

Crime Prevention and Security Management

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Martin Gill

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Claire Hamilton

Contagion, Counter- Terrorism and Criminology

Justice in the Shadow of Terror

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macmillan

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To my Parents

Series Editor's Preface

Contagion, Counter-Terrorism and Criminology traces the development of counter-terrorism legislation and finds it wanting in many important aspects. The book's central tenet is an examination of the process of 'contagion'; specifically where legal developments in counter-terrorism have had a contagious negative impact on areas Claire Hamilton refers to as 'ordinary' criminal justice. It also explores 'the synergistic relationship between counter-terrorism measures and control measures aimed at "ordinary" crimes'. That said, contagion can also operate both ways—those responses developed in the ordinary criminal realm can migrate, sometimes inappropriately, to the counter-terrorism field.

The book compares and contrasts three countries: the UK, France and Poland. Each has different experiences of terrorist activity, and different political cultures and legal traditions. By reviewing each country individually, Hamilton argues that legal processes presented as remedies for tackling terrorism have had a much broader impact than solely tackling terrorism, and contagion has taken many forms. You will read, for example, about broader drafting leaving open the potential for different types of abuses to occur, not least by diluting safeguards and posing a threat to human rights.

Hamilton treats each country as a case study. In the UK you will read about expanded surveillance powers being justified as being in the interest of 'national security'. There is an analysis of the criminalisation of

‘super inchoate’ offences aimed at reducing the risk of terrorism before it happens, but which also run the different risk of ‘overreach’ and, in practice, ‘misuse police powers ... to little effect’.

France has frequently experienced home-grown terrorist groups and transnational terrorism. Hamilton argues that, while to some observers it may have given the impression of avoiding an invasive legislative approach, ‘objectionable’ intelligence gathering and the allocation of powers to less-accountable bodies has taken place. Poland—in contrast to the UK and France—has never experienced serious terrorist threats but has legislated because of the attacks in other European states. She argues that this was used as a justification ‘to pass their repression off as “counter-terrorism”’.

As Hamilton develops the analysis, she argues that the three countries have adopted a worrying set of similarities: supporting ‘all-risks’ policing, mass surveillance, broadly drafted legislation, a growing range of precursor offences and increasingly resorting to administrative, over judicial, authority. She laments that these developments have occurred largely outside of the gaze of criminologists, and encourages their involvement to help avoid the drift towards securitisation.

This important book will be an essential read for all those interested in the role of the law in tackling crime generally, counter-terrorism specifically, and in the protection of human rights.

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Martin Gill

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