

[Transcript] The News Agents / Should it be a crime to shout "jihad"?

This is a global player, original podcast.

Palestine, Palestine, Palestine!

Jihad! Jihad!

Be the leader!

The sound of the streets this weekend in London,
as some demonstrators on a Palestinian rights protest
are shouting, Jihad, Jihad.

Is that free speech in a country which cherishes that idea?

Or is it a crime that's being committed?

That is a race hate crime, that is inciting terrorism.

Where do you draw the line?

We already know where the Home Secretary is drawing that line
because Suhalla Braverman is meeting with the head
of the Metropolitan Police in London to ask him
to explain why those protesters were not arrested.
She hears the word, Jihad, as an incitement to terror
and intimidation.

Is she right, or has she overstepped the line?

Welcome to the News Agents.

The News Agents.

It's John. It's Emily.

And it has been a troubling weekend, again,
given events in Israel and Gaza and the uncertainty of that.
But on this episode, we want to look at how that is manifesting
itself on these shores, the ripples from the Mediterranean Sea
that are reaching Britain.

On Saturday, there was a huge protest
by Palestinian rights supporters calling for a free Palestine
support for Gaza.

On Sunday, there was a vigil at Trafalgar Square
where people were saying, how can it be human to keep these hostages
in Gaza that were taken by Hamas on the 7th of October?

And then there are the questions over, where does the law stand
on this, on terrorism, and on hate crimes?

And really, at face value, there should be no difference
between those aims of the protest,
that you can 100% support the release of hostages in Gaza,
who are the victims of Hamas.

And you can 100% support the victims in Gaza,
who are also the victims of Hamas and the kind of atrocities
that have been launched in the name of their freedom,
which they probably almost certainly do not wholesale support.
But I guess what we're talking about today is that tiny minority,
that intersection of people who were part of the marches,

who do maybe believe in the rights of Palestinian people,
but who are vocally very keen to take that argument further
into the realms of what is potentially anti-Semitic,
what is potentially anti-Zionist,
what is potentially threatening to many citizens
who live and walk on the streets of London and the wider UK.
And I guess this comes back to the use of certain words like jihad.
There's no getting round it. We're going to talk about the word jihad.
And we know that there are different meanings.
We understand that there is a jihad meaning,
which is about the purity of your soul and the struggle of the inner being.
And there's a jihad, which means you can fight for freedoms
and you can fight wars in the name of Islam.
But when it is being chanted on the streets,
in the context of those Saturday marches,
certainly the Home Secretary heard something threatening and intimidating.
And I'm guessing she wasn't alone.
Oh, I think that a lot of people will have heard things that were intimidating
and destabilising and upsetting.
And I think that, you know, if you are a member of the Jewish community,
you just look at the statistics, at the number of hate crimes
that are anti-Semitic incidents that have been reported
since October the 7th when Hamas went on that murderous regime in southern Israel
and Israel's response of aerial bombing of targets in Gaza,
which has led to large numbers of innocent women, children, men getting killed.
There are very high emotions running on both sides.
And I'm going back to your initial point, Emily,
that it is perfectly possible to be a supporter of Palestinian rights
and to say that the hostages should be freed,
but it's polarising this country and that there are more and more people
who are saying, I don't give a damn about what Hamas did,
I just care about what Israel's doing, and vice versa.
I mean, I think the point is there should not be a conflict between those two positions.
It is perfectly legitimate to loathe the Hamas terrorism events in Israel
on October the 7th and perfectly legitimate to loathe what has happened in Gaza since then
as a result of Hamas's actions and Israeli bombing to try and destroy the terrorist groups.
In each case, the civilians have been the victims and we get that.
But the idea that you would be on both marches I think is probably far-fetched.
It's almost inconceivable, right?
I wondered what would have happened if you would have turned up at the march,
both carrying a Palestinian flag and an Israeli flag.
Is it impossible to have support for both?
If you believe in the two-state solution...
Yeah, you carry both flags.

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You carry both flags?

Yeah.

And yet it seems inconceivable.

I mean, it'll be fascinating to see if anyone would have dared...

That's your next newsagents' challenge.

Yeah, to go through one of those demos with both flags.

I think anyone who's been in a protest, and when we've been covering protests,

you know how true this is, you can start walking under one banner,

which is, you know, we believe in a two-state solution,

and you take one step to the right, and you're suddenly under the hispertory banner,

and you're not quite sure how that happened.

But the chanting behind you changes, and it's a very different vibe,

and any protest tends to pull in a lot of different groups,

and you probably won't agree with most of what they're saying.

Well, look, you know, I bet you on the pro-Palestine march on Saturday,

there'd have been every sort of variety of kind of left-wing group, fringe groups,

of all sorts of descriptions.

Exactly, they've all been there, all trying to sell their magazines,

or their newspapers, or whatever it happens to be.

That is the nature of demonstrations,

but, you know, the police have got a responsibility for maintaining public order.

There was an incident on Saturday where the train driver, the tube train driver,

decides he's going to get involved and has got things to say about Palestinian rights to a tube full of passengers who know nothing that he's about to do this.

Now, it seems to me that there is good reason why the train driver should be fired.

I mean, I don't want to hear train drivers' political views,

whether it's pro-Israel, anti-Israel, pro-Palestine, anti-Palestine.

It's not the tube driver's job.

Please get us to the next station safely and open the doors.

Close the doors, move on.

But is it against the law?

Because it now sounds as though the Metropolitan Police is investigating whether he broke the law.

You know, we've had this discussion in the office, actually.

And occasionally, you know, people in these roles and positions,

even the police do get involved in protests.

I mean, you've seen policing of pride marches, which has been very pro-pride.

You've seen police take the knee.

So I think there are these occasions where you do see people crossing the line and say, yeah, I might be a tube driver.

I might be a police officer, but I believe in the rights of gay people

or I believe in the rights of the black community to, you know,

live without fear from police, I guess.

But that's something we can all agree on,

telling people what to think when they're on a tube journey.
Wrong side of the line.
I think it was stupid and crass and just stay out of it.
You don't need to take us down.
We don't need tube drivers telling us what to think.
Frankly, I'm kind of in a bit of a row with the Football Association.
I don't think we need the Football Association telling us what to think.
Well, they don't know what to think, let's be really honest.
They don't know what to think.
Because politics is complex and therefore don't enter it.
Don't get involved.
Don't offer your view on it.
But is it illegal?
I mean, that's the problem I'm having with it
because I just don't see what the criminal offence is
that this guy has committed, apart from being a bit of a pride.
So I think park your tube driver on one side, because...
Put him into the sidings.
Can you park a tube?
We'll take him into the sidings.
Yeah, that's the tube driver who will probably be disciplined
or spoken to or whatever by his employer.
But as you're saying, hasn't actually committed to crime.
The area which is, I think, more grey
is where the Home Secretary has waded in.
And where even the leader of the opposition,
Kirstama, has pointed to gaps in the law.
And I guess the question that we're trying to tackle today,
and we always go sort of around this one is,
do you have a right not to be offended?
If I hear people shouting jihad on the streets,
is it enough to say,
I am offended, therefore the word should be banned?
If I hear that word and I think of it as inciting violence
or terror, does that then mean
that people should be stopped from saying it?
And of course, context is everything here.
We know that jihad can refer to an inner struggle.
We know it can refer to a war you're fighting with yourself.
But if it is being chanted by a fundamentalist group
in the context of a protest,
it probably isn't talking about your inner spiritual struggle.
Therefore, could that word then be banned
or should the group itself be banned?

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I guess to wind it out, if I heard aloha wakbar,
again, it means God is great, right?
In a mosque, that would have a totally different meaning
to perhaps a darker meaning if you heard it,
when you were surrounded by people
that were protesting or felt threatening towards you.
It becomes a very, very difficult contextualized argument
to have about certain phrases or certain places, doesn't it?
And you can understand that from a police perspective,
they don't wanna go around sort of asking everyone
who's used that word what they meant by it,
what was the context?
What was the flag you were waving at the time?
Did you have a balaclava on?
What was your innermost hope and realization from that word?
It's incredibly complicated.
And as you say, we really value freedom of expression.
Yeah, look, there's enough division.
There is enough heat in this subject at the moment.
There is enough sense of kind of anger and fury and emotion
that I think it ill behoves.
I think there is so much emotion in this
that it ill behoves people on the right
or the extreme left to try to weaponize it still further.
And I saw a commentator from America, from Washington,
who I know, Niall Gardner,
he works for the Heritage Foundation,
the Margaret Thatcher Foundation for Freedom,
I think his bit of it is,
where he's a Thatcherite on the right.
And he tweeted yesterday,
for centuries Great Britain was the most powerful nation
in the world, feared by its enemies and standing tall
as the guardian of Western civilization.
Today, the streets of London are occupied
by Islamist militants who hate the West, hate Britain
and everything it stands for.
Britain's leaders need to stand up for their country
and act decisively against those
who seek to destroy it from within.
Now, you don't need to stir this up.
It's stirred enough already without contributing
to a misleading impression
that you can't move around in London

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because there are jihadists everywhere.
And I had a message from a mate in D.C. last night,
saying, guys, everything all right in London.
It sounds terrible there.
And that is the impression you can create.
And I think that to exacerbate already heightened emotions
is not cool.
But I think you use the word weaponize.
And I think you're being naive
if you're ignoring that that is actually what some people
with genuine good intention want to do.
There are people who care passionately
about the Palestinian cause,
who see this as a moment to weaponize it.
And I guess there are also people who feel passionately
that the threat of anti-Semitism in this country
is not taken seriously enough.
And if you're not gonna shout about it at a time like this,
then when are you going to?
When are you going to alert people
to the fact that it is a growing danger
with an absolutely horrendously steep rise in cases
in the last two weeks?
So I suppose the weaponization is part of it.
I mean, that has to be part of it.
When you march, you're not just trying to get to the park.
You are trying to change things.
So following his meeting with the Home Secretary,
Suella Braverman, Samark Roli,
the commissioner of the Metropolitan Police
has just come out and fascinating comments
on the way he sees the threat
and the problem of policing at the moment.
The growth in hate crime, hate crime against Muslim communities
in London is up three-fold against Jewish communities.
It's 13-fold compared to this time last year for this period.
That's a horrific number.
And it's not surprising that communities in that context
are fearful and anxious,
and that's what we were talking about today.
On top of, of course, the protests
which sort of give vent to a whole range of different opinions.
I was explaining how we are absolutely ruthless
in tackling anybody who puts their foot over the legal line.

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We're accountable for law.
We can't enforce taste or decency
that we can enforce the law.
And he's also said that some of the lines,
and I think by lines,
we probably should interpret that as laws,
aren't in the right place.
When it comes to law on extremism and terrorism,
extremist groups can still propagate toxic messages.
And his suggestion has been the banning of his book Terrier.
Now, this was the group that were making the Jihad chance
on Saturday, and for context,
they are a banned group in many countries.
They are a so-called party of liberation, literally,
but it is an international pan-Islamist,
Islamic fundamentalist organization who stated AIM
is the re-establishment of the Islamic Caliphate
to unite the Muslim community
and to implement Sharia globally.
So Mark Rowley's suggestion,
one that he's now leaving for Soella Braverman,
is maybe this should join the list of prescribed groups
here in the UK.
I mean, it does actually sound like the meeting had tangible
almost tangible outcomes,
which is kind of rare because I think the police right now
are under enormous pressure not to just knee-jerk
do what politicians are telling them to do
and not to do anything that would inflame community relations
as a knock-on effect from everything that's happening
in the Middle East right now.
In a moment, we'll be speaking to Sir Peter Farhi.
He was the Chief Constable of Greater Manchester Police,
but perhaps more importantly, in this context,
was the former head of the government's prevent strategy.
This is The News Agents.
Well, joining us now is Sir Peter Farhi.
You'll know him as the former Chief Constable
of Greater Manchester Police until 2015,
also head of the government's prevent strategy.
And I think it's fair to say, Sir Peter,
you've had your fair share of fairly hairy moments
trying to police exactly this sort of protest
that we've been talking about.

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The Home Secretary wants to know why people weren't arrested at the weekend's demonstration.

Could you answer her that question?

Yes, I could, but the police have to make individual decisions.

And I'm sure the Home Secretary knows that she can't direct operational decisions and operational matters as to how an individual demonstration is police.

But essentially what we've got here is the police trying to make sense of counterterrorism law, hate speech law, public order law, the law around harassment and causing alarm and distress. And at the same time, aware of the huge strength in emotions, having to make operational decisions in the heat of the moment.

So if you're going to go and try and arrest somebody, we're making that arrest just cause further disturbance. Could children and vulnerable people in the crowd be injured? How will that look on social media, whether you like it or not, that has to be a consideration in the world we live in.

So it's a hugely complex situation.

And at the same time, the police have to take into account their long-term relationship with communities and trying to maintain confidence and not seem to be taking sides.

And certainly around this issue about the complexity of the law, there's nothing in English law that says using a particular word of itself commits an offence.

It is about the context, it is about the intention of the person using the word and the way that that will be received.

And obviously the police have got to try and make sense of that.

And I think on Saturday they had experts, they had lawyers and they had counterterrorism police in their control room trying to make sense of this.

And so it's a really difficult situation they're trying to deal with.

Just explain this to me.

When you said it's not the job of the Home Secretary to interfere in operational policing, what are the lines?

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Because I'm sure an awful lot of people listening to this would think, well, surely the Home Secretary has got a right to sell the Chief Constable of this constabulary or that.

What needs to happen?

The Home Secretary absolutely is a right to set broad policy and certainly to hold the police to account and ask questions, although that's again confused in London because you've also got the Mayor of London as well.

What the Home Secretary shouldn't be doing is trying to direct individual decisions on whether people should be arrested or how particular words should be interpreted or flags or other phrases in the context of a demonstration.

And that's not the way that we operate in our country.

No, we don't have politically driven police.

And at the end of the day, each officer is responsible for the individual decision they make to arrest somebody before the court.

And as I say, have to take into account that overall context.

Do you think that this is,

Suella Braverman saying, I want to be driving this,

I want to be gold commander?

Or is it Suella Braverman just playing politics and showing, playing to the gallery

that I'd have been tougher on these people on the streets?

I'm certainly not naive and the police are not naive.

That, again, in this media hungry country and atmosphere that the Home Secretary has to be seen to doing things, that you're absolutely right.

We've seen a series of interventions from her, which have been danger of crossing that line.

And this all builds on the situation with the policing of the Sarah Everard vigil in London, where the Home Secretary of that time was making comments before she had been given a full briefing on what had actually happened.

And I think that is what is making the whole situation far more complex.

The police live in the real world.

And I had a similar situation like this to deal with at the last Gaza situation.

And that was extremely difficult, dealing with that in Gregor Manchester.

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But it's now become far more complicated
because of the whole influence of social media,
everything being filmed.
And in that context, individual Home Secretaries
and politicians saying they have to give their view
on particular interpretations of the law.
But when it gets to the court, which you respect,
what the Home Secretary says as learned in this years,
will not really play in.
It will be about the officers justifying their decision,
the position of the defence.
And there is a danger that if that defence
then tries to argue that the police
were only doing what they were doing
because of political direction,
that could make the prosecution more complex.
If you were in that position
and you heard the chant, Jihad,
would you hear that in the context of the march on Saturday
as an incitement of hatred or violence?
Well, I think to be fair to the Metropolitan Police,
before the protest, they tried to give clear direction
not only to their officers,
but also to the public and the community
about how they'd interpret that.
And they'd absolutely be doing that.
For instance, around a mosque or a Jewish school,
in that context, it appears to be very much incitement of violence,
incitement of hatred.
Then absolutely, the law should be enforced.
But not on a march?
Well, I think in a march it's far more complex
as to what does that word mean.
And there's been a lot of debate amongst academics
and scholars and religious leaders even this morning
about what that word can mean to different people.
And that's the difficulty,
because the officer has to look at the context in that case.
And then, if they make an arrest,
we'll have to see what the person who made that chant
themselves was actually intending.
So if it sounds threatening,
I guess that's what I'm getting at,
if it sounds threatening to a proportion of the community,

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would that direct your thinking?

Yes, absolutely.

I mean, Jihad will sound threatening to many members of the Jewish community, of people going into central London, if they hear it chanted on the streets.

Is that enough then for you to make arrests?

Yeah, of itself, it would not be enough.

It is about the wider context that the police have to make sense of, including whether at that moment, it's the operationally right thing to do to go in and start making arrests.

You can't just pick out one word and say, definitely, that is always gonna be a breach of the law.

The police have to try and make sense of it in the context.

The other incident that has caused a big furor that took place on Saturday was a tube driver going on the tannoy in a train saying, support free Palestine.

I can see why TFL might want to fire him for getting involved in politics of any description.

But what would be the criminal offence there?

Because apparently the Metropolitan Police are investigating that.

It's very hard for me to see an offence in that, because that appears to be the state of Palestine.

And that's part of the difficulty.

If an allegation is made, the police have to investigate it, particularly when it's got very high profile, as in this situation,

it doesn't absolutely mean that they feel it's a prima facie case that anything should be done.

I suppose the argument would be, but if it intimidates people that are on the train and suddenly a Jewish person feels threatened because they've heard this chant going through a train and that's been instigated by a driver, that doesn't cross a line.

That's unpleasant, but it's not illegal.

I think you've described it absolutely right.

It's unpleasant and absolutely not something that any public servant or people serving the public in that context is not part of their job to actually do that.

And I think it's absolutely a case
that should be dealt with by TFL
under its own disparate procedures.
It just shows the really complex, difficult atmosphere
that there is around the country at the moment.
I don't think I've ever seen it as bad as this.
Can I just get your direct response
to Robert Generate, the immigration minister?
He was pretty publicly critical of the police on Sunday
for failing to arrest the protesters.
And he said they should have been met
with the full force of the law
and was surprised by the police's decision.
What message would you have for him?
Well, you know, he's perfectly entitled to have that view,
but I would ask him to take into account the impact
that that has on the police trying to do a very difficult job,
where they feel that they're not being properly supported
by politicians who don't understand the complexities
of what they're doing
and don't sometimes understand the difficulties
of interpreting the law,
but also their duty to try and maintain
long-term community relations
and confidence that the police have been fair and impartial.
But I think it will just make the police feel
they're damned if they do and they're damned if they don't.
And in a way, make the job of police commanders
even more difficult in this situation.
Police will never get it right.
This is not a situation where you can get it right.
You'll always be caught in the middle
and really what they need is politicians
who understand that and try and explain that
and give as much support as they can.
Would the police like to see any clarification of the law?
Is the law clear enough as it stands?
Or is it just that the police,
whatever the law of the land is,
has to interpret it as it sees fit in any given circumstance?
I think it's the latter, really, John.
You know, there's always things that can be clarified.
There are always new powers that can be added.
But at the end of the day, you know,

lawyers make their money by then trying to interpret those particular words and those particular phrases and those particular powers.

If you keep on using legislation to try and chase a particular set of tactics or a particular situation or an international situation at a particular time, history shows that doesn't really work because all that happens, as I say, the situation changes, the protesters change their tactics. You know, the policing of protest in the heat of the moment, you know, can be extremely difficult.

And on the whole, you know, police officers are pretty suspicious when politicians say, oh, we're really going to clarify the law because when it gets to court in the cold light of day, it often fails at that point.

So, you know, whether we like it or not, protest and what people are concerned about and demonstrating about is constantly moving. Sir Peter, thank you so much, Sir Peter Farley. Really good to have you on the news, Asians. Thank you very much.

Coming up, we're going to be looking at party politics, a little closer to home, after those rumours surfaced over the weekend, that the Chancellor, Jeremy Hunt, might be stepping down before the next election. Rumours, we should say, he has firmly denied. We'll be delving a little bit into why those might have surfaced and what they're telling us about the Conservatives right now.

This is The News, Agents.

Before we go, it's the weekend after the by-elections before and the political reverberations that are still being felt around Westminster. It's almost a year since Rishi Sunak became Prime Minister, which means that you can now put in letters of no confidence if you feel that that is the way to go, given to you.

So, we're going to be looking into there'd be a special news agent's look at a year of Rishi Sunak tomorrow with Ben Riley Smith, which there also will be, funnily enough.

Funnily enough.

But, there's also a story this weekend which sort of has been denied, but had a certain resonance, which was that after the autumn statement in November, Jeremy Hunt, the Chancellor of the Exchequer, is going to announce that he's going to stand down from Parliament because he doesn't want to go to Parliament because he doesn't want to have a Michael Portillo moment at the next general election, i.e. what happened to Portillo in 97 when he lost Enfield Southgate and that picture of a grinning Steven Twig everywhere, which became the iconic symbol of that election.

So much so that there was a book written called Where You Still Up For Portillo.

Were you still up for Portillo?

Yeah, well, I was working all night, yes.

I was watching in Hong Kong, so I had a particularly nice time with the people who were watching the book.

I was always watching in Hong Kong, so I had a particularly nice time.

I was at Conservative Central Office all night, so you can imagine what a party that was.

But I guess that's right.

So the point is that Michael Portillo became the biggest scalp of the night, of the 97 election, and Jeremy Hunt reportedly was nervous because of his own constituency position at the moment.

He's gained to face boundary changes from South West Surrey to a new constituency that will be called Godolming and Ash.

And he is sitting on a majority of around what? 8,800, which on a good day would be fine.

But when you get pollsters like Frank Luntz warning Conservatives that anything over around 7,000, 8,000 may now be at risk, you can see why these sort of rumours would start to spread.

Now, we should just say that Jeremy Hunt has knocked this firmly down,

and he said Parliament will have to put up with me for much longer.

I mean, what else can you say
if you're about to deliver an autumn statement,
if you're the Chancellor,
if a lot hangs on what you're going to do in the next year,
you can't just go,
yeah, by the way, that'll be the end of me.

So whatever he's thinking of doing,
there is no chance that he will tell us.

I don't think he's stepping down for many, many months.

But I do think what we've heard today
is a slight, can you have a slight nail in the coffin?

It was a quote from the Prime Minister
who was asked this, who said...

Well, it was the Prime Minister's spokesman
who said the Prime Minister and Chancellor
are working extremely closely together
on the autumn statement.

Obviously, we wouldn't speculate
on constant reshuffle speculation.

So they're not going to speculate on speculation.

But just by answering that question,
by saying what you're working very hard on,
you basically put flashlights all over it.

We are working very hard on the autumn statement.

In other words, something that's going to happen
in about three weeks' time, right?

It doesn't reek of longevity that.

I think it sounds like the chairman of the football club
who says we've got full confidence in the manager
after you've lost the last eight games
and you're at the bottom of the table.

In political terms, the Tories are at the bottom of the table.

It would be one hell of a move to get rid of Jeremy Hunt,
who was the figure, the symbol of stability
after the whole Liz Truss period.

And I think it would be very, very bold, shall we say,
to try and move him.

Well, I think you can see it two ways.

You can either say it would be kind of
bold stroke ludicrous to do that,
or you can say what better signal
than the ship is now steadied a year on after Liz Truss

than to say Jeremy Hunt has done
his very appreciated job of staying the ship.
Now I want, for example, a Claire Coutinho figure
to start coming up with different, newer, brighter,
creative ways of not quite cutting tax.
There is an argument to be made that that is going on as well.
I tell you what, if you want to frame the choices
that the Conservative Party now have
following those by-elections
and the kind of shock that it has sent through the party,
Rishi Sunak can't just reshuffle the whole cabinet.
But what a choice it would be if you say,
I keep Suella Braverman,
exactly where she is as Home Secretary,
but I move out Jeremy Hunt,
or I keep Jeremy Hunt and move out Suella Braverman.
Because then you will be seeing very clearly
the direction of travel that Rishi Sunak
thinks he has to go to have any chance
of winning the next election.
And I think that there are pressures on him
to go to the right, keep Suella,
get rid of Hunt, get more tax cuts,
or, you know, if you're the Labour Party,
you're thinking, go to the right.
Go as far as you want.
We'll take the centre ground.
Thank you very much.
I just think there are hammers on his head
at the moment from all sides.
I mean, it's entirely possible.
He gets rid of both.
Or none of them.
Or none of them.
Or none of them.
And tomorrow we're going to be looking into this
in a bit more detail.
What we saw after their surprise win in Uxbridge
was what we've now dubbed the Yule strategy.
In other words, oh my God,
Yule's just won a constituency for us.
It won a bar election for us.
Therefore, we must scrap all green taxes forevermore.
What will be the mid-beds Tamworth strategy now?

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What will be the new Yule's?
Will it be gay conversion therapy bans?
What will it be small boats?
We're going to get into that tomorrow in some depth
and try and work out
whether the Suella strategy, broadly to the right,
is going to dominate,
or whether he's got the sort of
centrist-the-one nation Tories in his ear,
and he's listening there.
We'll see you tomorrow.
Bye-bye.
Bye.
The news agents with Emily Maitlis,
John Sopel, and Louis Goodall.
This has been a global player original podcast
and a Persephoneka production.