

# Legislating for Otherness: Proscription powers and parliamentary discourse

LEE JARVIS AND TIM LEGRAND\*

**Abstract.** This article offers a discursive analysis of UK Parliamentary debate on the proscription of terrorist organisations between 2002 and 2014. It argues that these debates play an important constitutive role in the (re)production of national Self and terrorist Other that remains largely overlooked in existing work on this counter-terrorism mechanism. The article begins with an overview of this literature, arguing it is overwhelmingly oriented around questions of efficacy and ethics. While important, this focus has concentrated academic attention on the causal question of what proscription *does*, rather than the constitutive question of what is *made possible* by proscription. The article's second section situates our analysis within discursive work in International Relations, upon which we investigate three pervasive themes in Parliamentary debate: (i) Constructions of terrorism and its threat; (ii) Constructions of specific groups being proscribed; and, (iii) Constructions of the UK Self. We argue that these debates (re)produce an antagonistic relationship between a liberal, open, and responsible UK mindful of cultural and religious difference, on the one hand. And, on the other, its illiberal, irrational terrorist Others conducting immoral violences on behalf of particularistic identity claims. This analysis, we conclude, has significance for contemporary debate on security politics, as well as for studies of counter-terrorism and international politics more generally.

**Lee Jarvis** is Reader in International Security at the University of East Anglia, UK and a member of UEA's Critical Global Politics research group. He is (co-)author or editor of nine books on the politics of security and terrorism, including *Anti-terrorism, Citizenship and Security* (with Michael Lister, Manchester University Press: 2015); *Security: A Critical Introduction* (with Jack Holland, Palgrave: 2015); and *Terrorism Online: Politics, Law and Technology* (with Stuart Macdonald and Tom Chen, Routledge: 2015).

**Tim Legrand** is Lecturer at the National Security College in the Crawford School of Public Policy at the Australian National University, Canberra. His research is concerned with the governance of security, policy transfer, transgovernmentalism, and evidence-based policy. He currently holds adjunct positions as Associate Professor at the Institute for Governance and Policy Analysis at the University of Canberra and Research Fellow at Griffith University.

## Introduction

The range of available counter-terrorism instruments is both extensive and diverse. Such instruments and their political, strategic, and normative consequences have also – as is often observed – attracted considerable academic commentary in recent years, especially since the events of 11 September 2001.<sup>1</sup> One well-known overview, for instance,

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<sup>1</sup> See, for example, Jeroen Gunning, 'A case for critical terrorism studies?', *Government and Opposition*, 42:3 (2007), pp. 363–93.

identified five distinct approaches to counter-terrorism – coercive, proactive, persuasive, defensive, and long-term – each possessing their own technologies and tactics.<sup>2</sup> The same author, more recently, expanded this to 13 models including criminal justice applications of the law, militaristic measures such as targeted assassinations, proactive surveillance mechanisms, and preventive techniques such as target hardening.<sup>3</sup> Alex Schmid's latest survey of 'terrorism experts' uncovered a diverse spread of perspectives on the most effective countermeasures against international and domestic terrorism, albeit with intelligence dominating each of his lists.<sup>4</sup> Richard Jackson *et al.* posit four approaches – the use of force; intelligence and policing; homeland security; and, conciliation and dialogue<sup>5</sup> – while William C. Banks *et al.*, finally, distinguish between internal responses – such as promotion of social and economic integration, border controls, and truth and reconciliation commissions – and external measures such as public diplomacy, military action, sanctions, and cultural exchanges.<sup>6</sup>

In this article we focus on a counter-terrorism measure that has remained relatively neglected within this extensive literature: proscription. Proscription refers to the process by which specific, designated groups are rendered illegal within a particular territory, thus criminalising support for, or membership of, the designated organisation.<sup>7</sup> Such powers are employed widely by modern liberal democracies, yet the identification and outlawing of enemies of the state has a history stretching back centuries.<sup>8</sup> In the United Kingdom – this article's focus – the power to initiate proscription ultimately rests with the Home Secretary who, under Section 3(3) of the Terrorism Act 2000 (hereafter 'TA 2000'), may lay a proscription order before Parliament designating one or more 'terrorist organisations'. The Act stipulates that the Home Secretary may make such an order 'only if he believes that an organisation' – defined as 'any association or combination of persons' (s121) – is 'concerned in terrorism'. An organisation is regarded as 'concerned in terrorism' if it '(a) commits or participates in acts of terrorism, (b) prepares for terrorism, (c) promotes or encourages terrorism, or (d) is otherwise concerned in terrorism' (s3(5)). Beyond this statutory test, five further discretionary factors are taken into account in these decisions: the nature and scale of an organisation's activities; the specific threat it poses to the UK; the threat posed to British nationals overseas; the extent of the organisation's presence in the UK; and the need to support other members of the international community.<sup>9</sup>

The successful proscription of a terrorist organisation triggers a range of offences including around membership (s11), support and advocacy (s12), and the wearing or carrying of uniforms and articles. In the eyes of the UK Home Office, proscription

<sup>2</sup> Ronald Crelinsten, *Counterterrorism* (Cambridge: Polity, 2009).

<sup>3</sup> Ronald Crelinsten, 'Perspectives on counter-terrorism: From stovepipes to a comprehensive approach', *Perspectives on Terrorism*, 8:1 (2014), pp. 2–15.

<sup>4</sup> Alex P. Schmid, 'Introduction', in Alex P. Schmid (ed.), *The Routledge Handbook of Terrorism Research* (Abingdon: Routledge, 2011), pp. 1–37 (pp. 29–32).

<sup>5</sup> Richard Jackson, Lee Jarvis, Jeroen Gunning, and Marie Breen Smyth, *Terrorism: A Critical Introduction* (London: Palgrave Macmillan, 2011), p. 225.

<sup>6</sup> William C. Banks, Renée de Nevers, and Mitchel B. Wallerstein, *Combating Terrorism: Strategies and Approaches* (Washington, DC: CQ Press, 2008), p. 85.

<sup>7</sup> Tim Legrand and Lee Jarvis, 'Enemies of the state: Proscription powers and their use in the United Kingdom', *British Politics*, 9:4 (2014), pp. 450–71.

<sup>8</sup> Tim Legrand, 'Banishing the enemies of all mankind: the effectiveness of proscribing terrorist organisations in Australia, Canada, The UK And US', in Lee Jarvis and Michael Lister (eds), *Critical Perspectives on Counter-Terrorism* (Abingdon: Routledge, 2015), pp. 150–68 (p. 151).

<sup>9</sup> Sally Lipscombe, 'The Terrorism Act 2000: Proscribed Organisations', in Library Standard Note SN/HA/00815 (House of Commons Library, Home Affairs Section: UK Parliament, 2014), p. 6.

serves instrumental, cooperative, symbolic, and communicative functions.<sup>10</sup> First, it contributes to making the UK a hostile environment for terrorists and their supporters. Second, it signals condemnation of proscribed groups. Third, it allows the UK to support its international partners in their own counter-terrorism efforts. And, fourth, it sends ‘a strong message’ regarding UK intolerance of terrorism. As of August 2014, sixty international terrorist organisations were proscribed in the UK, with a further fourteen groups outlawed in Northern Ireland under earlier legislation.<sup>11</sup>

This article offers a discursive analysis of every effort to add new organisations to the UK’s list of proscribed groups between 2002 and 2014. It argues that these debates and their outcomes perform an important constitutive function that remains almost entirely overlooked within academic literature on this power. That is, the language, tropes, arguments, and other rhetorical devices employed by Parliamentarians are an important part of a process of identity formation in which the UK Self is distinguished from its (here) terrorist Others. Proscription debates – and the banning of terrorist groups – are, we suggest, therefore performative in that they confer illegitimacy on their target(s): producing particular organisations and their members as ‘unacceptable in this country’.<sup>12</sup> In so doing, moreover, they (re)produce the United Kingdom as a particular type of political entity with specific (liberal, democratic) attributes and characteristics.

In making this argument, the article attempts an empirical contribution to recent ‘critical’ work on (counter-)terrorism by providing the first discursive analysis of these debates, and indeed of proscription powers more generally. In so doing, it attempts to extend related literature on constitutivity within International Relations,<sup>13</sup> and to contribute to a nascent scholarship on the importance of Parliamentarians and legislatures within security politics.<sup>14</sup> As Andrew Neal, in particular, has argued, a widespread contemporary emphasis on exceptionalism and sovereign politics has meant that, ‘almost no terrorism or security analysis has placed politicians and the activity and practice of *security politics* at its centre’.<sup>15</sup> This neglect is especially unfortunate given the historical importance of legislatures to counter-terrorism efforts, particularly in the United Kingdom.

The article begins with an overview of existing academic literature on proscription. This literature, we argue, is limited for two reasons. First – and most simply – because there is a genuine lack of research into the workings, justifications, and consequences of proscription; certainly in comparison to other counter-terrorism techniques. Second, because what literature there is tends overwhelmingly toward one of two questions. These are, first, a question of efficacy: does proscription work? And, second, a question of ethics: can proscription be justified given its implications for citizenship and its associated rights? While these debates have their place, our

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Simon Hughes, Hansard HC vol. 391, col. 883 (30 October 2002).

<sup>13</sup> Charlotte Epstein, ‘Who speaks? Discourse, the subject and the study of identity in international politics’, *European Journal of International Relations*, 17:2 (2011), pp. 327–50.

<sup>14</sup> Andrew W. Neal, ‘“Events dear boy, events”: Terrorism and security from the perspective of politics’, *Critical Studies on Terrorism*, 5:1 (2012a), pp. 107–20; Andrew W. Neal, ‘Terrorism, lawmaking, and democratic politics: Legislators as security actors’, *Terrorism and Political Violence*, 24:3 (2012b), pp. 357–74; Andrew W. Neal, ‘Normalization and legislative exceptionalism: Counterterrorist lawmaking and the changing times of security emergencies’, *International Political Sociology*, 6:3 (2012c), pp. 260–76; Kathryn Fischer, ‘Spatial and temporal imaginaries in the securitisation of terrorism’, in Jarvis and Lister (eds), *Critical Perspectives* (2015), pp. 56–76.

<sup>15</sup> Andrew W. Neal, ‘Events dear boy’, p. 110.

argument is that each focuses on the causal question of what proscription *does*, rather than the constitutive question of what is made possible by proscription.

A second section then situates our research conceptually with a brief account of constructivist work on identity construction within International Relations. Following a discussion of methodology, a third section presents our analysis, which is organised around three themes: Constructions of terrorism; Constructions of specific groups being proscribed; and, Explicit and implicit constructions of the UK and its constituents (especially Parliament and politicians). Taking these themes together, we argue that these Parliamentary debates help to (re)produce an antagonistic relationship between a liberal, open, and responsible UK Self which is mindful of cultural and religious difference; and its illiberal, irrational terrorist Others waging immoral violences on behalf of particularistic identity claims. Importantly, although there are examples of genuine dissent in these debates, critics of proscription or its application tend to reproduce rather than contest this binary relationship, by appealing for the UK to be truer to its own self-identity. Thus, although our research spans three political administrations,<sup>16</sup> a number of high profile violences (actual or attempted) designated ‘terrorist’,<sup>17</sup> and considerable alteration to the UK’s military contribution to the ‘war on terror’,<sup>18</sup> the content and tenor of political debate in this context has remained surprisingly stable across the 12 years upon which we focus.

### Proscription, ethics, and efficacy

Given the widespread use of proscription and its implications for democratic freedoms of speech and association, the lack of academic engagement with these powers is a little surprising. Most<sup>19</sup> sustained discussion of proscription has emanated not from the fields of Security Studies, International Relations, or Political Science (the traditional ‘homes’ of much terrorism research);<sup>20</sup> rather, from legal scholars writing on the experience of Australia,<sup>21</sup> the UK,<sup>22</sup> and the

<sup>16</sup> These refer to the Labour governments of Tony Blair and Gordon Brown and the Coalition government headed by the Conservative David Cameron.

<sup>17</sup> These included the London bombings of 7 July 2005; the attempted attacks of 21 July 2005, also in London; a June 2007 attack at Glasgow International Airport; and the May 2013 killing of Lee Rigby in Woolwich, London.

<sup>18</sup> Most prominent amongst these were a thirteen-year military campaign in Afghanistan and a six-year campaign in Iraq.

<sup>19</sup> Although, see Jenny Hocking, ‘Counter-terrorism and the criminalisation of politics: Australia’s new security powers of detention, proscription and control’, *Australian Journal of Politics & History*, 49:3 (2003), pp. 355–71; Legrand and Jarvis, ‘Enemies of the state’.

<sup>20</sup> Andrew Silke, ‘The road less travelled: Recent trends in terrorism research’, in Andrew Silke (ed.), *Research on Terrorism: Trends, Achievements and Failures* (Abingdon: Routledge, 2004), pp. 186–213 (pp. 194–5).

<sup>21</sup> See, for example, Roger N. Douglas, ‘Proscribing terrorist organisations: Legislation and practice in five English-speaking democracies’, *Criminal Law Journal*, 32:2 (2008), pp. 90–9; Andrew Lynch, Nicola McGarrity, and George Williams, ‘Lessons from the history of the proscription of terrorist and other organizations by the Australian Parliament’, *Legal History*, 13:1 (2009a), pp. 25–54; Andrew Lynch, Nicola McGarrity, and George Williams, ‘The proscription of terrorist organisations in Australia’, *Federal Law Review*, 37:1 (2009b), pp. 1–40; Oscar Roos, Benjamin Hayward, and John Morss, ‘Beyond the separation of powers: Judicial review and the regulatory proscription of terrorist organisations’, *University of Western Australia Law Review*, 35:1 (2010), pp. 81–118; Joo-Cheong Tham, ‘Possible constitutional objections to the powers to ban terrorist organisations’, *University of New South Wales Law Journal*, 27:2 (2004), pp. 482–523.

<sup>22</sup> See, for example, Sofia Marques da Silva and Cian C. Murphy, ‘Proscription of organisations in UK counter-terrorism law’, in Iain Cameron (ed.), *EU Sanctions: Law and Policy Issues Concerning Restrictive Measures* (Cambridge: Intersentia, 2013), pp. 199–222; Mark Muller, ‘Terrorism, proscription

United States.<sup>23</sup> Two broad debates have been particularly prominent in this work, characterised here as ethics and efficacy. The former refers to normative discussion of the implications of proscription decisions, including for civil liberties, political dissent, and the targeting of wider ‘suspect’ communities. The latter – question of efficacy – concerns discussion of the impact of proscription on the operation and threat of targeted terrorist organisations.<sup>24</sup>

Debate around the ethics of proscription concentrates on its impact upon organisations to which such decisions are applied as well as wider populations or communities. Scholars and governments alike agree that proscription serves a symbolic, and significant, ‘denunciatory function’<sup>25</sup> that works both to delegitimise and to restrict the activities of targeted groups. This has two principal effects of concern for critics. In the first instance, proscription potentially reduces the scope of legitimate political action, denying ‘its targets some fundamental legal rights and protections relating to self-determination’.<sup>26</sup> This includes placing restrictions on oppositional movements, as well as having a ‘chilling’ effect on freedoms of speech and organisation.<sup>27</sup> Second, proscription is also seen to have egregious consequences for communities associated with proscribed groups via a form of ‘guilt by association’. This is particularly relevant in the context of diaspora communities engaged with political struggles and movements beyond the UK. As Christina Pantazis and Simon Pemberton argue, ‘anyone or any activities associated with [proscribed] organizations can now be criminalized. It is at this point that the [Terrorism] Act serves to create a “suspect community”’.<sup>28</sup>

The second broad debate focuses on proscription’s effectiveness. For some, proscription offers a potentially significant weapon in the counter-terrorism armoury of modern states. Andrew Lynch *et al.*, for example, offer cautious support for the absence of judicial restrictions in this context, given that this permits executives, ‘to protect the community against not just the familiar enemy but also those that are emerging as hostile interests’.<sup>29</sup> John Finn, similarly, suggests that proscription can support democratic elections in transitional states by channelling dissent into legitimate processes; reducing the field of election candidates and parties and ‘focusing political debate and choice’.<sup>30</sup> Other authors advance more equivocal support, suggesting that while proscription powers ‘probably do little harm ... it is unlikely that they do much good’.<sup>31</sup>

and the right to resist in the age of conflict’, *Denning Law Journal*, 20:1 (2008), pp. 111–31; Victoria Sentas, ‘Terrorist organisation offences and the LTTE: *R v Vinayagamoorthy*’, *Current Issues Criminal Justice*, 22:1 (2010), pp. 159–69.

<sup>23</sup> Julie B. Shapiro, ‘The politicization of the designation of foreign terrorist organizations: the effect on the separation of powers’, *Cardozo Public Law, Policy & Ethics Journal*, 6:1 (2007), pp. 547–600.

<sup>24</sup> As demonstrated further below, Parliamentarians are themselves not unaware or uninterested in these questions.

<sup>25</sup> Iain Cameron, ‘European Union anti-terrorist blacklisting’, *Human Rights Law Review*, 3:2 (2003), pp. 225–56 (p. 237).

<sup>26</sup> Sentas, ‘Terrorist organisation offences’, p. 16.

<sup>27</sup> Douglas, ‘Proscribing terrorist organisations’, p. 98; John Finn, ‘Electoral regimes and the proscription of anti-democratic parties’, *Terrorism and Political Violence*, 12:3–4 (2000), pp. 51–77 (p. 66); Marques da Silva & Murphy, ‘Proscription of organisations’, p. 13; Tham, ‘Possible constitutional objections’, p. 491.

<sup>28</sup> Christina Pantazis and Simon Pemberton, ‘From the “old” to the “new” suspect community examining the impacts of recent UK counter-terrorist legislation’, *British Journal of Criminology*, 49:5 (2009), pp. 646–66 (p. 652); see also Sentas, ‘Terrorist organisation offences’, p. 16.

<sup>29</sup> Lynch *et al.*, ‘Lessons’, p. 49.

<sup>30</sup> Finn, ‘Electoral regimes’, pp. 65–6.

<sup>31</sup> Douglas, ‘Proscribing terrorist organisations’, p. 99.

Stronger critics of proscription's efficacy argue that it fails to recognise – or to address – the fragmented and changeable nature of contemporary terrorist organisations that rarely exhibit organisational stability or existential longevity.<sup>32</sup> Others, moreover, contend that the delegitimising function of proscription is counter-productive to domestic and international security. Mark Muller, for instance, argues that the 'illegitimate or legally botched use of these proscription procedures is dangerous as it breeds long-term resentment among many exiled dissident groups and communities'.<sup>33</sup> This, in turn, risks perpetuating conflicts in other states,<sup>34</sup> whereby, for example: 'proscriptions may even have consolidated the resolve of the Tamil diaspora organisations to support the Tamil nationalist project and the LTTE'.<sup>35</sup> In respect of 'transitional' states, Finn suggests that the exclusion of popular parties from the democratic process via proscription might delegitimise electoral processes and, 'contribute to [an organisation's] sense of alienation and isolation, making them more likely to resort to violence'.<sup>36</sup> For Muller, similarly: 'the manner by which the [EU's] proscription regime was deployed merely fuelled the PKK's eventual return to violence as all avenues for dialogue were closed'.<sup>37</sup> Hence it is claimed that proscription 'can undermine peace efforts, exacerbate violence and further entrench and broaden conflict'.<sup>38</sup>

The ethics and effectiveness of proscription emphasised in this literature are, clearly, significant given the centrality of legitimacy and utility to assessments of security policy. At the same time, these questions also delimit the focus of this work to a concern with the *consequences* of proscription. Thus, discussions of ethics emphasise how these powers destabilise citizenship, erode democratic processes, and reduce the scope for political dissent. Likewise, effectiveness debates focus on whether proscription orders impact on a group's ability or desire to commit future terrorisms at home or abroad. As a consequence, both questions tend to reify the UK and its enemies: approaching proscription as an instrument employed by a pre-existing and (relatively) coherent actor against others. This, we argue, works to exclude alternative and equally pertinent questions about what proscription makes possible, to which we now turn.

### Proscription, constitutivity, and discourse

In a recent contribution to the literature on constructivism and International Relations, Charlotte Epstein argues that discursive analyses share an emphasis on two things: meaning and constitutiveness.<sup>39</sup> The former refers to the ideas, cultures, norms, rules,

<sup>32</sup> Andrew Goldsmith, 'Preparation for terrorism: Catastrophic risk and precautionary criminal law', in Andrew Lynch, Edwina MacDonald, and George Williams (eds), *Law and Liberty and the War on Terror* (Sydney: Federation Press, 2007), pp. 59–74 (pp. 70–1); Russell Hogg, 'Executive proscription of terrorist organisations in Australia: Exploring the shifting border between crime and politics', in Miriam Gani and Penelope Matthew (eds), *Fresh Perspectives on the 'War on Terror'* (Canberra: ANU E-Press, 2008), pp. 297–326 (p. 304); Legrand and Jarvis, 'Enemies of the state', p. 304; Lynch et al., 'Lessons', p. 34.

<sup>33</sup> Muller, 'Terrorism, proscription', p. 129.

<sup>34</sup> Pantazis and Pemberton, "'Old" to the "new""; Sentas, 'Terrorist organisation offences'.

<sup>35</sup> Suthaharan Nadarajah and Dahnanjayan Sriskandarajah, 'Liberation struggle or terrorism? The politics of naming the LTTE', *Third World Quarterly*, 26:1 (2005), pp. 87–100 (p. 99).

<sup>36</sup> Finn, 'Electoral regimes', p. 66.

<sup>37</sup> Muller, 'Terrorism, proscription', p. 128.

<sup>38</sup> Jenny Hocking, 'Counter-terrorism and the criminalisation of politics: Australia's new security powers of detention, proscription and control', *Australian Journal of Politics & History*, 49:3 (2003), pp. 355–71; Hogg, 'Executive proscription', p. 312; Shapiro, 'Politicization of the designation'.

<sup>39</sup> Epstein, 'Who speaks?', p. 329.

and so forth through which situated actors make sense of, and impose meaning on, the world. The latter involves a commitment to the view that ‘the world we live in is, in some sense “of our making”’.<sup>40</sup> Approached thus, actors and their identities – in our case, ‘states’ and ‘terrorists’ – are not given or objective. Rather, they are ‘made’ through a constant, never-ending process of (re)production which takes place ‘by stepping into a particular subject-position carved out by a discourse’.<sup>41</sup> Discourses, then, play a performative role in the creation of social reality in a manner that is neither predetermined nor fixed. And paying attention to their working therefore involves rethinking the operation of power in concrete sociopolitical contexts, in that:

Power is not analysed in terms of a resource or capacity one can possess, store, or retrieve, or as a relation of domination. Power is conceived in terms of the political acts of inclusion and exclusion that shape social meanings and identities and condition the construction of social antagonisms and political frontiers. The construction of discourse always involves both inclusion and exclusion of identity and this means that discourse and power are intrinsically linked with each other.<sup>42</sup>

Although largely neglected in the literature on proscription, there does, of course, exist a considerable history of engagement with these constitutive questions in related work across IR.<sup>43</sup> David Campbell’s<sup>44</sup> *Writing Security*, for instance, demonstrated the importance of articulations of danger and threat for the (re)production of the (United States) Self. As he argued: ‘Security and subjectivity are intrinsically linked ... security (of which foreign policy/Foreign Policy is a part) is first and foremost a performative discourse constitutive of political order’.<sup>45</sup> Understood thus, there can be no ‘Self’ without its ‘Others’, for: ‘the relationship to the Other is the condition of possibility for the Self’.<sup>46</sup> Mark Salter, similarly, in *Barbarians and Civilization* demonstrated how, ‘the identity of a group claiming the status of “civilized” – in this case Europe – requires a group that can be represented as barbarians against which to define themselves – in this case the colonial subjects’.<sup>47</sup> Developing Roxanne Doty’s seminal article,<sup>48</sup> Jack Holland has demonstrated how the war on terrorism connects foundational claims around national identity to the importance of conceivable and communicable foreign policy frameworks.<sup>49</sup> Meanwhile, Richard Jackson’s *Writing*

<sup>40</sup> Ibid., citing Nicholas Onuf, *World of Our Making: Rules and Rule in Social Theory and International Relations* (Abingdon, Routledge, 2012).

<sup>41</sup> Epstein, ‘Who speaks?’, p. 344.

<sup>42</sup> Jacob Torfing, ‘Discourse theory: Achievements, arguments, and challenges’, in David Howarth and Jacob Torfing (eds), *Discourse Theory in European Politics: Identity, Policy And Governance* (Basingstoke: Palgrave, 2005), pp. 1–32 (p. 23).

<sup>43</sup> For a recent account of different approaches to discourse within the field of International Relations, see Benjamin Banta, ‘Analysing discourse as a causal mechanism’, *European Journal of International Relations*, 19:2 (2012), pp. 379–402.

<sup>44</sup> On the importance of Campbell’s contributions, see David Roger Mutimer, ‘My critique is bigger than yours: Constituting exclusions in critical security studies’, *Studies in Social Justice*, 3:1 (2009), pp. 9–22; and, Columba Peoples and Nick Vaughan-Williams, *Critical Security Studies: An Introduction* (Abingdon: Routledge, 2010), p. 68.

<sup>45</sup> David Campbell, *Writing Security: United States Foreign Policy and the Politics of Identity* (rev. edn, Manchester: Manchester University Press, 1998b), p. 199.

<sup>46</sup> David Campbell, *National Deconstruction: Violence, Identity, and Justice in Bosnia* (Minnesota: University of Minnesota Press, 1998a), p. ix. See also R. B. J. Walker, *Inside/Outside: International Relations as Political Theory* (Cambridge: Cambridge University Press, 1993).

<sup>47</sup> Mark Salter, *Barbarians & Civilization in International Relations* (London: Pluto, 2002).

<sup>48</sup> Roxanne Lynn Doty, ‘Foreign policy as social construction: a post-positivist analysis of US counter-insurgency policy in the Philippines’, *International Studies Quarterly*, 37:3 (1993), pp. 297–320.

<sup>49</sup> Jack Holland, ‘Foreign policy and political possibility’, *European Journal of International Relations*, 19:1 (2013), pp. 49–68.

*the War on Terrorism*, finally, documents the (re)production of ‘evil terrorists’ and ‘good Americans’ in the George W. Bush administration’s construction of the War on Terror(ism).<sup>50</sup> Work such as this has ‘enormously broadened the theoretical scope and concerns of IR as a discipline’,<sup>51</sup> not least by demonstrating ‘the significance for how constructions of “us” depend upon, and are mutually constituted by, “our” encounters with “them”’.<sup>52</sup>

Whilst the above work spans thinner and thicker versions of constructivism, it shares a focus on the generative capacities of discourse.<sup>53</sup> It is this focus to which this article seeks to contribute, via investigation of 27 separate debates that took place within the UK’s Houses of Parliament between October 2002 and June 2014. These represent every attempted (and invariably successful) addition to the UK’s list of proscribed organisations between the time of writing and the passage of the Terrorism Act 2000 which instituted this power, as well as a House of Lords Amendment Order relating to the deproscription of the People’s Mujaheddin Organisation of Iran (PMOI). Accessed directly via Hansard, the edited verbatim report of UK Parliamentary proceedings, the debates together provide a corpus of approximately 148,500 words.

Each of these debates has been subjected to a discursive analysis organised around five primary themes derived iteratively from the material. These are: (i) Discussion of the UK’s proscription powers (subthemes: descriptions and definitions of proscription; positive evaluations of proscription; potential problems or limitations of proscriptions; questions and criticisms regarding its implementation); (ii) Constructions of self identity (subthemes: expressions of political unity; articulations of the UK’s liberal heritage; evaluations of the legislative process; discussions of Parliamentary responsibility; accounts of the UK’s role in world politics; miscellaneous); (iii) Constructions of UK counter-terrorism in general (subthemes: expressions of vigilance and toughness; descriptions of the UK’s security and intelligence services; accounts of the challenges of counter-terrorism; claims to the need for international engagement; discussions of ‘balance’; miscellaneous); (iv) Constructions of otherness (subthemes: general descriptions of terrorism; articulations of the terrorist threat; descriptions of the specific groups under consideration for proscription); (v) Miscellaneous (no subthemes, but included material on the naming of specific events and discussion of non-proscription related matters). Although this article draws on each of these, its focus is primarily on material identified in themes (ii) and (iv) as appropriate to our interest here in the (re)construction of Self and Other.

### **(Re)producing Self and Other**

The remainder of this article explores constructions, in turn, of: the terrorist threat; specific organisations being considered for proscription; and, the UK Self. We then

<sup>50</sup> Richard Jackson, *Writing the War on Terrorism: Language, Politics and Counter-Terrorism* (Manchester: Manchester University Press, 2005).

<sup>51</sup> Ty Solomon, “‘I wasn’t angry, because I couldn’t believe it was happening’: Affect and discourse in responses to 9/11”, *Review of International Studies*, 38:4 (2012), pp. 907–28 (p. 909).

<sup>52</sup> Solomon, “‘I wasn’t angry’”, p. 909.

<sup>53</sup> For a discussion of the openness of the field of International Relations for those working on issues of discourse, see Srdjan Vucetic, ‘Genealogy as a research tool in International Relations’, *Review of International Studies*, 37:3 (2011), pp. 1295–312 (p. 1312).



argue that the repetitive nature of these debates has contributed to the production of a relatively coherent antagonistic relationship between the UK and its terrorist others.

### *The terrorist threat*

Parliamentary debate around proscription is saturated by references to terrorism in general, and the threat posed thereof. Much discursive work is done by familiar metaphors, including those associated with animalism – ‘Abu Qatada, one of the spiders at the centre of the terrorist web in Europe’;<sup>54</sup> disease – ‘the awful scourge and threat of terrorism’;<sup>55</sup> and, monstrosity – ‘[counter-terrorism] is like battling a hydra’. Terrorism, here, is deceitful and opportunistic: ‘there are those, terrorists among them, who crawl on the back of human disasters ... such as earthquakes, and the money directly funds terrorism’;<sup>56</sup> cowardly: ‘cowards like to target civilians’;<sup>57</sup> calculating: ‘[we were] horrified by the death of Drummer Rigby a few weeks ago, in a manner that was not only bestial, but designed to shock and grab national and international headlines’;<sup>58</sup> and, immoral, such that: ‘a small number of contorted and evil individuals can grab international headlines. That, of course, is what terrorism is about.’<sup>59</sup> Those attracted to terrorism are irrational: ‘fundamentalist organisations are, by their nature, barking mad’;<sup>60</sup> and extra-political: ‘The random slaughter of innocent individuals can play no part in the process of trying to bring about political change.’<sup>61</sup> And, the threat of contemporary groups is augmented, moreover, by the absence of any organisational hierarchy,<sup>62</sup> whereby: ‘we all know that the nature of terrorism has changed. The structures used are more fluid and international’,<sup>63</sup> such that, ‘one core or central organisation may have many different parts’.<sup>64</sup>

Characterised thus, terrorism is consistently (re)produced as a threat of considerable magnitude. Indeed, a commonplace of the opening remarks in these debates is to cite the Home Office’s current assessment of the threat level, for instance: ‘The international terrorist threat to the UK, our interests abroad and our international partners remains severe and sustained.’<sup>65</sup> Unpredictable – ‘events in Bali ... show how unpredictable terrorism can be’<sup>66</sup> – unforeseen – ‘Many of us have ignored the problem of terrorism – writing it off, thinking it would never happen here in this country’;<sup>67</sup> and frequently unprecedented – ‘The extent to which [the 9/11] terrorists would go in pursuit of their goals was a shock to all the civilised world’<sup>68</sup> – terrorism is constructed, simply, as ‘a perpetual threat in this country’.<sup>69</sup> Although the intervention of dramatic events such as the current conflict in Syria is seen to influence

<sup>54</sup> Andrew Dismore, Hansard HC vol. 391, col. 886 (30 October 2002).

<sup>55</sup> Silvia Hermon, Hansard HC vol. 391, col. 893 (30 October 2002).

<sup>56</sup> Tony McNulty, Hansard HC vol. 462, col. 1379 (10 July 2007).

<sup>57</sup> Kris Hopkins, Hansard HC vol. 521, col. 971 (19 January 2011).

<sup>58</sup> Patrick Mercer, Hansard HC vol. 566, col. 421 (10 July 2013).

<sup>59</sup> Patrick Mercer, Hansard HC vol. 566, col. 461 (10 July 2013).

<sup>60</sup> Alan Simpson, Hansard HC vol. 437, col. 476 (13 October 2005).

<sup>61</sup> Dominic Grieve, Hansard HC vol. 437, col. 473 (13 October 2005).

<sup>62</sup> This represents a recurrent theme within the academic literature on ‘new terrorism’, too. For an overview, see Peter Neumann, *Old and New Terrorism* (Cambridge: Polity, 2009).

<sup>63</sup> Tony McNulty, Hansard HC vol. 449, col. 491 (20 July 2006).

<sup>64</sup> Baroness Smith, Hansard HL vol. 747, col. 492 (11 July 2013).

<sup>65</sup> Tony McNulty, Hansard HC vol. 479, col. 193 (15 July 2008).

<sup>66</sup> Viscount Bridgeman, Hansard HL vol. 640, col. 254 (30 October 2002).

<sup>67</sup> Patrick Mercer, Hansard HC vol. 437, col. 481 (13 October 2005).

<sup>68</sup> Geoffrey Filkin, Hansard HL vol. 640, col. 252 (30 October 2002).

<sup>69</sup> David Ruffley, Hansard HC vol. 479, col. 196 (15 July 2008).

national security – ‘we face our gravest threat in the past 13 years’<sup>70</sup> – future attacks are frequently portrayed as simply inevitable: ‘We will be attacked again. We must ensure next time that we first make things more difficult for our enemies and that casualties are minimised.’<sup>71</sup> The challenge of contemporary counter-terrorism, as such, is qualitatively distinct to those of previous conflicts in which the UK was engaged:

Each generation faces new and different threats. The horrors of war today are very different from those that our predecessors faced on the beaches of Normandy, and the tools needed today to tackle the threats are very different. From talking to Normandy veterans and others, I gather that to many people today’s threats seem less tangible and harder to understand.<sup>72</sup>

### *Proscribed organisations*

Proscription debates also, as we would expect, contain considerable discussion of the specific groups being brought forward for consideration. These groups vary markedly, spanning, on the one hand, relatively unheard of organisations such as Ansaru, which, as Keith Vaz noted in November 2012: ‘Many of us, myself included, probably discovered this organisation only when we knew that a proscription order was going to be issued on the Floor of the House today’;<sup>73</sup> through to others such as ISIS which, ‘has an extremely high profile. There can be few who have not heard of it and it is known worldwide to be ruthless and very hard-line’.<sup>74</sup> Identity-based descriptions are common. Asbat Al-Ansar, for example, ‘... is a Sunni Muslim terrorist organisation’;<sup>75</sup> Minbar Ansar Deen is a ‘Salafist group based in the UK that promotes and encourages terrorism’;<sup>76</sup> while, ‘Turkiye Halk Kurtulus Partisi-Cephesi, also known as the People’s Liberation Party/Front of Turkey, is a left-wing organisation’.<sup>77</sup> As are chronological catalogues of atrocities claimed by, or attributed to, the organisations in question. David Hanson’s description of al-Shabaab in a March 2010 debate is representative of this, in which he provided the following detail:

the group has waged a violent campaign against the Somali Transitional Federal Government, and against the African Union peacekeeping troops in Somalia since the beginning of 2007. It has undertaken a range of terrorist tactics, such as suicide operations and roadside bombings, and mounted a range of operations since 2007, including in June 2009 in Beledweyne, one of the largest cities in Somalia, a suicide car bomb attack that killed the transitional Government’s Security Minister and, as a random act of terrorism, about 30 other people in the process. The organisation has launched terrorist attacks outside areas under its control, most notably in October 2008, when five co-ordinated suicide attacks were mounted against targets in Somaliland and Puntland, including the Ethiopian embassy, the presidential palace and the United Nations Development Programme compound.<sup>78</sup>

As in the more generalised constructions of terrorism considered above, representations of these specific groups also emphasise the danger they pose. Parliamentarians are told, for instance, of the ruthlessness of Abu Sayyaf Group: a group known to have ‘killed hostages when ransoms have not been paid’.<sup>79</sup> Elsewhere,

<sup>70</sup> Keith Vaz, Hansard HC vol. 582, col. 1289 (19 June 2014).

<sup>71</sup> Patrick Mercer, Hansard HC vol. 437, col. 482 (13 October 2005).

<sup>72</sup> Baroness Smith, Hansard HL vol. 754, col. 1015 (19 June 2014).

<sup>73</sup> Keith Vaz, Hansard HC vol. 553, col. 766 (22 November 2012).

<sup>74</sup> Baroness Smith, Hansard HL vol. 754, col. 1014 (19 June 2014).

<sup>75</sup> Lord Filkin, Hansard HL vol. 640, col. 254 (30 October 2002).

<sup>76</sup> James Brokenshire, Hansard HC vol. 566, col. 456 (10 July 2013).

<sup>77</sup> James Brokenshire, Hansard HC vol. 582, col. 1284 (19 July 2014).

<sup>78</sup> David Hanson, Hansard HC vol. 506, col. 1035 (4 March 2010).

<sup>79</sup> Lord Filkin, Hansard HL vol. 640, col. 253 (30 October 2002).

the clandestine and immoral nature of 15 separate organisations listed for proscription in October 2005 is highlighted: ‘many of them operate in an underground fashion and obviously want to hide their activities because of the nature of the evil in which they are involved’.<sup>80</sup> Al-Shabaab is, for Lord Hamwee, ‘clearly a very nasty group’;<sup>81</sup> Tehrik-e-Taliban Pakistan, for Damian Green, a ‘murderous organisation’.<sup>82</sup> Violences attributed to Ansaru are ‘barbaric and despicable’;<sup>83</sup> while MP Richard Fuller, speaking in the House of Commons, condemned the ‘disgusting attacks by Boko Haram in Nigeria’.<sup>84</sup> Indeed, in some instances the case for proscription was deemed simply self-evident, for as Lord Bassam put it: ‘we took the view that none of the names in the current order were sufficiently controversial to be likely to be opposed’.<sup>85</sup>

References to the Islamist ambitions or essence of many of these groups constitute a further recurrent feature in these debates. Thus, for example, ‘TNSM’s [Tehrik Nefaz-e Shari’at Muhammadi’s] objective is the militant enforcement of sharia law in Pakistan’;<sup>86</sup> while ‘Boko Haram is a prolific terrorist organisation based in Nigeria whose ultimate goal is to establish the Islamic caliphate’.<sup>87</sup> Also prominent are the connections between the groups being proscribed and al Qaeda: whether ideological or physical. Four groups listed in October 2002, for example, were deemed to ‘have discernible links with al Qaeda’;<sup>88</sup> while in Al Shabaab’s proscription, more recently, it was noted that the group had ‘pledged its allegiance to Osama bin Laden [and] ... announced its intention to combine the jihad in the horn of Africa with the global jihad led by al Qaeda’.<sup>89</sup> In these constructions, parliamentarians work hard to differentiate these groups from ‘ordinary’ Muslims, and Islam more generally. As Baroness Neville-Jones said of the Tehrik-e-Taliban Pakistan, for instance, it is ‘not representative of Pakistani or Muslim communities in the UK ... I know that the vast majority of British Muslims joined us all in condemning those abhorrent acts of violence’.<sup>90</sup> Although a hidden islamophobia was identified by one contributor to these debates – ‘We take a very different view of Christian fundamentalists, including those who advocate armed insurgency and the killing of nationally elected leaders, because they are somehow part of civilisation’<sup>91</sup> – many others expressed related fears that minority ethnic or religious communities in the UK would suffer from guilt by association following the proscription of targeted groups. As one regular critic put it: ‘As soon as an order is passed, it has a draconian effect on communities unconnected with the organisation concerned’.<sup>92</sup>

### *The UK Self*

A third important feature of these debates is their (re)production of the UK Self as a specific type of actor within the international system. Repeated mention is made of its

<sup>80</sup> Lord Bassam, Hansard HL vol. 674, cols 494 (13 October 2005).

<sup>81</sup> Baroness Hawee, Hansard HL vol. 717, col. 1638 (4 March 2010).

<sup>82</sup> Damian Green, Hansard HC vol. 521, col. 965 (19 January 2011).

<sup>83</sup> Baroness Smith, Hansard HL vol. 740, col. 2022 (22 November 2012).

<sup>84</sup> Richard Fuller, Hansard HC vol. 566, col. 456 (10 July 2013).

<sup>85</sup> Lord Bassam, Hansard HL vol. 674, cols 495 (13 October 2005).

<sup>86</sup> Tony McNulty, Hansard HC vol. 462, col. 1370 (10 July 2007).

<sup>87</sup> James Brokenshire, Hansard HC vol. 566, col. 456 (10 July 2007).

<sup>88</sup> David Blunkett, Hansard HC vol. 391, col. 877 (30 October 2002).

<sup>89</sup> David Hanson, Hansard HC vol. 506, col. 1036 (4 March 2010).

<sup>90</sup> Baroness Neville-Jones, Hansard HL vol. 724, col. 605 (20 Jan 2011).

<sup>91</sup> Alan Simpson, Hansard HC vol. 437, col. 479 (13 October 2005).

<sup>92</sup> Keith Vaz, Hansard HC vol. 506, col. 1040 (4 March 2010).

liberal and democratic traditions, and the need to strike ‘balances’<sup>93</sup> between both security and liberty, the individual and the collective. Crispin Blunt, for example, argued that: ‘Decisions to proscribe organisations should not be taken lightly. Free speech is a cornerstone of our democracy.’<sup>94</sup> For James Brokenshire, similarly: ‘If we are to uphold our values and traditions, and uphold who we are as a country, we must ensure that we properly respect individual freedoms and liberties while providing collective security for the country as a whole.’<sup>95</sup> Comparisons with seemingly less enlightened countries were offered: ‘This is not China. We are a parliamentary democracy and therefore we will have to persuade’;<sup>96</sup> while much is made also of the UK’s multicultural record:

It is right that we proscribe an organisation only after a great deal of thought and when there is a lot of evidence. As a central London MP, I want to say how lucky we are that the relations between different cultures and races in this country are so good. We too often take that for granted, particularly given the situation in many other Western countries, including in the United States and other European countries. The melting pot in my constituency and throughout London operates very well.<sup>97</sup>

As David Blunkett, put it: ‘there is always a difficult issue concerning the proportionality and balance between the rights of individuals in a free society and the protection and public interest of that society as a whole. We debated that at length last year, and we will continue to debate it because we are a democracy.’<sup>98</sup>

This construction of the United Kingdom as a defender of inclusiveness and freedom feeds into two further identity claims. The first is the writing of the UK as a responsible global citizen ‘working closely with all those seeking to fight terrorism’<sup>99</sup> and ‘supporting the rest of the international community to tackle terrorism’.<sup>100</sup> This sense of global duty stretches, where appropriate, to financial generosity toward those suffering from terrorism elsewhere: ‘The Government are greatly concerned to support the nation of Somalia and to tackle some of the wider issues to date. In 2009, the UK Government contributed £15.7 million to the African Union mission in Somalia.’<sup>101</sup> In other instances, it is the cajoling of less democratic, less responsible states that takes precedence: ‘While the UK Government continue to work with Nigeria to fight terrorism, we make it clear that human rights must be respected at all times in our work to defeat terrorism across the globe.’<sup>102</sup>

The second identity claim is to the UK (and its government) as a responsible legislator. Here, explicit recognition that proscription constitutes a ‘tough power ... [with] wide-ranging impact’<sup>103</sup> – a perennial feature in this debate – is accompanied by repeated affirmation of the diligence with which decisions on proscription are taken. As various speakers make clear, such decisions are ‘tackled with the utmost seriousness and care’,<sup>104</sup> ‘only after the most thorough scrutiny of all the intelligence

<sup>93</sup> On this see Jeremy Waldron, ‘Security and liberty: the image of balance’, *Journal of Political Philosophy*, 11:2 (2003), pp. 191–210.

<sup>94</sup> Crispin Blunt, Hansard HC vol. 506, col. 1041 (4 March 2010).

<sup>95</sup> James Brokenshire, Hansard HC vol. 566, col. 466 (10 July 2013).

<sup>96</sup> Keith Vaz, Hansard HC vol. 582, col. 1290 (19 June 2014).

<sup>97</sup> Mark Field, Hansard HC vol. 572, cols 205–6 (10 December 2013).

<sup>98</sup> David Blunkett, Hansard HC vol. 391, col. 895 (30 October 2002).

<sup>99</sup> David Blunkett, Hansard HC vol. 391, col. 877 (30 October 2002).

<sup>100</sup> Hazel Blears, Hansard HC vol. 437, col. 468 (13 October 2005).

<sup>101</sup> David Hanson, Hansard HC vol. 506, col. 1050 (4 March 2010).

<sup>102</sup> James Brokenshire, Hansard HC vol. 566, col. 456 (10 July 2007).

<sup>103</sup> Tony McNulty, Hansard HC vol. 478, cols 98–100 (23 June 2008).

<sup>104</sup> David Blunkett, Hansard HC vol. 391, col. 895 (30 October 2002).

put forward by the security and intelligence agencies',<sup>105</sup> and kept, importantly, 'under ongoing review'.<sup>106</sup> It is this diligence, indeed, that underpins articulations of support for proscription orders from opposition parties – another perennial feature – where the trustworthiness of political representatives means that support can be given based 'on the assurances of Ministers'.<sup>107</sup> Decisions to proscribe, then, render 'party political difference'<sup>108</sup> irrelevant, for as Keith Vaz put it: 'I have never known Government and Opposition to disagree on the proscription of an organisation.'<sup>109</sup>

*(Re)producing Self and Other*

As the above suggests, Parliamentary debate around proscription works to institute a relatively stable binary opposition between a liberal, responsible, and democratic United Kingdom, and its 'nasty'<sup>110</sup> terrorist enemies with their catalogues of atrocities and willingness to shortcut the political process through violent means.<sup>111</sup> The former is moderate, cautious, and circumspect in its exercise of power; cognisant of the ramifications of proscription decisions for abstract civil liberties, as well as for the lives of those likely caught up in their operation. Its terrorist enemies – in general and specifically – by contrast, are irrational purveyors of 'terrible acts of violence against innocent civilians'.<sup>112</sup> Where the UK takes pride in its multicultural heritage, protecting and celebrating ethnic, religious and cultural differences, its enemies possess a hatred of other faiths and ways of life, including – in some cases – a 'rabid anti-Semitism'.<sup>113</sup> And, finally, where the UK conducts its (legislative) business with openness and transparency – even in matters of national security – its terrorist Others choose to, 'operate in an underground fashion and ... hide their activities because of the nature of the evil in which they are involved'.<sup>114</sup>

The character of this articulated antagonistic relationship is, of course, extremely familiar and bears considerable resemblance to that constructed in executive speech, popular culture and other more widely studied sites of discourse in the years since 9/11 in the UK and beyond.<sup>115</sup> As this literature has shown, metaphors and tropes around disease, animalism, evil, and barbarism have been a staple of counter-terrorism rhetoric in the twenty-first century. As, indeed, is the equivalencing of terrorist groups

<sup>105</sup> Lord Bassam, Hansard HL vol. 674, col. 491 (13 October 2005).

<sup>106</sup> David Hanson, Hansard HC vol. 506, col. 1050 (4 March 2010).

<sup>107</sup> Baroness Smith, Hansard HL vol. 754, col. 1013 (19 June 2014).

<sup>108</sup> David Blunkett, Hansard HC vol. 391, col. 875 (30 October 2002).

<sup>109</sup> Keith Vaz, Hansard HC vol. 547, col. 1024 (4 July 2012).

<sup>110</sup> Baroness Hawee, Hansard HL vol. 717, col. 1638 (4 March 2010).

<sup>111</sup> As one reviewer helpfully noted, there are potential connections here between our own analysis and work on 'image theory' within International Relations. On image theory, see, for example, Michele G. Alexander, Shana Levin, and P. J. Henry, 'Image theory, social identity, and social dominance: Structural characteristics and individual motives underlying international images', *Political Psychology*, 26:1 (2005), pp. 27–45. For a discussion of the connections between 'image theory' and constructivism, see Ronen Palan, 'A world of their making: an evaluation of the constructivist critique in International Relations', *Review of International Studies*, 26:4 (2000), pp. 575–98.

<sup>112</sup> Tony McNulty, Hansard HC vol. 449, col. 491 (20 July 2006).

<sup>113</sup> Andrew Dismore, Hansard HC vol. 449, col. 499 (20 July 2006).

<sup>114</sup> Lord Bassam, Hansard HL vol. 674, cols 494 (13 October 2005).

<sup>115</sup> See, amongst others, Stuart Croft, *Culture, Crisis and America's War on Terror* (Cambridge: Cambridge University Press, 2006); Andrew Hoskins and Ben O'Loughlin, *Television and Terror: Conflicting Times and the Crisis of News Discourse* (Basingstoke: Palgrave, 2009); Lee Jarvis, *Times of Terror: Discourse, Temporality and the War on Terror* (Basingstoke: Palgrave, 2009); Alexander Spencer, *The Tabloid Terrorist: The Predicative Construction of New Terrorism in the Media* (Basingstoke: Palgrave, 2010); Jack Holland, *Selling the War on Terror: Foreign Policy Discourses After 9/11* (Abingdon: Routledge, 2012).

in a way that flattens their differences such that terrorism becomes a more menacing, singular ‘Terrorism’: evidenced in this case by the exercise of multiple proscription orders, and the repeated attempt to discern connections between their targets and al Qaeda. These parliamentary debates – as well as their outcomes – moreover, are characterised by considerable repetitiveness that includes: following a formulaic structure; directly citing or very closely paraphrasing the language of earlier proscription cases; and encouraging the same questions (and answers to those questions) with each attempt to add one or more new groups to the proscribed list. Thus, although our research spans three political administrations, the 7/7 attacks and more recent acts of ‘domestic terrorism’, and withdrawal of British troops from combat operations in Afghanistan and Iraq, there exists very little deviation in the content or tenor of these debates over time. Calls to political unity in the face of a shared terrorist threat remain the order of the day.

Despite the rather formulaic character of these debates, genuine dissent toward proposals for proscription is, on rare occasion, expressed. In some instances, this takes the form of a questioning of proscription’s underpinning logic that relies upon an understanding of terrorism as an identity rather than a tactic. With reference to the now-deproscribed PMOI, for example, Lord Corbett notes, ‘The Government’s argument at both the Proscribed Organisations Appeal Commission and the Court of Appeal can be summed up this way: once a terrorist, always a terrorist. This is a nonsense.’<sup>116</sup> This is problematic for some, such as Lord Wallace, because the designations of such groups are as fluid as their behaviour, such that, ‘one man’s terrorist activity outside Britain is another person’s armed resistance’.<sup>117</sup> Others articulate principled objections to the proscription process itself, including advocating a right to resist brutal regimes: ‘whenever it is argued that the organisations that we are proscribing seek to overthrow a legitimate government, we should have a thorough discussion about the legitimacy of that government. We must be sure that not all those who are engaged in armed struggle are defined as terrorists.’<sup>118</sup> In other cases, it is effectiveness that comes under scrutiny given that such decisions exclude the possibility of negotiating with one’s opponents or enemies. As Lord Wallace, again, argued, with reference to the Northern Ireland Peace Process:

we all have to deal with movements of which we disapprove. Hamas, similarly, is a very unattractive body in many ways but a necessary partner in negotiating to move away from the Israel/Palestine conflict. Many of us intensely disliked negotiating with Sinn Fein but, again, recognised that it was necessary.<sup>119</sup>

These arguments – that terrorists can be engaged and do change their behaviour – are relatively unusual in these debates. More frequently voiced criticisms are those that rely instead upon an appeal for the UK to more consistently enact its political values and traditions. Questions about the process of proscription – such as the lack of effective parliamentary scrutiny, or the absence of adequate opportunities for contesting proscription decisions – are common in these discussions. They also represent, in effect, a call for greater attentiveness to the UK’s – liberal, democratic, responsible, transparent – identity. Douglas Hogg, in 2002, for instance, questioned the dominance enjoyed by political executives in this area of security politics: ‘British citizens

<sup>116</sup> Lord Corbett, Hansard HL vol. 702, col. 1306 (23 June 2008).

<sup>117</sup> Lord Wallace, Hansard HL vol. 703, col. 1350 (17 July 2008).

<sup>118</sup> John McDonnell, Hansard HC vol. 437, col. 474 (13 October 2005).

<sup>119</sup> Lord Wallace, Hansard HL vol. 703, col. 1350 (17 July 2008).

are made the subject of the criminal law and their rights to support political organisations are constrained by what is very largely an Executive action.<sup>120</sup> Alan Simpson in 2005, similarly, questioned the Executive's need to withhold evidence from the UK's primary legislative body:

When we put names on a list of proscribed organisations, it seems reasonable to ask what evidence we have of the involvement of any of them in current actions that have threatened the security of the United Kingdom. To be unable to get an answer to that is deeply worrying in the democratic process.<sup>121</sup>

Such criticisms, of course, work also to (re)construct Parliament and Parliamentarians as of especial importance in the fight against terrorism. As a prominent and regular contributor to these debates put it:

It is right that Parliament should scrutinise such important decisions. Even though this order will quite rightly go through the House unchallenged tonight, it is the scrutiny that Parliament gives to such orders and legislation that is so vital.<sup>122</sup>

Given that proscription decisions are a near foregone conclusion upon reaching Parliament, it is questionable whether these debates may be thought of as debates at all. Irrespective of this, that critics and advocates of proscription alike rely on the same constructed identities indicates that they are some distance from debates about the nature of the United Kingdom and its antithetical relationship to its terrorist foes.

## Conclusion

In this article, we set out to explore the constitutive functions of Parliamentary debates on the proscription of terrorist organisations, arguing that such debates play a performative role in the construction of the UK Self and its terrorist Others. Where the former is positioned as a responsible, liberal, agent both conscious of and cautious in the exercise of its powers, the latter emerge as irrational bringers of violence driven by enmity and an identification with al Qaeda rather than any concrete, discernible political agenda. The terrorist threat, in this articulation, is significant and genuine, with proscription representing one 'small weapon in the armoury in the fight against terrorism'.<sup>123</sup>

By exploring this constitutive role, the article sought to move debate beyond the focus on ethics and effectiveness that has dominated the limited existing scholarship on proscription. Our emphasis, then, has been not on what the United Kingdom or its Parliamentarians (seek to) *do* in the use of this power. Rather, on how the discussion and enactment of this power – almost always a foregone conclusion – works to (re) produce the United Kingdom (and its enemies) as a particular kind of actor in world politics. As David Campbell put it:

Whether we are talking of 'the body' or 'the state', or of particular bodies and states, the identity of each is performatively constituted. Moreover, the constitution of identity is achieved through the inscription of boundaries that serve to demarcate an 'inside' from an 'outside', a 'self' from an 'other', a 'domestic' from a 'foreign'.<sup>124</sup>

<sup>120</sup> Douglas Hogg, Hansard HC vol. 391, col. 888 (30 October 2002).

<sup>121</sup> Alan Simpson, Hansard HC vol. 437, col. 477 (13 October 2005).

<sup>122</sup> Keith Vaz, Hansard HC vol. 479, col. 204 (15 July 2008).

<sup>123</sup> Alistair Carmichael, Hansard HC vol. 437, col. 476 (13 October 2005).

<sup>124</sup> Campbell, 'Writing security', p. 9.

Underpinning this effort is an assumption that processes of proscribing terrorist organisations warrant greater consideration than has yet been the case, especially within literatures associated with International Relations. Firstly, proscription represents a significant counter-terrorism power with considerable implications for individuals, communities and organisations. This power not only serves to (help) demarcate the limits of political speech and association. It also – by designating specific organisations as banned or ‘unwelcome’ – works to institute and govern the polity’s boundaries and the separation of Self from Others that these boundaries mark. Second, the debate and exercise of proscription powers are also vital for the reproduction of political imaginaries and identities, ‘structuring and sanctioning the terms’ in which (counter-)terrorism measures are discussed.<sup>125</sup> As we have seen, these debates are themselves part of the process of storying who ‘we’ are, as well as of justifying how ‘we’ intend to respond to ‘them’.<sup>126</sup> Third, focusing on these processes also, we argue, contributes to understanding of the contemporary politics of security more widely, and especially to recent efforts to better account for the diversity of professionals, practices, constructions, and arguments therein.<sup>127</sup>

This focus on Parliamentary debate is not intended to imply that other agents or sites of political discourse are unimportant in this context. Nor is it to suggest that the legislature’s influence upon counter-terrorism policy in the United Kingdom is exhausted by debate on the floor of the Houses of Parliament.<sup>128</sup> Looking closely at the conduct of legislatures does, however, offer one response to the post-9/11 emphasis on political executives, emergency powers, and claims to exceptionalism charted by numerous contemporary authors.<sup>129</sup> It also, we suggest, provides opportunity not only to investigate (and perhaps ‘desecuritize’) the contingency of constructed identities and their relations,<sup>130</sup> but also to study continuity and change in (elite) political discourse on counter-terrorism over time.<sup>131</sup> As such, there exists genuine space for future research of this sort, we argue, on other countries and contexts in order to explore whether the dynamics considered above are particular to the UK, to the proscription of terrorist organisations,<sup>132</sup> or, indeed, to the contemporary, post-9/11, period. Such research might further unpack the discursive claims and rhetorical strategies employed by advocates and critics of

<sup>125</sup> Jef Huysmans and Alessandro Buonfino, ‘Politics of exception and unease: Immigration, asylum and terrorism in Parliamentary debates in the UK’, *Political Studies*, 56:4 (2008), pp. 766–88 (p. 767).

<sup>126</sup> As the above discussion illustrates, the ‘we’ in this story is not fixed, referring variously to the British state, society, or the UK Parliament. We are grateful to one of the anonymous reviewers for clarifying this point.

<sup>127</sup> See, for example, C.A.S.E. Collective, ‘Critical Approaches to Security in Europe: a networked manifesto’, *Security Dialogue*, 37:4 (2006), pp. 443–87 (pp. 457–8).

<sup>128</sup> Andrew Neal, ‘Legislative practices’, in Mark B. Salter and Can E. Mutlu (eds), *Research Methods in Critical Security Studies: An Introduction* (Abingdon: Routledge, 2013), pp. 125–8 (p. 126).

<sup>129</sup> Neal, “‘Events dear boy’”; Neal, ‘Terrorism, lawmaking’; and Neal ‘Normalization’. See also Jef Huysmans, *The Politics of Insecurity: Fear, Migration and Asylum in the EU* (Abingdon: Routledge, 2006).

<sup>130</sup> Paul Roe, ‘Securitization and minority rights: Conditions of desecuritization’, *Security Dialogue*, 35:3 (2004), pp. 279–94 (pp. 285–7).

<sup>131</sup> Neal, ‘Legislative practices’, pp. 125–6.

<sup>132</sup> The Australian state of Queensland, for example, has recently enacted legislation outlawing membership of specified motorcycle gangs. The Vicious Lawless Association Disestablishment Act 2013 targets so-called ‘Bikie gangs’ specifically and criminal organisations generally with the introduction of a suite of criminal offences targeted at members of such organisations, described as ‘vicious lawless associates’. Amongst other provisions, the Act includes a prohibition on three or more associates meeting in public; and mandatory sentences of 15 or 25 years for crimes committed as part of gang activities.



proscription alike, as well as the dynamics by which particular arguments are advanced, repeated, transformed, rejected, defended, or accepted by various constituencies within and beyond parliaments and parliamentarians. Our hope is that this article presents a first step toward such discussions, and an opportunity for further debate of this sort on legislative security politics within and beyond the field of International Relations.<sup>133</sup>

<sup>133</sup> As one anonymous reviewer noted, much work also remains to be done in opening these ‘in-house’ debates to non-academic audiences. For a recent engagement with similar themes, see James Fitzgerald, ‘Why me? An autoethnographic account of the bizarre logic of counterterrorism’, *Critical Studies on Terrorism*, 8:1 (2015), pp. 163–80.