White Educability:

Lessons from the Terror Trial of a Far-Right Nationalist in England

Dr. Tyler Denmead

University Associate Professor, Faculty of Education, University of Cambridge

Fellow of Education, Queens' College

and

Dr. Amina Shareef

and

Duaa Karim

Doctoral student, Faculty of Education, University of Cambridge

Abstract

Understanding how the discourse of terror has adapted to the rise of the far-right nationalist movement, which itself has turned to terroristic methods, is necessary to combatting anti-Muslim racism within contemporary England. In this paper, we examine a curious trial in which a far-right nationalist, convicted under a domestic counter-terrorism statute in England in 2021, was punished with reading canonical English literature. Through analysing this odd choice for a punishment, we introduce the concept of *White educability*. We argue that the racial knowledge that is circulating in and through this courtroom, and indeed, in and through the discourse of the War on Terror, is that *whiteness is educable and Muslimness is not,* and therefore that *White life is deserving of state protection* and *Muslim life is, in fact, killable life*.

Keywords: Far-right; Terrorism; Whiteness; Anti-Muslim Racism; Educability

Introduction

On July 7, 2005, a group of men organized and executed a series of coordinated suicide bomb attacks in London's public transport system, killing 52 people and injuring more than 700. This attack would come to be known as "7/7" and would usher in the second and ongoing phase of the War on Terror in England. With this second phase, attention shifted away from the management of terrorism abroad to the management of terrorism at home. This inward turn of the counter-terrorism gaze has constructed a domestic enemy—that is, the Muslim Other within the nation-state who threatens those individuals deemed to be normal citizens worthy of state protection, namely secular, Christian, and White people. These people worthy of state protection—or "the people" in populist discourse—serve as avatars for Englishness. As such, this second phase of the War on Terror in England has securitised Islam (Cesari, 2012). In other words, Islam itself has been constructed as a threat to *the* English people, if not Western civilization, because Islam is viewed as both belonging to a realm outside England as well as serving as an incubator of terrorism within England. Due to this internal, yet still foreign, threat, the normal rule of law must be suspended at times in England to protect *the people*. While we write this paper 17 years after Julie Matthews analysed Australian visual culture during the aftermath of 9/11 in this journal, it is clear that we still live in what she called "Terrorist Times" (Matthews, 2005).

The securitisation of Islam through the second phase of the War on Terror in England has paradoxically summoned far-right White nationalists to exercise vigilante power to protect Englishness using violent and illiberal methods (Ralph-Morrow, 2019). This "hailing" of far-right White nationalists confounds the logic of the War on Terror (for a discussion of 'hailing,' see Althusser, 1977, p. 173). In other words, far-right White nationalist vigilantism confounds the racial calculation that terrorism is a problem specific to Islam. The summoning of far-right White nationalists therefore threatens the legitimacy of the War on Terror because

the War on Terror is presumed to be a war against Muslim people who are presumed to possess a biological and/or cultural predilection for terror. Far-right White nationalists who turn to terror themselves belie this logic. As such, the racial state—that is, the modern state endowed with the power to exclude people from state protection in racially ordered terms (Goldberg, 2002, p. 9)—must manage this threat of far-right White nationalist violence in order to sustain the War on Terror. After all, the West's War on Terror is contingent upon the view that terrorism is an Islamic problem that arises from *outside* the West and has infiltrated the West through foreign infiltration. As such, the rise of far-right White nationalists who turn to terroristic methods undermines this very logic that secures the consent of *the people* in the seemingly never-ending War on Terror and its suspension of the normal rule of law.

Within the context of this peculiar White nationalist threat to the War on Terror, we focus our attention on a trial in Britain in 2021 in which a judge administered a curious punishment of a White nationalist who had been convicted of a crime under a terrorism statute. Courtrooms are important sites for understanding the War on Terror because the racial governance of the racial state is enacted, as David Theo Goldberg (2002, p. 143) argues, "through the law." From this perspective, we are interested in how the law produces racial meaning and constitutes relationships of state protection and state subjugation in racially ordered terms (Goldberg, 2002, p. 143). In this legal case, a White nationalist, Ben John, had been found guilty of possessing literature to plot a terrorist attack in England based on his racist and homophobic attitudes towards immigrants, Jewish people, and gay people. Under terrorism law in England, the crime of possessing literature to plot a terrorist attack is punishable by 15 years in prison. However, rather than sending John to prison, Judge Timothy Spencer punished Ben John by sentencing him to read literature written by canonical English authors such as Jane Austen and Charles Dickens ('Ben John', 2021). The Judge punished a White nationalist with a White curriculum—that is, a curriculum that usually

comprises White authors, universalizes and elevates whiteness, and forgets and/or deflects responsibility for the violent and exclusionary steps taken throughout history to protect the property of whiteness (see Peters, 2015).

Through our analysis of this Judge's punishment of a White nationalist with a White curriculum, we introduce the concept of *White educability.* We present this concept to theorise how individuals can be granted state protection based on the presumption that they are not merely educated, but that they are *educable.* Moreover, this *educability* is constructed as the exclusive property of whiteness enshrined in and through the law (Harris, 1995). Crucial to our analysis, *White educability* is a relationally bound and mutually constitutive property of whiteness. That is to say, *White educability* arises through a relationship with *Muslim ineducability.* In summary, the racial and religious knowledge that is circulating in and through Judge Spencer's courtroom—and indeed, in and through the discourse of the War on Terror—is that *whiteness is educable and Muslimness is not,* and therefore *White life is deserving of state protection* and *Muslim life is, in fact, killable life*. This racial and religious knowledge, of course, has a longer history than the War on Terror. Born in mediaeval Christendom, this calculus, what we are calling elsewhere the "crusadorial calculus," is necessary to explain the intertwined, but not interchangeable, ways in which Muslim life is being simultaneously threatened with violence, and killed with impunity, in both Europe and Gaza.[1]

Of course, there is the obvious criticism that Judge Spencer's precedent reveals a racist double standard in the English legal system because it is inconceivable to imagine a Muslim person convicted of a terrorism charge being given such a soft punishment. Indeed, the

[1] We are developing this concept in a monograph that is tentatively titled, "The Crusadorial Calculus: Towards an Islamic Decolonial Perspective towards Literature, Education, and Law." This alternative focus on the crusadorial roots of this racial and colonial knowledge and violence has been driven by our understanding of the connected near present history between this trial in Britain, the violent 2024 riots led by the English Defence League against Muslim people in Britain, and the ongoing genocidal war in Gaza.

Judge's punishment was later deemed unlawful for this very reason. Nonetheless, we are interested in the racial knowledge that this soft punishment both reflects and circulates in English society. After all, despite this soft punishment being overturned, we cannot overestimate the threat that this underlying racial knowledge poses to Muslim dignity and life in and beyond England. Indeed the threat of this racial knowledge is precisely what animates both the vigilantism of far-right White nationalists, as well as the racial state's exercise of extralegal treatment of Muslim people at home and abroad, including torture, extra-judicial killings, indefinite detention without charge, and mass civilian casualties in war. In this sense, the racial knowledge at the heart of this literary punishment, one that is not confined to Judge Spencer's courtroom, poses a far greater threat to Muslim life than the terroristic threat posed by Ben John.

The Racial and Colonial Underpinnings of White Educability

There is a temptation to dismiss this Judge's odd literary punishment of a White nationalist as a strange legal event, one outside the normal rule of law. From this limiting perspective, the Judge's literary punishment would be treated as an outlier that has little bearing on English jurisprudence or the social world outside of Judge Spencer's courtroom. However, we challenge this view through a perspective that is informed by Critical Race Theory (CRT) in both education (Ladson-Billings & Tate IV, 1995) and the law (Crenshaw et al., 1995a). CRT in legal studies is shaped by a view of racial power that is "not simply—or even primarily—a product of biased decision-making on the part of judges, but instead, the sum total of the pervasive ways in which law shapes and is shaped by 'race relations' across the social plane" (Crenshaw et al., 1995b, p. xxv). For educationalists, the same view holds: racial power is not simply or even primarily a product of the biased decision-making of teachers (or judges acting as teachers). As a result, we are not focused exclusively, or even

very much, on the racial bias of Judge Spencer expressed through a lenient punishment of a White person because he was White. Similarly, we do not focus very much on the overt racism of Ben John. Focusing our attention on either the not-so-subtle racial bias of Judge Spencer *or* the overt racial hatred of Ben John would oversimplify how racism operates in and through the law and, indeed, through education. Through CRT, we oppose the perspective that education and law are autonomous realms that are separate from the world beyond them. Racism is not a problem that lives *outside* education and law and then enters into law and education through the bias of individuals. CRT stresses the view that institutions such as courtrooms and schools are always enmeshed in relations of power that produce racial knowledge, and systematically differentiate access to resources in routinized ways based on that racial knowledge.

For example, through her ethnographic research at one American school, Nicole Nguyen (2018) found how a Homeland Security programme taught high school students to view the Middle East as a lawless breeding ground for terrorism, while simultaneously disavowing racism through teaching that anyone can be a terrorist. In England, we see the interpenetration between education, culture, and the law through the Prevent Duty, in which school teachers, amongst other professionals, have a statutory obligation to report students who may be at risk of radicalisation, which has created a toxic and chilling environment for Muslim students and teachers in schools and universities (see Beighton & Revell, 2020). At times, these institutions also legitimise the subjugation of racialized people to physical violence outside what would be considered the normal procedures of both law and education, from indefinite detention in prisons to strip searches in schools (see Dodd, 2023).

Rather than focusing on Judge Spencer or Ben John's different brands of racism, we are instead interested in how the Judge's literary punishment of Ben John produces and reflects racial knowledge in ways that reinscribe relations of power in England and beyond in ways

that are defined in and through anti-Muslim racism. To do so, we propose this concept of *White educability* to explain how Ben John could be in fact convicted of a terrorism charge, but not be constructed as a terrorist. This construction was contingent upon him being constituted as *educable*—that is, as a subject who could profit from engagement with literature, and in particular the White curriculum. Ben John could have only been given this lenient punishment because he was deemed to be capable of learning. Moreover, his educability—that is, his *White educability*—arises through a relation with an imagined Muslim figure who has been constructed in racial terms as another kind of human, one whose humanity is called into question through this very construction—that of *the terrorist*. This figure, a spectral figure haunting the courtroom of Ben John, is deemed to be incapable of learning, and therefore, incapable of holding rights and bearing responsibilities within the normal rule of law. CRT is useful in understanding how law and education construct John's educability as White property. However, CRT has limits in helping us see how *White educability* arises through a relationship with *Muslim ineducability* in the English legal and educational context. Drawing inspiration from scholars such as Ali Meghji and Simina Dragoș (Dragoş, in press; Meghji, 2022), we combine this CRT-informed perspective on *educability as White property* with theoretical perspectives on the coloniality of knowledge and the biopolitical state. Combining these perspectives is necessary to see how White life—that is, life deemed to be necessarily educable—becomes deserving of state protection in relation to Muslim life deemed to be ineducable and therefore killable.

First, biopower is an important additional plank in our theoretical understanding of *White educability*. The modern state's authority rests in the power of life and death over its subjects, which is given by the people in a liberal democratic state in exchange for social welfare and protection from foreign threats (Hall, 1984). Michel Foucault argued that racial knowledge was central to the formation of the modern state (Foucault, 1990, 2020). The

shape of power in the modern state has arisen historically through making particular racially-defined populations live and letting other racially-defined populations die. As he put it, racism introduces "a break into the domain of life that is under power's control: the break between what must live and what must die" (Foucault, 2020, p. 254). For Foucault, biopower constructs this cleavage at the level of populations—through, for example, managing birth and death rates—and at the level of individual bodies—through, for example, disciplinary measures in education or health care (for a useful discussion, see the third chapter of Spade, 2015). Racism constructs biological threats to the nation-state, such as panics over the growth of a population that may be formal citizens within the nation-state, but simultaneously racialized as outside of the nation-state (Dragoş, in press).

Foucault's theory of biopower has been criticised for not fully accounting for how racial knowledge served as both a vehicle and an effect of European colonial projects across the globe (see, for example, Stoler, 1995). Moreover, his theory of biopower can be criticised for framing racial knowledge as if it arises merely through an analysis of blood and sexuality rather than, say, an analysis of the capacity for reason (for this perspective, see Silva, 2007). Accounting for both of these criticisms is important to our theoretical construction of *White educability* and the effects of this racial knowledge on Muslim dignity and life in England. The fact that a White person in England convicted of a terrorist charge is presumed to possess the capacity to learn in relation to the spectral figure of a Muslim figure who is deemed to lack that capacity is not a question of Muslim "blood" that might contaminate the presumed purity of the White English population. It is a question of mind and reason. In other words, Muslim people can be formal citizens within the nation-state of England but then be simultaneously racialized as outside of the nation-state because they are deemed as if they lack the reason necessary to hold rights and bear responsibilities within the social contract of the liberal democratic nation-state. Through the discourse of the War on Terror, they are

taken to lack the capacity to learn, to become educated.

To address these criticisms, accounting for historical and epistemic legacies of Western colonialism and imperialism in the East is an important second plank in our theorisation of White educability. After all, this construction of the Muslim Other within the nation-state is not merely a racial construction, but also a colonial one. The literary punishment of Ben John in 2021 can be understood as part of the long history of Orientalist constructions of the East and the short (but never-ending) history of the War on Terror. The notion of "The West" and its emergence into modernity was constructed through, what Sherene Razack described as "liberalism's foundational fiction: Oriental cultures produce despotism; occidental cultures produce democracy" (Razack, 2022, p. 24).[2] Razack continues, "Democracy, secularism, and later, gender equality become developments that are seen to begin with the Greeks and the Romans, the people to whom modern Europeans are linked in a historical line unbroken by the presence of Muslims" (Razack, 2022, p. 24). This historical fiction is sustained through the argument that the secularism of Judaism and Christianity, its associations with rationalism, science, and reason, as well as the capitalist ethic of Protestantism, are not inherent to Islam. Again, the historical and spatial construction of "The West" as the exclusive site of civilization and progress arises in and through a relational and mutually constitutive construction with "the idea of Muslim despotism and an inferior Orient" (Razack, 2022, p. 25).

From this perspective, we recognize how the seeds of White educability and Muslim ineducability were planted in and through this history of colonialism and imperialism which was contingent upon constructing the Orient as an object of colonial knowledge. The coloniality of knowledge places Whiteness, Englishness, and Westernness at the centre

[2] Razack draws on the thought of both Edward Said and Joseph Massad in her argument (See Massad, 2016; Said, 1978).

through a relationship with Brownness and Blackness, Muslimness, and Eastness at the periphery. From this vantage point, White educability can be understood as an innate and inheritable potential for unending development that is the exclusive property of whiteness itself. That is to say, White educability refers to a *potentiality within* for progressing towards modernity at a pace that is unavailable to those who are ineducable. Scholars have observed how international development and comparative education in the early twentieth century employed this colonial construct of "educability" to impose Western models of industrial and vocational education that matched racialized subjects' potential to learn (McLeod & Paisley, 2016; Takayama, 2018). While educability is not a term that is still used today in official educational discourses, we believe it is important to resurrect this concept critically in order to pay attention to the ways in which Muslim people can be be excluded from state protection within the nation-state and targets of state violence outside the nation-state long after the end of formal colonial administrative rule.

Making Muslim Life Killable Through the War on Terror

As we stated above, the discourse of the Global War on Terror has constructed the West as existentially imperilled by terrorism, and terrorism is thought to necessarily originate in Islam. According to the logic of the War on Terror, this foreign threat, now situated both in and outside the borders of Western nation-states, mandates taking draconian juridical and military measures. For example, the suspension of liberal rights, such as the right to due process and the right to equal treatment under the law, has been articulated as a necessary and effective response to this threat. Various practices operating outside the normal rule of law emerged in the War on Terror, including extraordinary rendition and drone warfare (see Kapadia, 2019; Kapoor, 2018). Nicole Nguyen (2023) has also argued how the courtroom and, by extension, the law, have become a central front at which the Global War on Terror is

waged. However, as Nguygen points out, judges presiding over terrorism cases are differentially aware of current geopolitics. As such, they actively interpret and establish the epistemic, political, and legal boundaries, demarcating what counts and does not count as terrorism and who counts and does not count as terrorists. Through culturally-mediated interpretation, judges yield the uneven application of sentencing guidelines as outlined in Section 1 of the Terrorism Act of 2000. It is in this broader context of *lawfare*—the use of the law and courts as a weapon in the War on Terror—that we see the suspension of normal juridical procedures and protections, nullifying legislative protections for Muslim citizens.

In his important book, *State of Exception,* Italian philosopher Giorgio Agamben (Agamben, 2005) sought to theorise the kind of human life that is produced through these practices that suspend the normal rule of law. In particular, he sought to explain the military order issued by the then US President George Bush on 12 November 2001 that legalised trial by military commission, and indefinite detention without charge, of Taliban members captured in Afghanistan. Stripping captured terrorists of their status as prisoners of war (POW), this order made these individuals ineligible for protection under the Geneva Conventions. Through this analysis, Agamben argues that the figure of the terrorist has been evicted from the juridical order. This figure now occupies what he calls a "zone of indistinction," or a *state of exception* (Agamben, 2017, p. 8). Agamben cautions us not to understand the state of exception as a pre-law or lawless state but rather a part of the complex relationalities that make the juridical order possible in the first instance. That is, the state of exception offers the conditions upon which the law relies to obtain its validity. Or, as Agamben puts it, the state of exception is the "very condition of the possibility of juridical rule" (Agamben, 2017, p. 18). In other words, the exception animates the rule of law and gives it the shape, the topological limit, through which the legal realm can come into being.

Agamben also offers a conceptualization of the legal status of the individual residing

within a state of exception. Agamben (1998) refers to this legal subject-position as *bare life*. Bare life refers to life that is neither animal life (*zoe*) nor political life (*bios*), but rather it is a life that hovers somewhere in between in a "threshold of indistinction" (Agamben, 1998, p. 19). Agamben compares *bare life* to the subject-position of *homo sacer*, an archaic figure in Roman law who could be killed without counting as homicide. Bare life is therefore useful for interpreting the liminal position of the figure constructed as a terrorist. Stripped of legal personhood, he is neither a political subject nor simply a biological being. He can therefore be killed with impunity. From an Agambenian perspective, *the terrorist* can be thought of as the limit figure of the law. That is, the terrorist sets the limits of the law, making it possible to define the normal juridical order and thereby those who are deemed to be worthy of rights and legal guarantees and protections.

It is necessary to consider how this construction of a figure outside of normal judicial oversight arises through a process of racialization given that the terrorist is presumed to be necessarily Muslim. In fact, Agamben's characterization of "bare life" has been criticised for not accounting for race and racialization in his analysis (Weheliye, 2014). Alexander Weheliye argues that Agamben's theorisation of bare life suggests that all life regardless of colour, national origin, religion, and immigration status can be equivalently made into bare life. Similarly, Sherene Razack (2008) points out that Agamben's analysis of the state of exception does not account for racial logics. Razack (2008) argues that race thinking—the negation of the shared humanity between White and non-White people—drives the suspension of normal legal procedures and protections for some and not for others. Put otherwise, the denial of a common humanity allows for the denial of a common law. "For those marked as outside humanity," Razack (2008) writes, "law reserves the space of the exception" (p. 6). We therefore understand the terrorist as a killable life through being racially constructed as the limit of the law.

Given that terrorism is presumed to be inherent and specific to Islam, this racial knowledge, constituted in and through the law, makes Muslim life more generally vulnerable to premature death through state-sanctioned and extrajudicial practices. Crucial to this conception of the terrorist as killable life is the presumption that terrorism is *an* Islamic phenomenon (rather than caused by personal, social, cultural, and political factors that are not specific to Islam). Through the discourse of the War on Terror, Islam has been constructed as the source of terrorism. Moreover, Islam is counterposed with the West and therefore outside the limit of the universal. From this point of view, Islam is constructed as residing outside the conditions—secular, Christian, Western and White—that have given rise to humanity itself.

One of our basic assumptions in this paper is that the recent rise of far-right White nationalists in liberal democratic societies in the West is in part an effect of the War on Terror discourse that has constructed Islam as an enemy of the West. Far-right White nationalists are turning to illiberal and terroristic methods in order to protect the White nation-state from foreign enemies within the borders of the nation-state. Ben John's plotting of a terrorist attack, motivated by his hatred for immigrants, Jewish people, and gay people, was clearly an attempt to protect the racial purity of the White English state, which requires the heteronormative sexual reproduction of people understood to be English, Christian, secular, and White. And yet, Ben John was not framed as a terrorist through his punishment for violating a terrorism law. Rather than being placed in Agamben's state of exception, he was placed firmly within the limits of the law, as a figure whose humanity was in fact not in question. And we argue that the racial thinking at the heart of this Judge's framing of Ben John can be thought of as a theory of *White educability,* which is relationally bound to *Muslim ineducability*.

The White Educability of Ben John

Ben John was convicted in a British court in 2021 for violating Section 58 of the British Terrorist Act. The British Terrorist Act made it illegal to possess materials, including literature, that can be used to plot a terrorist attack. John was a university student studying criminology and psychology at the time of his arrest. He had downloaded over 67,000 files from the back corners of the internet, files created by White supremacists, neo-Nazis, and satanic groups. He had also downloaded seven manuals for making firearms and bombs. He was therefore convicted of possessing literature to plot such an attack and faced a maximum sentence of 15 years in prison. However, Judge Spencer opted not to send John to prison. In a surprise twist, he punished John instead with reading canonical English literature. "Have you read Dickens?" the Judge asked John during the sentencing hearing. According to local news reporting, the Judge continued:

> Austen? Start with *Pride and Prejudice* and Dickens' *Tale of Two Cities.* Shakespeare's *Twelfth Night*. Think about Hardy. Think about Trollope. On January 4, you will tell me what you have read and I will test you on it. I will test you and if I think you are lying to me you will suffer. I will be watching you, Ben John, every step of the way. If you let me down, you know what will happen. (Mack, 2021)

Judge Spencer's literary punishment of Ben John is predicated on a particular curriculum philosophy, a philosophy that believes in the power of English literature to civilise people—that is, to make people civil. Through his punishment, Ben John is understood as a figure who is incivil, as a figure who has an impulsive tendency to threaten or eliminate difference with violence. Through reading the wrong books, he has not learned the kind of reflexive detachment and self-restraint that is necessary to participate in functioning liberal democracies (see Simpson, 2022). He has failed to learn how to work out his darkest ideas in private without turning to any course or impulsive action. And yet crucially, he is understood

in Judge Spencer's courtroom as a figure who can become civil if he reads the right kind of literature, literature that is deemed to possess the power to civilise. And the Judge assumes that the literature that possesses this civilising power is literature that has been written by English White people.

Our interest, however, is neither limited to the nature of the White curriculum nor to the racist double standard of this soft lenient punishment. We are instead more interested in how this soft literary punishment constitutes Ben John as a particular kind of human figure, that is an incivil human with the potential to become civil. This potential, we argue, is presumed to be the property of whiteness because it is inconceivable within the context of the Global War on Terror for a Muslim person, convicted of the same crime and racialized as not-White, to be treated in the same way. We therefore refer to this potentiality that is the property of whiteness as *White educability.* And we argue that White educability cannot be understood in the trial of Ben John without its relational construction with *Muslim ineducability*. Muslim ineducability refers to the racialized notion that Muslim people lack potential to overcome their incivility and become civil unless they shed their Muslimness. Shedding Muslimness that does not conform to Western conception of secular religious practice would require a kind of spiritual death—that is, a loss of Muslimness—and this spiritual death is being demanded through the racial construction of Muslim people as ineducable.

Our choice of the terms *educability* and *ineducability* are intentionally distinct from the more commonly used terms in educational studies: *educated* and *uneducated*. In critical and cultural sociological perspectives of education, these terms—*educated* and *uneducated*—are most often understood within a Bourdieusian framework as signifiers for those who possess / do not possess the right / wrong educational credentials; know the right / wrong people; have proper / improper taste; and, have higher / lower income and wealth. Through this framework, people are educated when they are highly credentialed with degrees from good institutions;

have refined taste; have wealth that signifies intellectual and moral superiority; and, have advantageous social networks.

The problem with *educated* and *uneducated* for our analysis is that this binary does not suggest the potentiality necessary to understand the Judge's curricular punishment. After all, Ben John is understood in the courtroom as an *uneducated* person, as a person who has not read the right books because he must have had a bad education and/or upbringing. And yet, he is also deemed to be *educable*, that is, a person who can overcome this regrettable or limiting past. By contrast, the spectral figure of the Muslim person convicted of the same crime would not be given the same punishment no matter what. This likelihood is not because that figure would be deemed to be *uneducated. The terrorist* is not presumed to have committed an act of terrorism because they lack the right credentials, know the wrong people, have the wrong taste, or have lower personal income and wealth. Instead, the figure of the terrorist has been constructed as an *ineducable* entity. The terrorist has been excluded from humanity and the rule of law based on the presumption that he does not possess the capacity to learn, to overcome his incivility and become civil.

Through *White educability*, we are putting forward the idea that the process of racialization that arises through the discourse of the War on Terror occurs through abstract ideas about the *ineducability* of terrorists, and by extension, those who are Muslim. Within the logic of the War on Terror, the source of ineducability is Islam. In other words, whiteness is presumed to contain the inherent potential to make those who possess it human through the very process of education. Moreover, whiteness is endowed with the power to exclude those from the category of the human by rendering them *ineducable*. Indeed, we would argue that the problem with the Judge's curricular punishment is not simply that he clearly did not apply the rule of law equally. The significant problem with his punishment is that it both reflects and recirculates the racial knowledge in society that Muslim life is ineducable life, and that

ineducable life that must be made to die because it threatens "The West."

Of course, it is important to note that the Judge's literary punishment of Ben John did not stand. After receiving national and international news coverage, Judge Spencer's literary punishment was overturned in the Court of Appeal. Ben John was ultimately sent to prison. Of course, his punishment had to be overturned because it highlighted the racist double standard in the English legal system. One could be optimistic and believe that this step was taken because there was the recognition, at long last, that Muslim people should no longer be subjected to the Western suspension of normal juridical order and the constant waging of war. Alternatively, one could be cynical and suspicious, and believe that this step was taken because England as a racial state must project its commitment to liberal rights, including equal treatment under the law, in order to legitimise its never-ending prosecution of the War on Terror against Muslim people at home and abroad. With this latter perspective, the overturning of this soft literary punishment does not right the wrongs of injustice, but rather perpetuates them in ways that far exceeds the threat that Ben John posed in the first place. To right the wrong of injustice, the racial knowledge that is both reflected and re-circulated through this literary punishment—that of, *White educability*—must be countered at all costs.

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