that this also raises issues of why British Muslims should have to use such symbolism to justify their presence. Püttmann concludes that the poppy hijab is yet another example of unequal power relations, where this visible symbolism appears to be needed to assert Britishness. This may well be true, and the project also demonstrates clearly the efforts made by Muslim groups to engage with their country. The poppy hijab project is flawed, and can be seen as a form of communal apologetics that suggests Muslims do indeed need to justify themselves better. Yet it is an interesting attempt to propose an alternative and positive ideology that engages a suspicious majority. It is but one of many such moderate, hopeful attempts.

## The moderate, hopeful story

The tone of much material written about Islam is often doom laden, as discussed earlier, whether academic, journalistic or policy focussed. This may take the form of criticism of religion as a credo, headlining criminal acts committed by Muslims or focussing on terror threats. There are those who choose a more positive approach: Hugh Kennedy in his recent book *The Caliphate* assumes that Islam, like all world religions, has stories to tell, some of which may/may not be true, and that Muslims should be able to have unimpeded access to their cultural heritage in order to be self-confident within secular cultures, to enhance their hybrid cultural imagination.

There is also a groundswell of academic activity, attempting to reflect the Muslim population of Britain within the university sector. It has long been the case that Muslim academics are few and isolated. In order to overcome this solitude, The British Association for Islamic Studies (BRAIS) developed out of the HEFCE sponsored Islamic Studies Network (ISN) and has created a new platform for all academics interested in Islam. The original impetus, the ISN, was established with government funding following Ataulloh Siddiqui's (2007) report on 'Islam at Universities in England' which led to the designation of Islamic Studies as a strategically important subject in June 2007. The ISN commissioned reports that demonstrated the disciplinary diversity of Islamic Studies in the United Kingdom and the broad scope of its scholarly community's research interests, providing empirical evidence on its strengths but also highlighting its vulnerability (only a handful of departments and centres offer specialised programmes, and most scholars work as lone experts in their respective fields). A way forward for the ISN was building a capital mass of experts in Islamic Studies broadly defined and represented in its advisory board. BRAIS was established in 2012 by members of the ISN advisory board, and offered an institutional home by the Alwaleed Centre for the Study of Islam in the Contemporary World at the University of Edinburgh.

BRAIS' founding vision reflects the legacy of the ISN, particularly in terms of (1) providing a forum for academic exchange for scholars with an interest in any aspect of Islam and the Muslim world, past and present and (2) becoming an umbrella organisation for members working in a wide range of disciplines and geographical interest areas. BRAIS is the first learned society in the United Kingdom and Europe dedicated to Islamic Studies only. Its establishment was an important move towards recognising Islamic Studies as a subject in its own right rather than as a subfield of Middle Eastern studies, thus expanding its scope to cover the Muslim world as well as Muslim minority

societies in Western and non-Western contexts, and a multitude of approaches which draw on historical, textual and social scientific methodologies. At its annual conferences, keynotes and parallel sessions cover a wide array of topics such as Qur'anic studies, Islamic law and ethics, philosophy and theology, history, politics, gender, Islam in Britain, Europe and several non-Western contexts, art and architecture, and Islamic finance.<sup>8</sup>

This moderate, hopeful story is familiar to many Muslim staff and students and others deemed to be of 'minority' status: they know that they are not mad or bad or dangerous to know. In the current cultural imagination that is shaped by perceived surveillance needs on campus, a vital element is the student voice. We need to consider how to increase the acceptance of such moderate, hopeful narratives among students.

## The student voice

The 2015 counter-terror legislation is balanced and measured, yet the guidance associated with it contains strong elements of discrimination and racial stereotyping: this guidance is being implemented more strongly than it mandates and as if it is legally binding. Various aspects of the guidance clearly instruct users about detecting a person who is at risk of being or who has been radicalised; none of this terminology is clear, but it clearly signals that some people think differently from the majority and that this thought is presumed dangerous to others. Indeed, this idea seems to be accepted by many students in Britain.

In March 2016, Nick Hillman's think tank, the Higher Education Policy Institute (HEPI, 2016), conducted a student survey about free speech on campus and found that over 50% believe that it is reasonable for universities to work closely with the police and security services to identify students at risk and to train staff to recognise people who might support terrorism. One in five of these students said they did not know what their opinion was. Regarding the National Union of Students' (NUS') no-platforming policy, 76% agree wholly or partly and 48% support a safe space policy. Thus, it is commonly perceived to be necessary to ensure that a segment of the population does not express its thoughts – which are presumed dangerous. This may be thought of by many as a necessary evil: ring-fencing the possible danger from one small group can be accepted grudgingly as a utilitarian necessity when seeking to preserve the well-being of the majority. There are at least three problems with this approach: one is that we may need to challenge this use of utilitarian reasoning to see if it is fit for purpose or, for example, not proportionate to the risk. Secondly, what if the desire to silence and segment parts of society off from others is not, after all, for the safety of the majority, but ideologically motivated by the desire of the ruling elite to keep their own ideas safe? Thirdly, what about other objectionable views that are not classed as 'extremist' but may be just as damaging, such as the risk of being labelled anti-Semitic if one wishes to discuss Israel/Palestine? This difficulty is discussed by feminist gay Jewish philosopher Judith Butler in *Parting Ways*. She confronts our cultural understanding of modern Israel in many ways, one of which is to ask us to consider the implications of religion, identity and state being as one. She also considers the possibility that the Arab Jew, rather than the European Jew, is the identity at the core of Judaism, and that the "Arab Jew" constitutes conjuncture, chiasm, and cohabitation (understood as coarticulation with alterity) (Butler, 2012: 30). These are very difficult ideas to discuss but they affect us all and we should avoid foreclosure. Moreover, by accepting a cultural imagination that rests upon surveillance, we neglect issues unaffected by terrorism, such as the state of the National Health Service and indeed of the national health. Hillman and his team concluded that, on campus:

Overall, the answers to the questions suggest the pendulum may have swung too far away from favouring free speech. Debating, rather than barring, unpalatable arguments is often the best way to expose them for

what they are. Where free speech curtails a university's core functions, the consequences need to be fully debated among students and staff. (HEPI, 2016: 4)

There is also a relatively new key player: since 2010, the Charity Commission has become responsible for the larger student unions, which are charities. This has a sort of (pseudo) logic to it, except that we should be uneasy about monitoring students to ensure that they do not act politically, if Orwell was right that all life is political – just because they are running a charity. Having to self-censor political views can become counterproductive and this form of being silenced by surveillance fears must be seen in the context of denying human dignity. As Forst (2011) argues in *Justification and Critique*,

To possess human dignity means being an equal member in the realm of subjects and authorities of justification ... to act with dignity means being able to justify oneself to others. (p. 101)

### *Solitude as a totalitarian technique that affects students*

If I am a student not allowed to justify myself to others because my views are not considered mainstream or may get me reported to 'Prevent', then I become increasingly isolated. Arendt described solitude, isolation as one of the four necessary conditions for unjust power being successfully exercised over a population: as discussed, the others are racism, terrorism and (pseudo) logic. Back in the 1950s, she was describing the way in which you become isolated when you do not know who to trust in a police state, and we see this with 'Prevent':

We Muslims get paranoia through PREVENT. We are self-censoring; what you can and can't say. We can't talk. Problem areas need to be discussed in public but we don't dare. (Anonymous student statement, November 2016<sup>8</sup>)

There are other isolating factors in the 21st century: now, of course, the algorithms on social media will select likeminded people for me and I can restrict my views by communicating only with them. Another reason for concern about solitude is described by Isabell Lorey. She explains the 21st century in terms of increasing precariousness. She shows us the emerging patterns that we notice around the Mediterranean and across Europe: a mounting refugee crisis, the instability created by wars and an increasingly insecure workforce whose members become defined by economic vulnerability that leads to existential vulnerability. The socioeconomic precariousness of the job market has become normal and now afflicts the previously privileged middle-class core of Western European society. Such instability of work and citizenship becomes an existential precarity with the threat of loss of employment demonstrating threats to personhood. Precarious identity is what we have come to expect, and this serves to create what Isabell Lorey (2015) calls governmental precarity: the state of insecurity that is created by manipulation of socioeconomic factors to push a social group off balance, make their economic and social status actually or apparently precarious and thereby turn them into a precariat. We are accustomed to this being done to the poor and to refugees, and now it is destabilising us, we who in living memory used to be fortunate and can now be made to fear terrorism, migrants and the European Union.

Lorey recommends, following Judith Butler, that we must not become more solitary as individuals because of hardship, but must instead construe this situation as an affirmative basis for emancipatory politics. Thus, the existential vulnerability must be acknowledged as a durable negative feature in order to turn our lives into a positive attempt to improve the situation. This brings us back to Hannah Arendt. While we are not (yet) in a totalitarian state, her four characteristics of such

power (racism, terrorism, logic and solitude) are familiar to us: 'Ideologies are systems of explanation of life and world that claim to explain everything, past and future, without further concurrence with actual experience' (Arendt 1954: 350).

## Conclusion and recommendations

How can it happen that surveillance narratives can develop disproportionately to any real evidence so that they fill the vacuum that exists between ideology and utopia and between laws and guidance? I have analysed Ricoeur and Agamben to show that the vacuum exists naturally. French philosopher Guy Debord (1988) analyses the way in which this state of exception is achieved if the citizens do not fill the vacuum themselves with evidence-based social action:

The story of terrorism is written by the state and is therefore highly instructive. The spectators must certainly never know everything about terrorism, but they must always know enough to convince them that, compared with terrorism, everything else must be acceptable, or in any case more rational and democratic. (p. 24)

Cultural imagination that goes beyond this establishment ideology could help British citizens to consider whether there is such a need for surveillance on campus. Is the campus the real place of danger or is the danger situated in the British relationship with Saudi Arabia, for example or the still living legacy of British foreign policy in the Middle East or the state of the National Health Service? Rita Floyd (2011) asks (1) when, if ever, it is legitimate to remove an issue from normal, democratic politics and frame it as emergency politics and (2) if emergency politics is necessary, what form it should take. Finally she asks (3) how we tackle hegemonic discourse about the assumed necessity of emergency politics. She proposes that emergency politics are only ever justifiable if (1) there is an objective existential threat, (2) the object of security is morally legitimate and (3) the security response is appropriate to the threat in question. These are matters urgently in need of discussion on campus but are currently misrecognised as attacking a 'Prevent' ideology that will, we are told, keep us safe.

How can we free the campus from students' utopian visions of consensus? The student body, well motivated and highly principled, may nevertheless, through some members' utopian belief in no-platforming, be denying itself the opportunities to take future citizens into a better world than the Trumpeting BREXITing monster that faces us and relies upon our complicity. We need this utopian vision of *no-platforming* and yet it also needs correcting: we must recognise our existential vulnerability as an essential part of our cultural imagination and have the confidence to demonstrate that words in counter-argument *can* make a difference to the racist bigot's campus audience.

Universities, staff and students alike, are confused, sometimes wrong and often dealing as best they can with a very complex situation. Universities, as Hillman argues, need to do more to discuss and debate these issues with their students. Visiting speakers' policies must be reviewed in the light of European legislation, and banned speakers must take their case to the courts. In the 1986 Education Act, to which the CTSA 2015 refers explicitly, the duty to ensure freedom of expression can only be overridden if what a visiting speaker is likely to say is not 'within the law' or it is not 'reasonably practicable' to allow use of university premises (because, for example, no room is available or there is likely to be disorder at the public meeting). When students wish to *no-platform* a speaker, they should seek legal advice and request active support from the university. When they decide to proceed, there should be support for structured debate. I assume that the speaker's opinion is unlikely to change, but that those present may indeed benefit from debating techniques:

knowing how to demand evidence, challenge unbalanced narratives, identify false logic and faulty syllogisms and detect inappropriate use of inductive or deductive arguments, for example.

By what other means can we free the campus from establishment ideology? Universities should be confident about the power of the 2010 Equalities legislation and the human rights legislation to safeguard students and staff and act as they used to before 'Prevent'. This requires targeted legal advice, improved legal literacy on campus, sector solidarity and confidence to challenge the 'Prevent' guidance, which is only guidance. In fact, of course, 'Prevent' must be disappplied completely. The Lords Dubs and Macdonald may succeed now or later in securing disapplication of the higher education sector from 'Prevent', and yet even if they succeed, there will still be the stale smell of acquired suspicion in the air.

University authorities need to address this suspicion by considering the great diversity represented by the student population and the implications of world events for many students: ignoring this and hoping for devotion to fundamental British values is negligent. National and regional networks can be developed to offer expertise in national and international matters. An open forum tradition has sometimes been used on campus to address chronic or sudden world problems, that is, offering a platform to an expert on a region or a topic that is causing concern. An open forum can become a termly event to analyse various narratives that are used to divide populations against each other, such as migration and precarity. Curriculum studies should be re-introduced in order to analyse critically what we are actually teaching and how our andragogy can and should improve. The curriculum must be expanded confidently to teach a more balanced view of world politics and particularly the Middle East because of its political importance for world peace. Islamic Studies can become a more active component in such a higher education curriculum. Philosophical arguments about free speech from Spinoza, Mill, Fish and others are useful here. The arts of protest and protest art are due a revival: satire, comedy, laughter, please. I cannot say how this is possible in the context of the current sector struggles and the Education Bill, yet I believe it is vital: universities' core purpose is rooted in seeking to identify and resolve ethical issues.

Freeing speech a little from some of its terrors is the key to a strong society that is vigilant – discussing, debating, guarding and using its freedoms proportionately and appropriately, not giving them away to the far right demagogues. This latter can perpetuate a divided cultural imagination such as we have now, in which Muslims are blamed for all sorts of things and the rest of society is not.

We must become more vigilant about the stories we tell and are told and challenge them, asking for evidence and seeking reasons for certain stories being deemed more acceptable than others. Such persistent misuse of power should not be seen as resulting only from the continued prevalence of false narratives. There will also be structural constraints that are often about economics, about opportunity, about labour markets and about precarity. If these become worse, that is even more reason to demand of ourselves and of others that we can talk about such things.

So, in conclusion, I propose that ideology and utopia, the law and guidance must be taken seriously in all their wolfish and sheepish guises and that direct engagement with them will facilitate the free(ish) speech debates that we desperately need. Such debates about *how* to speak and how freely will result in some approximation to a cultural imagination that reflects and shapes modern Britain in the wider world through staff and students. Ethical vigilance and the right to challenge dominant narratives are the price we have to pay for appropriate and proportionate levels of freedom of speech on campus. To this end, 'Prevent' must be dismantled: it is discriminatory and unsound and has a chilling effect on free speech. We must aspire to cultural understanding that embraces diversity, difference and uncertainty as integral to us all – and believe that the university is the place to develop the limits and benefits of free speech and use them to fill the vacuum at the heart of democracy, not carelessly allow others to fill it.

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## Notes

1. With Hugh Tomlinson QC, I recently set up a consultation on free speech at universities at St George's House, Windsor Castle (31 October–1 November 2016). It was chaired by Lord Macdonald of River Glaven, and robust debate was ensured by the presence of a wide range of views, including Liberty, MEND, the Home Office, Henry Jackson Society and National Union of Students. Robust discussion about no-platforming was significant. I wish to thank all the participants for frank exchange of views. I wish also to thank Dr Shuruq Naguib and Professor Christopher Norris for their comments on this article.
2. <http://www.publications.parliament.uk/pa/bills/lbill/2016-2017/0076/17076-RL.pdf> (after clause 84 'Disapplication of duty in Counter-Terrorism and Security Act 2015 to higher education institutions').
3. This material was collected for the writing of a witness statement for the legal case R (on the application of) Dr Salman Butt [claimant] and Secretary of State for the Home Department [defendant] C/6361/2015. The witness statement is now a public document.
4. My thanks to Hugh Tomlinson QC for expert advice.
5. This material was collected for the writing of a witness statement for the legal case R (on the application of) Dr Salman Butt [claimant] and Secretary of State for the Home Department [defendant] C/6361/2015. The witness statement is now a public document.
6. Definition of terrorism: The 2015 Act, Schedule 1

(11) 'Terrorism' and 'terrorist' have the same meaning as in the Terrorism Act 2000 (see sections 1(1) to (4) and 40 of that Act).

Here's the link to the definition: <http://www.legislation.gov.uk/ukpga/2000/11/section/1>

7. Page 3, para. 8 of the Revised Prevent Duty Guidance for England and Wales: Guidance for Specified Authorities in England and Wales on the duty in the Counter Terrorism and Security Act 2015 to have due regard to the need to Prevent people from being drawn into terrorism.
8. This material was collected for the writing of a witness statement for the legal case R (on the application of) Dr Salman Butt [claimant] and Secretary of State for the Home Department [defendant] C/6361/2015. The witness statement is now a public document.

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