

SPECTACULAR OR SPECIOUS? A CRITICAL REVIEW OF THE SPECTACULAR FEW: PRISONER RADICALIZATION AND THE EVOLVING TERRORIST THREAT

SPEARIT*

Debates about the role American prisons play in “homegrown” or domestic terrorism grow with each passing year. However, much of the debate has been premised on alarmist rationales, political distortions, and faulty analyses. The book, *The Spectacular Few: Prisoner Radicalization and the Evolving Terrorist Threat* by criminologist Mark Hamm is an attempt to assess the situation in the United States. As this book represents the first to tackle the question of prisoner radicalization, it is important by its great potential to influence scholarship, law, and policy. What follows offers a critique of the book’s main thesis, which posits that prison conditions are the main cause of prisoner radicalization. It scrutinizes the methods and samples used to substantiate this and other claims. The critique shows how lack of rigorous analysis can lead to unfounded beliefs, including that prisons are breeding grounds for jihadist recruitment. A proper review of the book’s successes and failures helps clarify key concepts and the scope of the problem, and hopefully, lead to better policies and greater justice in prison.

I. INTRODUCTION TO THE TOPIC

In post-9/11 America, concerns and fears about Islamic radicalization grow with each passing year. American prisons are no exception, and they too have become the center of debate, with some describing prisons as “fertile soil for jihad” or “breeding grounds” for al-Qaeda.¹

* Associate Professor, Thurgood Marshall School of Law, Texas Southern University; Fellow, Institute for Social Policy and Understanding.

1. See, e.g., PATRICK T. DUNLEAVY, *THE FERTILE SOIL OF JIHAD: TERRORISM’S PRISON CONNECTION* (2011); FoxNewsInsider, Peter King: We Want to Stop Prisoners from Being Radicalized in Prison, YOUTUBE (June 15, 2011), <http://www.youtube.com/watch?v=3RnF6Rp4Ip4> (claiming that Muslims in prison are “the only group in prison which is tied to overseas terrorists which is part of an existential threat to the United States.”); Terrorist Recruitment and Infiltration in the United States: Prisons and Military as an Operational Base: Hearing Before the Subcomm. on Terrorism and Homeland Sec. and the S. Comm. on the Judiciary, 108th Cong. (2003) (statement of Michael J. Waller, Professor, Inst. of World Politics); Charles Colson, *Terrorists Behind Bars*, FIRST THINGS (Nov. 2002), <http://www.firstthings.com/article/2007/01/terrorists-behind-bars>; Ron Scherer

These bold pronouncements, however, have not manifested in any meaningful way among state or federal prisoners, and instead sit in tension with life on the ground. As one researcher reported in 2013, since 2001, there has been only one case of homegrown jihadist violence involving inmates.² Furthermore, ethnographic research shows radicalization among Muslim prisoners as deeply rooted in domestic grievances. Disaffection is not the sign of successes in foreign proselytization, but about systemic unfairness at home, including in criminal justice, racial and religious oppression, and anti-Muslim policy abroad.³

Academic inquiry into the question of prisoner radicalization has yielded mixed results. This area of study suffers its share of problems, with lack of rigor and methodological problems being duly noted.⁴ More basically, determining what exactly is meant by “radicalization” has proved critical, and “the inability of scholars, politicians, chaplains, and even prisoners themselves to devise a common definition of radicalization means that it is extremely difficult to develop any model that explains why it occurs.”⁵

Although clarity about what is meant by “radicalization” is critical, too often the term functions as code for “violence.”⁶ This blurring of terms betrays normative use of the term “radical,” which indicates extremism or movement away from social norm. From its everyday use, then, radicalization might best be understood as the process of moving away from the status quo, to the extremes, indeed to become its critic. Associating violence with this phenomenon is flawed as exemplified by individuals like Mahatma Gandhi and Martin Luther King Jr., both of whom were first-

& Alexandra Marks, *Gangs, Prison: Al Qaeda Breeding Grounds?*, THE CHRISTIAN SCIENCE MONITOR (June 14, 2002), <http://www.csmonitor.com/2002/0614/p02s01-usju.html>.

2. JEROME P. BJELOPERA, CONG. RESEARCH SERV., R41416, AMERICAN JIHADIST TERRORISM: COMBATING A COMPLEX THREAT (2013), available at <http://www.fas.org/sgp/crs/terror/R41416.pdf>.

3. See SPEARIT, INST. FOR SOC. POLICY AND UNDERSTANDING, FACTS AND FICTIONS ABOUT ISLAM IN PRISON: ASSESSING PRISONER RADICALIZATION IN POST-9/11 AMERICA (2013); Aaron Rappaport et al., *Homeland Security and the Inmate Population: The Risk and Reality of Islamic Radicalization in Prison*, in SPECIAL NEEDS OFFENDERS IN CORRECTIONAL INSTITUTIONS (Lior Gideon ed., 2012).

4. Rappaport et al., *supra* note 3, at 432 (describing how perceptions about Islam in prison are tainted by a climate of suspicion and fear, some of which derive from fears entirely unrelated to Islam, including multiple perceived threats including criminals, prisoners, gang members, African-Americans, Latinos, and Muslims, a mix that can “easily overflow into unthinking hysteria.”).

5. SPEARIT, *supra* note 3, at 7.

6. *Id.*

order radicals dedicated to non-violence. Their pacifism shows how radicalism is a critical frame of mind, rather than a violent course of action.

Other misuses blur the understanding of “radicalization.” Most prominently, the term is often conflated with “conversion.” Although the two are often used interchangeably, this approach is untenable. A convert is not the same as a radical and vice versa; one does not imply the other. In fact, sometimes the two point in opposite directions since “converts who have started a serious quest to find peace are less vulnerable to extremist ideologies, radicalization, and terrorist recruitment.”⁷ The conflation is most problematic when conversion data are used to understand the prevalence of radicalization. Since conversion is a more common occurrence, the association serves only to overstate the prevalence of radicalization.⁸

Arguably, the most difficult issue in trying to understand prisoner radicalization is causality. Determining the factors that coalesce to motivate an individual to adopt extreme beliefs and behaviors is especially difficult since some inmates have extremist inclinations well before they are imprisoned. Determining the prison’s role is thus no easy task when individuals enter prison with clearly extremist views, agendas, and proclivities. For these individuals, imprisonment is merely a pit stop on a journey that started well before entering the prison gates. Others, on the contrary, may not participate in extremist activities until years after their release from prison. In both cases, the prison’s role may be far from certain, yet both caution against turning a radical into a case of “prisoner radicalization” just because of time spent in prison.

II. THE BOOK: THESIS, METHOD, AND COROLLARY ARGUMENTS

In *The Spectacular Few: Prisoner Radicalization and the Evolving Terrorist Threat*,⁹ criminologist Mark Hamm uses ethnographic data to explore the topic of prisoner radicalization. The book’s central argument holds that harsh prison conditions are at the root of inmate radicalization. Radicals are created by overcrowded conditions and violent penal regimes, including the threat of physical and psychological violence, gang activity,

7. Id. at 9.

8. Id. at 10.

9. See MARK S. HAMM, *THE SPECTACULAR FEW: PRISONER RADICALIZATION AND THE EVOLVING TERRORIST THREAT* (2013).

and other deprivations of imprisonment. These are the factors that Hamm believes lead inmates to adopt extremist ideology, violence, and terrorism. From this perspective, the common denominator for inmates who embark on this path is their prison experience.

Hamm introduces the reader to the topic through short vignettes of what he calls the “invisible history” of prisoner radicalization.¹⁰ According to the author, this history is invisible because prisoner radicalization has always been a part of world history, even though it may not be well known. To make this history visible, he offers up Winston Churchill, Mahatma Gandhi, Nelson Mandela, and Adolf Hitler as an initial set of case studies in prisoner radicalization.

Beginning with Winston Churchill, the author describes Churchill’s journey to cover a war in South Africa in the hopes of jump-starting his career in journalism.¹¹ In his quest, Churchill was arrested and held in a South African detention facility. After spending a few months there, he escaped and returned to Britain. Later, in his autobiography, Churchill recalls his experience in the prison camp: “We had so much liberty in our bounds, and were so free from observation during the greater part of the day and night.”¹² He also recounts that when he made his escape, he wore a civilian suit, and had 75 British pounds in his pocket, along with slabs of chocolate. He would later claim to have hated this period more than any other in his life.¹³

The next example is Mahatma Gandhi, whom the author notes, was imprisoned for “nonviolent civil disobedience campaigns.” These campaigns against the British government involved breaking laws through nonviolence, “thereby forcing the British to punish protestors with brutal physical beatings and imprisonment.”¹⁴ During his incarceration, Gandhi used time to his advantage, as “unlimited time to read, write, meditate and organize,”¹⁵ and as one of Gandhi’s biographers describes, “prison never held any terrors for him.”¹⁶ Indeed, he was in and out of jail several times, and on various occasions took vows to fast until death.

10. *Id.* at 1.

11. *Id.*

12. *Id.* (quoting WINSTON CHURCHILL, *MY EARLY LIFE: 1874-1904*, at 261 (1930)).

13. *Id.* at 3.

14. *Id.* at 4.

15. *Id.* at 4.

16. *Id.* at 4.

Hamm's next prisoner radicalization prototype is Nelson Mandela, who spent nearly three decades incarcerated in apartheid South Africa. According to the author, Mandela first entered prison with an already rebellious attitude, and was "as uncooperative" as he could be from his first day of imprisonment.¹⁷ From that day on, as with Gandhi, Mandela passed his time in prison under a "personal campaign of reading, writing, and organizing."¹⁸

The book's last example points to the "dark side" of prisoner radicalization in the person of Adolf Hitler. Imprisoned in Germany for high treason, Hitler was held in a facility where he received favorable treatment from both guards and staff who sympathized with his plight. As a prisoner, Hitler was permitted all sorts of accommodations, including mounds of gifts and clothing, visitors, and even a personal servant and chauffeur.¹⁹ He had no restrictions placed on correspondence or reading privileges and he was able to establish personal relationships with future Reich leaders. During this time he also began composition of the celebrated and despised *Mein Kampf*, which lays out a global plan of genocide against Jewish people. In total, Hitler spent nine months in prison, which according to the author, was when he "refined his strategy to gain power and elevated his self-belief through the Fuhrer."²⁰

These stories set the stage for the next part of the book, which explores Islam's early history in American prisons up to the 1960s. Specifically citing Folsom Prison and its "long and storied radical history . . .,"²¹ the example advances a key piece of the book's thesis that the prison environment itself is the primary factor for catalyzing radicalism.

The book fast-forwards to the post 9/11 era, where the author discusses the contours of debate about Muslim radicalization. He asserts there are three main "camps" of thought on the subject, which he labels as "alarmist," "reassuring," and his own camp, which sees prisoner radicalization as a function of prison conditions.²² Harsh and oppressive conditions of confinement give rise to the "spectacular few," those individuals who are radicalized in prison and actually go on to engage in extremist violence. As supporting examples of the spectacular few, the author cites individuals

17. Id. at 7.

18. Id.

19. Id. at 11.

20. Id. at 13.

21. Id. at x.

22. Id. at 53.

throughout the world, including Said Qutb, Abu Musab al-Zarqawi, Richard Reid, the so-called Shoe Bomber, and what he calls “al-Qaeda of California,”²³ the book’s cornerstone case study.

According to the author, this group’s recruitment strategy connects to an “international jihad movement,”²⁴ and further advances the notion that American prisoners are under al-Qaeda’s influence. Of course implicit in this posture is that Islam is a particular threat in prison, which is perhaps made explicit in the book’s cover, which features a group of Muslim prisoners kneeling in prayer. The cover conveys that Muslims are at the center of prisoner radicalization, despite the book’s title, opening vignettes, and evidence that prison gangs and white supremacist groups are the greatest existential threats for violent extremism.

III. TEXTUAL ANALYSIS: SHORTCOMINGS AND STRENGTHS

A. Shortcomings

1. Academic: The Devil’s in the Details

Perhaps the greatest difficulty of this work is its tendency to undermine its own thesis, namely, that “prisoner radicalization occurs only under specific conditions of confinement.”²⁵ The problem with this view is exemplified in the very case studies given in the book, which are worth reexamining in hindsight in light of the author’s main argument.

Churchill fares poorly as an example of prison radicalization. His story tells of an individual who, for the sake of jump-starting his career, went to a warring country. The story lends itself to the idea that Churchill had extreme ways well before his prison experience. Even granting that he had no radical proclivities prior to his captivity, his imprisonment hardly describes the type of prison that causes inmates to radicalize. One need only recall that Churchill enjoyed “so much liberty” and was “free from observation for most of the day.”²⁶ This was not Foucault’s panopticon, but a place that he could escape well-dressed with cash and chocolate. The depiction of Churchill as a prison radical seemingly falls flat.

23. *Id.* at 127.

24. *Id.* at 138.

25. *Id.* at 51-52.

26. *Id.* at 1.

The cases of Gandhi and Mandela are less convincing still. Again, looking at their biography, it is no stretch to suggest that both of these individuals were radicals *well before they entered prison*. As Hamm mentions, Gandhi had already gone on hunger fasts to protest treatment of the untouchables and was deeply involved in organizing widespread law-breaking through non-violent tactics. Moreover, his confinement was not under the harsh, brutal confines that foment radicalization. Instead, it was a place for “unlimited time to read, write, meditate, and organize.”²⁷

Like Gandhi, Mandela’s case bears no indicators of the thesis. In fact his biography may perhaps be best viewed as an antithesis of sorts. For example, although the book omits the point, Mandela was sentenced to imprisonment as a result of his campaigns to bomb government targets. At that time he believed in violence as a means to achieve political results, an attitude that was well formed by the time he entered prison such that he was as uncooperative as possible, *from his very first day*.²⁸ Even then, the prison became a place for him to continue his political work until he was eventually released and would go on to become the president of South Africa and a Noble Peace Prize winner.²⁹ Ironically, in this example, imprisonment, rather than produce a violent extremist, may have helped turn a violent extremist into a pacifist.

Of all the examples, Adolf Hitler is the most suspect of all. As the author himself describes, Hitler entered prison with a vehement hatred for anything Jewish. Accordingly, during his nine-month stay, Hitler began working on a book that outlined his genocidal policy to rid the world of Jews. In addition, his stay in prison can hardly be described as oppressive or harsh, rather, he enjoyed roomfuls of gifts and had many frequent visitors. Hitler’s time in prison was unlike the typical Big House experience, and there is little evidence to support that his imprisonment had a radicalizing effect on his views. For as the record shows, these were set long before, and continued long after, his stay in prison. For Hitler, imprisonment appears as an incidental stop on a path of extremism.

According to the author, three of the four individuals exited prison without ever engaging in violence. Only one, Hitler, the least convincing of the examples, went on to orchestrate violence after his stay in prison. As an initial matter, then, the book’s introduction turns out to be a smokescreen of examples that undermine the book’s core thesis. Instead of igniting

27. Id. at 4.

28. Id. at 7.

29. Id. at 10.

radicalism with dangerous, overcrowded, and chaotic environments, imprisonment offered them opportunity to develop radical agendas that were already in progress.

These red herrings go undetected by the reader in part because the introduction offers no definition of what is meant by “radicalization.” This assessment can only be ascertained later since the reader is not given a definition until two chapters later where the author writes, “In the United States, prisoner radicalization is defined as the ‘process by which inmates adopt extreme views, including beliefs that violent measures need to be taken for political or religious purposes.’”³⁰ This definition is obviously problematic, but it also begs important questions, like “who” in the United States defines it this way? Also, is the definition sound? Are there contestations of it? More critically, how can the author adopt this definition *now*? Now, meaning after haven given the examples Churchill, Gandhi, Mandela, and Hitler.

The author’s subsequent adoption of this definition and the examples amounts to a classic bait-and-switch. It baits the reader with examples of prisoner radicalization that end up not being examples under the author’s adopted definition. The switch occurs by the book’s nearly exclusive focus on Muslims; it goes from focusing on non-Muslim examples to focusing on Muslims for practically the rest of the book. In this sequence, case studies about non-Muslims who turn out to be peacemakers, get turned inside out since the rest of the text focuses entirely on Muslim prisoners who espouse violence.

These problems arise primarily because of the work’s lack of discipline and design. The problem is compound—lack of a theoretical framework to understand the issue as well as failure to delimit the scope of study. The work offers no map of the academic terrain: cases of prisoner radicalization are stripped from their history and context, there are no geographical limits, and the evidence marshaled comes from all corners.

Moreover, the book falls into the trap of conflating “radicalization” and “conversion.” As the book’s preface notes, a report by the Senate Foreign Relations Committee claims that thirty-six Americans had converted to Islam while incarcerated in the United States and had traveled to Yemen to study Arabic.³¹ The author quotes the report, reiterating that these “radicalized ex-prisoners” may have gone to get training from al-

30. *Id.* at 43.

31. *Id.* at x–xi.

Qaeda fighters. Although the report turns the converts into “radicalized ex-prisoners,” nowhere does the author step in with a corrective. The repetition of the error transforms an innocuous event into something more menacing and makes every convert to Islam a potential threat.

For those on the path to peace, however, violent extremism may be an anathema. The difference is obvious practically as well, since an individual may radicalize within his own tradition, in which case there is no “conversion” within the ordinary meaning of the term. Conversely, “conversion” does not necessitate that extremist ideology play a significant role in one’s transformation; some converts are motivated more by religious experience or antecedent trauma than doctrine, making conversion less ideology than epiphany. Research supports the point by indicating inmates as more likely to convert in maximum-security prisons.³²

Failure to distinguish these concepts produces other complications, particularly when individuals who were known to have converted in prison are transformed into cases of prisoner radicalization. For example, Hamm cites the airliner plot that involved Richard Reid, whom he asserts was radicalized behind bars. However, the available data indicate only that Reid *may* have converted to Islam in a British prison.³³ Reid’s identification as an instance of prisoner radicalization is misplaced since his radicalization came well after his release, with the plot itself occurring a full five years after his release.

The same error attends the characterization of Michael Finton, James Cromitie, and others listed in his “Prisoner Radicalization/Terrorism Database.”³⁴ There is no evidence presented, however, to substantiate claims that prison was causally related to their eventual arrests for plotting terrorist attacks. Instead, the book makes the startling claim that since 2001 there have been fourteen cases of terrorist plots involving Muslim prisoners or ex-prisoners, none of which affirmatively implicate prison as a causal factor.³⁵ The database sits in stark contrast, however, to data from the Congressional Research Service and other research that indicates only one

32. Pew Research Religion & Public Life Project, Religion in Prisons: A 50-State Survey of Prison Chaplains, PEW RESEARCH CTR., (Mar. 22, 2012), <http://www.pewforum.org/files/2012/03/Religion-in-Prisons.pdf>.

33. Gaetano Joe Ilardi, Prison Radicalisation: The Devil is in the Details, MONASH UNIV. 6 (2010), <http://artsonline.monash.edu.au/radicalisation/files/2013/03/conference-2010-prison-radicalisation-gji.pdf>.

34. HAMM, *supra* note 9, at 182.

35. *Id.* at 77.

foiled plot, the JIS organization in California.³⁶ This difference is a direct result of the author's treatment of individuals like the above as instances of prisoner radicalization, with only evidence of conversion. This fallacy artificially augments the occurrence of radicalization by pegging it onto the phenomenon of conversion and renders the database unreliable for determining the scope of prisoner radicalization. Indeed the author mixes up his apples and oranges with the claim that only a small percentage of Muslim prison-converts "turn radical beliefs into terrorist activity."³⁷

In the JIS case it is clear that inmates participated in a conspiracy to attack American targets, although it is far from clear whether the case can be understood as an example of "prisoner radicalization," as the book has it. To be certain, by the time the mastermind behind the plot, Kevin James, stepped behind prison walls, he "liked to carry guns and steal,"³⁸ and prior to his most recent arrest, James had been in and out of juvenile and adult facilities, was active in a criminal street gang, and was convicted of robbery. In the span of his life, the prison appears as nothing more than a stop for a life characterized by extremist and risk-laden behavior. Hence, even though James is portrayed as a concrete example of prisoner radicalization, this says little about behavior that manifested before prison.

More directly to the work's thesis, there is little to suggest that prison conditions had anything to do with James' terrorist goals. Some researchers have even posited that conditions of confinement *likely did not* play a significant role in the plots, instead suggesting that James was more interested in dealing with enemies like the Nation of Islam and Shia Muslims than prison guards. They also point out that his 100-page manifesto gives no indication of grievances with guards or the prison institution, which seemingly suggests, "if bad prison conditions or the humiliation of the prison experience had moved James toward radicalization, then it is reasonable to expect that he would have said so in this document. Yet, he did not. That James's manifesto did not dwell on prison conditions suggests other reasons for his radicalization."³⁹ Despite these challenges, Hamm dismisses the critiques as counterfactuals, which, he writes, are "treated with amusement by the intelligence community."⁴⁰

36. BJELOPERA, *supra* note 2, at 24.

37. HAMM, *supra* note 9, at 113.

38. *Id.* at 129.

39. See Bert Useem & Oble Clayton, Radicalization of U.S. Prisoners, 8 *CRIMINOLOGY & PUB. POL'Y.* 561, 581 (2009).

40. HAMM, *supra* note 9, at 160.

Nonetheless, it hardly taxes the imagination to suggest that people like James are likely to continue with violent behavior after incarceration—only a cursory understanding of his personal history would render his actions “spectacular”—more soberly, they are exactly what one might expect from him.

2. *Formulating Fiction: Failed Foreign-Invasion Hypothesis*

Another area of weakness is the work’s tendency to perpetuate misunderstandings about Islam in prison. Perhaps most prominent is the idea that U.S. prisons are a fifth column for international terror networks like al-Qaeda. Even though the author separates himself from the “alarmist camp,” as he deems it, he constantly indicates that American prisoners have “ties” or “links” to foreign organizations. Although such words can encompass the most distant relationships, it is not clear what a “link” actually is or what it means to have “ties.”⁴¹ On this point, the author gives no guidance.

A few examples of this orientation make the point. Already discussed are the three dozen prison-converts who, it was speculated, may have gone to the Middle East to collaborate with al-Qaeda. There is also the opening narrative of the book that described an ex-detainee from Guantanamo who was involved in the “Christmas Day” plot in 2009. With no empirical support, Hamm states that this individual was “radicalized in a U.S.-operated prison.”⁴² For support, he proffers a statement from the inmate’s family, who attribute his extremism to the five years he spent at Guantanamo Bay. A report by the Department of Defense, however, stated that this individual had spent two months in Afghanistan in military training facility *before* his capture by U.S. forces. Hamm’s treatment of this individual as an example of prisoner radicalization is not only specious, but it also furthers the idea that al-Qaeda holds influence over American prisoners.⁴³ As he writes, “while Islam is mainly a positive influence in

41. See, e.g., *id.* at xi (“Once again, the plot was linked to a former Guantanamo detainee.”); see also *id.* at 52-53 (providing that a gang called the Muslim Boys began showing up at Britain’s high security Belmarsh Prison, where they became known as a criminal vanguard of religious extremists with ties to potentially more dangerous networks like al-Qaeda.”).

42. *Id.* at ix.

43. See *id.* at 158-59 (quoting individuals who claim Wahhabi clerics have infiltrated American prisons, despite that none of the individuals have conducted first hand research on the subject).

prison, certain forces within the prison Muslim movement are aligned with the efforts of al-Qaeda and its associates to inspire convicts in the United States and Europe to conduct terrorist attacks on their own.”⁴⁴

Such claims, however, have been debunked, as acknowledged by Hamm himself in a 2009 article that cites a study in which the FBI conducted over 2,088 terrorism threat assessments in prisons and jails across the United States and “determined there was *not* a JIS-like pattern of terrorist recruitment in US prisons Indeed, the FBI could find no pattern of terrorist recruitment whatsoever.”⁴⁵ Nonetheless Hamm adheres to the JIS as an iteration of al-Qaeda’s influence. With no positive evidence that this organization or its members had communications or connections with foreign terrorist organizations, the author asserts, “The JIS plot was part of an international post-9/11 trend toward homegrown terrorist cells whose members tend to seek al-Qaeda’s blessing.”⁴⁶

Taken wholly, *The Spectacular Few: Prisoner Radicalization and the Evolving Terrorist Threat* is as specious as it is speculative. When the book is distilled to its essence, it can claim one concrete example of a Muslim group, the JIS case, “Al-Qaeda of California,” which involved inmates in a terrorist plot—even though it is still unclear whether the prison catalyzed any of the violent plans. Furthermore, to date, there is still no example of a group involving prisoners that has actually attempted a terrorist attack. Although the book would have the reader believe that prisons are fertile fields for growing jihadists, the landscape is relatively bare.

Even then, the JIS case itself is hardly spectacular and should not be made into more than it is. The facts of the case are far more mundane than the author leads the reader to believe; this was a group that had no military training, no international associates, and no money. Its members were hardly skilled criminals—in fact the beginning of the end of their “fully operational” plot was foiled when a cohort outside of prison left his cell phone at the site where he had committed a robbery. Their follies and foibles hardly bring the word “spectacular” to mind.

Moreover, many of the claims made in the work go unsubstantiated either by primary or secondary sources, the results of which are many unsupported statements. Consider the assertion in the preface: “Islam is now sweeping across Western prisons, bringing with it . . . unprecedented

44. *Id.* at 81.

45. HAMM, *supra* note 9, at 141 (2013); see also Mark S. Hamm, Prison Islam in the Age of Sacred Terror, *BRIT. J. CRIMINOLOGY*, Sept. 2009, at 667, 681.

46. HAMM, *supra* note 9, at 128.

security challenges.”⁴⁷ What sense should be made of such a claim? After all, in the United States, conversion to Islam is nothing new in prisons, and scholars have noted the religion’s positive impacts since at least the 1960s.⁴⁸ Since those days, Islamic outreach has evolved into the most sophisticated and well-organized missionary force in prison. There is nothing “sweeping” about this—it is the product of decades of focused prison ministry rather than a post-9/11 fad.

It is likewise a stretch to contend that any sort of “sweeping” is going on in European prisons. For example, in Britain, the prison population is nearly 8% Asian, a significant portion of which is Muslims from Pakistan and India.⁴⁹ This population, along with foreign nationals, helps to account for a higher percentage of Muslims in prison, not widespread proselytization. In France, although Muslims represent only about 12% of the civilian population, they make up over 60% of prisoners.⁵⁰ These figures are not pretensions of widespread conversion behind bars as much as disproportional arrest and conviction of Muslims in the first place. The same holds true in the Netherlands and Belgium, who have Muslim populations from Morocco and Turkey that make up 16% of the prison population compared to less than 2% of the general population.⁵¹ For the author to claim that Islam is “sweeping across Western prisons” is inaccurate at best, for as these figures show, it may be more accurate to say that in Europe, Muslims are being swept *into* prisons.

Finally, although the book never explicitly states that it is a study on Islam, it devotes the lion’s share of attention to Muslim prisoners. The end result is a work that begins with non-examples of prisoner radicalization that lead to discussions about Muslims, where other non-examples are given, ultimately leading to discussions of al-Qaeda. These imaginative constructs, however, say little about the fact that prison gangs and white supremacist groups are the greatest threat to both prison and national security.

47. Id. at xii.

48. See C. ERIC LINCOLN, *THE BLACK MUSLIMS IN AMERICA* (1961).

49. Gavin Berman & Aliyah Dar, Prison Population Statistics, SOCIAL AND GENERAL STATISTICS, (last updated Aug. 19 2013), www.parliament.uk/briefing-papers/sn04334.pdf.

50. Molly Moore, In France, Prisons Filled With Muslims, *THE WASHINGTON POST* (Apr. 29, 2008), <http://www.washingtonpost.com/wp-dyn/content/article/2008/04/28/AR2008042802560.html>.

51. Id.

B. Strengths

1. Calling Attention to Prison Conditions

Perhaps the greatest contribution of this book is in calling attention to prison conditions and the treatment of prisoners in America. Although the author takes too far the argument that prisoner radicalization manifests as a result of the prison experience alone, it is without a doubt that conditions contribute to radicalization among all types of inmates, not only Muslims. In this regard, the author is to be commended by highlighting the fact that the government plays a significant role in the process.

American prisons having problems is not news. Behind bars, violence and sexual violence are systemic. In some prison systems, gangs have a dominant and criminogenic influence on inmate culture, including lording over prostitution, drugs, alcohol, gambling, and other rackets. Some prison systems are overcrowded, and as a result, programming is scarce and there are only a handful of post-secondary education programs for prisoners.⁵² In California, federal courts have been overseeing the prison system due to overcrowding and lack of medical and mental health services in violation of the Constitution.⁵³ Mental illness itself is one of the greatest obstacles to improved prison conditions, as is unrestrained use of solitary confinement, which is known to cause permanent psychological damage.⁵⁴ Although this is just a synopsis of the problems endemic to the prison experience, it supports that disaffection and extremist attitudes against the government arise from the prison experience.

The author is successful in pointing out the prison's role in radicalizing individuals, yet there are more than bad conditions and treatment—there are prison policies as well. For example, after 9/11, federal prisons adopted a policy that effectively barred the hiring of imams and restricted outside religious leaders from entering federal prisons. The policy amounted to a practical hiring freeze in the name of stopping radicalization, which instead stoked it. Restricting imams from the outside forced prisoners to lead

52. Mary Rachel Gould & SpearIt, Introduction: 20 Years After the Education Apocalypse: The Ongoing Fall Out From the 1994 Omnibus Crime Bill, *ST. LOUIS U. PUB. L. REV.* (forthcoming 2014).

53. See *Brown v. Plata*, 131 S. Ct. 1910, 1917 (2011).

54. See generally SpearIt, Mental illness in Prison: Inmate Rehabilitation & Correctional Officers in Crisis, 14 *BERKELEY J. CRIM. L.* 277, 282–85 (2009) (discussing the use and effects of solitary confinement).

themselves in worship services, which has resulted in gaps in authentic leadership. The lack of religious leadership has led to permutations of the faith. In some spaces, the policy backfired, and instead has provided pulpit time to individuals with motives ulterior to Islam.⁵⁵

The same holds true for the Bureau of Prison's attempt to "standardize" its prison libraries. This policy was a censure of Muslim texts that were deemed "radical." According to reports, this policy caused more trouble than it prevented since it produced a backlash from inmates. For some inmates it was dismay, since inmates who had been reading a text for years were now, all of a sudden, told that the text was off limits. Inmates also reported that standard theological and liturgical texts were removed with no explanation, leaving even fewer authentic texts available for Muslims. Taken wholly, these and other measures taken against Muslim prisoners in the post-9/11 era show how prisons play a role in inmate radicalization.

2. *Showcasing the Need for Interdisciplinary Study*

As *The Spectacular Few* represents the first book on the topic of Muslim radicalization in prison, it exemplifies why interdisciplinary collaboration is the best approach to complex issues like prisoner radicalization. The book, despite its proclamation of being an ethnographic work, presents little primary research. There are few narratives about inmates or testimony from incarcerated Muslims, and there is little detail about the method for acquiring and interpreting the data.

The most poignant example is the author's treatment of the JIS case. For example, in order to illustrate the "JIS Recruitment Strategy," the book contains a circular diagram that begins with "traditional American Islam," which leads to "pious prison Islam," then "prison gang," "street gang," and onto "international jihad movement," culminating in "terrorist plot." With little explanation as to how this sequence was devised or how the data support the diagram, the ultimate arrival to "international jihad movement" appears speculative more than spectacular. This is particularly so when remembering that the JIS had no international relationships—they were completely on their own. The diagram effectively turns a group of bumbling criminals into something far more ominous.

55. OFFICE OF THE INSPECTOR GEN., U.S. DEP'T OF JUSTICE, A REVIEW OF THE FEDERAL BUREAU OF PRISONS' SELECTION OF MUSLIM RELIGIOUS SERVICES PROVIDERS 8 (2004).

A study of such sensitive topics demands more rigorous analysis of the ethnography, as well as the religious aspects. Although the author claims the work is grounded in ethnography, there is little indication of collaboration or even citation of scholars or methods in this field. Moreover, there is little mention of the classic or cutting-edge scholarship in American Islam. Studies on the nature of religious violence are largely overlooked as well, despite a robust literature outlining the theoretical foundations of religious violence, including anthropological, sociological, and religious studies approaches.⁵⁶

The omissions underscore the value of interdisciplinary study, since cross-pollination with religious studies would have averted the conflation of “radical” and “convert,” and with it, much of the faulty analyses. The conceptual flaw allows the author to claim that out of thousands of conversions since 9/11, “only 20 of them were involved in terrorism.”⁵⁷ However, this number sits in stark tension with a 2010 study by one terrorism analyst at the RAND Corporation, who noted that out of more than 3 million Muslims in the United States, only a few more than 100 have joined jihad, which suggests “an American Muslim population that remains hostile to jihadist ideology and its exhortations to violence.”⁵⁸ According to the author, however, a fifth of these individuals, some 20%, were inmates or former inmates. This figure also parts company with findings from a Congressional Research Service study that showed of 53 identified terror

56. See, e.g., *CULTS, RELIGION AND VIOLENCE* (David G. Bromley & J. Gordon Melton eds., 2002); MARK JUERGENSMAYER, *TERROR IN THE MIND OF GOD: THE GLOBAL RISE OF RELIGIOUS VIOLENCE* (2001); TIMOTHY GORRINGE, *GOD’S JUST VENGEANCE: CRIME, VIOLENCE AND THE RHETORIC OF SALVATION* (1996); GIL BAILIE, *VIOLENCE UNVEILED: HUMANITY AT THE CROSSROADS* (1995); JEAN BAUDRILLARD, *THE TRANSPARENCY OF EVIL: ESSAYS ON EXTREME PHENOMENA* (1993); GEORGES BATAILLE, *THEORY OF RELIGION* (1992); *VIOLENCE AND THE SACRED IN THE MODERN WORLD* (Mark Juergensmeyer ed., 1992); MARK JUERGENSMAYER, “THE LOGIC OF RELIGIOUS VIOLENCE,” *INSIDE TERRORIST ORGANIZATIONS* (David C. Rapoport ed., 1988); WALTER BURKERT, RENE GIRARD & JONATHAN Z. SMITH, *VIOLENT ORIGINS: WALTER BURKERT, RENE GIRARD, AND JONATHAN Z. SMITH ON RITUAL KILLING AND CULTURAL FORMATION* (Robert G. Hamerton-Kelly et al. eds., 1987); *DISORDER AND ORDER: PROCEEDINGS OF THE STANFORD INTERNATIONAL SYMPOSIUM* (Sept. 14-16, 1981) (Paisley Livingston ed., 1984); ELI SAGAN, *THE LUST TO ANNIHILATE: A PSYCHOANALYTIC STUDY OF VIOLENCE IN ANCIENT GREEK CULTURE* (1979); RENE GIRARD, *VIOLENCE AND THE SACRED* (Patrick Gregory trans., 1977).

57. HAMM, *supra* note 9, at 59–60.

58. BRIAN MICHAEL JENKINS, RAND CORPORATION, *WOULD-BE WARRIORS: INCIDENTS OF JIHADIST TERRORIST RADICALIZATION IN THE UNITED STATES SINCE SEPTEMBER 11, 2001* vii (2010); see also Charles Kurzman et al., *Muslim American Terrorism Since 9/11: Why So Rare?*, 101 *MUSLIM WORLD* 464–83 (2011).

plots of “homegrown *violent* jihadist activity,” only one case, the JIS, definitively involved violent extremism that was connected to a U.S. prison.⁵⁹

IV. TOWARD A BETTER UNDERSTANDING

Critical analysis of this book is indicative of the greater challenges to understanding Islam in prison. Perhaps the greatest obstacle for this work is its inability to account for other factors that contribute to inmate radicalization. Although the book is commendable for highlighting the role of prisons in the process, it oversimplifies complex tensions, including the internally and externally generated problems,⁶⁰ the nature of post-release experiences, and the relationship between pre-prison and post-release experiences.⁶¹ Accounting for before-and-after prison experiences is critical for a fuller picture of radicalization.

At its core, the work takes a side in the longstanding debates among students of prison culture that pit importation theory against deprivation theory. It implicitly adopts a deprivation perspective, as indicated in statements like “radicalization emerges from personal strategies used by prisoners to cope with various conditions of their confinement.”⁶² Although this is indeed true, a fuller understanding must also account for what inmates themselves import into the prison, including beliefs and attitudes. Taken to its logical extreme, the thesis suggests no need for concern at having the most hardened radicals all at the same institution—as long as they were kept in comfortable conditions of confinement.

A related difficulty for the text is the failure to recognize that many criminals, by definition, may be rightly seen as “radicals” in the first place. Although many are behind bars for relatively innocuous crimes, such as drug possession or property offenses, others are there for much more extreme behavior, including crimes of violence and involving the use of lethal weapons. These individuals have already demonstrated tendencies that veer from the norm toward the extremes, such as Kevin James. Hence,

59. BJELOPERA, *supra* note 2, at 23.

60. Dangerous Convictions: An Introduction to Extremist Activities in Prison, ANTI-DEFAMATION LEAGUE 4 (2002), http://archive.adl.org/learn/ext_terr/dangerous_convictions.pdf.

61. Ilardi, *supra* note 33.

62. HAMM, *supra* note 9, at 1.

to assert that such individuals were “radicalized” in prison misses the analytical mark and ignores that many behind bars are there as a result of behavior already deemed deviant. In this regard, it would be interesting to see what sense the author makes of Nazi prison camps in Europe, where conditions were at their harshest. Under the author’s thesis, one might expect widespread radicalization and revolt among Jewish prisoners. Yet, empirically, the vast majority of prison camps were free from terrorist plots, while taking up arms against the Nazis was the exception.⁶³

The work also fails to account for other radicalizing elements, including social discrimination, unfairness in criminal justice, and government policy. As inmate ethnography makes clear, inmate perceptions about police and courts, both of which are pre-prison experiences, are critical to understanding radicalization.⁶⁴ The same holds true for perceptions about racism and other forms of discrimination, including beliefs among Muslims that the War on Terror is actually a War on Muslims.⁶⁵ Yet as one inmate describes in a letter to Representative Peter King, he transformed into an “enemy of the United States” as a result of government policy. He writes,

I will spare you all the reasons except to mention . . . cowardly bombing of Muslim women and children in a sovereign nation . . . thirty billion a year to Israel in weapons to kill Muslims, genocide of civilians in Iraq, Afghanistan, human rights violations at Gitmo, I am sure you get the point.⁶⁶

The book’s constant association of Muslim prisoners with terrorism overlooks Islam’s positive impacts on prisoners over the last half century. Indeed, one of the earliest studies of Islamic beliefs in prisons in the 1960s claimed that recovering alcoholics and drug-addicts were able to cope in prison more effectively after converting to Islam.⁶⁷ A 1978 study found

63. Jewish Uprisings in Ghettos and Camps, U.S. HOLOCAUST MEM’L MUSEUM, <http://www.ushmm.org/wlc/en/article.php?ModuleId=10005407> (last updated June 10, 2013).

64. SPEARIT, *supra* note 3, at 10.

65. See, e.g., Letter from Roy Wales, a.k.a. Abdullah al-Muhajair, Prisoner, Hudson Corr. Facility, to Peter King, Congressman, U.S. H.R. (Mar. 9, 2011).

66. *Id.*

67. LINCOLN, *supra* note 48, at 24-25, 29-30, 82-83.

that the Nation of Islam helped inmates with morale, discipline, and rehabilitation.⁶⁸

According to more recent study, the religion's attraction is cited for its assistance in helping inmates transcend the material and often brutally inhumane conditions of prison.⁶⁹ Other works assert that Muslims have been a "stabilizing force in many prisons,"⁷⁰ often assuming leadership roles in periods of crisis. Examples include a study of U.S. prisons between 1971 and 1986 that found that Muslims did not participate in a single riot during the fifteen-year span of the study.⁷¹ Instead, Muslim inmates were found to have mitigated violence and deaths in both the Attica (1971) and Sing Sing (1983) prison riots.⁷² Moreover, Islam is reported to improve inmates' prison adjustment, self-esteem,⁷³ and reformatory potential,⁷⁴ as well as reduce recidivism rates more than other religious groups statewide⁷⁵ and nationwide.⁷⁶

This omitted history sits in deep tension with the most recent history of American terrorism from prisons, which has been the exclusive domain of prison gangs. Gangs foment the greatest violent action and have for decades. Already mentioned were Nazi and White Supremacist groups, which according to another work by Hamm are among the most deadly

68. Keith Butler, *The Muslims Are No Longer an Unknown Quantity*, 4 *CORRECTIONS MAG.* 55–63 (1978).

69. ROBERT DANNIN, *Islands in a Sea of Ignorance: Dimensions of the Prison Mosque*, in *MAKING MUSLIM SPACE* 139–40 (Barbara Daly Metcalf ed., 1996).

70. KATHLEEN M. MOORE, *AL-MUGHTARIBUN: AMERICAN LAW AND THE TRANSFORMATION OF MUSLIM LIFE IN THE UNITED STATES* 102 n.51 (1995); James B. Jacobs, *Stratification and Conflict Among Prison Inmates*, 66 *J. CRIM. L. & CRIMINOLOGY* 476, 490 (1975).

71. JOHN IRWIN, *PRISONS IN TURMOIL* 196–97 (1980).

72. DUNLEAVY, *supra* note 1, at 28.

73. T.A. Barringer, *Adult Transformations Inside a Midwest Correctional Facility: Black Muslim Narratives of their Islamic Conversion* (1998) (unpublished Ph.D. dissertation, Northern Illinois University) (on file with author).

74. Felicia Dix-Richardson & Billy R. Close, *Intersections of Race, Religion, and Inmate Culture: The Historical Development of Islam in American Corrections*, 35 *J. OFFENDER REHAB.* 87, 87 (2002).

75. Byron Johnson et al., *Religious Programs, Institutional Adjustment, and Recidivism among Former Inmates in Prison Fellowship Programs*, 14 *JUST. Q.* 145 (1997).

76. Stephen Seymour, *The Silence of Prayer: An Examination of the Federal Bureau of Prisons' Moratorium on the Hiring of Muslim Chaplains*, 37 *COLUM. HUM. RTS. L. REV.* 523, 532 (2006) (finding that the recidivism rate for Muslims was about 8% compared to 40% for Catholics and Protestants).

populations and most capable of constructing explosive devices.⁷⁷ There are also groups like the Mexican Mafia and related organizations, which have redefined street terror. Although the book reaches back into ancient history to fill the “Prisoner Radicalization/Terrorism Database” with names like George Jackson and Eldridge Cleaver, it is unseemly that none of the leaders or soldiers from the Mexican Mafia make the list. Yet the fact remains that from the confines of their prison cells, gang leaders have used terrorism against enemies, former members, judges, lawyers, as well as extort businesses, politicians, and others.⁷⁸

The greatest existential threat thus has been and continues to be prison gangs, not the Muslim religion. The vilification of Islam ignores decades of prison outreach showing Muslim inmates actively using courts rather than violence to deal with grievances.⁷⁹ Muslim prisoners have been at the forefront of the prisoner’s rights movement and have litigated cases that have positively benefitted all prisoners, both expanding prisoners’ rights and improving conditions of correctional facilities. Prison converts have also worked with the FBI to foil terrorist plots—something that gets no reference in the book.⁸⁰ In the end, the book’s framing of Muslim prisoners as terrorists amounts to just that—it is the framing of Muslim prisoners.

77. MARK S. HAMM, *TERRORIST RECRUITMENT IN AMERICAN CORRECTIONAL INSTITUTIONS: AN EXPLORATORY STUDY OF NON-TRADITIONAL FAITH GROUPS* 88 (2007).

78. See generally SpearIt, *Gender Violence in Prison & Hyper-Masculinities in the Hood: Cycles of Destructive Masculinity*, 37 J.L. & POL’Y. 89 (2011).

79. SpearIt, *Muslim Radicalization in Prison: Responding with Sound Penal Policy or the Sound of Alarm?*, 49 GONZ. L. REV. 37, 37 (2014).

80. BJELOPERA, *supra* note 2, at 23; Michael Mayko, *FBI Informant Testifies in Terror Case*, CONNECTICUT POST (Nov. 30, 2007), <http://winterparking.blogspot.com/2007/11/ct-post-fbi-informant-testifies-in.html>; Levi Pulkkinen, *Man at Center of Seattle Terror Plot Admits Guilt*, SEATTLE POST-INTELLIGENCER (Dec. 6, 2012), <http://www.seattlepi.com/local/article/Man-at-center-of-Seattle-terror-plot-admits-guilt-4098072.php>; Lindsay Chamberlain, *Informant Who Divulged Terror Plot to FBI is a Convicted Felon*, KING 5 NEWS, <http://www.king5.com/home/Informant-who-divulged-terror-plot-to-FBI-is-aconvicted-felon-124511549.html> (last visited Apr. 23, 2013); see also BJELOPERA, *supra* note 2, at 51 (noting the plot involving Michael Finton also was foiled through the help of a prisoner who converted to Islam).