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| <b>Institution:</b> SOAS University of London  |  |  |
| <b>Unit of Assessment:</b> 31 – Theology and Religious Studies   |  |  |
| <b>Title of case study:</b> Islam Unveiled: Explaining Islam in the Criminal Justice System  |  |  |
| <b>Period when the underpinning research was undertaken:</b> 2015–2018   |  |  |
| <b>Details of staff conducting the underpinning research from the submitting unit:</b>   |  |  |
| <b>Name(s):</b>  | <b>Role(s) (e.g. job title):</b>             | <b>Period(s) employed by submitting HEI:</b> |
| Dr Matthew Wilkinson   | Senior Research Fellow in Contemporary Islam | 2015–2020                                    |
| <b>Period when the claimed impact occurred:</b> 2015–31 July 2020  |  |  |
| <b>Is this case study continued from a case study submitted in 2014?</b> N   |  |  |
| <p><b>1. Summary of the impact</b> (indicative maximum 100 words)</p> <p>The research, conducted at SOAS, led to the development of a robust analytical method for distinguishing between Mainstream Islam, Ideological Islamism and Islamist Extremism. Expert Witness reports and examinations in UK court trials related to Islamist or Far-Right extremism helped judges and juries distinguish between healthy, destructive and illegal religious and ideological acts, and to convict criminals guilty of acts of terrorism carried out on false religious pretexts. The research was also used for judicial training of High Court Judges and to inform the work of Counter-Terrorism officials at the Home Office, the Ministry of Justice and the Foreign Office, as well as UK Ambassadors and Government Ministers. The research thus allowed a fairer, fuller and more accurate understanding of Islam and Muslims at senior levels of the government and the judiciary.</p>   |  |  |
| <p><b>2. Underpinning research</b> (indicative maximum 500 words)</p> <p>The rise of the so-called ‘Caliphate’ of the Islamic State group (2013–2017) in the context of the Syrian Civil War (2012–present) resulted in terrorist cases being prosecuted in English courts against British nationals who were alleged to have travelled to Syria to join the Islamic State group and other militant groups active in the war. This in turn created an acute problem in adjudicating in court what does and does not constitute normative and legitimate Islamic practice, and in understanding the nature of theological evidence that was adduced to justify terrorist activity.</p> <p>The research of Dr Matthew Wilkinson, Senior Research Fellow in Contemporary Islam, developed at SOAS (2015–2018) drew on traditional Islamic theology as expounded in the traditional Sunni and Shia Muslim Schools of Law (madhahib), Critical Realist philosophy and Worldview theory to address the problem of distinguishing between Mainstream Islam, Islamism and Islamist extremism.</p> <p>Islamic theology was used to explain the basic contours of Islamic practice and belief. Worldview theory showed how different types of Islam and Islamism are worldviews: integrated ways of being-in and knowing-the-world that draw together facts (and fictions), laws, norms, generalisations, answers to ultimate questions to form a consistent idea of the self and its relationship to the world. Critical Realist philosophy was used to characterise different worldviews in terms of unity and diversity, and similarity and difference. Wilkinson’s research has identified and described these different worldviews as (Fig 1):</p> <p><b>1. Traditional Islam</b>, which falls within the general category of Mainstream Islam. This is the worldview of unity-in-diversity generated by the religious practice of those who accept and follow, to the best of their ability, the basic injunctions of the Qur’an and the Customary Prophetic</p> |  |  |

Behaviour (Sunna) of the Prophet Muhammad, in a way that is appropriate to their circumstances without their aspiring to effect change in the political space.

**2. Activist Islam**, which falls within the general category of Mainstream Islam. This is Mainstream Islam as characterised by diversity-in-unity, practised to effect transformative personal change and/or transformative structural change in the public space according to Islamic principles.

**3. Ideological Islamism**, which falls within the category of Islamism. This is Islam as revolutionary political ideology directed at overthrowing, rather than transforming, existing political structures and replacing them with an Islamic State governed by Sharia Law. It is the worldview of exaggerated Muslim vs. non-Muslim separation.

**4. Non-Violent Islamist Extremism**, which falls at the intersection of Islamism and Islamist Extremism. This is Islamist ideology as it sharpens antagonistically into an absolutely divided, Manichean Us vs. Them Worldview that stresses the absolute difference between the 'true' ideological Muslim 'in-group', and the non-Muslim and 'wrong' Muslim 'out-groups', who are afforded a less human or sub-human status.

**5. Violent Islamist Extremism**, which falls within the category of Islamist Extremism. This is the absolutely divided, Manichean Us vs. Them Worldview by which the cosmos is constructed as a manifestation of the Eternal Struggle between Islam and Unbelief (Kufr). The non-Muslim and 'wrong' Muslim, who do not struggle violently to establish a global Islamic state, are construed as eternal enemies of 'true' Islam and therefore fit to be exterminated.

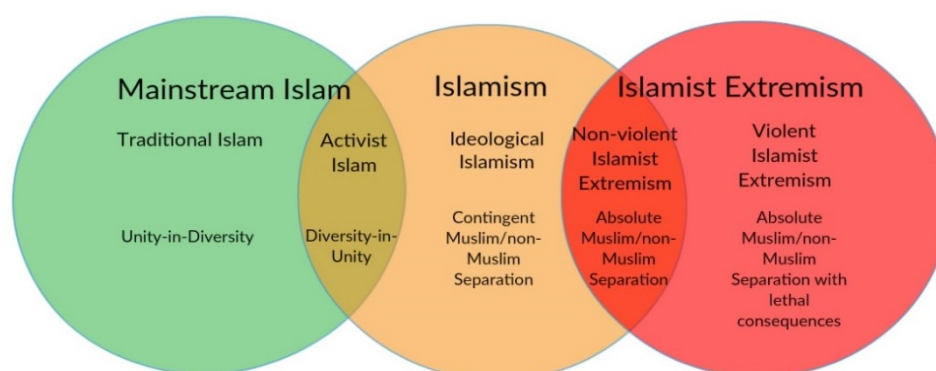


Fig 1. The Worldviews of Mainstream Islam, Islamism and Islamist Extremism

Thus, Wilkinson's research has for the first time addressed effectively and comprehensively a problem that has dogged policy makers and jurists for the last twenty years: how Mainstream Islam differs legally and practically from Islamism and Islamist Extremism. The research was made accessible through the publication of his 2018 monograph *The Genealogy of Terror: How to Distinguish Between Islam, Islamism and Islamist Extremism*, which was praised by high-ranking legal practitioners/officials.

### 3. References to the research (indicative maximum of six references)

Wilkinson, M.L.N. (2018). *The Genealogy of Terror: How to Distinguish Between Islam, Islamism and Islamist Extremism*. Abingdon: Routledge. ISBN: 9781138200463. Available on request  
**Peer-reviewed monograph**

### 4. Details of the impact (indicative maximum 750 words)

Wilkinson's research on distinguishing between Islam, Islamism and Islamist Extremism informed a number of trials related to Islamist or Far-Right Extremism; contributed to capacity building in the education of judges and senior barristers (judicial training); and influenced the work of the Home Office, Ministry of Justice, FCO and UK Government Ministers. This led to a fairer and more rigorous legal system. Max Hill QC, Director of Public Prosecutions, said that the research was 'of enormous value to practicing criminal lawyers and to the interested "lay" reader' [5.1].

#### *Trials related to Islamist or Far-Right Extremism*

The ideas developed in Wilkinson's research facilitated the decision-making of judges and juries and barristers in 12 significant terrorism and hate crime trials (2015–2019) [5.2], helping them

understand the nature of the Islamic or Islamist theological ideas that may be used to justify criminal acts and behaviour. Sir David Calvert Smith, former High Court Judge in charge of the Terrorism List and Chair of the Parole Board 2012–2016, stated 'I have witnessed first-hand, and had confirmatory reports about them from former colleagues, the impact and clarity that Dr Wilkinson's research has brought to the understanding of Islam-related evidence in terrorism cases'. He considered that Wilkinson's monograph [3] 'should be required reading for judges and lawyers tasked with handling cases of alleged "Islamic" terrorism as well as for the representatives of the media which report on them.' [5.7]

Wilkinson was told by the Crown Prosecution Services (CPS) that his work had directly informed the understanding of the CPS in their decision-making about which terrorism cases to prosecute or not. For example:

1. In November 2015, in *Regina v. Rehman & Khan* – instructed by the CPS – the defendants were convicted of terrorism offences, specifically of plotting to detonate a bomb in the Westfield Shopping Centre in West London. Wilkinson's research [5.2a] was important since it showed that the communication of ideology by phone and social media between the defendants was consistent with their preparation of acts of terrorism. The Counsel for the Defence Zafar Ali QC, who had also acted as such in another terrorism trial – *Regina v. Kamali* (2019) [5.2i] – expressed his view that 'Dr Wilkinson's groundbreaking research in developing a method to make robust and clear distinctions between the Worldviews of Mainstream Islam, Islamism and Islamist Extremism was vital in both cases for clarifying to the Court whether evidence was extremist and/or terrorist or not'. He concluded that 'Dr Wilkinson's research was instrumental in both cases in greatly assisting the Court'. [5.6]

2. Wilkinson's research was used in the Central Criminal Court in *Regina v. Kamran Hussain* (2017) to show that evidence was consistent with the worldview and actions of the violent Islamist extremism of the so-called Islamic State Group, and that the Defendant – a British Imam – had been encouraging his congregation to support the so-called Islamic State group and its worldview. The research contributed to the conviction of the defendant for encouraging terrorism by showing that the teachings of 10 out of 17 sermons that were served by the prosecution as evidence strayed significantly from the teachings of Mainstream Islam into the worldviews of Islamist Extremism. [5.2i and 5.3]

3. In the 2017 *Regina v. Burton Hate Crime Case*– instructed by the CPS – the defendant was convicted of hate crime against a Muslim activist for harassing the complainant online with far right extremist taunting about the Islamic doctrine of Taquiyya (dissimulation). Wilkinson's research [5.2h] showed that the ideas of the complainant were derived from the worldview of Mainstream Activist Islam and were not in any way extreme, and therefore not liable to the online vilification to which the complainant had been subjected. This meant that the complainant could continue his work documenting instances of anti-Muslim prejudice and advocating institutional change unhindered by online abuse. [5.4, 5.5]

4. In a 2016 civil defamation case instructed by the BBC (*Shakeel Begg v. BBC*), the research showed that the ideas and preaching of the claimant were derived from the worldview of Violent Islamist Extremism and its exponents. The Hon. Mr Justice Haddon-Cave's judgement in this trial drew extensively and directly from Wilkinson's Expert Witness report which became the basis of a legal test for Islamist Extremism. This was a highly unusual degree of impact in the legal space for a scholar of Islam, and The Hon. Mr Haddon-Cave commended 'the remarkable lucidity' of Wilkinson's oral evidence based on this research. [5.5 p69, clause 292]

*Capacity building of judges and senior barristers (judicial training)*

As well as its direct impact in court, Wilkinson's research was used by judges and senior barristers in the UK to build sustained capacity in the understanding of the procedural and theological

relationship of Islam and Muslims to the Criminal Justice System. This was so that Muslims who appear in court can be treated fairly but not naively.

In November 2015, approximately 80 High Court judges attended Wilkinson's lecture at the Serious Crime Conference and were empowered to know that the core Common Law principles of Equality before the Law, Mens Rea and Actus Reus, had their counterparts in Islamic Shari'a Law and therefore were not, in principle, contradictory with Islam. As a result of this lecture, Judge Richard Marks, the Common Serjeant of London, said that Wilkinson's research 'had helped judges reflect upon best judicial practice in crimes involving Islam and Muslims' [5.9].

#### *Influencing the work of the Home Office, FCO and UK Government Ministers*

This research had an impact on the deeper and more nuanced understanding of Counter-Terrorism officials from the Home Office and Foreign & Commonwealth Office (FCO) in the distinction between the worldview and behaviours of Mainstream Muslims, Islamist Muslims and Islamist Extremists. In March 2017 and September 2018, Wilkinson gave a briefing to approximately 40 officials from the Home Office and Foreign Office, including 20 senior Counter-Terrorism officials, to enable them to distinguish between the worldviews of Mainstream Islam, Ideological Islamism and Islamist Extremism, and to distinguish between healthy, destructive and illegal religious and ideological behaviours. The Head of the National Security Research Group at the FCO, described how 'colleagues from the Foreign and Commonwealth Office and other Whitehall Departments have found the clarity and insight of Dr. Wilkinson's analysis most helpful for developing our understanding of this field and for the practical work of diplomacy.' [5.8]

#### *Informing the work of media reporting on Islamist Terrorism*

Wilkinson's monograph, *The Genealogy of Terror: How to Distinguish Between Islam, Islamism and Islamist Extremism* [3], was also picked up by the mainstream media – in particular BBC News and ITV News – and used to inform explanatory discussion around terrorist incidents. For example, in the aftermath of the murder of Jack Merritt and Saskia Jones on London Bridge on 29 November 2019, the framework from Wilkinson's research informed discussion on the BBC Radio 4 Today [5.10], BBC News, ITV News and BBC Newsnight programmes of 2 December 2019 [5.11].

### **5. Sources to corroborate the impact** (indicative maximum of 10 references)

5.1. Front Matter - review of the *Genealogy of Terror* - Max Hill QC, The Independent Reviewer of Terrorism Legislation; Head of Red Lion Chambers

5.2. Expert Witness reports:

- a) Regina v. Rehman & Khan (submitted as evidence in October 2015)
- b) Regina v. Alamgir et al. (submitted as evidence in March 2016)
- c) Regina v. Alamgir et al. – Expert Witness Addendum Report, March 2016)
- d) Shakeel Begg v. BBC (submitted as evidence in May 2016)
- e) Regina v. Ali et al. (submitted as evidence in February 2017)
- f) Regina v. Taha Hussain (submitted as evidence in May 2017)
- g) Ali Hammuda v. NGN (submitted as evidence in May 2017)
- h) Regina v. Timothy Burton (submitted as evidence in January 2017)
- i) Regina v. Kamran Hussain (submitted as evidence in July 2017)
- j) Alsuleiman v. Nationwide News Pty Ltd (submitted as evidence in January 2018)
- k) Regina v. Fransen & Golding (submitted as evidence in January 2019)
- l) Regina v. Kamali (submitted as evidence in May 2019)

5.3. Imam who told children martyrdom was 'greater success' than school convicted of supporting Isis – The Independent, 23 September 2017

<https://www.independent.co.uk/news/uk/crime/kamran-hussain-imam-children-isis-martyrdom-greatest-success-stoke-on-trent-tunstall-mosque-islamic-a7962731.html>

5.4. 'Right-wing radio host Tim Burton jailed for "vile Islamophobic" trolling of anti-racism campaigner', The Independent, 28 April 2017 <https://www.independent.co.uk/news/uk/crime/tim-burton-radio-host-tell-mama-jailed-racist-islamophobic-fiyaz-mughal-a7707256.html>

5.5. Approved Judgment of The Hon. Mr Justice Haddon-Cave (28/10/2016) for Shakeel Begg and British Broadcasting Corporation. See p. 69, clause 292, line 2.

- 5.6. Letter from Counsel for the Defence, Zafar Ali QC
- 5.7. Letter from former High Court Judge, Sir David Calvert-Smith QC.
- 5.8. Letter from Head of National Security Research Group, FCO, September 2018
- 5.9. Email from His Justice Judge Marks QC, the Common Serjeant of London, December 2019
- 5.10. BBC Radio 4's Today programme of 2 December 2019 [1:49:09–01:57:32] – transcript and <https://www.bbc.co.uk/programmes/m000byw3>
- 5.11. BBC 2's Newsnight of Monday, 2 December 2019 [00:04:13–00:05:38] – transcript and <https://www.bbc.co.uk/iplayer/episode/m000by75/newsnight-02122019>