

Fighting an Abstraction: Why the Law Can't Stop 'Extremism'

Foreword by Dr Patrick Nash

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It is a pleasure to have been invited to write a foreword to this courageous and timely paper. That it is authored by British Muslims

makes it all the more encouraging as regards the future of public debate over integration, extremism and national security.

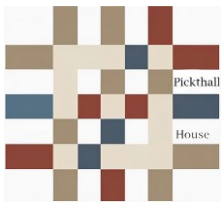
'Extremism' is an infinitely elastic concept and as such is not fit for the purpose of defending a modern democracy such as Great Britain. At present, anyone—individuals, civil society groups, state agencies—may level an accusation of 'extremism' against anyone else on any given issue and there is no obvious way either to enforce this or mount an effective defence. Yet there is absolutely no reason why heated disagreement over legitimately contentious issues to do with gender, sexuality, the environment, immigration, free expression, or geopolitical conflict should fall within the purview of state security. For a charge as serious as threatening the state and national way of life, the relevant offences and defences

must be set out with great precision in law or we, as a country, are lost.

The actual threat element to combat is not a set of people—Muslim or otherwise—with firmly held opinions different to one's own or the mainstream, but specific groups and networks actively working to undermine and overthrow the British state. Security policy will become much more efficient, and much less expansive, if it refocuses on tangible groups and their activities rather than disagreeable opinions on debatable issues.

It may sound like a scare-word, but reviving the tried and tested concept of 'sedition' is a far more bounded and practical method of dealing with dangerous but non-violent threats. Rather than descend into moralising and definitional wrangling, it enables the state to surgically identify and dissolve the specific groups and networks that strive to overthrow it.

Sedition has the most immediate and obvious application in the charitable sector where countless tax-exempt



organisations work, using public and NGO funds, to subvert and overthrow the British nation. For example, if a religious charity with links to the Muslim Brotherhood is working towards the restoration of a caliphate by democratic means or in support of enemies of the state, it straightforwardly should not be granted public largesse through charitable status. The same would hold for any charity working to peacefully institute a fascist ethnostate or a communist dictatorship.

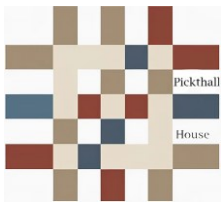
Regrettably, counter-extremism has grown into a massive fake industry over the past two decades. For example, Prevent has recently released a risible online '[game](#)' seemingly aimed at deterring children and trans people from questioning mass migration or protesting against asylum hotels. This follows in a long line of serious investment in unserious activities directed against a nebulous abstract noun. And what has any of it achieved in terms of eradicating dangerous religious/political

movements? Nothing.

The only way forward is to scrap this vague, quasi-legal concept with no practical utility and replace it with something that can actually be applied in the real world. Sedition and subversion fit the bill perfectly and it is heartening to see the case being made here for their overdue reintroduction into English law.

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Before co-founding the Pharos Foundation, where he serves as the Director, he was a Visiting Fellow at the Faculty of Theology and Religion at Oxford, and a Research Fellow at the Woolf Institute in Cambridge. He previously taught law at the Universities of Bristol and Newcastle.



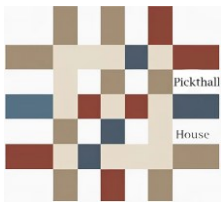
Executive Summary

Key Findings

- The concept of 'extremism' is too vague and subjective to serve as a workable legal category for fighting terrorism or regulating the charitable sector, making it susceptible to political manipulation, inconsistent application, and simultaneously over-inclusion of innocuous behaviours and under-inclusion of real threats.
- In recent years, between 80 and 95% of Prevent referrals were rejected as unfounded, sweeping thousands of innocent citizens into the counter-terrorism surveillance for holding lawful opinions while wasting valuable time and resources.
- Research has failed to establish any robust connection between holding 'extreme' views in the abstract and actually committing terrorist acts, undermining the rationale for monitoring 'non-violent extremism'.
- The reliance on 'extremism' in monitoring threats to security in the charitable sector leads to ignoring dangerous and subversive actors that do not deploy overtly ideological rhetoric.

Key Recommendations

- The failed 'extremism' framework for predictive counter-terrorism strategy should be replaced by a primary focus on more direct indicators of violent behaviour
- In the regulation of the charitable sector, 'extremism' should be abandoned in favour of the traditional and objective legal categories of 'sedition' and 'subversion', which focus on conduct intended to overthrow the state rather than the expression of controversial ('extreme') opinions.
- Counter-terrorism efforts should refocus on individuals likely to be actively planning violence rather than monitoring the expression of abstract opinions. Clearly defined 'sedition' and 'subversion' offences should be reintroduced, with rigorous protections for due process.
- A public register should be established for individuals and organisations restricted on the grounds of 'sedition' or 'subversion', with the registration criteria published. Specific reasons for the restriction of each individual or group should be made public.



Introduction

For over two decades, the UK's counter-terrorism strategy has centred on combating 'extremist' ideologies as a means of preventing terrorist violence. The [Prevent strategy](#), introduced in 2003 as part of the CONTEST framework, was expanded in 2011 to encompass 'non-violent extremism', [defined](#) as "vocal or active opposition to [the] fundamental British values" of "democracy, the rule of law, individual liberty, and mutual respect and tolerance of different faiths and beliefs".

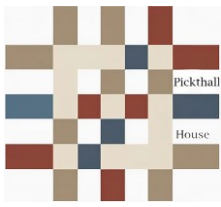
The 2015 [Counter-Terrorism and Security Act](#) placed a legal obligation, the "Prevent duty", on public authorities, including schools, health services, and local councils, to identify and refer individuals who may be vulnerable to 'radicalisation' into 'extremist' views for intervention or monitoring. While the Act does not make holding or expressing 'extremist' views a criminal offence, individuals identified as at risk of 'radicalisation' face official investigation and monitoring under the auspices of counter-terrorism programmes. Referrals from public authorities are made to the Channel programme, and individuals who decline interventions recommended by Channel may then face further police monitoring.

The concept of 'extremism' is also important in the regulatory framework for the charitable sector. Official Charities Commission [guidance](#) requires charities to protect themselves from "abuse for extremist purposes".

The accumulated evidence suggests that 'extremism' has failed as a workable legal category. The concept is too vague to be applied consistently, too broad to avoid capturing innocuous behaviour, while simultaneously too narrow to capture every relevant threat, and—as a result—too politicised to command public confidence.

This paper builds on an earlier Pickthall House whitepaper on the failure of the 'Prevent' strategy to [prevent terrorism](#). Here, we argue that the legal category of 'extremism' should be abandoned and replaced in the charity sector's legal framework with the traditional, narrower categories of 'sedition' and 'subversion', which focus on conduct intended to sabotage the state rather than on abstract opinions, while preventive counter-terrorism strategies should focus on more direct psychological indicators of individual proclivity to violence rather than on expressions of ideological opinion.

This change will have, among other benefits, two important and salutary effects: it will end the subjection of individuals with no intention of committing terrorist acts to official monitoring and harassment, and it will ensure that threats to the state that are *not* driven by any explicit or identifiable 'extremist' ideology are dealt with effectively.



I. The Failures of 'Extremism' as a Legal Category

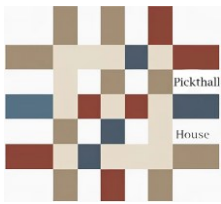
Counter-Terror: Vagueness and Overreach

The concept of 'extremism' as a legal category is unavoidably vague and thus susceptible to political manipulation. Deploying this concept as a legal category—even if 'extremism' *per se* is not a crime—requires the state to make inevitably subjective and contestable judgements about which beliefs count as 'extreme'.

The attempt to define 'extremism' with reference to rejection of "fundamental British values" does not avoid this problem. While such 'fundamental' values (like the "rule of law" and "individual liberty") sound uncontroversial in the abstract, their precise conceptualisation and application are necessarily deeply contentious, and have proven to be so in practice. For instance, does advocating restrictions on abortion constitute opposition to 'individual liberty'? Do traditional religious teachings on sexuality stand in tension with 'mutual respect and tolerance'? Merely identifying abstract values like 'individual liberty' as 'fundamental' does nothing to resolve such questions, which will inevitably arise in a modern and pluralistic society.

Given this plurality of interpretations, it is impossible to define 'extremism' with reference to an agreed-upon set of 'British values' that have sufficient specific and determinate content to yield a clear definition. As a result of this indeterminacy and vagueness, accusations of 'extremism' have become weapons in culture war conflicts. Some [progressives](#) view conservative Christian views of gay relationships as extremist, while some [social conservatives](#) in turn view progressive 'gender ideology' as a form of extremism. Deep [controversy](#) over how to understand Islamic 'extremism' is a recurring feature of British politics, while some [Muslim groups](#) have accused right-wing politicians of *anti-Muslim* 'extremism'. Even if such accusations are unaccompanied by explicit calls to restrict speech, they involve groups tacitly attempting to enlist state power against their ideological opponents, due to the legal consequences, resulting from the Prevent duty and other legislation, of being credibly labelled 'extremist'.

This ideological contestation and weaponisation of 'extremism' and similar accusations has dogged Prevent's operation. [Amnesty International](#) claims the programme disproportionately targets Muslim communities, amounting to state harassment. Meanwhile, figures like Jacob Rees-Mogg have criticised Prevent as compromised by "[woke](#)" ideology, alleging that it views right-wing ideas as inherently extreme. Prevent documents have listed [socialism and anti-fascism](#) as ideologies leading to extremism. [Environmental activists](#), including Quakers, have faced referrals for lawful campaigning.



When a category can be stretched to encompass everyone from climate activist group [Extinction Rebellion](#) to Jacob Rees-Mogg, it has lost almost all useful meaning. The vague criteria and pressure for vigilance have produced wildly inappropriate referrals: children for writing about [Palestine](#), a four-year-old boy for discussing the video game [Fortnite](#), and individuals for holding [pro-life views](#).

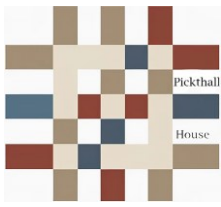
Not only does the controversy that debates about 'extremism' generate tend to undermine public trust in the Prevent strategy's legitimate purposes, but the expansiveness and malleability of 'extremism' also leads to authorities wasting time and resources investigating people who pose no real threat to public safety. For instance, in [2024-5](#), 8,778 people were referred to Prevent, but only 1,727 cases were deemed serious enough to escalate to Channel. In other words, 80% of referrals did not meet the threshold for further investigation or action (let alone criminal investigation). This 80% rejection rate not only indicates an enormous waste of resources; it also means thousands of innocent citizens experience the distress of being treated as potential terrorists for holding controversial but lawful views.

Why 'Extreme' Views Do Not Predict Terrorism

A possible defence of the use of the concept of 'extremism' in counter-terrorism strategy, despite all the problems highlighted above, would claim that the concept is nevertheless useful in predicting acts of violent terrorism. If, despite the fact that the vast majority of cases of suspected 'extremism' do not require further action, at least some individuals genuinely at risk of committing acts of mass violence can *only* be identified and stopped at an early stage through the use of the 'extremism' concept as an indicator of their intentions, this would be ample justification for the UK's counter-terror strategy continuing to use the concept despite all the many issues we have noted.

But this is not the case. The policy of targeting non-violent 'extremism' as a means of preventing terror rests on a false empirical assumption. [Copious research](#) demonstrates that holding 'extreme' views is [not a reliable predictor](#) of terrorist violence. Even if we narrow our attention only to views that actually involve the moral endorsement of violence, at least in principle, rather than the whole range of non-violent views swept into the 'extreme' category by the cycle of accusation and counter-accusation noted above, it remains the case that the vast majority of people holding violent *opinions* never *act* violently.

This is clearly demonstrated by the fact that many orders of magnitude more people believe that political violence is in principle justified than actually commit political violence. For instance, around [7% of the UK population](#)—several million people—claimed to believe that the violence seen at some of the protests after the Southport



murders in 2024 was justified. Since only [899 people](#) were arrested for violent action at these protests, the number of people engaged in violent action was probably in the low thousands: three orders of magnitude lower than the number claiming to endorse violence in principle.

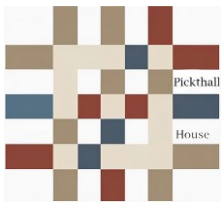
This discrepancy exists, of course, because numerous psychological, social, and situational factors [mediate](#) the relationship between [thought and deed](#). People hold radical views they never act upon, express extreme opinions for identity signalling whilst behaving conventionally, or recognise practical and moral constraints on action they think might be justified in theory. Recent polling from the US shows substantial minorities—perhaps 20 to 30%—of [Generation Z](#) supporting authoritarian governance over democracy, at least when the question is put in an abstract and theoretical form. If young people hold similar views in the UK, then treating their views as potential security threats, as the UK's definition of 'extremism' as rejecting 'fundamental' values including 'democracy' seems to imply, would require nearly one in three young British people to be at least considered for a Prevent referral.

On the other hand, some *actual* terrorists are “ideologically unattached” and [not motivated by identifiable ideological beliefs at all](#). For instance, in the wake of the Southport murders by Axel Rudakubana, who [did not appear](#) to subscribe to any specific religious or political ideology, Prime Minister Sir Keir Starmer noted the threat posed by such “[loners](#)” and “[misfits](#)” who access disturbing material online, desperate for notoriety. These individuals often have no connection to ‘extremist’ groups and no history of expressing radical opinions.

Even in cases where terrorists are motivated by 'extremist' ideology, their beliefs are always mediated, before translated into violent action, by more proximate causes like personal grievances or desire for notoriety. Thus, ‘extremist’ views are neither a necessary nor sufficient condition for violent terrorist action.

Deploying ‘extremism’ as the major predictor of terrorist action fails entirely to predict the actions of “ideologically unattached” terrorists, while relying on a very weak indicator of terrorism that *is* ideological.

Identifying indicators of the [actual psychological pathways](#)—such as desire for notoriety or the phenomenon of “identity fusion” whereby individuals identify themselves wholly with a group or collective—would be a far more effective means of spotting probable terrorists than monitoring expression of controversial opinions.



Underreach

This focus on ideology over violence creates a perverse situation where the Prevent strategy is simultaneously overinclusive and underinclusive. It identifies, and sweeps into the counter-terror apparatus, thousands of people who hold controversial opinions but pose no violent threat, whilst missing genuinely dangerous individuals lacking ideological markers, such as the previously mentioned Southport murderer [Axel Rudakubana](#). Rudakubana was known to Prevent, but no effective intervention occurred, in large part because Rudakubana did not appear to [subscribe to any specific ideology](#). When counter-terrorist strategy becomes focussed on the ideological motivations for violence, to the limitation or even near-exclusion of the many other factors involved in producing terrorism, such oversight is extremely likely.

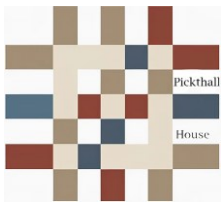
A further aspect of the underreach problem arises in the regulation of charitable organisations. Charities are required to prevent their own “abuse for extremist purposes” under current [Charity Commission guidance](#). This, of course, raises all of the issues arising from the vagueness and indeterminacy of the concept of ‘extremism’. The notion of “abuse for extremist purposes” also fails to capture many genuinely dangerous activities that undermine the state without involving the overt expression of controversial opinions. For instance, charities that in practice aim to undermine the UK’s democratic institutions by strategically discrediting their operation, but do not release statements outlining any ideological position on democracy as such, clearly act abusively but would escape notice under an ‘extremism’ led approach to regulation.

The use of the category of ‘extremism’ in both the UK’s counter-terrorism strategy and the regulation of the charitable sector, then, is unhelpful. We have already argued that counter-terrorism strategy should focus more on the psychological pathways to violence than on abstract expressions of ‘extreme’ opinions. A more holistic focus on monitoring the factors that predict actual terrorism, of which expressions of controversial (or even pro-violence) opinions are only one of many, would identify more potential threats while sweeping fewer innocent people into the security apparatus.

In what follows, we propose that this approach be supplemented by the revival of two traditional legal categories that capture some of the relevant threats far more effectively and precisely than the vague notion of ‘extremism’ is capable of doing.

II. 'Sedition' and 'Subversion' as Alternative Categories

For centuries, English law addressed threats to the state through the traditional but now largely defunct categories of ‘sedition’ and ‘subversion’. Pickthall proposes the revival of these legal categories.



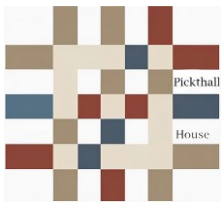
[Sedition](#) was defined in common law as any activity, through speech or writing, that is (a) likely to incite people to violence or to illegal activity and (b) intended to either arouse either contempt for the state or hostility between groups of citizens, or to promote legal change through unlawful means. In other words, sedition is any attempt, through inciting people to violence or other unlawful behaviour, to undermine trust in the state or between citizens, or to change the law through unlawful kinds of pressure.

Two important features of sedition should be noted here. First, actual violence or illegal activity on the part of people ‘incited’ need not have occurred to prove sedition: the *likelihood* that the words written or spoken by the ‘inciter’ will produce these consequences is enough. Second, this likelihood of inducing violence or other illegal activity does not prove sedition unless the speaker or writer also *intends* to promote, through this activity, the undermining of the state.

[Subversion](#), though never officially defined in law or the subject of a specific criminal offence, refers to activities intended to undermine or overthrow democratic institutions. For instance, the tactical use of vexatious legal challenges or misinformation campaigns, which do not involve speech likely to incite violence or other crime and therefore do not constitute ‘sedition’, would be captured by a ‘subversion’ offence if intended to undermine confidence in Britain’s Parliamentary democracy.

Together, ‘sedition’ and ‘subversion’ capture activities intended to undermine democratic state institutions—through incitement to violence in the case of ‘sedition’ or other means in the case of ‘subversion’—but which do not necessarily involve the expression of ‘extreme’ opinions. Reviving these legal categories would permit proportionate legal action to be taken against charities linked to non-violent anti-democratic groups like the Communist Party of Britain or Hizb-ut-Tahrir. Rather than attempting to prove the charity itself endorses ‘extreme’ views, the law would simply test whether the charity’s *actions* are intended to undermine democracy.

The aim of such regulation would be simple: protect British democracy and the British state against actors that threaten it. No reference to the dubious and inherently contestable notion of ‘non-violent extremism’ need be made. Nor need British democracy or the British state be reduced to what the legal scholar Patrick Nash [identifies](#) as a “trite set of liberal propositions”. Neither ‘sedition’ nor ‘subversion’ capture attempts to change the nature of the state through open democratic argument and debate. If prevailing beliefs about political legitimacy change drastically—as, of course, they have over the last several centuries—our standards of ‘extremism’ will change. But our standards for ‘sedition’ or ‘subversion’ will not change, because these categories pick out illegitimate *means* of promoting change, rather than trying to define, for all time, which political *ends* people might pursue are legitimate and which are ‘extreme’.



The common law offence of sedition was abolished by the [2009 Coroners and Justice Act](#), partly because of concerns about free speech. But the above analysis has shown that ‘sedition’ and ‘subversion’ offences need not rule out any opinion as legally inexpressible. One can believe or say that the ideal government would be a communist workers’ state or global Caliphate without acting on this belief through seditious or subversive means. Moreover, law-abiding citizens are already subject to legal investigation and monitoring, sometimes bordering on harassment, under the auspices of the Prevent duty, for expressing (or merely being suspected of holding) such views. Re-focusing counter-terrorism on more direct indicators of violence, and charity regulation on sedition and subversion, would in fact *end* this form of unnecessary state intrusion into thought and speech.

Application to Charity Regulation

Where charities engage in activities that weaken state functioning in illegal but nonviolent ways, and avoid suspicion of ‘extremism’ by eschewing ideological rhetoric, ‘sedition’ and ‘subversion’ categories would identify such behaviours without stigmatising opinion, creating resentment, or appearing to limit free speech.

Pickthall therefore recommends that the categories of ‘sedition’ and ‘subversion’ should be revived and should replace the duty to avoid ‘extremism’ as the basis of the security component of a revitalised regulatory framework for the charitable sector.

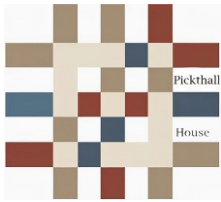
III. Conclusion and Recommendations

This whitepaper has shown that Britain’s experiment in monitoring ‘extremism’ has, over the last two decades, proved a failure.

In the charitable sector, regulation aimed at protecting national security should return to the traditional categories of ‘sedition’ and ‘subversion’. Analogous reforms should be made to references to ‘extremism’ in the regulatory frameworks of other sectors.

The 2015 Counter-Terrorism Act, and other legislation defining Prevent duties, should be amended to focus these duties on monitoring the specific individual indicants of probable terrorist violence rather than the amorphous and inherently contested notion of ‘extremism’.

Britain has failed to win its war on ‘extremism’ because wars against abstract nouns are unwinnable. They are also unnecessary. English common law, through its traditional categories of ‘sedition’ and ‘subversion’, once contained the legal resources needed to protect national and personal security from terrorist violence and non-violent undermining. These categories can be revived. A return to legal tradition will also be—



ironically enough—a return to the fundamental British value of freedom of thought and speech. Ideas and ideologies may have consequences, but only actions should be defined as crimes.