

## Introduction: banning them

The imagination of politicians and publics around the world was captured in 2014 when a new terrorist organisation thrust itself violently and a little unexpectedly upon the world stage. Videos of Western hostage beheadings, the seizure of significant territory in Iraq and Syria, and – to cap it all – a declaration of statehood, thrust what became known, variously, as the Islamic State of Iraq and the Levant (ISIL), the Islamic State in Iraq and Syria (ISIS), Islamic State (IS) or, more pejoratively, Daesh, into the global limelight.

Politicians in the United Kingdom rushed to denounce the organisation's barbarisms. In a speech to the United Nations General Assembly, Prime Minister David Cameron (2014) spoke to 'the mortal threat we all face', denouncing 'ISIL's sick extremist world view ... [and] murderous plans to expand its borders well beyond Iraq and Syria, and to carry out terrorist atrocities right across the world'. Cameron's then political rival Ed Miliband spoke similarly, if more cautiously, on the need to respond to this threat, arguing in a newspaper editorial around the same time: 'In the face of this danger I am clear we cannot ... simply shrug our shoulders and hope it goes away' (Grice 2014). Such was the threat posed by ISIS that the British response quickly escalated to support for air strikes against Islamic State targets following parliamentary authorisation in August 2014 (in the case of Iraq), and again in December 2015 (in the case of Syria).

Less newsworthy, but no less important, was Parliament's decision – in June 2014 – to outlaw 'the Islamic State of Iraq and the Levant, also known as the Islamic State of Iraq and al-Sham' (Brokenshire 2014a) by adding it to the United Kingdom's list of proscribed terrorist organisations.<sup>1</sup> In so doing, Parliament exercised one of its oldest and most fundamental powers: the

power to outlaw those deemed an enemy of the state. Today, this power is contained within the Terrorism Act 2000 (hereafter TA 2000) and is typically applied against groups designated as terrorist threats to the United Kingdom or its interests: the cases that form the focus of this book. Proscription casts a criminal shroud over membership of and support for banned groups, with the aim of diminishing their capabilities and signalling society's 'communal condemnation' thereof (Walker 2018, 238). Throughout Britain's long political history, its monarchical and democratic institutions have maintained a proscription power – in one form or another – in order to punish, criminalise or exclude individuals and organisations who have fallen out of favour or are deemed to resemble a threat. Indeed, one of the earliest recorded acts of the post-Civil War 'Rump' Parliament (see Chapter 1), was to outlaw each of the leaders of the routed Royalist movement by name. Proscription has since been preserved as one of Parliament's most severe powers, though – as we shall see – its use has shifted away from outlawing individuals *as* individuals, in favour of banning groups and membership thereof.

The June 2014 proscriptions constituted the fifteenth extension of the UK's list of banned terrorist groups since the passage of the TA 2000. In seeking parliamentary approval for this, the UK's Minister for Security and Immigration, James Brokenshire, emphasised the threat posed by the Islamic State and outlined the need for new, targeted action following this group's recent split from al Qaeda in Iraq. In his words to the House of Commons at the time:

The Islamic State of Iraq and the Levant is a brutal Sunni Islamist terrorist group active in Iraq and Syria. The group adheres to a global jihadist ideology, following an extreme interpretation of Islam that is anti-western and promotes sectarian violence. ISIL aims to establish an Islamic state governed by sharia law in the region and uses violence and intimidation to impose its extremist ideology on civilians. ISIL has previously been proscribed as part of al-Qaeda. However, steps taken by al-Qaeda's senior leadership to sever ties with ISIL have prompted consideration of the case to proscribe ISIL in its own right. (Brokenshire 2014a)

Drawing on arguments within the accompanying explanatory memorandum<sup>2</sup> Brokenshire pressed on with the government's

case for proscription by listing ISIL's outrages, reflecting on the risk that 'foreign fighters' would seek to join the organisation, and highlighting that the organisation is already 'designated as a terrorist group by both Canada and Australia, and as an alias of al-Qaeda by the US, New Zealand and the United Nations' (Brokenshire 2014a). The Shadow Minister for Foreign Affairs, Diana Johnson, was one of those who responded to the government's request. Following a brief but pointed complaint that the government had shared its intentions with the media beforehand,<sup>3</sup> Johnson nevertheless confirmed that the government would have the opposition's total support for this action:

The Opposition do not have access to the same intelligence as the Home Secretary and the Minister. However, on the basis of the assurances that the Minister has given the House and the information that he has set out clearly today, the Opposition are happy to give the motion our full support. (Johnson 2014b)

So it happened that, following a House of Lords debate on 19 June, ISIL and the four other groups named on the proscription order were successfully added to the UK list. From that point on – as detailed further in Chapter 1 – it has been a criminal offence within the United Kingdom, to: belong to ISIL; invite support for the organisation; arrange or manage meetings on behalf of it; support its activities; or wear clothing indicating membership of the group. The fate of Shamima Begum – who had her British citizenship revoked by the Home Office in 2019 having travelled to join ISIL as a fifteen-year-old child – indicates the very real, and very significant, consequences of such designations.

ISIL – or Daesh as it is now more commonly known – serves in many ways as the poster child of contemporary terrorist organisations. Widely depicted as brutal and uncompromising, motivated by a religious fanaticism, unconstrained in its ambitions by national borders, and drawing support from individuals around the world, it stands as the archetype of what some have taken to describing as 'new terrorism' (e.g. Neumann 2009). It is, therefore, noteworthy that the British government's immediate response to this organisation was to draw on a political power – proscription – that has been honed across many centuries of confrontation with various (identified) enemies: from the foes of King Alfred

in the ninth century, to the Jacobite rebels of the seventeenth and eighteenth centuries, and numerous republican and unionist groups associated with the Northern Ireland ‘Troubles’ far more recently.<sup>4</sup> In this sense, at least, ISIS is merely the latest target of a power with ancient roots.

Other echoes of the past may also be seen in more recent proscriptions such as the listing of the extreme right-wing organisation National Action and its aliases Scottish Dawn and NS131. National Action was finally banned in the UK in December 2016 after publicly celebrating the murder of the MP Jo Cox. This celebration – and its public enthusiasm for other atrocities on social media and beyond – were deemed to constitute glorification of terrorism: an offence that had been grounds for proscription in the UK since 2006.<sup>5</sup> This decision was important, first, for again highlighting historical continuities in the practice of excluding organisations: Oswald Mosley’s British Union of Fascists, for instance, had been similarly banned by the UK government in May 1940 amid concerns with actual or potential fifth-columnists. The banning of National Action was also, moreover, important as it emerged – at least in part – from widespread public outrage at this organisation and its attempt to instrumentalise Jo Cox’s murder for its own (widely reviled) ends. This matters because it indicates the importance of public, political and media involvement in proscription debates and decisions which should not – and cannot – be taken as automatic or objective responses to external threats.<sup>6</sup> The role of specific publics and interest groups was, for instance, widely seen to be prominent again in the later, March 2019, listing of Hezbollah in its entirety by the UK state.

That the listing of terrorist organisations might be subject to political or other considerations encourages us to reflect, briefly, on the value of this power for its proponents. As we shall see in Chapter 1, proscription is often seen to serve multiple purposes that relate to, but extend beyond, counter-terrorism. Indeed, as the Home Office argues:

In addition to the proscription offences, proscription can support other disruptive activity including the use of immigration powers such as exclusion, prosecution for other offences, encouraging removal of on-line material, messaging and EU asset freezes. The resources of a proscribed organisation are terrorist property and are, therefore, liable to be seized.

Such outcomes are far from hypothetical, and proscription offences have been employed in a number of high-profile cases in recent years. Perhaps most notable is the 2016 prosecution of notorious preacher Anjum Choudhary who was sentenced to five years and six months in prison for inviting support for the Islamic State. Proscription, in this instance, provided a mechanism for prosecuting an individual who had frustrated political and police efforts to bring him to justice over a number of years. As the head of the Metropolitan Police's Counter-terrorism Command, Commander Dean Haydon, argued of Choudhary and his co-conspirator following their prosecution:

These men have stayed just within the law for many years, but there is no one within the counter-terrorism world that has any doubts of the influence that they have had, the hate they have spread and the people that they have encouraged to join terrorist organisations. (Grierson *et al.* 2016)

Given the significance of proscription's outcomes, which extend to lengthy prison sentences and heavy fines, proscribed groups often commit considerable resources in order to remove themselves from the United Kingdom's list. To date, only three organisations have been successful to this end – the Mujaheddin e Khalq, also known as the Peoples' Mujaheddin of Iran, in June 2008; the International Sikh Youth Federation in March 2016; and, most recently, Hezb-e Islami Gulbuddin, in June 2017. The loyalist paramilitary organisation Red Hand Commando submitted its own (unsuccessful) application for deproscription in the autumn of 2017. Such efforts speak to the power's undoubted importance for its targets and their members. At the same time, the successes and, more frequently, the failures of attempts to get de-listed point to the role of multiple factors in the make-up of the UK's list; factors that are often exogenous to the threat posed by such groups and include public and political pressure and interests, geopolitical developments, the variable capabilities and resources of proscribed organisations, and the presence of interested diaspora communities.

### **Proscription, outlawry and exclusion: the power of naming**

Proscription is a tool situated within a family of instruments of political exclusion, blacklisting and outlawry. While such terms

are often used interchangeably, not least because they often work toward similar outcomes of expulsion, they are not entirely synonymous. What they share is the designation of a specific entity (typically an individual or group) as unlawful or illegitimate within a particular jurisdiction, and the construction of a climate in which that entity cannot meaningfully exist. All of these instruments, in other words, work to exclude newly designated others from an established community. As Jason Sharman therefore argues of financial blacklists, ‘blacklisting as a declarative is a self-contained action (speech act) sufficient to produce new institutional facts’ (2009, 580). This observation is true, too, of outlawry and proscription which again both produce and communicate a designated entity’s new status through declaration. In ancient Rome this operated through a painted sign; in Britain’s colonial administration of Ireland it was a ‘proclamation’ printed on a broadside poster; and today this takes place via press releases and electronic addenda to Schedule 2 of the TA 2000.

In its earliest form, ‘proscription’ was yet another Roman innovation. It surfaces during the reign of the dictator Lucius Cornelius Sulla Felix (known as ‘Lucky’). Sulla’s brutal reign involved the remorseless pursuit and execution of his enemies within ancient Rome, buttressed by the liberal use of *Lex Cornelia de proscriptione*. The word was borrowed from the older practice of posting a public notice (*tabulae publicae*) of citizens whose assets had been forfeited and auctioned off (*proscriptio bonorum*). From here we derive our modern usage of the proscription of individuals: the Latin roots *pro-* and *scribere-* produce the verb *proscribere* (and the past participle: *proscriptus*). Sulla extended this practice such that a formal proscription removed a person’s status as a citizen (the *proscripti*), making said citizen’s killing now lawful.

The orator and statesman Cicero was amongst those to have met their fate through proscription. Having fallen into Mark Antony’s disfavour, he was proscribed and killed in 43 BC. In *The Hand of Cicero*, Shane Butler (2002) chronicles how, after Cicero’s arrest and execution, a macabre public display was made of his body. Citing Plutarch, Butler relates the following: ‘When Cicero was butchered, Antony ordered that his head be cut off, along with his right hand, the hand with which he had written the speeches against him’ (cited in Butler 2002, 1–2). For Butler, the proscription list contained its own peculiar form of power over life and death:

The list's beguiling familiarity, its formal order and ordinariness, stood in uncanny contrast to the violence it commanded. Was it really possible to kill a man simply by writing his name? Here was something else uncanny, for the Romans were used to the association of death with proper names in the guise of the epitaph – what made the proscription different was that it announced a death that had yet to occur. But perhaps the most striking feature of the proscription was the way in which it displaced and diffused responsibility for the slaughter. Who was the real murderer? Sulla? The state? The law? The informants? The *percussores*? Was even the sign-painter in some way responsible? For a few days at least, it was the list itself that ruled Rome. (Butler 2002, 7–8)

As this suggests, the Roman use of proscription applied to individuals, and in subsequent iterations and forms across the world this mode of exclusion came to be known as *outlawry*. Chapter 1 explores outlawry in pre-modern Britain in detail, but in almost all its forms outlawry refers to the public exclusion of an individual, removing their status as a legitimate member of a community.

Blacklisting is a related instrument of exclusion. In popular usage, a blacklist refers to an inventory of entities – organisations, groups, individuals, objects or practices – that are deemed illegitimate or unwelcome in order to publicly announce the curtailing of their rights, privileges or dealings. The term 'black list' stems from the reign of Charles II, who in 1681 produced a list of all those who had voted for the execution of his father, Charles I:

Those in this foregoing list are they (I dare not say) who are the worst of their country's enemies ... If any innocent soul be found in this black list, let him not be offended at me, but consider whether some mistaken principle or interest may not have misled him to vote.<sup>7</sup>

The contemporary era has seen widespread use of such blacklists. In late 1947, for instance, and prior to McCarthy's public pursuit of communists in the US State Department, the US Attorney General published a List of Subversive Organizations (AGLOSO), which operated as an effective blacklist, though ostensibly its purpose was to help federal agencies determine the loyalty of staff or potential job applicants. In fact, the AGLOSO had been in secret use by the federal government since 1940 (see the Hatch Act

1939). The European Union today employs a blacklist to specify entities considered terrorist (see Chapter 2), while the United States maintains a ‘no fly’ blacklist of individuals suspected of association with terrorism.

The modern practice of proscription, as it operates within the UK, intersects with both blacklisting and outlawry. It differs from the Roman use of proscription insofar as it is applied to *organisations* not individuals. Yet, like blacklisting and outlawry, it involves a public declaration of an entity’s illegitimacy. The sanctions against the designated entity – the group or organisation – are similar to those of the blacklist, involving the limiting of interactions with lawful entities and the freezing of assets. The sanctions for individuals, however, are criminal. Importantly, as suggested above, the instruments of proscription, outlawry and blacklisting are all fundamentally performative. They confer a new status on an entity by the act of adding a name to a list. In so doing, the list constructs the entity anew by transforming its relationship with the state and society. Notwithstanding contemporary calls for the stripping of citizenship from individuals such as Shamima Begum, outlawry is, largely, obsolete in the modern world – the UK, for instance, abolished the practice in 1879. Yet proscription and blacklisting, as we shall see, remain in active and widespread use today.

### **Lacunae and arguments**

Given (i) the significance of proscription decisions for national security, (ii) the implications such decisions pose for citizenship and rights of speech, association, movement, and (iii) the potential of all of this to shed light on wider political dynamics and developments, the academic community has been surprisingly slow to engage with this power. As we argue in Chapter 2, although there is a small, if growing, body of legal literature on national proscription and listing regimes there has been remarkably little scholarship within fields such as International Relations, Security Studies or Political Science. This caution is especially surprising given the amount of academic ink spilled on terrorism and counter-terrorism in the post-9/11 period. Alex Schmid (2011, 460), for instance, identifies the publication of 2,281 new books on terrorism between 2001 and 2008, with another study finding that 54 per cent of 14,006 surveyed academic

and popular articles on terrorism were published in 2002 and 2003 alone (Lum *et al.* 2006).

The literature on this power that does exist, we argue in Chapter 2, offers important critical insights into the consequences of proscription. This includes reflection on proscription's role in reducing important civil liberties, analysis of the ways in which proscription may impede peace processes or conflict resolution initiatives, discussion of the risk that listing organisations may criminalise individuals by association, as well as commentary on this power's (limited) impact on national security. This scepticism is unusual – even refreshing – within research around terrorism and counter-terrorism, much of which tends towards a relatively sympathetic reading of government efforts and arguments (Jackson *et al.* 2009, 2011).

Leaving aside, for the moment, the undoubted importance of recent scholarship on proscription, our argument in this book is that its emphasis on proscription's *outcomes* (for security or citizenship) has led to the overlooking of equally important questions relating to the politics and performances of proscription *processes*. Addressing the latter, we show, involves shifting our focus a little and setting aside the two questions that have tended to dominate debate thus far, namely: (i) does the banning of specific terrorist organisations make 'us' safer from the threat posed by terrorism; and (ii) can the banning of specific terrorist organisations be justified (on security grounds) given the potential implications of such decisions for citizens, communities, their rights and liberties? Although those two questions are important, our argument is that asking these questions means we have already assumed, and perhaps even conceded, too much regarding proscription's possibility, legitimacy and utility.

### *Key themes*

This book has been written in an attempt to move beyond a focus on proscription's consequences and to engage, instead, with two related questions. First, what is it that renders the proscription or banning of specific organisations by the British state possible? How, in other words, has this power come to be so widely understood and accepted as a legitimate, appropriate and necessary tool in the state's (extensive) counter-terrorism armoury, and why do we not see more contestation around its usage?<sup>28</sup> Second, what, in turn,

is made possible through the process of proscription itself? What work is done by this power within broader politics, performances and discourses; such as performances and discourses of identity, political authority and national security?

In order to engage with these questions, we focus our attention upon the debates that take place within the United Kingdom's two Houses of Parliaments each time one (or typically more than one) organisation is added to the UK's list. Although we explore the formal, legal process of proscription more fully in Chapter 1, it is worth noting here parliamentary assent must be sought by the Home Secretary or her delegate any time the UK government seeks to extend its list of proscribed organisations. This is significant, for our purposes, for three reasons. First, it renders Parliament an important site in which the politics of proscription decisions play out. As we argue in the book, parliamentary debates on the banning of new organisations are not only characterised by cross-party acquiescence and agreement – although there is much of this. There is, at the same time, much evidence of dissent, disagreement, distraction and questioning within the legislature's response to the executive's actions. This dissent and disagreement is shaped, facilitated and constrained, of course, by particular rules and norms, and takes place within specific parameters according to which the participants conduct themselves. A key aim of this book is to shed light on some of these, and to explore their importance to wider performances of security decision-making.

Second, Parliament's authority in confirming proscription decisions also – at least in principle – provides it with a significant public scrutiny role in this process. As we shall see in Chapters 4 and 5, there are many examples of legislators using these debates as an opportunity not only to query the appropriateness of specific proscription orders, but also to challenge the validity of proscription more generally, and, indeed, to ask a whole host of additional questions of the executive, including, frequently, why specific *other* organisations, who might be equally deserving of this sanction, are not being considered for listing. Such discussions often see invocation of constituent and community interests, indicating that the politics of proscription is not limited, in these debates, to the specific organisations under consideration.

Where the above two points speak to the constitutional status of Parliament within the separation of powers central to the

Westminster model, Parliament – and this is the third reason – is also an important bearer of British political values that have become sedimented in traditions, processes and protocols over centuries. These traditions and protocols reflect, construct and reproduce ideas about political authority and conduct within and beyond Parliament, with proscription debates forming an important part of this process. So, at a micro-level, proscription debates serve to reflect and reproduce conventions of parliamentary behaviour in relation to national security issues: MPs, for instance, are often chastised in these for poor behaviour, political point-scoring or absenteeism. At a macro-level, these debates also reproduce hierarchies of political issues (with national security concerns seen to have especial importance) and (geo-)political imaginaries, confirming the authority of parliamentarians to distinguish inside from outside, or self from other, in banning or designating foes. Proscription debates, in short, contribute to the (re)production of (ideas around) parliament, parliamentarians, the state, its enemies, and the worlds inhabited by all of the above.

Our analysis of these debates in this book employs an interpretivist sensibility that draws upon broadly constructivist literature within Security Studies, International Relations and beyond. This provides for a discursive reading of the politics of proscription and the work that is done by specific narratives, arguments and questions therein for performances of security, identity and authority. Empirically, our analysis focuses upon each of the thirty-eight debates that took place between the passage of the TA 2000 from which the UK's contemporary proscription regime emerged, and the writing of this book. This focus, we argue in Chapter 3, provides a completeness to our analysis given that it engages every one of the relevant debates around this power, as well as generating sufficient textual material for a meaningful exploration of what we come to conceptualise – in Chapter 7 – as the proscription ritual (see Milliken 1999; Dunn 2006).

In focusing our attention thus, we are not seeking to argue that parliamentary debates are the only moment (that matters) in the proscription process. Nor are we arguing that these debates are limited to their linguistic content. In terms of the former, these debates are, clearly, situated within political processes that might begin far earlier with closed-door discussions between the Home Office and representatives of the intelligence community, or, indeed,

with representatives from other states. That said, these debates do, we suggest, have especial political significance precisely because they host the performance of democratic scrutiny and decision-making which is so central to proscription's legitimacy. Not only is their content publicly available – through the parliamentary record, Hansard – providing an accessibility lacking in behind-the-scenes decision-making processes. But their accessibility – to publics, researchers, and importantly to parliamentarians – is an important dimension of their reproduction as evidence of democratic decision-making and, therefore, of proscription's legitimacy.

On the latter point, proscription debates – like all debates – involve numerous extra-linguistic decisions, activities, habits and architectures. Amongst many others, these include conscious and unconscious signals and gestures within participants' body language; norms regarding appropriate conduct; the scheduling of these debates within particular parliamentary calendars; and the physical materialities of the debating chambers. Our primary focus on the language of these debates is, therefore, partial, but emerges out of our discursive approach, which builds directly on a body of existing scholarship within and beyond critical security studies (Campbell 1992; Jackson 2005; Browning and McDonald 2013; Hansen 2013), and has a methodological compactness. We do, however, reflect on the interaction between linguistic and non-linguistic aspects of these debates in the book's final chapter and conclusion as we move to arguing that these constitute a very particular form of political ritual. Such an approach, we suggest, provides scope for analysing performativity within the proscription process, and its significance for proscription's (constructed) necessity and legitimacy.

### *Arguments*

The book's overarching argument, alluded to above, is that the process of proscribing terrorist organisations within the United Kingdom – and, indeed, in countries beyond the United Kingdom – serves as a form of political ritual. Parliamentary debates on additions to the UK's list are less interesting for any decision-making power they may hold, we will argue – and, to risk a spoiler here, organisations that are debated are *always* added to the list – than they are for their constitutive role. This constitutive role is multiple, and contributes, we suggest in the chapters that follow, to the (re) production of at least five phenomena.

First, the proscription ritual contributes to the constitution of specific organisations as ‘terrorist’, and as a significant threat to the British state and/or (on occasion) its allies or the international community. Second, the ritual serves to reproduce terrorism, more generally, as anathema to the British political system, and a security threat capable of address by this modern form of banishment. Third, it contributes to the construction of the British national identity as a space of liberal, democratic and responsible politics, and, fourth, to the construction of Parliament as both representative and guardian of that space (of liberal, democratic, responsible politics) in which important decisions are taken only after appropriate consideration and reflection. Fifth, the proscription ritual also, we argue, works to position proscription itself as a reasonable, appropriate, necessary and legitimate tool for the defence of national security. In short, the act of proscription and the debates that stage specific decisions under this regime therefore contribute to the (re)production of (British) self, (terrorist) other, and the relationship between the two.

Approaching the process of proscription in this way is useful, we argue, for reflecting on the seemingly surprising importance of the disagreement and debate which takes place within Parliament before the decision to list additional organisation(s) is confirmed. As indicated above, disagreement within such debates is hardly substantive, in that it has little discernible bearing on their outcome, which is – at least in the British case – effectively a foregone conclusion. Neither, however, is it trivial or irrelevant. Rather, our argument is that the act of debating proscription orders, or questioning the executive, is central to the performance of liberal democratic politics – wherein accountability is provided by a separation of powers and agonistic political debate – that both sustains (by helping to justify) and is sustained by the proscription process. The proscription ritual, in other words, has to *look like* a decision-making enterprise, with at least the potential for uncertainty of outcome, in order for it to remain persuasive. This is despite – as we shall see – widespread agreement on the stakes, processes and necessities of proscription.

This importance of contestation to the proscription ritual, which operates as something other than a decision-making enterprise, may help to explain three further features of these debates that appear, at first glance, paradoxical. The first relates to proscription’s seriousness, in which parliamentary debates around a power widely described – by its critics and advocates – as serious and weighty, are

frequently commandeered for the discussion of issues beyond their immediate focus. This includes demands that organisations beyond those specified on a relevant proscription order be considered for the UK's list (typically because of their past actions or the current threat that they pose); indulgence in apparent trivialities, such as joking and political point-scoring; as well as the use of these debates for discussion of disconnected and irrelevant topics, both historical and contemporary.

A second and potentially surprising aspect of proscription is that it works to concretise, perhaps even reify, the very phenomenon it seeks to vanquish. One need not be an advocate of the 'new terrorism' thesis mentioned above to have some scepticism about the organisational coherence of some of the groups presently listed by the United Kingdom and other states. Indeed, the history of terrorism is – as we argue in Chapter 2 – in part a history of fracture and transformation. Yet, by identifying and naming specific organisations that may or may not exist as such in the minds of their supporters, the ritual of proscription serves to bring those organisations into being *as* proscribed terrorist organisations. Just as graduation ceremonies produce graduates, coming of age rituals produce adults, and the writing of constitutions produces peoples, the proscription ritual, perhaps paradoxically, produces its own subjects – terrorist organisations – at the very moment it attempts to vanquish them.

Third, as we demonstrate in Chapter 5, the proscription ritual also embodies something of a performative contradiction. As we shall see, parliamentary debates around the banning of terrorist organisations are saturated with reference to the British identity as a liberal, democratic, moderate and tolerant space. Depicted thus, proscription emerges as a regrettable but necessary measure to safeguard the British political system and associated way of life. It is undertaken – in this articulation – only as a last resort, following the expert advice of intelligence communities and others (advice which cannot be shared with parliamentarians on security grounds, it is frequently claimed), and after an appropriate level of deliberation and debate to ensure the credibility of any decision reached. And, yet, this construction of Britain as a liberal democratic haven is precisely that which makes it possible to take the quite illiberal – and arguably anti-democratic – decision to proscribe an organisation following questionable scrutiny, with all of the implications this entails.

Some of these features may be found in other debates within the UK Houses of Parliament and beyond; our claim here is not that these are unique to this particular power. Rather, our claim is that approaching proscription as a ritual that is constitutive of its multiple realities – Britain as a liberal democratic space; Parliament as the defender of that liberal democratic space; terrorist groups as a threat meriting banishment, and so forth – is useful, because it helps us to *recognise* these dynamics, and to bring them forward for question and critique. This, we suggest, takes debate around proscription some distance beyond questions surrounding the power's ethics and effectiveness, and opens a series of – equally pressing – questions around its reality-making potential. Doing so, in the process, offers additional opportunities for reflection on the distinctiveness or otherwise of proscription, vis-à-vis other security mechanisms, other political rituals, and other articulations of threat and danger.

### *Contributions*

In making the above argument, our analysis of the proscription ritual attempts to make four immediate contributions to existing understandings of this power, and the contexts in which it operates. In the first instance, at a descriptive level, this book develops a detailed empirical case study of the politics of security that spans almost twenty years of British parliamentary life. These twenty years, moreover, take in governments from across the mainstream political spectrum, including the centre-left Labour Party, the centre-right Conservative Party, and a coalition between the Conservative and Liberal Democrat parties. Our analysis, which builds on and updates some of our earlier research, is the first to engage with these proscription debates in any systematic way, which offers, we hope, a rich and detailed excavation of their unfolding and importance. In doing the above, the book also offers a second, analytic, contribution, which is to shed some light on the workings of Parliament in this context. This includes, amongst other things, reflection on the specific types of topic and question that are voiced by contributors to these debates, as well as consideration of the importance of verbatim repetition between the two Houses of Parliament, and even between debates. By exploring such dynamics, we reflect in this book on who speaks, how and when in this context, and – in so doing – seek to address existing studies of parliamentary and political discourse in the UK and beyond.

Third, conceptually, the book progresses towards – in Chapter 7 – a new heuristic of political ritual that has wider applicability, we hope, for making sense of institutionalised forms of security politics relating to and extending beyond our focus here. Our heuristic builds on, and re-assembles, insight from anthropological, sociological and other scholarship, in order to highlight four key components of political rituals: orchestration, constitutivity, sedimentation and performativity. Finally, the book also offers a wider theoretical contribution by approaching its analysis of this specific ritual as an opportunity for reflection on broader dimensions within British politics. These include historical trends of continuity and change – within the time period under study, but also in relation to proscription’s antecedents – as well as the workings of power in a system that seeks to outlaw both ‘real’ organisations with material assets, and the ideational structures that offer ideological sustenance to those organisations and their members.

In making the above contributions, the book attempts to push forward at least four important contemporary literatures. First, and most obvious, is existing scholarship on proscription itself (see Jarvis and Legrand 2018 for an overview). Our emphasis on processes rather than outcomes, and on proscription’s constitutive rather than causal dynamics, offers an attempt – indicated above – to ask a different set of questions of this power, while working within the spirit of critique shared by much recent research. Second, the book contributes to another small, but again growing, body of scholarship on parliamentary security politics (e.g. Huysmans and Buonfino 2008; Neal 2012, 2019). By highlighting the importance of ritualised dynamics therein, and by bringing a relatively neglected case study to this debate, we attempt both to deepen and broaden this research which has already begun to make significant inroads into our understanding of the work done by security professionals that are not political executives or members of the intelligence or policing communities.

Third, the book contributes to contemporary debate on political rituals and their role in creating, sustaining and transforming social, political and other forms of life (e.g. Kertzer 1989; Rai 2014). It does so, in part, via our new heuristic through which to analyse political ritual and the constitutive significance thereof, and through the application of existing approaches to this particular case study. And, finally, the book also seeks to contribute more broadly to

ongoing debate within critical security studies and critical terrorism studies around the construction, implications, significance and exclusions of discourse on security and (counter-)terrorism (e.g. Campbell 1992; Jackson 2005; Jarvis and Lister 2015).

### **Chapter overview**

The book begins by tracing the historical roots of various powers which have facilitated the designation and/or exclusion of specific enemies of the state or society. This is a partly genealogical exercise in which we return to the murky origins of outlawry on these isles, before there was even a 'Britain' of which to speak, reflecting on proscription's gradual displacement of such powers as the principal means of political exclusion. We commence by exploring the importance of outlawry to early medieval society as an instrument of social control, criminal justice and monarchical power, before showing how proscription is woven through Parliament's history as a means of consolidating authority: first, in the proscription of Royalists and Jacobites and later in the prohibitions of reformist groups in the eighteenth and nineteenth centuries. The chapter then turns to twentieth-century expressions of proscription: first, as a means of control employed by colonial authorities; second, in response to the spectre of fascism in the 1930s and 1940s; and, third, as a precursor and reaction to the maelstrom of violence throughout the Northern Ireland conflict. The chapter ends by reflecting on the contemporary deployment of proscription under the regime introduced through the TA 2000. Here we explore proscription powers, the process of their enactment and the manner in which proscription has unfolded since 2000. We conclude by sketching the core principles of political exclusion as these have evolved through the British state's encounters with diverse political foes over the centuries.

In Chapter 2 we situate the British experience in international context. Our core argument is that the increasingly expansive global deployment of proscription and blacklisting powers in the contemporary period is a product both of desperate legislative responses to al Qaeda's precipitous emergence in the late 1990s and 2000s, and – at the same time – a continuity of long-standing precedents of political control. The chapter, in its first part, explores the use

of proscription by colonial authorities in the early twentieth century, especially in attempts to contain emancipatory movements, and the increased hardening of political processes to communism in the post-war period which involved preclusions of local communist movements across core states in the global North. In its second part, the chapter sets out the prevailing proscription frameworks employed by the UN and EU along with those of a selection of important states. This, we suggest, underscores the influence of the United Kingdom's proscription laws on other countries. In the final part of the chapter, we consider how scholars have responded to the contemporary wave of blacklisting laws. Here we engage with a range of scholarships including in law, political science and sociology to unpack prominent criticisms of proscription's efficacy and ethics.

Chapter 3 builds on this discussion by sketching the theoretical and methodological framework for the book's empirical research. We begin by making the case for a move from causal to constitutive questions in analysing this power, arguing that this entails greater reflection on proscription's processes than outcomes. Upon this we situate our research within broadly constructivist approaches to the political, before elaborating on our understanding of discourse, identity and political ritual: the key concepts that structure the analysis that follows from Chapter 4.

Chapter 4 begins our analysis of parliamentary proscription debates by outlining the diverse ways in which this power is positioned politically and normatively therein. We demonstrate, first, that proscription is consistently depicted as a power of significance that merits a certain seriousness. For proscription's advocates, this significance comes from its contribution to national security via the prevention, deterrence and disruption of terrorist ambitions, as well as its symbolic value in communicating British or parliamentary resolve. Parliamentary critics of proscription, on the other hand, see the power as important because of its deleterious implications for social and political life. These include issues around its effectiveness; its potentially counter-productive implications; the civil liberty consequences of listing organisations; and the impact of proscription upon democratic processes more broadly. In reflecting on these arguments, the chapter highlights some of the rhetorical strategies upon which politicians draw within these debates, as well as a not uncommon tendency for distraction and diversion.

Chapter 5 builds on this discussion by shifting our attention away from concrete statements about proscription's significance, and towards the type of questions that are asked within these debates. It argues that these questions help to demonstrate the legislature's discursive role in shaping proscription's meaning; a role that includes appealing for – and perhaps even demanding – justification, explanation, elaboration and clarification from the executive on this power's application. The questions asked by parliamentarians in this context matter, we argue, for at least three reasons. First, they provide a significant component of the content of these debates – occupying a lot of the time taken by this ritual – and taking them seriously therefore provides a fuller understanding thereof. Second, they illustrate the importance of contestation, dispute and debate that we see as central to the proscription ritual and its performance of liberal democratic accountability. Third, these questions also have wider conceptual significance for helping us to think through the temporalities and fixedness of specific roles within security dramas, as well as the heterogeneity of participants therein.

Taken together, Chapters 4 and 5 argue that parliamentary debates on proscription are characterised, amongst other things, by diverse perspectives on proscription's significance, and a wide range of questions regarding proscription's mechanics, consequences and implications. These perspectives and questions, we argue, help to make proscription meaningful (for national security, citizenship and so forth), and shed light on a more complex politics of security than that assumed by prominent understandings and theorisations of the workings of security discourse. In Chapter 6 we build on this argument by suggesting that these debates perform a further constitutive function in contributing to a process of identity formation in which the UK self – or components thereof such as Parliament and parliamentarians – is distinguished from various terrorist others. Proscription debates – and the banning of terrorist groups – are, therefore, performative in that they confer illegitimacy on their target(s): producing particular organisations and their members as 'unacceptable in this country' (Hughes 2002). In doing this, moreover, they (re-)produce the United Kingdom as a particular type of political entity with specific – and, very explicitly, liberal, democratic – attributes and characteristics. This sets up a relatively straightforward antagonism between, on the one hand, a liberal, open and responsible UK self which is mindful of

cultural and religious difference, and both cautious and moderate in its actions, and, on the other, a series of illiberal, irrational and extremist terrorist others who remain steadfast in their determination to wage immoral violences against states such as the UK and their publics. Importantly, although there are – again – examples of genuine dissent in these debates, critics of proscription or its application tend to reproduce rather than contest this binary relationship, in effect by appealing for the UK to be truer to its own self-identity.

In Chapter 7 we bring the book's analysis to a close by focusing on some of the core characteristics of these debates. These include: a remarkably standardised and repetitive framing; the existence of a core script which is often repeated, with minor alterations, across parliamentary debates, including those separated by several years; a set of established and identifiable roles that are taken up by participants (participants who, of course, come and go with the passage of time); repeated arguments around the importance of respecting these debates and their outcomes; and – perhaps most significant of all – a predictable, near-inevitable, outcome which is known in advance to those present. These characteristics indicate that proscription debates should be approached not – or, at least, not only or not primarily – as a decision-making exercise in which the outcome is genuinely to be decided. Rather, as a form of contemporary political ritual that reinforces the identities of its subjects by performing that which it claims to represent: liberal democracy. Vital within this, we suggest, is the appearance of dissent amidst broader cross-party consensus on proscription's necessity and legitimacy.

In the Conclusion, we reflect on the UK's use of proscription and the implications of this for national security today. The historical and relational contexts explored in the book demonstrate the ongoing relevance of proscription, and particularly the international influence of the UK's proscription traditions, in shaping state administration. The multiplicity of uses assigned to this power, moreover, also exposes proscription as a versatile tool of political convenience for regulating ideas and political symbols. Here we suggest that central to proscription is the British state's preoccupation – justified or otherwise – with symbolic power, whether displayed through the flying of flags, the wearing of uniforms, the performance of rituals or the recitations of oaths. On this analysis, proscription is concerned with denying symbolism to illegitimate

entities even though, or perhaps because, citizenship itself is a symbolically constituted status. This, we argue, has wider implications for security scholars insofar as it potentially renders visible other security moves by state institutions: a development with real potential significance for our understanding of the political more broadly.

## Notes

- 1 As is common, four other organisations were listed for proscription at the same time: *Turkiye Halk Kurtulus Partisi-Cephesi*; *Kateeba al-Kawthar*; *Abdallah Azzam Brigades* including the *Ziyad al-Jarrah Battalions*; and the *Popular Front for the Liberation of Palestine-General Command*.
- 2 [www.legislation.gov.uk/ukxi/2014/1624/pdfs/ukxiem\\_20141624\\_en.pdf](http://www.legislation.gov.uk/ukxi/2014/1624/pdfs/ukxiem_20141624_en.pdf). (accessed 18 December 2019).
- 3 As Johnson (2014b) argued: ‘on this occasion, the shadow Home Secretary and the Chairman of the Home Affairs Committee were not the first people to be briefed. It appears that journalists were briefed before the order was even laid in Parliament.’
- 4 Fourteen organisations connected to Northern Ireland are still proscribed in the United Kingdom under legislation preceding the 2000 Terrorism Act.
- 5 The group’s tweets included ‘Only 649 MPs to go’ and ‘Jo Cox would have filled Yorkshire with more subhumans!’.
- 6 Political is not used here as a synonym for either nefarious or self-serving. It is reasonable to assume that the public and elite response to National Action’s activities was genuine.
- 7 *Calendar of state papers, Domestic series of the reign of Charles II*. Longman, Green, Longman & Roberts, 1968. Available at: <https://catalog.hathitrust.org/Record/100824302> (accessed 1 March 2019).
- 8 On the utility and importance of ‘how possible’ questions see Doty (1993) and Holland (2013).