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research article

Decriminalising terror: for a zemiology of counterterrorism

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Over the past two decades, UK counterterrorism efforts have involved contentious legal and social measures aimed at preventing harm and increasing security. Critical scholars argue that these measures narrowly define security, risk, and harm, failing to recognise intervention itself as a potential threat to individuals and communities. Despite significant critical research, the legitimacy of the criminal justice model of counterterrorism persists in criminological scholarship. This article uses zemiology, the study of social harm, to critique contemporary counterterrorism's impact. It employs UK counterterrorism as its case study, highlighting its 'security first' approach and its narrow definition of public interest. Three key arguments are advanced: first, counterterrorism is not an exceptional extension of criminal law but a form of hybrid governance; second, viewing this governance through a crime-centric lens obscures the harms of criminalisation and overlooks non-criminalised politically-motivated violence; third, examining counterterrorism through a social harm lens allows for a focus on social and racial structures, rather than state-defined categories of harm. The social harm perspective challenges the conceptualisation of terrorism as a crisis justifying exceptional measures, highlighting instead counterterrorism's broader social impact. The zemiological approach highlights the role of law, not just as source of protection, but also as a means of repression and state violence, emphasising state accountability and providing a framework for identifying and preventing social harm. This perspective centres the broader implications of counterterrorism policies on social structures and racial dynamics, allowing for a more comprehensive understanding of security and harm.

Keywords counterterrorism • zemiology • hybrid governance • harm • security

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Introduction

Over the past two decades, counterterrorism in the UK and beyond has been characterised by contentious legal and social developments. These measures share a

common justification of preventing harm and increasing security – but as critical scholars have pointed out, the working understandings of what security, risk, and harm mean have been narrowly conceived and fail to consider intervention itself as a threat to communities, an undermining of their security, and a source of harm in itself. Despite a notable body of critical research on the ever-expanding criminalisation of terrorism, the legitimacy of the criminal justice model of counterterrorism continues to be perpetuated by a growing body of criminological scholarship. In this article, we draw on the discipline of zemiology, that is, the study of social harm, to critique the impact of contemporary counterterrorism, and to argue that penality ought to be de-centred from our understanding of counterterrorism entirely. We begin with a case study of UK counterterrorism, exploring its overall legal and social policies and practices, under what Foley describes as a distinct 'security first' approach (Foley, 2013). Here, we highlight the narrow conceptualisation of security being implemented and posit that this in turn yields an overly narrow sense of what is in the public interest. We point to the socially and politically constructed nature of both the threat and the response, and advance three key arguments: one, that counterterrorism is not, as it is often presented, an exceptional broadening of criminal law, but rather an unexceptional form of hybrid governance; two, that viewing hybrid governance through a crime-centric lens obscures both the harms of criminalisation and the existence of non-criminalised forms of politically-motivated violence; and three, that examining counterterrorism through a social harm lens allows us to de-centre state-determined categories of harm and to situate counterterrorism in its structural context, exposing the socially and politically-constructed nature of terrorist threats, and the enduring colonial logics that perpetuate these racialised constructions (Búzás and Meier, 2023), focusing instead on social and racial structures. The social harm perspective helps us to critically reconsider the conceptualisation of terrorism as crisis and the subsequent exceptionality of counterterrorism, focusing instead on the wider social impact of counterterrorism policies. Zemiology further provides us with the tools to examine the role of law, not only as source of security, but also as tool of repression and state violence. Moving away from state-defined problematisations of insecurity, a zemiological approach allows us to centre state accountability and engage more effectively with what it means to identify and prevent social harm.

Counterterrorism in the UK

The UK's approach to counterterrorism follows a distinctly British 'security first' approach, which has been shaped by historical legacies and international pressures (Foley, 2013). In UK counterterrorism, criminal law takes a prominent preventive role alongside several other controversial legal and social policies and powers, particularly under the Prevent strand of the UK's Strategy for Countering Terrorism (CONTEST). Together, criminal offences and social policy interventions make up a toolbox marked by far-reaching and controversially-expanded powers in the name of preventing the harms of terrorism and protecting the public.

Preventive criminal law

The criminal justice system thus plays a key role in detecting, deterring, and punishing acts of terrorism in the UK – in no small part through controversial preparatory (or

inchoate) and pre-preparatory (or pre-inchoate) offences aimed at stopping plots, incarcerating risky individuals, and deterring others (CONTEST, 2018: paras 131, 158–65). The prominence of the criminal justice system means that the UK approach is often called a criminal justice model of countering terrorism, in contrast to the well-known 'war on terror' approach widely associated with the US (Crelinsten, 1998: 399–400; Tondini, 2008). Of course, the UK approach has been, and continues to be, shaped by international influences – directly through international agreements such as the criminalisation of Convention offences (as discussed in Hemming, 2010: 962; Galli, 2022), and indirectly via significant events such as the 9/11 attacks in the US (see, for example, Foley, 2013; Walker, 2019; and Hewitt, 2019). At its heart, however, UK counterterrorism draws on the criminal law as an institution to inject prevention with an air of justice and proportionality which, according to Foley, results from the recognition of a historical lack of justice and proportionality in the handling of the Troubles in Northern Ireland (Foley, 2013). Indeed, the legislative foundation of the UK's current approach is found in the Terrorism Act 2000, which brought into permanence many of the measures of earlier temporary provisions enacted in the context of the Troubles (Walker, 2004; Hewitt, 2019). These included the controversial inchoate and pre-inchoate criminal offences mentioned above, which cast a wide net in being very broadly drafted, vaguely defined, and relying on discretionary application, such as offences of collecting or viewing information or possessing articles in suspicious circumstances (Terrorism Act 2000 s57 and 58; see discussion in Cornford, 2017; Dinesson, 2022). The proliferation of preparatory and pre-preparatory offences, according to Zedner, exemplifies an unprecedented change in the 'scope and substance of criminal law' kick-started by 9/11 (Zedner, 2014: 100). This is part of what has been observed as a wider 'preventive turn' in criminal law from the late 20th century (Carvalho, 2017). This widening of criminal law's remit through counterterrorism speaks to what Jakobs (Dubber, 2014) defines as the 'criminal law of the enemy', which allows common legal safeguards to be suspended for the purpose of neutralising an enemy threat, a concept widely adopted in terrorism studies to describe the exceptional nature of counterterrorism measures (Tondini, 2008; Gómez-Jara Díez, 2008; Weber and McCulloch, 2019). This is particularly the case when describing the post 9/11 counterterrorism landscape, as characterised by the suspension of human rights and the avoidance of state accountability (Welch, 2007; Back, 2018).

Social measures, public security, and public interest

Despite the prominence of criminal justice in the UK approach, however, it is important to remember that UK counterterrorism is far from contained within its sphere. CONTEST sets out the prevention of the ultimate harm of terrorism as its principal aim, which is pursued partly by building a toolbox of preventative measures in criminal law and social policy (CONTEST, 2023). As set out in its 2018 iteration, this involves 'uniting Government, the wider public sector and individuals around a common goal of preventing terrorism' (CONTEST, 2018: 3). This approach has seen a diffusion of 'special' powers and responsibilities to prevent terrorism, including the controversial 'Prevent duty', which places responsibilities on the police, prisons, and probations, as well as local authorities, health bodies, schools, colleges, and universities,

to 'safeguard people from being drawn into terrorism' (CONTEST, 2018: paras 114–30). This diffusion of responsibility has given rise to concerns among scholars about the permeation of the security-first model across the everyday lives of UK residents, in what Kaleem (2022) describes as the normalisation of counterterrorism as part of civic duty. This sees the creation of what Rodrigo-Jusué (2022) calls 'the counterterrorism citizen' through the emphasis on public participation in prevention.

The stated principal aim of the CONTEST strategy is to keep the public safe (as per the CONTEST, 2023 and 2018 ministerial forewords). As operationalised in practice, counterterrorism seems to frame public safety and security from terror as near synonymous with, and as the foremost element of, what is in the public interest in terms of counterterrorism. The notion of security employed in counterterrorism policy and practice has been prominently critiqued by Zedner and Waldron, who point to the narrowness of the dominant concept of life-and-limb security implemented through policy (Zedner, 2014; Waldron, 2010). This narrow conception, they suggest, underpins a range of measures (including preventative offences) which may ultimately undermine the legitimacy of institutions as well as the security of the public, which should be more holistically understood as protection from the harm of terrorism *as well as* harms perpetuated by the state. Waldron in particular highlights in his work the notion of security trade-offs, observing how the perceived life-and-limb security of some is paid for by the erosion of the more broadly conceived security of those communities and individuals who are seen as risky or suspect (Hillyard, 1993). This narrowly-defined notion of security is an under-inclusive understanding which fails to account for not just a broader sense of security, but also its distribution, where the 'public' whose interests are to be protected are those seen to be at risk, while those seen as risky become objects of management and intervention. The emphasis on risk prevention, and the need to make risk tangible and physically containable at the earliest stages of chains of conduct which may ultimately lead to harm, has given rise to a range of concerns for *what* risk looks like, and *who* risk looks like (Mythen et al, 2009; Heath-Kelly, 2012). These concerns raise further questions about how the public interest is being constructed and applied, in terms of whom 'the public' includes and excludes, and in terms of what is in its interest.

The narrative of risk and emergency as inviting exception does heavy lifting in UK counterterrorism. Evolving threats and heightened risks are repeatedly cited as underpinning and justifying rather sweeping infringements of rights in favour of a narrowly-constructed understanding of security; including expansions of the criminal law, investigative powers, public responsibilities, and targeted local interventions. (see, for example, CONTEST, 2018: paras 86–93; CONTEST, 2023: paras 62–4). As highlighted by Zedner, the characterisation of terrorism as an emergency generating a justified exception must be questioned, while exceptional emergency powers ought to be subject to exceptional constraints and a much narrower conception of 'emergency' than is currently found in counterterrorism (Zedner, 2008). For Zedner, restraint can be reintroduced in counterterrorism policy by recentring the core values and principles of criminal justice, such as proportionality, the right to a fair trial, and the presumption of innocence (Zedner, 2008). Similarly, Tondini calls for a return to terrorism being 'considered a mere criminal phenomenon' to address the failures of the global war on terror (Tondini, 2008; 79). These calls are predicated on the assumption that criminal legal systems are instruments of justice and accountability, protecting individuals from state abuses. A similar rationale, Mavronicola (2024) argues, underpins the increasing reliance on penality in human rights law, as human rights instruments increasingly call upon states to criminalise and

punish perpetrators of human rights abuses. However, Mavronicola reminds us, criminal justice itself is often a vehicle of state abuse, particularly against marginalised individuals and communities, and human rights themselves originated as a shield to protect from states' penal power. Instead, deference to state penality has diluted human rights' ability to hold states to account for non-criminalised harms, legitimising those state practices they should challenge (such as the death penalty or torturous incarceration conditions), and undermining non-retributive visions of justice. The calls for the 'recentring' of criminal justice values are thus misguided: on the contrary, we suggest that penality ought to be decentred from our understanding of counterterrorism.

Counterterrorism as hybrid governance

Rather than being conceptualised as an ad hoc deviation from the principles of criminal law, counterterrorism measures are better understood as a form of what Pratt and Valverde call 'hybrid governance' – that is, the combination of criminal law's coercive power with the discretionary power afforded to civil measures (Pratt and Valverde, 2002). In the UK, as Hendry and King note, an increasing 'procedural hybridisation' has been driven in recent years largely by political expediency, introducing forms of hybrid criminal-civil measures such as Travel Restriction Orders (TROs), Anti-Social Behaviour Orders (ASBOs), Domestic Violence Protection Notices (DVPNs), and Domestic Violence Protection Orders (DVPOs) (Zedner, 2010; Hendry and King, 2017: 734). A particularly striking parallel, however, can be drawn between counterterrorism and crimmigration, that is, the progressive blurring of boundaries between criminal law and migration law (Stumpf, 2006). Examples of crimmigration's hybrid governance measures can be seen in the administrative detention of migrants, the expulsion of foreign offenders who have served a prison sentence, or the removal of foreign individuals suspected of criminal activity without first meeting the burden of proof required by criminal proceedings. These hybrid measures are exclusionary, characterised by low accountability, and lead to more punitive outcomes (Stumpf, 2013; Hendry, 2020). Contemporary counterterrorism can also be said to deploy a form of hybrid governance by straying beyond the common boundaries of 'ordinary' criminal law; for instance, Terrorist Prevention and Investigation Measures (TPIMs) merge criminal and non-criminal approaches, are reserved to certain individuals, and come with increased punishment (Terrorism Prevention and Investigation Measures Act 2011; Counter-Terrorism and Security Act 2015 ss 16–20). Just like counterterrorism, crimmigration has also been conceptualised by some as an application of the criminal law of the enemy (Fekete and Webber, 2010; Provera, 2017; Hendry, 2020). Furthermore, crimmigration has been labelled as a 'pre-crime' unit allowing the state to remove individuals based on ill-defined categories of risk rather than subject to the burden of proof required in criminal proceedings, in a way which is reminiscent of the pre-crime focus of UK counter-radicalisation strategies, including the use of pre-inchoate offences like collection of information (Zedner, 2019; Heath-Kelly, 2017; Terrorism Act 2000 s58).

Counterterrorism as crimmigration

In addition to these parallels, it is important to note that counterterrorism and crimmigration are also intertwined, as the high discretion afforded to migration policy

is routinely used to facilitate the removal of suspect non-nationals (Bosworth, 2022; Zedner, 2019; see, for example, Secretary of State for the Home Department v NF [2021] EWCA Civ 17). As Tondini notes, 'international terrorism has been widely fought with the legal tools provided by immigration law' (Tondini, 2008: 66). Indeed, the increasing securitisation of the EU's external borders is explicitly conceptualised as a counterterrorism measure, albeit not a very effective one (Leonard, 2010). A well-known example of the nexus between counterterrorism and immigration is the case of Shamima Begun, who travelled to Syria to join Islamic State aged 15, and whose British citizenship has been revoked in order to prevent her return to the UK (Masters and Reglime, 2020). Just as the exclusionary nature of crimmigration restrictions contributes to making conditional the citizenship offered to racialised underclasses, who are then constructed as 'permanent immigrants' (McGhee, 2008), counterterrorism measures often construct these same communities as enemy within (Pantazis and Pemberton, 2009). UK counterterrorism measures, Ali argues, are in themselves a form of racialised bordering, othering Muslim populations and constructing white Britishness (Ali, 2020). As the blurring of boundaries between counterterrorism and immigration enforcement shows, hybrid measures are so common they may be better seen as the norm, and they may sidestep criminal law altogether in favour of alternative forms of coercion.

Beyond crime: decriminalising terrorism?

Mirroring Soliman's (2021) critique of crimmigration approaches, we suggest that framing counterterrorism as an aberration of criminal law posits criminal law as the standard form of coercive state power, overlooking other routine forms of administrative coercion. This does not mean that criminal measures are irrelevant to counterterrorism; rather, framing counterterrorism as principally a criminal justice issue falls foul of criminocentric dogmatism, that is 'the tendency to view social phenomena within a crime framework, measuring different forms of social control against criminal law' (Soliman, 2021: 232; Velloso, 2013). In addition, crime-centric discourse is inherently prone to methodological nationalism, that is, the privileging of the nation state and its institutions as the key unit of analysis (Moffette and Pratt, 2020); viewing migration or terrorism through the lens of crime thus obscures their transnational dimension, presenting existing global social orders as 'natural' rather than the result of historical, social, and political constructions (De Genova, 2013). Taking these critiques further, we suggest that a crime-based understanding of terrorism is inherently problematic. While generally understood as 'a form of crime in all essential respects' (Clarke and Newman, 2006: i), defining terrorism is a famously fraught enterprise. A common ground may be found between competing definitions in that, generally, approaches tend to frame terrorism as violence made instrumental for a cause (Walker, 2007; Meisels, 2009; Douglas, 2010; Muncie and McLaughlin, 2019: 538; Ghatak et al, 2019). However, as LaFree points out (LaFree, 2022), no criminal act is inherently terrorist until someone defines it as such, bringing to mind Hillyard and Tombs' critique of the concept of crime as a state-defined social construction which lacks ontological reality (2007; 2017). A terrorist act, however, is doubly constructed: firstly as a criminal act, and secondly as an act driven by a political intent; the labelling of a criminal act as terrorism, as Beck notes, is ultimately dependent not on the courts'

application of criminal law, but on a preexisting political construction of the enemy (Beck, 1996). Much of this construction is found, not in criminal law, but in social structures (Beydoun, 2017; Meier, 2020). An uncritical embracing of crime-based definitions of terrorism inevitably privileges state perspectives, individualises terrorist acts, and obscures their structural causes. Importantly, this discounts politically-motivated serious harms that are not illegalised, such as corporate or state violence. Examples of such politically-motivated harms abound; we may mention, for instance, the fossil fuel industry lobbying against measures attempting to slow the unfolding environmental collapse (what Nixon (2011) calls 'slow violence'), or the deployment of lethal violence along the Mediterranean border to prevent migration to the EU from the Global South (Perkowski, 2016; Soliman, 2021). It is thus not just the decision of which criminal acts to label as terrorism which privileges state-centric constructions, but also the restriction of the designation of terrorism to acts that are illegalised.

Criminology's role in the construction of counterterrorism

Despite this ontological quagmire, the equation of terrorism with illegalised political acts is further perpetuated by an ever-increasing body of criminological scholarship. Traditionally the remit of the political sciences, terrorism studies have in recent decades attracted increasing interest from criminologists, fostered by heavy investment in terrorism research by government agencies following 9/11 (Freilich and LaFree, 2015; LaFree and Dugan, 2015). While this investment was particularly noteworthy in the US, publications on terrorism have proliferated in criminology journals throughout the Anglophone world. A recent review by Fisher and Kearns (2023) has found that criminology's engagement with terrorism continues to grow, albeit with limited theoretical engagement. Similarly, Fisher and Dugan (2019) suggest that opinion-based pieces and a lack of engagement with empirically testable theory drove much of the post-9/11 increase in criminological terrorism writings. Still, such publications focused mostly on identifying individual motives for terrorist acts in order to inform counterterrorism, reflecting the policy-driven aims of state-sponsored research. Well-known examples of criminological work seeking to explain terrorism include, for instance, Black's Geometry of Terrorism (2004), which seeks to explain terrorist acts through a 'pure sociology' approach; Freilich and LaFree's substantial body of work aimed at widening the application of criminological theory to understand the aetiology of terrorist acts (Freilich and LaFree, 2015; 2016; 2019); and Clarke and Newman's call for the application of the principles of situational crime prevention to thwart what they call 'a form of crime in all essential respects' (Clarke and Newman, 2006: i). While Fisher and Dugan recognise that the ability of criminological theory to predict and explain terrorist acts remains debatable, they nevertheless argue that further work will help develop empirically testable theoretical insights (Fisher and Dugan, 2019). A key methodological challenge facing criminologists, they suggest, is proving a causal link between a reduction in terrorist acts and the implementation of counterterrorism interventions, something they hope will be overcome in the future by employing ever more precise statistical data analysis tools. In the UK context, criminological interest in terrorism has also increased over the past two decades; indeed, terrorism did not even feature in the first edition of McLaughlin and Muncie's SAGE Dictionary of Criminology, which was published in 2001. UK scholarship

has generally been less focused on using theory to explain individual terrorist acts or to advocate for criminal justice responses, in comparison to US scholarship. For instance, Mythen and Walklate (2009; 2006) have taken a more critical approach to the framing of terrorism as a criminal matter, and its relationship with criminal justice. Indeed, when defining terrorism in the more recent 2019 edition, Muncie and McLaughlin raise the question of whether terrorism is so politicised a term that it ought to be abandoned entirely by social scientists (2019). These critical voices notwithstanding, policy-relevant criminological research has long contributed to building the evidence base of contemporary counterterrorism policing in the UK (for example, Innes, 2006; Innes et al, 2017).

Any uncritical embracing of terrorism as a meaningful label is highly problematic and exposes criminology's continuing struggle to decentre state-defined constructs. Criminological theory's inability to explain terrorism is not due to insufficiently rigorous methodological tools, but to an insurmountable ontological limitation. Criminology is doubly failing to deconstruct its object of study, first by failing to deconstruct crime, and second by embracing and reinforcing the sociopolitical construction of the enemy which underlies the terrorist label. Common colonial roots are key to impeding this deconstruction. Sayyid (2013) argues that the war on terror must be understood as a colonial counterinsurgency campaign in a postcolonial setting, reinforcing 'West vs the rest' global narratives. As Gearty (2024) argues, the roots of counterterrorism are clearly to be found in colonising powers' suppression of resistance and dissent in colonised territories, and later in the management of the 'enemy within' domestic territories. Given the historical (and continuing) role of criminal law, criminal justice, and criminology itself in enforcing colonial orders, reproducing white supremacist epistemologies, and legitimising oppressive state practices, it is unclear how they could ever offer anything but the perpetuation of the counterterrorism practices with which they are so intertwined (Agozino, 2003; Deckert, 2014; Kitossa, 2020; Parmar et al, 2022). Criminology's attention thus sustains the construction of terrorism as a criminological problem, and as such the construction of counterterrorism as a legitimate form of crime control.

Counterterrorism as social harm

If terrorism is socially and politically constructed, the same can be argued for counterterrorism. Foley illustrates this point well in relation to British counterterrorism policy: the construction of the threat shapes the response (Foley, 2013). Indeed, the two concepts are so closely interrelated that it becomes difficult to disentangle one from the other in terms of their social consequences. Where Beck (2002) defines post-9/11 terrorism as un-bounded and unknowable, the same can be said of counterterrorism; therefore, it becomes unclear whether the global fear elicited by terrorism should be seen as the consequence of individual criminal acts, when it is their political construction which defines them as acts of terror and simultaneously engages in equally indefinite countermeasures. The construction of counterterrorism as 'unbounded' is in line with what Jackson calls the 'epistemological crisis of counterterrorism': by embracing ignorance and vagueness, current policy accepts uncertainty as an uncontested fact (Jackson, 2015). Counterterrorism thus appears to be at best dogmatic and at worst anti-intellectualist by design. Indeed, McGovern (2018) identifies the crucial role played by the production of ignorance in the War

on Terror; an ignorance which, McGovern argues, is produced not only by the obfuscating power of political rhetoric, but also by academic scholarship's failure to challenge state-centric approaches. Through this pervasive lens, terrorist events are nothing more than irrational acts of violence, which cannot, or rather must not, be rationally explained. As a result, as Jackson argues, 'fantasy, exaggeration, hyper-caution and even forms of magical realism are now central themes in counterterrorism and security practice' (Jackson, 2015: 40). Counterterrorism, then, breeds the uncertainty to which it responds: if terrorism is, at its core, about fear, so is counterterrorism. Accepting crime-centric understandings of terrorism and counterterrorism means not only to prioritise state-defined categories of risk and security, but also to legitimise the socially harmful consequences of criminalisation. Through a zemiological lens we can instead reframe these phenomena and understand contemporary UK counterterrorism through the lens of social harm, understood as the preventable impact of social structures and institutions. Building on Nancy Fraser's (2005) feminist critique of recognition, social harm is here defined as a tripartite denial: of recognition of need (that is, misrecognition), of equitable distribution of power and resources (that is, maldistribution), and of true representation (that is, misframing) (Soliman, 2021). We consider how contemporary counterterrorism practice relates to each of these dimensions of social harm.

Misrecognition

Current counterterrorism practices in the UK prioritise the prevention of the harm caused by individual terrorist acts, privileging an understanding of harm as inextricably tied to 'life and limb' security. Critical scholarship has long highlighted counterterrorism's reliance on constant fear, whether through the self-perpetuating state of unknowability identified by Jackson (2015), or the socially corrosive calls for public vigilance which fuel the targeting of 'suspect communities' (Pantazis and Pemberton, 2009). Indeed, the construction of terrorism's unknowability encourages ever-increased power in attempts to stop individual terrorist acts (Jackson, 2015), while ever-more invasive surveillance technologies continue to sort individuals into ever-changing categories of risk (Mythen et al, 2009; Dinesson, 2022; 2023). In contemporary UK, these measures often converge on the figure of the Muslim, who according to Pantazis and Pemberton, has replaced the Irish as the focus of the government's security agenda (2009). The 'risky' individuals and communities are not only disproportionally likely to be subjected to the harmful consequences of the expanded legal tools described above (be they criminalisation, detention, expulsion, or other forms of hybrid penality), but also to be targeted by the 'soft' powers guiding counterterrorism's social measures, including interventions under Prevent. Embodying a public health approach to radicalisation, Prevent employs biopolitical surveillance to manage the risk of contagion (Heath-Kelly, 2017). While the discriminatory effects of UK counterterrorism are a clear example of misrecognition, there are, as Ragazzi points out, more insidious consequences to the biopolitical surveillance of Muslim communities (Ragazzi, 2016); by requiring UK Muslims to play an active role in the policing of their own community, counterterrorism policies create an internal division between 'risky' and 'trusted' categories which silences radical voices and discourages mobilisation. While surveillance measures such as Project Champion, which included

the installation of CCTV and ANPR (Automatic Number Plate Recognition) cameras directly targeting two largely Muslim neighbourhoods in Birmingham, clearly marked the Muslim community as suspect and risky (Isakjee and Allen, 2013), contemporary mass surveillance measures are increasingly granular, relying on ever-evolving forms of algorithmic profiling (Heath-Kelly, 2017; Collier et al, 2023). Meanwhile, Prevent training increasingly seeks to embrace a 'colourblind' view of radicalisation which encompasses any behaviour perceived as deviating from an assumed universal norm (Younis, 2021). These ever-shifting categorisations have widened the net of suspicion, with neurodiverse young men having become another group increasingly seen as high risk (Hall, 2021: paras 5.15–5.30). Nevertheless, according to Sian, containing the pathology of radicalisation relies on the identification of Lombrosian 'extremist types', whose categorisation remains constructed around the profiling of the Muslim terrorist (Sian, 2017). The preventative value of counterterrorism surveillance remains dubious, while the potential for stigmatisation and alienation remains high, making the case for counterterrorism being fundamentally founded on misrecognition and as such being socially harmful (Taylor, 2020).

Maldistribution

The political foundations of both terrorism and counterterrorism are obscured by the criminal justice system. Placing its focus on the individual, their intent, and their culpability, the criminal justice process presents individual acts and omissions as depoliticised, decontextualised, and dehistoricised. Criminal justice thus contributes to a wider agnotological project dedicated to the denial of and the production of ignorance about imperialism and its enduring legacies, a project which is key to the narratives underpinning the war on terror (Canning, 2018; McGovern, 2018). This project, it should be noted, is not countered by non-penal counterterrorism practices. As we argued above, terrorism itself derives from an idea of insurgence which is fundamentally constructed on racialised people, and it cannot be uncoupled from its racist structures. For instance, research by Meier (2020) shows how German counterterrorism practitioners strongly resist the designation of white supremacist violence as terrorism; when white supremacy is designated as terrorism, it does not engender the same practice responses as violence committed by non-white actors. Meanwhile, Abu-Bakare's (2022a) research finds that UK and Canada counterterrorism practitioners continue to perpetuate white supremacist social hierarchies, while denying the impact (or even the very existence) of Islamophobia and systemic racism. Practitioners, Abu-Bakare (2022a) argues, show themselves to be resistant to academics' attempts to share antiracist knowledge, dismissing such concepts as obstacles to counterterrorism work. These findings are further supported by Wright, who examines the different ways in which critiques of the racialised basis and the racialising impact of Prevent are actively 'suppressed, refused or ignored' by UK counterterrorism policymakers (Wright, 2024: 17). However, as Meier (2024) argues, academics themselves may aggressively resist challenges to racialised constructions of terrorism, which in turn challenge the longstanding prioritisation of the white standpoint as the default (Sabaratnam, 2020). As the 'racial, gendered, and colonial structures' in which terrorism is so deeply entrenched continue to exist, so does their harmful perpetuation by counterterrorism (Khan, 2024: 1). Counterterrorism

therefore perpetuates the same distributive injustices by which it is informed, which Khan argues makes it beyond reform: the way forward is instead the dismantling of the concept of terrorism altogether, and of the various industries it has generated.

Misframing

Misframing is defined by Fraser as the restriction of calls for justice to within the 'taken-for-granted frame of the modern territorial state' (Fraser, 2005: 304). Misframing entails 'misrepresentation', meaning that calls for justice become reserved for some and not others. In Western countries, privileging the nation state as a unit of analysis also means privileging white majority standpoints and perpetuating white supremacist logics. Furthermore, crime-centric conceptualisations of terrorism not only reinforce its framing as a domestic issue, but also dilute the protection of international human rights law. As Sorochinsky (2009) argues, terror suspects are examples of extreme political exclusion, deprived even of basic rights; however, as international human rights courts are becoming more 'penalty-oriented', state abuses are increasingly balanced with a presumed right by victims of terror to see the perpetrators prosecuted. The equation of the right to justice with the right to punishment is problematic in several ways under a zemiological perspective, which sees criminal punishment as inherently socially harmful. Furthermore, equating justice with penal punishment excludes any claim to justice by those who are victimised by non-criminalised forms of political violence, including counterterrorism itself. It is essential therefore for calls to justice to extend beyond the nation state and its institutions. For instance, as Abu-Bakare (2022b) argues in their analysis of the racialisation of British Muslims, resistance against Islamophobic counterterrorism practices in the UK must be linked to transnational struggles against imperial violence. Methodological nationalism is thus not only an inadequate way of theorising society, but a source of injustice in itself: as long as their 'naturalisation of the nation-state' continues, social sciences actively perpetuate misframing by legitimising racialised constructions of citizenry, threat, and victimhood (Wimmer and Schiller, 2003: 576). For zemiology to put forward a true vision of justice, it must not only historically recontextualise counterterrorism as rooted in colonial violence, but also decentre the nation state's territory.

Conclusion

In this article, we have drawn on the UK approach to countering terrorism to highlight how its socially harmful impact is obscured by a crime-centric lens. The range of concerns raised regarding the means and implementation of counterterrorism in the UK raise important questions about the underpinning guiding principles of harm prevention. In particular, we consider how narrowly the public interest is understood in practice, and the implications of relying on this as a guiding principle for policy (Mythen et al, 2009; Heath-Kelly, 2012). For the public interest – not as an under-inclusive fiction but as a holistic assessment of counterterrorism measures in their context – to effectively guide towards better policy it is essential to step away from the narratives of emergency and exception and widen our critical lens (Zedner, 2010; 2014; Waldron, 2010). We can achieve this by moving away from the crime lens and an individualised notion of the public interest altogether, through a zemiological

reconceptualisation of public interest as the prevention of social harm. Doing so, as we have set out, allows us to challenge the assumed exceptionality of counterterrorism and the under-inclusive public interest assessment arising from an exceedingly narrow security-first approach. The zemiological lens, in contrast, provides us with the tools – not only for a more robust critique but also for a more holistic assessment of the public interest. This takes us closer towards recognising counterterrorism as a more mundane form of hybrid governance (Pratt and Valverde, 2002), and towards holding states accountable for the wider harms that they perpetuate in seeking to prevent the harm of terrorism. Applying a social harm approach speaks to policymaking and the legislative momentum around the world in the area of counterterrorism – offering a warning and an opportunity to widen our understanding of what it means to act in the public interest in seeking to prevent harm. Social harm approaches bring us closer, as we have endeavoured to show, towards state accountability and, we suggest, offer a route towards a realignment of counterterrorism law and policy with the public interest.

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Conflict of interest
The authors declare that there is no conflict of interest.

References
Abu-Bakare, A. (2022a) Exploring mechanisms of whiteness: how counterterrorism practitioners disrupt anti-racist expertise, *International Affairs*, 98(1): 225–43. doi: 10.1093/ia/iiab202

Abu-Bakare, A. (2022b) Seeing Islamophobia in black: contesting imperial logics in the anti-racist moment, *International Political Sociology*, 16(2): 1–20. doi: 10.1093/ips/olac005

Agozino, B. (2003) *Counter-Colonial Criminology: A Critique of Imperialist Reason*, London: Pluto Press.

Ali, N. (2020) Seeing and unseeing Prevent's racialized borders, *Security Dialogue*, 51(6): 579–96. doi: 10.1177/0967010620903238

Back, C. (2018) The criminal law of the (political) enemy, in C. Proner, G. Cittadino, G. Ricobom and J.R. Dornelles (eds) *Comments on a Notorious Verdict: The Trial of Lula*, Buenos Aires: CLACSO.

Beck, U. (1996) World risk society as cosmopolitan society? Ecological questions in a framework of manufactured uncertainties, *Theory, Culture & Society*, 13(4): 1–32. doi: 10.1177/0263276496013004001

Beck, U. (2002) The terrorist threat, *Theory, Culture & Society*, 19(4): 39–55. doi: 10.1177/0263276402019004003

Beydoun, K.A. (2017) Lone wolf terrorism: types, stripes, and double standards, *Northwestern University Law Review*, 112(5): 1213.

Black, D. (2004) The geometry of terrorism, *Sociological Theory*, 22(1): 14–25. doi: 10.1111/j.1467-9558.2004.00201.x

Bosworth, M. (2022) Criminalisation, race, and citizenship in UK border control, *Citizenship Studies*, 26(4–5): 387–92. doi: 10.1080/13621025.2022.2091218

Búzás, Z.I. and Meier, A.A. (2023) Racism by designation: making sense of Western states' nondesignation of white supremacists as terrorists, *Security Studies,* 32*(*4–5): 680–713. doi: 10.1080/09636412.2023.2230882

Canning, V. (2018) Border (mis) management, ignorance and denial, in A. Barton and H. Davis (eds) *Ignorance, Power and Harm: Agnotology and The Criminological Imagination*, Basingstoke: Palgrave Macmillan.

Carvalho, H. (2017) *The Preventive Turn in Criminal Law*, Oxford: Oxford University Press.

Clarke, R.V. and Newman, G.R. (2006) *Outsmarting the Terrorists*, London: Praeger Security International.

Collier, B., Stewart, J., Horgan, S., Wilson, L. and Thomas, D.R. (2023) Influence policing: Strategic communications, digital nudges, and behaviour change marketing in Scottish and UK preventative policing, *Scottish Institute for Policing Research*, https://www.sipr.ac.uk/wp-content/uploads/2023/08/Ben-Collier-Influence-Policing-Full-Report.pdf.

CONTEST (The United Kingdom's Strategy for Countering Terrorism) (2018) Counter-terrorism strategy, https://www.gov.uk/government/publications/counter-terrorism-strategy-contest-2018.

CONTEST (The United Kingdom's Strategy for Countering Terrorism) (2023) Counter-terrorism strategy, https://www.gov.uk/government/publications/counter-terrorism-strategy-contest-2023.

Cornford, A. (2017) Narrowing the scope of absurdly broad offences: the case of terrorist possession, *Statute Law Review*, 38(3): 286–97. doi: 10.1093/slr/hmw035

Crelinsten, R.D. (1998) The discourse and practice of counter-terrorism in liberal democracies, *Australian Journal of Politics and History*, 44(3): 389–413. doi: 10.1111/1467-8497.00028

Crown Prosecution Service (2108) The Code for Crown Prosecutors, https://www.cps.gov.uk/publication/code-crown-prosecutors.

De Genova, N. (2013) 'We are of the connections': migration, methodological nationalism, and 'militant research', *Postcolonial Studies*, 16(3): 250–58. doi: 10.1080/13688790.2013.850043

Deckert, A. (2014) Neo-colonial criminology: quantifying the silence, *African Journal of Criminology and Justice Studies*, 8(1): 39–60.

Dinesson, K.E. (2022) (Un)reasonable excuses: on R v Dunleavy, R v Copeland, and Section 58, *Modern Law Review*, 85(6): 1550–61. doi: 10.1111/1468-2230.12721

Dinesson, K.E. (2023) Evidencing terrorist intent: the ambiguities of circumstantial evidence and mind-set material, *Social and Legal Studies Blog*, 9 December 2022, https://socialandlegalstudies.wordpress.com/2022/09/12/evidencing-terrorist-intent-the-ambiguities-of-circumstantial-evidence-and-mind-set-material/.

Douglas, R. (2010) Must terrorists act for a cause? The motivational requirement in definitions of terrorism in the United Kingdom, Canada, New Zealand and Australia, *Commonwealth Law Bulletin*, 36(2): 295–312. doi: 10.1080/03050718.2010.481400

Dubber, M. (2014) On the theory of enemy criminal law, in M.D. Dubber (ed) *Foundational Texts in Modern Criminal Law*, Oxford: Oxford University Press, pp 415–24.

Fekete, L. and Webber, F. (2010) Foreign nationals, enemy penology and the criminal justice system, *Race & Class*, 51(4): 1–25. doi: 10.1177/0306396810362868

Fisher, D. and Kearns, E.M. (2023) The theorizing of terrorism within criminology, *Journal of Research in Crime and Delinquency*, 61(4): 487–520. doi: 10.1177/00224278231156754

Fisher, D.G. and Dugan, L. (2019) Sociological and criminological explanations of terrorism, in E. Chenoweth and R. English (eds) *The Oxford Handbook of Terrorism*, 162–76. doi: 10.1093/oxfordhb/9780198732914.013.10

Foley, F. (2013) *Countering Terrorism in Britain and France: Institutions, Norms and the Shadow of the Past*, Cambridge: Cambridge University Press.

Fraser, N. (2005) Mapping the feminist imagination: from redistribution to recognition to representation, *Constellations*, 12(3): 295–307. doi: 10.1111/j.1351-0487.2005.00418.x

Freilich, J.D. and LaFree, G. (2015) *Criminology Theory and Terrorism: New Applications and Approaches*, New York: Routledge.

Galli, F. (2022) The criminalisation of terrorism risk within the European Union: a suitable choice? in C. Walker, L. Anglí and M.C. Meliá (eds) *Precursor Crimes of Terrorism*, Cheltenham: Edward Elgar, pp 56–65.

Gearty, C. (2024) *Homeland Insecurity: The Rise and Rise of Global Anti-Terrorism Laws*, Cambridge: Polity.

Ghatak, S., Gold, A. and Prins, B.C. (2019) Domestic terrorism in democratic states: understanding and addressing minority grievances, *Journal of Conflict Resolution*, 63(2): 439–67. doi: 10.1177/0022002717734285

Gómez-Jara Díez, C. (2008) Enemy combatants versus enemy criminal law: an introduction to the European debate regarding enemy criminal law and its relevance to the Anglo-American discussion on the legal status of unlawful enemy combatants, *New Criminal Law Review*, 11(4): 529–62.

Hall, J. (2021) The Terrorism Acts in 2021, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1140911/E02876111_Terrorism_Acts_in_2021_Accessible.pdf.

Heath-Kelly, C. (2012) Reinventing prevention or exposing the gap? False positives in UK terrorism governance and the quest for pre-emption, *Critical Studies on Terrorism*. 5(1): 69–87. doi: 10.1080/17539153.2012.659910

Heath-Kelly, C. (2017) The geography of pre-criminal space: epidemiological imaginations of radicalisation risk in the UK Prevent Strategy, 2007–2017, *Critical Studies on Terrorism*, 10(2): 297–319. doi: 10.1080/17539153.2017.1327141

Hemming, S. (2010) The practical application of counter-terrorism legislation in England and Wales: a prosecutor's perspective, *International Affairs*, 86(4): 955–69. doi: 10.1111/j.1468-2346.2010.00922.x

Hendry, J. (2020) The hostile environment and crimmigration: blurring the lines between civil and criminal law, *Soundings: A Journal of Politics and Culture*, 76: 26–36.

Hendry, J. and King, C. (2017) Expediency, legitimacy, and the rule of law: a systems perspective on civil/criminal procedural hybrids, *Criminal Law and Philosophy*, 11: 733–57. doi: 10.1007/s11572-016-9405-6

Hewitt, S. (2019) Great Britain: terrorism and counter-terrorism since 1968, in A. Silke (ed) *Routledge Handbook of Terrorism and Counterterrorism*, London: Routledge.

Hillyard, P. (1993) *Suspect Community: People's Experience of the Prevention of Terrorism Acts in Britain*, London: Pluto.

Hillyard, P. and Tombs, S. (2007) From "crime" to social harm?, Crime, *Law and Social Change*, 48(1–2): 9–25. doi: 10.1007/s10611-007-9079-z

Hillyard, P. and Tombs, S. (2017) Social harm and zemiology, in A. Liebling, S. Maruna and L. McAra (eds) *The Oxford Handbook of Criminology*, 6th edn, Oxford: Oxford University Press.

Innes, M. (2006) Policing uncertainty: countering terror through community intelligence and democratic policing, *ANNALS of the American Academy of Political and Social Science*, 605(1): 222–41. doi: 10.1177/0002716206287118

Innes, M., Roberts, C. and Lowe, T. (2017) A disruptive influence? 'Prevent-ing' problems and countering violent extremism policy in practice, *Law & Society Review*, 51(2): 252–81. doi: 10.1111/lasr.12267

Isakjee, A. and Allen, C. (2013) 'A catastrophic lack of inquisitiveness': a critical study of the impact and narrative of the Project Champion surveillance project in Birmingham, *Ethnicities*, 13(6): 751–70. doi: 10.1177/1468796813492488

Jackson, R. (2015) The epistemological crisis of counterterrorism, *Critical Studies on Terrorism*, 8(1): 33–54. doi: 10.1080/17539153.2015.1009762

Kaleem, A. (2022) The hegemony of Prevent: turning counter-terrorism policing into common sense, *Critical Studies on Terrorism*, 15(2): 267–89. doi: 10.1080/17539153.2021.2013016

Khan, R.M. (2024) A case for the abolition of 'terrorism' and its industry, *Critical Studies on Terrorism*, 1–24. doi: 10.1080/17539153.2024.2327727

Kitossa, T. (2020) Criminology as epistemic necropolitics, *Social Transformations: Journal of the Global South*, 8(2). doi: 10.13185/3377

LaFree, G. (2022) In the shadow of 9/11: how the study of political extremism has reshaped criminology, *Criminology*, 60(1): 5–26. doi: 10.1111/1745-9125.12299

LaFree, G. and Dugan, L. (2015) How has criminology contributed to the study of terrorism since 9/11?, in M. Deflem (ed) *Terrorism and Counterterrorism Today: Sociology of Crime, Law and Deviance*, vol. 20, Leeds: Emerald, pp 1–23. doi: 10.1108/S1521-613620150000020002

LaFree, G. and Freilich, J.D. (2016) *The Handbook of the Criminology of Terrorism*, New York: John Wiley & Sons.

LaFree, G. and Freilich, J.D. (2019) Government policies for counteracting violent extremism, *Annual Review of Criminology*, 2(1): 383–404. doi: 10.1146/annurev-criminol-011518-024542

Leonard, S. (2010) EU border security and migration into the European Union: FRONTEX and securitisation through practices, *European Security*, 19(2): 231–54. doi: 10.1080/09662839.2010.526937

Masters, M. and Regilme, S.S.F. (2020) Human rights and British citizenship: the case of Shamima Begum as citizen to homo sacer, *Journal of Human Rights Practice*, 12: 341–63. doi: 10.1093/jhuman/huaa029

Mavronicola, N. (2024) The case against human rights penality, *Oxford Journal of Legal Studies*, 44(3): 538–62. doi: 10.1093/ojls/gqae013

McGhee, D. (2008) *The End of Multiculturalism? Terrorism, Integration and Human Rights*, Maidenhead: Open University Press.

McGovern, M. (2018) Counterinsurgency, empire and ignorance, in A. Barton and H. Davis (eds) *Ignorance, Power and Harm: Agnotology and the Criminological Imagination*, London: Palgrave Macmillan.

McLaughlin, E. and Muncie, J. (2019) *The Sage Dictionary of Criminology*, 4th edn, London: Sage.

Meier, A.A. (2020) The idea of terror: institutional reproduction in government responses to political violence, *International Studies Quarterly*, 64(3): 499–509. doi: 10.1093/isq/sqaa034

Meier, A.A. (2024) Whiteness as expertise in studies of the far right, *Critical Studies on Terrorism*, 1–23. doi: 10.1080/17539153.2024.2321649

Meisels, T. (2009) Defining terrorism: a typology, *Critical Review of International Social and Political Philosophy*, 12(3): 331–51. doi: 10.1080/13698230903127853

Moffette, D. and Pratt, A. (2020) Beyond criminal law and methodological nationalism: borderlands, jurisdictional games, and legal intersections, in C. Côté-Lussier, D. Moffette and J. Piché (eds) *Contemporary Criminological Issues: Moving Beyond Insecurity and Exclusion*, Ottawa: University of Ottawa Press.

Mythen, G. and Walklate, S. (2006) Criminology and terrorism: which thesis? Risk society or governmentality?, *British Journal of Criminology*, 46(3): 379–98. doi: 10.1093/bjc/azi074

Mythen, G., Walklate, S. and Kahn, F. (2009) I'm a Muslim, but I'm not a terrorist: victimization, risky identities and the performance of safety, *British Journal of Criminology*, 49(6): 736–54. doi: 10.1093/bjc/azp032

Nixon, R. (2011) *Slow Violence and the Environmentalism of the Poor*, Cambridge, MA: Harvard University Press.

Pantazis, C. and Pemberton, S. (2009) From the 'old' to the 'new' suspect community: examining the impacts of recent UK counter-terrorist legislation, *The British Journal of Criminology*, 49(5): 646–66. doi: 10.1093/bjc/azp031

Parmar, A., Earle, R. and Phillips, C. (2022) Seeing is believing: how the layering of race is obscured by 'white epistemologies' in the criminal justice field, *Journal of Criminal Justice Education*, 33(2): 289–306. doi: 10.1080/10511253.2022.2027482

Perkowski, N. (2016) Deaths, interventions, humanitarianism and human rights in the mediterranean 'migration crisis', *Mediterranean Politics*, 21(2): 331–5. doi: 10.1080/13629395.2016.1145827

Pratt, A. and Valverde, M. (2002) From deserving victims to 'masters of confusion': redefining refugees in the 1990s, *Canadian Journal of Sociology/Cahiers Canadiens de Sociologie*, 27(2): 135–61. doi: 10.2307/3341708

Provera, A. (2017) Resource, enemy or refugee? Depiction of the foreigner and models of immigration criminal law, *Pólemos*, 11(2): 345–59.

Ragazzi, F. (2016) Suspect community or suspect category? The impact of counter-terrorism as 'policed multiculturalism', *Journal of Ethnic and Migration Studies*, 42(5): 724–41. doi: 10.1080/1369183x.2015.1121807

Rodrigo Jusué, I. (2022) Counter-terrorism training 'at your kitchen table': the promotion of 'CT citizens' and the securitisation of everyday life in the UK, *Critical Studies on Terrorism*, 15(2): 290–310. doi: 10.1080/17539153.2021.2013014

Sabaratnam, M. (2020) Is IR theory white? Racialised subject-positioning in three canonical texts, *Millennium*, 49(1): 3–31. doi: 10.1177/0305829820971687

Sayyid, S. (2013) The dynamics of a postcolonial war, *Defence Studies*, 13(3): 277–92. doi: 10.1080/14702436.2013.845387

Sian, K. (2017) Born radicals? Prevent, positivism, and 'race-thinking', *Palgrave Communications*, 3: 6. doi: 10.1057/s41599-017-0009-0

Soliman, F. (2021) States of exception, human rights, and social harm: towards a border zemiology, *Theoretical Criminology*, 25(2): 228–48. doi: 10.1177/1362480619890069

Sorochinsky, M. (2009) Prosecuting torturers, protecting 'child molesters': toward a power balance model of criminal process for international human rights law, *Michigan Journal of International Law*, 31(1): 157–229.

Stumpf, J. (2006) The crimmigration crisis: immigrants, crime, and sovereign power, *American University Law Review*, 56(2): 367–419. doi: http://digitalcommons.wcl.american.edu/aulr/vol56/iss2/3

Stumpf, J. (2013) The process is the punishment in crimmigration law, in K.F. Aas, M. Bosworth (eds) *The Borders of Punishment: Migration, Citizenship, and Social Exclusion*, Oxford: Oxford University Press, pp 58–75. doi: 10.1093/acprof:oso/9780199669394.003.0004

Taylor, J.D. (2020) 'Suspect categories', alienation and counterterrorism: critically assessing PREVENT in the UK, *Terrorism and Political Violence*, 32(4): 851–73. doi: 10.1080/09546553.2017.1415889

Tondini, M. (2008) Beyond the law of the enemy: recovering from the failures of the global war on terrorism through (criminal) law, *Processi Storici e Politiche di Pace/Historical Processes and Peace Politics*, 5: 59–81.

Velloso, J.G.V. (2013) Beyond criminocentric dogmatism: mapping institutional forms of punishment in contemporary societies, *Punishment & Society*, 15(2): 166–86. doi: 10.1177/1462474513477979

Waldron, J. (2010) *Torture, Terror and Trade-offs: Philosophy for the White House*, Oxford: Oxford University Press.

Walker, C. (2004) Terrorism and criminal justice: past, present and future, *Criminal Law Review*, 311.

Walker, C. (2007) The legal definition of 'terrorism' in United Kingdom law and beyond, Public l Law, 331–89. doi: https://ssrn.com/abstract=1087420

Walker, C. (2019) Anti-terrorism laws: the United Kingdom's unfinished history, in A. Silke (ed) *Routledge Handbook of Terrorism and Counterterrorism*, London: Routledge.

Weber, L. and McCulloch, J. (2019) Penal power and border control: which thesis? Sovereignty, governmentality, or the pre-emptive state?, *Punishment & Society*, 21(4): 496–514. doi: 10.1177/1462474518797293

Welch, M. (2007) Sovereign impunity in America's war on terror: examining reconfigured power and the absence of accountability, *Crime, Law and Social Change*, 47(3): 135–50. doi: 10.1007/s10611-007-9067-3

Wimmer, A. and Schiller, N.G. (2003) Methodological nationalism, the social sciences, and the study of migration: an essay in historical epistemology, *International Migration Review*, 37(3): 576–610. doi: 10.1111/j.1747-7379.2003.tb00151.x

Wright, H. (2024) 'Don't bring race into it': white ignorance, UK counterterrorism and the impact agenda, *Critical Studies on Terrorism*, 1–24. doi: 10.1080/17539153.2024.2340780

Younis, T. (2021) The psychologisation of counter-extremism: unpacking PREVENT, *Race & Class*, 62(3): 37–60. doi: 10.1177/0306396820951055

Zedner, L. (2008) Terrorism, the ticking bomb, and criminal justice values, *Criminal Justice Matters*, 73(1): 18–19. doi: 10.1080/09627250802274253

Zedner, L. (2010) Security, the state, and the citizen: the changing architecture of crime control, *New Criminal Law Review*, 13(2): 379–403. doi: 10.1525/nclr.2010.13.2.379

Zedner, L. (2014) Terrorizing criminal law, *Criminal Law and Philosophy*, 8(1): 99–121. doi: 10.1007/s11572-012-9166-9

Zedner, L. (2019) Pre-crime and post-criminology?, *Theoretical Criminology*, 11(2): 261–81. doi: 10.1177/1362480607075851

Zedner, L. (2019) The hostile border: crimmigration, counter-terrorism, or crossing the line on rights?, *New Criminal Law Review*, 22(3): 318–45. doi: 10.1525/nclr.2019.22.3.318