'Dual Use Research of Concern' and 'Select Agents'

How Researchers Can Use Free Speech to Avoid 'Weaponising' Academia

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Abstract

Creating a suspect community is a time-consuming task and requires persistence. Once achieved, it is difficult to undo. In security terms, inspiring fear of dual use is one of many successful methods used to create suspicion. The concept of dual use research of concern (DURC) is the idea that scientific knowledge can be created by the worthy, stolen by the malevolent and used to make war on the innocent. On campus, ideas about Islam are currently often viewed as if Islam epitomises DURC. By this means, a Derridean binary opposition springs up between Islam and the rest, whereby that-which-is-Islam is demeaned and the 'rest' is privileged. This emanates from political intervention on campus and creates a risk-averse 'othering' approach to students' interaction with Islam and Muslims and the Western world. In order to demonstrate how this political intervention influences the university curriculum and university life on campus, the term *dual use* will function here as a heuristic: the 'metaphor' of DURC shows how certain government ideologies are being used on campus to 'weaponise' ideas about Islam as if they are malevolent. Using a complementary and mutually enhancing combination of philosophy, empirical research and policy analysis, three positive solutions are proposed that show how important it is that academics be aware of national policy: first, in order to make people cognisant of the urgent need to offer alternatives to the British counter terrorism programme 'Prevent' and the work of the Charity Commission with student societies; second, to support the work of academic subject associations; and third, to create a useful debate about free speech.

Keywords

1   The Study of Islam and Muslims on Campus

For the purposes of this article, I shall focus upon the broad field of Islam on campus, which may encompass Islamic Studies, visiting speakers, student society activities, counter terror measures and the identity politics debates around clothing (Siddiqui 2007). I shall demonstrate by analysis of the philosophy of social science that considerable threats have been made against Islam on campus and against free speech in general. I shall explain this by drawing an extended metaphor from the concept of dual use research of concern (DURC). Deploying DURC heuristically in this way will serve to show how Islam on campus can become 'weaponised' by political narratives that need to be challenged through freedom of expression. First, I need to place our research evidence in context (both methodologically and materially); second, I shall explore the root meaning of DURC and demonstrate how it is being misapplied; third, I shall demonstrate how powerful our (draft) empirical findings are for understanding the DURC metaphor; and finally, I shall propose solutions. I shall use philosophical arguments, policy analysis and empirical evidence to show the weakness of the binary opposition that has been created and how to reduce the ways in which it increases the 'othering' of minority communities (Scott-Baumann 2013, 141-2).

2   The Philosophy of Social Science Research

Discovering truth is never fully possible. Humility is required about research findings (all of which are relative) and their likelihood of being accurate and useful in facilitating future gains to understanding. Yet succumbing to relativism is not helpful either, as it can lead to a vicious circle of crippling scepticism. All researchers have to adopt a position that is subjective and relative to others and each position has to be defended with evidence that can be made available for others to analyse. Yet most researchers believe that their starting point is a rational one and the social sciences often adopt a hermeneutic, interpretative position that asserts rationality by producing empirical findings. This quest for evidence is vital, but will inevitably be weakened by the hermeneutic imperative, which shows time and again that our rational decisions may seem irrational to others, and that we may feel the same way about theirs. Attempting to understand the other person's point of view can reduce the human tendency to 'other' those who seem different. In this regard, the hermeneutic circle necessitates the impossible: that we attempt to understand how we and others perceive the world around us, even when we would wish to

dismiss the actions and beliefs of others that are different from our own. If, as researchers, we can collect a significant amount of evidence to analyse, it may help us to see repeating patterns and recurrent themes and to share our inductive hunches about possible causality or, more likely, correlation. The interplay between induction and deduction is constant and complex. However, when we find ourselves faced with deductive assertions that seem to demand acceptance without evidence, researchers have to explore why such assertions are or are not believable. I shall show how this happens with certain governmental regulatory practices.

In the research used to illustrate this paper, each research team started with certain assumptions that can, of course, be subjected to relativistic critique but which seemed to us to be rational because they are realistic and humane and can be explained to make them understandable. Three of our major assertions are: first, that religious beliefs are known to animate the lives of many and that they should be studied and accepted on university campuses, as long as their manifestations are within national law; second, we also assert that such national laws should be understood and adhered to in order to ensure equality of entitlement and opportunity on campus; third, we value and practise the interdisciplinarity that enriches the social sciences, including here philosophy, religion, sociology and sociology of religion, statistical data analysis and a wide range of qualitative research methods. There is a fourth research tenet, which I use in illustration of the third point for the purposes of this paper, namely my belief in the importance of semantics and linguistics. Written language, speech acts and linguistic interpretation should be understood as more than structuralist vehicles for information: they help us construct our identity and our ethical approach to problems, and they can help us to see and understand differently, as demonstrated by Paul Ricoeur and Iris Murdoch in their insistence upon the ways in which our use of language reflects and can enhance our ethical understanding of the world as we perceive it (Scott-Baumann 2010, 2012). Accurate and honest definitions of terms must be attempted. Moreover, discourse analysis can illuminate our understanding of how the popular press presents a narrative about 'othering' that can, almost subliminally, seem to 'weaponise' a minority community through manipulated propinquity of certain key terms (Baker and McEnery 2015).

3   Re/presenting Islam on Campus Research

In addition to using interdisciplinarity, pertinent philosophical thinking, academic papers and policy documents, two important research projects provide

invaluable evidence. Some of the evidence presented in this article is drawn from the ongoing Arts and Humanities Research Council (AHRC) research project 'Re/presenting Islam on Campus' and some is drawn from a separate research project into the functioning of the Charity Commission for England and Wales on campus. The first project is a three-year AHRC-funded project (2015-2018) and explores how Islam and Muslims are represented on UK university campuses. Analysis presented here in spring 2018 is perforce preliminary as the analysis is ongoing. The research team (five academics) explored six higher education campuses in England, Scotland and Wales, of which two are Islamic colleges. Our research involved ethnography, focus groups and interviews with students and staff: we explored how Islam and Muslims are represented and perceived on UK university campuses.

We interviewed around 115 participants across these six institutions: 57 academic and non-academic members of staff and 58 students (Muslim and non-Muslim). We also conducted 23 focus groups (including an online focus group with distance-learning participants); the focus groups amounted to a total of 167 participants, including students and staff, Muslims and non-Muslims. We observed a series of communal events on each campus, and a series of classes across subject areas dealing with Islam and/or Muslims as a topic of study. In total, therefore, nearly 300 people worked with us on campus. Others indicated to us informally that they believed it was too risky to become involved in discussion with us, despite our credible promises of anonymity.

Our empirical data collection also included a national online survey of over 2,000 students studying at UK universities. This was administered by the independent survey company YouthSight, which specialises in professional data collection on issues concerning the lives of young people. The survey was administered in 2017 and made use of a quota sampling system in order to ensure a response that was representative of the larger student population in terms of degree level, gender, ethnic diversity and institutional type. We used known distributions of student demographics obtained from the Higher Education Statistics Agency (HESA). The responding sample includes undergraduates and postgraduate students. Each student completed an online questionnaire and did so in absolute anonymity, managed by YouthSight. They answered questions about their attitudes towards university life, free speech, the purpose of higher education, religion in general and Islam in particular, and were asked about their own identities in terms of gender, ethnicity and religion. The survey included students based at 132 of the UK's registered universities, and this ensured a spread that covers the variety of the student experience in the UK.

4   The 'Prevent' Duty Guidance and the Charity Commission

The AHRC 'Re/presenting Islam on campus' research grant application was written in 2013-14 and awarded a year later, just as the 2015 Counter-Terrorism and Security Act was being implemented. The research was not focussed upon counter terrorism measures, but many respondents reported their views on 'Prevent': in order to implement the Act with civil society in public places such as all educational sites and all healthcare-related sites, the 'Prevent' duty guidance was created. This guidance is not legally binding, but it has been adopted by the university sector as if it were (Prevent Duty Guidance 2016; Gallagher 2011; Universities UK 2016). Most of our respondents clearly believed it to be mandatory. Universities on the one hand monitor staff and students and also on the other hand follow guidance on dealing with visiting speakers for signs of 'extremism', as advised by the 'Prevent' duty guidance for higher education institutions, instructing that extremism must be avoided even if legal and a balanced panel should be created for controversial speakers. Yet in fact the Counter-Terrorism and Security Act 2015 simply asks universities to "have due regard to the need to prevent people from being drawn into terrorism". Crucially the 2015 Act is about terrorism, not extremism. More recently, Judge Ouseley reiterated in the Butt ruling that the 'Prevent' duty guidance is simply that, guidance only (Butt 2017). In these contexts 'extremism' is poorly defined (Scott-Baumann 2017). Preliminary analysis shows that many of our research participants (Muslim and non-Muslim) are wary of 'Prevent' and some experience 'Prevent' as having a chilling effect on free expression of views on a wide range of subjects, especially where Muslims are concerned.

This phenomenon is noted with concern in the 2018 report from the Joint Committee on Human Rights (JCHR), in their investigation of free speech in universities:

> The fear of being reported for organising or attending an event, combined with the increased levels of bureaucracy following the introduction of the Prevent duty, is reported to be having a "chilling effect" on freedom of speech. The Committee acknowledges the need for a strategy to prevent the development of terrorism both in universities and in wider society, however, we repeat our call for an independent review of the Prevent duty. This review should include consideration of its impact on free speech in universities particularly on Muslim students but also on students of other faiths or no religious faiths.
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> JCHR REPORT 2018, 5

The second source of research evidence used in this article comes from analysing the recent (2017) activities of the Charity Commission for England and Wales in English university campuses. Students' unions have become charities and so the Charity Commission instructs them on how to behave like charities: this includes being apolitical and the Charity Commission shows particular interest in Islamic Societies and Palestine Societies. The Charity Commission has recently become concerned about the Boycott, Divestment and Sanctions (BDS) movement among the more politicised students' unions (Turner 2017). The Commission has also become concerned about unions hosting speakers with controversial (but legal) views, with the result that some unions are feeling under pressure not to invite such speakers. Our research—which was based on document analysis and interviews with over 20 senior students' union officers—demonstrates that the Charity Commission's concern particularly relates to speakers who are Muslim and/ or who will speak about Islam (Scott-Baumann and Perfect 2018 forthcoming).

Both research projects demonstrate clearly that students and staff often choose to self-censor or curb their academic activities because of uncertainty and discomfort about being misunderstood in a securitised atmosphere, and this applies specifically to those who are Muslim or who are thought to be Muslim (e.g. those of colour who may not be Muslim).

5   Dual Use Research of Concern (DURC)

In this securitised context, what happens when risk is overplayed? I contend that the university sector is experiencing the deployment of a risk-based mechanism similar to DURC. Most of us presumably accept, with regard to chemical substances, that it is vital to keep deadly weapons and pathogens safe; yet if the threat is exaggerated and the concept of DURC extrapolated beyond its useful limits, then the idea of risk can distort people's responses. *Biotechnology Research in an Age of Terrorism* (the Fink Report) (National Research Council 2004) provides the basic definition of dual use (2004, 15), which then became DURC:

> [i]n the case of life sciences research, it is not just that much of the same materials and equipment can be used for illegal and benign research, but also that biological research can produce agents and knowledge that in the hands of some would promote human health and welfare, but that in

the hands of others would be used for harm. This is the crux of what is
called "dual-use research of concern".

The Survey of Attitudes and Actions on Dual Use Research in the Life Sciences
(NCBI 2009) comments that the knowledge, tools and techniques gained
through legitimate biological research could be misused for biowarfare or bio-
terrorism. Not surprisingly, dual use is usually considered to be a life sciences
issue, concerning biotechnologies, bioethics and a wide range of business prod-
ucts that emerge from research processes, such as aerospace, defence, chemi-
cal and pharmaceutical industries and processes leading to weaponisation.

Johannes Rath, Monique Ischi and Dana Perkins (2014, 788) suggest that
civil society has an important normative role to play in research for the public
good: "to work with governments and communities to create and strengthen
norms to drive political initiatives towards further policies". So of course re-
search is often political and serves to support and enhance governmental poli-
cies and initiatives. This may be acceptable when politicised research is clearly
articulated and honestly reported as political: it can be understood for what
it is. Indeed, Filippa Lentzos (2015) describes the need for balance between
scientific freedom, governance, risk and security and a range of stakeholders
at different levels. In 2013, Sir Mark Walport, then Chief Scientific Advisor to
the UK government, recommended an international concordat that would
enable the scientific community to self-regulate, follow existing legislation and
share responsibility for oversight.

With the application of the concept of dual use, there are also differences of
opinion within the scientific community: whereas the Fink Report of 2004:15
asserts that biotechnology represents a 'dual use' dilemma, this is challenged
by Michael J Selgelid and Brian Rappert in their book *On the dual uses of sci-
ence and ethics: Principles Practices and Prospects* (2013, 28). They believe that
it is both unrealistic and unnecessary to apply dual use in this way as an ever
present risk factor because, they assert, dual use is not an ever present risk—
and, moreover, if it were, it would hinder the development of new work.

I propose that teaching and research about Muslims and Islam has become
constrained in the manner feared by Selgelid and Rappert by exaggeration
of risk. Charlotte Heath-Kelly's (2017) evidence shows that, over the decade
2007-2017, risk aversion spread far beyond the original counter-terror mea-
sures. Misapplication of DURC is especially likely when the atmosphere cre-
ated by the ambient media, press and government policy promotes contagious

fear—in Britain and Europe it is fear of Muslims, prejudice based on perceived fear of a minority that seems different, and enhanced by government counter terrorism strategies, the 'Prevent' duty guidance for higher education institutions. Selgelid and Rappert argue that, even in science, the risk implied by fear of dual use is over-emphasised, and this assertion has its corollary on campus. I shall explore how and why this can be seen at universities, where ideas related to Islam are often perceived covertly as 'select agents'—like germs or viruses, like contaminants that are considered at risk of irreparably damaging the vulnerable; in this case by radicalising them.

This is far from Spinoza's argument that governments must not seek to restrict their citizens' thinking, their development of ideas and their self-expression, unless they endanger the state. Philosophers have often used their thought structures to analyse government policies and Spinoza published his *Theological—Political Treatise* anonymously in 1670, proposing that freedom of speech, as "freedom of philosophising", must be protected in order to ensure a peaceful and productive nation. He was concerned about religious wars and religious tensions leading to repression. In tacitly, perhaps unconsciously, imitating Spinoza's secondary and not very clear assertion that the state must also have the right to ban actions considered deleterious to the wellbeing of the state and its citizens, the 'Prevent' duty guidance restricts discussions about Islam because it implies that such discussions will lead to extremism and radicalisation and violent actions. In fact, the implication is that words about Islam can themselves constitute speech acts that are violent speech acts and may lead to violence. This approach is incorporated into the written 'Prevent' duty guidance (Home Office 2015; see Scott-Baumann 2017).

In his book *Positions*, Jacques Derrida, following a long philosophical tradition from Socrates and Plato, urges us to be suspicious of the written word (1981): the 'Prevent' duty guidance is anonymous, written text, available online and discussion of it is discouraged, so in a Derridean sense there is cause for concern about the suppression of speech acts in favour of the written word. In a letter to a students' union in 2017, the Charity Commission for England and Wales noted that the union was opposed to the 'Prevent' duty (which applies to universities, not to students' unions themselves). The Charity Commission asked the trustees to demonstrate that alternative arrangements were in place to ensure the charity was not facilitating extreme views, thereby demonstrating their belief that the 'Prevent' duty guidance protects students from extreme views. These 'extreme views' are not defined by the Charity Commission but are clearly understood as likely to arise when speakers and students talk

about broader political issues (Perfect and Scott-Baumann online evidence in JCHR 2017).

Of course, the spoken word can be dangerous too: Derrida was famous for making use of language to attack his opponents (Dosse 1998, 42). In her book *Excitable Speech*, Judith Butler asks us to consider whether the word really can perform the act and thus sometimes cause harm, as Derrida's opponents may have believed. She concludes that this is not the case and argues that this should not be a reason for suppressing controversial difficult or painful speech as long as it is legal. Speech acts, even when offensive, can and indeed must be used to clarify difficult ideas and even undermine them before they gain a malign hold: "The word that wounds becomes an instrument of resistance in the redeployment that destroys the prior territory of its operation" (Butler 1997, 163). This supports Spinoza's assertion that citizens must be free to think, to explore ideas and to develop concepts though freedom of expression.

Yet the 'Prevent' approach, which started in 2007, is increasingly understood by universities to allow suppression of certain topics on campus as if they were intrinsically seditious. This is demonstrated by the compliance within the higher education sector with the 'Prevent' duty guidance as issued by the Higher Education Funding Council, now closed, with duties taken on by its successor, the Office for Students. This poses a challenge to the role of the university as a place where it should be possible and indeed encouraged to discuss legal though controversial ideas and our research specifically shows how this affects issues around Islam. This pervasive 'othering' of Islam and issues around Muslims can and does also exceptionalise curricular topics about Islam, as Naveed Sheikh's research on political Islam indicates, summarised here.

6   Political Islam: a Sample from the UK University Curriculum

In Sheikh's analysis of the topics on political Islam taught nationally in Britain, he found only two topics that are offered with high frequency across the sector: 'Democracy' and 'Contemporary Militancy and Terrorism'. He believes that, "Given the prevalence of media and public discourses about these two exact themes, this preponderance is unsurprising" (Sheikh 2012, 11).

Sheikh demonstrates that the *less* taught modules cover such important issues as classical political theory, the question of minorities in Islam, the Salafi/Wahhabi movement and the question of religious authority, and argues that this shows "the disconnect between current teaching (and scholarship)". Sheikh draws our attention to:

the unbalanced nature of the current provision in which, for instance, Sufism (which outnumbers both Shi'ism and Salafism) is not well-represented, in which the highest level of politics (foreign policy) is neglected, in which educational practices and processes of (exo)socialization are relatively neglected, and in which religious politics is taught in isolation from religious estates (the clergymen).

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SHEIKH 2012, 12

He concludes that:

Unfortunately, the field of Islamic politics is thoroughly 'Othered' (even when not securitized), disallowing an engagement with the social life worlds and lived realities of subjects, except in limited anthropological representations.

SHEIKH 2012, 19

The 'Prevent' duty guidance appears to contribute to the 'othering' of which Sheikh writes and 'Prevent' has grown: Heath-Kelly (2017, 310) chronicles the mutation of counter terrorism policy under 'Prevent' (2007-2017) from a statistical, probabilistically-based prediction model that focused upon specific small communities, into a whole-of-population application. Now all health services, schools and universities have a legal duty to have "due regard" to the possibility of any citizen or any student being radicalised because they are vulnerable to violent ideologies. Kelly asserts that we are now all perceived as vulnerable, which suggests an unjustified use of deductive reasoning: no evidence has ever been collected inductively to demonstrate that curricular or student activities have radicalised a vulnerable person into violent acts. Carol Levine (2004, 44-49) demonstrates how the concept of vulnerability can be overplayed such that it loses utility. This emphasis upon vulnerability is surely an abuse of DURC, more in line with challenges from Selgelid and Rappert than with Fink: if we are all at risk from an ideology that is poorly described (in the current climate 'radicalisation' is never well defined), then dual use must by definition apply to everything. Anything can be adapted to become dangerous. We must therefore also see this misuse of dual use as a potential risk to the participant in social sciences and in research: any of their words, ideas, interpretations of events, choice of books and websites can be taken out of context or misunderstood as if such words were as harmful as germ warfare. This impedes constructive debate, and as Selgelid and Rappert point out, this approach renders the undertaking of research very difficult.

Our research collected significant testimony to show that there is application and indeed an over-extension of an impulse that metaphorically resembles

DURC and that this serves to distort the idea and the practice of a curriculum for Islam by creating the suggestion that we are at risk if we come into contact with ideas about Islam:

> Whose safe space is it? ... And what does Islamist politics on campus, what does it entail, etc.? It's not to deny that there are ... I mean Europeans have joined Daesh in large numbers; it's a fact. We shouldn't deny it and we should ... quite the opposite. We should fight it but not in this way that castigates Islam as the immediate suspect.
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> ACADEMIC STAFF MEMBER, AHRC PROJECT

In fact there is no evidence that Islam is the source of ideas that can be transformed to incite violence. Rather, Islam is at risk of being 'weaponised' by the metaphor of DURC, i.e. the unfounded proposal that Islamic thought is more dangerous than any other set of ideas. Moreover regulatory regimes are being inserted into university life that may affect more curricular and research areas than Islam. By analogy, all freedom of expression and academic freedom issues may now be considered risky. Cultural capital itself is understood to be a risk and is thereby put at risk:

> I don't think terrorism is something that is ... I mean, it's ludicrous to me to suggest that terrorism would be a concern with my students. But, at the same time, you know, I can imagine that they might feel intimidated by this sort of a climate of policing of their thought, and their ability to express ideas.
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> ACADEMIC STAFF MEMBER, AHRC PROJECT

7   Freedom of Expression Policies on Campus

Let us consider briefly the policy that underpins this state of affairs and influences campus thought, behaviour and self-expression, such that some are more free to express themselves than others. I will explain this using Giorgio Agamben's (2005) analysis of a regulatory regime that he calls a "state of exception". The 1986 Education Act confers on universities not just a duty to "have regard" to freedom of speech but a much stronger duty to have "particular regard"' to the need to protect and support two liberties: freedom of speech and academic freedom. In legal parlance, 'particular regard' is stronger than 'due regard' (Part 4: Section 43). The Counter-Terrorism and Security Act 2015 includes a reiteration of this 1986 Act, first, in its instruction to universities to "have particular regard" to actively protect academic freedom and freedom of

speech, second, of the duty to "have due regard" to the need to prevent people from being drawn into terrorism, and third, of the duty to "have due regard" to the guidance that accompanies the Act. The 2015 Act gives the Secretary of State the power to issue guidance about how the duty should be exercised and universities must "have regard" for such guidance. This is often construed as placing a statutory duty on universities to monitor or record information or to use surveillance techniques, but this is not the case: it is only guidance. Moreover, as one would expect, if the guidance to a law goes beyond or is contradictory of the law, the law (2015 Counter-Terrorism and Security Act) should take precedence over the ('Prevent') guidance.

However this counter terrorism approach takes no account of the 1986 Education Act's instructions about protecting freedom of expression and academic freedom, and even threatens to go against it: the 'Prevent' duty guidance can be seen as enhancing the general mood of Islamophobia and acts to create a DURC atmosphere. As Heath-Kelly (2017, 312) explains, the power and reach of 'Prevent' is now even greater than it was:

> Since the 2015 development of Prevent, the geographical shift in Prevent administration is also epistemological: it has moved away from renderings of 'likelihood', favouring the nationalised roll-out of Prevent training, surveillance and reporting to all corners of the social care system. The imagining of pre-criminal space is now totalising and all-encompassing.

I believe this can be understood as a form of Agamben's "state of exception", whereby the law provides legitimation for guidance that may go beyond the law and yet is protected by it. This can enable governments to argue that the current situation is dangerous and that exceptional measures are therefore justified, despite the fact that no evidence has ever been produced about students becoming radicalised on a university campus (Agamben 2005; Scott-Baumann 2017).

8   Thinking is Radical: The Problem of Self-censorship

Our research for 'Re/presenting Islam on Campus' shows that one significant effect of this counter terrorism measure, when applied to universities, is the fear that thought radicalises students into violent acts, and that Islamic thought is especially radicalising. The argument is that, in order to deal with the perceived intrinsic capacity of Islam to weaponise thought, the model of free speech must become one that safeguards all students and protects them

from outside speakers and from controversial ideas. Our research on the Charity Commission for England and Wales's work with students' unions reveals that charity law can restrict what students' union officers can say publicly as representatives of their organisation. Protests about whale hunting or about the plight of political prisoners abroad are deemed 'improper' by the Charity Commission because students' unions as charities should not comment "publicly on issues which do not affect the welfare of students as students" (Charity Commission 2018, OG48 B3, 2.2). The Charity Commission also advises that charities including students' unions should be cautious about hosting external speakers whose views could be considered extreme or even merely controversial, "even though such views might fall well below the criminal threshold", since in the Commission's view such speakers would damage the charity's reputation and would not be for the 'public benefit' (Charity Commission 2016).

One possible consequence of this is self-censorship. In our research findings, the most striking and most evident effects of the 'Prevent' duty are the perceived pressures to self-censor and this is also shown in the testimony of some of the students' union officers for the Charity Commission research. One union Chief Executive Officer (CEO) noted: "… sadly I've got to be risk averse … It's led to some speakers being talked about and being stopped before they're even presented as potential candidates" (Scott-Baumann and Perfect 2018 forthcoming). From our interviews and focus groups for 'Re/presenting Islam on Campus', we found that some Muslim students in particular felt silenced by 'Prevent', or deterred from discussing political issues or researching particular topics, including religion:

> ….there's this thing called Prevent, you need to be careful. Because I've been involved with the NUS, I know the dangers of it, and what can happen. There's books in the library, I wanted to take out some books on Islam, like, I mean, that's the depth of this, I wanted to read up on things, because I don't know, just to explore my religion a bit more. And, I felt like, I don't want to take this book out, because if you see it on my library record, I might get in trouble. So, I told my friend to take it out for me, because she's white, so I told my friend to take it out for me, and I read it, and it was on her account. I just felt safer with her taking it out, rather than me taking it out.
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> FEMALE MUSLIM STUDENT AHRC PROJECT

Specific topics were mentioned. Some Muslim and non-Muslim participants highlighted Palestine as a topic that they said they felt they should avoid because of 'Prevent':

So, for example, we ran a session on Palestine, the year before last. And, I can remember great difficulty organising that event, because it was somebody from an NGO, that they were working with both sides in the Middle East, they weren't just an advocacy group for the right of Palestinians, and their homeland.

But, it was very difficult, trying to get that organised. Because, people were concerned about what impact that might have had on campus. Would there be any protests? What arrangements would be made for security? And, I thought, gosh, this is the kind of thing where you should have these conversations on campus. That was quite a difficult one to make happen.

STUDENT AHRC PROJECT

This topic has led to risk avoidance by university management (Clark 2017: Hooper 2017). Our evidence shows that the application of 'Prevent' duty guidance guidelines is inconsistent with the aim of protecting free speech: freedom of expression depends on students feeling free to speak out and seek debate on all topics as long as they are legal, including difficult ones, without fear of being the subject of suspicion, exclusion or prejudice (Scott-Baumann 2009). Maintaining a spirit of respectful and open difference should be paramount to the university experience. Given that there is no evidence of students being radicalised on campus, or de-radicalised by 'Channel', which is the arm of 'Prevent' that aims to guide vulnerable individuals away from extremism, it seems that imposing sector-wide systems of surveillance yields minimal benefits in terms of terrorism prevention, while having a detrimental effect on free speech across UK campuses. Katherine Brown and Tania Saeed (2015) argue that security discourses constrain students' activism, university experience and identities and our draft research evidence bears that out. As the recent JCHR report clearly shows, this goes against a core purpose of the university, which is to encourage discussion of difficult, even controversial, topics and not suppress them: "Universities should seek to expose their members and students to the widest possible range of views- while ensuring that they act within the law" (JCHR 2018, 48).

9   Discourse Analysis as a Valuable Method

In Schedule 5 (2012) of the UK 2001 Anti-terrorism, Crime and Security Act there is a definition of 'select agents', by which is meant particularly potent

pathogens with the potential to cause mass casualties when they fall into the wrong hands, which can happen with germs for germ warfare. No doubt this is true. However, I argue that, in the context of university studies, some ideas (around the Middle East, Syria, around Islam, etc.) are perceived by some in government as being select agents, somewhat like germs: contagious and apt to damage the vulnerable. In her revealing analysis of the language of policy documents about 'Prevent', Aislinn O'Donnell (2016) finds a recurrence of terminology that suggests illness, weakness and neediness: "contagion, immunity, virus, therapy, vulnerability and risk". Fear of violent terrorism is a dominant rhetoric and this is reflected in press coverage, which corpus linguistics can deconstruct.

Using corpus linguistics, Paul Baker and Tony McEnery (2013, 6) found a striking collocation of terms: when analysing press coverage of Islam for 1998-2009 from 200,000 articles (a sample of almost 143 million words) about Islam, they found that half the topic words combined 'Islam' with 'conflict'. In 1998-2009, they found that extremist Islam was blamed for radicalisation about one-third of the time when a reason for violence was mentioned. In their 2015 follow-up research, they found that by 2014 this reason was given on two-thirds of the occasions when radicalisation and violence were mentioned. So certain topics are discussed in the media and press when they conform to expectations: this may invite bias that does not ensure freedom of speech and that can influence the curriculum. As Sheikh (2012) demonstrates, those curricular areas that chime with the cultural imagination—such as terrorism—are being taught more than others.

As Heath-Kelly (2017, 297) argues in her analysis of counter terrorist policy, implementation intensified between 2007 and 2017 such that now "all bodies are potentially vulnerable to infection by radicalisers and thus warrant surveillance". So freedom of expression is being equated with contagion, contamination and personal injury.

10   Positive Steps

Occupying the interstices of already impoverished university curricula is not good enough; the study of Islam and Muslims needs to stretch out. One way to achieve this is to raise awareness of securitisation programmes and their poor evidential bases, through careful research. Second, we should take steps, together with subject associations, towards evidence-based approaches and away from governmental and press-influenced attitudes by asserting the need

to include the study of Islam and Muslims within a balanced university curriculum and work towards implementing that. Third, we should use free speech to assert the need to discuss these matters.

Surely as the first step, the sources of this contagion can be properly understood and challenged, if academics and their students are conscious of what is happening. The sources seem to be various officially sanctioned bodies such as the Office for Students (Office for Students 2018), the Charity Commission for England and Wales and Universities UK with their 'Safe Campus Communities' website and, of course, the 'Prevent' duty guidance, which provides the materials for all these bodies. Universities are still considered by many to be the last stronghold of freedom of expression and academic freedom and yet few voices are raised to challenge or question this focus upon supposed risks of extremism on campus. In order to activate dissident voices, it is vitally important to evaluate the powerful narrative currents that swirl around the term 'free speech'.

On the second point, subject associations and activist groups must work together, because I contend that exploring radicalisation and securitisation from an Islamic Studies and Religious Studies perspective is currently difficult if not impossible to do in a rational way that balances inductive evidence with deductive assertions, because of the securitised atmosphere. A way to counteract this is through academic subject associations and activist groups, which, on their own terms, study the historical aspects of Islam and Muslim cultures and the struggles presented to us all by modernity: this is valuable work and research findings that can benefit modern Muslims seeking to tread a path between traditional faith and secular modernity need to move beyond the halls of an academic conference. One reason why this is hard to achieve is an ontological one: in the DURC version of the hermeneutic circle the dominant view depicts Islam as the problem. When this is embodied in regulatory mechanisms, it can lead to self-censorship. There is an epistemological problem too: key terms such as 'radicalisation' are not clarified by those who generate their use (government agencies). So the careful hermeneutical exegesis used in academic work on Islam and Muslims creates methodologies and findings that are only read by those whose hermeneutical imperative is different from the prevailing one: scholars accept evidence and interest about Islam as a world religion and a way of life with many cultural manifestations, not as a pathology. How then can the study of Islam influence the government, the media and the press positively? One approach is to work directly with government, as I have done in my work with the JCHR. Another approach is to support active subject groups that pursue an academic and community-based interest in Islam and Muslims.

11   Supporting Active Groups

Active groups that could influence public understanding positively already exist and include the British Association for Islamic Studies (BRAIS), the British Society for Middle East Studies (BRISMES) and the Muslims in Britain Research Network (MBRN): there is research evidence to suggest that such groups should be supported more. For example, when the two expert linguists, Baker and McEnery (2013), used a corpus-based approach to analyse journalists' use of language about Islam and Muslims and found bias, they could see a solution. A major recommendation from their report on journalists' biased use of language about Islam and Muslims is to: "… consider the cumulative impact of associating Islam with terror, extremism and conflict and attempt more balanced reporting with coverage of a wider range of contexts (culture, education, business, leisure, human interest stories and travel)" (2013, 13). This surely advocates study of Islam and now this debate becomes a freedom of expression and academic freedom issue. Learned societies exist to provide the different picture that Baker and McEnery advocate: MBRN, for over 30 years, and BRAIS for some years have provided a safe platform on which Muslim and non-Muslim academics and non-academics function as a critical mass and also disseminate through networking, publications and teaching, as advocated by Sheikh (2012).

BRAIS is both a learned society and a professional organisation which aims to enhance research and teaching about Islam and Muslim cultures and societies in UK higher and further education. BRAIS facilitates academic exchange for scholars with an interest in any aspect of Islam and the Muslim world, past and present. This includes Muslim minority societies and members working in a wide range of disciplines and geographical interest areas. BRAIS works with research councils and other bodies to represent the interests of Islamic Studies on research matters in UK higher and further education. It also supports the Higher Education Academy to enhance teaching and learning in Islamic Studies. Providers of HE-level Islamic Studies beyond publicly-funded UK higher and further education are welcomed by BRAIS.

MBRN began as an unofficial gathering of academics and practitioners in the 1980s, before being constituted as a network in the early 1990s for those with a research interest in the study of Muslims in Britain. In recent years the MBRN has made a successful attempt to more fully engage with practitioners, policy makers, journalists and other stakeholders outside of academia. In 2016, this resulted in MBRN membership exceeding 300 (almost doubling

from several years prior), along with a continued rise in the number and range of participants at bi-annual MBRN events and the rapid rise of wider public engagement with MBRN social media platforms. MBRN operates as a bridge between academics, students and professionals researching Muslims and Islam in Britain and working in Gender Studies. MBRN also interacts actively with practitioners, educators, journalists, policy makers, faith leaders and inter- and intra-faith practitioners.

How does freedom of speech fit in here? Fish (2017) argues that there is no real freedom of expression on campus whereas Fuller (2017, 26-27) requests that *and* academic freedom for staff and students alike. Fully free speech is a contested and impossible goal, not least because the hermeneutic circle entails doubt about the validity of other people's views. Yet these subject associations provide environments in which difficult debates are possible between Muslims and non-Muslims, with ambiguity, doubt and dissent. In such settings the Derridean binary opposition is not used: these are scholars and practitioners who usually do not need to polarise the debate by creating artificial binaries. This is one solution to the current chilling effect of these regulatory frameworks based on deductive assertions about risk: it will be necessary to repossess issues of freedom of speech in order to teach a balanced curriculum. A starting point is to challenge, critique and redefine these terms that are used to spread fear: extremism, radicalisation, non-violent extremism, prevent, fundamentalism, Islam, Islamism and political Islam.

12   Philosophy and Freedom of Expression

The 'liberal' model based on a democratic understanding of free speech asserts the legal right of speakers to speak freely and be questioned upon their beliefs, in order to evaluate the probity of their arguments, as Spinoza demanded in his (anonymised) *Theologico-Political Treatise and a Political Treatise* of 1670. In a more limiting version of the liberal model, the philosopher John Stuart Mill developed a model of free speech based on the 'harm principle', a strong, yet ultimately ambiguous argument for measured free speech, published in *On Liberty* in 1859 (Mill 1985). The alternative model, which I call the 'intolerant liberal' model, asserts that obnoxious views must not be given a platform because that enhances their influence and detracts from public benefit as well as causing offence (Feinberg 1998). Each of these arguments, the liberal and the intolerant liberal, deserve to be taken seriously, yet they can become problematic when they become exaggerated forms of themselves, turning into the 'libertarian' and the 'no-platforming' position respectively.

Freedom of speech on UK campuses has been explored in some research as part of other projects (e.g. Weller Hooley and Moore 2011); surveys (e.g. Hillman 2016); official reports on higher education institutions (HEIs) (e.g. Universities UK, 2011) and numerous articles and comment pieces (e.g. Cram 2012). In March 2018, when the JCHR published their own report on freedom of speech on campus, they expressed broad confidence in the ability of student unions to regulate free speech on campus and asked the Charity Commission to loosen its hold upon student unions.

13   Conclusions

In European government legislation, a vacuum exists naturally between laws (that set norms) and state guidance (application of laws). The laws need to be interpreted with guidance in order to be implemented. Yet this guidance can be perceived to be mandatory, even though it is not. Following Agamben (2005) and his analysis of the "state of exception", I have demonstrated that surveillance techniques are not contained within the Counter-Terrorism and Security Act 2015, but have been developed in the 'Prevent' duty guidance that interprets the 2015 Act. The guidance thereby fills the naturally occurring vacuum that exists between an act of law and its implementation (O'Toole 2015; Scott-Baumann 2017). The written form of language that Derrida warns us against, protects the guidance from challenge, especially as it is anonymised and expressed in quasi-legalistic jargon, which gives the impression that its advice is in fact law. We need to actively reclaim and refill this 'vacuum' between the Act and its implementation, a vacuum currently filled by surveillance approaches. Universities are the place for such discussion, debate and questioning in order to try and understand our current cultural imagination and develop a better one (Scott-Baumann, 2017). Ricoeur (1976) argued that it is precisely these irresolvable yet instructive tensions between the ideal (the law) and the practical (the guidance) that should allow us to work towards better shared cultural imaginations. He provided us with dialogical structures of discourse that facilitate challenge of the often artificial binaries that are popular in human thought. Ricoeur also, in his book *Oneself as Another* (1992), offers a masterly interpretation of 'othering': he invites us to consider that we only really learn about ourselves through trying to understand other people and confront our own intolerance. It is now becoming urgent to revisit Karl Popper's (1945) famous "paradox of tolerance": to establish whether we can enact his recommendation that liberal democratic societies must be tolerant of many things, but not of intolerance as such.

Universities are widely perceived to be safe keepers of the values of liberal democracy (Collini 2012). Yet academic freedom and freedom of expression in HEIs appear to be under threat (Docherty 2011). These rights form the core values of universities, but face powerful, yet different, pressures and remain remarkably under-researched (Barendt 2010). How do students and staff make judgements about complex issues such as Brexit, environmental issues, Europe, gender identity, immigration and the terrorist threat, if they cannot discuss them? A critical, comparative study of how students make decisions is now urgently needed to explore how we can protect academic freedom for students and staff—and to consider the impact of the politicisation and policing of intellectual activities upon free speech, free association and free assembly on campuses (Nabulsi 2017). Now that 'Prevent' has been expanded to a whole-of-population approach in health care, schools and universities, it is imperative to explore how students and staff understand both the theory and the practice of freedom of expression and academic freedom. This theory/practice dualism may have a 'chilling effect' because of the inevitable discrepancy between the utopian ways in which many students wish to express themselves and the ways in which government ideology and institutional norms constrain them and their lecturers (Townend 2017; Ricoeur 1986; Scott-Baumann 2017).

How 'free' do staff and students feel to discuss controversial political, social and religious issues in different settings, including in classrooms, teaching and learning workshops and at other university events? How competent do they feel in these situations? And how can they improve personal agency? When staff and students self-censor and carry on with their daily routine, do they understand how Islam and the study of Muslims are being 'weaponised' in a manner that provides no empirical evidence for the risks supposedly lurking with Islam and Muslims? How does this affect their online behaviour? (Giglietto and Lee 2017; Lee and Scott-Baumann 2017) At this time of 'post-truth' and rising populism, research on this will benefit university management and students, European research communities and governments in their desire to strengthen European institutions and foster competent citizens equipped for meaningful 'multi-dialogues' in the complex global context (Matsuura 2001).

When the curriculum and research involve Muslims it may be necessary to develop new conceptual tools, for example, to articulate openly the concept of DURC, and use it heuristically as an extended metaphor for the un-evidenced treatment of Islam on campus. Dual use refers to civilian material used for military purposes, and is of course especially worrying when referring to legitimate scientific research stolen by terrorists (e.g., for germ warfare). Yet it demonstrates excessive use of distortion and exaggeration when it is used to restrict academic discussion, debate, teaching and learning and research. It is

necessary to show how DURC—as a metaphor—is being applied and, even worse, reversed, inverted and stood on its head: instead of being protected from acts of war, civilians may become preyed upon by government-affiliated groups who want to restrict their opportunities to discuss and form opinions. Given the intervention of political forces on campus, it is necessary to be aware of these ideologies and their manifestations. Special interest groups and learned societies must be encouraged to grow and develop. On campus this raises the urgent need to explore free speech and academic freedom around Islam and Muslims and also across *all* areas. The moral principle behind such action is one that postulates equal consideration of interests as long as it is within the law; our moral deliberations require us to give equal value to the interests of all.

Acknowledgements

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