Editors Introduction

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In the immediate aftermath of the terrorist attacks on New York and Washington in September 2001, most politicians in Europe were determined to make sure that a similar attack could not occur on European ground. Besides partaking in the US-led war on terror, many European governments tightened border control and passed new legislation advancing anti-terror prevention and national security. The early post-9/11 anti-terrorist legislation primarily focused on enhancing security in public places (like airports), expanding the room of maneuvering for police/secrete services in terms of data monitoring, information sharing and detention of suspected terrorists, as well as implementing harder legal punishments for acts of terrorism and criminalizing the planning or support of such acts. However, following European experiences of ‘homegrown’ terrorist attacks in Madrid, London, Oslo/Utøya and a number of disrupted plots, policies aimed at radicalization prevention, de-radicalization and disengagement have come to the fore.

In academic and public debates these developments of anti-terrorism policies in Europe has over the last decade been followed closely and often with some degree of anxiety. Although the support of new policies enhancing authorities’ possibilities of protecting against, pursuing and preventing terrorist attacks has generally been high among European populations, serious concerns has also been raised.

A first concern has been with the pace of policy changes in area of anti-terrorism. Skeptics have pointed at how new anti-terrorism policies have been rushed through parliament without sufficient involvement of legal experts and normal checks and balances, due to the alleged ‘state of emergency’ following the 9/11 and Madrid and London attacks. This often made for unclear policy formulation and difficult implementation.

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A second major concern raised has to do rather with the scope of the new anti-terrorism policies: the charge is that in their search for security European governments have imposed significant limitations on individual freedoms and human rights. Such concerns have in particular been raised vis-à-vis new possibilities of communication surveillance, stop-and-search practices, renditions and the use of secret evidence in terrorist court trials. Surveillance, in particular, risks thwarting perfectly legitimate behaviors, ranging from religious practices to political protest.

Linked to this, a third concern has been articulated regarding the fact that anti-terrorist policies, not least newer radicalization prevention policies, seem to be targeting communities in a discriminatory manner making particular communities pay a high price for a public sense of security in the post-9/11 era. As intelligence services across Europe since 9/11 have more or less agreed that militant sunni-islamist networks pose the greatest terrorist threat to national security, a lot of (negative) attention has fallen upon the Muslim minorities in Europe. Critics have argued that radicalization prevention policies and police surveillance practices have established Muslim minorities as ‘suspect communities’ at large, and caused a securitization of the pursue of integration and social cohesion in European societies, as the lack of integration and cohesion is perceived as a potential cause of radicalization and extremism. In this sense, anti-radicalization policies risks to produce—through stigmatization—what criminologists define as “secondary deviance”.

Finally, the very large sums of money spent on anti-terrorism and radicalization prevention across Europe today has raised concerns about the ‘value for money’ and degree of efficiency of policies, which has led to intensified calls for better assessments and evaluations of anti-terrorism initiatives.

In sum, the question is not only to which extent these policies are effective, but also to which extent they impinge on democratic liberties and civil rights.

This special issue of *European Journal of Criminal Policy and Research* offers a wide glance at European anti-terror policies 10 years after 9/11, by addressing several aspects of the described concerns in relation to anti-terrorism policy developments and implementation. The five articles included in this volume address the topic of European anti-terror policies 10 years after 9/11 from different angles and in different contexts. Bridging theoretical concerns with empirical data, they offer new insights on the policy-making process of anti-terrorism, the implementation of anti-terrorism policies and their impacts in Britain, Germany, Denmark and at the EU-level.

“Judicial Policymaking in the EU Courts: Safeguarding Due Process in EU Sanctions Policy Against Terror Suspects” by Monika Heupel looks at EU responses to the 9/11 attacks, focusing on sanctions against individuals and groups suspected to belong to terrorist organizations. First, she points at the arbitrary fashion with which the lists of suspects were made in the beginning, as well as the cumbersome procedures to have names “delisted”. Looking at the evolution over time, she however also notices that the rulings of courts (both national ones and the European Court of Justice) have contributed to some major improvements in terms of establishment of an at least rudimentary due process safeguard.

“Constraining Britain's Legal Response to Terrorism: Norm Competition and the Prospects for Liberal Democracy” by Frank Foley focuses on the difficult balancing of security and liberty in responses to terrorism. In particular, it develops an often understated argument of how fundamental norms of liberty and proportionality in practice have worked to constrain post 9/11 terrorist responses. Using Britain as a case study, the article shows how initial and far reaching terrorist responses, such as indefinite detentions of terrorist suspects and the use of control orders, have been

constrained by the courts or rolled back by authorities due to such norms concerns. Foley argues that there is more to the story of European anti-terrorism in the post 9/11 era than ever more authoritarian responses. The article, thus, offers a corrective to very pessimistic assessments of the course and effects of European counter-terrorism efforts post 9/11, suggesting that Britain is not fundamentally giving up its very liberalism in order to protect it against terrorism.

Less optimistic is “Can We Laugh Yet? Reading Post-9/11 Counterterrorism Policy as Magical Realism and opening a Third-Space of Resistance” by Charlotte Heath-Kelly, which also focuses on the British context, but does so from a rather different angle. The article investigates aspects of the war on terror, including the British Prevent strategy, the use of drone strikes and polices on CNRN terrorism, and the surrounding elite discourses. In terms of methodology the article builds upon an innovative combination of policy analysis and narrative analysis (inspired by literary analysis), and suggests to read the investigated policies and narratives as examples of the literary genre of magical realism. By doing so, it highlights some of the paradoxical, surreal and at times humorous juxtapositions of the post 9/11 counter-terrorism discourse. The main argument is that by focusing on such discursive juxtapositions between rationalist realism and surrealism it is possible to bring out the ‘cracks’ in the modern counter-terrorism discourse – the instances where the at times implicit absurdities of the discourse become unmasked - and that by doing this it is possible to open up a new angle of criticism and understanding.

“Before the law: Priorities and Contradictions in the dialogue between the German state and Muslims in Germany” by Werner Schiffauer, analyses the new security policies implemented in Germany since 9/11. The article argues that the new security measures are characterized by being preventive in nature: following Michel Foucault, the author argues in fact that they are built on diverse forms of discipline, but share a common aim, which is the integration of Islam and Muslims as a mean of providing security and preventing terrorism. Integration is pursued using a twofold strategy aiming at the same time at the repression of ‘Islamist’ communities, and at dialogue with those same communities. Schiffauer argues then that the German security strategy rests on diverse forms of discipline and integrative measures which are mixed in such a way that neither security nor integration is strengthened in the long run. By locating Muslim communities in a liminal position, not completely within or outside the law, anti-radicalization policies and practices are putting Muslim communities under general suspicion making it difficult for them to integrate. Analyzing in particular the setup, content and interactions of the German *Islamkonferenz* and central reports from the German *Verfassungsschutz*, the article provides valuable new insights on the infrastructure, discourse and dilemmas of the new security strategy vis-à-vis Islam and Muslims in Germany.

“Value for Money? Problems of Impact Assessment of Counter-radicalization policies on End Target Groups: The Case of Denmark” by Lasse Lindekilde, takes as its starting point the general ambition among European policy-makers that counter-radicalization policies, like other policies, should be evidence based and their impact therefore closely monitored and evaluated. Looking at the Danish counter-radicalization policies and the recent assessments of their impacts, the article argues that due to an unclear understanding of the motivational and structural factors underpinning radicalization processes the indicators of success of counter-radicalization policies are often unclear or underspecified. One of the consequences of this is that initial academic and official assessments of the effectiveness of counter-radicalization measures and policy responses are weakened by common methodological challenges, impairing our understanding of the impacts of counter-radicalization interventions on targeted communities. The article concludes by suggesting some ways

ahead for more systematic and valid assessments of the impact of counter-radicalization policies in Denmark and elsewhere.

We hope that the collection of articles in this special issue will contribute to moving forward the academic discussions and research on the formation of counter-terrorism policies in Europe, their implementation and impact as well as inform policy-making, policy practices and assessments in this area of great public concern.