

Echoes of future past: The continued hyper-securitisation of Islam and Muslims

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Recently, the federal government of Australia quietly introduced into parliament a law to ban the Nazi Swastika as an extremist symbol. The law also includes a ban on the Islamic State (IS) flag.

The prohibition on the latter is problematic, as the flag contains the *Shahada* (profession of faith)—one of the five pillars of Islam—and the law will encompass symbols that are ‘likely to be confused’ with the IS flag. As such, the law potentially criminalises the display of a sacred tenet in Islam. Further, as of 2021 there were already 92 federal counter-terrorism laws introduced post-9/11 making Australia’s program more robust than many of its Western counterparts. Further, despite these laws being race-neutral in tone, they have disproportionately targeted Muslim communities.

Therefore, this recent move to ban the IS flag in conjunction with the Nazi Swastika begs the question: What is the current place of Islam in the Australian imaginary, given that it continues to be securitised more than 20 years after 9/11? Lending force to this question is the fact that the Australian Security Intelligence Organisation (ASIO) in 2021 changed how it categorised terrorism threats, shelving ‘Islamic terrorism’ in favour of ‘ideologically and religiously motivated violent extremism’, due to recognition that the threat of an Islamic terrorist attack was ‘comparatively small’ and that the most pressing security concern was the rise of

right-wing extremist groups.

Successive governments continue to pursue the threat of Islamic extremism as it has always been an abstract or rather existential notion as opposed to a reality. That is, Australia has never been confronted with a major act of Islamic terror on home soil and has always reacted to an imagined threat that was relayed through events that transpired in other jurisdictions. Indeed, as will be shown, due to this heightened threat perception from international events both near and far Australia instituted an extraordinary counter-terrorism regime that was overengineered toward prevention and effectively armed with a hair trigger. This in turn has led to a self-perpetuating cycle within the counter-terrorism industry, as either an event abroad or the faintest prospect of a development at home was enough to set the machinery in motion and routinely hold the wider Muslim community as a possible 'fifth column' and has been sustained by a global existential crisis regarding the 'Muslim subject'. Thus, to begin I go back to the era of former Prime Minister John Howard who was the chief architect of the hyper-securitised environment we live in today.

Howard and the 9/11 effect

In 2001, the then Prime Minister was visiting the United States to commemorate the 50th anniversary of the ANZUS treaty. He arrived on the 8th of September and would subsequently witness the 9/11 attacks from a Washington DC Hotel that was only a short distance from the White House. This proximity to the audacious attacks on both the Twin Towers and the Pentagon, which saw 3,000 people perish, deeply effected Howard. Indeed, he penned a letter to then President Goerge W. Bush that expressed that not only did he 'share the sense of horror' experienced by the US, but that he also felt 'the tragedy more keenly being...in Washington at the moment' of the attack. This sense of horror was further augmented the following year with the advent of the Bali Bombings on October 12, 2002, that saw 202 people killed, including 88 Australians.

These events, both near and far, would hasten Howard's decision to not only join the US in their 'War on Terror', framing terrorism as a 'continuous threat' akin to that of the Cold War, but also prompted him to embark on rapidly building an unprecedented body of counter-terrorism laws. Between late 2001 and 2007 the Howard government introduced no less than 48 pieces of anti-terror related legislation. According to legal scholar George Williams, this was a period of little oversight and broad bipartisan support, with 7.7 pieces of counter-terrorism legislation proposed per year, and each being passed on average every 6.7 weeks.

Reflective of the lack of oversight is the fact that laws were expedited despite the Parliamentary Joint Committee on ASIO, the Australian Secret Intelligence Service (ASIS) and the Defence Signals Directorate (now the Australian Signals Directorate), stating that some of the laws were the most controversial ever reviewed by the committee. The laws were regarded as extraordinary for not only did they introduce a 'pre-crime' intelligence mindset, they also outlined that people could be arrested for the provision of training, the receiving of training, and the possession of, or a collection of a 'thing', or the development of a document connected with the preparation of a terrorist act. In other words, the wording was so vague and expansive it gave the authorities the power to arrest someone on the faintest connection or notion of a possible act of terror without ever engaging in any such activity. Alongside this, the laws gave ASIO the power to detain people who are suspected of having information relating to a terrorist offence, including minors between the ages of 16 and 18. Further, detainees can be interrogated for up to 24 hours (48 when an interpreter is required), and there is no right to silence or legal representation.

Effectively, the pre-crime laws, akin to a concept in the 2002 Hollywood film *Minority Report*, gave the authorities the power to 'jump at shadows' and it did not take long for these ill-conceived laws to go awry. Indeed, Dr Muhammad Haneef, an Indian national who had been working as a registrar in Australia on a skilled worker visa was arrested at Brisbane airport on 2 July, 2007, in connection to an attempted bombing of Glasgow Airport. His alleged crime was the provision of a sim card (a

‘thing’) to his second cousin who was suspected of being involved in the attack. He was detained for 12 days and then charged on 14 July 2007 with having intentionally provided Fast forward to the 27th of July, his charges were dismissed by the Brisbane Magistrates Court due to a lack of evidence. However, in the meantime, the then Minister for Immigration and Citizenship revoked Haneef’s work visa and the Attorney General’s Office issued a Criminal Justice Stay Certificate to prevent his deportation so that justice could be served. As a result, he was detained for a total of 25 days.

Subsequently, Haneef sued the government and in 2010 he was awarded an undisclosed sum of money. Here, it important to note that this case represented the first time that these legislative provisions were applied in practice.

However, despite this debacle—and a somewhat similar miscarriage of justice in the UK experience by Dr Rizwaan Sabir in 2008 that would also result in compensation being paid by the authorities—successive Australian governments have continued push through further legislation, albeit at a slower rate. For example, the Kevin Rudd and Julia Gillard governments between 24 November 2007 to 11 September 2011, passed six anti-terror laws at an average of 1.6 per year. They did not, however, wind back any of the laws instituted during the Howard era. As such the legislative regime remained intact, with a subsequent call for ASIO powers to be repealed in an independent legislative review in 2012, ignored. Then another change of government in 2014 with the election of Tony Abbott as Prime Minister saw security once again front and centre at the hands of another prospective threat unfolding overseas, wherein Muslims were positioned very much as a fifth column.

Tony Abbot, foreign fighters and ‘Team Australia’

With the advent of the Islamic State (IS) in Iraq and Syria and the phenomenon of approximately 150 Australian citizens having travelled overseas to fight, the

government raised the terror threat alert level from medium to high on advice from ASIO. The rationale behind this shift was that these individuals were fighting with terrorist groups and posed a risk upon their return and indicated that the threat of an attack was imminent. This clarion call from ASIO about another possible risk sometime in the future prompted the Abbot government to introduce further preventative counter-terrorism legislation.

The first of these bills was passed on 26 September 2014 and granted ASIO additional powers. The bill provides a streamlined process for warrants, gives ASIO officers some immunity for some covert actions, and allows the secret use of third-party computers during intelligence operations. Alongside this, the bill introduced harsh consequences for reporting on secret operations with the introduction of a 10 year penalty that could see journalists jailed. Following shortly after, the government introduced the Foreign Fighters Bill, which has given the government the authority to cancel passports and declare certain regions that experience conflict no-go zones, to which individuals have to justify their travel.

Abbott sought to justify the addition of the new powers and in doing so effectively called out Muslims as a 'fifth column' by stating that they needed to join 'Team Australia':

'We've got a serious problem of radicalised people going to the Middle East to fight with terrorist groups. So we do have to be vigilant against it, and my position is that everyone has got to be on Team Australia... Everyone has got to put this country, its interests, its values and its people first, and you don't migrate to this country unless you want to join our team and that's the point I'll be stressing'.

The implication, given the that the laws are explicitly targeting jihadists, is that Muslims in general are a risk and might succumb to divided loyalties. In other words, they are required to constantly prove that they belong and are subject to what can be described as the double burden of citizenship. Most telling in this regard is the call by Abbott for Muslims to adhere to Australian values. Such 'culture

talk' is fundamentally xenophobic and places Muslims as an outgroup as it means they need to change their ways, shed their ethnic baggage, and assimilate.

On this point it is important to note that this was not an isolated incident that is confined to Abbott. Rather, an analysis of 2422 speeches—both parliamentary and non-parliamentary—by 19 Coalition and 41 Labor federal politicians that held prominent positions (Cabinet and Shadow Cabinet) from 2000 to 2006 has shown that this xenophobic outlook is very much a part of the wider political class, with both Coalition and Labor leaders often invoking Christianity at much the same rate with 22.7 percent and 21.1 percent of the time, respectively. Further, it was found that the speeches that mentioned Christianity most often were those that pertained to 'foreign relations' and the 'fabric of society' and often mentioned terrorism. A classic example in relation to Australian society is Howard's statement just before the 2004 election:

'I am of the Christian tradition myself, and respect it in a very traditional way, and regard the Judeo-Christian influence on Australia as the single greatest influence for good in the Australian community.'

In other words, on both sides of the aisle, there is the view that Australia is a Judeo-Christian nation, and that Islam does not belong.

Compounding the sense of alienation caused by this Western civilisational discourse amongst the wider community (especially Muslims and Indigenous Australians)—which according to Troy Meston, Debbie Bargallie and Halim Rane has a long history that predates 9/11—were the actions of both the police and the Australian Federal Police (AFP). In conjunction with the raising of the threat level from medium to high, ASIO, a week later, released intelligence that there was a plot to randomly behead individuals and that parliament was mentioned. This news precipitated the biggest police raid in Australia's history, with 800 police deployed across Sydney and Brisbane and the AFP taking over security of parliament. The raids saw 15 people detained, though only four of those held were charged; and a

similar scenario would play out again the following year. Following the fatal shooting of a police civilian finance worker Curtis Cheng by 15-year-old Farhad Jabar in Sydney on 2 October 2015 there was a dawn raid that involved 200 New South Wales police officers and the AFP. This operation resulted in five arrests, though only one was held in custody in connection with the killing while the others were released without charge at that time.

In between these two shows of force by the authorities there was a spate of 30 attacks, recorded by the Muslim Legal Network and the Islamophobia Register, that predominantly targeted women wearing the hijab. In particular, one woman was threatened with having her hijab torn from her head and set alight, whilst another was spat on and had her pram carrying her baby kicked.

The net result of this hyper-legislation, surveillance and policing has been, as Alyssa Moohin notes, a build-up of generational trauma where Muslim women and men question small details such as whether to wear traditional clothing or grow a beard. Further, she notes that the frequent stigmatisation of Muslim men as suspect has also led to sense of 'anger, injustice and disempowerment', which has the potential to create a self-fulfilling prophecy on the part of the government. Indeed, the community feels under siege and has begun to push back.

In the lead up to the second mega raid in 2015 a group called 'Concerned Muslims Australia' boycotted a Ramadan Iftar dinner held by the AFP as they felt they had had been 'stab[bed] in the back' by the authorities. In particular, the petition stated:

'Where specific threats have been prevented, the raids have been dramatised beyond any reasonable measure to reinforce the notion of a Muslim threat via media and ministers/departments' public commentary.'

Effectively, the community was fed up with being imagined as a fifth column through the performative counter terrorism of the police and the AFP and the xenophobic discourse from successive governments. However, such calls would fall on deaf ears as Europe began a second wave of securitisation.

Europe's second wave and the global turn

In January 2015 France witnessed the horror of a terrorist attack on the satirical magazine *Charlie Hebdo* which saw 12 people killed. This attack combined with the advent of IS and the refugee crisis that saw one million arrive from what is seen by many as the Euro-Muslim terror zone of Jordan to Tunisia, would see France follow the path taken by Australia and institute a pre-crime surveillance approach. In July 2015, the French government passed an intelligence law that allowed for preventative surveillance into people's homes or vehicles, and placed the authorisation to intercept private data, such as electronic communications, in the hands of the Prime Minister; something that was previously reserved for criminal investigations and required a warrant. This placed France at the vanguard of a wave that would sweep across Europe. As Imène Ajala shows, France has continued to pass legislation that securitises Muslims, with the introduction of the anti-separatism law in August of 2021.

Indeed, as historian of antisemitism and Islamophobia James Renton notes, 2015 was a watershed year, with Europe—from the Netherlands to Poland—introducing laws that greatly increased the capacity for surveillance and reduced judicial oversight. In particular, Johanna M. Lems and Laura Mijares highlight that Spain introduced a range of policies, such as the Agreement for the Liberties and Against Terrorism (informally known as the Anti-Jihadist Pact), that have had a similar impact to the counter terrorism legislation enacted in France, the UK, the US and the Netherlands, as they have pre-emptively branded Muslims as 'terror suspects.'

Further, as a result of this push by the West, Renton argues that the 'surveillance order' has expanded to a global preoccupation that also includes countries such as China and India and that the latter in particular has a long history. With regard to India, Irfan Ahmad agrees with such an assessment, noting that 9/11 has simply intensified the securitisation of Muslims, and has been augmented even further by Prime Minister Narendra Modi since his coming to power in 2014. In relation to

China, Michael Clarke observes that a new National Counter-terrorism law was introduced in late December 2015 and that Beijing began its internment of Uyghurs in earnest in 2016. Moreover, the new national laws introduced requirements for technology firms to help decrypt information, which is a similar provision to those put in place by France five months earlier, suggesting that China is following the global counter terrorism agenda that has largely been set by liberal democracies.

Lending further support to this global preoccupation with the Muslim subject are a number of case studies from Southeast Asia. Two that look at Indonesia highlight how the government is still struggling to find the right formula to combat terrorism and protect the national ideology of Pancasila since the Bali bombings in 2002. Christian Harjianto and Farida Fozdar explore the problematic decision taken by President Widodo to unilaterally ban Hizbut Tahrir Indonesia in 2017 through presidential decree on account of its Islamism being seen as an existential threat to the state, while Imam Malik Riduan analyses the government's attempts to leverage Civil Society Organisations (CSO) to counter radicalisation through inculcating the values of Pancasila. In doing so, Riduan acknowledges the very real risk of CSOs simply becoming seen as extension of government surveillance and undermining community trust, a development that has taken place in other jurisdictions such as the UK. Similarly, Julius Mok, and Gerhard Hoffstaedter and Aslam Adb Jalil, respectively describe how both Singapore and Malaysia are rigidly controlling what constitutes Islam for Malay Muslims to manage religious and cultural pluralism in what Mok aptly describes as 'hard multi-racialism'.

Thus, given this global turn and fear around the place of Islam in countries both near and far to Australia, it is perhaps not surprising that there have routinely been echoes of earlier practice, such as former Australian Prime Minister Malcolm Turnbull's rehashing of Howard's 2004 anti-terrorism election ad campaign in 2016 for his campaign with an even more overtly (and absurd) jihadist visual.

Australian Government

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Every piece of information helps

SOME THINGS TO LOOK OUT FOR

Terrorists rely on surprise, so there's no definitive list, however local and overseas experience has given us some possible warning signs to look out for. Examples include:

- Unusual surveillance, videotaping or photography of official buildings, energy installations and important sites
- Vehicles parked near significant buildings or in busy public places for long periods of time
- Packages or bags abandoned in public places such as malls, buildings or train stations
- Suspicious purchases or possession of large quantities of fertilizer, chemicals or explosives
- Unusual uses of accommodation such as garages being used at odd times of the day or night

Small pieces of information from members of the public can help keep Australia safe from terrorism. Police and security agencies are working hard but you could help them complete the picture.

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CALL THE NATIONAL SECURITY HOTLINE
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Even if you think it's probably nothing, the smallest piece of information can be valuable. Calls to the National Security Hotline have already contributed to investigations. If something doesn't add up, speak up by calling the National Security Hotline.

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Howard Campaign 2004

Turnbull Campaign 2016

Here it is important to note that the securitisation agenda of successive governments has largely continued despite the fact that intelligence experts had begun to acknowledge that the threat of Islamic extremism in Australia is small. Giving further insight into the thinking both leading up to and at the time are the revelations that former Prime Minister Scott Morrison allegedly urged the Coalition to exploit anti-Muslim sentiment, while Peter Dutton—the then Immigration Minister—expressed the view that the biggest mistake that Malcolm Fraser made in the 1970s was to allow Lebanese refugees to settle in Australia.

Subsequently, it is again not surprising that there was another spike in counter

terrorism laws between 2018 and 2019 with the ascension of Morrison to the Prime Ministership; a spike that belied, as scholars Kieran Hardy and George Williams observe, the reduced threat posed by IS due to its collapse.

Essentially, Australia has become conditioned to respond to external events ever since Howard put the nation into a state of perpetual existential threat following 9/11 and the Bali bombings. Moreover, the system of hyper legislation and surveillance that he initiated requires only limited stimuli and there are reminders everywhere. Indeed, in the recent Quad Leaders joint statement there is listed under global and regional issues the need to tackle the matter of 'terrorism and violent extremism' with specific reference to historical attacks in India, and there are counter-terrorism policy hawks from India that are keen push the need for such cooperation. It is likely reminders such as these that are behind the incumbent Australian government's ill-conceived ban of the IS flag that has the feel of an afterthought or echo of a bygone era.

Conclusion

Here, I have shown that Australia due to Howard's proximity to the tragedy of 9/11 he embarked on a muscular strategy of hyper-legislation and surveillance to counter Islamic extremism based on sense of perpetual existential threat driven by external events, and that this program has been continued, albeit at a slower rate, with bipartisan support from successive governments. Further, this sense of threat was augmented by the Abbott government's positioning of the wider Muslim community as a fifth column, in the wake of the foreign fighter development, by suggesting they were not part of 'Team Australia'; a move that was driven by an exclusionary Judeo-Christian outlook. As such, there were now triggers for the counter-terrorism machinery ever-present at home. Finally, compounding the situation further was a second wave of securitisation following the *Charlie Hebdo* attack in France in 2015 that has since led into a global turn. Subsequently, due to Australia's heightened sense of threat from events both near and far, the Muslim subject has remained a

persistent object fear in the Australian political imaginary.

Image: Protesters voicing opposition to an Anti-Islamic film in Sydney, 2012. Credit: Jamie Kennedy/WikiCommons.