

Countering Terrorism in Britain and France

Though Britain and France have faced a similar threat from Islamist terrorism in the years following September 11, 2001, they have often responded in different ways to the challenges it posed. This groundbreaking work offers the first in-depth comparative analysis of counterterrorist policies and operations in these two leading liberal democracies. Challenging the widely held view that the nature of a state's counterterrorist policies depends on the threat it is facing, Foley suggests that such an argument fails to explain why France has mounted more invasive police and intelligence operations against Islamist terrorism than Britain and created a more draconian anti-terrorist legal regime. Drawing on institutional and constructivist theories, he develops a novel theoretical framework that puts counterterrorism in its organisational, institutional and broader societal context. With particular appeal to students and specialists of International Relations and Security Studies, this book will engage readers in the central debates surrounding anti-terrorist policy.

Frank Foley is a García Pelayo Research Fellow at the Centre for Political and Constitutional Studies in Madrid and a Visiting Research Fellow in the Department of War Studies at King's College London. He has also been a postdoctoral fellow at the Department of War Studies and at Stanford University's Center for International Security and Co-operation. Dr Foley has conducted field research on counterterrorist agencies and policies in Britain, France and the United States and in 2010 he received a 'Terrorism Research Award' from the US National Consortium for the Study of Terrorism and Responses to Terrorism. He has presented his research to security practitioners, including British and French counterterrorist officials and Department of Defense staff at the Pentagon in Washington DC.



Countering Terrorism in Britain and France

Institutions, Norms and the Shadow of the Past

Frank Foley







Shaftesbury Road, Cambridge CB2 8EA, United Kingdom

One Liberty Plaza, 20th Floor, New York, NY 10006, USA

477 Williamstown Road, Port Melbourne, VIC 3207, Australia

314-321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre, New Delhi - 110025, India

103 Penang Road, #05-06/07, Visioncrest Commercial, Singapore 238467

Cambridge University Press is part of Cambridge University Press & Assessment, a department of the University of Cambridge.

We share the University's mission to contribute to society through the pursuit of education, learning and research at the highest international levels of excellence.

www.cambridge.org

Information on this title: www.cambridge.org/9781107029699

© Frank Folev 2013

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press & Assessment.

First published 2013 3rd printing 2013

A catalogue record for this publication is available from the British Library

Library of Congress Cataloging-in-Publication data

Foley, Frank, 1978-

Countering terrorism in Britain and France: institutions, norms, and the shadow of the past / Frank Foley.

p. cm.

ISBN 978-1-107-02969-9

1. Terrorism – Great Britain – Prevention. 2. National security – Great

Britain. 3. Terrorism - France - Prevention. 4. National security -

France. I. Title.

HV6433.G7F65 2013

363.325'160941-dc23

2012029959

ISBN 978-1-107-02969-9 Hardback

Cambridge University Press & Assessment has no responsibility for the persistence or accuracy of URLs for external or third-party internet websites referred to in this publication and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.



Dedicated to my Mother and Father



Contents

	List of figures	page ix
	Acknowledgements	xi
	Introduction	1
1	Terrorist campaigns and threat perceptions	15
	French and British experiences of terrorism	16
	Islamist terrorism and the threats to France and Britain	21
	Evolution, ideology and motives	21
	Islamist terrorism against France and Britain	25
	Comparing the threats	38
	Threat perceptions	43
	The concept of threat perception	44
	British and French perceptions of Islamist terrorism	47
2	Legacies of history: norms, institutions and routines	51
	Societal norms	52
	Norms and historical experiences: from Paris 1789	
	to Belfast 1969	55
	Institutions	64
	State institutions in Britain and France	66
	Organisational routines	70
	Routines of the British and French counterterrorist agencies Combining constructivist, institutional and organisation	73
	theories	75
3	Co-ordinating counterterrorism: intelligence, police	
	and prosecution	77
	The government level – policy and co-ordination	78
	British government co-ordination and the CONTEST	
	strategy	78
	French government co-ordination and the Livre Blanc	
	'strategy'	84
	Limited government reform and the secondary role of	
	strategy papers	88
	The agency level – why co-ordination is important	89

vii



viii Contents

	The French approach to co-ordinating counterterrorist	0.0
	agencies	92
	Organisational and institutional context	92
	Reforms to the co-ordination of French counterterrorist	
	agencies	108
	The British approach to co-ordinating counterterrorist agencies	129
	Organisational and institutional context	129
	Reforms to the co-ordination of British counterterrorist	
	agencies	141
	Explaining France and the UK's divergent counterterrorist	
	reforms	168
4	Justice for suspected terrorists?	176
	The contrasting legislative frameworks of France and the UK	178
	Pre-trial process: the charging and detention of terrorist	
	suspects	178
	Judgment procedures: ordinary trials and special terrorism	
	courts	188
	Terrorist offences: 'casting the net'	198
	Reforming terrorism legislation after 9/11	208
	Reinforcing the preventive logic of terrorist offences	209
	British reforms to the detention and judgment of terrorist	
	suspects	211
	The evolution of British and French counterterrorist justice	232
	Counterterrorist powers and their application	232
	Explaining divergent and self-reinforcing legal responses to	
	terrorism	234
_		
5	Operations: tackling Islamist terrorism and its supporters	244
	British counterterrorist operations: strategy and community	245
	1995–2001: 'Londonistan'	245
	Post-9/11 (I): targeting operational terrorists	251
	Post-9/11 (II): gradually tackling supporters of Islamist	
	terrorism	265
	French counterterrorist operations: an invasive campaign	282
	The fight against operational terrorists	282
	Zero tolerance of supporters of Islamist terrorism	301
	Threat perceptions and norms: explaining counterterrorist	
	operations	310
	Conclusion	316
	Appendix: list of interviews	329
	Index	333



List of figures

1.	The formation of counterterrorist (CT) policy	page
	and practice	7
2.	Counterterrorist organisational routines	74
3.	Agency roles in countering Islamist terrorism	170



Acknowledgements

This work began life as a doctoral thesis at the European University Institute in Florence, Italy, in late 2004. I would like to thank my supervisor at the EUI, Pascal Vennesson, for offering prescient advice throughout while still giving me the space to develop my own ideas. As a supervisor of studies, his openness, integrity and support were second to none. In 2008-9, I started converting the thesis into a book while working at Stanford University's Center for International Security and Co-operation (CISAC). Since then, the project has benefited immensely from the critical comments of Martha Crenshaw. Martha's work has long provided a point of reference for the analytical study of terrorism and counterterrorism, and without it, the rest of us would have had to struggle a lot more to find our way. Lynn Eden, also of CISAC, subjected sections of this text to the closest (and most devastating) reading I have ever received. She also taught me a great deal about how arguments and ideas should be presented in a book. Theo Farrell has offered valuable feedback since the early stages of this project and provided unstinting support for my career, notably during 2010 when I was a research fellow at King's College London. I am indebted to these scholars and I hope that the final product goes some of the way towards making their efforts worthwhile.

CISAC also organised a book panel, at which Lynn and Martha were joined by Tom Fingar, David Holloway and Allen Weiner. I am grateful to Allen, David and Tom for their ideas and insightful comments. Particular thanks are also due to Richard Aldrich, Jacqueline Hodgson and Michael Kenney, who have offered generous feedback and encouragement in relation to this work. Other scholars also offered valuable comments on various versions of the project and suggested useful leads. In this regard, I would like to thank, at the EUI, Javier Alcalde, Xiana Barros-Garcia, Donatella Della Porta, Joerg Friedrichs, Friedrich Kratochwil, the late Peter Mair, Tim Peace, Sven Steinmo; and at Stanford, Brent Durbin, James March, Charles Perrow, Richard Scott and Paul Stockton. While working at King's College London in the Department of War Studies, I benefited from the feedback and ideas of several colleagues, including

хi



xii Acknowledgements

Rudra Chaudhuri, Michael Clarke, Claudia Hillebrand, Mike Rainsborough and Brooke Rogers. Thanks also to John Bew and Peter Neumann, who gave me access to their excellent research and policy networks at the International Centre for the Study of Radicalisation and Political Violence (ICSR) and who organised a rewarding seminar on the book in late 2010.

I am grateful to my colleagues at the Centre for Political and Constitutional Studies (CEPC) in Madrid, with special thanks to Arthur Dyevre, Lasse Thomassen and Simon Toubeau for their helpful comments on sections of this work. I have long benefited from my association with the Juan March Institute in Madrid, for which I thank in particular Ignacio Sánchez-Cuenca, Andrew Richards, Luis de la Calle, Paz Fernández and Gema Sánchez Delgado. Sections of the book have been presented at several research centres and conferences; I appreciate the valuable feedback offered in this context by Marcus Becker, Sergio Catignani, Carlos Closa, Joseph Helman, Thorbjorn Knudsen, Sarah Leonard, the late Fred Halliday, Francisco Herreros, Peter Katzenstein, Elizabeth Kier, Diego Muro, Robert Pape and David Patel. The project has also benefited from the comments of Ronald Crelinsten, Robert Lambert, Sir David Omand, the late Paul Wilkinson and Karin Von Hippel. In addition, I thank my editors at Cambridge University Press, John Haslam and Carrie Parkinson, for guiding me through the process with patience and care. I am grateful to Cambridge's reviewers (especially reader 'A') for their full engagement with the work and valuable feedback.

The book could not have been written without the financial support of the Irish Government, the European University Institute, the Zukerman fellowship program at Stanford University, the START terrorism studies' consortium, the AXA Research Fund and the Garcia Pelayo programme at the CEPC in Madrid. I have been fortunate to be able to devote time to research and writing and I am grateful to these institutions for enabling me to do so. A great deal of thanks goes to the counterterrorist and other practitioners who agreed to be interviewed for this project. They were generous with their time and their testimony is fundamental to this book. I would also like to acknowledge the help of journalists from the *Presse Judiciaire* in Paris, who gave me access to valuable primary sources and an extensive archive of legal reporting.

Some of the ideas and material in this book have developed out of earlier work I did on three articles: 'Reforming Counterterrorism: Institutions and Organizational Routines in Britain and France', *Security Studies* Vol. 18, No. 3 (2009) published by Taylor & Francis; 'The Expansion of Intelligence Agency Mandates: British Counterterrorism in Comparative Perspective', *Review of International Studies* Vol. 35, No. 4 (2009) published



Acknowledgements

xiii

by Cambridge University Press; and 'Constraining British Legal Responses to Terrorism: Norm Competition and the Prospects for Liberal Democracy', *European Journal on Criminal Research and Policy* Vol. 18, No. 4 (2012) published by Springer. I thank the editors and publishers of these journals for providing permission for me to revisit some of my earlier work in the ensuing text.

On a personal note, I am indebted to those who encouraged me in my early studies and research including, in Cork, Jim Costello, Andrew Cottey, Dermot Keogh, Hiram Morgan, and Geoff Roberts; in Cambridge, Cole Harrop and Richard Rex; and in Derry, Gillian Robinson. I am also grateful to Harcharan Chandhoke, Ben Jones, Paul Morrison and Karl White for their friendship and hospitality in London over the last number of years, as well as to Pat Comerford for his advice and support. In Madrid, Amparo de la Torre and Jesus Orozco have always shown great kindness to myself and a certain other researcher.

I am very grateful for the support of my family. My mother Kathleen has been ever-present, offering me love and encouragement all the way. My father Con has always supported me and has, I hope, passed on his thorough work ethic to me. My sisters, Eileen and Catherine, inspire and back me up even as they make fun of the peculiarities of their brother. My grandmother, Nan (1913–2011), was a loving, driving force in my life and that of many others.

Within a few weeks of starting this project in October 2004, I met somebody special who has accompanied me on the journey ever since. Apart from making comments on the book, which have helped to bring clarity, her wholehearted support for the work and her understanding of its author have eased the path. For this and for Olivia's presence throughout these years, I am immensely grateful.

FRANK FOLEY

Madrid

11 April 2012