

Institution: University of Exeter		
Unit of Assessment: UoA 25 Area Studies		
Title of case study: Reshaping legal investigations and proceedings involving Islam-related violence		
Period when the underpinning research was undertaken: 2009-2018		
Details of staff conducting the underpinning research from the submitting unit:		
Name(s): Robert Gleave	Role(s) (e.g. job title): Professor of Arabic Studies	Period(s) employed by submitting HEI: 1/9/2005-present
Period when the claimed impact occurred: 1/8/2013 - 31/12/2020		
Is this case study continued from a case study submitted in 2014? N		
1. Summary of the impact		
<p>Legal cases related to Islamic Extremism the UK have increased rapidly and revealed an acute need for expert knowledge on violence in Islamic thought. Poorly understood items of evidence (online materials, communications data, and seized items) have led to possible miscarriages of justice. Through expert advice, witness testimony and practitioner training aimed at informing jurors, judges, barristers, solicitors and police officers, Gleave’s activities have aimed to address this deficiency. Utilising the results of Gleave’s research on Islam-related violence, these activities have improved legal efficiency, enhanced the justice process, and enabled courts to make better evidenced judgements.</p>		
2. Underpinning research		
<p>Since 2009, Gleave’s research projects on legitimate and illegitimate violence in Islamic thought have exposed deep links between contemporary Islamic discussions of violence and their historic antecedents. Gleave’s principal finding is that contemporary Muslim arguments about violence – by so-called “extremist” and “mainstream” ideologues alike – are organically linked to premodern debates in works of Islamic jurisprudence (<i>fiqh</i> and related disciplines). Gleave has built up reading skills and practices in the reading of <i>fiqh</i> texts over 30 years of research, following “deep reading” methodologies common in the study of premodern intellectual history. Islamic activist groups (including Hizbullah, HAMAS, al-Qa’ida and Islamic State) are often designated, both in the media and in the secondary literature, as “modern”, “terrorist” movements, deviating from a supposed “orthodox” “established” Islamic thought, and those who support them are classed as “extremist” in the legal definition of the term. In contrast, “orthodox” or “mainstream” Islamic expression is presented as having deeper historical roots, and therefore greater authenticity. Gleave’s research has challenged these preconceptions, by demonstrating how premodern legal debates relating to the legitimacy of violence in the Islamic religio-legal code (Shari’a) have been reformulated in contemporary Islamic discussions. This led to a more nuanced picture of the historical development of Islamic thought on violence and a deeper understanding of the intellectual context of the religious justifications for Islam-related violence in the 20th and 21st centuries. The principal findings can be summarised:</p>		
<p>F1: In the Islamic intellectual tradition, particularly around ethics and law, violent acts have no special category of analysis. There is no notion (in terms of a word or an idea) in Islamic juristic thought which corresponds to “violence” (as used both in the English language and in Western ethical discourse). This, to an extent, explains the refusal of many modern Islamic thinkers and movements to unequivocally “reject violence” when a response is demanded by international bodies. ([3.1 Vol.III])</p> <p>F2: Islamic thought on the legitimacy of violence is dynamic. There is no single “proper”, “orthodox” or even “mainstream” view of which particular “violent” acts are forbidden (and illegitimate), permitted (and legitimate) or necessary (or obligatory). [3.6]</p> <p>F3: Much of the discourse of modern Islam-related activist movements – including so-called “extremist” and “mainstream” groups - is linked to these premodern legal</p>		

discussions; a proper assessment of material associated with such movements requires this contextual knowledge. [3.1 Vol.III]

These findings, and the expertise built up during the underpinning research, facilitate the proper assessment of evidence in Islam-related extremism and terrorism cases, the fairest, research-based way to present a case for or against individuals, and the impact on freedoms of religion and expression.

Findings F1-F3 are the result of three major peer-assessed, research council funded projects between 2009 and 2019:

1. *Understanding Shari'a: Past Present Imperfect Present* (www.usppip.eu); (2016-2019) Humanities in the European Research Area (HERA). €1.2million.
2. *Global Uncertainties Leadership Fellowship: Islamic Reformulations*, RCUK (through ESRC, September 2012-September 2015, amount: £495,384, plus Impact Supplement of £50,000: Total £545,384)
3. *Legitimate and Illegitimate Violence in Islamic Thought* (www.livitproject.net), AHRC/ESRC, (January 2009-December 2012, amount: £592,342)

The projects have resulted in a significant publication list, including 21 articles and book chapters and a dedicated book series (*Violence in Islamic Thought I-III* edited by Gleave et al). The project activities (workshops, conferences and fieldwork) created an extensive international network of scholars working on violence in Islamic thought, through which the projects' research findings are debated and tested. Together (projects, their activities and their publications) form a major contribution to the academic understanding of the relationship between Islam and violence, and the history of related intellectual debates.

3. References to the research

3.1 R. Gleave et al., *Violence in Islamic Thought Volumes I-III*, (Edinburgh: Edinburgh University Press, 2015-2020). Three Volumes, including introductions to each volume (each authored or co-authored by Gleave) <http://www.jstor.org/stable/10.3366/j.ctt16r0jf3.1>

3.2 R. Gleave "The Rebel and the Imam: the Uprising of Zayd al-Nar and Shi'i Leadership Claims" in D. Tor (ed.) *The 'Abbasid and Carolingian Empires Comparative Studies in Civilizational Formation* (Leiden and New York: BRILL, 2017), pp.169-190. <https://doi.org/10.1163/9789004353046>

3.3 R. Gleave, "Deriving Rules of Law" in R. Peters, P. Bearman (Eds.) *The Ashgate Research Companion to Islamic Law* (Farnham: Ashgate, 2014), pp.57-72. <https://doi.org/10.4324/9781315613093>

3.4 R. Gleave, "Shi'i Jurisprudence during the Seljuq period: Rebellion and Public Order in an Illegitimate State" in C. Lange and S. Mecit (Eds.) *The Seljuqs: Islam revitalised?*, Edinburgh: Edinburgh University Press, 2011), pp.205-228. <https://www.jstor.org/stable/10.3366/j.ctt1r29j6>

3.5 R. Gleave, "Public Violence, State Legitimacy: the Iqamat al-hudud and the Sacred State" in C. Lange and M. Fierro (Eds.) *Public Violence in Islamic Societies: Power, Discipline, and the Construction of the Public Sphere, 7th-19th Centuries CE* (Edinburgh: Edinburgh University Press, 2009), pp.256-275. DOI:10.3366/edinburgh/9780748637317.001.0001

3.6 R. Gleave, "Al-Karaki, *jihad*, The State and Legitimate violence in Imami Shii Jurisprudence" in Gleave et al (eds) *Violence in Islamic Thought Volumes* (Edinburgh, Edinburgh University Press, 2018), Volume II, pp.125-146. <http://www.jstor.org/stable/10.3366/j.ctt16r0jf3.1>

4. Details of the impact

Police investigations, arrests and court proceedings involving British Muslims accused of supporting and promoting terrorism increased significantly following the military success of the Islamic State group (IS, previously Islamic State in Iraq and Syria) in 2014. Material seized and used as evidence of an individual's extremist views or support for terrorist activity was voluminous and complex. Police officers, solicitors, barristers, and other legal practitioners lacked the expertise to understand the context for this material. Criminal cases, mainly brought under counter-terrorism legislation (the Terrorism Acts of 2000 and 2006, the Prevention of Terrorism Act 2005) were followed by other cases. Parents accused of Islamic extremism were subjected to local authority investigations with a view to child protection. Religiously conservative Muslims applying for asylum or involved in residence/immigration appeals were assessed for extremist views, as part of the legal process. The need for analysis of the extremism/terrorism-related material produced in evidence was critical for both investigating parties (counter-terrorism police, LA/immigration investigating officers), defendants, and legal practitioners involved in such cases. Gleave's impact on meeting this critical need has been in three forms of impact:

(1) Changes in professional practice in relation to Islamic extremism and Islam-related terrorism, through the provision of training for, and collaborative discussion opportunities with, police and legal practitioners.

(2) Influencing the conduct of investigations, and, in court, the approach of legal teams acting for the relevant parties in specific cases by providing expert advice and testimony to investigating agencies (counter-terrorism police, the Home Office and local authorities) and legal practitioners (solicitors, the Crown Prosecution Service, defence and prosecution teams). In some cases, this led to shorter trials and significant cost savings.

(3) Influencing the policy debates concerning the proposed 2015 Extremism Bill through the "Thoughtcrimes" seminar series, policy-directed blogposts with the Bingham Centre and an All-Party Parliamentary Group meeting.

(1) Changes in professional practice

Police officers and legal professionals usually worked with ideas of "true" and "false" Islamic attitudes towards the justification of violence. In Gleave's tailored practitioner training, Gleave used his research findings (F1, F2) to challenge these attitudes. The training, then, enabled prosecution/defence teams and counter-terrorism police to work on investigations and cases with a deeper awareness of the religious and ideological commitment of individuals involved. This prevented costly, inaccurate and potentially unjustified lines of enquiry being pursued against suspects.

Gleave has delivered numerous training events, including the Practitioner-Academic seminar: *Islam in Court: Muslim Belief and Practice in Recent Extremism-related Cases* (5.1) on 24/6/19 convened with Joel Bennathan QC. The event, attended by 25 specialist barristers and solicitors included a briefing paper distributed to defence teams through Doughty Street Chambers. Gleave has also led training events for law-enforcement officers, including a series of training engagements for Counter Terrorist Policing North West unit, the final meeting of which was held on 17/9/19 at Forces HQ, Greater Manchester Police. Attended by 45 CT officers from across the region, the training consisted of appropriately pitched lectures and case studies of past cases. Questionnaire results from the event (5.2) demonstrate how practitioners gained a clearer understanding of radical Islam and violence (e.g. "*I moved from little to no awareness to an understanding of [Radical Islam's] debates and complexities*"). The responses also demonstrate how working practices post-training, including the procedures for the assessment of allegedly incriminating material. Comments included "*we will adopt a different approach to interpreting communications detail/mind-set evidence*" and improved "*questioning techniques*" of suspects; others said "*we will re-examine the relevance of any potential evidence*" in future evidence. From this training, 85% of participants said their understanding had improved, and that it will be useful in future investigations.

(2) Influencing the conduct of investigations

Material linked to Islamist activist movements is the principal “mindset” evidence in individual cases. A common prosecution argument was that in allegedly holding a particular belief, an individual was deviating from the Islamic norm, and therefore can be legitimately classed as an “extremist”; a common defence argument was that the defendant’s beliefs formed part of the variety of Muslim opinion on a matter over time, and therefore he or she was in no way deviant or extremist. Gleave’s advice, written reports and court testimony, based on his research findings (F3), enabled the relevant legal teams, and the court generally, to gain a full understanding of the context for the material being presented as evidence of an individual’s extremist beliefs or terrorist activities. In civil cases and other legal hearings (defamation, child protection, immigration, deportation, and asylum), Gleave’s reports enabled a contextualised understanding of the material used in evidence (based on his research findings F3). In all these cases - criminal and civil, family protection and Home office hearings - Gleave’s advice and evidence (written and oral) enhanced understanding and operated alongside other pieces of evidence to inform the final decision of the court or hearing.

Between 1/8/2013 and 1/9/2020, Gleave provided in-depth expert advice and expert testimony in 35 Islamic extremism and terrorism-related police investigations, family and child protection hearings and criminal legal cases. Some of these were high profile (5.7) and of national significance including:

The prosecution and conviction of the Islamist preacher Anjem Choudary for inviting membership of a proscribed terrorist group (5.8) (K O’Raghallaigh, defence barrister, “*Without [Gleave] we simply couldn’t have explained... what the defendants’ were saying.*”) (5.3)

The case brought by Imam Shakeel Begg against Andrew Neil and the BBC for defamation (5.9) (W Bennett, claimant’s barrister: “*[Gleave] gave the proper alternative view to the view put forward by the BBC’s expert. So the court was able, properly, to reach a decision.*”) (5.3)

The prosecution of Martin Matthews (leader of Fathers for Justice) for trespass (“*Without a shadow of a doubt things changed because of his evidence*”, B. Sian, defence solicitor) (5.3)

Police Investigation of alleged associates of Salman Abedi (Manchester Arena Bomber). (5.10) “*He was pivotal, if I’m honest with you. Without [Gleave’s] assessments... [the evidence] may well have caused us to take a different action.*” (5.3)

Whilst direct linkage between evidence and outcome cannot be proven (jurors are not permitted to give reasons for their verdict), legal practitioners record the effect of Gleave’s evidence on specific trials (5.3): **R v Mizan ur Rahman**, S Tadafur (defence barrister): “*From the defence perspective, without his reports we wouldn’t have had a leg to stand on. We needed an expert and he provided evidence that we desperately needed in the case.*”; **R v Alamgir**, A King, “*[Gleave] helped us make a proper assessment of the Crown’s evidence; and helped us understand and evaluate our client’s instructions as well*”; **R v Alam** – M Hussain QC (defence barrister): “*He holds a very unique position... [Gleave’s evidence] made the jury and then the judge understand [the] often opaque and complex issues, well.*”; [Gleave] “*is in a... unique position... you may have a number of experts in the country but you rarely have somebody’ with Gleave’s skills.*” **R v Ibrahim Hassan** – [Fahad Ansari, defence solicitor: “[Gleave’s] evidence was very critical in overcoming that hurdle” of “the assumption that [our client] was a threat to national security.” Some practitioners report on legal efficiency and costs saving resulting from Gleave’s evidence: **R v Khalid Al** - D Gottlieb, defence barrister, “the prosecution immediately agreed all but 2 paragraphs of [Gleave’s] report... shortening the case by a month... you’re talking about £150,000 worth of court time saved.”

(3) Influencing the policy debates concerning the proposed 2015 Extremism Bill

Based on research findings (F1-3), Gleave led public discussions around the “Extremism Bill” proposed in 2015 including convening, in collaboration with the Bingham Centre for the Rule of Law, the high profile “Thoughtcrimes” Seminar Series, the first held on 14/5/2015, coming the day after the announcement of the proposed Extremism Bill by then Home Secretary Theresa May. The seminar, addressed by major legal figures, including prominent defence barrister Joel Bennathan QC and the former Director of Public Prosecutions, Sir Ken Macdonald, initiated legal debate around the proposed Bill. It was accompanied by the much-cited blog post (5.4), co-authored by Gleave and Lawrence McNamara, Deputy Director of the Bingham Centre. These collaborative activities with the Bingham Centre led to MPs and Peers establishing an All-Party Parliamentary Group (APPG) on the Rule of Law (5.5) chaired by RH Dominic Grieve (5.5). The APPG was the first meeting of a cross party group of MPs and Peers involved in the parliamentary response to the Extremism Bill. Gleave was invited to speak at the first meeting at the Houses of Parliament (14/7/2015) on “Non-Violent Extremism and the rule of Law” where he, based on his research and his work as an expert witness, detailed his assessment of the Extremism Bill’s negative effects on fundamental freedoms (including the freedom of religion and the freedom of speech), and the potential alienating effects on the Muslim community. The APPG chair, RH Dominic Grieve MP (former Attorney General, 2010-14, and chair of the Intelligence and Security Committee, 2014-2019) notes that (5.5) “*Professor Gleave was invited... because of his work... on extremism in the legal process, including his acting as an expert witness in numerous Islam-related terrorist cases.*” Gleave’s presentation, he states, enabled the meeting to understand that “*there were many traditional/conservative non violent Muslim voices which could be classified as ‘non violent extremism’ under the proposed legislation.*”

Gleave’s work on the APPG, he explains, helped “*MPs and Peers focus their work on the Extremism Bill*” (5.5). Mr. Grieve notes that “*Gleave’s work had a significant impact on the debate surrounding this controversial piece of legislation*” and his work “*helped to galvanise the parliamentary response and the Bill’s eventual abandonment in 2017*”.

5. Sources to corroborate the impact

5.1 Briefing Note, Gleave discussion paper “*Islam in Court: Muslim Belief and Practice in Recent Extremism-related Cases*” distributed through Doughty Street Chambers to defence teams.

5.2 Evaluation Summary Counter Terrorist Policing North West training

5.3 Testimonial Evidence from Legal Professionals and Police

5.4 Thought Crimes Seminar Series <https://bit.ly/31tLNkV>

5.5a. All-Party Parliamentary Group Meeting report: <https://bit.ly/3deqYiW>

b. Announcement of the establishment of the new APPG on the Rule of Law <https://bit.ly/3fjPm5l>

5.6 Letter from Dominic Grieve QC (formerly MP and chair of APPG)

5.7 Media Report: <https://bit.ly/2PuMKH6>

5.8 Media Report: <https://bit.ly/3roQPK3>

5.9 Media Report: <https://bit.ly/3w6pj7J>

5.10 Media Report: <https://bit.ly/3tZ9r5m>