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SECULARIZATION AND RELIGION: A COMPARATIVE STUDY FOR THE PREVENTION AND DISENGAGEMENT FROM ISLAMIC RELIGIOUS EXTREMISM AMONG NON-CRIMINALS

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ABSTRACT

With the rise of the Islamic revival movement mainly from the eighteenth century, Islamic religious extremism has gradually emerged as a central ideological basis for contemporary terrorism, posing a global threat. Despite the broad range of counter-strategies implemented by states, their threats persists and has evolved into increasingly diverse, dynamic, and complex forms. Simultaneously, as this ideology often uses religion as a means to achieve political and social goals, this reality calls for a renewed scholarly and policy-oriented reflection on the deeper issues concerning the relationship between secularization and religion in the post-secular era.

To effectively address Islamic religious extremism and reconcile the tensions it generates between religious traditions and modern societal structures, scholarly research and policy design must be grounded in a profound understanding of how Islamic religious extremism emerges and operates within the context of globalization, as well as the related issues it provokes.

To achieve this, the dissertation is structured into ***Four*** chapters. **Chapter I** establishes the essential conceptual and terminological foundations for understanding Islamic religious extremism. It focuses on preventive and disengagement strategies for addressing this issue, while providing a general discussion of the challenges these strategies may face when applied to non-criminal individuals. Through interdisciplinary theoretical insights to refine and delineate the scope of the research. Building on the established theoretical framework. **Chapter II** examines the legal and institutional approaches to Islamic religious extremism in three representative countries—France, Italy, and China. The chapter explores both empirical and analytical dimensions of these approaches, highlighting the social and theoretical challenges inherent in the counter religious extremism policies of these nations within international and regional legal contexts. **Chapter III**, based on the comparative legal analysis, presents policy recommendations at both micro and macro levels. These recommendations aim to enhance the effectiveness and normative balance of legal responses to Islamic religious extremism, grounded in deeper understanding of the

underlying issues that drive the phenomenon. **Chapter IV** concludes the study by reviewing the overall framework, examining its limitations and innovations, and outlining potential directions for future research.

Through this structure framework of discussion, this dissertation provides a global reference for understanding and governing Islamic religious extremism, offering a balanced and interdisciplinary perspective. It emphasizes that policy responses to Islamic religious extremism must be adaptable, capable of addressing the diverse and evolving nature of extremism, while being sensitive to the social and political dynamics of different national contexts. This perspective highlights the dialogue and interaction between religious traditions and modern social structures, aiming to build a framework that not only addresses the challenges of Islamic religious extremism but also promotes the harmonious coexistence of diverse communities in nations.

Key Words: secularization, Islamic religious extremism; prevention and disengagement measures; non-criminals

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ABBREVIATIONS AND ACRONYMS INDEX IN ENGLISH

ECtHR	the European Court of Human Rights
Ftfs	Foreign terrorist fighters
IRE	Islamic Religious Extremism
ISIS	Islamic State of Iraq and Syria
NGO	Non-Governmental Organization
UDHR	Universal Declaration of Human Rights
UNESCO	the United Nations Educational, Scientific and Cultural Organization
UNODC	United Nations Office on Drugs and Crime
VETC	Vocational Education and Training Centers
XUAR	Xinjiang Uyghur Autonomous Region

ABBREVIATIONS AND ACRONYMS INDEX IN FRENCH

CC	Conseil Constitutionnelle
CE	Conseil d' État
Dec.	Decisione
Const.	Costituzione francese
JO	Journal Officiel
LCPR	Loi confortant les principes de la République
RDLF	Revue des droits et libertés fondamentaux
SGDSN	Secrétariat général de la défense et de la sécurité nationale
c.p.	Code penal

ABBREVIATIONS AND ACRONYMS INDEX IN ITALIAN

A.C.	Atto camera
A.S.	Atto senato
Cass.pen.	Cassazione penale
C.E.D.U.	Convenzione Europea dei Diritti dell' Uomo
c.c.	Codice civile
C. Cost.	Corte Costituzionale italiana
CDFUE	Carta dei Diritti Fondamentali dell'Unione Europea (Carta di Nizza)
C.d.M.	Consiglio dei Ministri
circ.	circolare
cost.	Costituzione della Repubblica Italiana
c.p.	codice penale (c.d. codice Rocco)
c.p.p.	codice di procedura penale
d.d.l.	Disegno di legge
D. Dirig. reg.	Decreto dirigenziale regionale
d.l.	decreto legge
d.lgs.	decreto legislativo
d.P.C.	decreto del Presidente del Consiglio Ministri
d.P.R.	decreto del Presidente della Repubblica
G.U.	Gazzetta Ufficiale della Repubblica Italiana
l.cost.	legge costituzionale
PDL	proposta di legge
R.D.	Regio Decreto
reg.	regolamento
reg.rg.	regolamento reginale
T.U.L.P.S.	Testo unico delle leggi di pubblica sicurezza (Regio Decreto 18 giugno 1931, n.773)
T.A.R.	Tribunale Amministrativo Regionale
§	Paragra

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Chapter I Conceptual Foundations and Scope of the Research

Introduction

This research begins with a conceptual classification informed by three fundamental considerations:

First, as the title of this dissertation suggests, the core issue under examination inevitably intersect with multiple disciplinary domains. Theoretical categories are inherently fluid and overlapping, a condition which simultaneously expands the potential scope of inquiry and introduces considerable analytical complexity. However, in light of the inherent constraints of the dissertation—particularly those relating to scope, depth, and word count—it is neither feasible nor methodologically justified to encompass all peripheral or indirectly related topics. Accordingly, it is necessary at the outset to establish a clear and precise conceptual orientation, in order to delineate the normative boundaries of the research and to preclude analytical dispersion or undue expansion.

Second, although the dissertation title seeks to delimit the subject matter, the study remains situated within a domain profoundly shaped by contextual hermeneutics. In such a context, certain core concepts carry an inherent degree of ambiguity and ideological weight, which risks generating interpretive uncertainty, weakening explanatory force, obstructing the identification of normative linkages, and increasing the likelihood of misinterpretation in subsequent argumentation. To safeguard the clarity, coherence, and consistency of the analysis, a systematic process of conceptual demarcation must therefore be undertaken at the outset.

Third, the clarification of key concepts furnishes not only a foundational standard for the literature review and subsequent analysis but also a methodological framework of internal coherence. By delineating the conceptual boundaries of the research, it becomes possible to ensure that the trajectory of the study avoids both excessive expansion which would undermine focus, and excessive restriction, which

would impoverish argumentation. In this manner, the research achieves an appropriate balance between normative precision and analytical breadth, and proceeds within a rigorously structured academic framework. The following section will therefore provide a systematic and detailed elaboration of the core concepts central to this inquiry.

1.1 An Understanding about Secularization: Connotation and Consequences

Before proceeding to a detailed discussion of *secularization*, there is a need to explain certain terminological choices made in this this study. In particular, the term *profane* is deliberately avoided, notwithstanding its occasional appearance in related academic literature. This decision is grounded in the recognition that the term *profane* mainly pertains to a spatial domain and frequently bears strong anti-religious overtones, its conceptual counterpart is more appropriately the term *sacred*, with both terms reflecting a distinctly theological orientation.

Similarly, the concept of *laicity* is also not employed as a central category used to define the scope in this research. This decision is based on the term's limited usage and lack of definitional clarity in academic literature. Moreover, *laicity* is generally treated as synonym with the French notion of *laïcité*, which carries specific cultural and legal implications. Reliance on this term would therefore lead to a one-dimensional interpretation for understanding the topic of this research.

In contrast, *secular* denotes a relatively neutral, temporally grounded category, whose appropriate counterpart is the term *religious*[1] in a similarly neutral sense. Accordingly, this section will concentrate on clarifying those key conceptual terms derived from the root of *secular*, thereby establishing the analytical foundation for the subsequent discussion.

Moreover, although concepts such as *secularization*, *religion*, and, in a broader sense, *Islam as a religion* are not positioned at the core of the present analysis, they nonetheless exert a significant influence in shaping its theoretical foundations. These

[1] LV SHAOXUN (吕绍勋), *Charles Taylor and secularization theory* (查尔斯·泰勒与世俗化理论) (PhD Thesis), Faculty of Philosophy of Fudan University, 2011, pp. 10-11.

categories furnish the inquiry with indispensable contextual depth and function as critical analytical references points, thereby facilitating a more comprehensive engagement with its broader legal dimensions. By delineating both the interconnections among these terms and the conceptual boundaries that distinguish them, it becomes possible to construct an integrated analytical framework that combines depth with breadth. It helps not only to reinforce the coherence of the ensuing argumentation but also enhances the overall rigor and structural integrity of the study.

1.1.1 Classification of Concepts: Selection and Application

As previously indicated, the adoption of *secular* as the foundational term in this research is not incidental but rests upon a deliberate and well-defined conceptual rationale. The term itself further has given rise to a range of related but distinct concepts—such as *secularity*, *secularization*, *secularism*, and *secularist*—each carrying its own nuances meaning and theoretical implications. While these terms are often used interchangeably in political and social discourse, they in fact denote different dimensions of the secular condition and, within an academic discourse, should be carefully distinguished. Accordingly, this section outlines and differentiates those key terms derived from *secular*, offering a concise but precise account of their respective meanings and relevance to this research.

1.1.1.1 Secular and Secularity

Any critical discussion of the secular has to begin by recognizing its origins as a theological category within Western Christendom—one that has no equivalent in other religious traditions, nor even in Eastern Christianity[2]. Etymologically, the term derives from the Latin word *saeculum*, which originally denoted "an age" or "generations" in the sense of "a big tract of time[3]" with a relatively neutral label. Over

[2] JOSÉ C., *The secular, secularization, secularisms*, in CALHOUN C., JUERGENSMEYE M., VANANTWERPEN J. (eds.), in *Rethinking Secularism*, Oxford University Press, Oxford, 2011, p. 76.
[3] CHARLES T., *A secular age*, the Belknap Press, Cambridge, 2007, p. 264.

the course of the Middle Ages, however, secular became one of the terms dyad—religious and secular—which structured the entire spatial and temporal reality of Christendom. This binary division separated two distinct worlds: the religious-spiritual-sacred realm of salvation, and the secular-temporal-profane realm of worldly existence. Within this system, there had a distinction between the "religious" and the "regular" clergy, the former one refers to the clergy who withdraw from the world into the monasteries to lead a life of Christian perfection, and the "secular" clergy refers to the one who were not bound by the religious rules of monastic order[4]."

However, over the subsequent centuries, secular has conveyed a far wider variety of meanings than current usage may suggest. In modern discourse, *secular* is often construed in simple opposition to the *religious*, functioning as a residual category in a binary shaped by history actors, intellectual interventions and civilizational authority-cum-prestige[5]. Yet, as scholars have observed, *secular* has not always implied *non-religious*[6]. At times, rather than serving as a residual category, the secular has expanded to encompass the whole of reality, effectively displacing the religious and presenting itself as the very substratum of the social world. In such context, the *secular* can signify not simply absence of religion, rather a sphere of transcendental values—making it itself an ideological construction.

From this perspective, the *secular* can be understood not only descriptively, but also epistemically: it constitutes a conceptual horizon that precedes and enables the later development of the political doctrine of *secularism*. Overtime, a variety of concepts, practices, and sensibilities have come together to form what we now identify as "the secular[7]." Today, the *secular* functions as a central modern category—theological-philosophical, legal-political, and cultural-anthropological—through which modern societies construct, codify, grasp,

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[4] NIKKI R. K., *Secularism & its discontents*, in *Daedalus Summer*, Vol. 132 No. 3, 2003, p. 14.
[5] JACKSON S. A., *The Islamic secular*, Oxford University Press, New York, 2024, p. 5.
[6] TIMOTHY F., *Critical religion and critical research on religion: religion and politics as modern fictions*, in *Critical Research on Religion*, Vol. 3 No. 3, 2015, p. 311.
[7] ASAD T., *Formations of the secular: Christianity, Islam, modernity*, Stanford University Press, California, 2003, pp. 1, 16.

and experience a realm or reality differentiated from "the religious." Crucially, however, the secular and the religious are not fixed or independent entities; rather, they are mutually constituted categories, defined relationally and historically through ongoing process of differentiation and contestation[8]. In addition, two distinct senses of the term of secular can be identified. In its broad sense, it refers to life within the secular world and the secular age—a condition that applies universally to modern societies, all of which may be said to remain secular *per saecula saeculorum*. The narrower meaning of the term secular designates a form of self-sufficient and exclusive form of *secularity*, wherein individuals are defined as "irreligious," that is, entirely devoid of religious commitment and closed to any possibility of transcendence beyond the boundaries of a purely immanent, secular frame[9].

The noun *secularity* derived from Latin *saeculais*, carries both spatial ("of this world") and temporal ("of this age") senses, distinguishing the domain of "temporal" affairs in this present world from that of "spiritual" affairs[10]. When *secular* denotes a quality, disposition, or orientation, *secularity* designates more as a condition or state of being *secular*, encompassing the social and psychological characteristics of individuals[11]. Importantly, *secularity* should not be equated with exclusive humanism. Rather, as Taylor argues, it constitutes the broader condition within which both believers and unbelievers alike pursue meaning, fullness, and transcendence[12]. In this sense, *secularity* frames the shared existential horizon of modern life, shaping experiences of both faith and non-faith.

1.1.1.2 Secularism and Secularist

In the nineteenth century, the term *secular* became closely associated with *secularists* who espoused a doctrine of *secularism*—that is, the conviction that

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[8] JOSÉ C., *The secular, secularization, secularisms*, in CALHOUN C., JUERGENSMEYE M., VANANTWERPEN J. (eds.), in *Rethinking Secularism*, Oxford University Press, Oxford, 2011, p. 74.
[9] JOSÉ C., *The secular, secularization, secularisms*, in CALHOUN C., JUERGENSMEYE M., VANANTWERPEN J. (eds.), in *Rethinking Secularism*, Oxford University Press, Oxford, 2011, p. 77.
[10] CHARLES T., A secular age, the Belknap Press, Cambridge, 2007, p. 265.
[11] BARRY A. K., *Secularism & secularity: contemporary international perspectives*, Institute for the Study of Secularism in Society and Culture, Hartford, 2007, p. 1.
[12] CHARLES T., *A secular age*, the Belknap Press, Cambridge, 2007, p. 19.

religious institutions and values should not pay a role in the temporal affairs of the nation-state. Specifically, these two terms were first used by the British radical atheist George Holyoake in 1851, to describe his advocacy for a social order distinct from religion, without actively dismissing or criticizing religious belief[13]. At the time, however, these two terms also carried connotations of immorality within a society still largely shaped by Christian values[14].

What distinguishes s*ecularism* as a modern phenomenon is its reliance on novel presuppositions about "religion," "ethics," and "politics," as well as the the imperatives associated with them[15]. In contemporary contexts, secularism increasingly manifests itself through organizations and legal constructs that reflect the institutional expressions of the secular in a nation's political realm and public life, and vary with the religious configuration in which they develop[16]. Thus, secularism should not be seen merely as an intellectual response to questions of enduring social peace and toleration. Rather, it functions as an enactment by which a political *mesium* (representation of citizenship) redefines and transcends particular and differentiating practices of the self that are articulated through class, gender and religion[17].

Rajeev Bhargava, in developing a systematic theory of *secularism*, argues that a proper account must not only justify the separation of religion from politics, but also specify the normative relationship that persists between the two after separation. On this basis, he further distinguished between *political secularism* and *ethical secularism*. Political secularism justifies the separation of religion from politics either by excluding from politics all ultimate ideals or by an appeal to the principle of political neutrality, it merely provides a way of living together. Ethical secularism, by contrast, usually accompanies exclusionary forms of separation, it separates religion from politics for the sake of an ultimate ideal. While ethical secularism is normatively

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[13] NIKKI R. K., *Secularism & its discontents*, in *Daedalus Summer*, Vol. 132 No. 3, 2003, pp. 14-15.
[14] ASAD T., *Formations of the secular: Christianity, Islam, modernity*, Stanford University Press, California, 2003, p. 23.
[15] ASAD T., *Formations of the secular: Christianity, Islam, modernity*, Stanford University Press, California, 2003, pp. 1-2.
[16] BARRY A. K., *Secularism & secularity: contemporary international perspectives*, Institute for the Study of Secularism in Society and Culture, Hartford, 2007, p. 1.
[17] ASAD T., *Formations of the secular: Christianity, Islam, modernity*, Stanford University Press, California, 2003, p. 5.

more attractive, it is also far more difficult to achieve; political secularism, though less ambitious, remains more feasible in practice[18]. These two categories represent distinct individual modes of secular consciousness, reflecting divergent understanding of how religion and politics should coexist in modern society.

Barry Kosmin further distinguishes modern secularism into *hard secularism* and *soft secularism*, categories that emphasize attitudes towards the separation of the secular from the religious and the resulting relationship between them. *Hard Secularism* is more purely intellectual and personal than social or political, oriented toward the complete exclusion of religious influence from public life. It reflects a world view in which religion is perceived as incompatible with rational, scientific, or civic principles, and therefore should be confined entirely to the private sphere. By contrast, *soft secularism* accepts at a fundamental level, that law, politics, art, and learning should not be controlled by religious institutions or clergy, but simultaneously acknowledges that religion may persist as a private lifestyle or personal world view. For advocates of soft secularism, religion must remain compatible with liberty and social harmony in a differentiated and pluralistic society[19].

Correspondingly, individuals who identify as *secularists* often inherit an explicitly anti-religious stance, motivated either by rational critique or by biased objection. In this respect, they tend to adopt a polemical stance towards religious doctrines that seek to maintain public influence despite the fact that their claims cannot be scientifically justified[20].

1.1.1.3 Secularization

Secularization itself is in fact a concept that is "complex, multidimensional, ironically reversible in its contradictory connotations, and loaded with a wide range of

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[18] BHARGAVA R., *What is secularism for?*, in BHARGAVA R. (ed.), in *Secularism and its critics*, Oxford University Press, New Delhi, 1998, pp. 488, 495-511.
[19] BARRY A. K., *Secularism & secularity: contemporary international perspectives*, Institute for the Study of Secularism in Society and Culture, Hartford, 2007, pp. 2, 5-7.
[20] HABERMAS J., *Notes on post-secular society secularism's crisis of faith*, in *New Perspectives Quarterly*, Vol. 25 No. 4, 2008, p. 27.

meanings accumulated over the course of history[21]."

Sharing the same history roots as the term *secular*, the concept of *secularization* came to be widely used alongside the terms *secularists* and *secularism* to denote various state-led measures that curtailed the authority of the Church and religion institutions by the end of the nineteenth century. The term originally emerged within the historical context of Christianity[22], initially referring to the legal and institutional transformation of church property and the reconfiguration of church-state relations. Especially following the Wars of Religion—a series of violent conflicts across Europe from the early sixteenth to the mid-seventeenth century—the term *secularization* was employed to denote the removal of territory or property from the control of ecclesiastical authorities. Within Roman Canon Law,[23] it come to denote the return to the "world" of a person in orders[24], that a process whereby a religious monk left the cloister to return to the world and thus become a secular priest[25]. That is, in its original theological meaning, it has the connotation about "to secularize," which means "to make worldly," converting religious persons or objects into secular ones, as when as a religious person abandoned the monastic rule to live in the *saeculum* or when monastic property was secularized following the Protestant Reformation. This original Christian theological meaning has subsequently served as a basic metaphor for the history process of Western secularization.

Yet even within the Christian West, secularization has historically followed two

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[21] CASANOVA J., *Oltre la secolarizzazione. Le religioni alla riconquista della sfera pubblica*, il Mulino, Bologna, 2000, p. 23.

[22] Christianity is commonly divided into three major branches: Roman Catholicism, Eastern Orthodoxy, and Protestantism. Put simply, the schism between the Western (Latin) and Eastern (Greek) churches—formalized in 1054 CE—gave rise to Roman Catholicism and Eastern Orthodoxy. Protestantism later emerged in the early sixteenth century as a reform movement within Western Christianity, sparked by Martin Luther's publication of the Ninety-Five Theses in 1517, which challenged papal authority and ecclesiastical abuses, ultimately leading to the fragmentation of Catholic unity and the formation of diverse non-Catholic denominations across Europe.

[23] The 1917 Code of Canon Law (*Codex Iuris Canonici of 1917*), the first comprehensive and systematic codification of canon law for the Latin Church, was promulgated by Pope Benedict XV in 1917 and entered into force in 1918. It was based on the earlier Roman Canon Law tradition, which no longer holds legal authority. The current Codex Iuris Canonici-1983 Code of Canon Law-promulgated by Pope John Paul II in 1983 and replacing the 1917 Code, is the sole binding legal framework for all Latin-rite Catholic communities worldwide.

[24] BERGER PETER L., *The sacred canopy: elements of a sociological theory of religion*, Open Road Integrated Media, New York, 2011, p. 124.

[25] CASANOVA J., *Secularization*, in *International Encyclopedia of the Social & Behavioral Sciences*, in NEIL J. S., BALTES P. B. (eds.), Elsevier, Oxford, 2001, p. 13787.

divergent dynamics. The first, as mentioned before, is the dynamic of internal Christian secularization that aims to spiritualize the temporal and to bring the religious life of perfection out of the monasteries into the secular world, so that allowing individuals to become " secular monks," the perfect Christians in the *saeculum*. The second one takes the form of laicization, which aims to emancipate all secular spheres from clerical-ecclesiastical control, making a laic/clerical antagonism. In this process, the boundaries between religious and secular realms were rigidly maintained yet pushed into the margins, with religious elements contained, privatized, and marginalized, effectively excluded them from any invisible presence in the secular public sphere. And this is precisely the realm of the French word *laïcité*, a socio-political sphere free from religious symbols and clerical control[26]. In academic literature, the French terms *laïcisation*[27] and *sécularisation*[28] are also can be understood as the same meaning to describe this phenomenon.

Secularization in its early phrases was not a process in which traditional sacred values simply faded away. It was a process in which autonomous institutional "ideologies" replaced, within their own domain, an overarching and transcendent universe of norms[29].

Originally neutral, the term increasingly acquired evaluative overtones as it became integrated into modern social theory. For example, it was often to predict an inevitable decline of religious beliefs and/ or the declining social significance of

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[26] JOSÉ C., *The secular, secularization, secularisms*, in CALHOUN C., JUERGENSMEYE M., VANANTWERPEN J. (eds.), in *Rethinking Secularism*, Oxford University Press, Oxford, 2011, p. 77.

[27] The process of *laïcisation* concerns above all the place and social role of religion in the institutional field, and the diversification and mutation of this field in relation to the state and politics (and with civil society, citizenship and now gender issues). It induces a dissociation of the political filed as an instance of power (with its respect of obligation and coercion) and the religious field as an instance of authority among others. See BAUBÉROT-VINCENT J., *Sécularisation, laïcité, laïcisation*, in *Empan*, Vol. 90 No. 2, 2013, p. 37.

[28] The French term *sécularisation* today refers to a gradual process through which a society progressively disentangles itself from religion. Within such a society, social norms are no longer determined by religious standards. Certain functions previously performed by the Church are, in particular, relinquished. Ministère de l'Intérieur, *La loi de 1905, pierre angulaire de la laïcité en France*, 20 June 2025, <https://www.interieur.gouv.fr/actualites/actualites-du-ministere/loi-de-1905-pierre-angulaire-de-laicite-en-france?utm_source=chatgpt.com> (last accessed: 13.01.2026)

[29] THOMAS L., *The invisible religion: the problem of religion in modern society*, The Macmillan Company, New York, 1967, p. 101.

religion in the context of modernization[30]. By extension, *secularization* also describes a generalized process of replacing religious with lay values in the character and direction of morality, education, and culture[31]. From a broader perspective, *secularization* is as the process by which formerly sacralized elements are brought within the scope of human understanding and control, thereby transforming what was once perceived as "supernatural" into the "natural." *Secularization* thus encompass both a mindset and a series of process that have evolved over time, progressing at varying rates across different regions and yielding diverse outcomes[32].

Meanwhile, secularization is thus inseparable from the broader projects of modernity. Modernity is considered in which *secularism* is centrally located. However, the term *modernity* itself is neither a totally coherent object nor a clearly bounded one, as many of its elements have been shaped through historical interactions with societies beyond Europe. It can be understood as a project—or more accurately, a series of interlinked projects—that certain people in power to achieve[33]. From the viewpoint of modern sociological theory, *modernity* has also been the trigger of *differentiation*, which describes the growing division of labor in modern society as life goes through a process of fragmentation into numerous spheres, accordingly, there is no master, integrating principle or narrative that holds social life, institutions, ideas, and ideals together. In this framework, *secularization* emerges as one dimension of the broader process of *differentiation*[34].

Based on the distinctions among the previously discussed terms, it is more precise to conceptualize secularization not as a fixed state or condition, nor as a politically

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[30] YANG F., *Religion in China: survival and revival under communist rule*, Oxford University Press, New York, 2012, p. 19.
[31] NIKKI R. K., *Secularism & its discontents*, in *Daedalus Summer*, Vol. 132 No. 3, 2003, p. 15.
[32] WAGNER W. H., *Opening the Qur'an: introducing Islam's holy book*, University of Notre Dame Press, Indiana, 2010, p. 1.
[33] ASAD T., *Formations of the secular: Christianity, Islam, modernity*, Stanford University Press, California, 2003, pp. 12-13. However, there have opinions argues that "modernity may be understood as culturally constituted and institutionally entrenched." Or, it may be delineated in terms of "a conjunction, with global implications, of a set of cultural, institutional, and cosmological shifts." See WITTROCK B., *Modernity: one, none, or many? European origins and modernity as a global condition*, in EISENSTADT S. N. (ed.), in *Multiple modernities*, Routledge, Abingdon, 2017, pp. 38, 53.
[34] BARRY A. K., *Secularism & secularity: contemporary international perspectives*, Institute for the Study of Secularism in Society and Culture, Hartford, 2007, pp. 4-5.

charged concept like *secularism*, but rather as a dynamic process or a tendency. In this process, the external manifestations of religion within states pursuing the secular situation are generally less prominent than in the past, even though religion continues to maintain its influence within the public sphere in certain societies. Accordingly, the term *secularization* using in this research is more appropriately understood as a "process"—a dynamic interaction with religion, within which acts of deconstruction and reconstruction occur simultaneously, aiming to achieve an optimal balance in the relationship between secularization and religious life.

To ensure a more focused and relevant discussion, this section concentrates more on the theoretical aspects of the concept and characteristics of secularization. Because of the reality that secularization today extends well beyond the boundaries of its world, and develops under the influences of different demands and aspirations across different civilizations. The concrete interpretations and applications of secularization in specific national contexts will also be presented in Chapter II.

1.1.2 Consequences of Secularization: Inspiration from the Secularization Theory

As previously noted, one of the principal reasons for employing the concept of secularization in this study lies in its process-oriented character. Secularization does not denote a static condition but rather a tendency, an ongoing process, with particular emphasis on the continuing transformations of the role of religion in modern societies. Within this context, the secularization theory may arguably be regarded as the only framework that has truly attained the status of paradigm within modern social science[35]. Accordingly, it is appropriate to begin from a perspective of the sociology of religion which enables a broader and more comprehensive understanding of this process of religious transformation. Satisfactory, scholarly engagements with these trajectories have been extensively debated and theorized, particularly in the works of **Émile Durkheim**, **Max Weber**, **Bryan Wilson**, **Thomas Luckmann**, **Peter Berger**,

[35] CASANOVA J., *Oltre la secolarizzazione. Le religioni alla riconquista della sfera pubblica*, il Mulino, Bologna, 2000, p. 32.

Jürgen Habermas, **José Casanova**, and **Charles Taylor** (in chronological order).

This section, however, does not attempt to present or evaluate the full range of theoretical positions developed by the scholars, nor to provide a systematic account of the diverse developmental paths of secularization theories. This is due not only to the inherent complexity and diversity of their research contexts and focal concerns, but also to the fact that some scholars have undergone significant shifts in their perspective over time[36]. Nevertheless, their collective contributions remain of substantial value in understanding the role of religion in modern society, and they constitute an important basis for grasping the conditions under which religion, as one of driving factors, may lead individuals or groups toward extremes. On this basis, this analysis selectively engages with those perspectives that provide relevant points of reference or mutually reinforcing insights, in order to reflect the dynamics of religion in contemporary contexts. By distilling the distinct consequences of secularization as derived from these selected viewpoints, the aim is to deepen the understanding of the underlying meanings embedded in this interaction between religion and modern societies. Furthermore, this theoretical foundation provides a framework for reasonably explaining the paradoxical position of Islam in contemporary societies, and offer insight into how possible the Islamic religious extremism may gain influence within this shifting socio-religious landscape nowadays.

Within academic discourse, theories of secularization have evolved into increasingly diverse and pluralized forms. Early "classical secularization theories[37]," rooted in Enlightenment thought and European historical experiences, advanced the

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[36] For example, the works of **Émile Durkheim**, **Max Weber**, **Bryan Wilson**, and the **early writings of Peter Berger and Jürgen Habermas** are generally situated within classical secularization theory. In contrast, the **later works of Peter Berger and Jürgen Habermas**, and the works of **José Casanova** and **Charles Taylor** are often associated with the post-secular perspective. While, the views of **Thomas Luckmann** are considered to be somewhere in between, put simply, he critiques the viewpoints of classical secularization that religion is in decline and becomes irrelevant, arguing its persistence in privatized forms, yet he does not go as far as post-secular theories that emphasize religion reemerges in public life and engages with reasons.

[37] The ***Classical Secularization Theories*** primarily pertain to the notion of religion's decline as a consequence of modernization, a concept rooted in Enlightenment thought and European historical experiences. These theories are founded on specific statements put forth by prominent classical sociologists. See JI ZHE (汲喆), *How to transcend classical secularization theories? Three post-secularization discourses in the sociology of religion* (如何超越经典世俗化理论？评宗教社会学的三种后世俗化论述), in *Sociological Studies* (社会学研究), Vol. 4 No. 3, 2008, p. 55.

central thesis that modernization inevitably entails the decline of religion. Over time, the inherent limitations of these theories became evident and were gradually transcended by three strands of *post-secularization theories*[38] are proposed gradually surpassing the former drawbacks. In European context, the three processes of religious differentiation, privatization of religion, and decline have historically interconnected. For a long period, these processes were as intrinsically interrelated components of a single general teleological process of secularization and modernization, rather than as particular and contingent developments[39]. Yet, in modern contexts, the resurgence of religion and its persistence in diverse forms no longer appears as an anomalous or unfamiliar occurrence. Rather, religious revival continues to manifest itself, both within Europe and beyond, in distinctive ways across varying societal contexts.

The following section therefore seeks to summarize three principal manifestations of the consequences of secularization.

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[38] The three influential developments that extend beyond the ***Classical Secularization Theory*** are followed as: (1) the ***Religious Economies Model*** based on rational-choice theory, which views the rise and fall of religion mainly depends on the changes in the supply and demand relationship within the religious market and the degree of free competition in the market, it is as a product offered by religious institutions and consumed by believers, and has nothing to do with the process of modernization. And this model has an American-centric perspective. (2) The ***New Secularization Theory*** centered on multidimensional analysis and de-institutionalization framework and has a clear implication of modernity critique, which retained the term "secularization," but proposed a more detailed redefinition in order to make the concept both flexible in response to contemporary religious changes and sensitive to the issues of modernity in Classical Secularization Theory, the secularization is no longer as a single and irreversible trend of religious decline, but as a complex collection of multiple phenomena related to religious change in different dimensions. This theory was constructed from the Western (European) point of view, against the backdrop of a particular history of the Christian Church's monopoly on the religious field and the social reality of the prevalence of individualism. (3) The ***Study of Multiple Religious Modernities*** conducted by comparing the interactions between religion, culture and politics, which extends beyond the only European perspective, and the focus of research has shifted to the pluralistic changes of different religions in different societies. The goal of it is to re-understand the possibilities and limits of modernity by examining the diversity of political, religious, and cultural configurations, based on the basic the modern nation-state framework. See JI ZHE (汲喆), *How to transcend classical secularization theories? Three post-secularization discourses in the sociology of religion* (如何超越经典世俗化理论？评宗教社会学的三种后世俗化论述), in *Sociological Studies* (社会学研究), Vol. 4 No. 3, 2008, p. 55. For example, the French scholar DANIÈLE proposes the suggestion about to replace the notion "secularization" (*sécularisation*) to "multiple religious modernities" (modernité religieuses multiples). See DANIÈLE H., *Pour une sociologie des "modernités religieuses multiples": une autre approche de la "religion invisible" des sociétés européennes*, in *Social Compass*, Vol. 50 No. 3, 2003, p. 290.

[39] JOSÉ C., *The secular, secularization, secularisms*, in CALHOUN C., JUERGENSMEYE M., VANANTWERPEN J. (eds.), in *Rethinking Secularism*, Oxford University Press, Oxford, 2011, p. 80.

1.1.2.1 Transformation of Religious Authority and the Religion Status

A primary consequence of secularization process is the transformation of the of religious authority, a transformation closely linked to the differentiation of modern social institutions. Thomas Luckmann further elucidates the deep mechanisms connecting institutional differentiation and the transformation of religious authority in modern society. He argues that a most revolutionary trait of the modern society is the institutional segmentation that leaves wide areas in the life of the individual unstructured, in the meantime, an overarching framework of biographical significance remains undetermined. In the context of the gradual of coherent, *sacred cosmos*[40], the more autonomous and rationalized the institutional spheres became, the more they are estranged from the transcendent *sacred cosmos*.

It is precisely within the social structural gaps created by this differentiation, what may be called a "private sphere" emerged. For example, in post-Christian societies, belief in God not only is no longer axiomatic, but also becomes increasingly problematic. Simultaneously, being without religion, by contrast tends to become increasingly the default option, which can be naively experienced as natural state and, thus, no longer in need of justification[41]. Moreover, because the traditional religious forms no longer align with the effective priorities of everyday life in modern secular societies, an explicit or conscious rejection of religion is also largely unnecessary. Consequently, institutionalized religion, along with the specialization of other institutional areas starts a development that transforms religion into an increasingly "subjective" and "private" reality, religion becomes a "private affair."

Once religion is defined as "private affair," it no longer provides a universally binding system of meaning, rather, individuals may choose from the assortment of "ultimate" meanings as they see fit, which is guided only by the preference that are

[40] Luckman is emphasizing that the *sacred cosmos* is socially objected in the same media in which the world view as a whole is objectivated, such as in performances, images and language. The everyday life practices are primarily pragmatic, the *sacred cosmos* differs in meaning from it, that is, sacred expressions point to ultimate, transcendent meanings. Religion, therefore, use the same tools as culture, but transforms them into something that helps individuals connect to a sacred order of existence. THOMAS L., *The invisible religion: the problem of religion in modern society*, The Macmillan Company, New York, 1967, p. 59.

[41] JOSÉ C., *The secular, secularization, secularisms*, in CALHOUN C., JUERGENSMEYE M., VANANTWERPEN J. (eds.), in *Rethinking Secularism*, Oxford University Press, Oxford, 2011, p. 78.

determined by his social biography. The important consequence of this situation is that the individual constructs not only their personal identities but also their own system of "ultimate" significance[42].

This transformation closely highlights the second significant consequence of secularization: the reconstruction and strengthening of individualized consciousness. Religious ceases to be the the sole symbolic resource for social integration and becomes an optional element in the process of individualization, with its meaning and authority increasingly reshaped in private and pluralistic forms.

1.1.2.2 Reconstruction and Enhancement of the Individuation of Consciousness

As noted above, once religion is relegated to the domain of "private affairs," individuals, in the course of constructing their personal identities, simultaneously shape their own "ultimate meaning-systems." The process of meaning-construction is inherently interpretive. Namely, meaning is not readily given, but rather given through interpretive acts, the *interpretive schemes*, which themselves rest upon the accumulation, sedimentation of past experiences. A reciprocal and dynamic relationship exists among experience, its meaning and *interpretive scheme*: the meaning of experience is derived from the relation of ongoing process to the scheme of interpretation, and the ongoing experiences, in return, modify that very *interpretive scheme*[43].

In other words, when the construction of the "ultimate" meaning remains partly or wholly influenced by religious representations, its legitimacy of such meanings depends not only on the internal structure and coherence of the relevant interpretive schemes, but also on the dynamic interaction between interpretive schemes and lived experience. This consideration is crucial for evaluating whether specific religious meanings, under a given interpretive scheme, can be regarded as reasonable and socially acceptable, or whether, under particular conditions, they may incline toward

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[42] THOMAS L., *The invisible religion: the problem of religion in modern society*, The Macmillan Company, New York, 1967, pp. 86, 97, 99.
[43] THOMAS L., *The invisible religion: the problem of religion in modern society*, The Macmillan Company, New York, 1967, p. 45.

forms of religious extremism. As Beck perceptively observes, the contemporary conception of God is increasingly that of a "personal God," chosen by the believer not "necessarily from among those offered by traditional religions, but rather constituted through a convergence of heterogeneous influences and syncretic inspirations, which may even appear mutually incompatible, filtered through the prism of one's personal, including spiritual history[44].

Following the era of debates by Max Weber's notion of *disenchantment*—the idea that the world is no longer seen as mysterious or sacred—Charles Taylor further argues that the *disenchantment* of modernity compels individuals to navigate between dual identity codes rooted in religious traditions and secular values. This predicament is particularly evident among Muslim immigrant communities. On the one hand, they must comply with the legal order of secular states, integrate into educational and labor market structures, and adapt to modes of public reasoning. On the other hand, they face internal imperatives to safeguard the purity of their religious community—for example, maintaining Islamic ritual practices, observing halal dietary rules, and upholding gender divisions and family ethics. Such "dual-coded" identity practices require individuals to constantly navigate the boundaries between the secular and the religious in their everyday lives, often internalizing this tension as a survival strategy. This identity bifurcation can generate alienation and marginalization, but it can also foster the creation of new forms of religious identity and social integration amid inter-cultural tensions.

1.1.2.3 The Repositioning of Religion in the Post-Secular Society

Secularization has not to led to the complete disappearance of religious from social and political spheres. On the contrary, in interaction with secularization, religion continue to exert a certain influence in public life, though its forms and functions must align with the normative frameworks established by secular

[44] BECK U., *Il Dio personale. La rinascita della religiosità secolare*, Laterza, Roma-Bari, 2009, p. 21.

institutions. This observation is also reflected in Jürgen Habermas's[45] concept of the "post-secular" societies in the Western context. According to him, the post-secular represents a change in consciousness[46]. In order for a society to be defined as post-secular, it must first have been secular. He further emphasizes the possibility for individuals or communities to become religious again, but in a conscious and reflective world, and not by virtue of traditional and never questioned affiliations.[47] This "post-transformational persistence" allows religion to be integrated into contemporary social structures in adaptive and regenerative ways, rather than being a residual element in opposition to modernity.

As Shmuel N. Eisenstadt emphasizes in his discussion of "multiple modernities[48]," he challenges the Eurocentric narratives about modernity, provides the influential idea which denotes that the modernization is not a linear or a one-size-fits-all process, but is plural and dynamic. Religious traditions shape modernity differently across societies: for instance, Islamic, Christian and Western Protestant societies may all become modern, but their trajectories are influenced by distinct cultural and religious heritages, and religious traditions may be reinterpreted or reactivated within a modern framework[49].

It is important to note that the post-secular is not a neutral term, rather, it reveals a tension and paradoxical dynamic between religion and secularization. On one hand, religious organizations are pressured to undergo self-secularization reform to secure discursive legitimacy in the public sphere; on the other hand, secular regime

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[45] Actually, the views of Jürgen Habermas on the relation between society and religion has undergone a significant transformation. In his earlier works, he maintained that the religious reasoning should be excluded from the public sphere, as its spiritual foundation is rooted in dogmatism, which were incompatible with the rational and deliberative spirit essential to the public domain. However, in his later works—particularly from the early 2000s onward—Habermas introduces that contemporary Western societies must come to understand themselves as "post-secular," in which both religious and secular citizens are encouraged to go through a reciprocal learning process. This mutual engagement is seen as essential for fostering social cohesion and democratic legitimacy in pluralistic societies.

[46] HABERMAS J., *Notes on post-secular society secularism's crisis of faith*, in *New Perspectives Quarterly*, Vol. 25 No. 4, 2008, p. 20.

[47] DEBORA S., *Secolarismo, religione e sfera pubblica*, in IVANA A., RENATA P. (eds.), in *Giovani Musulmane in Italia*, il Mulino, Bologna, 2015, pp. 171-172.

[48] EISENSTADT S. N., *Multiple modernities,* in EISENSTADT S. N. (ed.)*, in Multiple Modernities, Routledge, Abingdo*n, 2017, pp. 1-3.

[49] NILÜFER G., *Snapshots of Islamic modernities*, in EISENSTADT S. N. (ed.), in *Multiple Modernities*, Routledge, Abingdon, 2017, p. 114.

paradoxically acknowledge religion's public role to maintain social cohesion and mediating pluralistic values. This interaction endows religion in post-secular societies with a dual character: religions which possess the power to articulate ethical sensitivities and institution of solidarity may play a role again at times in traditional forms, and at other times in entirely novel ones, must remain within the framework of a secular society[50].

Thus, the defining feature of a post-secular society is neither the return of religion nor the negation of secularization, but a structural symbiosis between religion and secular institutions. Within this context, religion may persist in traditional forms or emerge in new ones, yet it remains constrained within the boundaries of secular society. This positioning reflects not only the self-correcting mechanisms of modernity but also the profound reorientation of religion's legitimacy and function in contemporary society. The following discussion will focus on the specific context of Islam.

1.2 Reconsidering the Islam of Religion

It is a common knowledge that religion and secularity are deeply intertwined, both in our thought and in the way they have emerged historically. Religion, as old as the emergence of human self-consciousness, but its origin, as that of man, is shrouded in obscurity[51]. As a domain concerned with the sacred, religion occupies the non-rational sphere of human experience[52]. It consists of beliefs, practices, and institutions that relate to one or more *supernatural beings*[53], rooted in a fundamental anthropological fact: the transcendence of biological nature by human organisms[54]. Thus, religions are defined by a common faith in the transcendent in the divine-belief

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[50] ZEMMIN F., JAJER C. *et al.*, *Working with a secular age: interdisciplinary perspectives on Charles Taylor's master narrative*, Walter de Gruyter GmbH, Berlin, 2016, p. 99.
[51] PARWEZ G. A., *Islam: a challenge to religion* (5th ed.), Tolu-e-Islam Trust Lahore, Pakistan, 2012, p. 35.
[52] ASAD T., *Formations of the secular: Christianity, Islam, modernity*, Stanford University Press, California, 2003, p. 22.
[53] IANNACCONE L. R., *Religious extremism: origins a consequences*, in Contemporary Jewry, Vol. 20 No. 1, 1999, pp. 8-29.
[54] THOMAS L., *The invisible religion: the problem of religion in modern society*, The Macmillan Company, New York, 1967, p. 69.

in superhuman agencies, or preferably in one supreme being who gives meaning and purpose to human history[55].

In contemporary civil societies, religion can no longer be regarded as an "untouchable" or isolated domain. It no longer should be regarded as a relatively autonomous sphere, separate from other social spheres, such as politics, law, economy, science, educational system, health-care management, and even morality[56]. For example, the need to develop a deeper understanding of religion to determine when, how and to what extent, its expression may be appropriately limited for a good society[57].

Particularly in light of the consequences of secularization and the characteristics reflecting in post-secular societies, it is necessary to go back and reconsider religion, especially Islam's specific condition, social positioning, and the complex series of ideological and intellectual response it generates within contemporary society.

1.2.1 Islam as a Religion: A Thematic Overview

When discussing Islam, discourse often risk losing rationality and a sense of proportion, as if no accusation is too extreme and verification is no longer required. As Francesca Bocca-Aldaqre notes that there has the situation in which those who speak about Islam are almost never Muslim themselves and often lack direct acquaintance with Muslims. Instead, they operate within an abstract world of acronyms, outdated websites, and decades-old knowledge[58]. In light of this observation, and to avoid causing misunderstanding and stigmatization to the religion of Islam itself, this section draws upon verified academic research and interdisciplinary perspectives, seeking to bridge the gap between public perception and lived realities of Muslim communities, thereby offering an interpretation that is

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[55] FITZGERALD T., *The ideology of religious studies*, Oxford University Press, New York, 2000, p. 3
[56] ENZO P., PIERO S., *Il fondamentalismo religioso contemporaneo*, Editrice Queriniana, Brescia, 2000, p. 18.
[57] GUIORA A. N., *Religious extremism: a fundamental danger*, in *South Texas Law Review*, Vol. 50 No. 4, 2009, p. 743.
[58] BOCCA-ALDAQRE F., *Manifesto dell'Islam Italiano*, Udine: Mimesis, Milano, 2024, p. 17.

both faithful and critical, and that distinguishes Islam from the stereotypes and reductive portrayals that continue to dominate popular discourse.

Accordingly, this section begins by offering a foundational explanation of "Islam" and its related concepts, including "Islamic law," "hijab," "jihad," "martyr," "Pan-Islamism and Pan-Turkism" and "Islamic fundamentalism." These terms are frequently invoked in academic discussions but lack of a focused and systematic identification, particularly in the context of debate on the governance of Islamic religious extremism, where they serve as a crucial premise for problem-solving. Thus, clarifying these concepts is therefore essential, as it provides a conceptual basis for a deeper analysis undertaken in this study.

1.2.2.1 Islam: Implication and its Two Major Branches

When comes to the Islam *(Islām),* it is often historically associated with the rapid expansion of the Arab-Muslim conquests, and it is considered that it was born on the wings of these conquests, particularly around the mid-eighth century (around 750 CE)[59]. The Arabic term *islam* is a verbal noun derived from the root *aslama*, which means "he gave up, surrendered, or submitted," conveying a full obedience to the *One and Only God*[60]. From a purely etymological standpoint, the term Islam—as illustrated in various verses[61] of the Qur'an—signifies the idea of surrender or submission. Accordingly, Islam may be understood as the religion of self-surrender, wherein the practice of this type of surrender is not irrational, but represents a deliberate, conscious, and rational act undertaken by an individual who recognizes, with both intellectual certainty and spiritual insight, that the God embodies ultimate reality. This knower of God is known as the Muslim (*Muslimah* in the feminine form)—even the consciousness of the God alone is not sufficient to make a person a

[59] MALISE R., *Islam, Muslims, and Islamism*, in *Islam: a very short introduction* (2nd.), Oxford University Press, New York, 2012, p. 2.
[60] WAGNER W. H., *Opening the Qur'an: introducing Islam's holy book*, University of Notre Dame Press, Indiana, 2010, p. 54.
[61] In Islam, a *surah* denotes as a chapter of the Qur'an. The Qur'an comprises 114 s*urahs*, each consisting of a number of verses known as *ayahs*.

Muslim—meaning "one who submits" to the divine truth[62]. It is thus believed that "Islam did not begin with violence, but as the peaceful proclamation of the absolute unity of God[63]." Further, the relationship between believers and God can be explained by *taqwā*, one of the most deeply ethical Qur'anic terms, which can be interpreted as a profound consciousness of human responsibility towards its Creator[64]. "Trembling in fear of God" or "trembling with piety before God[65]" is as the primary meaning reflected from *taqwā*, serving as a central moral and spiritual principle in the Islamic tradition.

Moreover, two prominent religious factions deriving from Islam should be a brief description here, helping to provide a more logical argument and rich background knowledge for the following in-depth discussion of Islamic religious extremism derived from one of these factions, they are *Shiite* (*Shi'ite*, *Shi'a* or *Shia*) and *Sunni*. Historically, this classification originates from a dispute over the rightful and qualified succession to the Prophet Muhammad after his death in 632 CE. Specifically, the question was raised mainly on the election of the fourth[66] Caliphate successor, that is, whether the election of Ali ibn Abi Talib, the cousin and son-in-law of Prophet, were eligible and legitimate. Due to complex historical and social reasons, the issue of the selection of this heir was the subject of great controversy at that time and laid the foundation for the classification of the two major branches of Islam. Due to this contradiction, those who supported Ali's ascendancy became later known as "Shiite," a word stemming from the term "shi'at Ali," meaning "supporters" or "helpers of Ali". Others respected and accepted the legitimacy of Ali's Caliphate but opposed political succession based on bloodline to the Prophet. This sect, who constituted the majority of Muslims, came to known in time as "Sunni," meaning

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[62] VINCENT J. C., *Fruit of the tree of knowledge: the relationship between faith and practice in Islam*, in ESPOSITO J. L. (ed.), in *The Oxford History of Islam*, Oxford University Press, Oxford, p. 67.
[63] DAVID C., *Understanding Jihad* (2nd ed.), University of California Press, Oakland, 2015, p. 5.
[64] VINCENT J. C., *Fruit of the tree of knowledge: the relationship between faith and practice in Islam*, in ESPOSITO J. L. (ed.), in *The Oxford History of Islam*, Oxford University Press, Oxford, p. 67.
[65] JOHNSTON D., *Virtue*, in *Encyclopedia of the Qur'ān Online*, Brill, Leiden, 2018, <https://referenceworks.brill.com/display/entries/EQO/EQSIM-00446.xml> (last accessed: 21.01.2026)
[66] In a chronological order, the first three Caliphates after the death of Prophet were: Abu Bakr (the father-in-law of Prophet, 632-634 CE), Umar ibn al-Khattab (the father-in-law of Prophet, 634-644 CE) and Uthman ibn Affan (the son-in-law of Prophet, 644-656 CE).

"followers of the Prophet's customs" (the *Sunna*, which will be explained in the next section)[67]. Nowadays, the situation is that most nations with a large number of Muslims have more Sunnis than Shiites[68]. Countries like Iran, India and Iraq, which has a majority of Shiites, and countries like Saudi Arabia, Turkey, Morocco, the Sunnis constitute the majority of the proportion. Notably, even the religious extremist organizations generally align with one of these two main sects of Islam, but the notorious terrorist organization ISIS[69] is affiliating to the Sunni[70]. And statistics show the situation that the violent Sunni extremists have been responsible for the largest number of terrorists attacks worldwide[71].

With regard to the historical origins of these two branches, on one hand, they share most basic religious tents and practices, for example, all Muslims believe that the Prophet Muhammad was the messenger of Allah, they must abide by the revelations such as Qur'an and by the *hadith* (a verified account of a statement or action of the Prophet and his companions), they are expected to live in accordance with the five pillars of Islam, and so forth, they believe in oneness of God and the Last Day. On the other hand, the differences of doctrinal tenets or ritual practices

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[67] CHRISTOPHER M. B., *Islam: Sunnis and Shiites*, in *Congressional Research Service*, 9 November 2010, <https://core.ac.uk/download/pdf/71001024.pdf> (last accessed: 15.02.2026)

[68] For example, statistics from the Pew Research Center in 2009 showed that of the total Muslim population, 10-13% are Shiites and 87-90% are Sunnis. And this trend has not changed even today. See Pew Research Center, *A Report on the size and distribution of the World's Muslim population*, October 2009, <https://www.pewresearch.org/wp-content/uploads/sites/20/2009/10/Muslimpopulation-1.pdf?utm_source=chatgpt.com> (last accessed: 26.01.2026). This proportion assessment also can be referred to MICHAEL L., *Muslims and Islam: key findings in the U.S. and around the world*, 30 August 2017, in *Pew Research Center*, <https://www.pewresearch.org/short-reads/2017/08/09/muslims-and-islam-key-findings-in-the-u-s-and-around-the-world/> (last accessed: 23.01.2026)

[69] The types of *terrorist groups* can be referred to the U.S. National Counter-terrorism Center (NCTC), *Terrorist Groups*, <https://www.dni.gov/nctc/terrorist_groups.html> (last accessed: 21.01.2026)

[70] There exists distinct introduction that delineates the differences between Sunni extremist terrorism and Shiite extremism. These distinctions include, for example, the differences in the overall approach and main objectives for their use of terror, the different patterns for recruiting terrorist operatives and developing terrorist missions, propensities in employing tactics and methods, the different information management methods using in publicity and propaganda, and so on. See LYNCH T. F. III, *Sunni and Shi'a terrorism: differences that matter*, 29 December 2008, <https://www.brookings.edu/articles/sunni-and-shi-a-terrorism-differences-that-matter/?utm_source=chatgpt.com> (last accessed: 21.01.2026)

[71] According to the *Country Reports on Terrorism 2023* from the U.S. Bureau of Counter-terrorism, it reports that "[...] more than 5,700 incidents were attributed to Sunni extremists, accounting for nearly 56 percent of all attacks and about 70 percent of all fatalities." <https://www.state.gov/reports/country-reports-on-terrorism-2023/> (last accessed: 21.01.2026)

would reveal only relatively marginal, they are also vividly reflected on several dimensions, such as doctrine, ritual, law, theology and religious organizations.

When looking back again, when the Caliphate experienced a gradual decline after the thirteenth century, and was formally abolished in 1924 by Mustafa Kemal Ataturk, the first president of the Republic of Turkey. This dissolution became a powerful religious and political symbol to some Sunni Islamist activists during the nineteenth and twentieth centuries. To be specific, these activists argued that leaders in the Islamic world had undermined the caliphate by abandoning the "true path" of Islam, and inspired by these figures, some Sunni Islamist extremists, such as Osama bin Laden and others, advocate the restoration of a new caliphate based on "pure" Islamic principles.

In sum, from the Prophet Muhammad's initial proclamation of the faith to the Islamic Golden Age (or *asri saadet*) during the Abbasid Caliphate (from the eighth to the thirteenth centuries CE), Islam evolved not merely as a religious experience perpetuated and sustained throughout history, but also as an intricate form of knowledge encompassing both theological and juridical dimensions. This dual character allowed Islam to contribute fundamentally to the formation of societal institutions, the governance of pre-modern dynastic empires, and the structural frameworks of contemporary post-colonial states. Accordingly, Islam may be not only as a faith, but also as a practical mechanism operating through the normative force of law. In light of this, a more detailed examination of the internal composition and interrelation within Islamic Law becomes essential for further clarification.

1.2.2.2 Islamic Law: The Mainly Internal Composition and Interrelation

Islam is a religion defined by law[72], as Joseph Schacht has observed, "it is impossible to understand Islam without understanding Islamic law[73]." To appreciate the principles, practices, and social dimensions of the faith, it is therefore necessary to examine its legal framework, which will be discussed in more detail in this section.

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[72] BOCCA-ALDAQRE F., *Manifesto dell'Islam Italiano*, Udine: Mimesis, Milano, 2024, p. 91.
[73] SCHACHT J., *An introduction to Islamic law*, Clarendon Press, Oxford, 1964, p. 1.

For the sake of analytical precision, it should noted that there are no codified laws or monolithic Islamic legal science in either Sunni or Shiite Islam, instead, various interpretive traditions can be identified and the sources of these interpretations are similar among Sunnis and Shiites contexts.

1.2.2.2.1 Major sources of Islamic Law: *Shariah* and *Fiqh*

Islamic legal history demonstrates that Islamic law advocates for pragmatic and realistic reform through a gradual approach, while resisting abrupt revolutionary change[74]. The notion of the law in Islam is expressed by two different but semantically related terms: ***Shariah*** (*Sharī'a*) and ***fiqh***. Specifically, Islamic law at its score derives from two major sources: **divine revelation** (*wahy*) and **human reasoning** (*aql*). This dual identity of Islamic law is reflected in its two Arabic designations, Shariah and fiqh. In terms of the form, when referring to Islamic law, informed Muslims use the term Shariah to connote the sacred law as a global concept or ideal, whereas fiqh is used to connote the ongoing process of legal interpretation developed through the schools of juridical practice[75]. Strictly speaking, Shariah is not synonymous with Islamic law. The tendency to equate the two in both academic discourse and legal practice might be shaped by the ways in which certain states institutionalize and codify Islamic norms within their legal and constitutional frameworks[76]. In order to clarify those relationships, their distinctions and respective functions within the legal framework are necessary to be examined.

Shariah literally denotes "the right path" or the "guide," and seeks to produce legal rulings (*aḥkām*). As it is primarily grounded in divine revelation—most notable

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[74] KAMALI M. H., *Law and society: the interplay of revelation and reason in the Sharian*, in ESPOSITO J. L. (ed.), in *The Oxford History of Islam*, Oxford University Press, Oxford, 2000, p. 142.
[75] VINCENT J. C., *Fruit of the tree of knowledge: the relationship between faith and practice in Islam*, in ESPOSITO J. L. (ed.), in *The Oxford History of Islam*, Oxford University Press, Oxford, 2000, pp. 90-91.
[76] For example, in the political and legal discourse of Saudi Arabia, which was created as a self-styled Islamic state, the Qur'an is regarded as its constitution and Shariah is its law. ESPOSITO J. L., *Contemporary Islam: reformation or revolution?*, in ESPOSITO J. L. (ed.), in *The Oxford History of Islam*, Oxford University Press, Oxford, 2000, p. 652.

the Qur'an[77] and the Sunna (the teachings and exemplary conduct of the Prophet Muhammad), whose injunctions provide the nucleus of Shariah—it thus constitutes an integral part of the dogma of Islam[78]. In addition, its identity is as a religious law with the capacity to adapt through interpretation and rational analysis. It is characterized as pragmatic and favors a gradual approach to social reform. Besides, some of the basic principles of Shariah, such as justice, equality, public interest, consultation, enjoying good, and forbidding evil, are inherently dynamic, they are therefore immutable in the doctrinal level, but their application remains open to contextual interpretation, adaptation, and practical adjustment[79]. Shariah provides clear rulings on the fundamental aspects of Islam: the basic moral values, practical duties, and other devotional matters. Notably, its injunctions regarding what is lawful and unlawful are on the whole definitive, and thus influence certain aspects of civil transactions. However, Shariah does not concretely address a particular matter[80], particularly, it is generally flexible with regard to most civil transactions (*muamalat*), such as criminal law (with the exception of the prescribed punishments), governments policy and constitution, fiscal policy, taxation, as well as economic and international affairs. In many other areas of the law—the basic moral values of Islam and its clear injunctions are on the whole permanent and unchangeable—Shariah often provides only general guidelines, and the details of which may be adjusted and modified through the exercise of human reasoning, the fiqh[81].

Governments came and went but Shariah remained as the common law of the

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[77] The parts of the Qur'an that consist of historical data and parables, for instance, are not included in Shariah. KAMALI M. H., *Law and society: the interplay of revelation and reason in the Sharian*, in ESPOSITO J. L. (ed.), in *The Oxford History of Islam*, Oxford University Press, Oxford, 2000, p. 108.
[78] The specific rules of the Qur'an and the Sunna—collectively known as the *nusus*, which are relatively small in number—represent the core of the Shariah. KAMALI M. H., *Law and society: the interplay of revelation and reason in the Sharian*, in ESPOSITO J. L. (ed.), in *The Oxford History of Islam*, Oxford University Press, Oxford, 2000, pp. 108, 130.
[79] KAMALI M. H., *Law and society: the interplay of revelation and reason in the Sharian*, in ESPOSITO J. L. (ed.), in *The Oxford History of Islam*, Oxford University Press, Oxford, 2000, p. 135.
[80] JACKSON S. A., *The Islamic secular (2017)*, in *American Journal of Islam and Society*, Vol. 41 No. 1, 2024, p. 183.
[81] KAMALI M. H., *Law and society: the interplay of revelation and reason in the Sharian*, in ESPOSITO J. L. (ed.), in *The Oxford History of Islam*, Oxford University Press, Oxford, 2000, p. 109.

Muslims[82]. According to Shariah, sovereignty fundamentally resides in God (Allah), thereby requiring state institutions to operate strictly within the boundaries set by divine law. This divine sovereignty is institutionalized through the integration of Shariah into the legal and political framework of an Islamic community or state, positioning Shariah as the constitutional foundation of Muslim governance[83].

Fiqh, on the contrary, is defined as the knowledge of the practical rules of Shariah, refers to human reasoning and knowledge (or *human understanding*). It is a rational endeavor, primarily derived through speculative reasoning, and focuses on practical legal rules governing individual conduct. However, unlike Shariah, fiqh does not hold the same level of authority even much of it is in common with the Shariah, which means it does not include general guidelines on morality and dogma that are not legally enforceable. Instead, it is characterized as a mere superstructure and a practical manifestation of commitment to the underlying values.

In addition, the rules in fiqh may generally be categorized into two types: The first type consists of rules explicitly conveyed through clear texts, such as the essentials of worship, the rules of inheritance, which are self-evident, need no interpretation and, as such, are inherently part of Shariah. The second type is derived from the exercise of independent reasoning which are not self-evident, also because of this type of rules might exist shortcomings, like the possibility of error, changeability and other limitations, it requires a rigorous process of validation before it can be considered a part of Shariah. For this reason as well, the schools of law vary in their treatment mainly of the contents of fiqh, and when referring to the Islamic legal history, it is in a sense the history of fiqh rather than of the Shariah, which had a short history[84].

In a nutshell, to summarize the relationship between Shariah and fiqh from a

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[82] As explained by the scholar that "Sharia must be seen as a body of law from which a people determines how to govern the fullness of their lives." MOHAMMAD N., *The doctrine of Jihad: an introduction*, in *Journal of Law and Religion*, Vol. 3 No. 2, 1985, p. 396.
[83] MOHAMMAD N., *The doctrine of Jihad: an introduction*, in *Journal of Law and Religion*, Vol. 3 No. 2, 1985, p. 384.
[84] KAMALI M. H., *Law and society: the interplay of revelation and reason in the Sharian*, in ESPOSITO J. L. (ed.), in *The Oxford History of Islam*, Oxford University Press, Oxford, 2000, pp. 107-110.

historical perspective, it can be understood that Shariah developed as the paradigm or model of the Islamic way of life, whereas fiqh, the application of the Shariah to specific cases, developed as the paradigm of Islamic reasoning. In this vein, it can tell that without the open-ended interpretive process of fiqh, the Shariah is no more than an immobile edifice, unresponsive to changing times[85]. Within a broader theological spectrum, Shariah was not enshrined as the only basis upon which value judgments could be made, particularly in the practical and normative spheres of everyday life[86]. The assumption that scripture of Shariah alone provides the legitimate framework for negotiating quotidian realities is conceptually and historically inaccurate. A careful analysis of its sources indicates that Shariah encompasses a more comprehensive concept than fiqh: it extends beyond the confines of legal regulations, integrating theological tenets and ethical teachings as essential elements of its scope[87].

It is notable to mention that modern political Islamist movements, however, frequently challenge this integrative understanding. A prevalent belief among certain actors is that only Shariah—rather than the interpretive frameworks of fiqh—constitutes the "true law of God." They argue that traditional methodologies developed by the main schools of jurisprudence—their very reason for being—should be eliminated, with the reason that those interpretive methodologies can be a source of dissension that undermine Muslim unity. Notable proponents of this approach include Egyptian Muslim Brotherhood[88], Jamaat-i-Islami of Pakistan, and the Taliban in

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[85] VINCENT J. C., *Fruit of the tree of knowledge: the relationship between faith and practice in Islam*, in ESPOSITO J. L. (ed.), in *The Oxford History of Islam*, Oxford University Press, Oxford, 2000, p. 91.
[86] JACKSON S. A., *The Islamic secular (2017)*, in *American Journal of Islam and Society*, Vol. 41 No. 1, 2024, p. 185.
[87] KAMALI M. H., *Law and society: the interplay of revelation and reason in the Sharian*, in ESPOSITO J. L. (ed.), in *The Oxford History of Islam*, Oxford University Press, Oxford, 2000, p. 108.
[88] The Brotherhood was founded in 1928 in Egypt by Hassan al-Banna, its attitudes to women have been extremely conservative and based on the most fundamentalist interpretations of the Qur'an and the hadith. See WINTER B., *Hijab and the republic: uncovering the French headscarf debate*, Syracuse University Press, Syracuse, 2009, p. 41.

Afghanistan[89]. There insistence on ignoring the essential complementary between Shariah and fiqh, thereby threatening the capacity of Islamic law to adapt to evolving social and political conditions. Critically, the practical consequences of this stance extend beyond theoretical discourse. The systematic rejection of fiqh has frequently distorted the application of justice, permitting legal reasoning to be subordinated to political agendas and demagoguery rather than grounded in established juridical methodology[90]. From a legal-theoretical perspective, this conflation of political objectives with juridical reasoning represents a profound challenge to the integrity and adaptability of Islamic law as a normative system.

1.2.2.2.2 Sources of Shariah: the *Qur'an*, the *Sunna* and the *Juristic Reasoning*

After clarifying the relationship between Shariah and fiqh. It is suitable to make a brief introduction about two types of sources of *Shariah*: "revealed source" and "unrevealed source." Put simply, the revealed source means the one which is self-evident, definitive and self-contained, the ***Qur'an*** and the teachings and exemplary conduct of the Prophet Muhammad, which is called ***Sunna*** (or *Sunnah*) are the only two revealed sources to *Shariah*. The unrevealed source, however, generally can be founded in the *ijtihad*, a term used by earlier Muslim scholars to refer to the independent **juristic reasoning** on matters about which they were not in agreement[91], which may take a variety of forms.

To be specific, the Qur'an (also referred as *Ḳur'ān*, *Koran*, *Kuran*, *Qran*, or *Coran*) represents a comprehensive and intricate text that addresses legal, religious,

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[89] The Taliban subscribed to an extremely conservative and puritanical interpretation of Islam. Their doctrines are close to those of Saudi Arabia's Wahhabi religious establishment and Pakistan's Jamaat-i-Islami. As Sunni Muslims, they denounced their Shiite opposition as infidels. Beyond their claim to restore the law and order, the Taliban sought to create or moral Shariah-governed society, mandating their brand of Islamic reform. For example, they segregated the sexes outside the home, closed girls' schools, required that women be fully covered in public, and banned women from the workplace. They also banned television, cinema, and music. In parallel, men were compelled to prescribed religious practice, including growing beards and praying five times a day, as well as introducing the *ḥudūd* punishments as part of its penal framework. ESPOSITO J. L., *Contemporary Islam: reformation or revolution?*, in ESPOSITO J. L. (ed.), in *The Oxford History of Islam*, Oxford University Press, Oxford, 2000, p. 660.

[90] VINCENT J. C., *Fruit of the tree of knowledge: the relationship between faith and practice in Islam*, in ESPOSITO J. L. (ed.), in *The Oxford History of Islam*, Oxford University Press, Oxford, 2000, p. 91.

[91] ASAD T., *Formations of the secular: Christianity, Islam, modernity*, Stanford University Press, California, 2003, p. 219.

and metaphysical matters in their entirety. According to its own testimony, it comprises the words of God as recited in Arabic to the Prophet Muhammad ibn Abd ibn Muttalib through the angel Gabriel over the course of twenty-two to twenty-three years (around 610-632 CE). Islamically considered with historical analysis shows that the Prophet Muhammad was neither the founder of a religion nor the author of the Qur'an[92], but he is seen as embodying the role of a fully realized prophet-messenger, serving as a living model of the principles and teachings imparted through divine revelation, by teaching men how to act, what to do and what to avoid to help them pass scrutiny on the Day of Judgment and to enter Paradise. The Qur'an therefore applied religious and ethical principles to existing legal norms and relationships which it took for granted, and only occasionally completed or modified these last on religious and ethical grounds. The Qur'an in its legal dimension stood outside the existing legal system on which it imposed moral and not, properly speaking, legal rules[93]. It is said that the defining characteristic of the Qur'an is its transition from Muhammad's recitations to a written form compiled into a book, preserved without errors or variations. The Qur'an serves as both the foundational framework of Islam and the content itself within this framework[94]. However, it is less concerned with defining creedal boundaries than with affirming the universal obligation to believe in one God. In other words, it speaks of broad verities of religious experience to which every human being can relate. Similarly, when dealing with religious practice, the Qur'an is less concerned with the details of ritual than with the meaning that lies behind the rituals it prescribes[95]. Foreseeable but nonetheless of interest, the Qur'an is neither a legal nor a constitutional document, although legal materials occupy a small portion of its text, in other words, less than three percent of the text deals with legal matters. As outlined previously, not all of the Islamic law come directly from the

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[92] WALTER H. W., *Opening the Qur'an: introducing Islam's holy book*, University of Notre Dame Press, Indiana, 2010, p. 33.
[93] JOSEPH S., *Problems of modern Islamic legislation*, in *Studia Islamica*, No. 12, 1960, pp. 106-107.
[94] WALTER H. W., *Opening the Qur'an: introducing Islam's holy book*, University of Notre Dame Press, Indiana, 2010, p. 25.
[95] VINCENT J. C., *Fruit of the tree of knowledge: the relationship between faith and practice in Islam*, in ESPOSITO J. L. (ed.), in *The Oxford History of Islam*, Oxford University Press, Oxford, 2000, pp. 67-69.

Qur'an, but it still remains its scriptural nature for Muslims because the Prophet's precedent-setting judgments are believed to be divinely inspired[96]. In addition, the Qur'an is devoted to broad guidelines and principles, its languages is often versatile[97].

Moreover, the contents of the Qur'an are not classified to subject or time lines, on the contrary, its pronouncements on various topics appear in unexpected places and in no particular thematic order[98]. In the same vein, some of the earlier rulings of the Qur'an were also abrogated and replaced because of new circumstances, although the scope of the abrogation and their precise imports is a matter of disagreement among scholars[99]. Beyond examining the historical development of the Qur'an itself, scholarly literature on this subject also has introduced new perspectives, including interpretations of the Qur'an within modern societal contexts, analyses of its interpretation across different national settings, and comparative studies between the Bible and the Qur'an, among others. Such realities ultimately contributed to the Qur'an as a complex[100], yet clear work[101]. For example, in theory, Islamic law is divine in origin because it rooted in God's commandments in the Qur'an. In practice, however, most of the precedents for Islamic legal decisions are founded in the Sunna[102].

Literally, the concept of Sunna refers to "custom and usage[103]." It is grounded in

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[96] VINCENT J. C., *Fruit of the tree of knowledge: the relationship between faith and practice in Islam*, in ESPOSITO J. L. (ed.), in *The Oxford History of Islam*, Oxford University Press, Oxford, 2000, p. 90.
[97] KAMALI M. H., *Law and society: the interplay of revelation and reason in the Sharian*, in ESPOSITO J. L. (ed.), in *The Oxford History of Islam*, Oxford University Press, Oxford, 2000, p. 137.
[98] KAMALI M. H., *Law and society: the interplay of revelation and reason in the Sharian*, in ESPOSITO J. L. (ed.), in *The Oxford History of Islam*, Oxford University Press, Oxford, 2000, p. 119.
[99] KAMALI M. H., *Law and society: the interplay of revelation and reason in the Sharian*, in ESPOSITO J. L. (ed.), in *The Oxford History of Islam*, Oxford University Press, Oxford, 2000, pp. 118, 120.
[100] For critical scholarship, the Qur'an presents profound methodological difficulties, as there remains considerable uncertainty regarding its provenance, chronology, and historical setting of the Qur'an or even its principle of organization. The extensive presence of repetition, interpretation, internal contradictions, and textual dislocation poses significant challenges to establishing a coherent and definitive understanding of the text. FIRESTONE R., *Part II: the Qur'ān and its interpretation*, in *Jihād: the origin of holy war in Islam*, Oxford University Press, New York, 1999, p. 44.
[101] WALTER H. W., *Opening the Qur'an: introducing Islam's holy book*, University of Notre Dame Press, Indiana, 2010, p. 125.
[102] VINCENT J. C., *Fruit of the tree of knowledge: the relationship between faith and practice in Islam*, in ESPOSITO J. L. (ed.), in *The Oxford History of Islam*, Oxford University Press, Oxford, 2000, p. 90.
[103] WALTER H. W., *Opening the Qur'an: introducing Islam's holy book*, University of Notre Dame Press, Indiana, 2010, p. 34.

the belief that the Prophet Muhammad serves as a normative model for all Muslims, both male and female. Contemporary, the Sunna enjoys near canonical status as a source of Islamic precedent. Yet, in the hands of politically motivated Islamists—such as Wahhabi adherents and other self-described fundamentalists—the Sunna has often been stripped of its historical and contextual nuance, elevated almost to the level of Qur'an as an unquestioned source of truth[104].

Notably, the raw material of the Sunna mainly consists of the corpus of ***hadith*** (pl. hadiths, *aḥādīth*), a term that generally signifies "report, saying or discourse." This corpus records the words, actions, and tacit approvals attributed to the Prophet Muhammad, and provides detailed instructions on proper conduct in specific ritual, ethical or social contexts. In certain instances, these reports are supplemented by accounts concerning the actions and comments of the Prophet's Companions, thereby contributing to the practical realization of the Sunna in the disciplined conduct or moral disposition of the faithful Muslim[105]. From the perspective of its manifestation, hadith may be distinguished into two forms: verbal *mutawatir* and conceptual *mutawatir*. The former refers to a word-for-word transmission of what the Prophet said, such narrations are extremely rare, numbering no more than ten. The latter denotes transmissions in which the underlying concept or meaning originates from the Prophet, while the specific wording is supplied by the narrator[106]. In short, while the *hadiths* literature constitutes the principal source through which the Sunna is known and transmitted, individual *hadiths* do not in themselves possess that status of binding law in Islamic terms,and frequently give rise to divergent, and at times conflicting, interpretations[107].

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[104] VINCENT J. C., *Fruit of the tree of knowledge: the relationship between faith and practice in Islam*, in ESPOSITO J. L. (ed.), in *The Oxford History of Islam*, Oxford University Press, Oxford, 2000, p. 74.

[105] VINCENT J. C., *Fruit of the tree of knowledge: the relationship between faith and practice in Islam*, in ESPOSITO J. L. (ed.), in *The Oxford History of Islam*, Oxford University Press, Oxford, 2000, pp. 73-74.

[106] Particularly, "when the reports of a large number of transmitters of hadith concur in their purport but differ in wording, this is considered as *mutawatir*." KAMALI M. H., *Law and society: the interplay of revelation and reason in the Sharian*, in ESPOSITO J. L. (ed.), in *The Oxford History of Islam*, Oxford University Press, Oxford, 2000, p. 120.

[107] WINTER B., *Secularism aboard the Titanic: feminists and the debate over the hijab in France*, in *Feminist Studies*, Vol. 32 No. 2, 2006, p. 288.

The relationship between the Qur'an and the Sunna, to state plainly, can be characterized as both complementary and at the same time independent. Specifically, the Sunna fulfills multiple functions: it may consist of rules that merely corroborate the rulings of the Qur'an, elucidate ambiguous parts of the Qur'an, or qualify and specify general rulings of the Qur'an. In this vein, the three varieties comprise among them the bulk of the Sunna, and the religious scholars (*ulama*) are in agreement that they are integral and supplementary to the Qur'an. On the other hand, in the situation that the Sunna may provide rulings on which the Qur'an is silent, it thereby represents as an independent source of the Shariah. Over the beyond, in the Qur'an and the Sunna are instances in which a legal text may be definitive in some respects but speculative in others and the definitive injunctions of the Qur'an and the Sunna constitute the common core of unity among the various legal schools and among Muslims in general.

The juristic reasoning (*ijtihad*)—literally means "striving"—refers to the intellectual effort exerted by a qualified jurist (*mujtahid*) to derive rulings on specific issues based on evidence extracted from the sources. In contrast to the Qur'an and the Sunna, the process of revelation having ended with the Prophet's death, juristic reasoning continues to function as a primary source and instrument for ensuring the law to adapt consistently to the evolving realities of social change without compromising its foundational values.

Historically, juristic reasoning has been perceived as a concern primarily of the individual scholar and qualified jurist, it has also been seen as a juristic concept, a preserve of the jurist to the exclusion of specialists in other disciplines. Almost every major school of law proposed a principle or method to regulate juristic reasoning and to ensure its conformity with the overriding authority of divine revelation. By comparison, juristic reasoning in modern practice has increasingly evolved into a collective effort that integrates the expertise and contributions of not only scholars of Shariah, but also experts from various other disciplines, which enhances the epistemological richness and practical applicability of legal rulings. This contemporary development of juristic reasoning reflects a growing acknowledgment

that the multifaceted challenges of modern society cannot be fully addressed beyond the capacity of any single individuals[108]. This shift also corresponds with the Muslim's broader understanding about *reason*, which might be more accurate to speak of ways of knowing, apprehending, imagining, or even sensing reality. In essence, the role of juristic reasoning in the contemporary context is better understood not merely as a legalistic exercise, but as a comprehensive epistemological endeavor to the enterprise of moving beyond the realities, presuppositions, and going opinions of the pre-modern world and navigating through new and chaining moods and circumstance[109].

1.2.2.2.3 Three Domains of Islamic Law

Building upon the foundational framework explained above, Islamic law is systematically divided into three primary domains: devotional matters (*ibadat*), civil transactions (*muamalat*) as well as crimes and penalties (*uqubat*). This tripartite structure reflects both the holistic scope of Islamic jurisprudence and its attempt to balance spiritual, social, and juridical dimensions within a unifies normative system.

Firstly, the devotional matters (*ibadat*) encompass acts of worship and rituals that define the relationship between humans and the divine. In this domain, the prescriptive character of the law is highly determinate and the schools of law do not vary much in their treatment of these subjects, as these obligations are considered fixed by divine command and largely beyond the scope of juristic reasoning. Their purpose is not merely individual piety, but also the cultivation of communal identity through shared ritual performance.

Secondly, the juristic divergences among the legal schools occur mainly in the field of the civil transactions (*muamalat*), which govern interpersonal dealings and social affairs, including contracts, trade, marriage, inheritance, and property rights. In other words, unlike devotional matters (*ibadat*), this body of rules exhibits a higher

[108] KAMALI M. H., *Law and society: the interplay of revelation and reason in the Sharian*, in ESPOSITO J. L. (ed.), in *The Oxford History of Islam*, Oxford University Press, Oxford, 2000, pp. 118, 121-124.
[109] JACKSON S. A., *The Islamic secular (2017)*, in *American Journal of Islam and Society*, Vol. 41 No. 1, 2024, pp. 185, 187.

degree of flexibility and remain open to juristic reasoning and adaptation in response to social change.

Thirdly, Islamic criminal law (*uqubat*) is composed of three disparate categories of crimes and punishments, each governed by its own substantive norms, evidentiary standards, and procedural rules: (1) the prescribed punishments for certain crimes (*ḥudūd,* the plural form of *ḥadd*), including alcohol consumption (*shurb*), theft (*sariqah*), adultery and fornication (*zinā*), as well as false testimony; (2) just retaliation (*qiṣāṣ*); and (3) discretionary punishments (*taʿzīr*).

Technically, *ḥudūd* refers to fixed punishments as divinely ordained limits and punishments God Most High has specified for certain varieties of conduct, it can also explain that comparing with other two categories, *ḥudūd* has less room in theory for juristic construction[110]. The Muslim masses tend to see *ḥudūd* laws and punishments as the core feature of Islam and the Islamic revivalist agenda with a highly symbolic value, its introduction is regarded as the litmus test for a real Islamization of the legal system[111]. In practice, however, *ḥudūd* penalties are rarely enforced, and when they are, enforcement tends to be selective. They are sometimes seen as paramount indicators of the Islamic identity of states and societies. However, there is persistent debate over *ḥudūd* laws in many parts of the Muslim world[112]. Notably, there has a crime, named *ḥirābah*, under the *ḥudūd* laws, which is regard as the nearest Shariah legal concept to terrorism, even there are some differences between them. Literally, *ḥirābah* means "to fight or wage war." It denotes terrorism and highway robbery, as well as any act that involves the use or threat of using force to terrorize and intimidate people passing through streets on their way to places of business, homes, shops, and so forth. It also covers all instances of mass destruction and sabotage. On the other hand, *ḥirābah* is different form the contemporary terrorism, which means that there is a certain shift of context and motivation from the political to the religious, that is,

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[110] KAMALI M. H., *Ḥudūd in the Qur'an, Sunnah, and fiqh*, in *Crime and punishment in Islamic law: a fresh interpretation*, Oxford University Press, Oxford, 2019, pp. 21, 23.

[111] Peters R., *Islamic criminal law today*, in *Crime and Punishment in Islamic Law: theory and practice from the sixteenth to the twenty-first century*, Cambridge University Press, Cambridge, 2006, p. 145.

[112] KAMALI M. H., *Introduction*, in *Crime and punishment in Islamic law: a fresh interpretation*, Oxford University Press, Oxford, 2019, pp. 1-3.

whereas *ḥirābah* was mainly politically motivated, the practitioners of contemporary terrorism have added a religious dimension, as they are also motivated either in whole or in part by a religious imperative and consider violence as a divine duty or a sacramental act[113].

Different from the prescribed *ḥudūd*, which generally fall under the rubric of the Right of God, or public rights, *qiṣāṣ* punishments mainly follow the Right of Man, which consist of aggression on life and limb through homicide and bodily injuries. Specifically, *qiṣāṣ* juridically requires that the perpetrator of a given crime is punished in the same way and same proportion, and if possible by the same means that he used in killing or hurting his victim. The punishment should be equal to the crime as far as possible. *Qiṣāṣ* under Islamic law applies to a murder who kills with the intention to kill or with the intention to cause bodily injury that is likely to cause death. In addition, retaliation is the principal punishment for murder, whereas payment of blood money (*diyya*) is the principal punishment in unintentional homicide[114]. These crimes are also based on scripture, yet they are amenable to adjustment and pardoning by relevant parties and authorities.

Taʿzīr literally means deterrence, it is a derivative of the root word *ʿazzara*, which means to avert, to deter, and to discipline and even to honour, help, and dignify. Punishment is called *taʿzīr* as it deters the offender form repeating the offence and reverting back to criminality[115]. In addition, *taʿzīr* has been used as a residual category and encompasses all offence types and transgressions, and sometimes even within the rubrics of *ḥudūd* and *qiṣāṣ*, but it is not quantified and remain open to judicial discretion by rulers and judges[116].

1.2.2.3.4 Summary

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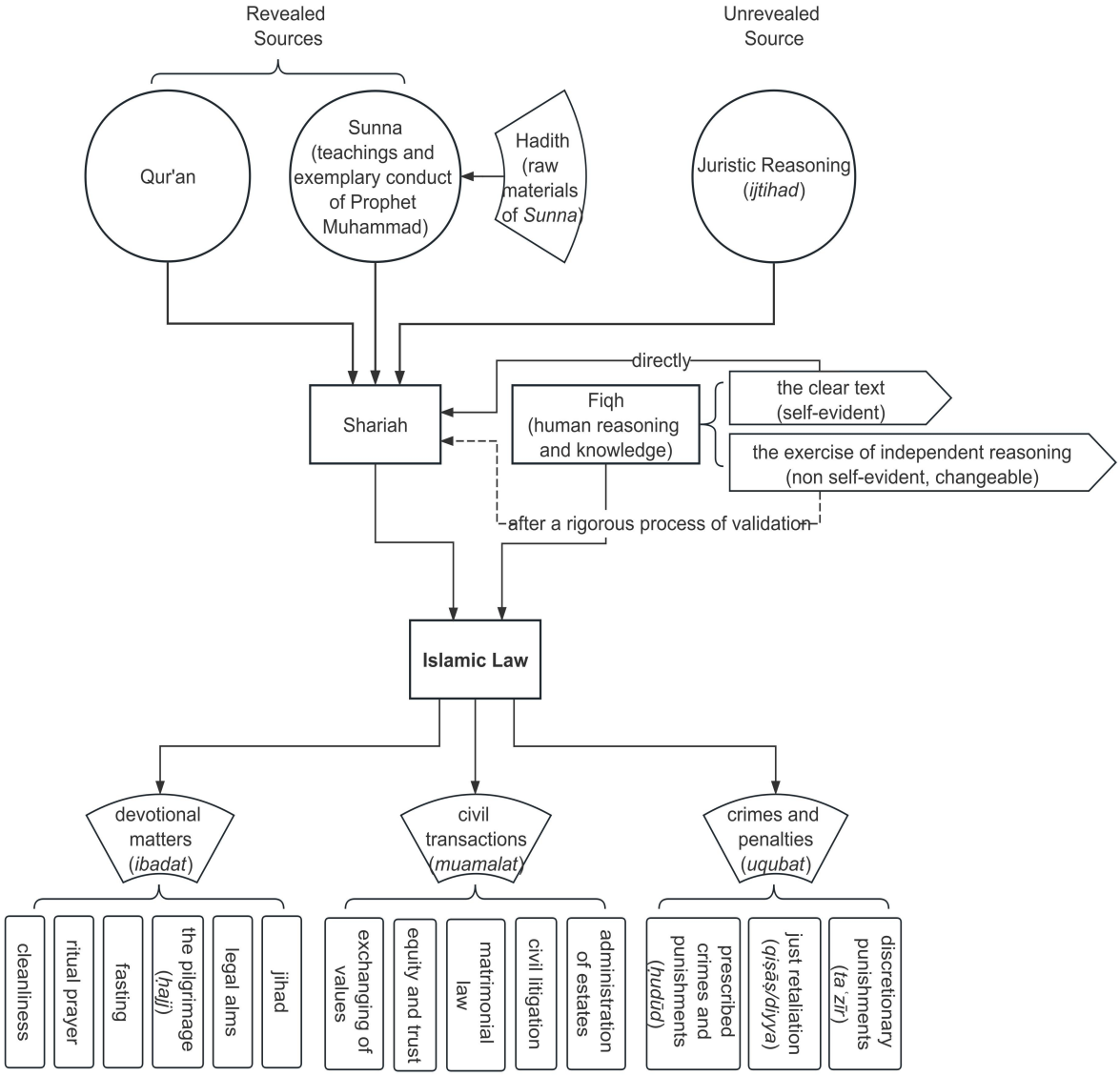
[113] KAMALI M. H., *Banditry and terrorism (Ḥirābah, also Qaṭʿal-Tarīq)*, in *Crime and punishment in Islamic law: a fresh interpretation*, Oxford University Press, Oxford, 2019, pp. 112, 127.
[114] KAMALI M. H., *Just Retaliation (Qiṣāṣ)*, in *Crime and punishment in Islamic law: a fresh interpretation*, Oxford University Press, Oxford, 2019, p. 201.
[115] KAMALI M. H., *Discretionary punishment of Taʿzīr*, in *Crime and punishment in Islamic law: a fresh interpretation*, Oxford University Press, Oxford, 2019, p. 186.
[116] KAMALI M. H., *Islamic criminal justice: an overview*, in *Crime and punishment in Islamic law: a fresh interpretation*, Oxford University Press, Oxford, 2019, p. 17.

To make the description of Islamic law more clear, an entire framework has been built below.

Graph 1: The Sources and Internal Relations of Islamic Law



Building upon the preceding description, several defining features about the Islam law can be identified:

First, in terms of legal nature, Islamic law integrates religion, morality, and law, and therefore differ fundamentally from law in the conventional sense. At its core, the purpose of Islamic law is not to establish rights and obligations through clear and

unambiguous statutory provisions, but rather to employ religious doctrines as the ultimate measure for defining standards of good and evil, right and wrong, beauty and ugliness. Meanwhile, Islam identifies itself the "Religion of the Book," a designation reflecting the centrality of revealed texts in its legal and ethical framework. Unlike secular legal systems, in which jurisprudence is typically developed by state-appointed jurists, Islamic law has traditionally been interpreted and systematized by clerics in Qur'anic schools[117]. It does not recognize legislation by human agents, rather, it is intended as the doctrinal interpretation of the commands of Allah which have been revealed, once for all, to Muhammad[118].

Furthermore, Islam has never functioned as a "church," and Islamic law was never supported by an organized power. It lacks a centralized clerical hierarchy akin to the Catholic church, there is no singular authority—such as a papacy or ecclesiastical council—to enforce a central power with peripheral institutional articulations or prerogatives of doctrinal and theological control[119]. Consequently, despite Muslims have a strong sense of religious identity, the tradition does not recognize unified organizational models. Religious life is practiced within a multiple of autonomous institutions-mosques, confraternity, associations, and cultural centers-each with significant independence[120].

Additionally, much of what is considered as "Islamic law" is the exercise by pre-modern jurists (and others) of their own reason, imagination, cultural literacy, and other faculties en route to discretionary and other non-Shariah conclusions deemed appropriate to their own context[121]. Even jurists who largely agreed on the identification of sources and shared the foundational principles guiding textual interpretation and normative derivation, they nonetheless often arrived at divergent conclusions. According to a saying attributed to the Prophet, such divergence of

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[117] AUGUSTO B., *Laicità: alle radici dell'occidente*, il Mulino, Bologna, 2023, p. 28.
[118] JOSEPH S., *Problems of modern Islamic legislation*, in *Studia Islamica*, No. 12, 1960, p. 110.
[119] CARLO C., *Principi di diritto ecclesiastico: tradizione Europea legislazione italiana* (4th ed.), G. Giappichelli, Torino, 2019, p. 109.
[120] CARLO C., *Le ragioni di una ricerca. Le originalità dell'Islam, le difficoltà dell'integrazione*, in CARLO C., TORRE G. D. (eds.), in *Comunità Islamiche in Italia: identità e forme giuridiche*, G. Giappichelli Eeditore, Torino, 2015, pp. 20-21
[121] JACKSON S. A., *The Islamic secular (2017)*, in *American Journal of Islam and Society*, Vol. 41 No. 1, 2024, p. 195.

opinion within the Muslim community is considered a sign of God's mercy[122].

Second, Islam law exhibits a complicated history of shifting interpretations, in which human reasoning and knowledge play a critical role. This dynamic reflects the possibility that the contents of Islamic law can be modified or invalidated to better adapt to the specific realities of contemporary society. Neither is Islamic law uniform at any point of its development. From the outset the subject-matter out of which it was created varied form place to place, and these geographical differences account for much of the divergences between the ancient schools of law (*madāhib*)[123].

Particularly in the past century, contact with Europe has introduced significant changes to the legal landscape of Muslim-majority countries. However, these changes have not resulted in greater legal uniformity. Instead, new forms of diversity have replaced or been added to the order ones. The authority of traditional Islamic law has lost the primacy it once held. Large sectors of law have escaped its control as the state exercises uncontested legislative authority, legitimized by modern theories of popular sovereignty and supported by a Western-modeled legal science that ended the monopoly of legal knowledge once held by the traditional jurists. Moreover, the diversity of traditional materials employed by contemporary legislators is matched by the variety of their modifications and repeals, resulting in profoundly different laws across countries[124].

1.2.2.3 Headscarves Being Embroiled in the Controversy

The reason why spilling ink on the discussion about headscarves[125] is about the reality that there is an ambiguity in the name used to indicate the Islam headscarves and especially, the meaning of headscarves in nowadays is loaded with higher-order symbolic elaborations which emits ambiguously a range of contradictory messages

[122] BECK-PECCOZ R. A., *Islam: unità e pluralità*, in FERRARI S. (ed.), in *Musulmani in Italia: la condizione giuridica delle comunità islamiche*, il Mulino, Bologna, 2000, p. 63
[123] SCHACHT J., *An introduction to Islamic law*, Clarendon Press, Oxford, 1964, p. 3.
[124] BECK-PECCOZ R. A., *Islam: unità e pluralità*, in FERRARI S. (ed.), in *Musulmani in Italia: la condizione giuridica delle comunità islamiche*, il Mulino, Bologna, 2000, p. 65.
[125] Although contemporary Islamic normative sources encompass not only the head covering but also the gown or cloak, the term *headscarf* used here is as a general reference to the Muslim attires as a whole, following both scholarly terminology and common usage. If necessary, more precise terms will be specified within their respective contexts.

making the issue more complicated. In addition, certain headscarves wearing is regarded as one of the external reflections of being religious extremism in some countries and is given restrictions, this phenomenon will be discussed in Chapter II in a more detailed way. In order to make the subsequent discussion more accurate and coherent, it is necessary to make an interpretation about definitions and disputes surrounding with this argument in previous part of the research. Specifically, two aspects are mainly focused in this section: first, giving the introduction to distinguish main Muslim headscarves, which have caused widespread controversy and; second, summarizing the possible reasons in a general way about why certain types of headscarves are restricted to wear on special conditions.

Unsurprisingly, the name of headscarf can not only be categorized in various types according to factors such as the fabrics, colors, and the extent to the body coverage (partial or full), but also the significance of wearing headscarf is multifaceted and sometimes contradictory, shaped by cultural and social variations as well as historical dress codes. Basing on this situation, an identification of the main controversial headscarves come to the forefront, and four distinct types of them are delineated below:

(1) *Burqa* (*Burqu'* or *Burka*). It is a full dress traditionally worn by Pashtuns in Afghanistan, which is a tent-like garment with a fitted cap, usually in blue, that completely conceals the entire face and body, often including gloves to cover the hands, with a mesh screen to shield the eyes, and enforced by the Taliban government in Afghanistan.

(2) *Niqāb*, which is more interchangeable with the English word, face "veil[126]." It formed as a piece of cloth fully covering the body and the face, but with a small opening for the eyes. Typically, *niqāb* is constructed of two layers: a solid base that reveals only the eyes, and a sheer top layer which, when draped downward,

[126] WINTER B., *Secularism aboard the Titanic: feminists and the debate over the hijab in France*, in *Feminist Studies*, Vol. 32 No. 2, 2006, p. 280.

completely conceals the face[127]. Women who wear the *niqāb* are referred to as *munaqqabah*. *Niqāb* is widespread in predominantly Muslims countries, such as Saudi Arabia and Yemen, and is most commonly observed in urban areas.

(3) *Ḥijāb*. It is a term which has frequently appeared in contemporary discourse, sparking debates among academics and policymakers alike. It is also one of central themes in the subsequent chapters of this research. Virtually, the term *ḥijāb*, which is accustomed to refer to in a daily usage is not precise. This term is derived from its verb form *hajaba*, that means "to hide from view[128]." So, it should not be considered a direct Arabic equivalent of "veil" but is more accurately translated as "modesty," encompassing meanings such as "cover," "wrap," "curtain," "screen," "partition," and "separation[129]." Within Islamic discourse, a women who adheres to the principles of modest dress as prescribed by Islamic teachings is described as "wearing *ḥijāb*[130]," and such a woman is referred to as *muḥajjabah*. Usually, the *ḥijāb* is supposedly to be worn once some women reach puberty, although prepubescent girls are often worn dressed in some form of headscarf in more conservative communities in both Muslim and Western countries[131].

In addition, the concept of *ḥijāb* is not a modern innovation, its resurgence is in the 1970s, coinciding with the rise of Islamic consciousness and movements, heightened religiosity across the Muslim world, significantly increased its prevalence as a mode of dress among Muslim communities[132]. The semantic evolution of *ḥijāb* from an action to an object can be traced back to the fourteenth-century jurist and

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[127] ZUHUR S., *Dress*, in *The Oxford Encyclopedia of Islam and Women*, in NATANA J. D. (ed.), Oxford University Press, Oxford, 2013, <https://www.oxfordreference.com/view/10.1093/acref:oiso/9780199764464.001.0001/acref-9780199764464-e-0110> (last accessed: 21.01.2026)

[128] WINTER B., *Hijab and the republic: uncovering the French headscarf debate*, Syracuse University Press, Syracuse, 2009, p. 22.

[129] SHADID W., VAN KONINGSVELD P. S., *Muslim dress in Europe: debates on the headscarf*, in *Journal of Islamic Studies*, Vol. 16 No. 1, 2005, p. 36.

[130] JENNIFER S., *Hijab*, in JOCELYNE C. (ed.), in *The Oxford handbook of European Islam*, Oxford University Press, Oxford, 2015, p. 702.

[131] WINTER B., *Hijab and the republic: uncovering the French headscarf debate*, Syracuse University Press, Syracuse, 2009, p. 22.

[132] GUINDI F. E., ZUHUR S., *Hijab*, in NATANA J. D. (ed.), in *The Oxford Encyclopedia of Islam and Women*, Oxford University Press, Oxford, 2013, <https://www.oxfordreference.com/view/10.1093/acref:oiso/9780199764464.001.0001/acref-9780199764464-e-0261> (last accessed: 21.01.2026)

theologian Ibn Taymiyya[133], who was among the first to use the term *ḥijāb* to refer to the evil as tangible marker distinguishing Muslim women from non-Muslim women, thus it came to serve not only as a sign of religious identity and affiliation with Islam, but also a marker of cultural belonging[134]. In modern contexts, both in Western and Muslim-majority societies, *ḥijāb* refers not only to a head-covering but also to a broader style of modest Islamic dress. It typically consists of a headscarf that fully covers the head, ears, and neck while leaving the face visible[135], with variations in style and color.

Today, the majority of Muslim women across the world choose to at least cover their hair and wear long clothes. And it serves not only as a marker of intra-Muslim identity and purity, but also as a means of demarcating boundaries between Muslims and non-Muslims, and more broadly, as a site of contestation within the host society itself.

d) *Jilbāb*, which translates "mantle" or "outer-garment" in English, refers to a long, loose tunic-like or coat-like garment that covers the whole body except for the face and hands. And this garment is considered to be worn by more religious or conservative Muslim women[136].

It is obvious that beyond the headscarves discussed above, numerous other forms of Muslim headscarves exist, they are less widely disputed with subtle distinctions, but sometimes are mentioned as a topic, so, features of them just are given in a brief description. For example, the *chador*—a Persian term—is an older practice in what is now Iran, now largely obsolete, and to a lesser extent, in certain regions of the Arabian Peninsula. Its form is with a long draping (semi-circle) cloak covering around the head and wrapped around the body, leaving the face visible while covering the

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[133] Ibn Taymiyya was born in 661-1263, he is described as a figure who has cast a particularly tenebrous shadow over contemporary Islamic thought. See VASALOU S., *Introduction*, in *Ibn Taymiyya's Theological Ethics*, Oxford University Press, Oxford, 2015, p. 3.

[134] GIULIA B., *Interculturalità, libertà religiosa, abbigliamento. La questione del burqa*, in *Stato, Chiese e Pluralismo Confessionale*, No. 25, 2012, p. 10.

[135] France 24, *Morocco bans production and sale of burqas: reports*, 11 January 2017, <https://www.france24.com/en/20170111-morocco-bans-production-sale-burqas-islam-veil> (last accessed: 21.01.2026)

[136] WINTER B., *Hijab and the republic: uncovering the French headscarf debate*, Syracuse University Press, Syracuse, 2009, pp. 22-23.

wearer down to the ankles, and can be considered as a particular variation of the *jilbāb*[137]. The *dupattas*, which typically has a light chiffon scarf loosely draped around the neck, and is part of a more integrated and open fashionable ensemble generally worn by Pakistani and Asian women. In addition, the *khimār*, a more precise Arabic term mentioned in the Qur'an but rarely used as a daily expression, refers specifically to a head covering "resembling a nun's wimple that covers the hair, extends low on the forehead, coming under the chin to conceal the neck, and drapes over the chest and back[138]."

Headscarves exist in a wide variety of forms, the motivations for wearing headscarves are similarly manifold, overlapping, and subject to change, their interpretations likewise exhibit a similar degree of diversity. However, the stereotypes associated with the Islamic headscarves often assign highly negative connotations, which has rendered the issue a central focus of public discourse and resulted in varying degrees of regulatory intervention. In its attempt to answer questions about why Islamic headscarves remain in a negative-oriented image and thus are restricted in special occasions, places, or even periods, four possible general reasons are delineated here:

(1) Considerations related to gender rights and dignity. For example, Muslim headscarves are often perceived—particularly by non-Muslim observers—as a manifestation of a reflection of internal patriarchy, an oppression to women through the ages that was stipulated by the Qur'an. And this perspective frequently leads to broader debates regarding female sexuality, dignity and autonomy. In discussions over the ownership and agency of the headscarves' wearing, issues of gender equality and direct or indirect discrimination which are related to headscarves are particularly prominent in the debate in the field of "feminism." A quiet notable yet disputable example is the French feminist organization *Ni Putes Ni Soumises* (NPNS, *Neither Whores nor Submissives*), founded in 2002, which strongly advocated removing of

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[137] WINTER B., *Secularism aboard the Titanic: feminists and the debate over the hijab in France*, in *Feminist Studies*, Vol. 32 No. 2, 2006, p. 280.
[138] SHADID W., VAN KONINGSVELD P. S., *Muslim dress in Europe: debates on the headscarf*, in *Journal of Islamic Studies*, Vol. 16 No. 1, 2005, p. 36.

visible religious signs for the purpose of promoting the constitutional principle *laïcité*, in the name of ensuring women's rights. Other feminists, for example, argued that headscarf-wearing serves as a symbol of religious conservatism, reflecting the use of the control of women's bodies to enforce a wider agenda of authoritarian political and cultural social control. Implicit in this argument is the assumption that removing headscarves signifies women's emancipation[139]. From this point, it is increasingly evident that the social and political meanings associated with those headscarves to some extent gradually go beyond religious practice itself. This phenomenon is further accentuated by the interplay of multiple factors, including the media amplification.

(2) Headscarves as products of the process of the interaction between religion and the secularization. Modernity inherently possesses a self-correcting mechanism that assured its reproduction and innovation form its center[140]. In the process dominated gradually by globalization and rationalism frameworks, the interaction between religion and secularization constitutes a complex arena of power negotiations and value conflict. Such tension inevitably give rise to contradictions relating to culture exchanging, social integration, the alignment of religious and national identity, and the management of religious diversity with its expression within the immigration or pluralism context. These conflicts are particularly pronounced in states that emphasize cultivating national republican values and national identities, where the public expression of affiliation is partially reshaped. Within this context, headscarves, rather than existing in isolation, it emerges as symbolic products of the interplay between religious and secular imperatives.

(3) Considerations of social security. In the process of developing comprehensive legal systems, issues of social security has consistently represented as a major concern for states. This concern became particularly pronounced in the wake of the 11 September 2001 attacks, an event that not only intensified the spread of Islamophobia, but also heightened the invisible panic regarding potential threat of Islamic terrorist

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[139] PNINA W., *Veiled interventions in pure space: honour, shame and embodied struggles among Muslims in Britain and France*, in *Theory, Culture & Society*, Vol. 24 No. 2, 2007, p. 162.
[140] NILÜFER G., *Snapshots of Islamic modernities*, in EISENSTADT S. N. (ed.), in *Multiple Modernities*, Routledge, Abingdon, 2017, p. 114.

threats, further leading to broader anxieties about national security and public order.

Against this backdrop, a perception has emerged that frames the Muslim headscarves as symbols of fundamentalism or an unacceptable act of religious propaganda, and the fundamentalism is often believed strongly associating with intolerance and terrorism[141], and by extension, the wearing of full-body coverings has been interpreted in some context as an invasion to other individuals' sphere of public liberty.

Moreover, the wearing of headscarves has often been interpreted as a reflection which is associated with seclusion, a perceived unwillingness to integrate[142], with a supposed failure to assimilate, and in certain cases, it has been interpreted as the terror-hidden signs or an expression of radical Islamism[143], thereby generating potential threat to social security. A prominent illustration of this dynamic occurred in October 2006 in the United Kingdom, during public controversies surrounding the *niqāb.* The debate arose not only because the *niqāb* was perceived as a marker of "separation and difference" that hindered communication and community relations, but also because its most extreme forms were implicitly linked to hidden terrorism, gender violence and extremism[144].

When come to the security issues, with the aid of the *European Convention for the Protection of Human Rights and Fundamental Freedom* (the Convention), decisions coming from the *European Court of Human Rights* (ECHR), which usually plays an arbiter role in adjudicating cases related to headscarf issues, also seem to make compromises, that is, the direction followed is to confirm the guidelines of national legislation, acknowledging that they have a great margin of judgment, rather than having articulated religious freedom as absolute, wearing headscarves falls

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[141] SHADID W., VAN KONINGSVELD P. S., *Muslim dress in Europe: debates on the headscarf*, in *Journal of Islamic Studies*, Vol. 16 No. 1, 2005, p. 45.

[142] This perspective can be explained by the point of view that in European culture it is through the face that emotions are expressed and relationships are established, to the extent that communication often occurs even in the absence of words. FRUGANTI L., *Il velo nelle scuole Europee*, in *Il Mulino*, No. 3, 2025, p. 139.

[143] JENNIFER S., *Hijab*, in JOCELYNE C. (ed.), in *The Oxford handbook of European Islam*, Oxford University Press, Oxford, 2015, p. 722.

[144] PNINA W., *Veiled interventions in pure space: honour, shame and embodied struggles among Muslims in Britain and France*, in *Theory, Culture & Society*, Vol. 24 No. 2, 2007, p. 164.

within the scope of individual freedom, and wearing of headscarves can be restricted if it is deemed incompatible with the broader understanding of public freedom and security[145].

(4) Scholarly and religious interpretations. In Deeper examinations of the relationship between headscarf-wearing and Islam reveal that scholars and religious authorities hold diverse interpretations and perspectives on this issue. Some scholars and religious figures have challenged the commonly held notion that Islamic headscarf has a pure Islamic religious origin[146]. Other scholars question about whether wearing the headscarf constitutes is as a religious obligation. They contend that such an obligation does not stem from Qur'an precept, but rather from the customs of certain populations that have spread in some Islamic areas, which have subsequently adopted by some Muslim women in Europe[147]. This perspective supports broader scholarly claims that the Islamic doctrine is divided on very nature of the *burqa*, as its religious significance or its traceability to a Qur'an prescription is not unequivocal[148].

According to the vast majority of legal opinions circulating within the Islamic world—and without excluding that, in the absence of a central authority capable of defining doctrine for all, wearing *burqa* or *niqab* is not a religious obligation, nor can such an obligation be founded on a reading of the sacred texts of Islam[149]. And the ongoing debate surrounding the headscarf may stem from the conflicting interpretations provided by different schools of Islamic thoughts basing on limited

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[145] AUGUSTO B., *Laicità: alle radici dell'occidente*, il Mulino, Bologna, 2023, p. 141.
[146] "Il velo non nasce musulmano ma lo diventa." See ABOUDRAR B., *Come il velo diventato musulmano*, in CONTE P. (trans.), Raffaello Cortina Editore, Milano, 2015.
[147] SHADID W., VAN KONINGSVELD P. S., *Muslim dress in Europe: debates on the headscarf*, in *Journal of Islamic Studies*, Vol. 16 No. 1, 2005, p. 60; See Ministero dell'Interno, *Portare burqa e niqab non è un obbligo religioso: è il parare del comitato per l'Islam Italiano*, <https://www1.interno.gov.it/mininterno/export/sites/default/it/sezioni/sala_stampa/notizie/2100_502_sottosegretario_mantovano/0056_2010_10_08_islam.html_29117504.html> (last accessed: 30.08.2025). See CARLO C., *Principi di diritto ecclesiastico: tradizione europea legislazione Italiana (4th ed.)*, G. Giappichelli, Torino, 2019, p. 223.
[148] GIULIA B., *Interculturalità, libertà religiosa, abbigliamento. La questione del burqa*, in *Stato, Chiese e pluralismo confessionale*, No. 25, 2012, p. 21.
[149] See BOTTONI R., GIANFREDA A., *Comitato per l'Islam Italiano. Parere concernente burqa e niqab*, 14 luglio 2010, in *Quaderni di Diritto e Politica Ecclesiastica*, No. 2, 2011, p. 474. See FRUGANTI L., *Il velo nelle scuole Europee*, in Il Mulino, No. 3, 2025, p. 139.

verses in the whole of the Qur'an[150].

Further, scholars point out that Islam does not prescribe a "ḥijāb law," and therefore, there is no universal Islamic mandate requiring women to wear it[151]. Specifically, the Qur'an does not explicitly command Muslim women must wear *ḥijāb*, nor does it prescribe any punishment for those who choose not to do so[152]. This opinion is also reaffirmed by scholars and participants in previous headscarf debates, who have affirmed that there is no directive mandating within the Qur'an for all Muslim women to wear the *khimār*, *jilbāb*, or *niqāb*, let alone a "curtain" (*ḥijāb*)[153]. For example, although the term *ḥijāb* appears eight times in the Qur'an, the majority of these references do not pertain to Muslim women's clothing but rather to a partition or curtain[154]. Even in the total of three sura of the Qur'an that mention protective clothing or curtaining off of women, non of them present a strict directive. At its most basic level, *ḥijāb* in the Qur'anic context is the term primarily denoting borders and establishing thresholds, which means a separation or boundary rather than a specific dress code[155].

In such a context, these scholarly and religious viewpoints have, to some extent, been cited to justify restrictions on headscarf-wearing in public spaces.

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[150] ABDERRAHMANE F., *Le voile est-il islamique ou non?*, 4 March 2010, <https://sisyphe.org/article.php3?id_article=1350> (last accessed: 04.02.2026).

[151] It is worth noting that in October 2025, a member of Iran Expediency Discernment Council stated in a press release that wearing the hijab would no longer mandatory, and that punitive measures would not be applied against those who choose not to comply. This announcement may initially appear to signal a relaxation of the legal requirements regarding the hijab. However, it is important to clarify that this Council does not possess the decision-making rights on such matter, and thus it does not mean that the hijab has been completely abolished. In practice, individuals in Iran remain legally bound by Article 638 of the Islamic Penal Code, which continues to serve as the main legal basis for the mandatory wearing of the hijab. Therefore, despite the Council's statement, the formal legal obligation persists. Modern AZ., *Has compulsory hijab been abolished in Iran, or not..?*, 6 October 2025, <https://modern.az/en/dunya/537000/has-compulsory-hijab-been-abolished-in-iran-or-not/> (last accessed: 16.02.2026)

[152] WINTER B., *Secularism aboard the Titanic: feminists and the debate over the hijab in France*, in *Feminist Studies*, Vol. 32 No. 2, 2006, p. 288.

[153] WINTER B., *Hijab and the republic: uncovering the French headscarf debate*, Syracuse University Press, Syracuse, 2009, pp. 23-25.

[154] GUINDI F. E., ZUHUR S., *Hijab*, in NATANA J. D. (ed.), in *The Oxford Encyclopedia of Islam and Women*, Oxford University Press, Oxford, 2013, <https://www.oxfordreference.com/view/10.1093/acref:oiso/9780199764464.001.0001/acref-9780199764464-e-0261> (last accessed: 04.02.2026)

[155] BUCAR E. M., GUINDI F. E., *Veiling*, in NATANA J. D. (ed.), in *The Oxford encyclope-dia of Islam and women*, Oxford University Press, Oxford, 2013, <https://www.oxfordreference.com/view/10.1093/acref:oiso/9780199764464.001.0001/acref-9780199764464-e-0381> (last accessed:04.02.2026)

1.2.2.4 Jihād: Origins and the Classifications

From the inception of Islam to the present day, the concept of *jihād* has remained central, both as a doctrinal principle and as a subject of extensive debate. Literally, *jihād* signifies to "struggle," "striving," "exertion," or "exerting oneself." On the basis of its usage in the Qur'an, it can be expressed by the individual faith. Its goal is to destroy evil, to spread belief in Allah and to make His words supreme in this world[156]. Derived from the Arabic root *jahada* ("to strive" or "to exert effort"), the term *jihād* has been employed not only by Muslims, but also by Arab Christians alike[157].

Within the Qur'an framework, *jihād* encompass a long and complex history of meanings. Although it is conventionally rendered into English as "holy war,"—a translation shaped by its association with the medieval Crusades—this interpretation is generally rejected by Muslims as too narrowly Christian[158]. A related term is *mujahia* (fem. *mujahida*), which more literally denotes the one who struggles for Islam[159], but later, it becomes a synonymous with "freedom fighter."

In such context, beyond considerations regarding the very definition of jihad, another central and complex debate emerges, namely whether the essence of jihad should be understood as violent or non-violent, or as encompassing both. Notably, it even cannot find the specific identification fully supported from the Qur'an, that is, it does not depict jihad as an entirely nonviolent concept, however, it is also evident from the descriptions that jihad is not necessary entailed with actual fighting. Consequently, interpretations of jihad remain open to contextual and doctrinal nuance, reflecting both spiritual and, at times, martial dimensions. Meanwhile, the Prophet exemplified a dual concept of jihad throughout his life, functioning simultaneously as a head of state, a conquest leader, a spiritual guide, and an advisor on various aspects of daily life. Similarly, he personified the very essence of the Islamic institution,

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156 MOHAMMAD N., *The doctrine of Jihad: an introduction*, in *Journal of Law and Religion*, Vol. 3 No. 2, 1985, p. 385.
157 GILLES K., *Jihad*, in *Pouvoirs*, Vol. 1 No. 104, 2003, p. 135.
158 DAVID C., *Understanding Jihad* (2nd ed.), University of California Press, Oakland, 2015, p. 1.
159 WINTER B., *Hijab and the republic: uncovering the French headscarf debate*, Syracuse University Press, Syracuse, 2009, p. 39.

serving as the principal authority and regulator of its principles through his charismatic leadership and exemplary conduct[160].

In general, it can tell that both before and after the advent of Islam, violence in social relations and between tribes can be seen a feature of life in the Arabian Peninsula. It can be understood that the *Great Islamic Conquests* of the seventh and the eighth centuries were attached the label as jihad, a term which traditional Muslim jurists and scholars understood primarily as "warfare with spiritual significance." This interpretation, intertwined with eschatological beliefs about "the end of the world," provided Muslim fighters of the era with the spiritual motivation needed to carry out and achieve the conquests. These conquests, in turn, established the essential preconditions for the subsequent spread of Islam[161].

With the cessation of large-scale Islamic conquests in the eighth and ninth centuries, the emphasis on jihad gradually shifted away from its violent, battlefield-oriented dimension towards a more spiritual understanding. This transformation was shaped and developed significantly by early Muslim ascetics *(zuhhād)*[162], who were among the earliest adherents of Islam and were enthusiastic participants in its military campaigns. Rather than focusing solely on specific forms of austerity, these ascetics were distinguished by their exceptional dedication to

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[160] ABDELAÂLI L., *Emprise de l'idéal, pacte dénégatif et répétition: l'islamisme comme matrice idéologique du terrorisme djihadiste*, in *Connexions*, Vol. 107 No. 1, 2017, p. 88.

[161] DAVID C., *Understanding Jihad* (2nd ed.), University of California Press, Oakland, 2015, pp. 2, 13, 23.

[162] Asceticism, commonly understood as deliberate austerity undertaken as part of a devotional life, is conventionally translated from the Arabic term "*zuhd*." It generally signifies renunciation of, or detachment from, worldly concerns. See MELCHERT C., *Asceticism*, in FLEET K., GUDRUN K., MATRINGE D., NAWAS J., DEVIN J. S. (eds.), in *Encyclopaedia of Islam Three Online*, Brill, Leiden, 2007, <https://referenceworks.brill.com/display/entries/EI3O/COM-0022.xml?rskey=Xcak3B&result=1> (last accessed: 23.01.2026). More specifically, in a religious context, asceticism (*zuhd*) refers to both material and spiritual practices aimed at fostering a closer relationship with the divine. And the practitioner of *zuhd*, known as anascetic (*zāhid*), is characterized as a pious individual who has renounced all worldly possessions. See *Encyclopaedia of Islam (2nd.). Glossary and Index of Terms: zāhid*, in FLEET K., GUDRUN K., MATRINGE D., NAWAS J., STEWART D. J. (eds.), in *Encyclopaedia of Islam Online*, Brill, Leiden, 2012, <https://referenceworks.brill.com/display/entries/EIEG/SIM_gi_05329.xml?Tab-menu=article-metadata> (last accessed: 21.01.2026)

devotional practices, such as extensive Qur'anic recitation and ritual prayer[163]. This profound commitment laid the foundation for broader interpretations of jihad, expanding its meaning to encompass both spiritual and ethical dimensions.

Strictly speaking, there has a critical distinction in the understanding of jihad by *the ascetic mystics* and *the ascetic warriors*. Both groups viewed jihad as a spiritual struggle and a spiritual exercise aimed at guiding the soul away from worldly attachments, however, their conceptualizations diverged in significant ways. For *the ascetic mystics*, jihad was not an end in itself but a trans-formative process to achieve closeness with God by transcending the limitations of the material world, emphasizing inner moral and spiritual discipline. In contrast, *the ascetic warriors* construed jihad as an external, martial endeavor inspired by the Prophet Muhammad's military campaigns, framing it as a means to attain the honor of martyrdom and the associated divine rewards[164].

This divergence, to some extent, laid the foundation for the conceptual division of jihad into "greater jihad" (*al-jihad al-asghar*) and "lesser jihad" (*al-jihad al-akbar*). The "greater jihad" in the language of mystics is referring to the asceticism, which is defined as an inner, nonviolent struggle aimed at overcoming evil, resisting temptation, and controlling negative impulses. It further entails a commitment to combating injustice, ignorance, and violence within oneself and in society, ultimately striving for psychological perfection, or even spiritual union with God[165]. In contrast, the "lesser jihad" is typically characterized as an external, violent struggle, often associated with armed conflict in defense of Islam (*la lotta armata per la difesa dell'Islam*)[166]. Notably, within Islamic orthodoxy, the "greater jihad" is considered a prerequisite for engaging in the "lesser jihad," emphasizing the moral and spiritual

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[163] MELCHERT C., *Asceticism*, in FLEET K., GUDRUN K., MATRINGE D., NAWAS J., STEWART D. J. (eds.), in *Encyclopaedia of Islam Three Online*, Brill, Leiden, 2007, <https://referenceworks.brill.com/display/entries/EI3O/COM-0022.xml?rskey=Xcak3B&result=1> (last accessed: 03.02.2025)

[164] HECK P. L., *Jihad revisited*, in *Journal of Religious Ethics*, Vol. 32 No. 1, 2004, pp. 98-100.

[165] GILLES K., *Jihad*, in *Pouvoirs*, Vol. 1 No. 104, 2003, p. 135.

[166] MELIS N., MANDUCHI P. , *La rilevanza femminile per il jihadismo contemporaneo: una prospettiva storica su donne e terrorismo*, in *Donne e jihad: percorsi di radicalizzazione, proselitismo e reclutamento*, StreetLib, Milan, 2021, pp. 39-40.

discipline required before undertaking outward struggles[167].

If the previously outlined clarification of jihad can be regarded as a pre-modern interpretation. In contrast, the contemporary understanding of jihad has undergone significant redefinition. Theoretically, contemporary theories of jihad can be traced back to the period when overt military resistance to Western incursions subsided, prompting a radical redefinition of jihad[168]. This redefinition emerged either as a response to apologetic imperatives or due to the necessity of adapting the concept to align with new socio-political realities[169]. When viewed through a historical lens, it becomes evident that jihad has not been confined to conflicts between Muslim and non-Muslims, but has also encompassed wars and disputes within Muslim communities themselves. From the fourteenth century onwards, for instance, jihad was sometimes interpreted as legitimizing rebellion against a Muslim ruler who violated the Shariah[170]. Nevertheless, it is noteworthy—and perhaps understandable—that neither Muslim scholars nor historians have established definitive criteria by which such wars or conflicts could consistently be categorized as jihad[171]. During the pre-modern period, "warfare with spiritual significance" is the primary and root meaning of this term as it is defined by classical Muslim jurists and legal scholars and as it was practiced by Muslims. Nowadays, however, it is frequently interpreted, both within the Muslim tradition and outside of it, as a form of warfare against infidels[172]. In response to the negative connotations that the concept of jihad has acquired in European languages, many contemporary Muslim authors emphasize a narrower interpretation, contending that the term should be understood in

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[167] HECK P. L., *Jihad revisited*, in *Journal of Religious Ethics*, Vol. 32 No. 1, 2004, p. 99.

[168] Regarding the interaction between jihad and the West, it has been observed that in the late eighteenth and early nineteenth centuries, jihads organized by more traditional movements of Islamic renewal played a significant role in the Muslim response. Many of these early movements, however, initially emerged as efforts at social and religious reform and were only later drawn into conflicts with European forces. By the mid-nineteenth century, new movements of Islamic revival arose in direct response to European military and political encroachments. See VOLL J. O., *Foundations for renewal and reform. Islamic movements in the eighteenth and nineteenth centuries*, in ESPOSITO J. L. (ed.), in *The Oxford History of Islam*, Oxford University Press, Oxford, 2000, p. 537.

[169] DAVID C., *Understanding Jihad* (2nd ed.), University of California Press, Oakland, 2015, p. 93.

[170] MOHAMMAD N., *The doctrine of Jihad: an introduction*, in *Journal of Law and Religion*, Vol. 3 No. 2, 1985, p. 393.

[171] DAVID C., *Understanding Jihad* (2nd ed.), University of California Press, Oakland, 2015, pp. 2-3.

[172] LANDAU-TASSERON E., *Jihād*, in *Encyclopaedia of the Qur'ān Online*, Brill, Leiden, 2018, <https://doi.org/10.1163/1875-3922_q3_EQCOM_00101> (last accessed: 26.01.2026)

its essential sense of "striving."

Scholarly discourse on the modern conceptualization of jihad generally revolves around two major lines, that is, either jihad is perceived as defensive (or the *defensive theory*), focusing primarily on the preservation and proclamation of Islam, or it is viewed as militant and aggressive (or the *offensive theory*), aimed at revitalizing Islam's influence and elevating its prominence to new heights[173].

While, the perspective of the *offensive theory* is grounded in the premise that Islam is intended for all of humanity, and Muslims have a duty to propagate their faith universally. According to this logic, any barriers to the spread of Islam must be removed—preferably through peaceful means, but, if necessary, by force, provided Muslims have the capacity to do so. However, this theory does not withstand close scrutiny when examined against the Qur'anic context. On one hand, the Qur'an outlines specific verses and detailed principles for propagating Islam that explicitly exclude the use of force. On the other hand, this interpretation contradicts the Qur'anic framework for armed conflict with non-Muslims, which emphasizes the inherent principle of neutrality and restricts aggression[174].

1.2.2.5 Martyr: Connotation and the "Allures"

Whether conceived as a process or a means, the term *martyr* is invariably associated with jihad. In the Islamic context, *martyr*—referred to in Arabic as *shahīd*—derives etymologically from the Greek term for "witness," initially understood as one who bears testimony to the truth of their beliefs and is willing to sacrifice their life to attest to its veracity. Within Islam, the notion of martyrdom, perhaps unsurprisingly, developed into a more active and dynamic dimension. In early Islamic history, martyrdom primarily referred to "dying in battle." Over the course of subsequent centuries, however, the scope of this concept gradually expanded. For example, by the sixteenth century, a more authoritative pamphlet began to classify various causes of death—such as fever, snake venom, or animal attacks—as forms of

[173] DAVID C., *Understanding Jihad* (2nd ed.), University of California Press, Oakland, 2015, p. 122.
[174] SHAH N. A., *The use of force under Islamic law*, in *European Journal of International*, Vol. 24 No. 1, 2013, pp. 351-353.

martyrdom. Although this broadened interpretation was met with skepticism and deemed insignificant by some, it nonetheless contributed to the evolving discourse around the paradigms of "greater jihad" and "lesser jihad" mentioned above. In traditional Islamic literature, however, consistent efforts were to made to restore the original understanding of martyrdom as "dying in combat for the cause of Allah," an interpretation that has been widely supported by Islamic jurists.

Martyrdom holds a significant place in the hearts of believers due to the "allure" of the divine rewards associated with it, which resonate strongly with their spiritual aspirations. On one hand, the Qur'an provides an elaborate and enticing depiction of paradise, promises in the early verses show that anyone who believes in God will experience its marvels, on the other hand, the later sections of the Qur'an explicitly links the attainment of such rewards to martyrdom or dying in battle.

Specifically, the divine rewards of martyrdom can be categorized into two main aspects: the claim of rewards in the next world and rewards in the earthly realm.

From the perspective of the next world-those most eagerly anticipated by the faithful-paradise is portrayed in vivid, sensual terms. Those behaviors that are forbidden in the present world, such as drinking wine, wearing gold and silk, and enjoying the company of multiple beautiful women, are described as permissible and attainable for the blessed. These descriptions are frequently highlighted in both the Qur'an and the *hadith* literature, particularly in sections addressing jihad. Additionally, an especially compelling reward for martyrs is their elevated status in paradise and the privilege of interceding on behalf of other Muslims during the Day of Judgment. More significantly, those who perish while fighting "in the path of God" are believed to gain immediate entry into Paradise, bypassing the need to await resurrection or the Day of Judgment[175], this promise of "life after death" and "immediate entry into paradise" does serve as a powerful motivator, encouraging believers to embrace martyrdom or undertake courageous actions.

Secondly, martyrdom also brings earthly rewards, including the fame and honor

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[175] MALISE R., *The two jihads*, in RUTHVEN M. (ed.), in *Islam: a very short introduction* (2nd ed.), Oxford University Press, New York, 2012, p. 127.

bestowed upon the martyrs and their families. That is, rather than manipulate or brainwash individuals to become human bombs, they engender the myth of the "heroic martyr" in public discourse and debates[176].

It can thus be seen that the dual dimension of rewards-spiritual and worldly-plays a pivotal role in fostering a positive perception of martyrdom and its significance within the broader religious framework.

In the aftermath of the decline of Islamic conquests from the mid-eighth century onwards, a number of significant consequences emerged. First, it was no longer feasible for all Muslims to reside in frontiers regions and always be ready for martyrdom. Second, the religious community witnessed a substantial increase in converts. As a result, when compared with earlier centuries, the once-compelling spiritual prestige associated with martyrdom began to diminish in its wide-ranging influence on the broader community of believers[177].

1.2.2.6 Salafism, Wahhābism, Islamic Fundamentalism and Islamism

As noted earlier in this chapter, Islam is historically divided into two principal branches: Sunni and Shiite. The majority of Muslims identify as Sunni, and it is within this branch that certain puritanical movements, notably Salafism and Wahhabism, have emerged. These movements represent distinct yet interconnected strands of Islamic thought that have significantly shaped contemporary debates on religious revivalism, extremism, and fundamentalism.

Salafism is a transnational Sunni Islamic movement that crystallized in the late nineteenth century in Egypt, it has been growing fast in recent years, especially among uprooted people estranged from their original ethnic or national culture, and is largely opposed to integration into mainstream West European societies[178]. Although rooted in similar aspiration to restore Islam to its original purity, Salafism

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[176] HAFEZ M. M., *Dying to be martyrs: the symbolic dimension of suicide terrorism*, in AMI P. (ed.), *Root causes of suicide terrorism. The globalization of martyrdom*, Routledge, London, New York, 2006, p. 55.

[177] DAVID C., *Understanding Jihad* (2nd ed.), University of California Press, Oakland, 2015, pp. 26-31.

[178] SCHMID A. P., *Violent and non-violent extremism: two sides of the same coin?*, in International Centre for Counter-Terrorism, May 2014.

encompasses three main currents: *apolitical (quietists) Salafis*, *political (or activist/reformist) Salafis* and *jihadi Salafis*[179]. At its core, Salafism seeks to purify contemporary Islamic practice by emulating the model of the Prophet Muhammad, the Sunna, and the so-called "pious forefathers" (*al-salif al-salih*). It constitutes a rigorous and influential doctrine that, in recent decades, has acquired global reach, offering adherents not only theological and ritual guidance, but also prescriptive frameworks for navigating modern social, political, and moral dilemmas. To discern the truth path, Salafis emphasize that not only rigorous study of the Qur'an is needed, but also the sayings and teachings of the Prophet Muhammad[180] is particularly performed, with the belief that Islam's "golden age" can only be revived through uncompromising adherence to these early models. Salafism comes in several variants, one of which is Wahhabism.

The terms *Wahhabism* is commonly used—often interchangeably with *Wahhabi*—to designate a particular strand of Salafist thought commonly associated with the religious establishment of the Kingdom of Saudi Arabia. And *Wahhabi* movement can be regarded as the best known of the eighteenth-century movements of Islamic revival, and represents the most legally oriented and literalist one among the major renewalist movements in that century[181]. In its original context, *Wahhabi* was coined by the theologian scholar Muhammad ibn‘Abd al-Wahhab (1703-1791), who

[179] ROEL M., *Global salafism*, in DAVID A. S., DONATELLA DELLA P., DOUG M., BERT K., in *The Wiley-Blackwell Encyclopedia of Social and Political Movements* (2nd eds.), Wiley-Blackwell, New Jersey, U.S., 2022, pp. 925-926.
[180] ROEL M., *Global salafism*, in DAVID A. S., DONATELLA DELLA P., DOUG M., BERT K., in *The Wiley-Blackwell Encyclopedia of Social and Political Movements* (2nd eds.), Wiley-Blackwell, New Jersey, U.S., 2022, p. 924.
[181] VOLL J. O., *Foundations for renewal and reform. Islamic movements in the eighteenth and nineteenth centuries*, in ESPOSITO J. L. (ed.), in *The Oxford History of Islam*, Oxford University Press, Oxford, 2000, p. 517.

was raised in a family of strict *Ḥanbalī* school[182] of Islamic legal interpretation. And the *Ḥanbalī* tradition, established by Ahmad ibn Hanbali, accords paramount importance to the Prophetic traditions, giving utmost prominence to the source of law and rejecting the validity of human reasoning in its various forms as a legitimate basis for legal rulings. Building on this interpretive framework, ibn‘Abd al-Wahhab advocated a return to the orthodox practice of the "fundamentals" of Islam as contained in the Qur'an and embodied in the life of the Prophet Muhammad. His reformist project emphasized austere practices allegedly observed by the Salaf—the earliest generations of Muslims in the seventh century. In this context, he rejected images, saints, shrines, communal festivals, and secular pastimes, such as music, dance, and socializing, regarding them as distractions from true piety, and rejected all changes[183]. More conservative interpretations of *Wahhabism* have gone further, portraying Shiites and other non-Wahhabi Muslims as heretical deviants. Thus, *Wahhabism* came to represent a ritualistic puritanism which referred directly to the Muslim scriptures and certain fundamentalist fighter in Muslim tradition[184], and remained central to the development of Islamic revivalism and radicalism[185].

When addressing the notion of *fundamentalism*, it seems like failing to acquire a shared and stable meaning, as demonstrated by both practical experience and

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[182] Beginning in the eighth to the ninth centuries CE, four principal schools of law (*madhāhib*) emerged within the Sunni Islam, each offering distinct but mutually recognized interpretations of Islamic jurisprudence. These are the ***Ḥanafī***, ***Mālikī***, ***Shāfiʿī***, and ***Ḥanbalī*** schools, all of which are considered as equally legitimate and orthodox within Sunni tradition. And each schools is named after its respective founder. (1) The ***Ḥanafī school***, which is the oldest school of law originated in Iraq, its doctrines, developed through a relatively extensive use of human reasoning, reflecting the complexities of urban life. This school is prevalent in regions such as Turkey, Central Asia, Iraq, Syria, Afghanistan and Pakistan; (2) The ***Mālikī school*** emphasizes the preservation of the legacy of the first Muslim community formed under the Prophet's leadership, and it is prevalent in North Africa; (3) The ***Shāfiʿī school***, which is credited with formulating the system of sources for Islamic law and assigning a central role to the *hadith* traced back to the Prophet. It has a significant presence in Egypt, the Horn of Africa, Yemen, South and Southeast Asia, including India, Indonesia and Malaysia; (4) The ***Ḥanbalī school***, dominant in Saudi Arabia, Qatar, and other Gulf states, is distinguished by its strict adherence to scriptural sources and its general rejection of the validity of human reasoning (*fiqh*) in its various forms as a basis for legal rulings. See BECK-PECCOZ R. A., *Islam: unità e pluralità*, in FERRARI S. (ed.), in *Musulmani in Italia: la condizione giuridica delle comunità islamiche*, il Mulino, Bologna, 2000, p. 63. CHRISTOPHER M. B., *Islam: Sunnis and Shiites*, in *Congressional Research Service*, 9 November 2010, <https://core.ac.uk/download/pdf/71001024.pdf> (last accessed: 09.02.2026)

[183] CHOKSY C. E. B., CHOKSY J. K., *The Saudi connection: wahhabism and global jihad*, in *World Affairs*, Vol. 178 No. 1, 2015, p. 25.

[184] AL-AZMEH A., *Islamic fundamentalism*, in SMELSER N. J., BALTES P. B. (eds.), in *International Encyclopedia of the Social & Behavioral Sciences*, Pergamon, Oxford, 2011, p. 7932.

[185] DAVID C., *Understanding jihad* (2nd ed.), University of California Press, Oakland, 2015, p. 98.

scholarly analysis, it proves difficult to distinguish fundamentalism clearly from other forms of intense, integralist religiosity that are characterized by political connotations.

As Andrea Gatti explains that the term fundamentalism originates from the Puritan core of modern Western thought. The "ultimate" nature of the sacred texts, combined with strong political-social claims, distances this vision from the religious ideal of contemplative perfection or the mere imitation of sacred texts (as seen in religious fanaticism or radicalism). Furthermore, he presents the understanding of fundamentalism with a dual dimension, namely, a methodological and a substantive one. From the methodological perspective, fundamentalism manifests itself as a technique aimed at imposing religion upon politics by seeking religious legitimation for an effort (or comment) that is essentially political; from the substantive perspective, fundamentalism is first and foremost an identity, one that appeals to doctrines standing in opposition to the axiological foundations of the state[186]. Similarly, according to Pace and Guolo, fundamentalism designates the religious attitude of those who inflexibly believe in the revealed truths that are the foundation of their faith, rejecting any form of partial or historical interpretation of these doctrines with the assertion of the axiological superiority of sacred law over human law[187].

In legal and political discourse, therefore, an effective responses to fundamentalism might take account of its distinct theological foundations. While, from a broader conceptual standpoint, fundamentalism exists and it is a known a fact, and constitutes a mode of religious thought and action that questions the ethical bond that holds together people living in the same society, especially when that society is imagined not as composed of autonomous and isolated individuals, but of believers who cannot but see their shared faith identity recognized in all areas and spheres of social action. That is, the fundamentalist movements that people are facing with are not with abstract formulas religious faith or violent slogans, but with real individuals who, in various ways, refer to a religious doctrine or sacred tradition, reinterpret it,

[186] ANDREA G., *La democrazia che si difende: studio comparato su una pratica constituzionale*, Wolters Kluwer Italia S.r.l., Milano, 2023, pp. 50-51.
[187] PACE E., GUOLO R., *I fondamentalismi*, Laterza, Bari, 2002, pp. 5-6.

and in some cases reinvent it[188].

Following this vein, *religious fundamentalism* can be defined as a set of beliefs about the attitudes towards one's and others' religions, grounded in a disciplinarian conception of the "deity, literalism, religious exclusivity, and religious intolerance[189]." Each of the so-called religious fundamentalist movement, while internally plural and diverse, represents a specific response to particular modes of drawing the boundaries between the religious and the secular. Such responses are not only reactive, but also constitute proactive efforts to seize the opportunity offered by processes of globalization to redraw those boundaries[190].

Adherence to fundamentalist tendencies within a particular faith can easily lead the faith itself to various forms of misuse. This often manifests as excessive conformism, heightened loyalty to the ideology of internal groups, and the reduction of complex religious factors to a simplified dichotomy of internal versus external group relations[191]. This dynamics is particularly visible in the case of *Islamic fundamentalism*.

The very term Islamic fundamentalism is itself a relatively recent Western construct. Originating in the United States during the 1920s[192], and in the following few decades, rare and sporadic references to Islamic fundamentalism appeared in print,

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[188] ENZO P., PIERO S., *Il fondamentalismo religioso contemporaneo*, Editrice Queriniana, Brescia, 2000, pp. 16-17.

[189] MANSOOR M., *Religious fundamentalism as disciplinarian deity, literalism, religious exclusivity, and religious intolerance*, in *The clash of values: Islamic fundamentalism versus liberal nationalism*, Columbia University Press, New York, 2020, p. 117.

[190] JOSÉ C., *The secular, secularization, secularisms*, in CALHOUN C., JUERGENSMEYE M., VANANTWERPEN J. (eds.), in *Rethinking Secularism*, Oxford University Press, Oxford, 2011, p. 83.

[191] ANDREA G., *La democrazia che si difende: studio comparato su una pratica constituzionale*, Wolters Kluwer Italia S.r.l., Milano, 2023, p. 55.

[192] According to the explanation from the scholar Wu Yungui, he summarizes that the origins of Islamic fundamentalism can be traced to the eighteenth-century Wahhabi doctrine in Saudi Arabia. However, Wahhabism lacks the modern ideological foundations that characterize contemporary Islamic fundamentalism and differs substantially from it. Modern Islamic fundamentalism began to take shape in the twentieth century, particularly with the establishment of the Muslim Brotherhood in Egypt in 1928. At its peak, the Brotherhood reportedly had over one million adherents and became the most influential Islamic fundamentalist organization of the twentieth and twenty-first centuries. Today, with the exception of Shiite fundamentalist movements, the ideology of nearly all Sunni fundamentalist organizations worldwide has been significantly influenced by the Egyptian Muslim Brotherhood. See WU YUNGUI (吴云贵), *Analytical distinction between Islamic fundamentalism, religious extremism, and international terrorism* (伊斯兰原教旨主义，宗教极端主义与国际恐怖主义辨析), in *Social Science Abroad* (国外社会科), No. 1, 2002, pp. 14-18.

often with inconsistent meanings. It was only fifty years later that the term gained widespread currency, primarily as a result of extensive media coverage of the Iranian Revolution, and the use of fundamentalism in connection with Islam spread rapidly[193]. Conversely, by virtue of its widespread usage, Islamic fundamentalism soon become the most cited variant of fundamentalism of all[194]. As such, the Islamic fundamentalists may be more accurately understood as a historically contingent form of Islamic revivalism that advocates of an absolute form of religious ideology, allowing no gray area between religious and secular domains[195].

Gradually, it becomes as the political expression of a particular attitude towards scriptural material, sharing affinities with other forms of monotheistic fundamentalism and drawing upon anti-Enlightenment motifs recurrent throughout history. By the late twentieth century, it had evolved into a globally resonant ideology premised on the view that societies and histories constituted organic wholes sundered and rendered into a condition of morbid distemper by the historical process of modernity. Furthermore, an important ideological innovation, in which Islamic fundamentalism resides, is the notion about *takfir*, which portrays that Muslims societies are not only aberrant and unfaithful to their natural history, but also represents territories of degeneration and godlessness, in need of a total recasting along models derived from the Prophet period in Islam history[196]. Thus, far from

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[193] Similarly, the scholar Wu Yungui explains that since the 1980s, Islamic revivalist movements have emerged vigorously in the Middle East, where Islam is widely practiced, this region thus constitutes one of the intersections of global conflicts and tension. Following the end of the Cold War in the 1990s, various regional conflicts—particularly those with religious and ethnic dimensions—have often been associated with Islamic fundamentalism. Consequently, the phenomenon has attracted considerable attention. Also for this reason, many issues concerning Islamic countries and peoples are frequently generalized under the label of "the Islamic question" or "fundamentalism," and are analyzed in the context of the relationship between Islam and international politics. See WU YUNGUI (吴云贵), *Analytical distinction between Islamic fundamentalism, religious extremism, and international terrorism* (伊斯兰原教旨主义，宗教极端主义与国际恐怖主义辨析), in *Social Science Abroad* (国外社会科), No. 1, 2002, p. 16.

[194] MARTIN K., *Coming to terms: fundamentalists or Islamists?* in *Middle East Quarterly*, Vol. 10 No. 2, 2003, pp. 67-68.

[195] DUAN ZHIDAN (段志丹), *Eastern Turkestan Islamic Movement (ETM) is the outcomes of extreme nationalism and religious extremism* ("东突" 运动是极端民族主义和极端宗教主义的产物), in *Social Sciences in Xinjiang* (新疆社会科学), No. 6, 2007, p. 43.

[196] AL-AZMEH A., *Islamic fundamentalism*, in SMELSER N. J., BALTES P. B. (eds.), in *International Encyclopedia of the Social & Behavioral Sciences*, Pergamon, Oxford, 2011, pp. 7931-7934.

being a withdrawal from the modern world, Islamic fundamentalism provides a vehicle for collectively and critically engagement in worldly affairs[197]. Based on this understanding, Islamic fundamentalism functions as a constellation of diverse political, social, ideological, and intellectual trends, each operating within varying orientations and national settings. Similarly, some authors treat the term Islamic fundamentalism as an overarching or umbrella concept, which encompasses a variety of related subcategories.

A further conceptual distinction arises with the notion *Islamism*. From Winter Bronwyn's perspective, the term Islamism is as broadly synonymous with *Islamic fundamentalism*, to characterize a religiously motivated, right-wing Islamic political movement that seeks to intervene in both politics and society, with the aim of asserting conservative religion-based, social control over targeted populations[198]. Meanwhile, scholar further elaborates this relationship that the concept of Islamic fundamentalism refers to a complex phenomenon with multiple facets, other term that are used to describe this and related phenomena are Islamism, political Islam, radical Islam, and Salafism[199]. Islamism, although grounded in religious foundations, is not a reactionary movement; rather, it is a progressive one—even if certain outcomes and various concrete implementations are regressive[200]. Further, Islamism emphasizes the universality and supremacy of Islam, envisioning all its adherents as belonging to a single community regardless of differences in bloodline, language, ethnicity, race, or geography[201]. The researcher Laura Sabrina Martucci further reveals the situation that Islamism is a perverse use of religion, rather than religion itself, that motivates and

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[197] NILÜFER G., *Snapshots of Islamic modernities*, in EISENSTADT S. N. (ed.), in *Multiple Modernities*, Routledge, Abingdon, 2017, p. 98.
[198] WINTER B., *Hijab and the republic: uncovering the French headscarf debate*, Syracuse University Press, Syracuse, 2009, p. 34.
[199] SCHMID A. P., *Violent and non-violent extremism: two sides of the same coin?*, in International Centre for Counter-Terrorism, May 2014.
[200] ALLIEVI S., *Islam Italiano: viaggio nella seconda religione del paese*, Einaudi, Torino, 2003, p. 202.
[201] DUAN ZHIDAN (段志丹), *Eastern Turkestan Islamic Movement (ETM) is the outcomes of extreme nationalism and religious extremism* ("东突" 运动是极端民族主义和极端宗教主义的产物), in *Social Sciences in Xinjiang* (新疆社会科学), No. 6, 2007, p. 41.

causes jihadist radicalization, in the paradigm a sense of radicalization[202].

The difficulty of comprehending Islamism lies in the very ambiguous conception and the genealogy of the term reveals a more complex trajectory. The term Islamism first appeared in French form *Islamisme* at the end of seventeenth century, deriving from the root Islam and serving as a synonym for the religion of Muslims, which was then more commonly referred to as *mahométisme*—the faith taught and practiced by the Prophet Muhammad. From the seventeenth until the early twentieth century, this term circulated primarily within Europe, where it was also generally used to denote Islam as a religion. However, after falling out of common usage in the early twentieth century, the term *Islamisme* was revitalized in France following the profound political changes that swept the Middle East in the 1970s, especially in the wake of the Iranian Revolution[203]. It was about 1985, the French concept *Islamisme* had crossed into English discourse with an evolved meaning: no longer a neutral reference to Islam as a religion, but a modern ideology and a political program[204], centred on establishing a so-called *Islamic order* rooted in the concepts of an Islamic State[205]. Islamism thus embodies a paradox, on the one hand, it evokes a sense of mythical continuity rooted in religious tradition and a puritanical self-hood; on the other hand, it represents a distinctly modern phenomenon—disrupting temporal continuity, breaking with established traditions and the past, while also blending with contemporary experiences and identities[206]. Nowadays, Islamism is a social-political movement of mainly Salafists that has also found adherents outside Arab and Muslim countries in Western diasporas.

1.2.2.7 Pan-Turkism and Pan-Islamism

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[202] See MARTUCCI L. S., *Radicalizzati jihadisti: profilazione e deradicalizzazione constitution-compliant*, in *Stato, Chiesa e Pluralismo Confessionale*, No. 3, 2019, p. 14.
[203] QIAN XUEMEI (钱雪梅), *Exploring the origins of Islamism* (伊斯兰主义探源), in *The Journal of International Studies* (国际政治研究), No. 5, 2021, pp. 11-12, 14.
[204] MARTIN K., *Coming to terms: fundamentalists or Islamists?* in *Middle East Quarterly*, Vol. 10 No. 2, 2003, pp. 65, 71.
[205] QIAN XUEMEI (钱雪梅), *Exploring the origins of Islamism* (伊斯兰主义探源), in *The Journal of International Studies* (国际政治研究), No. 5, 2021, p. 33.
[206] NILÜFER G., *Snapshots of Islamic modernities*, in EISENSTADT S. N. (ed.), in *Multiple modernities*, Routledge, Abingdon, 2017, p. 95.

Pan-Turkism and Pan-Islamism constitute the two primary ideological foundations of the "East Turkestan[207]" movement, which emerged primarily in the nineteenth and twentieth centuries.

Pan-Turkism, in particular, serves as the conceptual basis and vehicle through which the movement seeks to trace its "ethnic heritage" and "national identity," ultimately aiming to pursue ethnic independence[208]. The central marker of identity within Pan-Turkism is the shared Turkic ethnicity, language and culture. Contemporary expression such as the Organization of Turkic States, which, beyond its immediate geopolitical scope, has also exerted cultural and political influence across parts of Central and East Asian.

By contrast, the Pan-Islamism, developed during the second half of the nineteenth century, gaining further momentum in the twentieth century. Specifically, Jamal al-Din al-Afghani (1838-1897)[209] is one of the Islamic modernists who actively affirms the Pan-Islamic ideals, the influence reflects the vitality of the aspiration for Islamic renewal at the beginning of the twentieth century[210]. It reinforced the Pan-Muslims's assertion of the universal nature of Islam and promoted the idea of global Muslim solidarity with the ultimate goal of establishing a unified Islamic polity

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[207] The "East Turkestan" movement is considered that is fundamentally structured around Pan-Turkism, Pan-Islamism, and ethnic separatism, while also incorporating various elements of extremist ideology. And from its very inception, the "East Turkestan" issue has exhibited characteristics of ethnic separatism, along with tendencies towards extreme nationalism and religious extremism. See DUAN ZHIDAN (段志丹), *Eastern Turkestan Islamic Movement (ETM) is the outcomes of extreme nationalism and religious extremism* ("东突"运动是极端民族主义和极端宗教主义的产物), in *Social Sciences in Xinjiang* (新疆社会科学), No. 6, 2007, p. 38.

[208] DUAN ZHIDAN (段志丹), *Eastern Turkestan Islamic Movement (ETM) is the outcomes of extreme nationalism and religious extremism* ("东突"运动是极端民族主义和极端宗教主义的产物), in *Social Sciences in Xinjiang* (新疆社会科学), No. 6, 2007, p. 38.

[209] Jamal al-Din al-Afghani was born and educated in Iran and then British India. In his opinion, Islam was a dynamic and progressive religion, whose vitality had been constrained by historical forces and the conservative mind-set of many religious scholars (*ulama*). In addition, he emphasized that Islam functioned not only as a religion, but also as a civilization, serving as an ideological foundation that provide the *raison d'être* for Muslims both as individuals and as members of a sociopolitical community. Through his critique of the existing order, his advocacy of modern reforms, as well as his promotion of constitutionalism and parliamentary government as means to limit the power of rulers, Al-Afghani sought to reconcile Islamic principles with the challenges of modern political and social life. ESPOSITO J. L., *Contemporary Islam: reformation or revolution?*, in ESPOSITO J. L. (ed.), in *The Oxford History of Islam*, Oxford University Press, Oxford, 2000, pp. 647-648.

[210] VOLL J. O., *Foundations for renewal and reform. Islamic movements in the eighteenth and nineteenth centuries*, in ESPOSITO J. L. (ed.), in *The Oxford History of Islam*, Oxford University Press, Oxford, 2000, p. 547.

transcending national boundaries[211]. The key identity of Pan-Islamism is religious faith itself, rather than ethnicity. Historical and contemporary movements such as Muslim Brotherhood, ISIS, represent concrete embodiment of this ideological orientation.

In summation, while terrorist violence may yield relatively significant short-term effects within a certain period, it is ultimately the two theoretical pillars of the "East Turkestan" movement—Pan-Turkestan and Pan-Islamism—that play a pivotal role in legitimizing its cause, mobilizing both domestic and international support, sustaining its long-term activities, and potentially exerting a more profound and far-reaching influence.

1.2.2 A Subtle Connection between Islam and Secularization

"We not only live in the same world, we participate in each other's being[212]." Even according to the preceding discussion, the very term *secularization* historically refers to a particular historical process of transformation that unfolded within the unique Western European Christian societies[213]. Its significance becomes even clear when considering Jürgen Habermas's expression of "post-secular" societies—a notion he restricts only to European societies and to nations such as Canada, Australia, and New Zealand. In these societies, citizens have experienced a gradual loosening of religious ties, and the awareness of living in a secularized society has become relatively widespread[214]. Such criteria seem to suggest that the discourse on *secularization* may not to be directly applicable to other social formations —particularly the Islamic world—and that a potentially unbridgeable divide exists between Islam and the processes of *secularization*.

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[211] DUAN ZHIDAN (段志丹), *Eastern Turkestan Islamic Movement (ETM) is the outcomes of extreme nationalism and religious extremism* ("东突" 运动是极端民族主义和极端宗教主义的产物), in *Social Sciences in Xinjiang* (新疆社会科学), No. 6, 2007, p. 41.
[212] BERGER P. L., LUCAMANN T., *The social construction of reality a treatise in the sociology of knowledge*, Doubleday & Co., New York, 1967, p. 130.
[213] CASANOVA J., *Secularization*, in NEIL J. S., BALTES P. B. (eds.), in *International encyclopedia of the social & behavioral sciences*, Elsevier, Oxford, 2001, p. 13787.
[214] HABERMAS J., *Notes on post-secular society secularism's crisis of faith*, in *New Perspectives Quarterly*, Vol. 25 No. 4, 2008, p. 17.

Nevertheless, the actual relationship between Islam and *secularization* in the contemporary context warrants a closer understanding, for several specific reasons:

Firstly, although *secularization* is not an inherent concept within the Islamic tradition, but rather a historical response to the political and theological crises of early modern Western Christian, particularly in the wake of the devastating Wars of Religion. While, as previously noted, *secularization* refers to specific empirical-historical process of differentiation and transformation between the religious and the secular, *secularity* denotes the lived condition, the phenomenon experience, and the cultural framework that emerges within and beyond these process. Both *security* and *secularization* have become defining features of contemporary existence, extending far beyond the immediate boundaries of Western Christendom into a variety of global contexts. Inevitably, the consequences of secularization—both direct or indirect—have exerted profound influence upon influence upon Islam as a religious tradition, and upon Muslim societies more broadly. At the same time, academic discussions about secularization nowadays are no longer exclusive to Western countries. In Asian countries, for example, the concept has been reinterpreted in light of local histories and socio-political realities, sparking debates that reveal its broader trend of complexity.

Indeed, any comprehensive narrative of the modern civilizing process must take into account the self-critical and self-transformative dynamics within the western European, as well as their interactions with concurrent and partially overlapping encounters with other civilizations[215]. For its earliest history, the Islamic world stood in close contact with Western Christendom often as its most visible "other;" the relative strength of Islamic power centers declined after a long ascendancy which had boosted cultural influence, but even during the long-drawn-out downturn, this retreating rival was the main object of interpretive constructions[216]. Today, however, Muslims inhabit fundamentally different historical and social conditions than their

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[215] ARNASON J. P., *Questioning the west: the uses and abuses of anti-eurocentirism*, in *Civilizations in dispute*, The Netherlands: Brill, Leiden, 2006, p. 324.
[216] ARNASON J. P., *Questioning the west: the uses and abuses of anti-eurocentirism*, in *Civilizations in dispute*, The Netherlands: Brill, Leiden, 2006, p. 327.

medieval predecessors. It is therefore no longer accurate to claim that any contemporary Muslim adheres strictly hold the classical theological positions. Even the most conservative Muslims inevitably draw upon contemporary experiences to render their theological interpretations both meaningful and legitimate within the modern world[217]. For example, Islam as a religion (*dīn*[218]) encompasses two inseparably linked forms of religiosity: the *Shariah-based* mode, and the *non-Shariah* mode. Literally, the former one is grounded in the Shariah[219], its sources and its directives; the latter one refers to the "differentiated" or "secular mode," basing on whose substantive content is neither prescribed by nor derived from Shariah or its sources. To this point, one can tell that between the circumference of Shariah and that of Islam as a whole there exists a "space" within which Muslims do not and cannot rely solely on concrete divine dictates. More nearly, it is also reasonable to consider that even things like technology-development, institution-building, daily decision making and even rational disciplines (e.g., medicine, algebra, economics, astronomy) are all titled as "secular," in that their concrete substance falls outside the dictates of Shariah and its sources, they are also equally indigenous to Islam as *dīn*, and remain (at least potentially) "religious" and Islamic, because these things are also falling within the attention of Islamic as religion[220].

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[217] ASAD T., *Formations of the secular: Christianity, Islam, modernity*, Stanford University Press, California, 2003, p. 198.

[218] The Arabic term "*dīn*," however, does not precisely align with the conventional notion of "religion." More specifically, it is common to distinguish three distinct meanings of *dīn*, that is, judgment, retribution;custom, usage; and religion. See GARDET L., *dīn*, in *Encyclopedia of Islam new edition online (EI-2 English)*, in BEARMAN P. J. (ed.), Brill, Leiden, 2012, <https://referenceworks.brill.com/display/entries/EIEO/COM-0168.xml?rskey=rE82Zv&result=7> (last accessed: 26.01.2026). Certain scholar also summarized the "*dīn*" has four interlocking meanings: (1) sovereignty or supreme authority; (2) obedience-submission-devotion to that authority; (3) the system, rituals, teachings, and structures established by that authority; (4) retributions and rewards meted out to those who reject and to those who obey that authority. See WAGNER W. H., *Opening the Qur'an: introducing Islam's holy book*, University of Notre Dame Press, Indiana, 2010, p. 54.

[219] Within Muslim discourse, Sharia (*Sharī'a*) designates a rule of law, or a system of laws, or the totality of the message of a particular prophet. It is the rules and regulations governing the lives of Muslims, derived in principal from the Qur'an and hadiths that many Muslims also look to the hadiths for moral and spiritual guidance in their daily lives. See CALDER N., HOOKER M. B., *Shari'a*, in BEARMAN P. J. (ed.), in *Encyclopedia of Islam New Edition Online (EI-2 English)*, Brill, Leiden, 2012, <https://referenceworks.brill.com/display/entries/EIEO/COM-1040.xml> (last accessed: 26.01.2026). See DAVID C., *Understanding Jihad* (2nd ed.), University of California Press, Oakland, 2015, p. 19.

[220] JACKSON S. A., *Introduction*, in *The Islamic Secular*, Oxford University Press, Oxford, 2024, pp. 2-3.

Equally significant is the ideological dimension of secularism as a philosophy of history. It has often universalized a particular Western Christian historical process of secularization into a teleological process of human development, moving from belief to unbelief, from primitive irrational or metaphysical religion to rational post-metaphysical secular consciousness. And this consciousness is a crucial factor in the widespread secularization that has accompanied the modernization of western European societies[221].

Such dynamics have given rise to scholarly debates over concepts such as "Islamic Secular[222]" (or "Secular Islam"), which are used as heuristic framework for analyzing the adaptation of Islam to modernity. However, many Muslims actually might think that unless the aim is actually to secularize Islam, a better plan for them would be simply to avoid the term in association with Islam altogether[223]. This debate has grown more pronounced in contemporary times, as Islam is increasingly framed within politics and democratic discourses. For example, it seems unsurprising that words can evolve beyond their etymologies and even their primary meanings. The resonance and influence of a word often stems not solely from its lexical meaning or definition, but from its usage in specific socio-political contexts-particularly by those influential or dominant groups. This dynamic helps explain how the prevailing sense with descriptions such as "terrorism," "religious extremism" or "radicals" have become disproportionately associated with Muslims communities in contemporary discourse.

In essence, the relationship between Islam and secularization is not defined by an absolute incompatibility but rather by complex process of negotiation, reinterpretation, and contextual adaptation. The prevalence of secularization as a global condition

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[221] JOSÉ C., *The secular, secularization, secularisms*, in CALHOUN C., JUERGENSMEYE M., VANANTWERPEN J. (eds.), in *Rethinking Secularism*, Oxford University Press, Oxford, 2011, p. 79.
[222] "The Islamic Secular includes definitions and usages of 'secular,' 'religious,' and 'Islamic,' and it as a theory is about how they can be Islamic and secular and religious at the same time." See JACKSON S. A., *Introduction*, in *The Islamic Secular*, Oxford University Press, New York, 2024, p. 4. In addition, the Islamic secular is considered merely as "the result of the religious law's own efforts to define and impose boundaries upon itself." See JACKSON S. A., *The Islamic Secular (2017)*, in *American Journal of Islam and Society*, Vol. 41 No. 1, 2024, p. 176.
[223] JACKSON S. A., *Secular, religious, Islamic*, in *The Islamic Secular*, Oxford University Press, New York, 2024, p. 28.

inevitably intersects with Muslim societies, influencing their self-understanding and external perceptions.At the same time, the tendency of global discourses to conflate Islam with extremism underscore the need for a more nuanced perspective. These observations establish the foundation for the subsequent section, which seeks to clarify the concept of "Islamic Religious Extremism," distinguish it from the broader religious tradition of Islam, and re-evaluate countering extremism measures within the increasingly complex realities and post-secular societies.

1.3 "Islamic Religious Extremism": The Distance from Islam

"Islamist extremism and Islam are not the same thing[224]." To prevent the tendency whereby discussions of extremist features within majorities require highly precise specification of dimensions, attributes, or behaviors, while discussions of minority groups often generalize the entire group itself as "extremist[225]," it is essential to declare at the outset of this section that the choice to focus on "Islamic" form of "religious extremism" does not intend to incite a hostility or prejudice against Islam as a religion, but rather to examine and make a distinction from these two things.

Considering from a macro perspective, this preoccupation stems directly from the rise of terrorism motivated by Islamist ideologies—particularly in the wake of the 11 September 2001 attacks—through which Islamism has come to be regarded as one of the most visible manifestations of contemporary extremism[226], provoking extensive scholarly debates concerning the casual pathways, recruitment dynamics, ideological

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[224] GOV. UK, *Prime Minister David Cameron has delivered a speech setting out his view on radicalization and Islamic extremism*, 5 February 2011, <https://www.gov.uk/government/speeches/pms-speech-at-munich-security-conference> (last accessed: 09.02.2026)
[225] KESSLER T., HARTH N. S. *et al.*, *Prejudice and extremism: explanations based on ingroup projection, perspective divergence, and minimal standards*, in *Social Psychology*, No. 82, 2002, p. 427.
[226] ANDREA G., *La democrazia che si difende: studio comparato su una pratica constituzionale*, Wolters Kluwer Italia S.r.l., Milano, 2023, p. 56.

features of Islamist movements[227]. On a micro level, the case studies analyzed in Chapter II demonstrate that although the specific contexts and tactics differ, the episodes under review share a common nexus in forms of Islamic religious extremism. Those discussions and arguments form a direction to make a deep exploration about the deep-seated reasons behind this issue.

Accordingly, this section presents a recent review of the literature on religious extremism, aiming to clarify the manifestations and its underlying logic, thereby enhancing understandings of this phenomenon. Having confined the discussion scope within Islamic, and explained its original intent of this focus, the following step is turn to propose a re-conceptualization of "Islamic religious extremism." This is undertaken after a critical examination of a wide range of definitions of related terms, drawing on legal and theoretical perspectives to unpack the conceptual and practical complexities of the phenomenon.

1.3.1 The Ongoing Discursive Production of Islamic Religious Extremism

The preceding discussion indicates that the eighteenth and nineteenth centuries constituted a formative period of Islamic renewal and reform, during which various movements emerged, each closely shaped by their historical and social context. By the end of the nineteenth century, however, both local and global social conditions

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[227] During **the seventeenth and the eighteenth centuries**, the three largest states in the central parts of the Muslim world faced both internal and external challenges. There were administrative and institutional reform efforts that were sometimes not specifically Islamic in the way they were defend. In **the eighteenth century**, movements that were explicitly Islamic in their advocacy of renewal and reform became important elements in the response of Muslim societies to the changing historical conditions. At **the beginning of the nineteenth century**, new rulers and new approaches to the structures of the major states in the central Islamic lands were the keynotes in terms of change and reform, the most important aspects of the transitions in that period were political and military. The older traditions of renewal and reform provided important resources for many new movements and ideologies that were being developed by Muslims in many parts of the Muslim world by the nineteenth century, which reflect the vitality of the aspiration for Islamic renewal at **the beginning of the twentieth century** and represent a new era and new ways of expressing the aspirations of Islamic renewal. Moreover, with the influences associated with contemporary Islamic revivalism and the reassertion of Islam into public life, the internal battle over religious-cultural identity and integrity gradual emerged in **the late half of twentieth century**. See VOLL J. O., *Foundations for renewal and reform. Islamic movements in the eighteenth and nineteenth centuries*, in ESPOSITO J. L. (ed.), in *The Oxford History of Islam*, Oxford University Press, Oxford, 2000, pp. 510, 523, 547. See ESPOSITO J. L., *Contemporary Islam: reformation or revolution?*, in ESPOSITO J. L. (ed.), in *The Oxford History of Islam*, Oxford University Press, Oxford, 2000, p. 647.

had undergone profound transformation, leading to significant shifts in the ways Muslim societies articulated and pursued aspirations for religious and social renewal. The onset of the twentieth century thus marked the conclusion of one major phases in the history of Islamic reform and the beginning of another. And this historical transition is critical for understanding how earlier reformist traditions were later reconfigured, in some cases generating discourses and practices that would contribute to Islamic religious extremism in the modern era.

That is, since the twentieth century, the public understanding of Islamic religious extremism—shaped across several historical stages—has increasingly reflected a trajectory from localized ideological movements to perceived global security threats. Specially, some of the landmark events include:

(1) The rise of Islamic revivalist thought in the 1970s, marked by the 1979 Iranian Islamic Revolution, signified a major turning point in modern religious-political movements. During this period, religion was re-politicized and became a powerful tool for social mobilization and political transformation.

(2) The Soviet-Afghan War (1979-1989) was a critical phase in the development of religious extremism forces. With international support, many Muslim fighters engaged in what was perceived as a jihad against Soviet occupation. After the war, many of these combatants evolved into transnational extremist organizations such as Osama bin Laden's Al-Qaeda, Egypt's Islamic Jihad, and the Taliban in Afghanistan[228]. This period laid the groundwork for the emergence of global terrorist networks.

(3) The 1991 Gulf War strengthened sectarian relations and served as a major turning point that drew sustained international attention to religious extremism. The conflict heightened regional instability and intensified hostility among certain extremist groups towards the West, further politicizing religious identity in

[228] After almost eighteen years of civil war in Afghanistan, a band of students from the *madrasas*, appeared in late 1994 and within two years swept across the country. However, initially portrayed as young students from the madrasas with no military background, and thus were not taken seriously, in fact they were a force of mullahs and Taliban, religious leaders and students. in 1994, he launched the Taliban campaign to restore stability and order and to establish an Islamic state. ESPOSITO J. L., *Contemporary Islam: reformation or revolution?*, in ESPOSITO J. L. (ed.), in *The Oxford History of Islam*, Oxford University Press, Oxford, 2000, pp. 659-660.

international conflict. A key ideological shift at that moment was turning from local Jihad to global Jihad.

(4) The 11 September 2001 attacks in the United States (9·11) shocked the world and placed Islamic religious extremism at the center of the global security agenda. In response, governments around the world enacted anti-terrorism relevant legislation and intensified international cooperation against terrorism.

(5) On 29 June 2014, extremist forces announced the establishment of an "Islamic Caliphate" across parts of Iraq and Syria, making a new phase in the evolution of Islamic religious extremism. This event is widely regarded as a watershed moment in the history of modern jihadist movements both in terms of strategic ambition and operatioanl tactics. For the first time, an extremist organization sought to establish a *de facto* state explicitly grounded in religious doctrine, representing a significant shift from conventional terrorist activity toward a broader project of "state-building," rather than merely launching attacks.

Even after the Caliphate was severely weakened and effectively collapsed following 2019, its ideological legacy persists. Sleeper cells, radicalized lobbying, and ISIS-affiliated groups continue to operate worldwide, and the associated domestic and international security challenges have become more and more complicated.

1.3.2 A Conceptual Dilemma: *Radicalization* and *Extremism*

After establishing a general understanding of Islam and a global development of Islamic religious extremism, the focus of this study returns to its central question: what precisely constitutes "Islamic religious extremism"? More specifically, qhat is encompassed by the term "Islamic religious extremism" as employed in this research? To address this question effectively, it is first necessary to recognized that, based on previous descriptions and the existing scholarly literature, a notable diversity of terminology has been used to characterize this phenomenon. These terms include, but are not limiting to, "extremist radicalization," "Islamist extremism," "Islamist radicalization," "Islamic (forms of) radicalism/radicalization," "(Muslim) jihadist

extremism," "jihadist radicalization," "Muslim radicals," "radical extremist(s)," "radical Islam," "religious radicalization," "religious violence," "Sunni and Shia extremism," "violent Islamist extremism," "violent radicalization of religious origin" and the like. Such terminological diversity arises primary from the absence of the universally accepted definition of the phenomenon. Scholars and practitioners from different disciplinary backgrounds often use the similar expressions to describe divergent realities, thereby complicating scholarly debates. Moreover, the frequent interchangeably use of these terms further undermines conceptual precision.

Given this situation, rather than attempting a piecemeal definition for each overlapping term, a more productive strategy is to begin by clarifying the two foundational notions—radicalization and extremism—through theoretical elaboration. This conceptual groundwork makes it possible to revisit derivative expression, delineate their common features and interconnections, and, more importantly, establish a coherent and consistent usage of the term "Islamic religious extremism" within the framework of this study, thereby providing a clear conceptual foundation for subsequent scholarly discussion.

1.3.1.1 Radicalization: A Non-Absolutely Defined Possibility

The terms "radical[229]" and "radicalism[230]" possess long-standing intellectual pedigree with the history of political thought. By contrast, "radicalization" is a recent innovation[231], whose salience in contemporary policy and scholarship has grown rapidly since the early twenty-first century. This section clarifies how the term has evolved, summarizes major conceptualizations, identifies core points of contention and thus explains why a precise, operational definition remains elusive in both academic and policy contexts.

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[229] From an etymological perspective, the term "radical" comes from the Latin words *radix* (root) and *radicalis* (rooted).

[230] In short, radicalism—predating the concept of extremism—has generally been associated with progressive, liberal, or leftist positions that opposed the reactionary, monarchical, and aristocratic status quo. SOUEID M., MERHEJ R., *Understanding Islamic extremism away from the dominant normative paradigm*, in *Journal of Ethnic and Cultural Studies*, Vol. 11 No. 1, p. 185.

[231] GITHENS-MAZER J., *The rhetoric and reality: radicalization and political discourse*, in *International Political Science Review*, Vol. 33 No. 5, 2012, pp. 557.

Although the intellectual roots of radical ideas are historic, the contemporary usage of radicalization—particularly in connection with terrorism—acquired prominence in the post-9/11 political climate[232]. From roughly 2004 onward, the term radicalization has increasingly gained more pejorative nuances being linked to terrorism[233]. That linkage prompted policymakers and scholars to seek definitions that could support prevention, intervention, and prosecution strategies, yet consensus about its meaning proved difficult to achieve. In this process, scholarly and policy communities have produced a wide variety of definition. Given the persistent lack of agreement on the precise definition of terrorism itself, it is perhaps unsurprising that more nuanced concepts such as radicalization exhibit even greater heterogeneity. In a short period, radicalization became a conceptual "catch-all concept" in terrorism studies and counter-terrorism practice[234], generating confusion rather than clarity.

In academic discourse, a relatively common point of convergence views radicalization as a "**process**," this process does not proceed linearly and therefore should not be perceived in degrees. For example, according to the Oxford English Dictionary, the term radicalization is explained as "the action or process of becoming radical, for example, in political outlook[235]." Similarly, in its 2008 series of reports, the Institute for Migration and Ethnic Studies (IMES) of the University of Amsterdam summarized that radicalization is as a process of delegitimation, individuals progressively lose confidence in the political and social system and increasingly retreat into their own group, feeling alienated from broader society. This process is therefore, at least in part, political in nature and is closely associated with the desire

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[232] *Perspectives on radicalisation and political violence: papers from the first international con-ference on radicalisation and political violence*, in *The International Center for the Study of Radicalisation and Political Violence (ICSR)*, 17-18 January 2008, <https://www.nonviolent-conflict.org/wp-content/uploads/2016/11/Perspectives-on-Radicalisation-Political-Violence.pdf> (last acc-essed: 09.02.2026)

[233] GROPPI M., *Islamist radicalisation in Italy: myth or nightmare? An empirical analysis of the Italian case study* (PhD Thesis), King's College London, 2018, p. 73.

[234] The very notion of radicalization is open to a plurality of meanings in part also because different actors often refer to different phenomenon when they use the same label. LAHNAIT F., *Combatting radicalisation in France: from experimentation to professionalisation*, in *Revista CIDOB d'Afers Internationals*, No. 128, 2021, p. 109.

[235] *Radicalization*, in *Oxford English Dictionary*, July 2023, <https://www.oed.com/dictionary/radicalization_n?tab=meaning_and_use#27281431> (last accessed: 15.01.2026)

and intention to radically change the existing system[236].

A central fault line in the literature concerns the relationship between *radicalization* and *violence*, namely, the violence or the violent tendency is as a main consideration in this process. Bertjan Doosje and colleagues, for instance, conceptualize radicalization as a process through which individuals become increasingly motivated to use violent means against members of an out-group or symbolic targets, in pursuit of behavioral change and political goals[237]. Similarly, John Horgan explains that radicalization refers to the *social* and *psychological* process through which an individual gradually develops a strong commitment to extremist political or religious ideologies. Although radicalization does not inevitably lead to violence, it is widely recognized as one of the principal risk factors contributing to violent behavior[238].

This understanding has further prompted scholars to develop more refined typologies of radicalization relating whether using violence or not. In this regard, a key analytical distinction has been drawn between ***cognitive radicalization*** (or violent ideas) and ***violent radicalization*** (or violent behaviors)[239]. Lorenzo Vidino notes that *cognitive radicalization* refers to an individual who adopts ideas that are completely on the fringe of what is "normal," rejects the legitimacy of the current social order, and seeks to replace it with a new structure based on a fundamentally different set of values. By contrast, *violent radicalization* occurs when an individual moves further, which means by using violence in an attempt to the cause derived from its cognitive

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[236] DEMANT F., SLOOTMAN M. *et al.*, *Decline and disengagement. An analysis of processes of deradicalisation*, in *Institute for Migration and Ethnic Studies (IMES)*, 2008, pp. 12-13, <https://pure.uva.nl/ws/files/1079141/64714_Demant_Slootman_2008_Decline_and_Disengagement.pdf> (last accessed: 04. 02.2026)

[237] DOOSJE B., MOGHADDAM F. M. *et al.*, *Terrorism, radicalization and de-radicalization*, in *Current Opinion in Psychology*, 2016, Vol. 11, p. 79

[238] HORGAN J., *Walking away from terrorism: accounts of disengagement from radical and extremist movements*, Routledge, New York, 2009, p. 152.

[239] For example, there has suggestion about making a distinction between radicalization that leads to violence and radicalization that does not lead to violence to better understand radicalization as a phenomenon. BARTLETT J., MILLER C., *The edge of violence: towards telling the difference between violent and non-violent radicalization*, in *Terrorism and Political Violence*, Vol. 24 No. 1, 2012, pp. 2.

radicalization[240]. D. Elaine Pressman characterizes the *violent radicalization* as "the process of adopting an extremist belief system with the intention and justification of using violence to achieve political, religious of social goals." Similarly, Anja Dalgaard-Nielsen describes the *violent radicalization* as a process in which radical ideas are accompanied by the development of a willingness to directly support or engage in violent acts[241].

Another related distinction differentiates between ***violent radicalization*** and ***non-violent radicalization*** in relation to terrorist activity. The *violent radicalization* means a process through which individuals come to undertake or directly aid or abet terrorist activity, whereas the *non-violent radicalization* describes the process by which individuals come to hold radical views in relation to the *status quo*, but do not undertake, aid, or abet terrorist activity. Importantly, the former is not necessarily or wholly a religious, intellectual, or rational decision; emotional pull, for example, may also play a significant role in the radicalization process[242].

These classifications can explain the differences between definitions of radicalization and has driven the scholarly debate[243]. Nonetheless, it must be acknowledged that, in practice, before a person commits a violent act, one can never know whether their "radicalization" will lead them to violence[244]. As can be observed, this inclusion of the element of violence further complicates the discussion, and it also gives rise to deeper theoretical questions, such as whether radicalization leads to violence through extremism, or whether extremism evolves into violence through the process of radicalization.

Basing on this logic, it moves to another way to define the concept of radicalization by examining its connection with *extremism*. As noted above, the

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[240] LORENZO V., *Il jihadismo autoctono in Italia: nascita, sviluppo e dinamiche di radicalizzazione*, in *Istituto per gli Studi di Politica Internazionale*, Milano, 2014, pp. 11-12.
[241] ANJA D., *Violent radicalization in Europe: what we know and what we do not know*, in *Studies in Conflict & Terrorism*, Vol. 33 No. 9, 2010, p. 789.
[242] BARTLETT J., MILLER C., *The edge of violence: towards telling the difference between violent and non-violent radicalization*, in *Terrorism and Political Violence*, Vol. 24 No. 1, 2012, p. 2.
[243] NEUMANN P. R., *The trouble with radicalization*, in *International Affairs*, Vol. 89 No. 4, 2013, p. 873.
[244] LEMAN-LANGLOIS S., *Prévenir la « radicalisation » ?*, in CORRIVEAU P., GERVAIS M., GIRARD G., LEMAN-LANGLOIS S., QUIRION B., ROUSSEAU C. (eds.), in *Prévenir*, Presses de l'Université Laval, Quebec, 2017, p. 210.

inconsistent and sometimes overlapping usage of terminologies in contemporary scholarship often obscures efforts to distinguish this phenomena. Thus, in some situation, terms *radicalization* and *extremism* are being used interchangeably. That partly because these two terms both generally indicate a position at some distance from "centrist," "mainstream" or "moderate," "middle of the road" positions[245].

While, strictly speaking, these two terms are not synonymous, and this tendency can be observed in academic discussions. For example, the European Parliament gives the explanation about "radicalization," which indicates that the term is now used to describe a phenomenon whereby people embrace intolerant opinions, views and ideas that could lead to violent extremism[246]. David R. Mandel interprets that radicalization refers to an increase in and/or reinforcing of extremism in the thinking, and/or behavior of individuals and/or groups of individuals[247]. Similarly, Randy Borum defines radicalization as the process through which individuals develop extremist ideologies and beliefs[248].

Moreover, Alex P. Schmid gives a differentiation between *radicalism* and *extremism*, arguing that *radicalism* is far less problematic for a democratic society than extremism. Genuine radicals, he notes, tend to be more pragmatic and open to critical reasoning. They may advocate reformist and non-violent approaches, whereas extremists are typically close-minded, intolerant, anti-democratic[249] and ready to use

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[245] SCHMID A. P., *Violent and non-violent extremism: two sides of the same coin?*, in International Centre for Counter-Terrorism, May 2014.

[246] Parlamento Europeo, *Prevention of radicalisation and recritment of European citizens by terrorist organisations*, 25 November 2015, <https://www.europarl.europa.eu/doceo/document/TA-8-2015-0410_EN.html> (last accessed: 26.01.2026)

[247] MANDEL D. R., *Radicalization: what does it mean?*, in PICK T. M., SPECKHARD A., JACUCH B. (eds.), in *Home-grown terrorism: understanding and addressing the root causes of radicalisation among groups with an immigrant heritage in Europe*, SAGE, London, 2009, p. 111.

[248] BORUM R., *Radicalization into violent extremism I: a review of definitions and applications of social science theories*, in *Journal of Strategic Security*, Vol. 4 No. 4, 2012, p. 9.

[249] Just as scholars from Amsterdam universities have explained, "[...] Extremism is the opposite of democracy. Whilst democracy is based upon basic values such as popular sovereignty, the equality of all citizens, freedom of belief and freedom of speech, extremism rejects these democratic values and processes. [...]". DEMANT F., SLOOTMAN M. *et al.*, *Decline and disengagement. An analysis of processes of deradicalisation*, in *Institute for Migration and Ethnic Studies (IMES)*, 2008, p. 13, <https://pure.uva.nl/ws/files/1079141/64714_Demant_Slootman_2008_Decline_and_Disengagement.pdf> (last accessed: 04. 02.2026)

all means—including deception—to reach their goals[250]. Andrea Gatti argues that radicalism is generally assigned a more generic or less severe character than extremism. He further elucidates the relationship between these two through a metaphor of concentric circles, in which radicalism occupies a more peripheral domain—every extremist is a radical—whereas extremism resides at the innermost core, since not every radicalist advances to extremism. Specifically, radicalism pertains more to the dimension of ideas, it is not necessarily an antidemocratic concept in itself, which share a similar point of view with Alex P. Schmid. Extremism, by contrast, constitutes a further step toward the rejection of the "rule of recognition"—the shared legal and moral foundations that underpin pluralistic societies—and beyond its ideological dimension, encompasses an action-oriented profile, which is intrinsically political in nature. In other words, the distinction between radicalism and extremism lies precisely in that radicalism tends to be associated with the belief in possessing a universal morality, extremism tends to adopt a vision of this morality and present it as binding on all[251]. Or, capturing the relationship between these concepts in one sentence, as reflected in the descriptions offered by other scholars, highlights that "[...] The most extreme form of radicalism is extremism, in which the intention is transformed into violent actions[252]."

Notably, even as numerous scholars are still debating on how to specifically define and distinguish the term radicalization—some of those perspectives are particularly insightful—a number of others have proposed more radical critiques on the concept. For example, Sedgwick bluntly contends that—given the conceptual vagueness of radicalization, and the inconsistencies in its empirical application—the proposed solution may well be to abandon the attempt to treat it as an absolute

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[250] SCHIMID A. P., *Radicalisation, de-radicalisation, counter-radicalisation: a conceptual discussion and literature review*, in *ICCT Research Paper*, Vol. 97 No. 1, 2013, p. 56.
[251] ANDREA G., *La democrazia che si difende: studio comparato su una pratica constituzionale*, Wolters Kluwer Italia S.r.l., Milano, 2023, pp. 33-35, 41.
[252] DEMANT F., SLOOTMAN M. *et al.*, *Decline and disengagement. An analysis of processes of deradicalisation,* in *Institute for Migration and Ethnic Studies (IMES), 2*008, p. 13, <https://pure.uva.nl/ws/files/1079141/64714_Demant_Slootman_2008_Decline_and_Disengagement.pdf> (last accessed: 04. 02.2026)

concept[253]. Stéphane Leman-Langlois provides a complementary diagnosis of the theoretical and practical difficulties in applying radicalization. He observes that almost all definitions of radicalization are implicitly based on two equally fragile pillars. First, the definition of what is radical is essentially subjective, with its content varying from one observer to another. Second, definitions are often normative, in the sense that it corresponds not to an objective observation of behaviors, but to a political evaluation of the symbols associated with these behaviors. Leman-Langlois further notes that the initial ambition behind the emerging "science of radicalization"—or what he calls a "radicology"—was to enable authorities to identify in advance individuals preparing attacks, or even further upstream, those who possess the motivation, means, and expertise necessary to carry out such acts. The caveat, he argues, is that no one has succeeded in producing a definition of radicalization, or even prove that it truly exists[254].

Stéphane Leman-Langlois also highlights a linguistic problem that has analytic implications: the suffix "-ization" in "radicalization" introduces a sense of result, as if marking the outcome of a passage from a "before" to an "after". Yet this transition remains fundamentally unfathomable, namely, the "after"—the radical—is poorly defined, while the "before" is no clearer either, the radicalization—as a whole passage—cannot expect being got an ideal practically interpretation. More seriously, issue is that the immoderate use of the term radicalization implies that the object is relatively well understood, that is a process with chronological, ontological, and socio-psychological markers that are not only identifiable and measurable, but also have indeed been measured. On this point Leman-Langlois is sceptical, he concludes that, in practice, radicalization functions more as a political projection than as a scientific, real, measurable object on which could we could have an effect[255].

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[253] SEDGWICK M., *The concept of radicalization as a source of confusion*, in *Terrorism and Political Violence*, Vol. 22 No. 4, 2010, p. 479.
[254] LEMAN-LANGLOIS S., *Prévenir la « radicalisation » ?*, in CORRIVEAU P., GERVAIS M., GIRARD G., LEMAN-LANGLOIS S., QUIRION B., ROUSSEAU C. (eds.), in *Prévenir*, Presses de l'Université Laval, Quebec, 2017, pp. 207-208.
[255] LEMAN-LANGLOIS S., *Prévenir la « radicalisation » ?*, in CORRIVEAU P., GERVAIS M., GIRARD G., LEMAN-LANGLOIS S., QUIRION B., ROUSSEAU C. (eds.), in *Prévenir*, Presses de l'Université Laval, Quebec, 2017, pp. 209, 235.

Basing on the discussion in this section, it suggests that the concept of "radicalization" remains highly contested and difficult to define consistently at both theoretical and practical levels. Nevertheless, since this term often appears alongside "extremism," and the two are not strictly synonymous, an analysis of "extremism" may offer an alternative and potentially fruitful avenue for understanding the phenomenon. Accordingly, the next section first undertakes a systematic examination of the notion of "extremism," drawing on relevant academic and policy literature to develop a more precise and contextually grounded definition of the subject under this study.

1.3.1.2 Extremism: from *Religious Extremism* to *Islamic Religious Extremism*

It is unsurprising to note the very notion *extremism* can be approached from a number of perspective, including political science, sociology, individual psychology, and social psychology—interrelated disciplines to be certain, but with distinct methodologies and bodies of literature[256]. The Oxford English Dictionary defines "extremism" is as the "tendency to be extreme, such as the holding of extreme political or religious view, or advocacy of illegal, violent, or other extreme measures[257]." Piero Ignazi explains that extremism differs from other "-*isms*," it solely represents an extension of the root concept *extreme*. Thus, it inherently presupposes the existence of an "extreme," which can be understood metaphorically as a peak—beyond which one cannot proceed. Following this logic, he continues, an extreme—or an extremist—can be defined as an individual who pushes themselves to the utmost possible limit, or even one who attempts to transgress that limit, daring to move beyond the established pillars and prescribed boundaries[258]. Alessandro Negri further notes that a belief, behaviour, or ideal is labeled "extremist" only insofar as it stands in stark opposition to something corresponding at the other end of the spectrum,

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[256] BERGER J. M., *Researching violent extremism: the state of play*, in Resolve Network (Online), June 2019, p. 5, <https://www.semanticscholar.org/paper/Researching-Violent-Extremism%3A-The-State-of-Play-Berger/ff83099f7c7f9fe20b9d1057fbb92f3bac547228> (last accessed: 05.02.2026)

[257] *Extremism*, in *Oxford English Dictionary*, July 2023, <https://www.oed.com/dictionary/extremism_n?tab=meaning_and_use#4882342> (last accessed: 15.01.2026)

[258] IGNAZI P., *Estremismo*, in *Il Mulino*, No. 4, 2001, p. 660.

which is deemed moderate, and it always requires a point of comparison—whether one considers its political or religious manifestations[259]. Building on this relational understanding, Ahmad Munawar Ismail *et al.* define extremism as the adoption or promotion of rigid ideological beliefs that reject diversity and tolerate little or no dissent, often resulting in or justifying behavior that contravenes widely accepted social, moral or legal norms[260].

Since *extremism* itself lacks an intrinsic core that could provide guidance on its meaning, and with an inherently relative nature, a possible way to address this conceptual challenge requires a reconstruction of those behaviors within their specific social contexts, as well as a thorough understanding of the triggered dynamics that contribute to their emergence. Given the conceptual dilemma and the objective of the present research, the introduction of the qualifier "religious"—namely, *religious extremism*—scholars effectively narrow the conceptual boundaries within which "extremism" is examined in this research.

Religious extremism is not a denomination or school within any particular religion, but rather an extreme, one-side, erroneous, and deleterious distortion of religious beliefs, thought, and culture. Although it bears certain connections to religion, it is fundamentally distinct from genuine religious faith. As Amos N. Guiora defines, religious extremism is a belief that the tenets and principles of a given religion justify violence against others. This violence can be directed both at individuals of other faiths (or those of no faith), as well as members of the same religion who have violated the extremist's understanding of how religion is to be practiced[261]. Similarly, Sherzod Eraliev conceptualizes religious extremism as a complex social phenomenon. He defines it as both *an ideology* of certain movements, groups, individuals in denominations and religious organizations—characterized by adherence to extremism interpretations of dogma—and a set of *methods of action* to

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[259] ALESSANDRO N., *Radicalizzazione religiosa e de-radicalizzazione laica: sfide giuridiche per l'ordinamento democratico*, Carocci, Roma, 2022, p. 25.
[260] ISMAIL A. M., JAMIR SINGH P. S. *et al.*, *A systematic review: unveiling the complexity of definitions in extremism and religious extremism*, in *Humanities and Social Sciences Communications*, Vol. 12 No. 1, 2025, p. 10.
[261] GUIORA A. N., *Religious extremism: a fundamental danger*, in *South Texas Law Review*, Vol. 50 No. 4, 2009, p. 744.

achieve their goals, as well as to disseminate their views and extend their influence. The manifestations of it is not only in a religious environment, and it is often directed against the secular state, the existing social system, and the laws and norms in it[262].

From the perspective of Chinese academic discourse, for example, scholar Jin Yijiu argues that the emergence of religious extremism occurs when religion, through the processes of fanaticization and politicization, becomes radicalized and irrationalized. Although religious fanaticism does not necessarily evolve into religious extremism, once fused with political ambitions, it inevitably undergoes a process of transformation, leading to its distortion and degeneration into religious extremism. The scholar Jin Yijiu further summarizes four characteristics of religious extremism: its non-religious nature, hypocrisy, exclusivity and the doctrinal orientation[263]. Similarly, scholar Ma Pinyan interprets that religious extremism refers to certain interest groups, cloaking themselves in religion, promulgate distorted and radical readings of faith, stoke religious fanaticism and extremism, foment interfaith antagonism, and resort to extreme tactics aimed at dismantling prevailing social and secular institutions to found a theocratic order. He further emphasizes that religious extremism is neither a subset nor a branch of religion but constitutes a phenomenon that lies outside the proper scope of religion itself. Similarly, he also identifies four key aspects of religious extremism: extremism (exclusivism), deceptiveness, political

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[262] ERALIEV S., *Religious extremism*, in SAYAPIN S., ATADJANOV R., KADAM U., KEMP G., ZAMBRANA-TÉVAR N., QUÉNIVET N. (eds.), in *International conflict and security law. A research handbook*, Springer, Berlin, 2022, pp. 1163-1165.

[263] In his view, **non-religious nature** indicates that religious extremism represents a distortion of religion, politics in its purest from masquerading as faith; **hypocrisy** refers to the fact that religious extremism often operates within specific groups who share the same religious faith. This is because it can exploit religious identity to disseminate extremist ideologies and to seek sympathizers, supporters, and protectors; **exclusivity** means that, as an ideological form, religious extremism absolutely rejects all heterogeneous cultures and heterodox beliefs. It cannot tolerate the existence of such cultures, beliefs or their carriers; and **doctrinal orientation** refers to individuals with a certain degree of theological knowledge serving as full-time "religious instructors" or "spiritual leaders" within extremist groups, who, under the pretext of acting "out of faith" and being "accountable to the divine," push all matters to the extreme, interpret, observe, and analyze issues from an extremist perspective. JIN YIJIU (金宜久), *The emergence and characteristics of religious extremism* (宗教极端主义的产生和特点), in *China Religion* (中国宗教), No. 6, 2014, pp. 20-22.

orientation, and a propensity for violence[264]. Xiao Jianfei and Sun Zhimin describe religious extremism as a belief system or behavioral orientation in which individuals uphold a particular religion, way of life, social order, legal system, or political structure as supreme, decisive, and exclusive, while rejecting or demanding other value systems, cultural forms, and lifestyles[265]. As Wu Yungui emphasizes that one of the salient features of religious extremism is its "polarization," namely, the interpretation of religious doctrines through extreme perspective[266]. Huang Jinhui and his colleagues further note that religious extremism may refer both to extremism within religion—such as religious persecution, discrimination, sectarian conflicts, or extreme interpretations of religious doctrines—and to ideologies or actions that use religion as a tool for mobilization and organization, employing means such as violent terrorist attack to seriously endanger public safety, social stability, and national interests[267]. This argument is reinforced by Zhao Jun who uses the quantitative analysis to highlight that the Islamic belief in itself does not lead to extremism or tendencies towards violent terrorism. What substantially contributes to the emergence

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[264] The extremism (exclusivism) feature, according to the author, is primarily manifested in three dimensions: ideological, behavioral, and political. The feature of deceptiveness refers to the instrumentalization of religion by (Islamic) religious extremism, whereby religion is employed as a tool to achieve the objective of seizing political power. This characteristic reflects the inherently political nature, which is marked by a strong aspiration to establish a theocratic Islamic state. Furthermore, the violence employed in the pursuit of this political objective is frequently driven by religious fervor, rendering such acts of potential terror not only politically motivated, but also characteristically extreme in their brutality. MA PINYAN (马品彦), *Nature of religious extremism and its hazard* (宗教极端主义的本质与危害), in *Social Sciences in Xinjiang* (新疆社会科学), No. 6, 2008, pp. 64-67.

[265] XIAO JIANFEI, SUN ZHIMIN (肖建飞, 孙志敏), *Analysis of the meaning of "extremism" and "extremification": basing on the textual investigation of the Counter-terrorism Law and the Xinjiang Regulations on De-extremification* ("极端主义" 与 "极端化" 含义分析基于《反恐怖主义法》与新疆《去极端化条例》的文本考察), in *Shi Shi Qiu Shi* (实事求是), No. 4, 2018, p. 33.

[266] WU YUNGUI (吴云贵), *The generalization, polarization, and instrumentalization of Islamic law* (伊斯兰教法的泛化、极化与工具化), in *Studies in World Religions* (世界宗教研究), No. 4, 2000, p. 20. Meanwhile, he also gives another explanation to understand religious extremism. That is, sometimes, empirical reality proves more persuasive than abstract concept, in this vein, if one firmly holds that the essence of religion in peace, and that is promotes the values of truth, goodness, and beauty, then acts of violence and terrorism carried out in the name of religion deviated from its benevolent purpose. Such actions can therefore be appropriately categorized as "religious extremism." See WU YUNGUI (吴云贵), *Analytical distinction between Islamic fundamentalism, religious extremism, and international terrorism* (伊斯兰原教旨主义, 宗教极端主义与国际恐怖主义辨析), in *Social Science Abroad* (国外社会科), No. 1, 2002, p. 17.

[267] HUANG JINHUI, LU SHUN, MIN LI (黄金辉, 路顺, 闵丽), *A review of research approaches on the causes of religious extremism* (宗教极端主义成因的研究进路述评), in *Studies in World Religions* (世界宗教研究), No. 2, 2020, p. 175.

of such tendencies are religious extremist ideologies that promote jihad, as well as religious conservatism—namely, Islamic fundamentalism—and the ways of life shaped under its influence[268].

When considering the use of violence, there also has academic distinction between *violent* (religious) extremism and *non-violent* (religious) extremism. However, there is a limitation to this line of research, a substantial body of research on preventive and governance measures have predominantly focused on *violent* (religious) extremism. *Non-violent* (religious) extremism, by comparison, often serves merely as a point reference[269], and thus remains marginal within the academic discourse. However, as Alex P. Schmid proves that trying to distinguish between violent (religious) extremism and non-violent (religious) extremism is futile. That is, these two forms, even the tactics are different—one by mainly using the "gun" and the "bullet," the other by using the "pen" or the "tongue," but they are both pushing the development of Islamist agenda. Depending on contextual factors, "non-violent extremist" can easily transform into "violent extremists," practicing terrorism and war crimes in the name of jihad. Correspondingly, he further makes the conclusion that *religious Islamist extremism* is a unitary phenomenon of which violent and non-violent extremism are two sides of the same coin[270].

Nevertheless, no matter how religious extremism is further differentiated, as discussed above, it is not unique to any single religion, rather, it is a phenomenon that might be found across all major world religions. In addition, the religious extremism share certain common features, but also are different depending on diverse faith

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[268] ZHAO JUN (赵军), *The formation of violent terrorist crimes and domestic governance: a quantitative path analysis based on the theoretical framework of the "Three Forces"* (暴力恐怖主义犯罪的生成与本土治理定量研究), in *Peking University Law Journal* (中外法学), Vol. 31 No. 5, 2019, p. 1182.

[269] Because non-violent extremism occupies a highly liminal space in current academic research, it can not be expected that the non-violent religious extremism can be thoroughly or concretely addressed at present. As Elisa Orofino and William Allchorn explain, this situation arises not only from confusion around the terms such as "radicalization," "extremism" and "terrorism," but also from the fact that individuals classified as non-violent extremists do not espouse violent methods, making them quite complex as a non-state actors to study. OROFINO E., ALLCHORN W., *Introduction: why do we need a handbook on non-violent forms of extremism*, in OROFINO E., ALLCHORN W. (eds.), in *Routledge handbook of non-violent extremism*, Routledge, London, 2023, pp.1-4.

[270] SCHMID A. P., *Violent and non-violent extremism: two sides of the same coin?*, in International Centre for Counter-Terrorism, May 2014.

traditions, their concrete expressions also vary significantly depending on history, cultural, and political contexts.

Among these, Islamic religious extremism[271] represents a particularly salient and complex form. In seeking to understand this form of religious extremism, Wu Yungui observes that the Islamic religious extremism may be understood as the inevitable outcome of religious doctrines and beliefs being rendered irrational, fanatical, and absolutist under the influence of overwhelming external forces[272]. Xu Haomiao explains that "Islamic (religious) extremism" refers to extremism carried out in the name of Islam and represents the most prominent manifestations of the politicization of Islam. It takes Islam as its banner, is grounded in communities or organizations composed of Muslim extremists, and employs radical means to achieve its objectives—the purification of faith and religion, the elimination of dissent, the establishment of "true belief," and ultimately the creation of an "Islamic state" and an "Islamic society" governed by Islamic law[273]. By analyzing the relationship between Islamic (religious) extremism and other currents of Islamic political thoughts, Liu Zhongmin argues that Islamic extremism constitutes the radical faction within Islamism, distinct from its moderate branch, and that ideas and concepts drawn from *Islamic revivalism*, *Islamic reformism*, and *Pan-Islamism* have been distorted and

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[271] It should be emphasized that, due to differences in research contexts and the resulting diversity in the understanding of terminology, related studies sometimes use terms such as "Islamist extremism," "Islamist radicalization" or "Islamic radicalization" to describe phenomena similar to those encompassed by "Islamic religious extremism." For example, within the framework of so-called Islamist radicalization, an individual's profession of faith has come to shape and determine all external manifestations of personality, thereby permeating and defining every aspect of daily life, Moreover, such individuals tend to deny equal dignity to those who differ from them and do not share their totalizing religiosity. See CHIARA T., *Radicalizazzione cd. islamista: l'uso perverso della religione nell'estrinsecazione della personalità, in particolare in rete*, in *future.unimi.it* (Online), 2022, p. 1. Although those relevant concepts are also be referenced in the course of this section, for the sake of conceptual clarity and consistency throughout this study, the term ***Islamic religious extremism*** is adopted.

[272] WU YUNGUI (吴云贵), *A brief treatise on contemporary religious extremism* (当代宗教极端主义简论), in *Studies in World Religions* (世界宗教研究), No. 2, 2017, pp. 1-3.

[273] XU HAOMIAO (徐浩淼), *The conceptual interpretation of Islamic extremism* (伊斯兰极端主义的概念阐释), in *Russian, East European & Central Asian* (俄罗斯中亚东欧研究), No. 2, 2006, p. 82.

misused by extremist movements[274]. Along the same lines, the scholar Wu Yungui holds that Islamic religious extremism is, to some extent, interrelated with Islamic fundamentalism, that is, even the relationship between these two is complicated, Islamic religious extremism can be regarded as a generalization of the ideas, political objectives, and social demands of the radical or extreme factions within fundamentalist Islam organizations. Notably, he emphasizes that in terms of religious thought, it can be argued that contemporary Islamic religious extremism worldwide largely represents the "extreme forms[275]" of Islamic fundamentalism. From another perspective, although the term Islamic religious extremism is not given directly, Phil Gurski explains that Islamic (religious) extremists are those who freely use Islamic sacred texts to justify their violent actions, more so that any other religious extremist actors, and who perceive themselves not merely as Muslims but as the most representative Muslims, willing to risk their lives to defend Islam from its enemies and to propagate the message of Allah worldwide[276].

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[274] The scholar emphasizes that since the modern era, the ideological origins of Islamic extremism have primarily developed along three major currents: (1) the extremist thought of Sayyid Qutb, a second-generation thinker of the Muslim Brotherhood, and he was executed by the Egyptian regime in 1966, whose ideas should be distinguished from the official Wahhabi doctrine of Saudi Arabia; (2) the extremist ideology of those who identify themselves as "Salafists"—that is, revivalists or traditionalists—particularly the faction known as the "Jihadist Salafists"; (3) the extremist ideology represented by the Al-Qaeda organization. The emergence of the Islamic State (ISIS) has further propelled Islamic extremism into an even more extreme and unprecedented stage. LIU ZHONGMIN (刘中民), *Understanding the concept of Islamic extremism: a perspective from Islamic political thought* (如何理解伊斯兰极端主义的概念—以伊斯兰政治思潮为视角), in *The World Religious Cultures* (世界宗教文化), No. 5, 2022, p. 63.

[275] **On the one hand**, he points out that Islamic fundamentalist organizations across various countries—including the influential Egyptian Muslim Brotherhood, the Islamic Society of Pakistan, the Muslim Brotherhood of Sudan, the Islamic Salvation Font of Algeria—whether legally recognized or not, function in practice as political opposition groups operating under the banner of religion. These organizations differ from one another in terms of political objectives, organizational structures, social bases, and modes of struggle. One characteristic, however, is common to all: they promote the politicization of religious ideology and the transformation of religious organizations into political parties. They themselves are organized in a modern, party-like manner, although from the perspective of movements with modern reformist ideas or secularist tendencies, their religious thought can be understood as a form of cultural conservatism. **On the other hand**, he notes that the mainstream Islamic fundamentalists advocate for legitimate Islamic activities, and oppose violent terrorism, whereas extremist Islamic fundamentalists are radical not only in ideology, but also in practice—to achieve political and utilitarian objects, such as establishing a theocratic state, they may pursue their goals by any means, regardless of consequences. See WU YUNGUI (吴云贵), *Analytical distinction between Islamic fundamentalism, religious extremism, and international terrorism* (伊斯兰原教旨主义，宗教极端主义与国际恐怖主义辨析), in *Social Science Abroad* (国外社会科), No. 1, 2002, pp. 15-18.

[276] GURSKI P., *When religion kills: how extremists justify violence through faith*, Lynne Rienner Publisher, London, pp. 112-113.

Meanwhile, the observations from Mostafa Soueid *et al.* regarding a prevalent yet problematic pattern in scholarly research in the understanding and interpretation of relevant terminology provide significant insights, they point out that much academic attention has been given to the relationship of Islam with extremism, often articulating in terms of religiosity as the main predictive factor within such relationship, while relying on a normative discourse that treats extremism as the negative manifestation or excessive expression of Muslim discourses[277]. Furthermore, there also has doubts on whether the etymology of "Islamic extremism" is a misunderstood terms or not[278].

Building upon the analyses outlined above, and with a focus on the dynamics and dissemination mechanisms central to this study, the ***Islamic religious extremism*** in this research is herein provisionally defined as an ideological system derived from certain extreme actors' narrow or distorted interpretations of the Qur'an and other Islamic teachings, with the aim of advancing specific political objectives. This ideological system instrumentalizes religious belief in a manner that blurs the boundaries between the religious and political spheres, thereby undermining the autonomy and neutrality that religion should inherently possess. Such instrumentalization misguides segments of society regarding the moderate and peaceful essence of Islam. Under the influence of this extremist ideology, certain individuals may resort to *violent means*—such as Martyr in the name of jihad, or direct attacks on individuals of the same or different faiths, as well as atheists—or may adopt *non-violent means*, such as by engaging in vocal or behavioral actions peacefully, yet fostering a large-scale religiously repressive atmosphere that stands in opposition to the modern secular mechanisms of a given state. Both forms, whether directly or indirectly, disrupt social order and may threaten or cause substantive harm to the life and property of others.

1.3.3 Challenges and Resistance to Expansion

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[277] SOUEID M., MERHEJ R., *Understanding Islamic extremism away from the dominant normative paradigm*, in *Journal of Ethnic and Cultural Studies*, Vol. 11 No. 1, p. 183.
[278] PRINSLOO B. L., *The etymology of "Islamic extremism": a misunderstood term?*, in *Cogent Social Sciences*, Vol. 4 No. 1, 2018, pp. 1-8.

The analyses have also underscored the significant challenges confronting modern radical Muslims in advancing the agenda of offensive jihad. These challenges are particularly evident in three critical areas: the recruitment and mobilization of jihad fighters, the procurement and management of weaponry, and the ongoing decline and loss of operational bases.

The first challenge pertains to the recruitment of members for jihad, which can be analyzed across three dimensions: (1) The integration of information. Radical Muslims have sought to collect, disseminate, and coordinate information related to violent jihad on a global scale, aiming to unify efforts and inspire collective action among Muslims worldwide. As discussed before, the transmission of information is a fundamental task in Islam. Radical Muslims actively leverage this principle to uphold their spiritual prestige within the Muslim community and to create a counterbalance to external influences. However, as international cooperation in counter-terrorism has intensified, governments have increasingly enhanced information control and tracking technologies. These measures have significantly constrained the ability of radical Muslims to disseminate these information effectively. The resulting fragmentation and incoherence in communication have further undermined the consistency and coordination between those who issue directives and those tasked with executing them. Consequently, the operational efficacy of radical groups has been substantially weakened. (2) The criteria for recruitment and the ability to maintain membership. Although on the face of it, any Muslim believers can be a potential followers, in reality, radical Muslims have certain criteria for the selection of their members. A key consideration in recruitment is the symbolic significance of the recruiter and their propaganda value. This means that not everyone can be a "qualified" jihad fighter easily, individuals who are chosen to participate in jihad, whether in initial activities or eventual acts of martyrdom, are selected for their ability to serve as representative figures. Their action are intended to resonate widely within the Muslim community and society at large, thereby serving as tools for radical Muslims to justify and amplify their ideological narratives. To identify suitable "candidates," they have increasingly focused on marginalized Muslims or who exhibit strong discontent with

modern society norms. (3) The latter one often includes highly educated individuals who may harbor heightened expectations of rights, freedoms, and personal agency. Additionally, the practical challenge of ensuring the safe retreat after carrying out attacks presents another obstacle. As can be seen from some real cases, many jihad fighters are either martyred or directly captured on the spot, a situation that complicates efforts to sustain and expand the number of active operatives, further limiting the growth and maintenance of their movements. Thus, the combination of selective recruitment criteria and difficulties in retaining jihad fighters has emerged as a major impediment to the recruitment operational capacity of radical Muslims; and the inherent limitations of religious extremist ideology significantly influence the selective engagement of Muslims, which constitutes the third point mentioned here. In modern societies, the purely "agitational" and "didactic" methods may not be sufficient to "inspire" the Muslim audience to participate in resistance movements. Many Muslims are either indifferent to the "facts" being advocated and do not want to be recruited, or they actively distance their religion from violence and conquest, instead of focusing on pursuing a spiritual dimension of what it means to be in the world.

The second critical issue relates to the access to weapons resources. While in certain regions, particularly those experiencing prolonged civil wars, the access to weapons may appear relatively straightforward, but the reality is that for most of these radical Muslims, securing adequate weaponry remains a significant challenge. This difficulty arises from two aspects. On one hand, those even so-called "friendly" governments are typically hesitant to supply advanced weaponry to them. This hesitancy is largely due to their unpredictable and unregulated behavior, which increases the potential risk of a "backlash," wherein they may ultimately view their former benefactors as adversaries. On the other hand, it is a matter about funding supply. In the era of heightened international cooperation against religious extremism, stringent national crackdowns on extremist-related crimes have effectively disrupted potential financial supply chains. This disruption limits the groups' capacity to acquire, produce, or develop advanced weaponry, particularly in economically developed

environments where sophisticated manufacturing capabilities are necessary. Furthermore, this funding supply deterioration is also closely linked to the constraints of operational bases as mentioned below.

The third one explains issue of operational bases. It is significant to highlight that when the Taliban continued to provide sanctuary and support to Al-Qaeda and associated members during the period of the Afghan Civil War from 1996 to 2001, and when the status intensified after the Taliban gained control over 90% of Afghanistan's territory by 1998, Afghanistan was once considered to be a central hub for the development and propagation of radical Islamist ideologies and societal frameworks. Because it served as a key site for constructing the mythos of jihad fighters as a distinct archetype within Muslim communities, conferring a form of spiritual prestige rooted in their experiences on the battlefield. However, the landscape shifted dramatically with the initiation of the 2001 war in Afghanistan and the ensuing counter-terrorism operations. The prominence of radical Islamist groups began to erode significantly. This decline was evidenced by a marked reduction in the quality of their training programs, logistical support systems, personnel management structures and so forth. Furthermore, the increasing disorganization within their ranks further hindered their capacity for effective dissemination of their ideology and mobilization for action, undermining their operational and ideological coherence.

1.3.4 Discursive Mechanisms and Underlying Logic

It is obvious that not all "efforts" made by these Islamic religions extremists have been always smooth. However, their ability to sustain a significant global impact is closely linked to their ongoing tactical adaptations and innovations within the context of globalization. It may be suitable to analyze and summarize the foundational logic underpinning the global spread of contemporary Islamic religious extremism in a general way. Additionally, its internal manifestations will be further explored at a micro level in the discussion of religious extremism in typical countries in Chapter II. Returning to the core focus, the inherent logic underlying the propagation of religious

extremism is demonstrated in three primary ways, as outlined below.

(1) **Islamic Religious extremists are portraying the Muslim audience as the inherently powerless and innocent image.** There is no doubt that contemporary religious extremists, no matter whose thinking or strategies are more sophisticated than that of the early Muslim jihadists, they are incubating the ambition to steer the direction of Islam to amplify their voice and enhance their status within the Muslim world. For instance, they are skilled in generating panic by spreading a pervasive sense of crisis and illusion, asserting that "the outside world is actively seeking to destroy Islam and annihilate all Muslims," or "the entire world is united in a concerted effort to destroy Islam[279]," invoking issues such as religious freedom or "minority rights" to mobilize international public opinion, thereby exerting pressure on the governments. Capitalizing on this narrative, they position themselves as the "defenders of Islam[280]," claiming a mission to unite and lead Muslims worldwide. Under the guise of the "just cause," they gradually foster and escalate tensions, such as the numerous conflicts at a large-scale during the 1980s and 1990s that were marked by confrontations between Muslims non-Muslims[281]. The aftermath of these conflicts has persisted for decades, continuing to influence States in various ways to this day.

Also, this tactic is closely tied the use of *Conspiracy Theories*, which have gained prominence in recent years[282]. It is said that many individuals involved in terrorist activities are known to be ardent proponents of such theories[283]. More precisely, through the theories, extremists frame Muslims as powerless victims in global events, asserting that these events are orchestrated by external forces, thereby absolving Muslims of any culpability. Even the conspiracy theories are frequently

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[279] DAVID C., *Understanding Jihad* (2nd ed.), University of California Press, Oakland, 2015, pp. 136-137.
[280] DAVID C., *Understanding Jihad* (2nd ed.), University of California Press, Oakland, 2015, p. 140.
[281] DAVID C., *Understanding Jihad* (2nd ed.), University of California Press, Oakland, 2015, p. 136.
[282] In other words, the conceptualization of conspiracy theories as a distinctive issue within the realm of public opinion is generally traced back to the mid-twentieth century. See ALFRED M., *Conspiracy and conspiracy theories in democratic politics*, in *Critical Review*, Vol. 28 No. 1, 2016, p. 1.
[283] DOUGLAS K. M., USCINSKI J. E. *et al.*, *Understanding conspiracy theories*, in *Advances in Political Psychology*, Vol. 40 No. 1, 2019, p. 3.

linked to violent intentions[284] or violent acts, the former serves to overcome these psychological barriers to committing violence[285]. That is, they distance themselves from direct associations with violence and gory attacks by using this rhetoric, to inspire and attract followers to actively engage in fighting jihad without any guilt. In brief, conspiracy theories allow religious extremists to achieve two objectives. One is to motivate their audience to take pride in and engage with the violent acts committed in the name of "great cause." And next, they thus can shift responsibility for the consequences of violence onto external forces, absolving themselves and their followers from accountability.

(2) **Religious extremists construct and disseminate a set of spiritual criterion that distinguish "true" Muslims from "false" Muslims**[286], establishing a rigid boundary between their version of "Islam" and the rest of the world. Analyzing from the current situation—including attempts by authoritarian regimes to bypass the judicial process, the rise of Islamic populism under various forms of Islamic modernism, the trivialization of religious training in modern secular education and the forth—one can tell that not only few Muslims can claim to be true scholars of the law (*fuqaha*), but only most believers remain confused about the true meaning of its essential doctrines[287]. Exploiting this reality, religious extremists develop the framework to control the definition of "Muslim," enabling them to identify and label "apostates," while making the rhetoric of "defending Islam by waging militant jihad" appear more legitimate. In certain extreme cases, Muslims who do not actively participate in jihad against so-called "false" Muslims are labeled as apostates, a designation that is sometimes extended to justify the execution of these individuals and their families[288]. Even more concerning, as these standards spread and infiltrate into specific countries, it can "mutate" into varied manifestations. For example, as

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[284] DOUGLAS K. M., USCINSKI J. E. *et al.*, *Understanding conspiracy theories*, in *Advances in Political Psychology*, Vol. 40 No. 1, 2019, p. 21.
[285] DAVID C., *Understanding Jihad* (2nd ed.), University of California Press, Oakland, 2015, p. 150.
[286] DAVID C., *Understanding Jihad* (2nd ed.), University of California Press, Oakland, 2015, p. 140.
[287] VINCENT J. C., *Fruit of the tree of knowledge: the relationship between faith and practice in Islam*, in ESPOSITO J. L. (ed.), in *The Oxford History of Islam*, Oxford University Press, Oxford, 2000, p. 91.
[288] DAVID C., *Understanding Jihad* (2nd ed.), University of California Press, Oakland, 2015, p. 139.

will be given a further explanation in Chapter II, religious extremists in China's case used Pan-Halal criteria to distinguish between "true" and "false" Muslims, thereby provoking social conflicts.

Based on this condition, religious extremists also offer a highly polarized interpretation of the Islamic teachings on "love" and "hatred." Specifically, they promote the idea of "love for anything or anybody defined as Islam or Muslim, and hatred for their opposites or opponents[289]." This interpretation, instead of giving a clear doctrinal direction to Muslim believers, creates a broader and more ambiguous space for subjective application in reality.

In essence, religious extremists define themselves as arbiters, imposing a constructed criteria for defining and sanctioning "true" and "false" Muslims. However, the criteria fundamentally contradicts the core teachings of Islam and distort its doctrines to serve their objectives.

(3) If the first two tactical aspects are designed to encourage more active participation of Muslim adherents in jihad, the third aspect can be interpreted **as an endorsement of jihad through violent means.** Religious extremists often convey their views and interpretations to their followers by providing regular political and military analyses of conflict events, framing these analyses within their own ideological paradigms. In this way, they not only amplify their visibility but also strategically shift the attention from the specifics of individual incidents to broader techniques of warfare. In doing so, they subtly garner support from their prophetic expansion of force. For instance, ancient texts are often invoked to elevate the status of those who engage in jihad, portraying them-rather than scientists or respected theologians-as exemplary figures for the youth. These fighters were considered to be the ones who could truly engage with the essence of Islam. Similar narratives are also evident in literature on jihad, where there is a tendency to idealize the war, focusing on the glory of the charge into battle, the exalted status of the martyrs, and emphasizing the spiritual significance of combat.

(4) Jihad has been one of the tactics used by religious extremists in their attempts

[289] DAVID C., *Understanding Jihad* (2nd ed.), University of California Press, Oakland, 2015, p. 141.

to "convert" others. In this vine, their portrayals of jihad's accomplishments frequently extend well beyond what external observers might consider reasonable, further conveying the idea that jihad is a righteous redemptive act, necessitating aggressive struggle and violent resistance, and that this form of violent resistance can be followed all the way through. It also refers to a kind of transmission of extremism Islam. *Da'wa*[290], a concept referring to the communication of the Prophet's message, holds fundamental significance in Islam and is extensively referenced in the Qur'an and related texts. Historically, this communication often took the form of Islamic conquests, which provided a socio-historical framework for spreading the faith. In modern times, however, these conditions have significantly weakened or disappeared, leading to a shift in the methods of *da'wa*, particularly among some radical Muslim groups, who now rely more on statements, communiqués, epistles, and publications. Nonetheless, a notable challenge for these radical Muslims is their limited ability to engage in outward dialogue and restricted access to global media platforms, which has curtailed their ability to reach wider audiences. As a result, they have increasingly adopted non-verbal forms of communication, such as visual images, as an alternative means of conveying their messages, placing less emphasis on traditional reliance on textual declarations[291]. It is also trick about "identity reduction," through which individuals abandon attempts to construct complex (multiple) identities and begin to reduce their sense of themselves to a singular "jihadist" or similar brand of identity.

In summary, religious extremists appear to employ the *Conspiracy Theories* as a means to enhance their status and influence within the Muslims worldwide, scrambling for a spiritual prestige, thereby attracting a broader base of followers. They subsequently leverage this influence to disseminate and promote a constructed framework of standards distinguishing "true" Muslims from "false" Muslims, which

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[290] The term *da'wa*, in its literal sense, denotes a call, invitation, or propagation. More specifically, within the Qur'anic context, it refers to the call to the dead to rise from their graves on the Day of Judgment. In a religious sense, *da'wa* signifies the divine invitation extended by God and the prophets to humanity, urging them to embrace the true religion, Islam. See *Encyclopedia of Islam, glossary and index of terms: da'wa*, in KATE F., GUDRUN K., DENIS M., JOHN N., DEVIN J. S., in *Encyclopaedia of Islam Online* (2nd eds.), Brill, 2012, <https://referenceworks.brill.com/display/entries/EIEG/SIM_gi_00796.xml> (last accessed: 23.01.2026)

[291] DAVID C., *Understanding Jihad* (2nd ed.), University of California Press, Oakland, 2015, p. 147.

further intensifies conflicts both within the Muslim community and between Muslims and non-Muslims. Taking advantage of this tension, they actively advocate for the adoption of violent and military jihad, under the pretext of defending the "righteousness" of Islam. However, interwoven in their assertion, they make little mention of, or deliberately downplay, the serious consequences that these expansions of force can have on human society[292].

1.4 Countering Islamic Religious Extremism: Models and Concepts Explication

If the foregoing interpretation of religious extremism is accepted, an inevitable question follows: what measures can be effectively employed to counter religious extremism. Prior to offering any substantive answer, this inquiry necessarily prompts several preliminary considerations: What measures are currently available? What are the respective strengths and limitations of these approaches? And, which methods have become most prevalent in contemporary practice?

1.4.1 A Traditional Classification of Models: Rigid Methods and Soft Methods

It is worth noting that in academic and policy-oriented discourse, the expressions Prevent Violent Extremism (PVE) and Countering Violent Extremism (CVE) are commonly employed. And more recently, these two notions have been integrated under the comprehensive framework of Preventing and Countering Violent Extremism (P/CVE). Collectively, these terms serve as umbrella notions encompassing a wide array of strategies and approaches designed to prevent or mitigate processes of radicalization and/or extremism[293].

However, in order to better align with the argumentative logic of this research, the subsequent discussion does not pursue strictly along the P/CVE paradigm. Instead, drawing on contemporary scholastic analyses and the operational practices implemented by various national governments, the strategies developed to manage

[292] DAVID C., *Understanding Jihad* (2nd ed.), University of California Press, Oakland, 2015, p. 129.
[293] NEHLSEN I., BIENE J. *et al.*, *Evident and effective? The challenges, potentials and limitations of evaluation research on preventing violent extremism*, in *International Journal of Conflict and Violence*, Vol. 14 No. 2, 2020, p. 3.

this issue may be appropriately classified into two broad categories: *Rigid Methods* and *Soft Methods*.

The *Rigid Methods*, as suggested by the terminology itself, encompass strategies grounded in coercive, highly restrictive, or even militarized measures, which were predominantly adopted during the 90s and the early 2000s. These approaches typically involve the large-scale deployment of military personnel or the resort to armed conflict as a principal mechanism for suppressing extremist threats. While such measures may yield short-term tactical success, they are generally insufficient to foster sustainable social cohesion or to secure long-term national stability.

In contrast, the *Soft Methods* adopt more peaceful, respecting and moderate means—such as education, persuasion, ideological disengagement, and various social reintegration initiatives—which tend to be more effective in the long run, especially when they focus on addressing the root causes of religious extremism. Their objective is to build moral and intellectual barriers against distorted or biased interpretations of Islamic doctrine, thereby facilitating the reintegration of individuals who have deviated into religious extremist pathway. In the contemporary context, *Soft Methods* are increasingly regarded as the more sustainable and legitimate means of combating religious extremism, as their emphasis on humanitarian and peace-oriented values aligns closely with both international norms and domestic development trajectories.

1.4.2 Focus on Soft Methods: Prevention and Disengagement

Building upon the above classification, this study primarily concentrates on *Soft Methods*, with particular attention to the prevention and disengagement strategies that play a pivotal role in facilitating individuals' exit from the influence of Islamic religious extremism.

As the existing literature reveals, there is a wide but often inconsistent range of terminologies used to describe these measures under the scope of Soft Methods. In addition to the two concepts—*prevention* and *disengagement*—other frequently employed terms include *deradicalization*, *desistance*, *disaffiliation*, *demobilization*,

defection, *rehabilitation*, *reconciliation*, and *resilience*. These expressions are sometimes applied with conceptual precision, but at other times interchangeable or even indiscriminately, resulting in significant semantic ambiguity. For this reason, it is necessary to clarify the conceptual choices and terminological usage adopted in this research.

To grasp the meaning of *prevention* in the specific context of countering Islamic religious extremism is helpful to examine how the concept has been approached in contemporary scholarship. Etymologically, the term *prevention* comes from the Latin *praevenire*, in which *venire* means "to come," while *pre* means "before." As Michel Dorais observes, prevention, in a general sense, refers to a set of measures aimed at reducing the number (i.e., frequency or probability) and severity (i.e., scale or impact) of accidents, physical or mental health problems, or social issues experienced by a population[294]. In this respect, prevention embodies the proactive logic aimed at mitigating risks before they materialize. By extension, a particularly enlightening model is the "**three-level prevention framework**"—comprising *primary*, *secondary* and *tertiary* prevention—originally developed in the fields of public health and medicine, and subsequently it is borrowed by the study of extremism, radicalization or social practice. This model conceptualizes extremism as a condition with identifiable risk factors, analogous to a diagnosable yet potentially treatable disorder. In doing so, it provides a structured foundation for the design, targeting, and evaluation of preventive interventions.

Within this framework, **primary prevention** aims to reduce the overall risk of extremism across the general population. It focuses on identifying harmful influences that could predispose individuals to turn to religious extremism, strengthening environmental and social forces that support resilience, and promoting protective factors that inhibit the broader population from experiencing exposure to such risks. **Secondary prevention** targets individuals or subgroups identified as being at heightened risk, implementing early interventions—such as education, counseling, or

[294] DORAIS M., *Prévenir, mai comment?*, in ROUSSSEAU C. A., CORRIVEAU P., QUIRION B., GERVAI M., LEMAN-LANGLOIS S., GIRARD G. (eds.), in *Prévenir*, Presses de l'Université Laval, Quebec, 2017, p. 9.

mentor-ship programs—to prevent the adoption or escalation of extremist beliefs or behaviors. **Tertiary prevention** is to reduce the rate in a community of defective functioning due to this religious extremist ideology, and it is restricted to reducing the rate of residual defect, the lowered capacity to contribute to the occupational and social life of the community which continues after this kind of ideology has ended[295]. More concretely, William Stephens *et al.* define prevention as a set of efforts targeting individual and/or environmental factors that create conditions conducive to the emergence or growth of violent extremism. These initiatives primarily rely on social, educational, and community-based mechanisms rather than on coercive or security-driven actions[296].

In essence, *prevention* represents a both proactive and systemic approach—one that seeks not to punish or immediately suppress those religious extremist behaviors—but rather to address the structural, social, and cognitive conditions that enable the extremist ideologies to take root and flourish.

Before proceeding to the conceptual elaboration of disengagement, it is necessary to first address a conceptual concern—namely, why this research adopts *disengagement* rather than *deradicalization* as its central analytical concept. Especially given the situation that the latter term is also frequently appears in both academic literature and policy discourse on extremism and counter-terrorism.

The choice is based not only on the conceptual limitation embedded in the understanding of radicalization, which in turn affect the clarity of *deradicalization*, but also on the sustained scholarly debate that distinguishes *deradicalization* from *disengagement*.

For instance, Bartolomeo Conti draws a conceptual distinction at the individual level: *deradicalization* primarily denotes **cognitive transformation**—the rejection or revision of certain values, attitudes and views, in essence representing a change of mind. *Disengagement*, by contrast, pertains to **behavioral distancing**—such as

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[295] Although religious extremism, as discussed in this study, cannot be directly equated with mental illness, the logic underpinning this preventive model remains analytically instructive. CAPLAN G., *Principles of preventive psychiatry*, Basic Books, New York, 1964, pp. 26-127.

[296] STEPHENS W., SIECKELINCK S. *et al.*, *Preventing violent extremism: a review of the literature*, in *Studies in Conflict & Terrorism*, Vol. 44 No. 4, 2021, p. 347.

renouncing violent methods and ceasing participation in terrorist activities—without necessarily abandoning radical ideas entirely[297]. This distinction highlights that *deradicalization* focuses on ideological change, whereas *disengagement* emphasizes behavioral change. And this point of view has been accepted by various scholars. In addition, *deradicalization* and *disengagement* are often perceived as conceptually correlated, yet, as Jensen *et al.* note, these shifts do not always occur simultaneously, if they occur at all[298], and several scholars question the feasibility of achieving full *deradicalization* and instead advocate *disengagement* as a more realistic and attainable alternative[299].

This kind of debate reinforces the argument advanced by John Horgan, who emphasizes the need for clarity for conceptual precision in differentiating between the two. From the perspective of terrorism studies, he defines *deradicalization* as a socio-psychological process through which an individual's commitment to, and involvement in, violent radical ideologies and activities is significantly diminished, to the point that the person is no longer considered at risk of engaging in violence. Beyond internal transformation, the term may also encompass external interventions and programs designed to reduce the likelihood of re-engagement in extremist violence by specifically addressing the psychological, ideological, and social factors relevant to disengagement. In later works, Horgan and Max Taylor suggest that the term "risk reduction" more accurately capture the pragmatic intent of many programs labeled as "deradicalization," since deradicalization is regarded as a misleading term to encompass what are context-specific and culturally conditioned efforts to reduce the risk of involvement or re-engagement[300]. Apart from this, disengaging, from Horgan's perspective, may suggest a critical shift in an individual's cognitive and

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[297] CONTI B., *Between deradicalization and disengagement: the re-engagement of the radical actor?*, in JAYAKUMAR S. (ed.), in *Terrorism, radicalization & countering violent extremism. Practical considerations & concerns*, Palgrave Pivot, Singapore, 2019, p. 46.
[298] JENSEN M., JAMES P. *et al.*, *Contextualizing disengagement: how exit barriers shape the pathways out of far-right extremism in the United States*, in *Studies in Conflict & Terrorism*, Vol. 46 No. 3, 2023, p. 251.
[299] SILKE A., *Disengagement or deradicalization: a look at prison programs for jailed terrorists*, in *CTC Sentinel*, Vol. 4 No. 1, 2011, p. 18.
[300] JOHN H., TAYLOR M., *Disengagement, de-radicalization and the arc of terrorism: future directions for research*, in COOLSAET R. (ed.), in *Jihadi terrorism and the radicalisation challenge: European and American experiences* (2nd ed.), Taylor&Francis Group, Oxford, 2016, p. 223.

social orientations—namely, the gradual abandonment of the shared social norms, values, attitudes and aspirations so carefully forged while the individual was still a member of a terrorist network. Or, it might indicate some continued adherence to these values and attitudes, and engaging in some other socially relevant "support" behavior but no longer engaging in actual terrorist operations. Thus, disengagement may not necessary involve leaving the movement, but is most frequently associated with significant temporary or permanent role change.

Furthermore, Horgan emphasizes that while disengagement may stem from a change of role, such role may also be influenced by psychological dynamics[301]. Drawing on this distinction, he further refines the concept of disengagement by identifying two dimensions—psychological and physical[302]. Psychological disengagement involves cognitive and emotional processes such as disappointment, disillusionment, or moral fatigue. Physical disengagement, on the other hand, refers to a change in the role of this individual, where disengagement behaviors and their antecedents are understood in terms of shifts in functional or operational positions within the movement. Of equal importance, Horgan cautions that physical disengagement may not result in any concomitant change or reduction in ideological support or, indeed, the social and psychological control that the particular ideology exerts on the individual[303]. Similarly, Bhavna Singh not only notes that deradicalization involves deliberately focusing on the ideological or psychological aspects of existing violent phenomena to help radicalized groups disengage and reduce the risk of re-radicalization, he further emphasizes that this process occurs through voluntary or involuntary efforts to shift from a position of perceived deviance or conflict with the surrounding environment towards moderation and equilibrium,

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[301] HORGAN J., *Walking away from terrorism: accounts of disengagement from radical and extremist movements*, Routledge, New York, 2009, pp. 152-153.
[302] HORGAN J., *Deradicalization or disengagement? A process in need of clarity and a counterterrorism initiative in need of evaluation*, in *Perspectives on Terrorism*, Vol. 2 No. 4, 2008, pp. 4-5.
[303] HORGAN J., *Individual disengagement: a psychological analysis*, in BJRGO T., HORGAN J. (eds.), in *Leaving terrorism behind: individual and collective disengagement*, Routledge, London and New York , 2009, pp. 22, 25, 27.

driven by societal negotiation[304].

On the basis of drawing on the above academic debates, this study employs the dual categories of *prevention* and *disengagement* based on the following rationale. *Prevention* encompasses proactive measures aimed at creating an environment that identifies and constrains the spread of religious extremism elements before individuals become influenced. *Disengagement*, in contrast, denotes interventions designed to assist individuals who has already influenced by religious extremism to gradually sever their ideological and behavioral attachments, and to maintain this separation over a sustained period. Together, these two categories could thus encompass the full spectrum of measures necessary to deal with this Islamic religious extremism matter.

1.5 Prevention and Disengagement: Reasons, Challenges and Criteria

Prima facie, the rationale behind prevention and disengagement appears to lie in their function as mechanisms designed to break the chain that links religious extremism to its possibility of eventual transformation into terrorism. However, beyond this instrumental logic, the deeper structural and normative foundations of these mechanisms invite more critical reflection. They are not merely instruments of risk management[305] or security control; rather, they embody the ways in which the state exercises power and negotiates ideological authority, social integration, and the construction of citizenship in the process of defining and managing the legitimate boundaries of belief and belonging. Accordingly, this section primarily approaches the discussion from this analytical perspective.

1.5.1 The Reasons Behind: A Product of "Risk Society"?

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[304] SINGH B., *Deradicalisation: China's panacea for conflict resolution in Xinjiang*, in HANSEN S. J., LID S. (eds.), in *Routledge handbook of deradicalization and disengagement*, Routledge, London, New York, 2020, p. 257.

[305] The concept of risk and risk assessments has a long history, however, risk assessment and risk management as a scientific field is young, not more than 40-50 years old. AVEN T., *Risk assessment and risk management: review of recent advances on their foundation*, in *European Journal of Operational Research*, Vol. 253 No. 1, 2016, p. 1.

Risks are not an invention of modernity, the concept of *risk* has existed since the dawn of human civilization[306], but the nature of risks confronting modern societies has changed fundamentally from the past[307]. Beyond this, differences also exist across disciplines referring to the understanding of risk[308].

Before a society could incorporate the concept of risk into its culture, change would have to come, not in views of present, but in attitudes about the future[309]. Following this vein, when returning to the subject of the study, it becomes apparent that the growing emphasis in contemporary societies on mechanisms of prevention and disengagement with regard to Islamic religious extremism cannot be understood merely as a reaction to already completed criminal conduct. Rather, it reflects, as a deeper level, a transformation in social perception and governance logic, one that is increasingly centered on risk. Within this framework, Islamic religious extremism is no longer conceived solely as a possible legally defined offence, but as a potential and

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[306] It was more than 2400 years ago, the Athenians offered their capacity of assessing risk before making decisions. See BERNSTEIN P. L., *Against the Gods: the remarkable story of risk*, Wiley, New York, 1996, pp. 4, 16.

[307] The modern conception of risk can be traced back to the introduction of the Hindu-Arabic numbering system to the West around the twelfth to thirteenth centuries. But the serious study of risk began during the Renaissance (fourteenth to sixteenth centuries), when individuals broke losses from the constraints of the past and subjected long-held beliefs to open challenge. In the seventeenth century, with the discovery of the theory of probability, the concept of risk acquired a central position in mathematical field. It can say that most of the tools used today in risk management and in the analysis of decision and choice stem from the developments that took place precisely between 1654 and 1760, even with two rare exceptions. However, it should also be noted that, when facing with the struggle of daily life, of constant trial and error, the ambiguity of the facts as well as the power of the human heartbeat can obliterate the mathematical model—which appears to explain everythi*ng—in* short order. Over time, the concept of risk gradually shifted from a rather narrow perspectives based on probabilities to ways of thinking which highlight events, consequences and uncertainties. Moreover, the earlier entrepreneurial understanding of risk as a venture—prominent in the history of colonization and frontier expansion, as well as emphasizing the "good" aspect of risk—began to blur since the beginning of the nineteenth century. By contrast, in everyday language, the word risk has increasingly come to refer to something negative. It was in the 1970s and 1980s, technological progress had a strong impact on the establishment and expansion of interdisciplinary risk research and the social science contribution to it. See BERNSTEIN P. L., *Against the Gods: the remarkable story of risk*, Wiley, New York, 1996, pp. 4-7. See AVEN T., *The risk concept—historical and recent development trends*, in *Reliability Engineering & System Safety*, Vol. 99, 2012, p. 33. See ZINN J.O., *Introduction: the contribution of sociology to the discourse on risk and uncertainty*, in ZINN J.O. (ed.), in *Social theories of risk and uncertainty: an introduction*, John Wiley & Sons, Malden, 2008, pp. 10-11.

[308] For example, Althaus has systematically provided the understanding and definition of risk by using the epistemological approach in twelve dimensions, such as linguistic, history, mathematics, economics, psychology, art, philosophy and the forth. Some of their understandings about risk are even paradoxical, basing on their different preoccupations, which shows the various faces of risk and indicates that risk is a strange mix of seeming contradictions. See ALTHAUS C. E., *A disciplinary perspective on the epistemological status of risk*, in *Risk Analysis: An International Journal*, Vol. 25 No. 3, 2005, pp. 570-580.

[309] BERNSTEIN P. L., *Against the Gods: the remarkable story of risk*, Wiley, New York, 1996, p. 18.

not yet fully materialized pattern of risk. This shift not only corresponds to the heightened sensitivity to uncertainty and future harm described by the theory of the risk society, but also highlights the evolving role of law and public policy, whose function increasingly extends beyond the regulation of unlawful conduct to encompass the governance of risk and the management of social insecurity.

Accordingly, this section adopts the theory of the risk society as its starting point drawing on both sociological and legal perspectives in order to examine the rationales underlying preventive and disengagement mechanisms in the field of Islamic religious extremism.

Building on the previous discussion regarding the governance and preventive measures addressing Islamic religious extremism, it is useful to adopt Ulrich Beck's theory of "Risk Society" (*Risikogesellschaft*) as the theoretical point of departure, which helps to better understand these transformations and the corresponding application of preventive and regulatory measures. From this vantage point, one may further grasp reasons about why state policies are increasingly oriented toward prevention and disengagement rather than merely *post hoc* punishment, and how this logic shapes the design and implementation of these intervention measures. As Beck argues, the defining feature of modern risks lies in their human-made nature. If the externally caused dangers[310] (from the gods or nature) were previously concerned, the historically novel quality of today's risks derives from internal decision. They depend on a simultaneously scientific and social construction, in other words, risks are at the same time "real" and constituted by the specific social perception and construction. In Beck's formulation, risk no longer denotes a mere probability of harm, but embodies a forward-looking logic that projects potential catastrophe into the present—a process

[310] In order to better position *risk*, Michel Dorais distinguishes it from *danger*. That is, *risk* is the possibility of an encounter between individuals and the dangers to which they may be exposed, it therefore implies a state of exposure that is, in principle, avoidable through appropriate actions or decisions. In contrast, *danger*, in specific, indicates an intrinsic property, by which something or an event is certainly capable of causing harm. DORAIS M., *Prévenir, mai comment?*, in ROUSSSEAU C., CORRIVEAU P., QUIRION B., GERVAI M., LEMAN-LANGLOIS S., GIRARD G. (eds.), in *Prévenir*, Presses de l'Université Laval, Quebec, 2017, p. 10.

he calls "the calculation of the incalculable[311]."

On this basis, Beck further distinguishes risk from actual destruction, emphasizing that risk does not refer to damages incurred, but rather the possibility of destruction that threatens to occur. He further explains that the discourse of risk begins precisely at the moment when trust in security and belief in progress end, and it ceases to apply when the potential catastrophe actually occurs. Risk thus occupies a unique intermediate state between security and destruction—an anticipatory condition in which the perception of threatening risks shapes both individual reasoning and collective action. In this sense, the concept of risk inverts the temporal relationship between past, present, and future: it focuses not on what has happened, but on what could happen if humanity fails to alter its current trajectory[312].

Since the attacks of 11 September 2001, terrorism has come to symbolize the transnational and omnipresent nature of modern risks—threats that transcend spatial, temporal, and social boundaries. Especially with the evolution that the domestic and international dimensions intersect, rendering it increasingly difficult to clearly distinguish the source of the threat, which now operates within the new spatial dimension opened by globalization: the terrorist risk in specific becomes, so to speak, ubiquitous. As Eric Posner notes, the essence of terrorism is not in *destruction* but in *terror* itself[313]. The success of a terrorist operation is measured precisely by the anticipatory panic created in the affected population, over and above the actual, dramatic results, meanwhile, these widespread fears corresponds to the security issue, public opinions and the like[314]. Basing on this situation, Beck's "World Risk Society" (*Welt-Risiko-Gesellschaft*) captures this transformation on a global scale. He further explains that the "World Risk Society" in which humanity had entered does not arise from the fact that everyday life has generally become more dangerous. It is not a

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311 ULRICH B., *The terrorist threat. World risk society revisited*, in *Theory, Culture & Society*, Vol. 19 No. 4, 2002, pp. 40-41.
312 ULRICH B., *Risk society revisited: theory, politics and research programmes*, in ADAM B., BECK U., VAN LOON J. (eds.), in *The risk society and beyond: critical issues for social theory*, SAGE, London, 2000, pp. 278-279.
313 POSNER E. A., *Fear and the regulatory model of counterterrorism*, in *Harvard Journal of Law & Public Policy*, Vol. 25 No. 2, 2002, p. 683.
314 ALESSANDRO N., *Radicalizzazione religiosa e de-radicalizzazione laica: sfide giuridiche per l'ordinamento democratico*, Carocci, Roma, 2022, p. 35.

matter of the *increase*, but rather of the *de-bounding* of uncontrollable risks from spatial, temporal and social these three dimensions.

The transformation of risk perception profoundly reshapes the understanding and governance of security. As Taureck argues, the concept security is not objective but subjective construction that reflects the power of those who define it, thereby privileging certain perspectives of what constitutes "security" over others[315]. In this process, public panic and its perception of threats may also at times be shaped by elite-driven narratives that construct particular understandings of thereat and causation[316]. At the individual level, Stuart Croft's notion of *ontological security* suggests, the sense of order and continuity in the life of an individual is produced inter-subjectively[317]. Ontological security depends on the maintenance of a coherent and predictable narrative of self and the world. While, in modern societies characterized by pervasive risks and mediated threats, this sense of ontological stability becomes increasingly fragile. Individuals experience a "dis-embedding" from the routines and social structures that previously ensured their sense of normality.

Within Beck's risk society, this erosion of ontological security reinforces a political logic of prevention. When people perceive the world as fundamentally *uncertain* and unstable, they become more receptive to risk-based governance strategies that promise reassurance through control, surveillance, and preemption. Thus, the relationship between risk and ontological security operates in a feedback loop—social anxieties produced by risk amplify demands for security, while security policies designed to manage risk often deepen the very sense of vulnerability they seek to alleviate.

Viewed through this analytical prism, the increasing institutionalization of prevention and disengagement strategies against Islamic religious extremism reflects a broader risk rationality. These measures embody an anticipatory mode of

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315 TAURECK R., *Securitization theory and securitization studies*, in *Journal of International Relations and Development*, Vol. 9 No. 1, 2006, p. 55.
316 GITHENS-MAZER J., *The rhetoric and reality: radicalization and political discourse*, in *International Political Science Review*, Vol. 33 No. 5, 2012, p. 560.
317 CROFT S., *Securitizing Islam. Identity and the search for security*, Cambridge University Press, Cambridge, 2012, p. 2.

governance that seeks to identify and neutralize potential threats before they materialize, to manage uncertainties through intervention, and to reinforce state authority by defining the boundaries of legitimate rights. However, by shifting the focus from punishing concrete actions to preempting potential risks, the boundary between prevention and repression becomes increasingly blurred. The preventive framework risks normalizing exceptional measures and eroding the legal safeguards that distinguish democratic governance from authoritarian control.

Accordingly, while the risk society thesis offers an important analytical framework for interpreting the growing reliance on prevention and disengagement measures, it also exposes the inherent contradictions in their implementation. These contradictions become evident when mechanisms based on the anticipation of risk—rather than on established guilt—confront the fundamental principles of individual liberty and constitutional legality. In essence, the need for prevention, in fact, is inherent in every civilization, both as a rational demand logically stemming from the experience of the harmful nature of certain acts, and, even more fundamentally, as a product of the inescapable survival instinct that characterizes every human being. However, it is also a legal necessity, insofar as the preventive measure embodies the very concept of protection of goods, rights, or interests, which every legal system is tasked with safeguarding[318]. However, as Nuvolone Pietro acutely notes that the prevention measure does not operate on the basis of the full legal certainty characteristic of punishment, but rather on the basis of an initial legal certainty combined with a hypothesis concerning the future. And this follows from the very nature of prevention, which is projected toward the future and, consequently, can only partially rely on factual findings. And as a result, both the judgment and the corresponding prevention measure retain an inherently hypothetical character[319]. This intersection gives rise to what may be termed the dilemma concerning non-criminals, in which the preventive rationale of security policies encounters the legal and ethical

[318] MARIANI E., *Prevenire è meglio che punire: le misure di prevenzione personali tra accertamento della pericolosità e bilanciamenti di interessi*, Giuffrè Francis Lefebvre, Milano, 2021, p. 1.
[319] NUVOLONE P., *Misure di prevenzione e misure di sicurezza*, in *Enciclopedia del Diritto*, Vol. 26, 1976, p. 634.

boundaries of state intervention against individuals who have not committed any offense.

1.5.2 Dilemma Concerning Non-Criminals: Necessities and Challenges

When comes to individual prevention programs, generally, it aims to identify individuals circumstances that may lead to the development of an anti-social personality, as well as the subjective behaviors that could evolve in an antisocial direction. The objectives is then to intervene in order to mitigate risk factors and enhance protective factors. Specifically, in addressing Islamic religious extremism, the focus of policies and laws should not be confined solely to those who have already engaged in terrorism-related acts. It is also necessary to take into account the complex realities that arise when individuals who have not yet reached the threshold of criminal prosecution nonetheless maintain connections with religious extremism, because penalties and preventive-related measures do not share the same prerequisites, objectives, or content[320], in other words, the issue of legal certainty (*la certezza del diritto*) in the context of prevention arises in terms quite different from those traditionally encountered in criminal law[321]. Within this framework, scholarly attention to the prevention of, and disengagement from, extremism among these "non-offending individuals" becomes particularly significant.

Firstly, the importance of preventive justice and early intervention cannot be ignored. It is evident that the formation of Islamic religious extremism is not instantaneous; rather, it is a gradual, complex, and multi-layered process. Research indicates that the ideological foundations of religious extremism often begin to take

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[320] FABIO B., *Manuale delle misure di prevenzione* (2nd ed.), G. Giappichelli, Torino, 2021, pp. 7-8.

[321] Specifically, as mentioned by Nuvolone Pietro, when it comes to **applying a penalty**, the prerequisites are given the determination of the crimes, its attribution to the individual, the mental link between the individual and the act, and the personality of the individual as a tool for evaluating the criminal action—elementes that, despite their complexity, are placed within a perspective of objective knowability. While, when it comes to **applying a preventive measure**, the facts to be ascertained are the "symptoms" of a danger (*i "sintomi" di un pericolo*), which, as such, being specific to the concrete case, cannot be easily be pinpointed in a legislative norm, excpet in a very general sense. The correlation between these facts and the future is subject to a judgment that cannot, excpet through questionable assumptions, be properly made by the legislator. See NUVOLONE P., *Misure di prevenzione e misure di sicurezza*, in *Enciclopedia del Diritto*, Vol. 26, 1976, p. 633.

shape before any violent actions occur. Through gradual changes in thought, attitudes, and social behavior patterns, Islamic religious extremism can accumulate imperceptibly, ultimately leading to potential violent actions. Therefore, intervention should begin at the earliest stage, when individuals are still at a non-criminal phase, which aligns with the dynamic process of extremism formation. This early intervention not only effectively curtails the spread of extremist ideologies but also helps prevent the escalation into violent extremism. At the same time, it must be recognized that even if certain individuals do not meet the criteria for criminal prosecution, they may still pose a latent security threat. Even the mere expression of low-level extremist thoughts or rhetoric can create an environment conducive to the growth of religious extremism, providing a breeding ground for future violent acts. Hence, implementing preventive and disengagement measures at the non-criminal stage can disrupt the chain of extremism ideology formation at its early stages, fulfilling the foresight role of law and policy. This approach not only helps reduce potential social risks but, from a long-term perspective, also lowers the costs of counter-terrorism and social governance.

Secondly, the urgency of social cohesion and integration should not be overlooked. Islamic religious extremism can not only directly lead to violent actions but can also result in a series of serious social consequences. The most notable manifestation might be social alienation and stigmatization, which often exacerbate divisions between social groups and may even lead some groups to form "parallel societies" that are opposed to the mainstream society, further intensifying social fragmentation and conflict. The intervention of prevention and disengagement procedures, particularly those involving active social integration measures, can help individuals with extremist tendencies re-establish their connections with society.

However, when comes to the practical application of prevention and disengagement measures, several challenges might arise:

Firstly, most non-criminal legal measures tend to cover a wide range of social issues such as domestic violence, dangerous driving, drug abuse, and animal cruelty. Although certain legal provisions seem to address issues related to religious

extremism, closer analysis reveals a lack of effective integration between these regulations, making it difficult to establish a systematic policy framework, because of the unique dangers and complexities of Islamic religious extremism, it raises questions about the effectiveness of general legal provisions in addressing this specific issue. In addition, inter-departmental coordination is often insufficient; for example, educational, judicial, social service, and security agencies often lack effective information sharing, resource allocation, and coordinated intervention strategies, leading to inefficiencies in prevention and disengagement efforts. Furthermore, personnel and departments responsible for implementing relevant policies often lack sufficient expertise and training, limiting their understanding of the characteristics of religious extremism and appropriate intervention methods.

Secondly, considerations of human rights protection and the principle of proportionality present another challenge. Interventions targeting "non-criminal individuals" do not imply premature criminal sanctions; instead, they create space for non-punitive and rehabilitative measures, such as education, dialogue, and community programs, thereby addressing security risks while avoiding over-criminalization. However, as noted earlier, terms such as "radicalization" and "extremism," while widely used in academic, policy, and legal literature, lack unified definitions and standardized applications, making it difficult to establish consistent criteria for identifying and intervening with target individuals. Employing broad labels such as "radical or extreme individuals" without clear boundaries may lead to confusion between individuals of different types and risk levels, potentially underestimating threats in some cases or subjecting low-risk individuals to unnecessary interventions. As Aradau and Van Munster argue that what is new is not so much the advent of a risk society, as the emergence of a "precautionary" element that has given birth to new configurations of risk that require that the catastrophic prospects of the future be avoided at all costs[322]. However, the normalization of this anticipatory approach often legitimizes the extension of state powers into the private sphere, authorizing

[322] ARADAU C., VAN MUNSTER R., *Governing terrorism through risk: taking precautions, (un) knowing the future*, in *European Journal of International Relations*, Vol. 13 No. 1, 2007, p. 91.

interference that may severely infringe upon personal freedoms in the name of public security. In other words, governments may be allowed to invoke emergency powers in exceptional circumstances, leading to potential restrictions on freedoms such as freedom of speech, religious freedom, or privacy[323]. This implies that when threats are defined based on potentiality rather than actuality, the boundary between protection and repression becomes blurred, sanctions are thus not imposed for the violation of specific behavioral rules, but for the individual's resemblance to the profile of a potential offender[324]. Therefore, the risk exists that, in the name of security, measures or regulations might evolve toward extremism, thereby infringing on inviolable fundamental rights.

In essence, incorporating "non-offending individuals" into the scope of prevention and disengagement strategies against Islamic religious extremism contributes to early intervention and risk control, Yet, beyond this dilemma arising from the management to non-criminals, another crucial question arises: how can the effectiveness of such preventive and disengagement measures be meaning fully designed and assessed?

1.5.3 Criteria for "Effective" Measurements: Difficulties and Remedies

Determining what constitutes an effective prevention and disengagement measure remains one of the most complex and contested challenges in countering religious extremism. Although many countries officially report success in their preventive or disengagement programs, the empirical reality often appears far more nuanced than official narratives suggests. Therefore, having a discussion about what counts as "effectiveness" is not only of methodological significance, but a question that bears

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[323] VEDASCHI A., *The multilevel governance of emergency in counterterrorism: the "globalization" of the law of exception?*, in VEDASCHI A., SCHEPPELE K. L. (eds.), in *9/11 and the rise of global anti-terrorism law: how the UN security council rules the world*, Cambridge University Press (Global Law Series), Cambridge, 2021, p. 107.

[324] CERESA-GASTALDO M., *Misure di prevenzione e pericolosità sociale: l'incolmabile deficit di legalità della giurisdizione senza fatto*, in *Diritto Penale Contemporaneo*, 2015, p. 7, <https://archiviodpc.dirittopenaleuomo.org/d/4341-misure-di-prevenzione-e-pericolositasociale-l-incolmabile-deficit-di-legalita-della-giurisdizione-s> (last accessed: 12.02.2026)

direct implications for the design, implementation, and evaluation of national policies to deal with this issue.

Before analyzing the criteria for effective prevention and disengagement measure, it is first necessary to discuss the difficulties inherent in evaluating their effectiveness. Beyond the conceptual ambiguities arising from the imprecise use of related terminology, the slow progress in such evaluations can also be attributed to several deeper structural factors:

First, in terms of the measurements themselves, preventive and disengagement initiatives are relatively recent developments, insufficient time has passed to allow an evaluation of their long-term effectiveness. Moreover, the confidential and security-sensitive nature of many programs means that they are deliberately shrouded in secrecy and even were never originally intended for analysis of any type. As a result, information and reliable statistics concerning participation outcomes, relapse rates, or broader social impacts are often limited or inaccessible for scientific purpose, making it difficult to establish reliable evaluation frameworks. Meanwhile, expectations regarding the capability and feasibility of outcome evaluations in some context are inflated, which further exacerbate these challenges.

Second, significant methodological difficulties further complicate the evaluation process. Chief among these is the difficulty of conducting long-term follow-up assessments. Given that those interventions inherently require an extend observation period to validate its efficacy, while, many of these programs observe them only for such a short time, which cannot capture a comprehensive trajectory of change. This is compounded by the inherent scarcity and low accessibility of the relevant population—namely, former religious extremists—which presents profound practical difficulties in assembling robust datasets, especially for key variables. As Baaken *et al.* observe, such constraints largely explain why quantitative studies have so far tended to be exception in this research field[325].

Third, although recidivism rates are among the most commonly employed

[325] BAAKEN T., KORN T. *et al.*, *Dissecting deradicalization: challenges for theory and practice in Germany*, in *International Journal of Conflict and Violenc*e, Vol. 14 No. 2, 2020, p. 1.

indicators to critically assess the effectiveness of initiatives[326], their validity and reliability are subject to significant limitation. This is primarily due to the lack of a standardized definition across different programs, resulting in inconsistencies in measurement. Moreover, recidivism is regard as failing to capture the cognitive transformations and broader behavioral shifts—such as ideological change, social reintegration, disengagement from the extremist network—that are often central concerns of those intervention programs[327].

Against this backdrop, scholars have proposed several guiding principles for identifying the effective practices. Nehlsen with his colleagues indicate that the prevention efforts can be deemed successful by their capacity to reduce individual's susceptibility to extremist influence. Through intensive case counseling and tailored support, successful programs are those that demonstrably shifting individuals from a higher to a lower level of engagement[328]. Similarly, Angel Rabasa *et al.* argue that evaluating mechanisms can begin with establishing a minimal definition of success: the majority of the participants remain completely disengaged. In other words, the former religious extremists do not participate in any violent activities or join an organization that perpetrates or supports violence. However, an ideal successful program would go beyond behavioral disengagement and also foster cognitive moderation. Emphasizing the adjustment of beliefs here is crucial, not only because it is likely to produce a more enduring change in behavior, but also because it fundamentally undermines the extremist ideology[329].

From a methodological standpoint, Baaken *et al.* emphasize that it would be capable of proposing definitive statements as to the effective of certain approaches by focusing on longitudinal studies on the development of individuals who have passed

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[326] JOHN H., TAYLOR M., *Disengagement, de-radicalization and the arc of terrorism: future directions for research*, in COOLSAET R. (ed.), in *Jihadi terrorism and the radicalisation challenge: European and American experiences* (2nd ed.), Taylor&Francis Group, Oxford, 2016, p. 214.

[327] See GLAZZARD A., *Violent extremist disengagement and reintegration: a framework for planning, design and evaluation of programmatic interventions*, in *Studies in Conflict & Terrorism*, Vol. 48 No. 4, 2025, p. 424.

[328] NEHLSEN I., BIENE J. *et al.*, *Evident and effective? The challenges, potentials and limitations of evaluation research on preventing violent extremism*, in *International Journal of Conflict and Violence*, Vol. 14 No. 2, 2020, p. 10.

[329] RABASA A., PETTYJOHN S. L. *et al.*, *Deradicalizing Islamist extremists*, in RAND, 2010.

through disengagement programs[330]. In addition, scholars also recommend the use of empirical studies employing quantitative data where feasible—such as in preventive interventions—and advocate for a multi-method evaluation approach in more complex contexts such as disengagement or deradicalization programs[331]. On a broader level, in the principles of effective programs across prevention domains, characteristics like comprehensiveness, sufficient dosage (intensity), skill development focus, and the importance of timing are identified as being important[332], which can shed light on developing sound and sustainably intervention programs.

Given these complexities, constructing a universal framework for evaluating measures that counter religious extremism remains highly challenging. A more feasible approach lies in first clarifying what is the *substantive purposes* for which the preventive and disengagement measures are implemented before taking the evaluation actions. Specifically, it is a practicable way to set a number of indicators of success that relate to the different aspects or phases of the program, as well as their relationship with the context matters within which they are implemented, more importantly, it needs the cautious consideration to establish what effectiveness can be expected within a given policy and socio-economic context. Conducting multi-attribute evaluation studies of each initiative would be a welcome start to greater clarity around these issues.

1.6 Summary

This chapter delineates the scope of the study through an examination of core concepts and critical issues. It begins with a multidimensional exploration of secularization, the transformation of religious authority, the reconstruction of individual consciousness, and the repositioning of religion in post-secular societies are critically examined. The chapter highlights the profound impact of secularization

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[330] BAAKEN T., KORN T. *et al.*, *Dissecting deradicalization: challenges for theory and practice in Germany*, in *International Journal of Conflict and Violence*, Vol. 14 No. 2, 2020, p. 2.
[331] FEDDES A., GALLUCCI M., *A literature review on methodology used in evaluating effects of preventive and de-radicalisation interventions*, in *Journal for Deradicalization*, No. 5, 2015, p. 2.
[332] NATION M. CRUSTO C. *et al.*, *What works in prevention: principles of effective prevention programs*, in *American Psychologist*, Vol. 58 No. 6/7, 2003, p. 455.

on social structures and cultural identities. Then, it moves to the addressing the complexity and diversity of Islam, a detailed examination of the core principles of Islamic law and its interrelation is provided. This includes an exploration of issues such as the headscarf controversy, the concepts like Jihad, the ideological underpinnings of Islamism. On this basis, to define Islam in distinction from Islamic religious extremism, thereby establishing clear conceptual boundaries. Before giving a definition about Islamic religious extremism described in this research, the conceptual distinctions between radicalization and extremism, and their practical implications are given. Then the global dynamics of Islamic religious extremism and its ideological mechanisms are analyzed from a global dimension. Finally, the situation of Islamic religious extremism further introduces two principal approaches currently employed in addressing issues nowadays: the Rigid Methods and the Soft Methods. This study further narrows in its focus on the Soft Methods, particularly emphasizing the preventive and disengagement-based strategies. Meanwhile, presenting possible reasons bind the implication, and the legal and normative challenges inherent in their implementation and offering criteria for evaluating their effectiveness, And the even complex issue concerns the design of specific interventions for individuals who display religious extremist tendencies without having engaged in criminal activity—a circumstance that pose significant theoretical and practical dilemmas for the formulation and application of preventive and disengagement measures.

Through this thorough examination of secularization and Islamic religious extremism, a systematic understanding of these phenomena has been developed, laying a solid theoretical foundation for the subsequent case studies of specific national approaches. In the context of globalization, the spread of Islamic religious extremism presents both regional and cultural diversity. Different nations have adopted distinct policies and measures in response to this challenge, shaped by their unique social structures, historical contexts, and legal frameworks.

Chapter II will specifically focus on the experiences and practices of representative countries, including France, Italy, and China, in preventing Islamic

religious extremism. By analyzing the policies and legal system in countering this issue of these nations, to further explore how each has formulated and implemented preventive measure based on its own societal dynamics. Additionally, it will highlight the concrete challenges and successes encountered in the process, providing valuable insights for future efforts to combat Islamic religious extremism while balancing security and basic rights.

Chapter II Models among Typical Countries

Introduction

The prevention and countering of Islamic religious extremis have become central concerns for states seeking to safeguard social cohesion and antional security. Across the world, countries have developed different strategies to address this issue, shaped by their unique political, historical, cultural, and socio-economic contexts. The differences in the measures taken by these countries reflect the diversity in how they perceive and address the intersection of religion, secularization, and state government.

This chapter provides a comprarative analysis of three countries—France, Italy and China—focusing on their respective approaches to preventing and disengaging individuals involved in Islamic religious extremism. These countries are selected not only because they have all experienced threats and harm associated with this kind of religious extremism, but also because, as mentioned in Chapter I, they have established a body of scholarship experiences on research about Islam-related fields. Whether these discourse are viewed as constructive or controversial, they have significantly influenced national strategies aimed at the development of policies and practices to counter Islamic religious extremism, and further shed light on the future measures on preventive and disengagement projects.

As this chapter will mention, for example, in France, recurrent terrorist incidents and a series of national preventive measures—such as the establishment of the Center for Prevention, Integration and Citizenship (CPIC, *Centre de Prévention, d'Insertion et de Citoyenneté*) and the Citizenship Internship Course—offer concrete examples of state-led counter-extremism initiatives. Italy, by contrast, presents a unique case where Islamic religious extremism is perceived to have limited social diffusion, giving rise to what may be described as a "myth," the situation that this research seeks to explore critically. In China, attention is directed to the Xinjiang Uyghur Autonomous Region, where terrorism-related incidents have prompted the implication

of preventive and disengagement measures, most notably the Vocational Education and Training Centers (VETs), which have sparked widespread controversy while demonstrating certain preventive effectiveness.

In addition, The discussion of these national contexts inevitably involves an examination of broader issues such as the regulation of religious symbols—most notably, the headscarf and face veil debates. In France, the wearing of the *ḥijāb* is restricted in public institutions; in Italy, the niqāb and burqu are prohibited in public spaces in certain regions; and in China, local regulations ban the wearing of the *niqāb* in public places in capital of Xinjiang of China.

Before engaging in the formal discussion of each case, it is necessary to clarify the terminology used in this chapter, particularly where differences in ational and legal contexts may lead to divergent interpretations.

Firstly, given the absence of unified concepts, and the reality that the significant national differences in the understanding of *secularization*—shaped by different political histories—it is necessary to contextualize the terminologies used within the specific social and legal circumstances in which they arise. While Chapter I provided a theoretical concrete definition of *secularization*, a more accurate depiction is required to accurately depict the manifestations of religious extremism and the corresponding response strategies among various countries. In particular, there may be many reasons to define and understand the term *secular* in the context of the secular state, for example there are at least thirty-three states expressly employed the term secular in their constitution[333]. In this chapter, for example, in Italy and France, the constitutions explicitly enshrine the status of secular, a concept grounded in a long-standing theological and political history, which is further concretized through legal and judicial practice. In contrast, the understanding of secular in the Chinese context seems not having a strong connection with historical-theological tradition, it functions more as a policy concept or a colloquial expression in everyday life. Accordingly, the study will reference terminology as presented by authors in their

[333] CLARKE G., BARKER R., *The challenge of defining the secular*, in *Law*, Vol. 13 No. 3, 2024, pp. 1-2.

original languages to preserve accuracy.

Secondly, in examining measure in managing Islamic religious extremism, it is also necessary to consider the variations in terminology across different national contexts. In French and Italy, the terms like "radicalization" and "de-radicalization" are commonly used in both legal and academic discourse. In contrast, in the Chinese context, the terms "religious extremism," "de-extremism," "de-extremification" are more commonly used to describe this issue and the corresponding methods. Despite these variations in terminology or descriptions, based on the definitions outlined in Chapter I, the use of these original terms serves primarily to facilitate a better understanding of the subjects under investigation, and further emphasize both preventive and interventional measures in response to this phenomenon.

The multiplicity of terms mirrors the complexity of situations-diverse and often contradictory-not only between nations but also within each of them. By examining these different contexts in detail, this study aims to provide a nuanced understanding of the effectiveness, limitations, and social implications of preventive and disengagement measures against Islamic religious extremism. Each research subject is analyzed with regard to its specific circumstances, alongside the relevant legal, social, and policy frameworks, in order to inform the development of context-sensitive legal and political recommendations.

2.1 The French Model

2.1.1 Introduction

Table 1: The Major Terrorist Incidents in France[334]				
Date	**Location**	**Casualties**	**Incident Description**	**Notes**
11–22 Mar 2012	Toulouse and Montauban (South of France)	7 killed, 11 injured	Series of shootings targeting soldiers and Jewish civilians	Perpetrated by Mohammed Merah; linked to al-Qaeda
25-May-2013	La Défense, Paris	1 injured	Stabbing of a French soldier	Attacker was a convert to Islam; motive linked to Islamist extremism
20-Dec-2014	Joué-lès-Tours	3 injured, attacker killed	Knife attack on police station	Attacker shouted "Allahu Akbar"; inspired by ISIL
07-Jan-2015	Paris	12 killed	The *Charlie Hebdo* shooting	Attackers claimed to avenge the Prophet Muhammad
13-Nov-2015	Paris	130 killed, over 350 injured	Coordinated attacks including Bataclan theatre	Claimed by ISIS; involved shootings and bombings
14-Jul-2016	Nice	86 killed, 434 injured	Truck ramming during Bastille	Attacker pledged allegiance to ISIS

[334] Statistics show that around twenty-four jihadist terror attacks have been carried out in the nation since the establishment of the "Caliphate." De-Radicalization in the Mediterranean 2018, pp. 8-9.

			Day celebrations	
26-Jul-2016	Saint-Étienne-du-Rouvray	1 killed	Church attack and murder of a priest	Attackers claimed allegiance to ISIS
11-Dec-2018	Strasbourg Attack	At least 5 killed, over 12 injured		
10-Oct-2020	Conflans-Sainte-Honorine	1 killed	Beheading of teacher Samuel Paty	Motivated by the teacher's use of Prophet Muhammad cartoons
13-Oct-2023	Arras	1 killed, 3 injured	A teacher was stabbed to death in a high school[335]	Perpetrator pledged allegiance to ISIS; targeted school staff
02-Dec-2023	Paris	1 killed, 2 injured	Knife and hammer attack	Attacker had prior terrorism conviction; pledged allegiance to ISIS
22-Feb-2025	Mulhouse	1 killed, 7 injured	Market stabbing attack	Attacker was on terror watchlist; shouted "Allahu Akbar"

"The terrorist threat in France remains at a high level[336]," and the French authorities focus predominantly on Islamist radicalization and jihadism[337]. Since the

[335] Le Monde, *As French schools reveal vulnerability amid Islamist terrorism, authorities must not remain powerless*, 14 October 2023, <https://www.lemonde.fr/en/opinion/article/2023/10/14/as-french-schools-reveal-vulnerability-amid-islamist-terrorism-authorities-must-not-remain-powerless_6172978_23.html> (last accessed: 04.02.2026)

[336] Minisètre de la Justice, *Rapport de politique pénale du garde des sceaux 2021*, 6 May 2022, <https://www.justice.gouv.fr/rapport-politique-penale-2021> (last accessed: 30.08.2025)

[337] LAHNAIT F., *Combatting radicalisation in France: from experimentation to professionalisation*, in *Revista CIDOB d'Afers Internacionals*, No. 128, 2021, p. 107.

early 2000s, in response to the increasing incidence and fears of violent radicalization. According to the academic discussions elaborated in Chapter I, even radicalization seems like a confused term, while in the French context, radicalization is deemed as a potential key element in explaining the root causes of acts of violent terrorism, including home-grown terrorism[338].

In response, French public authorities have implemented a range of preventive and rehabilitative measures across various governmental programs, supported by significant resource allocations. And the major attacks claimed by jihadist terrorism groups started to be perpetrated in 2015. However, prior to the 2012 killings mentioned in the table, the French authorities treated terrorism almost only as a matter of law enforcement[339] or a problem of public order[340]. So, in contrast to other European countries, such as Britain, which implemented counter-radicalization programs and invested in related initiatives as early as 2005[341], France did not adopt its national initial Plan to Combat Violent Radicalization and Terrorist Fields (**PLAT**, *Plan de Lutte Contre la Radicalisation Violente et les Filières Terroristes*) until 2014. This *Plan*, which is announced by the then-Prime Minister and updated notably in 2016 and 2018, aims to establish a comprehensive strategy to address the growing homegrown radicalization issue and the threat of increasing number of the returning *Foreign terrorist fighters* (Ftfs), who travelled to conflict zones in Syria and Iraq to join jihadist groups (notably the ISIS). In 2015, the Database for the Processing of Reports for the Prevention of Terrorist Radicalization (**FSPRT**, *Le Fichier de*

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338 GROPPI M., *Islamist radicalization in Italy: myth or nightmare? An empirical analysis of the Italian case study* (PhD Thesis), King's College London, 2018, p. 41.

339 The specific evolution of French counter-terrorism legislation can be referred to La Rédaction de Vie-publique. fr., *Chronologie De La Législation Antiterroriste Depuis Les Années 1980* (Chronological Development of Anti-Terrorism Legislation Since the 1980s), 24 July 2024, <https://www.vie-publique.fr/eclairage/18530-chronologie-de-la-legislation-antiterroriste-1986-2024> (last accessed: 13.01.2026)

340 LAHNAIT F., *Combatting radicalisation in France: from experimentation to professionalisation*, in *Revista CIDOB d'Afers Internacionals*, No. 128, 2021, p. 106.

341 For example, the United Kingdom's Strategy for Countering Terrorism (CONTEST), which was first developed in 2003 and underwent multiple revisions, cdivides into four core principles (*Prevent*, *Pursue*, *Protect* and *Prepare*) to reduce the risk from terrorism to the UK, its citizens and interests overseas. See GOV.UK, *CONTEST, The United Kingdom's strategy for countering terrorism*, July 2023, <https://www.gov.uk/government/publications/counter-terrorism-strategy-contest-2023> (last accessed: 03.12.2025)

Traitement des Signalements pour la Prévention de la Radicalisation à Caractère Terroriste) was created by decree following the advice of the National Commission on Informatics and Library (**CNIL**, *Commission Nationale de l'Informatique et des Libertés*), it is a collaborative database shared among the services of several ministries involved in the fight against terrorism and violent radicalization[342]. In 2016, the Action Plan Against Radicalization and Terrorism (**PART**, *Plan d'Action Contre la Radicalisation et le Terrorisme*)[343] was released to response to the further intensification of the domestic terrorism threat, especially the aftermath of the November 2015 attacks to Bataclan theater, and laid the groundwork for the establishment of Center for Prevention, Integration and Citizenship (**CPIC**, *Centre de Prévention, d'Insertion et de Citoyenneté*) discussed below. On 23 February 2018, the Plan to Prevent Radicalization (**PNPR**, *Plan National de Prévention de la Radicalisation*)[344] was issued, which introduces 60 measures from five axes to prevent the spread of radical ideologies, from the de-radicalization to the disengagement. In the same year, the Program for Individualized Support and Social Reaffiliation (**PAIRS**, *Programme d'Accompagnement Individualisé et de Réaffiliation Sociale*) began in October. In 2021, the Penal Policy Report of the Minister of Justice 2021 (*Rapport de Politique Pénale du Garde des Sceaux 2021*)[345] further emphasized the current thorny terrorism issues in the part of Fight against Terrorism (*Lutte Contre le Terrorisme*), it shows that "the terrorist threat in France has evolved and that it now takes the form of an endogenous threat carried by isolated individuals who are difficult to detect."

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[342] Direction Générale de la Scurité Intérieure, *Le fichier de traitement des signalements pour la prévention de la radicalisation à caractère terroriste* (FSPRT), 14 October 2022, <https://www.dgsi.interieur.gouv.fr/decouvrir-dgsi/nos-missions/lutte-contre-terrorisme-et-extremismes-violents/fichier-de-traitement?__cf_chl_tk=zFSY8dP5gX.3wKxGEBadBXJj6LyMZACiZJP_D8s5Dl0-1764761385-1.0.1.1-9TPQJyu3xXgY5ECIbuofz0RvEYWogqZWDam1EXtLvc8> (last accessed: 03.12.2025)

[343] Premier Ministre, *Plan d'action contre la radicalisation et le terrorisme*, 9 May 2016, <https://www.diplomatie.gouv.fr/IMG/pdf/09_05_2016_dossier_de_presse_-_plan_d_action_contre_la_radicalisation_et_03_cle01d915.pdf> (last accessed: 16.02.2026)

[344] Secrétariat Général du Comité Interministériel de Prévention de la Délinquance et de la Radicalisation (SG-CIPDR), *Le plan national de prévention de la radicalisation*, 2018, <https://www.cipdr.gouv.fr/plan-national-prevention-radicalisation/?utm_source=chatgpt.com> (last accessed: 13.01.2026)

[345] Minisètre de la Justice, *Rapport de politique pénale du garde des sceaux 2021*, 6 May 2022, <https://www.justice.gouv.fr/rapport-politique-penale-2021> (last accessed: 04.02.2026)

In addition, the Muslim Brotherhood, with clearly articulated political objectives, has successfully integrated into the French democratic system, achieving comprehensive penetration of France's political and social spheres, and even seeking to attain political power to advance Islamization of the European region. In some cases, religious extremists have managed to infiltrate public sector positions related to national security and intelligence. More recently, it was two days after the terrorist attack at a concert venue of Russia on 22 March 2024, the French government elevated the nationwide anti-terrorism alter to its highest level[346]. On 5 August 2024, the Prevention and Combating against Sectarian Deviations (*Prévention et Lutte Contre les Dérives Sectaires*) initiative was introduced with the Set of Criteria for Characterizing a Sectarian Deviation (*Faisceaux de Critères Permettant de Caractériser une Dérive Dectaire*)[347], as a part of the broader national strategy to prevent and combat sectarian deviations, which seeks to ensure a more precise identification of the manifestations of sectarian deviations and to adjust the criminal law framework so as to accommodate their evolving forms.

Since 2014, against the backdrop of intertwined security challenges and pressures on social governance, France has progressively developed an institutional framework centered on the prevention of religious radicalization. The endogenous threat remains significant across French territory, particularly in light of recurring acts of terrorism committed by individuals radicalized within the national context. In this contexts, France may, today represent to all intents and purposes a prototype of a democracy

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346 This classification is derived from the France's national security alert system, known as the Vigipirate Plan (*le Plan Vigipirate*), which was set up in 1978, and triggered for the first time in 1991 during the Gulf War. It is an essential instrument of vigilance, prevention, and protection against the terrorist threat. According to this plan, the terror alert status is categorized into several levels, ranging from moderate to urgent: Vigilance (*Vigilance*); Enhanced Security-Risk of Attack (*Sécurité renforcée-Risque Attentat*); and Attack Emergency (*Urgence Attentat*). Meanwhile, the highest level may be implemented immediately following a terrorist attack or when an identified but unlocalized terrorist group becomes active. At this level, extraordinary security measures are enforced, including an increased presence of armed forces in public spaces such as train station, airports and religious sites. And now this plan has been a permanent instrument in the ongoing effort to combat terrorism. See SGDSN, *Tacking terrorism together: vigilance, prevention, and protection against the terrorist threat*, 2016, pp. 19-20, <https://www.sgdsn.gouv.fr/files/files/Nos_missions/vigipirate-anglais-v2017.pdf> (last accessed: 04.02.2026)

347 Ministère de la Justice, *Prévention et Lutte Contre les Dérives Sectaires*, 5 August 2024, <https://www.justice.gouv.fr/documentation/bulletin-officiel/prevention-lutte-contre-derives-sectaires> (last accessed: 16.02. 2026)

which has the nature about self-defence[348], that is, a constitutional order that recognizes the necessity of adopting preventive and protective measures in order to safeguard its fundamental values and institutional stability. Within this framework, the strengthening of legislative and administrative instruments aimed at countering radicalization has become a central component of public policy.

Against this background, it is necessary to proceed from a normative perspective. The following section will therefore begin with an examination of the relevant legal provisions, with a view to systematically analyzing the legal foundations, institutional logic, and normative structure of France's de-radicalization policies.

2.1.2 Legal Instructions and Regulations

2.1.2.1 The Constitution: Confirmation of the Principle of *Laïcité*

It is necessary to note at the beginning of this section that the French term *laïcité*[349] will be retained throughout this research. Although some scholars translate *laïcité* as a uniquely French notion of "secularism" in English-language discourse, it remains difficult to identify an accurate and comprehensive English equivalent[350]. For this reason, the original French term is retained in order to maintain the conceptual richness and cultural specificity it conveys. This choice also underscore the broader linguistic and cultural particularities that reflect the distinctive relationship between a nation, its citizens, and the historical evolution of religion within its society.

It is an unavoidable topic when entering the discussion with French Constitution (*Constitution Française du 4 Octobre 1958*), that is the distinctive term *laïcité*. French

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[348] ANDREA G., *La democrazia che si difende: studio comparato su una pratica constituzionale*, Wolters Kluwer italia S.r.l., Milano, 2023, p. 12.

[349] Etymologically, the adjective *laïque* chronologically preceded the noun *laïcité*, with *laïcité* frequently described as embodying the character of what is *laïque*. When considering *laïcité* in concrete terms, it bears two distinct interpretations depending on its reference to either clergy or religion. The first, more ancient meaning dates back to the Middles Ages, making a distinction between the clerics (*les clercs*) and the laypeople (*les laïcs*). The second meaning comes more recently, which can date back to the 19th century, with *laïcité* as a term appeared in 1871, and typically refers to the principle that society, authority, ideology, or moral systems are devoid of religious attributes, governed independently by natural and rational principles alone, and remaining separate from any religious affiliations. See BARBIER M., *Esquisse d'une théorie de la laïcité*, in *Le débat*, No. 5, 1993, p. 64; Ministère de l'Intérieur, *La loi de 1905, pierre angulaire de la laïcité en France*, 20 June 2025, <https://www.interieur.gouv.fr/actualites/actualites-du-ministere/loi-de-1905-pierre-angulaire-de-laicite-en-france?utm_source=chatgpt.com> (last accessed: 13.01.2026)

[350] AUGUSTO B., *Laicità: alle radici dell'occidente*, il Mulino, Bologna, 2023, p. 67.

laïcité is not a particular spiritual option, but a national funding principle specified by law and inscribed in the incipient of the Constitution. In 1789, the Article 10 of the Declaration of the Rights of Man and of the Citizen (*Déclaration des Droits de l'Homme et du Citoyen*) has already emphasized that "no one shall be disquieted on account of their opinions, even religious ones, provided that their expression does not disturb the public order established by law." It was first originated in political opposition to the monarchist Catholic Church[351], and enshrined in the Preamble of the 1946 Constitution which was regarded as being first introduced with the 1905 Law (*la loi du 9 décembre 1905 concernant la séparation des églises et de l'état*)[352] by the Third Republics with a law enacting the separation of Church and State[353]. To some extent, the 1905 Law did mean the end of the official nature of religion[354]. As the important principles of the Republic, it roughly means the freedom to believe or not believe, the possibility of practicing one's religion as long as law and order is ensured[355]. Thus, France becomes one of the few European countries whose

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[351] JOEL S. F., SOPER J. C., *Muslims and the state in Britain, France, and Germany*, Cambridge University Press, Cambridge, 2005, p. 69.

[352] This law was founded on three core principles: (1) freedom of conscience (*libertà di coscienza*), (2) the separation of the state from religious confessions (*separazione fra Stato e confessioni religiose*), (3) and freedom of worship (*libertà di culto*). Even without making explicit reference to *laïcité*, the 1905 Law remains the foundational text establishing *laïcité* in France, for example, the subsequent French Constitutions of 1948 and 1958 reaffirmed the principle of *laïcité*, which means that it entails not only the separation between the state and religion-whereby the state does not recognize, subsidize or favor any cult (*laïcité-séparation*)-but also the exclusion of references (in programs and premises) to specific religious faiths or symbols in schools and public institutions (*laïcité-neutralité*). See AUGUSTO B., *Laicità: alle radici dell'occidente*, il Mulino, Bologna, 2023, p. 73. For the origins and specific development of the 1905 Law, see Ministère de l'Intérieur, *La loi de 1905, pierre angulaire de la laïcité en France*, 20 June 2025, <https://www.interieur.gouv.fr/actualites/actualites-du-ministere/loi-de-1905-pierre-angulaire-de-laicite-en-france?utm_source=chatgpt.com> (last accessed: 13.01.2026)

[353] LAURENCE B., *Jihadists' grievance narratives against France*, in *International Centre for Counter-Terrorism*, 2018, p. 6.

[354] This conclusion can be found in BAUBÉROT-VINCENT J., *Sécularisation, laïcité, laïcisation*, in *Empan*, Vol. 90 No. 2, 2013, p. 35. In addition, according to the Article 1 of the *1905 Law*, it stipulates that "La République assure la liberté de conscience. Elle garantit le libre exercice des cultes sous les seules restrictions édictées ci-apreès dans l'intérêt de l'ordre public." And the Article 2 (1) indicates that "La République ne reconnaît, ne salarie ni ne subventionne aucun culte." It sends signals that the Republic guarantees the freedom of conscience under the precedent of no-violation of the interest of public order, and the Republic neither recognizes, finances, nor subsidizes any form of religious worship.

[355] See ÉLYSÉE, *Fight against separatism-the Republic in action: speech by Emmanuel Macron, president of the Republic, on the fight against separatism*, 2 October 2020, <https://www.elysee.fr/en/emmanuel-macron/2020/10/02/fight-against-separatism-the-republic-in-action-speech-by-emmanuel-macron-president-of-the-republic-on-the-fight-against-separatism> (last accessed: 26.01.2026)

Constitution expressly mentions the principle of *laïque* as a fundamental principle of its legal system[356], and emphases the irrevocable nature of the Republic[357]. That is, even all Western countries are more or less secularized, but in none of them is secularism so closely imbricated with nation-formation and national values as it is in France. And it is this distinguishing feature, directly or indirectly influences the attitude to religion and the indigenous measurements dealing with religious extremism, further leading to a series of debate about the protection of rights. So, it is necessary to give an explanation to this national value before emerging the concrete discussion about measures countering religious extremism.

Laïcité does not signify the privatization of religion. Moreover, the Universal Declaration on *laïcité* in the 21st Century (*Déclaration Universelle sur la Laïcité au xxie Siècle*) was established to refute the misconception that *laïcité* is an exception in France. This declaration is drafted by three sociology professors from French Universities and endorsed in by 250 intellectuals from around thirty countries. This declaration provides the definition of *laïcité* in Article 4:

> [...] la *laïcité* comme l'harmonisation, dans diverses conjonctures socio-historiques et géopolitiques, des trois principes [...]: respect de la liberté de conscience et de sa pratique individuelle et collective; autonomie du politique et de la société civile à l'égard des normes religieuses et philosophiques particulières; non-discrimination directe ou indirecte envers des êtres humains.[358]

In addition, the various interpretations about *laïcité* also can be roughly divided into two categories, that is "strict" (or "militant" or "combative" or "closed") and "soft" ("pluralist" or "open"), and of course there are numerous subcategories

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[356] Article 1 of the Constitution defines the nature of the country that "La France est une République indivisible, laïque, démocratique et sociale."

[357] According to the fifth paragraph of art. 89, it stipulates that "la forme républicaine du gouvernement ne peut faire l'objet d'une révision."

[358] According to the declaration, "[...] *laïcité* understood as the harmonization, within varying socio-historical and geopolitical settings, of three core principles: (1) the respect for freedom of conscience and its individual and collective manifestations; (2) the autonomy of political institutions and civil society vis-à-vis specific religious and philosophical norms; (3) and the prohibition of both direct and indirect discrimination against human beings." FRANCE GOV., *Déclaration universelle sur la laïcité au XXIe siècle*, <https://www.info.gouv.fr/upload/media/organization/0001/01/sites_default_files_contenu_piece-jointe_2018_01_declaration_universelle_sur_la_laicite_au_xxie_siecle.pdf> (last accessed: 12.02.2026)

contained in these two versions. Put it simply, usually, the "strict" laïcité features as putting more restrictions to religious individuals, and is least likely to make "special exceptions" for religious practices that conflict with security based laws or regulations. The "soft" laïcité, however, believes that the state should respect all religious beliefs, foster the free exercise of religion, encourage inter-religious understanding and public dialogue among different religious groups[359].

2.1.2.2 Penal Code: within the Judicial Reform

It should be clarified here that the Law for Prohibiting the Concealment of the Face in Public Spaces (Law 2010, *L'Interdiction de la Dissimulation du Visage dans l'Espace Public n. 2010-1192*), which is issued in 11 October 2010, should not be neglected. Because there was a period that people whose behaviour disobeyed its regulations would suffer for attending the Citizen Internship. However, being affected by a process of judicial reforms, especially the one launched in 2019, the relationship between the Law 2010 and the execution of Citizen Internship has changed subtly.

Firstly, it is claimed clearly from the Article1 of Law 2010 that "No one may wear clothes intended to conceal their face in public spaces," if people fail to obey the rule, Article 3 makes a further emphasis that “Failure to comply with the prohibition set out in Article 1 will be punished by the fine provided for second class contraventions." Furthermore, it continued in the second paragraph that "The obligation to complete the Citizen Internship mentioned in the eighth item in Article 131-16 of the Penal Code can be imposed at the same time or instead of the fine." However, due to the judicial reform, Law n. 2019-222, 23 March 2019 (Law 2019, *la loi n° 2019-222 du 23 mars 2019*) abolished this legal ground requiring certain doers to accept the Citizen Internship. Most notably, the Law 2019 also omitted the concrete description the Citizenship Internship Course (*le Stage de Citoyenneté*) from Article 131-3 of Penal Code instead of a more general way, that is, the Internship penalties (*les peines de stage*). While, because Article 131-3 mainly lists conventional

[359] JOEL S. F., SOPER J. C., *Muslims and the state in Britain, France, and Germany*, Cambridge University Press, Cambridge, 2005, pp. 73-74.

punishments for the natural convicted, this reform, as a result, not only led to a series of modification of provisions relating to *le stage de citoyenneté* of the Penal Code, but also made the Article 3 of Law 2010 lost its basic punishable foundation directly.

Secondly, when referring to Article 131-5-1 of the Penal Code, it seems more strict to apply for a Citizen Internship, because the convicted must meet two conditions at the same time: committing *un délit* (the misdemeanour) and this misdemeanour incurring *une peine d'emprisonnement* (an imprisonment sentence). Thus, before the judicial reform in 2019, it appeared that, people are required to undergo the Citizen Internship when they violated the art.1 of the Law 2010, without having to meet the compulsory conditions which have mentioned above. While, after the modification of Article 131-16 from Penal Code, this situation changed, it means, unless their behaviour has reached other punishable criteria, people who just wear clothes with the intention of concealing their face in public spaces might not to be forced to attend the Citizen Internship, because, on one hand, it is in the absence of textual precision; on the other hand, according to the Article 111-3, that behaviour is not serious enough to be included in the scope of *le délit* (the misdemeanour) which should only be defined by *la loi* (the law) .

Moreover, the modification of Law 2019 extended the scope of objectives who apply to *Stages* in Article 131-16 of the Penal Code, that is, apart from that the legislator omitted the concrete description *le stage de citoyenneté* from this article, they also totally replaced "the parental internship obligation provided in Article 131-35-1" into "Les peines de stage prévues à l'article 131-5-1."

2.1.2.3 Law for Prohibiting the Concealment of the Face

At the outset of this discussion, it is necessary to briefly give a retrospective summary of the development of the headscarf controversy in France from 1989 to the adoption of 2004 law. Even the Article 28 of the 1905 law was also at the core of the

hijab debate, because of the restriction on religious signs and elements[360], setting a foundational principle that public institutions must remain neutral in religious matters. The issue first gained significant public attention in October 1989 with the event known as *the Scarf Affair* (*le Affaire du Foulard*), when three Muslim girls were expelled from their junior high school for refusing to remove their *ḥijābs*, in the name of enforcing the principle *laïcité*. But in general, the headscarf wearing has remained a marginal phenomenon and the law has largely been followed without question between 1989 and 1994. While the controversy gradually subsided after 1994, it resurfaced when the Minister of Education with the then right-wing government issued the Bayrou decree on 20 September 1994[361], giving a distinction between "discreet" signs, and prohibiting ostentatious religious symbols in schools. It hence incurred a small peak during 1994 to 1995. However, the *ḥijāb* found itself less frequently in the headlines of media between 1996 and 2001. It is interesting to note that when the terrorist attack happened in 2001, and the security measure-the *Vigipirate Plan*-was reactivated because the terrorism and security became an immediate heightened focus in France, there was a virtual political and media silence on the *ḥijāb* issue in that year? otherwise, the renewed focus on this issue appeared at the end of 2002. Specifically, in that year, the case about *ḥijāb* wearing in the workplace and the emergence of a new type of *ḥijāb*, the Islamic Bandana, in French schools, led to an intense public scrutiny. At the same time, a raft of security measures, as well as a new law further restricting immigration was introduced. Furthermore, books and media reports related to headscarf issues began to flood in. In April 2003, the debate intensified when the Minister of the Interior and Cults insisted that Muslim women pose bareheaded for official identity photographs. In the same year, in response to charges that Islam was being treated differently from other religions (and

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[360] This provision outlaws any display of religious signs or emblems on public monuments or within any other public space, except in cases where such displays are housed within religious buildings, cemeteries, funereal monuments, and museums or exhibitions. See WINTER B., *Hijab and the republic: uncovering the French headscarf debate*, Syracuse University Press, Syracuse, 2009, p. 54.

[361] *Circulaire n. 1649 du 20 Septémbre 1994 (Education national) Neutralité de l'enseignement public: port de signes ostentatoires dans les établissements scolaires*, <https://www.assemblee-nationale.fr/12/dossiers/documents-laicite/document-3.pdf> (last accessed: 13.01.2026)

this unequal treatment was a source of disaffection and a spur to radicalism), the government finally established the national representative body (confessional council) to parallel other religious counterparts to deliberate on Islamic matters which taking Islam into account in an avowedly secular state. For example, the foundation of the French Council of the Muslim Faith (CFCM, *Le Conseil français du culte musulman*)[362] in April 2003[363] is one of ways that the French has made moves to regulate Islam and establish a formal consultative structure. Additionally, the Stasi Commission, being set up on 3 July 2003, whose mission is to reflect the application of the Republic *laïcité* principle[364], conducted interviews and extensive deliberations before issuing its report on *laïcité et République*, on 11 December 2003. And the main recommendation of this report-to enact legislation banning ostentatious religious insignia in public schools-was immediately adopted as a bill in January 2004 and came into effect in 15 March of the same year, applicable from the start of the new school year in September. Meanwhile, since 2003, the feminist voices appeared to have been much more prominent.

That is the related foci in this section, the Law n. 228/2004 of 15 March 2004 regulating, in application of the principle of secularity, the wearing of signs or

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[362] There also have other representative councils existed before and after CMCF to deal with central religious topics, also including the headscarf debate. That is, *le Conseil de Réflexion sur l'avenir de l'Islam en France* (**COFIR**, Council for Reflection on French Islam), which was set up at the beginning of 1990, aimed the polemic following the first headscarves affairs of 1989; in 1993, the CORIF Mark II, also known as *Comité National pour les Musulmans Français* (**CNMF**, the National Committee of French Muslim) was set up, even is was regarded as more short-lived and ineffectual, it did give too much voice and power to the Paris Mosque. Following the demise of the CNMF, another institution was created, *Conseil Consultatif des Musulmans de France* (**CCMF**, the Consultative Council of French Muslims), and it still gave significant influence on the Paris Mosque. And this Council changed its name to *Conseil Consultatif des Musulmans de France* (**CRMF**, the Representative Council for French Muslims) in 2002. In 2003, the *Conseil Français du Culte Musulman* (**CFCM**, the French Council of the Muslim Faith) was established, which has already attracted trenchant criticism from pro-secular French Muslims. And in early 2023, CFCM was dismissed by the decision of Emmanuel Macron, who referred *le Forum de l'Islam de France* (**Forif**, French Forum of Islam), which was set up in 5 February 2022. See WINTER B., *Hijab and the republic: uncovering the French headscarf debate*, Syracuse University Press, Syracuse, 2009, pp. 85-88. See Le Monde avec AFP, *Emmanuel Macron annonce «mettre fin» au Conseil français du culte musulman* (Emmanuel Macron announces "the end" of the French Council of Muslim Faith), 16 February 2023, <https://www.lemonde.fr/societe/article/2023/02/16/emmanuel-macron-annonce-mettre-fin-au-conseil-francais-du-culte-musulman_6162094_3224.html> (last accessed: 04.02.2026).

[363] JOAN W. S., *Symptomatic politics: the banning of Islamic head scarves in French public schools*, in *French Politics, Culture & Society*, Vol. 23 No. 3, 2005, pp. 106-112.

[364] WIKIPEDIA, *Stasi Commission*, <https://en.wikipedia.org/wiki/Stasi_Commission> (last access ed: 04.02.2026)

clothing expressing religious affiliation in state primary schools, middle schools and senior high schools (*Loi n° 2004-228 du 15 mars 2004 encadrant, en application du principe de laïcité, le port de signes ou de tenues manifestant une appartenance religieuse dans les écoles, collèges et lycées publics*), which was enacted on 15 March 2004, placed restrictions on the wearing of signs or garments showing religious affiliation in public school; the law about Prohibiting the Concealment of the Face in Public Place (*la loi n° 2010-1192*, *l'Interdisant la Dissimulation du Visage dans l'Espace Public*), which was released on 11 October 2010, to apply the restriction of religious insignia to the entire public place, and thus, France became the first European country to ban the full-face Islamic veil in public place on 11 April 2011. In addition to freedom of religion, this right includes the right to adopt, change or abandon a religion or belief, or to profess no religion or belief[365].

It may be noted in passing, that since 1977, the Constitutional Council (CC, *le Conseil Constitutionnel*) has invoked the notion of the public order (*l'ordre public*), and has endowed it with constitutional significance since 1982, either as a "value" or "objective." This designation implies that its preservation serves to guarantee principles and rights of constitutional vale. However, the *public order* encompasses both broad and circumscribed interpretations. In its broader sense, it includes an ethical dimension that extends beyond the strict sense of public order. In its narrow connotation, it is only preordained to the defence of republican institutions from internal threats[366]. For example, in July of 2014, the case well-known as *S.A.A v France* (n. 43835/11) confirmed by the ECHR again came to the center of public attention[367].

In addition, the Law n. 1510/2017[368] entered into force. It incorporated many of

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[365] The France Diplomacy, *Freedom of religion or belief*, 1 March 2013, <https://www.diplomatie.gouv.fr/en/french-foreign-policy/human-rights/freedom-of-religion-or-belief/> (last accessed: 04.02.2026)

[366] ANDREA G., *La democrazia che si difende: studio comparato su una pratica constituzionale*, Wolters Kluwer Italia S.r.l., Milano, 2023, pp. 281-282.

[367] ECHR, *S.A.A v France (n. 43835/11)*, <https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-145466%22]}> (last accessed: 15.01.2026)

[368] *Loi n° 2017-1510 du octobre 2017 reforçant la sécurité intérieure et la lutte contre le terrorisme (1)*, 31 October 2017, <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000035932811/> (last accessed: 08.02.2026)

the measures that used to be applicable only when the state of emergency (*état d'urgence*) was in place into ordinary law. From the Article 3 of this law, the Minister of the Interior can determine that an individual represents "a particular serious threat for security and public order" (*une menace d'une particulière gravité pour la sécurité et l'ordre publics*) and order that he/she is subjected to monitoring measures aimed at keeping track of his/her movement.

2.1.2.4 Law for Strengthening the Respect of the Republican Values

The Law n. 2021-1109 of 24 August 2021 reinforcing respect for the principles of the French Republic (CRPR, *Loi n° 2021-1109 du 24 août 2021 confortant le respect des principes de la République*)[369] represents one of the most significant legislative efforts in recent years aimed at countering religious extremism and reaffirming the principle of *laïcité* as a foundational tenet of the French Republic. The law seeks to guarantee the observance of *laïcité*, notably in the provision of public services, within associations, and by private bodies tasked with public service functions[370]. It is introduced in response to concerns that certain groups, particularly those adhering to radical interpretations of Islam, were promoting forms of social and territorial separation incompatible with republican values such as equality, freedom of conscience, and gender parity.

This legislative act introduced a broad range of administrative and criminal provisions designed to reinforce state control over religious associations and institutions. Among its key provisions is the requirement that religious organizations seeking public funding or recognition must formally commit to upholding republican principles, including respect for human dignity and gender equality. This provision

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[369] The law of 24 August 2021 is notable for being known under multiple denominations. It is frequently cited by the acronym *CRPR*, whereas in public discourse it is commonly referred to as the "separatism law," and on occasion it is also called the "*laïcité* law." Le Sénat, *Loi du 24 août 2021 confortant le respect des principes de la République: tout reste à faire*, 6 March 2024, <https://www.senat.fr/rap/r23-383/r23-3830.html?utm_source=chatgpt.com> (last accessed: 13.01.2026)

[370] Ministère de l'Intérieur, *Foire aux questions-La loi CRPR et le régime juridique de l'exercice des cultes*, 15 December 2025, <https://www.interieur.gouv.fr/actualites/actualites-du-ministere/foire-aux-questions-loi-crpr-et-regime-juridique-de-lexercice-des-cultes> (last accessed: 13.01.2026)

aims to prevent the misuse of public resources by organizations advocating extremist ideologies under the guise of religious freedom.

Another distinctive measure of this law is that it also bans "clandestine" schools, particularly those suspected of promoting Islamist doctrines that challenge the principles of secular education. The law also tightens regulations on home-schooling by requiring prior authorization from local authorities and introducing stricter oversight mechanisms to ensure that education provided outside the formal school system adheres to the national curriculum and republican values.

In addition, the law also introduces measures relevant to individuals *placées sous main de justice*, a French legal expression referring to persons who, although not detained in prison, remain under judicial supervision or are subject to restrictive judicial measures[371]. These may include probationary conditions, restrictions on movement, or mandatory reporting obligations, aimed at preventing recidivism or the resumption of extremist activities after release.

Overall, the 2021 law signifies a comprehensive approach to combating religious radicalism, combining preventive, administrative, and judicial instruments. It embodies France's broader legal and political effort to reaffirm *laïcité* and the indivisibility of the Republic in the face of growing social fragmentation and ideological polarization.

2.1.3 The Citizenship Internship Course (*Le Stage de Citoyenneté*)

The Citizenship Internship Course mentioned here not only because its content includes the emphasizing on the national values, but also the process of this mode, especially some significant changes related to terrorism crimes and the banning of headscarves after the judicial reform. There are mainly three French legal instructions which demonstrate details about Citizenship Internship Course: Firstly, in 2004, the Internship was acted as a penalty measure which was regulated in the French Criminal

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[371] HECKER M., *Once a jihadist, always a jihadist? A deradicalization program seen from the inside*, 1 February 2021, <https://www.ifri.org/fr/publications/etudes-de-lifri/focus-strategique/djihadistes-un-jour-djihadistes-toujours-un-programme> (last accessed: 04.02.2026)

Law as n. 2004-1021, Article 131-3. However, it is transformed into n. 1029-1480, Article 131-5-1 since 2020 and clarify the significance of this measurement, that is, the citizenship course, aimed at learning values of the Republic and the duties of the citizen (*l'apprentissage des valeurs de la République et des devoirs du citoyen*); The second one is the decree; the third one is the Juvenile Criminal Justice Code (*Code de la justice Pénale des Mineurs*), the Article L. 122-5 allows judges to impose educational or reparation measures tailored to the minor's age and personality. The citizenship course, when applied to minors, aims to instill republican values at an early stage and prevent their exposure to radical or antisocial influences.

Le Stage (the Internship), as a contemporary sentence, appeared at the beginning of 2000s. In particular, with the Article 44 of the law of 9 March 2004 (known as the *Perben II Law*, *la loi n° 2004-204 du 9 mars 2004*) which is adapting justice to the crime evolution, designed as part of a broader policy aimed at promoting responsibility and civic awareness among certain categories of offenders, the Citizenship Internship becomes a type of the criminal penalty. While, in the beginning, the *Stage* was a particular mode which is designed specially for *les mineurs* (the minors), with the goal of making the convicted aware of their criminal responsibilities, and more importantly, to promote their social integration or reintegration. Now it also can be found in the Article L. 112-2 of *Juvenile Criminal Justice Code* but named as the Civic Training Course (*Stage de Formation Civique*). Subsequently, various courses included in the *Stage* have expanded due to different purposes, and until the intervention of the Law n. 2019-222 of 23 March 2019 (*Loi de programmation 2018-2022 et de réforme pour la justice*), and the law n. 2021-1539 of 30 November 2021, provisions about how to guide criminal court to choose certain courses properly from the penal internship become more simplified and unified. Moreover, among the eight courses of the *Stage* which are listed in the Article131-5-1 of the Penal Code, the first one—Citizenship Internship Course—is worth being discussed deeply. Because, its nature and application have changed as a result of judicial reform, and its content could shed light on measurements organizing in dealing with radicalization issues, particularly when the law for strengthening the respect of the Republican

values came out. To make it more clearly and understandable, the Citizenship Internship Course, try to be discussed in this section from several aspects.

2.1.3.1 Purpose of the Implementation

Firstly, the purpose can be easily found in the Article 131-5-1 and the Article R. 131-35 of the Penal Code[372], which are to remind the convicted of learning the republican values of tolerance, respecting the dignity of the human being, realizing their criminal and civil responsibilities and duties involved in social integration[373].

In this context, an important question arises: could the Citizenship Internship Course also function as a preventive paradigm for de-radicalization? To address this question, it is first necessary to identify the essential characteristics of the course. Fundamentally, the program seeks not only to impart normative civic values but also to foster reflexive awareness among participants regarding the consequences of their actions and their obligations toward the wider society. By emphasizing active engagement with principles such as tolerance, respect for human dignity, and social responsibility, the internship can be conceptualized as a structured mechanism for promoting ethical comportment and potentially mitigating radicalized tendencies. Hence, understanding the pedagogical methods, curricular content, and interactional dynamics of the Citizenship Internship Course is critical for evaluating its feasibility as a tool within broader de-radicalization strategies.

2.1.3.2 The Legal Feature

First of all, by interpreting from the Article 131-5-1, it can be found that the *Stage* is not related to the scope of crimes, but, on one hand, it can be a principal penalty of misdemeanour (*délit*); on the other hands, it can also be a complementary

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[372] The "Articles" in the Penal Code adopted by Parliament, defines principles, penalties, criminal classifications, and the "Article R" executive by Prime Minister or Ministers, provides implementation details, procedures, execution rules.

[373] Article R. 131-35 of the Penal Code (*Code Pénal*) stipulates that "Le stage de citoyenneté a pour objet de rappeler au condamné les valeurs républicaines de tolérance et de respect de l a dignité de la personne humaine et de lui faire prendre conscience de sa responsabilité pénale et civile ainsi que des devoirs qu'implique la vie en société." <https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000041604592> (last accessed: 04.02.2026)

penalty of contraventions.

As explained by C. pén., art. 131-5-1 and C. pén., art. 131-16, the Citizenship Internship, as one of penal punishments of the *Stage*, has two applicable patterns: for misdemeanour (*délit*) and for contraventions. In other words, the Citizenship Internship is not only an alternative or a cumulative penalty for misdemeanour with imprisonment sentences according to C. pén., art. 131-5-1, but also a complementary penalty for contraventions according to C. pén., art. 131-16.

Before 2019, only the *stage de citoyenneté* was an alternative penalty, and rest of other stages were complementary penalties. After the 2019 reform, all of the stages became more widely available as a tool for alternative criminal resolution. Before the 2019 judicial reform, the *stage de citoyenneté* was applied as a complementary penalty (*peine complémentaire*), and its applicability had to be explicitly specified in each provision relating to a criminal offense (*incrimination*). Following the 2019 judicial reform, the stage is no longer considered a "complementary penalty" but is instead regarded as a principal penalty (*une peine principale*) of the same nature as imprisonment.

Before moving to the next step, a brief introduction about the French criminal legal system should be clarified here. Within this framework, penalties (*le infractions pénales*) are classified into three different levels according to the graveness (*la gravité*), they are, arranging in descending order of gravity, felony (*crime*), misdemeanour (*délit*) and infraction (*contravention*). Meanwhile, as explained in C. pén., Article 111-3, crime and délit are defined by the law (*la loi*), while contravention is defined by the regulation (*le règlement*) by the form of décret from Conseil d'Etat. In addition, when putting *contravention* in details basing on C. pén., art.131-13, it will be more clearly that five classes are divided depending on the amount of the fine (*l'amende*), whose superior sum cannot exceed 3,000 euros. Moreover, police penalties (*les peines de police*) and contraventional penalties (*les peines contraventionnelles*) are all belonging to the domain of *contravention*.

The Citizenship Internship Courses are distinct in that they may be employed at any stage of judicial proceedings, making them an integral component of the judicial

response framework. They are applicable in both pre-sentence and post-sentence phases, thereby offering a versatile tool within the broader scope of legal interventions[374].

2.1.3.3 The Criteria for Applying

because of the nature of probationary sentence, rather than a additional sentence. And also due to the difference between adults and minors, different operation ways can be recognized from the provisions.

As described by Article R. 624-3 of the Penitentiary Code (*Code Penitentiaire*), prior to participation in the internship, the responsible authority (e.g., the probation officer or designated prison staff) is required to provide the convicted individual with full disclosure regarding the content, objectives, and obligations associated with the Citizenship Internship Course. This includes informing the individual of any potential adverse consequences arising from non-compliance with the course requirements or the prohibitions imposed during its implementation. Such procedural safeguards aim to ensure that participation is fully informed and voluntary, while reinforcing the educational and rehabilitative objectives of the program. In practice, this provision serves both as a protective mechanism for the rights of the convicted and as a means of enhancing the effectiveness of the program by clearly defining expectations, responsibilities, and potential repercussions.

2.1.3.4 The Duration of the Courses

Articles 131-5-1, 131-9, and R. 131-36 of the Penal Code clarify the duration and execution time of the procedure. For individuals required to attend the Citizen Internship, the total duration must not exceed one month. Moreover, for the adult convicts, when the court sets the actual maximum duration, obligations which are like their family, society and occupation should be considered. Except the requirements for a general duration, the articles specify that the daily Internship period should

[374] Citoyens & Justice, *Mesures collectives (stages)*, <https://www.citoyens-justice.fr/pre-sententiel/mesures-collectives-stages.html> (last accessed: 04.02.2026)

generally not exceed six hours.

2.1.3.5 Comments about the Course

A brief summary of the preceding discussion highlights three key aspects that warrant consideration when evaluating the Citizenship Internship Course.

First, it is about a definition of the nature of the Citizenship Internship Course. Scholars have raised concerns about whether these courses, including the Citizenship Internship Course, represent a new form of penal punishment.

Second, the effectiveness of these measures remains questionable. Although Senate documents indicate the number of convicted individuals required to complete these courses annually, concrete data demonstrating whether participants have achieved the intended objectives is lacking.

Finally, the perceived ineffectiveness of these courses appears to extend to broader and more complex issues that the criminal justice system must address. Before 2020, the Citizen Internship is the only alternative way which could replace the imprisonment sentences, the rest of punishments were belonging to complementary to the imprisonment. While, after the judicial reform in 2020, all of the measurements in the Stages can replace the imprisonments sentences as an alternative way.

Overall, while the Citizenship Internship Course represents an innovative approach to promoting civic values and addressing prejudice (e.g., through public assemblies designed to *déconstruire les préjugés*)[375], its utility in addressing religious extremism is limited. Particularly in pre-sentence contexts, the course does not consistently guarantee prevention of radicalization. Post-sentence implementation appears to be the prevailing tendency, yet the reform exhibits shortcomings on two fronts: first, its ability to achieve measurable behavioral change is uncertain; second, its universal application may dilute the rehabilitative focus intended for higher-risk offenders. Consequently, while the course contributes to social reintegration and

[375] *Circulaire du 4 décembre 2015 relative au développement d'une thématique consacrée au racisme et aux discriminations dans les stages de citoyenneté*, 4 December 2015, <https://www.legifrance.gouv.fr/download/pdf/circ?id=40385> (last accessed: 04.02.2026).

normative education, its role as a counter-extremism tool remains constrained.

2.1.4 Center for Prevention, Integration and Citizenship

The Center for Prevention, Integration and Citizenship (**CPIC**, *Centre de Prévention, d'Insertion et de Citoyenneté*), which also can be seen from some expressions as "De-Radicalization Center" (*Centre de Déradicalisation*)[376], was located in the small village named Beaumont-en-Véron of Pontourny, with a population of fewer than 3,000 inhabitants. The establishment of this center is strongly desired following the series of coordinated Islamist attacks in Paris in November 2015, in the aftermath of these incidents, numerous legal and policy proposals surfacted as part of the State's response to this kind of security threat, and one of them was calling for the preemptive detention of individuals flagged by intelligence services, commonly known as those in the "S" file [377] (*fichée "S"*) [378]. In order to response to this intense public discourse and more effectively fight against domestic radicalization, as mentioned before, the PART was released in May 2016. Among the eighty measures in the PART, the principle of Reintegration and Citizenship Centers (*Centres de Réinsertion et de Citoyienneté*) stands out, which represents a suggestion about creating an exceptional instrument in the fight against radicalization.

The CPIC was set up in July 2016 and officially opened in September in the same year. According to the purpose of the establishment of the CPIC, it planned to recruit young volunteers who are under suspicion of being in the early stage of

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[376] According to the analysis of the specific operational contents inside, it is better to name this center as CPIC, rather than *De-radicalization Center*.

[377] In France, the designation "S" refers to "State Security" and is part of one of the oldest police databases. And File of Wanted People (FRP, *le Fichi-er des Personnes Recherchées*), established in 1969. This file is subdivided into different categories, individuals are placed on the "S" file by French intelligence services if they are deemed to pose a potential threat to national security. See DHOLLANDE-MONNIER V., *Attentat en Isère: qu'est-ce que la fiche "S"*, 26 June 2015, <https://www.europe1.fr/faits-divers/attentat-en-isere-ques-ce-que-la-fiche-s-1361374> (last accessed: 04.02.2026)

[378] ALBER A., CABALION J., COHEN V., *Un impossible travail de déradicalisation*, Érès, Toulouse, 2020, p. 7.

radicalization[379] and intended "to provide a middle ground between a totally open environment and prison[380]." However, as the first such center in France, it was met with widespread debate and significant media attention from its inception and operated only briefly, from September 2016 to February 2017.

Although this Center survived for a relatively short time, some special internal operating mechanism and the effects it caused obtained from intermittent information, which made an attempt to restore the nature, the countering domestic radicalization and religious extremism experiences that might be worth learning from.

2.1.4.1 The Recruitment Targets

According to the project, it calls those targets as beneficiaries (*bénéficiaires*). This Center aimed at individuals who are belonging to the "low spectral range" (*spectres bas*). Specifically, they young adults aged 18 to 30 who have been flagged for "radicalization," but have no criminal record or being prosecuted for acts related to their radicalization, and are not listed in "S" file by intelligence services. Explaining from the French minister of the interior, "It accepted young radicalized individuals who were not involved in the criminal justice system, and who were not subject to any special treatment[381]." However, survey also showed that, over time, the population even included young individuals with psychiatric disorders who did not exhibit identifiable signs of radicalization[382].

2.1.4.2 Admission and Exit Criteria

It is concerning to know that the criteria for selecting young people who needs to

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[379] Pose de Me Catherine Troendlé (la sénatrice), *Lors de la séance de questions d'actualité au gouvernement du 14 février 2017 au Sénat*, <https://www.senat.fr/seances/s201702/s20170214/s20170214_mono.html#orat38> (last accessed: 04.02.2026)

[380] Réponse de M. Bruno Le Roux (ministre de l'intérieur), *Lors de la séance de questions d'actualité au Gouvernement du 14 février 2017 au Sénat*, <https://www.senat.fr/seances/s201702/s20170214/s20170214_mono.html#orat38> (last accessed: 04.02.2026)

[381] Réponse de M. Bruno le Roux (ministre de l'intérieur), *Lors de la séance de questions d'actualité au Gouvernement du 14 février 2017 au Sénat*, <https://www.senat.fr/seances/s201702/s20170214/s20170214_mono.html#orat38> (last accessed: 04.08.2024)

[382] BERNARDONI M., *Francia: deradicalizzazione, le ragioni di un flop*, 19 November 2020, <https://www.settimananews.it/religioni/francia-deradicalizzazione-ragioni-flop/> (last accessed: 13.01.2026)

attend the "program" were unclear. But there has a more subtle expression which tell that local authorities around the country could recommend individuals that they believed were radicalized to the Center[383], or sometimes referred by their families, who feared that they might either join foreign conflicts or engage in attacks within France. It is stated that participants should not have criminal records, pending court cases, or flagged by law enforcement. Instead, they were expected to be voluntary applicants. Although the center was publicly claimed as "voluntary" to public, participants were required to sign a contract before entering. Refusal to sign this contract would result in difficulties finding employment in French[384]. Namely, the recruitment was carried out on the basis of referrals and as "forced volunteering[385]." In addition, a survey indicated that some participants were held at the center against their will.

2.1.4.3 The Running Entities

The establishment of the CPIC was not the result of unfounded or fanciful ambitions, rather, it can be seen as experiencing a kind of complicated and debatable takeover and re-operation procedures from other Centers. On 29 April 2014, the French Ministry of the Interior set up a National Centre for Assistance and Prevention of Radicalization (CNAPR, *Centre National d'Assistance et de Prévention de la Radicalisation*)[386], which has been entrusted with the management of a "toll-free number." In addition, the CNAPR provides a centralized system for receiving reports of individuals showing signs of radicalization and offers the families a listening ear, advice on the steps to take and psychological support.

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[383] FILLION S., *What we can learn from France's failed deradicalization center: political, rushed center cost the country 2.5 million euro and did not deradicalize a single individual*, 2 September 2017, <https://www.lastampa.it/esteri/la-stampa-in-english/2017/09/02/news/what-we-can-learn-from-france-s-failed-deradicalization-center-1.34412986/> (last accessed: 04.02.2026)

[384] BERNARDONI M., *Francia: deradicalizzazione, le ragioni di un flop*, 19 November 2020, <https://www.settimananews.it/religioni/francia-deradicalizzazione-ragioni-flop/> (last accessed: 13. 01.2026)

[385] ALBER A., CABALION J., COHEN V., *Un impossible travail de déradicalisation*, Érès, Toulouse, 2020, p. 85.

[386] Direction Générale de la Scurité Intérieure, *Reconnaître les signes de la radicalisation violente*, 7 September 2023, <https://www.dgsi.interieur.gouv.fr/dgsi-a-vos-cotes/lutte-contre-terrorisme/reconnaitre-signes-de-radicalisation-violente> (last accessed: 13.01.2026)

According to the survey, the management team of the new Center was made up of a pair chosen for their combined background in "security" and "social work," embodying the "martial character of the project[387]." In a more detailed way, the Center is managed by a manager and a former military man, who had previously worked together in state integration and employment centers[388]. In addition, the Center is the follow-up to the closure and conversion of an Educational and Vocational Training Center (CEFP, *Centre Éducatif et de Formation Professionnelle*) in Beaumont-en-Véron, which is run by the Paris City Council (*la Mairie de Paris*). This configuration led to the formation of a multidisciplinary team comprising professionals from diverse backgrounds. Former employees of the CEFP, primarily from specialized education and the medical-social sector, and aligned with more "traditional" social work values, they were integrated with a management team originating from "closed educational centers."

2.1.4.4 An Exploration from the Inside Operation

According to the director of the Center, he explained that the key guiding principles of the center were "frustration" and above all, "adaptability[389]." Further, the project designers in this Center took radicalization intervention from four key directions: (1) the first area focuses on "cognitive-behavioral disengagement" (*désengagement cognitivo-comportemental*), which acts primarily through "discursive confrontations" (*confrontations discursives*)[390]; (2) the second is about emphasizing civic engagement and the patriotic symbolism, aiming to reaffirm participants' sense of belonging to the national community through republican rituals such as flag-raising, wearing uniforms, and singing the national anthem *La Marseillaise*; (3) the third is involving medical and social support, provided by a team trained by psychoanalyst; (4)

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387 ALBER A., CABALION J., COHEN V., *Un impossible travail de déradicalisation*, Érès, Toulouse, 2020, p. 63.

388 BERNARDONI M., *Francia: deradicalizzazione, le ragioni di un flop*, 19 November 2020, <https://www.settimananews.it/religioni/francia-deradicalizzazione-ragioni-flop/> (last accessed: 13. 01.2026)

389 ALBER A., CABALION J., COHEN V., *Un impossible travail de déradicalisation*, Érès, Toulouse, 2020, p. 175.

390 MATTEI T., *Alex Alber, Joël Cabalion et Valérie Cohen, un impossible travail de déradicalisation*, in *Sociologie du travail* (Online), Vol. 66 No. 1, 2024, para. 3.

the fourth is addressing social and professional reintegration, facilitated by the Center's educational team and the local mission. Basing on this orientations of intervention, the concrete operation of the Center is as follows:

First, the training duration. The Center operated as a semi-open boarding school (*l'internat semi-ouvert*) where participants were enrolled in a maximum ten-month program[391] designed to facilitate disengagement from extremist ideologies, alongside civic education and professional integration. It was considered a "focal point in the fight against radicalization.[392]"

Second, the daily routine in the Center. The daily schedule at the Center follows a regimented routine congesting with continuous activities: participants are expected to wake up at dawn, followed by breakfast and room cleaning. The day begins with a flag-raising ceremony and the singing of the *Marseillaise*, during which all participants wear a standardized uniform intended to strip away the outward symbols of their previous lives and foster a sense of republican patriotism. Throughout the day, the program includes lectures on history, Islam, and geopolitics, curated by the Center's staff, aimed at promoting civic engagement and ideological reorientation[393]. This approach was drawing partially on the model of Closed Educational Centers (CEFs, *centres éducatifs fermés*) which are specialized secure institutions for the rehabilitation of juvenile offenders in France, and drew more inspiration from the model of the EPIDE. By adopting elements of its framework in this model, the Center developed activities based on the assumption that reconnecting residents with public values requires a structured environment influenced by patriotism and military principles. This program included close psychological monitoring by a team of researchers from Paris Diderot University (Paris VII), educational modules aimed at developing critical thinking, and professional

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[391] HOUEIX R., *Radicalisation: entre couacs et critiques, le centre de dradicalisation de Pont ourny joue sa survie*, 10 February 2017, <https://www.france24.com/fr/20170210-couacs-critiques-premier-centre-deradicalisation-vide-pontourny-hostilite-riverains> (last accessed: 04.02.2026)

[392] ALBER A., CABALION J., COHEN V., *Un impossible travail de déradicalisation*, Érès, Toulouse, 2020, p. 11.

[393] BERNARDONI M., *Francia: deradicalizzazione, le ragioni di un flop*, 19 November 2020, <https://www.settimananews.it/religioni/francia-deradicalizzazione-ragioni-flop/> (last accessed: 13. 01.2026).

mentoring to prepare them for reintegration into the workforce[394].

Third, religious practice in the Center. The situation regarding religious practice became increasingly critical. The survey suggested that at the beginning, by failing to accommodate religious practice, the Center implicitly conveyed the notion that religion was akin to an addiction, which could be treated through gradual suspension, ultimately leading to abstinence, as if it were a form of detoxification.[395]" However, this issue was eventually brought to the forefront with the progressive involvement of the Muslim chaplains within the institutional framework, highlighting the need for a more nuanced approach to religious expression.

2.1.4.5 Assessments about the CPIC

The foundation of the CPIC were laid upon highly unstable ground, lacking any firm basis of certitude regarding appropriate response to a multifaceted and shifting phenomenon[396]. The temporary Chairman of the Senate's Law Commission described the center as "a complete fiasco," emphasizing the need for a thorough rethinking and restructuring of the approach.

There had a singular situation that laid the institutional foundations for CPIC. It was an exchange about safeguarding job positions for the acceptance of the project that nobody wanted on their territory. The lack of consensus on the Center's objectives and procedures significantly hindered its effective operation. Additionally, the involvement of religious factors imposed stricter requirements for addressing the complex issues at hand. The Center's establishment and implementation were

[394] ALBER A., CABALION J., COHEN V., *Un impossible travail de déradicalisation*, Érès, Toulouse, 2020, p. 11.
[395] ALBER A., CABALION J., COHEN V., *Un impossible travail de déradicalisation*, Érès, Toulouse, 2020, p. 126.
[396] ALBER A., CABALION J., COHEN V., *Un impossible travail de déradicalisation*, Érès, Toulouse, 2020, p. 41.

rushed[397], there existed no truly conclusive or reproducible experience to rely upon, lacking thorough study and refinement, specifically, there was only a two-month gap between the proposal given from the PART to the official establishment of the CPIC, which unsurprisingly contributed to its eventual failure. The following six aspects further elucidate the shortcomings:

The first one reflects that the efficiency was not that significant but with the substantial cost burden. According to the fifty-second measure of PART, the original plan was to establish those Centers in each region by the end of of 2017. However, this conception was eventually shattered, and the Ministry of Interior stated that during the operation for only around half year, "non of these young people completed the programme[398]." Some of them were ex-filtrated following revelations about their background, others were caught up in legal proceedings, and still others simply exercised their right of withdrawal, no one was de-radicalized by the army of thirty psychologists, history teachers, imams of Islam and the Nation[399]. Some of the content in the Center, for example, the patriotic rituals performed in the Center was regarded as useless, it is like a "masquerade." On the whole, during the existence of the CPIC, it ultimately admitted only nine "trainees," and non of whom completed the originally planned ten-month program.

After making the decision of the establishment of CPIC, a substantial budget was rapidly allocated for the renovation of these buildings, and required several hundred thousand euros. Another statement underscores the significant financial burden imposed by CPIC, noting that its annual operating costs amounted to 2.5 million euros. When evaluated in light of the disproportionate efficiency of the

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[397] It has been argued that this decisive measure was taken in response to the emergency of a wave of terrorist attacks, that was not well thought through and driven largely by electoral considerations, reflecting the of public criticism for inaction. FILLION S., *What we can learn from France's failed deradicalization center: political, rushed center cost the country 2.5 million euro and did not deradicalize a single individual*, 2 September 2017, <https://www.lastampa.it/esteri/la-stampa-in-english/2017/09/02/news/what-we-can-learn-from-france-s-failed-deradicalization-center-1.34412986/> (last accessed: 04.02.2026)

[398] ÉLISE V., *A pontourny, l'échec de la déradicalisation*, 29 July 2017, <https://www.proquest.com/docview/1924214875/1F47354B330348BBPQ/2?accountid=9652&sourcetype=Newspapers> (last accessed: 04.02.2026)

[399] GROTTI L., *La Francia chiude l'unico centro ufficiale per "curare" gli estremisti Islamici*, 1 August 2017, <https://www.tempi.it/la-francia-chiude-unico-centro-ufficiale-per-curare-estremisti-islamici/> (last accessed: 04.02.2026)

program, this expenditure has been characterized as a 'real financial waste,' ultimately justifying the termination of the initiative.

Second, lacking of operational transparency. The operational process surrounding the establishment and functioning of the CPIC was marked by the lack of transparency. Very little official information about the specific procedure from the Center was made available to the public from its inception. Official information regarding its internal operations, selection criteria, assessment methods, and reintegration procedures remained extremely limited. This opacity hindered the possibility of external oversight and made it difficult to conduct through and objective evaluations of the Center's de-radicalization practices.

Even as the Center began to attract media attention, the fragmented and sporadic nature of the available information further obscured any clear understanding of its purpose and effectiveness. Its short-lived existence further compounded this ambiguity, rendering systematic inquiry and the proper evaluation more difficult. Public knowledge about the CPIC was primarily shaped by scattered media reports, ambiguous statements from government officials, and the hard-to-get into academic investigation[400].

In the absence of clear, consistent information, key issues, such as evaluation criteria, types and composition of the trainees, and the conditions under which trainees could exit the program, remained unaddressed by official sources. As a result, the public understanding of the Center was largely piled up by piecemeal accounts and speculation, leading to the construction of an ambiguous and mysterious image of the Center, one that finally became an "open secret" in public discourse.

Third, the management personnel at the Center were relatively unqualified and exhibited internal contradictions that undermine operational coherence. As previously noted, the staff of the CPIC primarily consisted of former employees of the CEFP, whose expertise lay predominantly in education and the medical-social sector. This heterogeneous composition of the staff generated significant operational challenges.

[400] For example, according to the recounting of the authors of *Un impossible travail de déradicalisation*, they waited and negotiated with the public authorities for a long time before finally being granted access to conduct the investigation within the Center.

Although personnel were generally aligned with the management's approach, they often lacked the professional depth and robustness necessary to undertake such a complex mandate, which in turn impeded the Center's capacity to address the underlying drivers of religious extremism effectively. Compounding these difficulties, in the Center, the Director played a long-standing, ambiguous role in this project, as evidenced by divergences in discourse and attitudes between him and his superiors regarding the Center's objectives[401]. Ultimately, there was a mutual recognition that management and front-line educators in the Center lacked a clear understanding of each other's perspectives. Their respective demands for a coherent "framework" intersected but did not connect: management sought to impose a rigid educational structure on beneficiaries, whereas front-line teams emphasized the inadequacies of the regulatory framework itself. This misalignment significantly hindered communication and contributed to an escalation of verbal tensions, further undermining the operational effectiveness of the Center.

Within this context, the task of preventing "radicalization" was treated as a peripheral responsibility, marginal to their broader educational duties. This marginalization was further exacerbated by the ambiguous and poorly defined nature of radicalization as a phenomenon, rendering the work novel, but situated at the periphery of conventional social work. More fundamentally, this absence of a stable and widely accepted definition of "radicalization" constituted a structural weakness that contributed to the failure of the Center. This conceptual ambiguity resulted in the inclusion of a highly heterogeneous group of participants, whose diverse forms of radicalization shared few common characteristics, thereby complicating efforts to categorize individuals. As a consequence, the Center encountered substantial challenges in designing targeted interventions that were effectively targeted to address the specific needs of participants within this diverse and varied group[402]. In practice, the lack of a clear conceptual framework meant that staff from different professional

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[401] ALBER A., CABALION J., COHEN V., *Chapitre 9. Récit d'une enquête sur le premier centre public de lutte contre la «radicalisation»*, Armand Colin, Paris, 2022, p. 214.
[402] ALBER A., CABALION J., COHEN V., *Un impossible travail de déradicalisation*, Érès, Toulouse, 2020, p. 87.

backgrounds—ranging from social work and education to law enforcement—applied a mixture of approaches that were sometimes inconsistent or even contradictory. This methodological pluralism, while reflecting diverse expertise, inadvertently created tensions in operational decision-making, undermining the coherence of interventions and reducing their overall effectiveness. Furthermore, the heterogeneity of the participant pool complicated monitoring and evaluation, as standardized metrics could not easily capture the varying trajectories and risk factors associated with radicalization.

Fourth, problems arising from the voluntary participation. It maybe the dominating misstep to make the Center as a voluntary boarding school, which presented significant challenges to distinguish and deal with potential radicalized individuals during the whole process. Firstly, because of its voluntary feature, it has been difficult to recruit volunteers. The facility was supposed to welcome fourteen residents by the end of November and twenty-five by the end of December. However, these targets were never reached. Voluntary applicant access remained a kind of fiction embedded in the overall narrative of the project[403]. Virtually, individuals influenced by Jihadist ideology differ significantly from those undergoing rehabilitation for issues such as alcoholism, as they pose a higher risk to public safety. It is unrealistic to expect such individuals to voluntarily attend the Center, given their attraction to extremist beliefs, very few candidates would like to define themselves as "radicalized" or call for their a method for "de-radicalization[404]." Secondly, the selection process is complex, inefficient and even dangerous, for example, among the small group of young recruits, there was an individual who is on the "S" file list because of his dangerous and few incidents the happened inside the center even they were not disclosed by the management. Demonstrations from the local residents which has grudgingly accept those "new neighbors," fearing their social security. A further consequences is that the staff were knowing little or nothing about their

[403] ALBER A., CABALION J., COHEN V., *Un impossible travail de déradicalisation*, Érès, Toulouse, 2020, p. 84.
[404] BEUNAS C., *Du "radical" au "radicalisé". Les usagemédiatiques et politiques de la notion de "déradicalisation" en France (2014-2017)*, in *Déviance et Société*, Vol. 43 No. 1, 2019, p. 9.

backgrounds, it was hard to make tailed intervention for those unstable applicants[405], not to mention building a mutual trusted relationship for a in-depth intervention.

Although the CPIC faced significant limitations for the reasons discussed above, its experience nonetheless offers valuable insights into the general contours of French public policy in the field of religious extremism prevention. Empirically, it provides an instructive model how public authorities attempt to prevent the formation of religious extremism. As a pioneering initiative addressing religious issues within a framework of public value and secular principles—distinct from conventional approaches—it also exposed the inherent tensions between the role of religion, educational objectives, and security expectations, highlighting the complex balance required when implementing preventive measures in a pluralistic society.

[405] ALBER A., CABALION J., COHEN V., *Un impossible travail de déradicalisation*, Toulouse, Érès, 2020, p. 110.

2.2 The Italian Model

2.2.1 Introduction

In the context of globalization, the governance experience of Islamic religious extremism provides valuable insights for other countries in addressing terrorism, immigration issues, and social integration. Italy's relatively low incidence of terrorism has prompted an exploration of the underlying causes of this phenomenon. Although Italy's rate of terrorist attacks remains low, the potential threat persists due to the spread of religious extremist ideologies, and this threat has not disappeared as a result. Within this context, Italy's legal framework plays a crucial role in addressing religious radicalization. Legal instruments such as the Constitution, Penal Code, and penitentiary regulations provide both theoretical foundations and practical approaches for tackling radicalization. However, several issues remain unresolved in their implementation.

Despite the existence of a legal framework to address Islamic religious extremism, effectively preventing and responding to this issue within Italy's legal structure remains an ongoing process. As legislation evolves and social issues change, the applicability, effectiveness, and potential gaps in these legal measures provide opportunities for a further examination and refinement.

2.2.2 Exceptionally Low Terrorism Incidence: The Truth beyond Luck

"Islamist radicalization in Italy is nothing more than a myth[406]." This statement holds true when comparing Italy's terrorism incidence rate with that of many other European countries. Unlike countries such as France, which has endured significant terrorist threats and actual attacks, Italy has not experienced large-scale jihadist attacks to the same extent.

However, when examined from a historical perspective, Italy has not been

[406] Centro Studi Nuova Europa, *L'Islam in Italia: sfide e opportunità*, 5 March 2015, <https://www.radioradicale.it/scheda/435415/lislam-in-italia-sfide-e-opportunita> (last accessed: 13.01.2026)

immune to terrorism. The country has been characterized by multiple and overlapping forms of political violence, terrorist organizations, regional separatist movements, and independence-driven mobilizations, each grounded in distinct ideologies frameworks and patterns of "violence." These phenomena, while heterogeneous in their objectives and strategies, have collectively shaped the national security landscape and posed recurrent challenges to constitutional order.

A particularly acute manifestation of such instability occurred during the period commonly referred to as the Year of Lead (*Anno di Piombo*). Spanning roughly from the late 1960s to the early 1980s, this era was characterized by intense political polarization and sustained social unrest. It witnessed systematic acts of terrorism perpetrated by both far-left and far-right extremist organizations. One of the earliest and most consequential episodes of this period was the Piazza Fontana Massacre, which occurred on 12 December 1969 in Milan. The attack consisted of a bomb explosion at the headquarters of the *Banca Nazionale dell'Agricoltura*, located in Piazza Fontana in the city center. The explosion caused 17 deaths and 88 injuries. This event is also widely regarded as the beginning of the so-called "strategy of tension" (*strategia della tensione*)[407]. From a legal perspective, the Piazza Fontana case exposed structural weaknesses within the Italian criminal justice system, particularly with regard to the investigation and prosecution of terrorism-related offenses. A further tragic culmination of this cycle of violence was the Bologna Massacre (*Strage di Bologna*)[408] of August 1980, which caused 85 deaths and over 200 injuries. During that period, numerous radical organizations were growing like

[407] This term was coined by the British weekly journal *The Observer* in December 1969 following the Piazza Fontana massacre. It is considered as a subversive strategy primarily based on a preordained and well-crafted series of terrorist acts, aimed at creating a state of tension and widespread fear among the population in Italy, to the extent that it would justify or even encourage authoritarian shifts. See the term *Strategia della Tensione*, in *Dizionario di Storia*, 2011, <https://www.treccani.it/enciclopedia/strategia-della-tensione_(Dizionario-di-Storia)/> (last accessed: 11.02.2026)

[408] The Bologna Massacre remains the most severe threat posed by domestic terrorism to have occurred in Italy since the end of World War II. It happened in the second-class waiting room of the Bologna train station, a suitcase containing five kilograms of TNT and T4, along with eighteen kilograms of nitroglycerin, detonated. The bombing resulted in 85 deaths and 208 injuries, many of them grievously multilated, all of them permanently scarred in spirit. See BONI B., *La strage del 2 Agosto*, MINEVA, Argelato (BO), 2020, p. 7.

mushrooms after a rain[409], among the most notorious of these groups was the far-left Red Brigades (BR, *Brigate Rosse*)[410], responsible for numerous high-profile violent incidents. The Red Brigades became particularly infamous for their searching an all-absorbing ideology to guide militants' thoughts, sentiments, and actions, independent of the political and institutional contexts in which they operate.

When analyzing the contemporary context of terrorism or violent extremism in Italy, it is important to recognize both the historical specifics of past incidents and the evolving nature of present threats. Historically, terrorism and violent extremism in Italy were predominantly rooted in domestic political ideologies—right-wing, left-wing, and anarchist terrorism—along with regional and separatist violence rooted in cultural, linguistic, and anti-centralist grievances. While ideologically diverse, such forms of extremism were largely embedded within the national political landscape and shaped by Italy's internal socio-political tensions[411]. In contrast, contemporary threats, particularly those associated with Islamic religious extremism, display distinct characteristics in terms of motivation and operational profile. A notable feature of recent years is that most terrorist plots have been identified and thwarted in their

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[409] It is said that only two such groups were recorded in 1969, the number jumped to 91 by 1977 and soared to 269 by 1979. The far-left extremist group was particularly evident in the pivotal year of 1977, the far-right one experienced its own violent escalation in 1978. From this volatile crucible emerged the Nuclear Armed Revolutionaries (Nar, *Nuclei Armati Rivoluzionari*), which theorized an armed offensive not only against the left, but more fundamentally against the Italian state itself. And the Bologna massacre has been judicially attribute to the Nar. Especially, the four-year period from 1978 to 1981 plunged the nation into a state of extreme psychological tension. See BONI B., *La strage del 2 Agosto*, MINEVA, Argelato (BO), 2020, pp. 13-19.

[410] The *Red Bridges* were a far-left terrorist group in Italy formed in 1970 and active all through the 1980s. The most notorious crime was the kidnapping and murder of Italy's former minister Aldo Moro in 1978. They were broken up by Italian security forces in the 1980s, however, in the late 1990s, a new group of violent anti-capitalist terrorists revived the name Red Bridges and killed a number of professors and government officials. See ALESSANDRO O., *Anatomy of the Red Brigades: the religious mind-set of modern terrorists*, Cornell University Press, Ithaca, 2011, p. 8.

[411] SPANÒ G., *De-radicalisation in Italy: is "emergency" a strategy per se?*, in *DPCE* (Online), Vol. 59 No. 2, 2023, p. 2057.

preparatory stages before they could be carried out[412].

This shift not only reflects advancements in intelligence and detection technologies and highlights the need to examine the situation from Italy *per se*. There are **five** key factors that may explain why contemporary Italy has largely remained free of successful terrorist attacks linked to Islamic religious extremism:

(1) Historical and political factors. The relative lack of resentment towards Italian colonial history, its foreign policy, or its aggressive *laicità* principle likely mitigates embitter communities in Italy. In addition, Italy's limited involvement in Middle Eastern conflicts has also played a role[413];

(2) Geographical distribution of Muslim communities. Compared to other major European countries, Muslim communities in Italy are more scattered, less concentrated in specific urban neighborhoods, and in general reside at a greater distance from large metropolitan areas. And the mosques in Italy are also typically

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[412] For example: **In January 2003**, in the Forcella district of Naples, 28-year-old Pakistanis were arrested in a house belong to the crime boss Giuliano. The police discovered one and a half kilograms of TNT, fuels, and various components required to denote the explosive, as well as the usual maps with circled targets and documents described as "of interest." **In May 2024**, Italian authorities arrested a 29-year-old Moroccan-born individual residing in Lanzo Torinese, for suspected involvement in jihadist propaganda and participation in an international terrorist organization. He previously convicted on similar charges, was described by investigators as a leading ideologue of jihadism in Italy and the principal author of ISIS-aligned propaganda in Italian. See MONACO L., *Terrorismo, "ideologo" dell'Isis in Italia arrestato nel Torinese: "O ci sarà vittoria o troveremo Allah come martiri"*, 28 May 2024, <https://torino.repubblica.it/cronaca/2024/05/28/news/terrorismo_ideologo_isis_arrestato_torinese-423118562/> (last accessed: 16.02.2026). **On 30 November 2024**, a 19-year-old Kenyan woman was arrested at Bergamo airport en route to Syria via Turkey, suspected of attempting to join ISIS. Italian authorities charged her with terrorist recruitment following evidence of online radicalization and contact with extremist networks. Sky TG 24, *Andava a combattere in Siria per l'Isis, fermata 19enne all'aeroporto di Bergamo*, 5 December 2024, <https://tg24.sky.it/cronaca/2024/12/05/fermata-19enne-isis-siria> (last accessed: 16.02.2026). **In December 2024**, Italian authorities arrested five foreign-born individuals (including one minor), residing in Bologna, Milan, Udine/Monfalcone, and Perugia, on charges of founding or participating in the Salafist-jihadist association Da'wa Italia, which promoted Al Qaeda and the Islamic State through online propaganda and recruitment activities. Rai News, *Sostenevano e propagandavano Al Qaeda e l'Isis con l'associazione "Da'wa Italia": 5 arresti*, 24 December 2024, <https://www.rainews.it/articoli/2024/12/sostenevano-e-propagandavano-al-qaeda-e-lisis-con-lassociazione-dawa-italia-5-arresti-f134ab1a-760c-4bff-a94a-3ea60bcf32fd.html> (last accessed: 16.02.2026). **On 21 May 2025**, the Italian State Police arrested a 20-year-old Egyptian university student in Milan, for possession of jihadist propaganda and operational materials related to the Islamic State, including digital manuals on bomb-making and evidence of online activity consistent with preparation for terrorist offenses. PIAZZA S., *Jihadist propaganda: 20-year-old arrested in Lecco with bomb-making manuals*, 24 May 2025, <https://www.thewashingtonoutsider.com/jihadist-propaganda-20-year-old-arrested-in-lecco-with-bomb-making-manuals/> (last accessed: 16.02.2026)

[413] GROPPI M., *Islamist radicalisation in Italy: myth or nightmare? An empirical analysis of the Italian case study* (PhD Thesis), King's College London, 2018, p. 192.

located in urban peripheries, though not just any peripheries[414]. Taking an example from Sicily, where Islam is widespread presence in agricultural areas. This form of Islam deeply rooted in rural labor, it is characterized by economic marginalization, lacking connections and possibly any foreign funding, remaining distant from the transnational networks of political Islam, and is even more distant from the awareness of the local non-Muslim population. The majority of Muslims living in these areas do not even attend the mosque services—not due to a lack of will, but because of the burdens of work and the considerable distances involved. These obstacles are often insurmountable when they are in remote or peripheral areas with the absence of private transportation. Another explanation is that, during prayer times, worshipers occupy the staircases and courtyard, with the queue spilling out onto the sidewalk and in front of shops which made passage become virtually impossible, which brought problems for local population. To address this issue, some municipalities have assisted Muslim communities in locating prayer spaces in more remote areas to avoid causing disruption[415];

(3) Size and composition of the Muslim population. The exact number of Muslims in Italy is unclear due to the lacking of official census or databases that documents individual's religious affiliations. However, a report from the *World Population Review* indicates that Islam is the second most practiced religion in Italy, though its adherents remain significantly fewer than those of Christianity[416]. In addition, a more recently data presented in 2021, the estimated Muslim population residing in Italy stood at 2,753,000 individuals—an increase of 66,000 compared to

[414] BOCCA-ALDAQRE F., *Manifesto dell'Islam Italiano*, Udine: Mimesis, Milano, 2024, p. 60.
[415] ALLIEVI S., *Islam Italiano: viaggio nella seconda religione del paese*, Einaudi, Torino, 2003, pp. 29, 189-190.
[416] See World Population Review, *Italy religion and politics*, <https://worldpopulationreview.com /countries/italy> (last accessed: 16.02.2026)

2020 (+2.5%) and 129,000 more than in 2018 (+5%)[417]. But in a general way, the corresponding number of people who do not believe or join any particular religion has not shown a remarkable growth trend over the last decades, especially when compared to many other European countries where the population rejecting religions has constantly increased, such as Britain, France, Germany and so forth[418]. Moreover, the Muslim in Italy is still mainly composed of relatively second generation migrants, a demographic often considered more prone to undergoing a process of radicalization, has not yet reached high numbers;

(4) Ethnic and religious pluralism of Italian Islam: The Muslim population in Italy is ethnically diverse, with individuals from various Muslim-majority countries. This diversity is considered sufficiently robust to act as a protective barrier against the rooting of the transnational ideology provided by radical Islam. However, the recent transformation of Italy from an emigrant-sending to an immigrant-receiving society has highlighted a urgent challenge of mediating between deeply incompatible cultural norms, religious identities and value systems.

(5) Foreign nationality of radicalized individuals. Different from other European countries, such as France and UK, where have a large number of homegrown jihadist, the majority of individuals identified as security risks in Italy are not Italian citizens [419]. For example, a recent data shows that the number of Muslims holding Italian citizenship stands at approximately 1,220,000, with around 480,000 former foreign nationals of Islamic faith gradually obtaining Italian citizenship. As for Muslims with foreign citizenship, the estimated number in 2021 was 1,533,000, marking an increase of 68,000 compared to 2018. Nearly 80% of this foreign Muslim population originates

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[417] The estimating the Muslim population, the methodology is primarily based on the religious affiliations of migrants in their countries of origin and their residency status in Italy, along with additional variables specifically tailored to the Italian context. And a noteworthy trend concerns the increasing proportion of Muslims with Italian citizenship, which has risen from 44% in 2018 to 44.4% in 2021. Those figures position Italy as the European Union's third-largest country in terms of Muslim population, following France and Germany. FABRIZIO C., *Musulmani in Italia: una presenza stabile e sempre più Italiana*, 2 January 2023, <https://www.lenius.it/musulmani-in-italia/> (last accessed: 11.02.2026)

[418] FRANCESCO A., *Atheism and the principle of secularism in the Italian constitutional order*, in *the Italian Law Journal*, Vol. 7 No. 1, 2021, pp. 21-22.

[419] BECCARO A., BONINO S., *Terrorism and counterterrorism: Italian exceptionalism and its limits*, in *Studies in Conflict & Terrorism*, Vol. 45 No. 9, 2022, p. 807.

from just ten countries, including Morocco, Albania, Bangladeshi, Pakistan, Egypt, and others[420].

However, findings have showed that Italy cannot deem itself immune to the threat of religious extremism[421]. And several small-scale events identified as acts of terrorism have occurred[422], some of the perpetrators of the attacks in Europe have family and criminal ties to Italy. Furthermore, certain activities that were premeditated to carry out terrorist attacks were discovered and interrupted in time for certain reasons. Additionally, jihadists have used Italy to acquire funds and weapons, and the country has been a crossroad of renowned terrorists[423]. As a "transit hub," Italy thus cannot be regarded as an insulator against the possible terrorist attacks. In this context, it is necessary to reassess the legal status in Italy from a fresh perspective. This enables a clearer understanding of the underlying dynamics that, away from the spotlight, are shaping new equilibria[424].

If the aforementioned factors help to explain Italy's relative immunity to terrorist attacks in a more sociological way, it is equally essential to recognize the legal and institutional preventive mechanisms as integral components of the Italian counter-terrorism model, particularly when focusing on the relation to efforts to Islamic religious radicalization management.

2.2.3 Measures Combating Religious Radicalization within the Legal Framework

It is frankly to say that due to political and historical reasons, particularly the

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[420] FABRIZIO C., *Musulmani in Italia: una presenza stabile e sempre più italiana*, 2 January 2023, <https://www.lenius.it/musulmani-in-italia/> (last accessed: 04.02.2026)

[421] GROPPI M., *Islamist radicalization in Italy: myth or nightmare? An empirical analysis of the Italian case study* (PhD Thesis), King's College London, 2018, p. 2.

[422] Taking a recent example, in August 2023, Italian police arrested an Algerian national in Milan after he brandished a large knife and shouted extremist slogans in a subway station. And the individual was found to be the subject of an international arrest warrant issued by Algerian authorities in 2015 for suspected affiliation with the Islamic State (ISIS). See TGCOM 24, *Era dell'Isis e ricercato per terrorismo in Algeria l'uomo arrestato ad agosto a Milano*, 9 November 2023, <https://www.tgcom24.mediaset.it/cronaca/lombardia/milano-ricercato-per-terrorismo-in-algeria-preso-in-metropolitana_72620769-202302k.shtml> (last accessed: 04.02.2026)

[423] GROPPI M., *Islamist radicalisation in Italy: just a myth?* in *Journal of Policing, Intelligence and Counter Terrorism*, Vol. 15 No. 2, 2020, p. 1.

[424] ALESSANDRO F., *"Agenda 2020": dove va l'Islam Italiano?*, 22 April 2022, <https://www.oasiscenter.eu/it/dove-va-islam-italiano> (last accessed: 04.02.2026)

period of political violence in the 1970s, Italy has accumulated extensive experience in addressing both domestic and international terrorism, as well as organized crime. This historical experience has contributed to the establishment of a comprehensive protective system in Italy, encompassing administrative, criminal, procedural, and penitentiary law, alongside mechanisms for international cooperation and legal harmonization. These components collectively form the core of Italy's counter-terrorism strategy, designed to address a wide range of security threats, like the terrorism and mafia-related criminal activities. Additionally, the current national framework is based on a series of legal provisions that further address religious radicalization and its escalation, functioning as primary tools for managing precise emotional waves and "emergency[425]" situations, strictly related to the concept of "security[426]."

However, significant conceptual and practical challenges remain in addressing the contemporary phenomenon of religious radicalization, particularly within the scope of preventive and de-radicalization legal measures. Despite two decades of scholarly and policy-oriented engagement with the issues of radicalization and de-radicalization, the Italian legal system still lacks a coherent and operationally viable definition of the term. Meanwhile, Italy still suffers from the absence of specific legislation that comprehensively regulates the prevention of radicalization linked to religiously inspired terrorism[427]. Existing legal interpretations tend to arise from distinct disciplinary domains—such as constitutional, criminal, or administrative law—but insufficient effort have been made to integrate these perspectives into a unified and systematic framework. As a consequence, various branches of the legal system have intended to adopt inconsistent or even conflicting definitions of

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[425] As a term which is considered as vague and all-encompassing, "emergency" can be understood that it represents a dimension in which the relationship between politics (forces) and law (limit) becomes particularly problematic, not only because of the tendency of politics to prevail over law through the use of force that is prone to excess when facing an emergency, but also because of the responsibility that politics itself may have in producing the very emergency situation. BARTOLI R., *Regola ed eccezione nel contrasto al terrorismo internazionale*, in *Diritto Pubblico*, No. 1-2, 2010, p. 329.

[426] SPANÒ G., *De-radicalisation in Italy: is "emergency" a strategy per se?*, in *DPCE Online*, Vol. 59 No. 2, 2023, pp. 2059-2060.

[427] MARTUCCI L. S., *Laicità e diritti nei programmi di deradicalizzazione dal terrorismo religioso*, in *Dirittifondamentali.it* (Online), No. 2, 2018, p. 1.

radicalization, leading to a fragmented and occasionally contradictory applied set of de-radicalization measures[428]. Accordingly, the following section begins with an analysis of the basic principles and challenges within legal framework from a constitutional perspective in addressing and understanding issues on religious radicalization in a fundamental way.

2.2.3.1 The Constitution: *Intesa*, *Laicità* and *its "Silence" to Preventive Measures*

Interaction between individuals and their surrounding social reality exerts a profound and multidimensional influence on both individual and collective behavior within religious groups. In migratory contexts, such dynamics become particularly intensified, as the transformation of the social horizon generates structural tensions within the existing system of religious beliefs[429]. In this context, Italy has witnessed Islamic communities engaging with its social and legal framework, owing to its status as an immigration country. The interaction between these communities and the Italian legal system has raised significant questions, particularly in the context of preventing and addressing religious radicalization. As these communities navigate Italy's secular legal framework, issues of integration, social identity, and religious expression are at the forefront, highlighting the challenges faced in countering religious radicalization. The evolution of Italy's response—ranging from the *intesa* to the supreme principle of *laicità* and a constitutional silent status to preventive measures—reflects the complex balance between promoting the right of religious freedom and the preventing and disengaging extremist religious ideologies. And these legal and social dynamics must be re-understood within the broader discourse of religious radicalization management.

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[428] ALESSANDRO N., *Radicalizzazione religiosa e de-radicalizzazione laica: sfide giuridiche per l'ordinamento democratico*, Carocci, Roma, 2022, p. 12.

[429] The system of religious belief is as a complex socio-cognitive structure that performs multiple, interrelated functions within both individual and collective experience. It operates simultaneously as a cognitive network linking knowledge, experience, and the meaning of action in relation to the sacred; as a symbolic and ritual framework that reinforces group cohesion and generates both religious and cultural identity; as an ethical structure that orients social conduct and moral awareness; and as a mnemonic dimension that ensures the continuity of religious and social traditions. This structure thus acts as both a catalyst and a testing ground for the resilience of religious systems, revealing the dynamic interaction between faith, culture and social transformation. See RENZO G., *Il campo religioso musulmano in Italia*, in *Rassegna Italiana di Sociologia*, No. 4, 2005, pp. 632-633.

2.2.3.1.1 Muslim's legal status in Italy: the missing *Intesa*

According to the paragraph 3 of Article 8 of the Italian Constitution, religious denominations other than Roman Catholic Church (which is regulated separately by the Lateran Treaty) have the right to enter into a *intesa* with the State[430]. However, the issue of a potential *intesa* between the Islamic community and the central government remains unresolved to this day, continuing to be a critical matter. This agreement, functioning as a bilateral contractual model, would safeguard numerous rights of the religious group once negotiated with the representatives of the religious community and approved by Parliament. Despite the widespread presence of the Islamic community in Italy[431] and its general societal recognition, there are vulnerabilities in its institutional framework at the national level. And one of the core objectives underlying the Muslim community's request for state recognition is the establishment of an institutional framework that affirms its collective identity, legitimizes its official representatives, and enhances the credibility of those groups claiming to represent the Islamic community.

The Italian institutional approach to Islam is actually shaped by the governance model of religious affairs established in 1984 through the reform of the 1929 Concordat and the enactment of the agreement with the Waldensian Table (Law n. 449 of 11 August 1984). This model reflects a distinctly Italian interpretation of the *intesa* process under paragraph 3 of Article 8 of the Constitution, conceptualizing it as a "right." However, due to the to the lack of a political re-interpretation of the concept of "bilaterality," this process has only been partially realized, failing to be as a genuinely expansive instrument for safeguarding pluralism in its fullest sense. Instead, the persistence of a certain understanding and application of this bilateral agreement

[430] The paragraph 3 of Article 8 of the Italian Constitution stipulates that "I loro (cioè delle confessioni religiose diverse dalla cattolica) rapporti con lo Stato sono regolati per legge sulla base di intese con le relative rappresentanze." The *intesa* refers to a formal agreement between the Italian State and non-Catholic religious denomination, negotiated in accordance with this article, which regulates the organization, public recognition, and legal effects of the denomination within the Italian legal system.
[431] Islam in Italy can be understood as the collective body of Muslim individuals residing within the national territory, it constitutes a heterogeneous minority, held together through associations, individual initiatives, spiritual experiences, and social media. BOCCA-ALDAQRE F., *Manifesto dell'Islam Italiano*, Mimesis, Milano, 2024, p. 11.

system has, in effect, further rigidified the already "pyramidal" structure of national ecclesiastical law, where the existing top-down mechanisms continue to determine which religious interests and needs are recognized. The scope of these interests and needs is shaped by the preferences of the prevailing "confessional" interlocutor[432], allowing it to be expanded or restricted accordingly. In other words, this system facilitates interaction with public authorities only for those religious organizations that are favored by the current government (and its connected power structure), while leaving on the margins of political dialogue with the so-called "excluded[433]" religious minorities[434].

In addition, the absence of formal recognition of Islam in Italy also largely derives from internal divisions within the Muslim community itself, particularly disputes over who possesses legitimate authority to represent the faith in negotiations with the state. Because prior to initiating any formal discussion, the Italian Republic has required Muslim communities to define their own representativeness in order to seek for a kind of an acknowledgement of the now stable Muslim presence in the country and the increasing religious demand it entails[435].

Historically, conversion to Islam was often associated with a departure from one's original context. For example, converts often left majority-Christian societies, either to settle in Muslim-majority lands, or, in some cases, it was Islam itself that expanded, assuming control over previously Christian territories. Today, the situation is entirely different, converts to Islam transition from a position of cultural and sociological majority to one of minority status, both in terms of their religious identity

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[432] MACRÌ G., *La questione islamica in Italia. Il percorso (incerto e ancora complesso) verso la costruzione di un Islam Italiano*, in *Quaderni di Diritto e Politica Ecclesiastica, Rivista Trimestrale*, No. 1, 2025, pp. 362-363.

[433] SILVIO F., *Le minoranze religiose escluse. Introduzione al tema*, in *Stato, Chiese e Pluralismo Confessionale*, No. 13, 2021, p. 3.

[434] MACRÌ G., *La questione islamica in Italia. Il percorso (incerto e ancora complesso) verso la costruzione di un Islam Italiano*, in *Quaderni di Diritto e Politica Ecclesiastica, Rivista Trimestrale*, No. 1, 2025, p. 359.

[435] RENZO G., *La rappresentanza dell'Islam Italiano e la questione delle Intese*, in FERRARI S. (ed.), in *Musulmani in Italia: la condizione giuridica delle comunità islamiche*, il Mulino, Bologna, 2000, p. 81.

and social integration[436].

Today's Islam in Italy—or at least a significant part of it—has its origins in the city of Perugia. Different from other European countries, where the first immigrant workers shaped the fundamental characteristics of Islam's presence, Italy presents a unique case. It was during the early 1970s that international students laid the organizational foundations for Islam in the country. For example, the Union of Muslim Students in Italy (USMI, *Unione degli Studenti Musulmani in Italia*)[437], established in 1971 in Perugia, represents one of the most dynamic Islamic presences within the Italian context. In 1973, Italy ceased, statistically, to be a country of emigration and officially entered a new phase—becoming, and discovering itself as, a country of immigration. This transformation saw an increasingly involving migrants from Muslim-majority countries, particularly Arab ones[438].

While, the attempt to unify Italian Islam later emerged in Ancona, a port city located in central Italy. The Union of Islamic Communities and Organization in Italy (UCOII, *Unione delle Comunità e Organizzazioni Islamiche in Italia*)[439], as the first federative body, it encompasses number of local mosques and Muslim associations, to comprehensively raise the question of reaching a formal *Intesa* with the Italian government, with the aim at regulating relations between Muslim communities and the state, thereby safeguarding the religious freedom of this minority. This initiative triggered the first substantive debate over the legal regulation of the Islamic presence in Italy[440]. In addition, despite the Muslim communities in Italy are diverse, the Italian Islamic Cultural Center (CICI, *Centro Islamico Culturale d'Italia*), officially

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[436] ALLIEVI S., *Islam Italiano: viaggio nella seconda religione del paese*, Einaudi, Torino, 2003, pp. 119-120.

[437] It was primarily responsible for the initial dissemination of Italian-language publications by leading thinkers of radical Islamism. ALLIEVI S., *Islam Italiano: viaggio nella seconda religione del paese*, Einaudi, Torino, 2003, pp. 99-101.

[438] ALLIEVI S., *Islam Italiano: viaggio nella seconda religione del paese*, Einaudi, Torino, 2003, p. 75.

[439] UCOII is a "descendant" of the
Usmi, which was established in 1990 through the initiative of several members of the Islamic Center of Milan. RENZO G., *La rappresentanza dell'Islam Italiano e la questione delle intese*, in FERRARI S. (ed.), in *Musulmani in Italia: la condizione giuridica delle comunità islamiche*, il Mulino, Bologna, 2000, p. 70.

[440] ALLIEVI S., *Islam Italiano: viaggio nella seconda religione del paese*, Einaudi, Torino, 2003, pp. 76, 102.

recognized by the Italian Republic through a Presidential Decree n. 712 in 1974, is the most institutionally recognized Islamic body in Italy. While as a moral entity under Italian law, its role is primarily as a government interlocutor for inter-religious dialogue and in the management of the Great Mosque of Rome, paving the way for a potential formal agreement in the future. Similar examples are like, in 1993, the Italian Muslim Association (AMI, *Associazione Musulmani Italiani*) submitted a draft *Intesa* to the Office of the Prime Minister[441]. In July 1998, the Italian Islamic Religious Community (COREIS, *Comunità Religiosa Islamica Italiana*) also submitted a request for official agreement with the Italian state. This community refuses to negotiate a special status of citizenship for Muslims, maintaining instead that citizenship is a universal category and should not be defined along religious lines and they clearly opposes the "exclusivist" religious and political practice of Islamist groups operating in Italy[442].

Importantly, the period from 2005 to 2017 can be considered particularly significant in the evolution of Islam's legal status in Italy. Given its limited historical experience with large-scale immigration, in order to facilitate the development of aggregative processes that enable Muslim communities to effectively interface with public institutions, Italy has opted to go through a series of experimental initiatives by establishing channels of engagement between public institutions and Muslim representatives. And first experience in the managing religious factors with distinct Islamic characteristics emerged toward the end of fourteenth Legislature. This political stance reflected a determination to frame the presence of Islam in Italy as a public security issue, and thus as a matter still culturally distant from the "tradition" of the Italian and from the normative values underpinning the "declaration" enshrined in

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[441] It was founded by an Italian military officer of Somali origin, the association, which emphasized socially integrative and open to inter-religious dialogue, brings together Italian converts to Islam and promotes a moderate from of Islam. There have scholars suggest six criteria of identifying "moderate" Islam in the Western context. See MURAVCHIK J., SZROM C., *In search of moderate Muslims*, 1 February 2008, <https://www.aei.org/articles/in-search-of-moderate-muslims/> (last accessed: 04.02.2026)

[442] RENZO G., *La rappresentanza dell'Islam Italiano e la questione delle intese*, in FERRARI S. (ed.), in *Musulmani in Italia: la condizione giuridica delle comunità islamiche*, il Mulino, Bologna, 2000, p. 76.

the Constitution[443].

In this context, a strategic initiative was launched on 10 September 2005, with the establishment of the **Council for Italian Islam** (*Consulta per l'Islam Italiano*) by the Ministry of the Interior. Although the Council lacks decision-making authority and does not serve as a representative body for all Muslims in Italy, it marked the first meaningful experience through which certain Muslim representatives came into contact with one another and began to establish a relationship with central institutions These efforts were aimed at identifying and assessing the social and religious needs of Muslim-background immigrants. Within three years, the Council contributed to the drafting of the **Charter of Values of Citizenship and Integration** (*Carta dei Valori della Cittadinanza e dell'Intergrazione*), introduced on 23 April 2007. This document aimed to summarize and explicitly outline the fundamental principles of the Italian legal order. Furthermore, it marked the initial steps toward forming a **Declaration of Intent for the Federation of Italian Islam** (*Dichiarazione di Intenti per la Federazione dell'Islam Italiano*) on 13 March 2008, which sought to unite moderate Muslims, and promote new forms of representation for Muslim communities in Italy[444]. On 2 February 2010, the **Committee for Italian Islam** (*Comitato per l'Islam Italiano*) was established, which provided advisory opinions on concrete and more pressing matters such as the Islamic headscarves, places of worship, and appointment of imams. Subsequently, on 12 March 2012, the Committee was succeeded by the **Permanent Conference "Religions, Culture, and Integration"** (*Conferenza Permanente "Religioni, Cultura e Integrazione"*), with the primary objective of establishing an organic and legally recognized structure to represent Muslim communities in Italy. In 2017, the **Council for Relations with Italian Islam** (*Consiglio per le Relazioni con l'Islam Italiano*) was set, further reflecting the

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[443] MACRÌ G., *La questione islamica in Italia. Il percorso (incerto e ancora complesso) verso la costruzione di un Islam Italiano*, in *Quaderni di Diritto e Politica Ecclesiastica, Rivista Trimestrale*, No. 1, 2025, pp. 363-364.

[444] CARLO C., *Le ragioni di una ricerca. Le originalità dell'Iislam, le difficoltà dell'integrazione*, in CARLO C., TORRE G. D. (eds.), in *Comunità islamiche in Italia: identità e forme giuridiche*, G. Giappichelli Eeditore, Torino, 2015, p. 21

intention to maintain and cultivate an official channel of engagement with Islam[445].

No religious confession that seeks to establish an agreement aimed at undermining or denying the *laico* character of the state can legitimately claim the right to have its identity recognized through such agreements. This is particularly true when these confessions assert their pluralistic orientation, with entails all the constitutional rights for individuals and associative structures, including those pertaining to their own confessions. Such claims must be considered within the framework that the government, as a conscious guardian and advocate of the value of *laicità*, and fully comprehends the far-reaching implications of this supreme constitutional principle for future negotiations among any legal regime[446].

2.2.3.1.2 *Laicità* and *Laicità is like a method (Laicità come Metodo)*

The manifold interpretations of *laicità*, along with the ensuing misunderstandings regarding its legal value implications, are attributable to a confluence of divergent ideas of *laicità* that chase each other within cultural debates[447]. Actually, beginning in the 1950s, the state principle of *laicità* is still in its embryonic stage within constitutional jurisprudence and enabled the removal of certain evident forms of discrimination in the treatment of religious denominations other than Catholicism with respect to the right to a place of worship (*il diritto ad un luogo di culto*)[448], so the initial phase was thus marked by the abrogation of provisions that were manifestly detrimental to that right and remnants of the Fascist era. It also should be

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[445] FABBRI A., *Il patto nazionale per un Islam Italiano come condizione preliminare per la stipula di intese con l'Islam, le fasi costitutive*, in *Rivista di Diritto Pubblico Italiano, Comparato, Europeo* (Online), No. 10, 2017, p. 4, <https://federalismi.it/nv14/articolo-documento.cfm?artid=34015> (last accessed: 04.02.2026)

[446] GIUSEPPE C., *Le proposte d'Intesa e l'ordinamento giuridico italiano. Emigrare per Allah/emigrare con Allah*, in FERRARI S. (ed.), in *Musulmani in Italia: la condizione giuridica delle comunità islamiche*, il Mulino, Bologna, 2000, p. 89.

[447] FOLLIERO M. C., *La forma attuale della laicità e la (legge sulla) libertà religiosa possibile*, in *Diritto Ecclesiastico*, Vol. 1/2, 2007, p. 99.

[448] The right to religious spaces can be regarded as one of the concrete manifestations of the broader concept of religious freedom. Within the Italian legal system, which recognizes the significance of the religious phenomenon (*fenomeno religioso*), the protection of such spaces is indispensable. By affirming this right, the religious phenomenon is allowed to extend beyond the purely internal or private sphere-traditionally seen as legally irrelevant-into the external, public domain. LO CALZO A., *Il diritto ad un luogo di culto nel rapporto tra ordinamento interno e ordinamento sovranazionale*, in *Gruppo di Pisa*, No. 1/2020, 2020, p. 28.

acknowledged that when Italy in the 1950s, from the cultural and particularly religious standpoint, remained a highly homogeneous society[449]. The supreme principle of *laicità* (*principio supremo di laicità*), which was first affirmed in the sentence decided by the Italian Constitutional Court in 1989, which declared that the principle of *laicità* is one of the profiles of the form of State outlined in the Constitutional Charter of the Republic. It was not an isolated decision but has given rise to binding law, influencing both legitimacy and merit jurisprudence. Later, an interpretation of this principle was given that emerging from Articles 2, 3, 7, 8, 19 and 20, this principle implies that rather than differentiating on the part of the State to religions, the State guarantee to safeguard the freedom of religion, under a regime of confessional and cultural pluralism[450], it is serving as an inevitable point of reference when addressing the relationship between the legal system and religious phenomena. *Laicità*, far from signifying indifference toward religion or the exclusion of religious expression from the public sphere, embodies a pluralistic principle that rejects any monistic paradigm subordinating religious and cultural diversity. Rather, it functions as a rule for interpreting the legislature's intent in identity-based disputes, it is not a once-and-for-all settled principle, it must be continuously re-calibrated in light of a changing political landscape[451]. It further carries a distinctly "positive" meaning, it imposes on the Republic an affirmative duty to promote and fully "protect of freedom of conscience" enshrined in Article 19 of the Constitution, whether exercised individually or collectively[452].

As one can see, the French *laïcité* can be divided roughly into "soft" and "strict,"

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[449] LO CALZO A., *Il diritto ad un luogo di culto nel rapporto tra ordinamento interno e ordinamento sovranazionale*, in *Gruppo di Pisa*, No. 1/2020, 2020, p. 31.

[450] "[...] il principio supremo della laicità dello Stato, che è uno dei profili della forma di Stato delineata nella Carta Costituzionale della Repubblica. Il principio di laicità, quale emerge dagli artt. 2, 3, 7, 8, 19 e 20 della Costituzione, implica non indifferenza dello Stato dinanzi alle religioni ma garanzia dello Stato per la salvaguardia della libertà di religione, in regime di pluralismo confessionale e culturale." See Cass. cost., Sent., 11 Aprile 1989, n. 203. "Tale posizione di equidistanza e imparzialità è il riflesso del principio di laicità che la Corte costituzionale ha tratto dal sistema delle norme costituzionali, un principio che assurge al rango di 'principio supremo,' [...]". See Corte Costituzionale-20/11/2000, n. 508.

[451] NICOLA C., *La lotta per la laicità. Stato e Chiesa nell'età dei diritti*, Cacucci Editore, Bari, 2017, pp. 18, 29.

[452] RIMOLI F., *Laicità, eguaglianza, intese: la Corte dice non agli atei (pensando agli islamici)*, in *Giurisprudenza Costituzionale*, Vol. 2, 2016, p. 639

there also has a classification to Italian *laicità*. According to Augusto Barbera, there has a distinguish between *laicità aperta* and *laicità protetta* (or *laicità de combat*), these concepts are chosen for fitting with the expression about *democrazia aperta* and *democrazia protetta*. Specifically, *laicità aperta* is a way that the principle of *laicità* is guaranteed by ensuring the maximum amount of freedom and religious pluralism. On one hand, it protects the equality of all denominations, on the other hand, it subjects them to the common law, and America is a suitable case to explain this situation; on the contrary, *laicità protetta* is a mode that tends to preclude religious denominations from public spaces, France is a suitable case to explain this situation[453].

The dignity for profess the religion is primary stipulated by Article 3 of the 1948 Constitution, which established that all citizens possess equal social dignity and are entitled to equality before the law, regardless of gender, race, language, religion, political opinions, or personal and social circumstances[454]. And the first paragraph of Article 8 cost. confirms the equal status of the religious confession before the law[455].

Also, the right of freedom of religion (*diritto di libertà religiosa*) regulated in Article 19 cost. proclaims that anyone has the right to freely practice their own religious faith in any form, whether individually or in association with others, to propagate their beliefs, and to engage in worship both privately and publicly, as long as it does not contravene moral principles[456]. According to a widely accepted definition from Francesco Ruffini, the religious freedom is about the "faculty pertaining to the individual to believe what he likes best, or not to believe, if he likes

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[453] AUGUSTO B., *Laicità: alle radici dell'occidente*, il Mulino, Bologna, 2023, pp. 66-73.

[454] "Tutti i cittadini hanno pari dignità sociale e sono eguali davanti alla legge, senza distinzio ne di sesso, di razza, di lingua, di religione, di opinioni politiche, di condizioni personali e so ciali." See Senato della Repubblica, *La Costituzione*, articolo 3, paragrafo 1, <https://www.senat o.it/istituzione/la-costituzione/principi-fondamentali/articolo-3> (last accessed: 04.02.2026)

[455] "All religious denominations are equally free before the law." See art. 8 (1) of the Italian Constitution ("Tutte le confessioni religiose sono egualmente libere davanti alla legge.")

[456] "Tutti hanno diritto di professare liberamente la propria fede religiosa in qualsiasi forma, individuale o associata, di farne propaganda e di esercitarne in privato o in pubblico il culto, purché non si tratti diriti contrari al buon costume." See Senato della Repubblica, La Costituzione, articolo 19, <https://www.senato.it/istituzione/la-costituzione/parte-i/titolo-i/articolo-19> (last accessed: 04.02.2026)

best, anything at all[457]."

In addition, Article 20 cost.[458] also states the practice of religion is not affected by other factors and therefore will be afforded more restrictions.

The Article 54 cost. provides for the duty of fidelity (*il dovere di fedeltà*), and it can be understood as the defence of democratic institutions, or a material respect for the democratic form, that is, the material fidelity to the State (*fedeltà materiale allo Stato*)[459]. The fidelity, which belongs to this duty, is different from the French model. From the perspective of a systematic interpretation of the Constitution, the fidelity in this provision is not an active behaviour or a "declaration of fidelity" to adherence to values, it is actually an attitude of formal respect for fundamental values[460].

However, *laicità* does not operate as a regulatory rule, which is capable of functioning syllogistically as a major premise. That is, it cannot consistently serve as a general norm from which, when combined with the minor premise (the specific case), a singular and unambiguous conclusion can be logically deduced[461].

There is a new viewpoint when talking about *laicità*, according to Augusto Barbera, *lacità* should not be understood as a singular ideology but rather as a plurality ideas unified by a basic homogeneity[462]. It should not be understood as a legal category, on the contrary, the first and foremost feature of it is to reject the fundamentalism and dogmatic clauses, it functions as a "rule" that facilitates the coexistence and dialogue of diverse faiths and doctrines. It is a "process" that

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[457] La libertà religiosa è la "facoltà spettante all'individuo di credere quello che più gli piace, o di non credere, se più gli piace, a nulla." See RUFFINI F., *La libertà religiosa: storia dell'idea*, Fratelli Bocca Editori, Torino, 1991, p. 7.

[458] "Il carattere ecclesiastico e il fine di religione o di culto d'una associazione od istituzione non possono essere causa di speciali limitazioni legislative, né di speciali gravami fiscali per la sua costituzione, capacità giuridica e ogni forma di attività." It affirms that the ecclesiastical nature and religious or worship-related purpose of an association or institution shall not serve as grounds for imposing special legislative restrictions or unique tax burdens on its establishment, legal status, or any for of activity. See Senato della Repubblica, *La Costituzione*, articolo 20, <https://www.senato.it/istituzione/la-costituzione/parte-i/titolo-i/articolo-20> (last accessed: 23.01.2026)

[459] FOIS S., *Principi costituzionali e libera manifestazione del pensiero*, Giuffrè, Milano, 1957, p. 168.

[460] "[...] una lealtà esterna, ovvero un atteggiamento (oggettivo e 'negativo') di formale rispetto dei valori fondamentali, [...]". See ANDREA G., *La Democrazia che si difende: studio comparato su una pratica constituzionale*, Wolters Kluwer Italia S.r.l., Milano, 2023, p. 253.

[461] NICOLA C., *La lotta per la laicità. Stato e Chiesa nell'età dei diritti*, Cacucci Editore, Bari, 2017, p. 37.

[462] AUGUSTO B., *Laicità: alle radici dell'occidente*, il Mulino, Bologna, 2023, p. 17.

inherently, regardless of the results achieves, assumes mutual respect, mutual understanding, and solidity of a political framework[463].

Furthermore, he elaborates on the significant role of *laicità come metodo* (*laicità* is like a method), emphasizing its potential ability to unit believers and non-believers; to foster the conditions necessary for the coexistence of contrasting values and life projects, and most importantly, to promote the rejection of opposing forms of fundamentalism and rigid dogmatic in both religious and cultural domains[464]. Different from the definition *laicità* he gives before, *laicità come metodo* is not a legal category, it is a "process" that regardless of the results achieved, itself ensures mutual respect, mutual understanding, the solidity of the political community and, therefore, is no different from the "democratic" approach. In brief, this method requires a sense of boundaries, a critical and self-critical mindset and a scale in forming judgments[465].

2.2.3.1.3 Constitutional Silence on Preventive Measures and the Understanding of Re-education

Through its history, the Constitutional Court has been called upon on roughly hundreds of occasion to express its views on preventive measures, having to confront an equal number of manifestations of distrust on the part of the judiciary. And the judiciary sought to promote the Constitutional Court to identify conflicts of the preventive measures (as a remedy for a social emergency) with constitutional principles, thereby suggesting more or less significant adjustments. However, the responses form the Constitutional Court have displayed great caution, while receptive to concerns regarding procedural guarantees, it has essentially pursued an approach that would allow this preventive measure system to survive[466]. The underlying reason behind this stance, in essence, can be called the principle of prevention (*il principio di prevenzione*), whose content is noting other than the preservation of the macro-values

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[463] AUGUSTO B., *Laicità: alle radici dell'occidente*, il Mulino, Bologna, 2023, p. 185.
[464] AUGUSTO B., *Laicità: alle radici dell'occidente*, il Mulino, Bologna, 2023, p. 19.
[465] AUGUSTO B., *Laicità: alle radici dell'occidente*, il Mulino, Bologna, 2023, pp. 185-186.
[466] MARTINI A. *Essere pericolosi. Giudizi soggettivi e misure personali*, G. Giappichelli Editore, Torino, 2017, pp. 84-85.

of public order and public security[467]. And fifty years later, it seems that an analogous perspective was reaffirmed in substantially identical terms, with the assertion that the duty to guarantee public security and public order is an exclusive responsibility of the State[468].

"Any attempt by state authorities to impose religious conversion, uprooting of religious identity, or even re-indoctrination within the same faith professed by the radicalized individual, would undoubtedly constitute an arbitrary intrusion by the public authority into the individual's sphere of freedom, thereby amounting to an irreparable violation of the right to religious liberty[469]." In accordance with the third paragraph of Article 27 of the Constitution, it stipulates the punishments cannot consist of treatments contrary to the sense of humanity (*il senso di umanità*) and must aim at the re-education of the convicted person. The provision requires that penalties "tend" toward the re-education of convicted individuals, rather than mandating that they necessarily attain re-education or, still less, impose it. Consequently, the re-education framework, inevitably imbued with normative values, is merely offered by the legal system to the convicted individuals, who nonetheless retains full autonomy in deciding whether to accept, in whole or in part, the hand extended by the State or, regrettably, to reject it. These are also requirements reflecting form this provision. Humanity, when interpreted in strictly juridical terms, necessarily denotes human dignity. The second is the position adopted by Chapter in favor of re-education as the backbone of the penal system is almost unique in the European landscape.

The strictly preventive purpose that should be characterize it, in fact, becomes distorted in the case of a de-radicalization pathway imposed as a positive obligation, ultimately taking on the appearance a fully re-education aim. And this aim, in theory, should belong to punishment in its proper sense, of which the preventive measure becomes a substitute, moreover applied without prior determination of a crime.

The distinctive feature of radicalization lies in its focus not on negative

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[467] C. Cost. sent. n. 27/1959.
[468] C. Cost. sent. n. 53/2015.
[469] ALESSANDRO N., *Radicalizzazione religiosa e de-radicalizzazione laica: sfide giuridiche per l'ordinamento democratico*, Carocci, Roma, 2022, p. 11.

obligations (prohibitions), but rather on a positive obligation—that of undergoing a process of re-education aimed at restoring the proper relationship between Islamic faith and politics, with the ultimate goal of preventing the adoption of an tolerance, militant, and violent interpretation of that relationship. That is, in practice, the preventive measure against Islamist terrorism share the same objective as a restrictive measure such as punishment: re-education. From the standpoint of anti-terrorism criminal policy, the identical purpose pursued clearly indicates that, in reality, the preventive measure functions as a surrogate for penal sanctions[470].

The purpose of re-education is not to inculcate specific values but rather to elucidate their essence, scope, and the legal consequences arising from violations of the rules designed to safeguard them[471], and it does not imply that the application of re-education must remain entirely axiologically indifferent. The notion of re-education embraced by the legal order is not static but dynamic, it encompasses a far more complex reality, intrinsically linked to the subject's relational sphere: the educational trajectory offered must be directed toward "genuine citizenship, understood as a contribution to the realization of human civilization[472]." It is the very objectives pursued by this re-education efforts are themselves the offspring of deliberate choices made by the legal system, imbued with the political and juridical culture of their time[473].

2.2.3.2 Penal Code and the De-Radicalization Pathway in Bari Case

It firstly cannot be overlooked the dual-track sanctioning system (*il sistema del doppio binario sanzionatorio* or *il principio del doppio binario*), historically, Italy was the first country in which the so-called dual-track sanctioning system was experimented with. In the mechanism of this system, on one hand, it concerns

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[470] NICOLA C., *Sicurezza e prevenzione del terrorismo cosiddetto islamista: il disagio della libertà*, in *Stato, Chiese e Pluralismo Confessionale*, No. 32, 2019, p. 49.
[471] ALESSANDRO N., *Radicalizzazione religiosa e de-radicalizzazione laica: sfide giuridiche per l'ordinamento democratico*, Carocci, Roma, 2022, p. 136.
[472] SCORDAMAGLIA V., *Pena, rieducazione, perdono*, in SERGIO V., FRANCESCO D. (eds.), in *Scritti in Memoria di Giuliano Marini*, Roma: Edizioni Scientifiche Italiane, Napoli, 2010, p. 977.
[473] ALESSANDRO N., *Radicalizzazione religiosa e de-radicalizzazione laica: sfide giuridiche per l'ordinamento democratico*, Carocci, Roma, 2022, pp. 127-128.

criminal liability (*responsabilità colpevole*), where punishment is determined based on the nature ans severity of the offense; and on the other, it addresses social dangerousness (*pericolosità sociale*)[474], which involves assessing whether an individual poses a threat to public safety, and, based on this assessment, implementing additional control and security measures. Over time, this model has revealed its most burdensome and intrusive features with regard to offenders who are either fully or partially imputable, as they may be subjected cumulatively to both types of sanctions. At the same time, the Italian legal system constitutes a paradigmatic context in which the crisis and transformation of the dual-track model have progressively emerged. For several decades, this crisis has raised serious questions concerning the compatibility of the dual-track sanctioning system with constitutional principles, as well as with the safeguards enshrined in the European Convention on Human Rights. Nevertheless, the erosion of the traditional dual-track sanctioning system does not imply the abandonment of the idea of criminal-law control over the dangerousness of the offender. Rather, the contemporary legal framework reflects a shift from a rigid dual-track structure towards a plurality of preventive mechanisms, operating both within the sphere of punishment and beyond it[475].

It is inevitable to mention the concept of **the security measures** (*le misure di sicurezza*), those are measures that are correlated with the protective (*dimensione di garanzia*) dimension of criminal law, rather than its commanding dimension (*dimensione di comando*), with a constitutional basis[476]. Further, the security measures

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[474] The concept of "social dangerousness" (*pericolosità sociale*) itself has been discussed intensely by criminal law, criminologist, and psychiatric scholars over the past century, and the most controversial aspects of it include four concerns: (1) the definition of dangerousness, particularly its contents and its identity/diversification across various contexts; (2) the admissibility of this category within the legal system, addressing whether it should be included and excluded; (3) the assessment of dangerousness, focusing on the scientific predictability of human behavior, identifying risk factors (which are also predictive indicators), developing methods and tools for such predictions, and utilizing human sciences in the legal field, along with the limitations and margins of error in prognostic evaluations and their acceptability by the law; (4) the profile of treatment for dangerous individuals, regarding the objectives and types of measures that may be adopted or are already in place. See MARIANI E., *Prevenire è meglio che punire: le misure di prevenzione personali tra accertamento della pericolosità e bilanciamenti di interessi*, Giuffrè Francis Lefebvre, Milano, 2021, p. 242.

[475] PELISSERO M., *Il doppio binario nel sistema penale italiano*, in *Diritto Penale Contemporane*o, 2011, p. 1.

[476] According to the third paragraph of art. 25 of the Constitution, it stipulates that "Nessuno può essere sottoposto a *misure di sicurezza* se non nei casi previsti dalla legge."

fall under the framework of *post-delictum* criminal preventive law (*diritto della prevenzione penale post-delictum*), as the legislator aims to address the risk of recidivism (*il pericolo della recidiva*) through these measures. Thus, the application of security measures must respect the fact that judgment of dangerousness is the prerequisite and take place within the framework of all the guarantees provided for in criminal procedures. The activities undertaken to access the prerequisites and determine the application of security measures are, in fact, judicial activities, rather than administrative ones[477]. Following this vein, the security measure can be divided into three categories depending on the subjects to whom they are applied: fully substitutive (*sostitutive totalmente*), partially substitutive (*sostitutive parzialmente*), or additive (*aggiuntive*) with respect to punishment[478].

Besides, the concept of **the preventive measures** (*le misure di prevenzione*)[479] also need to give an attention. The preventive measures and have today become a central pillar of the State's strategy for combating certain forms of criminality. Their effectiveness lies not only on in the interweaving of preventive and repressive functions that they ensure, but also, in any event, in their degree of afflictiveness, which in some respects may be equal to, if not greater than, that of criminal penalties properly so called. Importantly, the application of such measures is inherently probabilistic, the prognosis of future behaviors is never the result of a judgment of certainty[480], but at most of a judgment of probability. Therefore, the determination of

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[477] NUVOLONE P., *Misure di prevenzione e misure di sicurezza*, in *Enciclopedia del Diritto*, Vol. 26, 1976, pp. 650-651.

[478] Specifically, the security measures are fully substitutive for those who are incapacitated, partially substitutive for those who are partially capable, and additive for other individuals whom the law considers or allows to be considered both imputable and dangerous. See NUVOLONE P., *Misure di prevenzione e misure di sicurezza*, in *Enciclopedia del Diritto*, Vol. 26, 1976, p. 651.

[479] It can be called that the preventive measures (*le misure di prevenzione*), in their modern conception, originated with the Zanardelli Code and the contemporaneous Public Security Law of 1889. During the Fascist period, they became a flexible and effective instrument in the hands of the executive power to marginalize socially undesirable individuals and neutralize politically dissenting subjects. See FABIO B., *Brevi considerazioni introduttive sulle misure di prevenzione*, in *Giurisprudenza Italiana*, Vol. 167 No. 6, 2015, p. 1521.

[480] The personal preventive measures entered the legal order of the unified State as part of a broader, articulated strategy for combating criminality, prompted by the need to confront brigandage and that from " need-driven" deviance which constituted a significant reservoir feeding such phenomena. The aim was to construct a framework that, alongside the resources of classical criminal law, deployed repressive mechanisms inspired by a logic of suspicion. See VINCENZO M., *Profili sostanziali: le misure di prevenzione personali*, in *Giurisprudenza Italiana*, Vol. 167 No. 6, 2015, p. 1523.

dangerousness is, by its nature, the determination of a specific situation, from which predictions regarding the future can drawn[481].

The Article 203 of the Penal Code gives an explanation of how to judge an individual who has the "social dangerousness" (*pericolosità sociale*), it stipulates that for the purpose of criminal law, individuals are considered socially dangerous, even if not criminally responsible or punishable, if they have committed one of the acts of the acts indicated in the previous article and it is likely that they will commit new acts defined by law as crimes. The status of being socially dangerous is inferred from the circumstances outlined in Article 133. While, the judgement of dangerousness in the context of security measures shares a common foundation with the judgment of dangerousness related to preventive measures: in both cases, it concerns the assessment of the subject's dangerousness in relation to the likelihood that they may commit acts harmful to specific community interests with criminal relevance[482].

To illustrate this more fully, it is worth pointing out that the current types of dangerousness can be divided into two hypotheses: the hypothesis of general dangerousness (*pericolosità comune* or *pericolosità generica*) and the hypothesis of qualified dangerousness (*pericolosità qualificata*). The former one is defined in symptomatic-subjective terms, the later one is characterized by the presence of a normative element that corresponds to (the indication of) a specific criminal offense. Specially, the first type of qualified dangerousness was introduced by Article 1 of Law n. 575/1965[483], which provided for the application of preventive measures to "those suspected of belonging to mafioso associations" (*agli indiziati di appartenere ad associazioni mafiose*). In this way, the system of preventive measures was opened to new categories of subjects, which were destined to acquire ever-increasing significance over the following decades. In 1982, the Rognoni-La Torre Law (*la legge*

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481 NUVOLONE P., *Misure di prevenzione e misure di sicurezza*, in *Enciclopedia del Diritto*, Vol. 26, 1976, p. 633.
482 NUVOLONE P., *Misure di prevenzione e misure di sicurezza*, in *Enciclopedia del Diritto*, Vol. 26, 1976, p. 652.
483 Legge 31/05/1965, n. 575 *Disposizioni contro le organizzazioni criminali di tipo mafioso, anche straniere*. Pubblicata nella Gazz. Uff. 5 giugno 1965, n. 138. This law has been repealed by letter b) of paragraph 1 of Article 120 of Decreto Legislativo 06/09/2011, n. 159.

Rognoni-La Torre)[484] introduced "asset-based" preventive measures (*le misure di prevenzione patrimoniali*)[485]—primarily confiscation—in fight against organized crime, later extending them to other forms of criminal activity, such as the organized crimes of the mafia type and terrorism, and the "subversives" (*sovversivi*)[486]. Due to the normative layering that had accumulated over the years regarding personal preventive measures in general, specifically preventive measures against terrorism, outlined a fragmented and disorganized framework, sometimes difficult to reconcile into a coherent whole. It was precisely the "need to reorganize the preventive measures into a 'system'"[487] that prompted the 2010 legislator to delegate to the government that task of adopting a "Code of Anti-Mafia and Preventive Measures" (*Codice delle Leggi Antimafia e delle Misure Prevenzione*)[488], with the declared objective of consolidating the previously scattered regulatory material into a single source. And this led to the enactment of Legislative Decree n. 159/2011 (the Anti-Mafia Code)[489]. While, with regard to preventive measures against terrorism, d.lgs n. 159/2011 did not introduce significant innovations, largely limiting itself to harmonizing the previously fragmented regulatory framework[490]. Following, a number of adjustments were introduced by the legislator between and 2014, regarding to the substantive and procedural regulation of preventive measures which are set out

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[484] Legge 13/09/1982, n. 646. *Disposizioni in materia di misure di prevenzione di carattere patrimoniale ed integrazioni alle leggi 27 dicembre 1956, n. 1423, 10 febbraio 1962, n. 57 e 31 maggio 1965, n. 575. Istituzione di una commissione parlamentare sul fenomeno della mafia*. Pubblicato nella Gazz. Uff. 14 settembre 1982, n. 253.

[485] In traditional legal frameworks, the preventive measures can be divided into two categories: the personal preventive measures (*le misure di prevenzione personali*) and asset-related preventive measures (*le misure di prevenzione patrimoniali*). While complementary, personal preventive measures differ in legal nature, conditions of application, and operational procedures, and thus require focused analysis.

[486] The category of *sovversivi* was introduced from the Article 18 of the Legge del 22 maggio 1975, n. 152 (*Legge Reale*), later, this article was repealed by Article 120 (1) (d) of Legislative Decree No. 159 of 6 September 2011.

[487] FABIO B., *Brevi considerazioni introduttive sulle misure di prevenzione*, in *Giurisprudenza Italiana*, Vol. 167 No. 6, 2015, p. 1522.

[488] Ministero della Giustizia, *DDL-Piano straordinario contro le mafie-Relazione*, 2010, <https://www.giustizia.it/giustizia/it/mg_1_2_1.wp?facetNode_1=4_59&facetNode_3=0_26&facetNode_2=0_15&previsiousPage=mg_1_2&contentId=SAN144938#> (last accessed: 04.02.2026)

[489] Decreto Legislativo 06/09/2011, n. 159 *Codice delle leggi antimafia e delle misure di prevenzione, nonché nuove disposizioni in materia di documentazione antimafia, a norma degli articoli 1 e 2 della legge 13 agosto 2010*, n. 136. Pubblicato nella Gazz. Uff. 28 settembre 2011, n. 226, S.O.

[490] SANTINI S., *Le misure di prevenzione personali del terrorismo in Italia e nel Regno Unito: spunti di riflessione per una prevenzione sostenibile* (PhD Thesis), Università degli Studi di Milano, 2017, pp. 85-86.

in Book I of d.lgs n. 159/2011. With the following reform of Anti-Mafia Code in October 2017, it includes the mandatory expulsion order (*foglio di via obbligatorio*), oral warning (*avviso orale*) which are applicable by the *questore*, and preventive measure of special public security surveillance (*la misure di prevenzione della sorveglianza speciale di pubblica sicurezza*)[491], which is applicable by the judicial authority[492] which are stipulated by Articles 2, 3 and 6 of d.lgs n. 159/2011 respectively.

While, within Italian legal system, the classification of an individual within one of the dangerousness categories outlined in the Anti-Mafia Code does not exhaust the evaluation of whether the person should be subjected to a preventive personal measure (with the exception of the oral warning, which does not depend on a dangerousness assessment). It is said that belonging to a category of dangerousness is a necessary, but not sufficient, condition, as it merely indicates an "abstract," "potential" dangerousness[493].

The response to the prevention of terrorism has a broader social and cultural relevance, as it seeks to address the deeper roots of the phenomenon. At the same time, it directly affects the Penal Code, prompting an anticipation of the related threshold of legal significance and complicating its distinction from police administrative law, and the respect for fundamental rights must always guide the evaluation of adopted measures, in light of the principles of offensiveness, judicial oversight, and proportionality[494].

This approach cannot disregard the progressive development of anti-terrorism reforms, whose legislative trajectory initially focused on terrorism as a specific

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[491] In accordance with art. 6 of d.lgs n. 159/2011, it gives the concrete description and application about the preventive measure of special public security surveillance (*la misure di prevenzione della sorveglianza speciale di pubblica sicurezza*). This measure was stipulated in the art. 3 of in Legge 27 12/1956, n. 1423 *Misure di prevenzione nei confronti delle persone pericolose per la sicurezza e per la pubblica moralità*, which has been repealed by letter a) of Article 120 (1) of d.lgs n. 159/2011.

[492] The proposal for the application of such measure may be submitted by the *questore*, the National Anti-Mafia Prosecutor (*Procuratore Nazionale Antimafia*), the Public Prosecutor of the District of the Court of Appeal (P*rocuratore della Repubblica del Distretto di Corte d'Appello*), and the Director of the Anti-Mafia Investigative Directorate (*Direttore della Direzione Investigativa Antimafia*).

[493] MARIANI E., *Prevenire è meglio che punire: le misure di prevenzione personali tra accertamento della pericolosità e bilanciamenti di interessi*, Giuffrè Francis Lefebvre, Milano, 2021, pp. 157-158.

[494] MILITELLO V., *Terrorismo e sistema penale: realtà, prospettive, limiti*, in *Diritto Penale Contemporaneo*, Vol. 1, 2017, p. 8.

concern where the key provision in the fight against terrorism of Islamic inspiration has, until now, been Article 270-bis of the Penal Code, entitled "Association with terrorist aims, including international terrorism" (*Associazioni con finalità di terrorismo anche internazionale o di eversione dell'ordine democratico*).

Not surprisingly, the first legislative act dates back to 2001[495] in order to provide for measures to prevent and combat international terrorist crimes, related judicial reforms were subsequently made following terrorist attacks in Europe. Following, the intense social alarm generated by the terrorist attack carried out in Madrid on 11 March 2004 and London bombings of 7 July 2005, together with an increased perception of the terrorist threat—widely portrayed as an imminent risk to national security—once again brought the issue of terrorism allegedly associated with so-called Islamic factions to the forefront of the political agenda[496]. Within this context, Decree-Law n. 144 of 27 July 2005 was adopted, entitled "urgent measures to combat international terrorism" (the so-called *Pisanu Decree*, *misure urgenti per il*

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[495] The period between 1975 and 2001, despite incorporating amendments to Law n. 1423/1956 and Law n. 575/1965 affecting the regulations of "subversives," saw no direct legislative measures targeting the prevention of "terrorism." The attacks of 11 September 2001, however, represented a decisive turning point for national, European, and international policies on the prevention and repression of terrorist activities. From that moment, a robust, multi-layered legislative framework aimed at combating international terrorism—particularly of so-called "Islamic origin"—was established. In order to align the domestic legal system with the emerging international framework, the Italian legislature acted with particular urgency, adopting three emergency decree-laws within a few months: (1) Beginning with Decree-Law n. 353 of 28 September 2001 Sanctioning provisions for violations of the measures adopted against the Afghan Taliban faction (*Disposizioni sanzionatorie per le violazioni delle misure adottate nei confronti della fazione afghana dei Talibani*), converted into Law n. 415 of 27 November 2001; (2) Followed by Decree-Law n. 369 of 12 October 2001 Urgent measures to suppress and combat the financing of international terrorism (*Misure urgenti per reprimere e contrastare il finanziamento del terrorismo internazionale*), converted into Law n. 431 of 14 December 2001, which established the Financial Security Committee (*il Comitato di Sicurezza Finanziaria*), with the specific purpose of countering the financing of terrorism; (3) And the Decree-Law n. 374 of 18 October 2001 Urgent provisions to combat international terrorism (*Disposizioni urgenti per contrastare il terrorismo internazionale*), converted into Law n. 438 of 15 December 2001, which reflects a new emphasis on the international dimension. The art. 7 of the Decree-Law n. 374/2001 officially introduces the "potential international terrorist" as a subject of prevention, with the additional statement as "[...] nonché alla commissione dei reati con finalità di terrorismo anche internazionale." See SANTINI S., *Le misure di prevenzione personali del terrorismo in Italia e nel Regno Unito: spunti di riflessione per una prevenzione sostenibile* (PhD Thesis), Università degli Studi di Milano, 2017, p. 67. And a few years later, the transnational nature of the phenomenon was reaffirmed in the definition adopted in the legal system after a protracted process, including international debate (art. 270-*sexies Condotte con finalità di terrorismo* of the Penal Code, introduced by art. 15 (1), of Decree-Law n. 144/2005, as amended by Law n. 155/2005). See MILITELLO V., *Terrorismo e sistema penale: realtà, prospettive, limiti*, in *Diritto Penale Contemporaneo*, Vol. 1, 2017, p. 6.

[496] FILIPPI L., *Misure urgenti per il contrasto del terrorismo internazionale. Le disposizioni processuali*, in *Diritto Penale e Processo*, No. 10, 2005, p. 1212.

contrasto del terrorismo internazionale), which was rapidly converted into Law n. 155 of 31 July 2005[497] and situated within the established paradigm of emergency legislation, thereby becoming part of the normative framework governing the preventive and repressive response to terrorist phenomenon.

A further decisive stage occurred after the attack against the editorial staff of Charlie Hebdo in Paris on 7 January 2015. In response, Decree-Law No. 7/2015 (the so-called "Anti-Terrorism Decree")[498] was enacted with specific provisions devoted to counteracting new phenomenon, once again prompted the Italian legislature to strengthen the mechanisms for combating international terrorism, with particular attention to the phenomenon of Islamic fundamentalist extremism, which had dramatically re-emerged in Europe[499]. That is, according to the explanatory report to the Decree-Law n. 7/2015, the "special necessity and urgency" justifying legislative intervention in this area arose both from "the recent evolution of the threat" and from the ability of new terrorist organizations or networks to "attract and recruit particular categories of individuals, namely foreign fighters, outside their original social and territorial contexts[500]." Broadly, the provisions enacted during the last decade show a

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[497] Decreto Legge 27/07/2005, n. 144 *Misure urgenti per il contrasto del terrorismo internazionale* (pubblicato nella Gazz. Uff. 27 luglio 2005, n. 173). It is converted into law, with amendments, by Law 31/07/2005, n. 155 (pubblicato nella Gazz. Uff. 1 agosto 2005, n. 177).

[498] Decreto Legge 18/02/2015, n. 7, *Misure urgenti per il contrasto del terrorismo, anche di matrice internazionale, nonché proroga delle missioni internazionali delle forze armate e di polizia, iniziative di cooperazione allo sviluppo e sostegno ai processi di ricostruzione e partecipazione alle iniziative delle organizzazioni internazionali per il consolidamento dei processi di pace e di stabilizzazione*. Pubblicata nella Gazz. Uff. 19 febbraio 2015, n. 41. It is converted into law with Legge 17/04/2015, n. 43. Pubblicata nella Gazz. Uff. 20 aprile 2015, n. 91.

[499] VIGANÒ F., *Minaccia dei 'lupi solitari' e risposta dell'ordinamento: alla ricerca di un delicato equilibrio tra diritto penale, misure di prevenzione e tutela dei diritti fondamentali della persona*, in KOSTORIS R., VIGANÒ F. (eds.), in *Il nuovo 'pacchetto' antiterrorismo*, G. Giappichelli, Torino, 2016, p. IX.

[500] "[...] la straordinaria necessità ed urgenza di intervenire sulla materia deriva dall'evoluzione che questa forma di minaccia ha conosciuto negli ultimi mesi, in cui sono diventate più frequenti le efferate azioni di organizzazioni, quali *l'Islamic State* (IS). Tali sodalizi hanno palesato sia una capacità di attrazione e di reclutamento di soggetti, i *foreign fighters*, al di fuori dei contesti di origine, sia un'inusitata ferocia nel portare attacchi a obiettivi dei Paesi stranieri che si oppongono ai loro disegni e alla loro visione radicale." Ministero della Giustizia, *DDL-conversione in legge del dl 7/2015-terrorismo internazionale e proroga delle missioni internazionali delle Forze armate-Relazione*, <https://www.giustizia.it/giustizia/it/mg_1_2_1.wp?facetNode_1=1_6_4&facetNode_4=0_15&facetNode_3=1_8(201502)&facetNode_2=1_8(2015)&previsiousPage=mg_1_2&contentId=SAN1122637> (last accessed: 13.01.2026)

considerable lowering of criminal law thresholds by criminalizing specific conduct[501] variably linked to the phenomenon and, from a complementary perspective, the lack of an integrative preventive approach renders the repressive framework the sole tool and strategy to be successfully implemented.

There have no limitations in time by a maximum legal duration about the personal security measures, in Italy, but dangerousness must be ascertained again in concrete terms after a minimum period, and in any case, their application is subject to a full and guaranteed jurisdictional regime[502]. In addition, according to the Article 29 of d.lgs n. 159/2011, the preventive action may also be exercised independently of criminal prosecution.

The current catalogue of terrorism offenses in the penal code does not directly punish conducts that fall within the scope of those protected by Article 19 of the Constitution, it is hard to see how any of these behaviors could be considered a concrete exercise of religious freedom[503]. For example, the public glorification of terrorist acts or the active incitement to commit them constitutes conduct demonstrably capable of instigating criminal acts. Such behavior presents a tangible threat to physical integrity and human life-fundamental legal interests whose paramount importance fully warrants the application of criminal sanctions.

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[501] For example: **(a)** Assistance to members (*Assistenza agli associati*)–***art. 270-ter***, introduced by art. 11-*bis* of Decree-Law n. 374/2001, converted, with amendments, by Law n. 438/2001; **(b)** Terrorist acts involving lethal or explosive devices (*Atto di terrorismo con ordigni micidiali o esplosivi*)–***art. 280-bis***, introduced by Law n. 34/2003, implementing the United Nations Convention for the Suppression of Terrorist Bombings; **(c)** Recruitment for the purpose of terrorism, including international terrorism (*Arruolamento con finalità di terrorismo anche internazionale*)–***art. 270-quater***, introduced by art. 15 (1) of Decree-Law n. 144/2005, converted, with amendments, by Law n. 155/2005; **(d)** Training for activities directed towards terrorism, including international terrorism (*Addestramento ad attività con finalità di terrorismo anche internazionale*)–***art. 270-quinquies***, introduced by art. 15 (1) of Decree-Law n. 144/2005, converted, with amendments, by Law n. 155/2005; **(e)** Possession and fabrication of false identification documents (*Possesso e fabbricazione di documenti di identificazione falsi*)–***art. 497-bis***, introduced by art. 10 (4) of Decree-Law n. 144/2005, converted, with amendments, by Law n. 155/2005; **(f)** Associations with terrorist aims, including international terrorism, or with the aim of subverting the democratic order (*Associazioni con finalità di terrorismo anche internazionale o di eversione dell' ordine democratico*)-***art. 270-bis***, reformulated by art. 11 of Decree-Law n. 374/2001, converted, with amendments, by Law n. 438/2001.

[502] DONINI M., *Il diritto penale di fronte al "nemico"*, in *Cassazione Penale*, No. 2, 2006, p. 743.

[503] ALESSANDRO N., *Radicalizzazione religiosa e de-radicalizzazione laica: sfide giuridiche per l'ordinamento democratico*, Carocci, Roma, 2022, p. 66.

The ruling by the Court of Bari[504] is constitutes a paradigmatic example, it provides a robust test of effective and legally sound response to the so-called threat of Islamic terrorism. The case originated with an Italian citizen who converted to Islam in 2013 and became the subject of a criminal investigation for allegedly violating paragraph 4 of Article 414 (*istigazione a delinquere*) of the Penal Code, which pertains to the offense of the "glorification" (*l'apologia*) for terrorism[505]. His conduct was characterized as part of a progressive and ongoing process of radicalization, encompassing actions such as publicly denigrating the faiths of non-Muslims, establishing both real and virtual connections with individuals previously investigated under international counter-terrorism frameworks, and disseminating extreme interpretations of Islamic teachings, inciting jihad, making repeated references to martyrdom, among other activities. Given the highly societal dangerousness qualified (*elevata pericolosità sociale qualificata*) posed by these actions, the Court of Appeals confirmed with the decree 11 April n. 71/2017[506] adjudicated the imposition of "the special supervision measures" (*la misura di prevenzione della sorveglianza speciale*), in addition to other mandatory provisions under d.lgs n. 159/2011, included a requirement for the individual to reside within his registered municipality.

Furthermore, the Court offered an interpretation regarding the constitutionality and legality of this so-called "atypical preventive measure" (*misure atipiche*), grounding is reasoning on Article 8, paragraph 5 of d.lgs n. 159/2011, which

[504] Bari is a port city in the Apulia (*Puglia*) region of southern Italy, located on the Adriatic coast. It serves as an administrative capital of the region.

[505] Article 414 of the Italian Penal Code provides that "[...] Outside the cases referred to in Article 302, where the incitement or apology mentioned in the preceding paragraphs concerns terrorist offenses or crimes against humanity, the penalty shall be increased by one half." ("Fuori dei casi di cui all'articolo 302, se l'istigazione o l'apologia di cui ai commi precedenti riguarda delitti di terrorismo o crimini contro l'umanità la pena è aumentata della metà." art. 414 c.p.)

[506] The decree No. 71 of April 11, 2017(decr. 11 aprile 2017, n. 71), was confirmed by the Bari Court of Appeals, IV Criminal Section, by decree No. 85 of December 4, 2017 (C. App. Bari, IV sez. pen., decr. 4 dicembre 2017, n. 85).

addresses the "social defense purposes" (*le esigenze di difesa sociale*)[507], and the Article 4, Item d)[508], which outlines the conditions for application[509]. In doing so, the Court reconstructed the specific legitimacy for the application of preventive measures to individuals identified under item d) of the aforementioned Article 4, clarifying both the scope and legal rationale for their imposition.

In the case recently under examination, the judiciary, in strict adherence to the constitutional principle of *laicità*, prescribed a de-radicalization pathway for the defendant as a means to facilitate their effective social reintegration. Specifically, the Tribunal of Bari required the individual to participate in a comprehensive socio-legal-cultural rehabilitation program, involving cultural mediation experts and the active engagement of the University of Bari—Department of Law. This judicial practice highlights a dual significance of de-radicalization: on the one hand, it exceeds traditional cross-cultural mediation mechanisms; on the other hand, it establishes a distinctive "university-judiciary" collaborative intervention model, proceeding in accordance with Guide-lines developed by University of Bari.

This integrated approach carries two significant implications. First, by leveraging their specialized expertise, academic institutions address the technical complexity of de-radicalization and emerge as critical actors in this domain, thereby filling a functional gaps traditionally unaddressed by state mechanisms. Second, this collaborative mechanism reflects the State's re-evaluation of the structural role of

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507 "[...] 5. Furthermore, it may impose any additional requirements deemed necessary in light of the needs of social defense purpose, and, in particular, may order a prohibition on residence in one or more municipalities or in one or more regions, [...]." ("[...] 5. Inoltre, può imporre tutte le prescrizioni che ravvisi necessarie, avuto riguardo alle esigenze di difesa sociale, e, in particolare, ildivieto di soggiorno in uno o più comuni o in una o più regioni, [...].") However, concerns existed and were also raised regarding to the constitutional legitimacy of this paragraph, due to its lacks of definiteness, particularly the excessive discretion granted to the court in imposing prescription for "social defense purposes."

508 "The measures provided for in this Chapter shall apply: [...] d) to persons suspected of one of the offenses referred [...] to the commission of offenses committed for terrorist purpose, including international terrorism, or to participation in an armed conflict in foreign territory in support of an organization pursuing the terrorist purposes referred to in Article 270-sexies of the Criminal Code." ("I provvedimenti previsti dal presente capo si applicano: [...] d) agli indiziati di uno dei reati previsti [...] alla commissione dei reati con finalità di terrorismo anche internazionale ovvero aprendere parte ad un conflitto in territorio estero a sostegno di un'organizzazione che persegue le finalità terroristiche di cui all'articolo270-sexies del codice penale.)

509 VERA V., *Misure di prevenzione e de-radicalizzazione religiosa alla prova della laicità (a margine di taluni provvedimenti del Tribunale di Bari)*, in *Stato, Chiesa e Pluralismo Confessionale*, No. 37, 2017, pp. 17-19.

universities as hubs of professional knowledge, which are entrusted with two institutional mission of developing tools and strategies for de-radicalization and counter-terrorism efforts[510]. This model therefore contrasts stands sharply with the government-dominated paradigms commonly found in international counter-terrorism practices.

Moreover, this case illustrates that the legitimacy of an atypical judicial prescription is grounded in its adherence to the supreme principles of the legal order and the protection of fundamental individual rights. It also demonstrates the practical feasibility of a mandatory de-radicalizatin pathway under judicial supervision. The implementation of the Decree n. 71/2017 by the Tribunal of Bari, coupled with the establishment of university-led rehabilitation programs, represents a significant advancement in Italy's approach to preventing radicalization, providing structured mechanisms aimed at reintegrating individuals into society.

Importantly, the judicially mandated de-radicalization plan targets individuals who have exhibited clear signs of ongoing radicalization but have not yet engaged in violent conduct. Even in the absence of any integration of specific criminal charges, the legal system intervenes through preventive measures specifically tailored for such situations. In this framework, radicalization is construed as indicative of a qualified social dangerousness, thereby justifying the imposition of preventive measures. It is conceptualized as a necessary precondition for potential violent action—an action of such gravity that anticipatory intervention is warranted even in the absence of punishable criminal conduct.

2.2.3.3 The Penitentiary Ordinance (L'Ordinamneto Penitenziario)

As mentioned before, according to the measures to deal with issues of radicalization, Italy lacks a solid agenda and strategies appear fragmented and largely based on a case-by-case. Moreover, the focus on emergency situation is also intertwined with the (legal) repressive pattern, whereby radicalization phenomenon

[510] VERA V., *Misure di prevenzione e de-radicalizzazione religiosa alla prova della laicità (a margine di taluni provvedimenti del Tribunale di Bari)*, in *Stato, Chiesa e Pluralismo Confessionale*, No. 37, 2017, p. 21.

are managed through criminal law tools, with prisons (and courts) also becoming a vehicle for contradictions[511]. The measures taken by the Department of Penitentiary Administration (DAP, *Dipartimento dell'Amministrazione Penitenziaria*) might shed light on to the management about religious extremism issues. The intent of this administration is to prevent the possibility that additional ordinary inmates may fall under the allure and influence of propaganda spread by the more charismatic prisoners.

Firstly, in order to observe and monitor inmates at various level involved in radicalization processes, the Circular n. 3619/6069 dated 21 April 2009 regulates the High-Security Circuit (*Alta Sicurezza*), which is divided into three subcategories: A.S.1, A.S.2 and A.S.3[512]. The A.S.2 is included detainees charged with or convicted of crimes committed with the intent of domestic or international Islamic terrorism, or belonging to national terrorist organizations (e.g., the Red Brigades). There, they are strictly separated with other ordinary detainees in order to curb their recruitment potential right from their entry into prison, and the way to downgrade themselves to ordinary regimes must to demonstrate .

Further, according to the manual in 2009, which define radicalization as a process-not necessary linear-that may arise from internal development (self-radicalization) or external influences (e.g., charismatic leaders or group dynamics), can lead to violent outcomes, and remains interruptible at any stage[513]. And the DAP has formally adopted the "indicators of radicalization" developed in this manual, which can show the escalating danger and may trigger the classification of the inmate into one of three-tiered monitoring system, specifically designed for prisoner flagged for identifying situations warranting attention about suspected

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[511] SPANÒ G., *De-radicalisation in Italy: is "emergency" a strategy per se?*, in *DPCE Online*, Vol. 59 No. 2, 2023, p. 2056.

[512] *Circolare del dipartimento dell'amministrazione penitenziaria n. 3619/6069 del 21 Aprile 2009*, <http://www.ristretti.it/commenti/2009/maggio/pdf16/circolare_alta_sicurezza.pdf> (last accessed: 17.03.2025)

[513] This Handbook was carried out in 2009 by an international commission composed of Austria, France, and Germany, with the financial support of the programme for the European Commission, its aim is focusing on training workers addressing the phenomenon of radicalizati on. See Ministero della Giustizia, *Manuale sulla radicalizzazione*, 2009, <https://www.giustizia.it /cmsresources/cms/documents/allegato_radicalizzazione2009.pdf> (last accessed: 04.02.2026)

radicalization. This framework ensures that targeted oversight is closely aligned with institutional risk-assessment protocols, enabling resources to be efficiently allocated according to the assessed threat levels. According to Central Investigative Unit (NIC, *Nucleo Investigativo Centrale*)[514], there are three distinct tiers of observation: "high," "medium" and "low."

It is worth noting that, in history, the law about Measures for Individuals Who Disassociate Themselves from Terrorism (*Misure a Favore di Chi si Dissocia dal Terrorismo*)[515] was part of Italy's response to domestic terrorism, particularly during the Yeas of Lead. This law was context-specific, responding to a historical period of domestic terrorism. And since the end of the Years of Lead, its use has been rare. It remains part of the Italian penal and counter-terrorism legal framework. It can be regarded as an early example of deradicalization-oriented legislation in Europe.

2.2.3.4 Administrative Expulsion (l'Espulsione Amministrativa)

As it can be noted that in Italian legal framework, terrorism is not only relevant within the criminal justice system, it is subject to multifaceted regulation due to its diverse manifestations and its opposition to fundamental interests and values of social coexistence. As such, prevention falls at the intersection of multiple disciplines. And the administrative expulsion which put a terrorist intent as a prerequisite counts a lot.

Accordingly, there are mainly three forms of outside the general regulatory framework:

The first two administrative expulsion measures are stipulated in the **Legislative Decree n. 286 of 1998** (T.U.I., *Testo Unico delle Disposizioni Concernenti la Disciplina dell'Immigrazione e Norme sulla Condizione dello Straniero*).

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[514] The Central Investigative Unit (NIC), established under Ministerial Decree (MD) 14 June 2007, and underwent structural reorganization through the MD of 28 July 2017 to align its operational framework, Central Headquarters functions, and regional subsidiary units with the statutory provisions of art. 11 (2) (b), MD, 2 March 2016. Administratively integrated within the Office of the Head of the Department, the N.I.C. operates as a specialized division of the Penitentiary Police. Functioning as the Central Judicial Police Service, it performs continuous and prioritized judicial police duties under art. 55 of the Italian Code of Criminal Procedure. The unit operates under the functional authority and direct oversight of the judiciary, focusing on offenses committed within penitentiary facilities or those directly linked to organized crime, terrorism, or cases of exceptional complexity.

[515] Legge 18/02/1987, n. 34. *Misure a favore di chi si dissocia dal terrorismo*. Pubblicata nella Gazz. Uff. 21 febbraio 1987, n. 43.

One is the **Article 13 paragraph 1** of T.U.I., relating to the administrative expulsion ordered by the Minister of the Interior, which is regarded as a measure frequently used to tackle the Islamist terrorist risk, despite not having been specifically introduced for this purpose[516]. While, it concerns matters about the identification of the danger threshold beyond which the authorities can intervene with the expulsion measure, and the consequent infringement on the rights of the person concerned. It shows that the formulation of the conditions justifying expulsion uses notions that are vague as well as deficient, that is, terrorism is actually mentioned only implicitly or indirectly, although the use of this wording is justifiable in view of the importance of the rights protected, it is undeniable that it allows the administrative authority to make wide-ranging and extremely discretionary assessments.

Two is the **Article 13 paragraph 2** of T.U.I., authorizing the administrative expulsion rights ordered by the Prefect, which mainly aims at the expulsion of those who, operating in groups or individually, carry out objectively relevant preparatory or executive acts aimed at committing crimes for the purpose of terrorism, including international terrorism[517]. While it also concretely refers to mainly two concerns, namely, the possibility of reviewing the Prefect's decision, and the assessment of the foreigners' degree of risk.

It is essential to note that it is an activity of the public authority that is not proceduralized and does not involve the participation to the subject, furthermore, the final measure is immediately enforceable, and it is not subject to a precautionary suspension the rules stipulated in Article 13, Paragraph 3 of T.U.I.. Consequently, this immediate enforceability of the expulsion order means that—even before any appeal against the order is lodged—the Questore may issue an order for the forced removal

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[516] CESERANI A., *Islam, security and immigration in Italy: administrative measures*, in MARCHEI N., MILANI D. (eds.), in *Freedom of religion, security and the law: key challenges for a pluralistic society*, Giappichelli, Torino; Routledge, London, 2023, p. 114.

[517] Article 13 (1) stipulates that "Per motivi di ordine pubblico o di sicurezza dello Stato, ***il Ministro dell'Interno*** può disporre l'espulsione dello straniero anche non residente nel territotio dello Stato, dandone preventiva notizia al Presidente del Consiglio dei ministri e al Ministro degli affari esteri." Article 13 (2) stipulates that "L'espulsione è disposta dal ***prefetto***, caso per caso, quando lo straniero: [...]". Decreto Legislativo 25/07/1998, n. 286, *Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero*. Pubblicato nella Gazz. Uff 18 agosto 1998, n. 191, S.O.

of the person to the border by means of the police force, under most of the case-law the judge's review concerns only the validity of the order of the police commissioner, without any assessment of the underlying substantive situation[518].

This third measure shift was particularly reinforced by the implementation of **Article 3 of Decree-Law n. 144 of 2005**, by introducing urgent measures to combat international terrorism, which explicitly introduces new provisions regarding the expulsion of foreign nationals for terrorism prevention purposes. Further, it also confers upon the Minister of the Interior, or by delegation, by the Prefect the authority to expel suspected foreign nationals, a competence that complements the one established under Article 13 of T.U.I.[519]. Furthermore, there are also concerns like this is an assumption regarding conduct that effectively facilitates the activities of a terrorist organization, for example, also as an immediately enforceable measure, the elements pointing to a terrorist plan may be identified in actions that, in and of themselves, lack absolute certainty of imminent execution but, when considered collectively, are sufficient to establish a judgment that such a possibility could materialize[520], and again, the conduct is somewhat vaguely and therefore the

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[518] "L'espulsione è disposta in ogni caso con decreto motivato immediatamente esecutivo, anche se sottoposto a gravame o impugnativa da parte dell'interessato. Quando lo straniero è sottoposto a procedimento penale e non si trova in stato di custodia cautelare in carcere, il questore, prima di eseguire l'espulsione, richiede il nulla osta all'autorità giudiziaria, che può negarlo solo in presenza di inderogabili esigenze processuali valutate in relazione all'accertamento della responsabilità di eventuali concorrenti nel reato o imputati in procedimenti per reati connessi, e all'interesse della persona offesa. [...]". See CESERANI A., *Islam, security and immigration in Italy: administrative measures*, in MARCHEI N., MILANI D. (eds.), in *Freedom of religion, security and the law: key challenges for a pluralistic society*, Giappichelli, Torino; Routledge, London, 2023, pp. 117-118.

[519] "[...] il Ministro dell'Interno o, su sua delega, il prefetto può disporre làesplusione dello straniero appartenente ad una delle categorie di cui [...]"; "[...] o nei cui confronti vi sono fondati motivi di ritenere che la sua permanenza nel territorio dello Stato possa in qualsiasi modo agevolare organizzazioni o attività terroristiche, anche internazionali." Article 3 of Decreto Legge 27/07/2005, n. 144 *Misure urgenti per il contrasto del terrorismo internazionale* (pubblicato nella Gazz. Uff. 27 luglio 2005, n. 173). It is converted into law, with amendments, by Law 31/07/2005, n. 155 (pubblicato nella Gazz. Uff. 1 agosto 2005, n. 177).

[520] "Infatti il presupposto per l'espulsione è costituito solo dai fondati motivi per ritenere che la sua presenza possa agevolare in vario modo organizzazioni o attività terroristiche. Ed è dunque solo questo il parametro da adottare per valutare la legittimità del provvedimento: se esso sia in grado di prevenire la concreta possibilità di comportamenti in grado di agevolare il terrorismo." See Cons. Stato, Sez. Ter, Sent., 23 settembre 2015, n. 4471. Or, "[...] può essere adottato 'anche sulla base del semplice sospetto, sulla base di una valutazione effettuata anche solo alla stregua di meri indizi, in cui assumono rilievo preponderante i fattori induttivi della non manifesta infondatezza di progettualità terroristica, che possono essere ravvisati in fatti in sé e per sé privi dell'assoluta certezza che detta azione venga realizzata nell' imminenza, ma che, nel loro complesso, siano tali da fondare un giudizio che tale possibilità possa verificarsi.'" See T.R.A. Lazio Roma, Sez. I ter, Sent., 3 giugno 2021, n. 6575.

authority's discretion is high.

However, expulsion does not constitute the exercise of an absolute power of the authorities, since national, European and international rules recognize the important rights of citizens, which are matched by precise obligations of States[521]. Additionally, there are other two measures that are regarded as indirectly relevant to the fight against terrorism: (1) the refusal of Italian citizenship to foreigner nationals when they apply for it, which has been provided for since the entry into force of Law n. 91 of 1992—New regulations on citizenship (*Nuove norme sulla cittadinanza*)[522]; (2) and the revocation of the same if granted, the measure which was introduced by the Law n. 132 of 2018 (converting the Law-Decree n. 113 of 2018)[523], which is called "Decreto Sicurezza" or "Decreto Salvini."

In academic discourse, expulsion also can be seen as an essential tool of that penal-administrative subsystem which, by intertwining administrative and criminal legal mechanisms, constitutes the punitive law of immigration. Originally conceived as a general administrative instrument, administrative deportation was not institutionally designed to counteract radicalization processes. Nevertheless, it has been transformed into a cornerstone of Italy's counter-radicalization strategy, largely attributable to the demographic reality that a substantial proportion of individuals associated with extremist trajectories lack Italian citizenship. It can be seen that the expulsion measure for the prevention of terrorism is rooted in the heterogeneous framework of criminal and administrative immigration protections, on the one hand encompassing both criminal and administrative safeguards, and on the other hand addressing the regulation of dangerous individuals. In essence, the existence of an

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[521] CESERANI A., *Islam, security and immigration in Italy: administrative measures*, in MARCHEI N., MILANI D. (eds.), in *Freedom of religion, security and the law: key challenges for a pluralistic society*, Giappichelli, Torino; Routledge, London, 2023, p. 110.

[522] Legge 05/02/1992, n. 91 *Nuove norme sulla cittadinanza*. Pubblicata nella Gazz. Uff. 15 febbraio 1992, n. 38.

[523] Decreto Legge 4/10/2018, n. 113 (pubblicato nella Gazz. Uff. 4 ottobre 2018, n. 231), coordinato con la legge di conversione 01/12/2018, n. 132. *Disposizioni urgenti in materia di protezione internazionale e immigrazione, sicurezza pubblica, nonché misure per la funzionalità del Ministero dell'interno e l'organizzazione e il funzionamento dell'Agenzia nazionale per l'amministrazione e la destinazione dei beni sequestrati e confiscati alla criminalità organizzata*. Pubblicata nella Gazz. Uff. 3 dicembre 2018, n. 281. In addition, Decreto Legge 21/10/2020, n. 130 (pubblicato nelle Gazz. Uff. 21 ottobre 2020, n. 261) reversed certain provisions.

integrated system of criminal protection/administrative expulsion ultimately derives from the preventive nature of the measure, primarily aimed at neutralizing the non-citizen by removing them from the national territory before any criminally relevant conduct occurs[524]. In addition, by drawing on analyses from the United States, the neologism *Crimmigration*, has also becomes widely adopted in Italian academic discourse, used to define the phenomenon the intersection between criminalizing logic and administrative efficiency manifested in the expulsion of the "undesirable" foreigner (as deemed)[525]. Or, as put forward the special "administrative criminal law" of immigration (*il diritto penale-amministrativo speciale dell'immigrazione*)[526] of the expulsion legal system. It can be understood in this way that, as analyzed above, in some instances, the relevant of terrorism in expulsion remains independent of judicial initiatives, and therefore, the preventive intervention takes on an administrative character—for example, Article 4 of T.U.I. and Article 3 of Decree-Law n. 144 of 2005, in other cases, the necessity of neutralization requires expulsion following the ascertainment of criminal responsibility and the execution of a sentence, for example, the Article 312 (*espulsione od allontanamento dello straniero dallo Stato*) of the Penal Code and Article 15 of T.U.I.. Following this logic, the regulation concerning expulsion reaffirms the rational of interference, that is, in preventive spaces with a higher risk of overlap between various forms of intervention, the recourse to criminal tools is characterized not by expansive or self-referential tendencies, but by reductionist trends. On one hand, this favors solutions aligned with the so-called minimum criminal law, and on the other, it involves connections with other techniques for safeguarding fundamental personal interests[527].

Turning back, expulsions ordered by administrative authorities are considered as

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[524] ROMANO G., *Tutela penale, sicurezza e provvedimenti di polizia nel modello dell'espulsione del terrorista*, in *Diritto Penale Contemporaneo* (Online), 2019, p. 6.
[525] SPENA A., *La crimmigration e l'espulsione dello straniero massa*, in *Materiali per una Storia della Cultura Giuridica*, No. 2, 2017, p. 496. See CAPUTO A., *Sicurezza e immigrazione tra controllo dei flussi migratori e diritti fondamentali della persona*, in *Diritto Penale e Processo*, Vol. 11, 2019, p. 1493.
[526] CAPUTO A., *Sicurezza e immigrazione tra controllo dei flussi migratori e diritti fondamentali della persona*, in *Diritto Penale e Processo*, Vol. 11, 2019, p. 1494.
[527] ROMANO G., *Tutela penale, sicurezza e provvedimenti di polizia nel modello dell'espulsione del terrorista*, in *Diritto Penale Contemporaneo* (Online), 2019, pp. 3-6.

one of the most agile tool for terrorism prevention in Italy, primarily due to proactively react in advance to the risk posed by the presence of extremely dangerous individuals within the national terroritory. These measures are valued for their operational efficiency in acting swiftly to neutralize potential threats. However, as previously discussed, this operational paradigm also inevitably raises three primary systemic concerns:

First is the prioritization of rapid enforcement risks incentivizing public authorities to circumscribe essential procedural safeguards for deportees;

Second is the medium-to-long-term preventive utility of such measures remains empirically unverified, raising questions about their strategic effectiveness;

Third is the absence of precise statutory criteria governing applicability not only exacerbates arbitrariness but also severely constrains judicial review of these expulsion measures. For example, the substantive prerequisites for issuing such expulsion orders remain conspicuously indeterminate under statutory frameworks. The legal threshold does not necessitate demonstrable evidence of an individual's direct involvement in terrorist organizations or activities. Rather, it suffices that administrative authorities identify "grounded reasons" (*ragioni fondate*) to presume that the individual's territorial presence might, in any conceivable manner, facilitate such organizations or activities.

2.2.3.5 Legal Proposal: An Attempt to Confront the Jihadist Radicalization

As Alessandro Negri points out that the difficulty in establishing a legally relevant definition of radicalized has indeed created a peculiar situation, that is, in the absence of a common framework, the concept appears to remain an empty vessel, filled with disparate meanings depending on the contextual framework in which it is applied[528].

The Study Commission on the Phenomenon of Radicalization and Jihadist Extremism (*Commissione di Studio sul Fenomeno della Radicalizzazione e*

[528] ALESSANDRO N., *Radicalizzazione religiosa e de-radicalizzazione laica: sfide giuridiche per l'ordinamento democratico*, Carocci, Roma, 2022, p. 60.

dell'Estremismo Jihadista) was established under the Presidency of the Council of Ministers in September 2016, which was aimed at addressing the increasingly severe threats particularly posed by jihadist extremism and radicalism, by conducting an in-depth analysis of the root causes of jihadist extremism and radicalism, assess their impact on national security, social structures, and the coexistence of multiculturalism, and proposing effective and targeted policy recommendations.

An attempt in this direction had been made with the Measures for the Prevention of Jihadist Radicalization and Extremism (d.d.l. C. 3558, *Misure per la Prevenzione della Radicalizzazione e dell'Estremismo Violento di Matrice Jihadista*), which was approved by the Chamber of Deputies in 18 July 2017[529], specially, it made an attempt to define the concept of *radicalizzazione*[530], however, it was failed to enter scrutiny by the Senate. On 14 March 2022, it was re-proposed as a legal proposal with the presentation as Measures for the Prevention of Violent or Terrorist Extremism and Jihadist Radicalization (Proposta di legge n. 243-3357-A, *Misure per la Prevenzione dell'Estremismo Violento o Terroristico e della Radicalizzazione di Matrice Jihadista*). Within the thirteen articles, for example, the Article 2 of the legal proposal points out the creation of the National Center for Radicalization (CRAD, *Centro Nazionale sulla Radicalizzazione*), which is established within the Ministry of the Interior, it emphasizes the internal composition and functioning, by annually preparing the National Strategic Plan (*il Piano Strategico Nazionale*) to prevent the processes of radicalization, join violent extremism, as well as assist in the rehabilitation of individuals involved in radicalization phenomenon. Especially, the Article 3 of the proposal also mentioned the establishment of the Regional Coordination Centers on Radicalization (CCR, *Centri di Coordinamento Religionali sulla Radicalizzazione*), which are established at the Prefectures in each regional capital, to implement the

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[529] Senato della Repubblica, *XVII Legislatura 2013-2018, Atto Senato n. 2883*, <https://www.senato.it/leg/17/BGT/Schede/Ddliter/48213.htm> (last accessed: 04.02.2026)

[530] "La 'radicalizzazione' è individuata nei fenomeni che vedono persone simpatizzaare o aderire manifestamente ad ideologie di matrice jihadista, ispirate all'uso della violenza e del terrorismo, politicamente o religiosamente motivati." See Camera dei Deputati, *Il testo approvato dalla Camera per la prevenzione dei fenomeni di radicalizzazione*, 20 febbraio 2018, <https://www.camera.it/leg17/465?tema=prevenzione_dell_estremismo_jahadista> (last accessed: 12.01.2026)

National Strategic Plan referred to in Article 2. In addition, the prefect of the regional capital, through their own provision (*provvedimento*), regulates the composition and functioning of the CCR[531].

Because the lack of a systematic legal definition of the notions of *radicalization* and *radicalized individual*[532] has allowed these concepts, from a juridical perspective, to remain not only a hollow but also fluid, ready to assume the shape and boundaries of the "container" in which it is placed each time, without preserving any homogeneity. The attempt that the legislative proposal specially targets the "radicalization rooted in jihadist ideology" (*radicalizzazione di matrice jihadista*), demonstrates dual conceptual significance. Primarily, the articulation of official definitions serves to elucidate the distinct manifestations of jihadist radicalism with Italy's domestic context. Meanwhile, this legislative positioning underscores an official cognizance of the derivative risks stemming from chronic conceptual ambiguities in phenomenon delineation, translating such awareness into concrete legal responses that embody the substantive integration of governance capacity with effective operational coordination.

2.2.3.6 Between Legal Gaps and the 2025 Legislative Proposal: A Revisited Full-Veil Debate

In Italy, the reactions to the wearing of religious headscarves[533] highlight the

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[531] Camera dei Deputati, *Proposta di legge n. 243-3357-A*, <https://documenti.camera.it/_dati/leg18/lavori/schedela/apriTelecomando_wai.asp?codice=leg.18.pdl.camera.243_A.18PDL0165810#PD> (last accessed: 12.01.2026)

[532] In the European context, Laura Sabrina Martucci, the researcher from the University of Bari, points out that "The radicalized individuals are part of the fragmentation of segments, even of the smallest magnitude, within the Muslim communities settled across Europe, often driven more by feelings of hatred and moral outrage than by a deep understanding of Islam." See MARTUCCI L. S., *Radicalizzati jihadisti: profilazione e deradicalizzazione Constitution-compliant*, in *Stato, Chiesa e Pluralismo Confessionale*, No. 3, 2019, p. 10.

[533] The right to wear other visible religious symbols is also restricted by legal norms, administrative measures, or bureaucratic practices. For example, the debate over the display of crucifixes in State-school classrooms was a significant issue that ultimately led to a ruling by the European Court of Human Rights, which has had a substantial impact on the understanding of the public presence of religious symbols. See European Court of Human Rights (ECtHR), The case of *Lautsi and others v. Italy*, 18 March 2011, <https://hudoc.echr.coe.int/eng?i=001-104040> (last accessed: 04.02.2026). In addition, religious symbols such as *kirpan*—the ceremonial dagger that *Sikhs* are required to carry as the respects of their religion (*Sikhism*)—have also sparked debates concerning the limits of religious freedom and public security in Italy. For example, a Sikh man was convicted for carrying a *kirpan* in

delicate relationship between the stabilization of the Muslim presence, the redefinition of the boundaries between the public and private spheres, and the visibility of an extremely differentiated pluralism in both social and legal contexts. Notably, the debate surrounding the *burqa* and *niqab* issue in Italy has never reached the breadth and intensity of a genuine societal discourse, rather, it appears as an instance of forced globalization[534]. This is especially evident when compared to the debate in France regarding the prohibition of wearing Islamic veils in public spaces.

In contrast, Italy is arguably one of the most welcoming European countries, having consistently accepted the public wearing of Islamic headscarves. The Italian constitution[535], civil legal system, secondary normative acts, and administrative practice have addressed the issue pragmatically, without imposing any clear prohibitions[536]. However, the exercise of religious freedom is affected by a fragmented legal framework, which introduces uncertainty and challenges in its practical application. There are several relevant regulations and judicial rulings indicate that this specific form of expressing religious affiliation might encounter limitations under the general legal provisions concerning clothing codes.

(1) Article 5 of the law 22 May 1975, n. 152 (or *Legge Reale*). This law, which established the "source code" (*codice sorgente*) of personal preventive measures against terrorism[537], makes the restriction concerning concealment or the obstruction of facial recognition, however, it would raise more complex legal issues if placed within the discussion of the wearing of religious headscarves. As can be seen, the first paragraph of Article 5 asserts that, unless justified reasons, the use of protective helmets or any means likely to obscure an individual's identity is prohibited in public

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public, despite claiming it as a religious duty. Both the trial and appellate courts upheld the conviction under art. 4 of the Law n. 110/1975, which prohibits carrying certain edged weapons outside the personal residence without a justifiable reason. See Corte di Cassazione, Sentenza n. 24084/2017. Due to space limitations, this content is not being discussed in depth here.

534 FERRARI A., *La lotta dei simboli e la speranza del diritto (parte seconda): la guerra «italiana» al «burqa» e al «niqab»*, in *Quaderni di Diritto e Politica Eccleslastica*, No. 1, 2012, pp. 39-40.

535 CARIDI S. C., *Libertà di abbigliamento e velo Islamico*, in FERRARI S. (ed.), in *Musulmani in Italia: la condizione giuridica delle comunità islamiche*, il Mulino, Bologna, 2000, p. 227.

536 EDOARDO C. R., *La Francia approva il divieto del burqa: e l'Italia?* in *Quaderni Costituzionali*, 2010, <https://www.forumcostituzionale.it/wordpress/?p=3318> (last accessed: 04.02.2026)

537 SANTINI S., *Le misure di prevenzione personali del terrorismo in Italia e nel Regno Unito: spunti di riflessione per una prevenzione sostenibile* (PhD Thesis), Università degli Studi di Milano, 2017, p. 39.

spaces or other areas accessible to the public. Moreover, such use is categorically forbidden at events held in these venues, except in cases where the nature of the event necessitates it[538]. While, it is important to note that this law was in a context which was different from the multicultural society of today[539]. It was not originally intended to regulate the complex and delicate issue of the wearing of religious headscarves, but was designed to counter the phenomenon of politically motivated terrorism in the 1970s, specifically to prevent the use of helmets or other means to avoid identification during public demonstrations.

In addition, the Article 85 of the Consolidated Public Security Laws (*Regio Decreto 18 giugno 1931, n. 773*) is often mentioned together. Because the first paragraph of Article 85 declares the prohibition of "being masked in a public place[540]." While, prior to the issue of the *burqu* and *niqāb*, the ordinary enforcement of these provisions had been sporadic and substantially peripheral, reflecting an extremely cautious approach within the fully constitutional boundaries[541].

(2) The Ministry of the Interior Circular of 14 March 1995 (*Circolare del 14 marzo 1995, n. 4 del Ministero dell'Interno*) authorized the use of head covering in photographs for identity cards by individuals professing non-Catholic religions, as long as the facial features remain clearly visible[542]. Subsequently, the Ministry of the Interior Circular of 24 July 2000 (*Circolare del 24 luglio 2000, n. 300 del Ministero dell'Interno*) clarified that covering the head for religious motivations with a chador

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[538] The art. 5 (1) stipulates that "È vietato l'uso di caschi protettivi, o di qualunque altro mezzo atto a rendere difficoltoso il riconoscimento della persona, in luogo pubblico o aperto al pubblico, senza giustificato motivo. È in ogni caso vietato l'uso predetto in occasione di manifestazioni che si svolgano in luogo pubblico o aperto al pubblico, tranne quelle di carattere sportivo che tale uso comportino." Legge 22 maggio 1975, n. 152 (*Legge Reale*). Pubblicata nella Gazz. Uff 24 maggio 1975, n. 136.

[539] EDOARDO C. R., *La Francia approva il divieto del burqa: e l'Italia?* in *Quaderni Costitu -zionali*, November 2010, <https://www.forumcostituzionale.it/wordpress/?p=3318> (last accessed: 31.08.2025)

[540] "È vietato comparire mascherato in luogo pubblico." From article 85 (1) of Regio Decreto 18/06/1931, n. 773. *Approvazione del Testo Unico delle Leggi di Pubblica Sicurezza* (T.U.L.P.S.). Pubblicato nella Gazz. Uff. 26 giugno 1931, n. 146.

[541] FERRARI A., *La lotta dei simboli e la speranza del diritto (parte seconda): la guerra «italiana» al «burqa» e al «niqab»*, in *Quaderni di Diritto e Politica Eccleslastica*, No. 1, 2012, p. 42.

[542] See Ministero dell'Interno, *Direzione generale dell'amministrazione civile circolare n. 4, 14 marzo 1995, Rilascio carta di identità a cittadini professanti culti religiosi diversi da quello ca ttolico l'uso del copricapo*, <https://corsoculti.it/wp-content/uploads/2017/05/Rilascio-carta-di-identi t%C3%A0-a-cittadini-professanti-culti-religiosi-diversi-da-quello-cattolico.pdf> (last accessed: 22.07. 2025)

does not fall under the regulation, as it constitutes an integral part of habitual clothing and, taken as a whole, contributes to the identification of the wearer, provided the face remains uncovered, and thus it is permissible for identity documents to depict individuals wearing such head covering, as long as the facial features are clearly visible[543]. While, according to Article 26 of the Charter of the Values of Citizenship and Integration (*Carta dei Valori della Cittadinanza e dell'Integranzione*), which is confirmed by the Ministerial Decree 23 April 2007[544], it indicates that the forms of clothing that cover the face are not acceptable, because it prevents the person from being recognized and hindering themselves from entering into relations with others.

(3) The sentence dated 19 June 2008, n. 3076, contains two important points worth noting. Firstly, it affirmed that dealing with "veil matter" by using the reference to the prohibition to appear masked in public places, as stated in Article 85 of Royal Decree n. 773/1931, is entirely incorrect. The *burqa* rather constitutes a mask, but a traditional of certain populations, still used even with aspects of religious practice and wearing a *burqa* constitutes the implementation of a tradition of certain populations and cultures. Secondly, the ruling clarified that the ban on *burqa* and *niqāb* is irrelevant with the reference to Article 5 of Law n. 152/1975[545].

Additionally, several regions in Italy have, through local legislation, decrees, resolutions, or court decisions, imposed restrictions or required heightened vigilance regarding the wearing of the *niqāb* and *burqa* in public places. These measures are based on Article 5 of the Law n. 152/1975, which prohibits clothing or coverings that hinder identification.

On 10 December 2015, the Executive Committee of the Lombardy passed

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[543] "[...] il 'chador' o anche il velo, come nel caso delle religiosi, sono parte integrante degli indumenti abituali e concorrono, nel loro insieme, ad identificare chi li indossa, naturalmente purché mantenga il volto scoperto [...] le fotografie da inserire nei documenti di identità in cui la persona è ritratta con il capo da indumenti indossati purché, ad ogni modo, i tratti del viso siano ben visibili." See *Ministero dell'Interno-Circolare 24/07/2000, n. 300. C/2000/3656/A/24.159/1^Div. Misure atte ad impedire l'uso in pubblico di capi d'abbigliamento idonei a travisare i tratti delle persone che li indoddano*, <https://briguglio.asgi.it/immigrazione-e-asilo/2014/aprile/circ-interno-24-7-2000.htm> (last accessed: 22.07.2025)

[544] Ministero dell'Interno-Decreto Ministeriale 23/04/2007 *Carta dei Valori della Cittadinanza e dell'Integrazione*. Pubblicato nella Gazz. Uff. 15 giugno 2007, n. 137.

[545] "[...] il *burqa* non costituisce una maschera, ma un tradizionale capo di abbigliamento di alcune popolazioni, tuttora utilizzato anche con aspetti di pratica religiosa." Cons. Stato, Sez. VI, Sent., (data ud. 19/06/2008), n. 3076.

Resolution n. X/4553 (*Delibera della Giunta Regionale n. X/4553*), which came into force on 1st January 2016—titled as Strengthening the Measures Governing Access to and Presence within the Offices of the Regional Executive and the Entities and Companies Forming Part of the Regional System (*Rafforzamento delle Misure di Accesso e Permanenza nelle Sedi della Giunta Regionale e degli Enti e Società Facenti Parte del Sistema Regionale*). It includes the forbidden entering local government offices and hospitals with the face covered—the *burqa* and the *niqab* are therefore banned, including for religious reasons. Those provisions implemented in this resolution raised concerns such as potential discrimination and violation of religious freedom.

In response to this matter, on 20 April 2017, the judgment made by the civil court of Milan concluded that the measures did not constitute either direct or indirect discrimination. The inability to identify numerous individuals entering the designated public spaces was found to pose a concrete threat to public security; accordingly, the restrictions imposed were deemed both necessary and proportionate in light of the legitimate aim of safeguarding that fundamental interest[546]. Subsequently, with the Judgement n. 4330 from the Court of Appeal of Milan upheld the conclusions of the civil court in 2019.

Similarly, in Veneto, the regional regulation passed on 4 July 2017, under its Article 2, it stipulates that individuals who wear protective helmets or any other items that hinders the recognition of their identity—including garments or clothing of any ethnic or cultural origin, such as the *burqa* and the *niqāb*, scarves, and balaclavas—are prohibited, as they conceal, distort, or obscure the face, thereby

[546] The cause of the case was that in January 2016, numerous public offices and hospitals across the Lombardy Region displayed signs at their entrances bearing the message "for security reasons, entry with a covered face is prohibited," accompanied by three images—depicting individuals wearing a helmet, a balaclava, and a *burqa*—each overlaid with a red cross-out symbol. See Foro Italiano, *Tribunale civile Milano, 20 aprile 2017, Regione in genere e regioni a statuto ordinario*, 1 August 2021, <https://www.foroplus.it/visualizza.php?pag=1&ndoc=1300682GF&sha1=5ced2d31e7f1f453d930164f88e293105730f0d9&ur=Mzc0MTc0Mw==> (last accessed: 23.07.2025)

effectively preventing the identification of the person[547]."

Notably, a legislative proposal titled Amendments to the Penal Code and Other Provisions Regarding the Fight Against Religious Fundamentalism (C. 2562, *Modifiche al Codice Penale e Altre Disposizioni in Materia di Contrasto del Fondamentalismo Religioso*), was submitted to the Chamber of Deputies on 5 August 2025 and has yet to be debated and ultimately approved by Parliament[548]. Basing on this, on 8 October 2025, the Italian political party *Fratelli d'Italia* (FdI) presented the legislative proposal targeting Islamic separatism, a phenomenon characterized by the formation of enclaves that reject the authority of the Italian state and apply a separate legal system, and these communities govern themselves according to religious rules that are not consistent with the Italian Constitution.

In this proposal, prohibition of facial covering in public places is one of the main concerns, for the purpose of public security protection and female dignity[549]. The proposal consists of five articles, with the Article 5 specifically prohibiting the wearing of full-face veils. Article 5 states:

The use of clothing, masks, or any other means that cover the face and make it difficult to recognize the individual is prohibited in public places, publicly accessible venues, educational institutions of all levels, universities, commercial establishments, and offices. Violation of the prohibition under paragraph 1 is punishable by an

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[547] "[...] coloro che indossano caschi protettivi o qualunque altro mezzo atto a rendere difficoltoso il riconoscimento della persona, inclusi abiti o indumenti di qualsiasi origine etnica o culturale, quali ad esempio il *burqa* e il *niqab*, le sciarpe e i passamontagna, che celano, travisano o nascondono il volto impedendo, di fatto, l'identificabilità della persona. [...]". See Consiglio Regionale del Veneto, *Regolamento Regionale 04/07/2017, n. 2-Veneto*. Pubblicato nel B.U.R. Veneto 07/07/2017, n. 64.

[548] Senato della Repubblica, *Disegni di legge, Atto Camera n. 2562*, <https://www.senato.it/leggi-e-documenti/disegni-di-legge/scheda-ddl?did=59471> (last accessed: 02.12.2025)

[549] "La legge contro il separatismo islamico rappresenta un passo necessario per proteggere l'identità italiana, la sicurezza dei cittadini e la libertà delle donne. Non si tratta di limitare la libertà religiosa, ma di impedire che essa venga strumentalizzata per giustificare pratiche incom-patibili con i principi della nostra Costituzione e della nostra società." See Fratelli d'Italia, *Islam: presentata proposta di legge per contrasto a fondamentalismo*, 8 October 2025, <https://www.fratelli-italia.it/islam-presentata-proposta-di-legge-per-contrasto-a-fondamentalismo> (last accessed: 21.01.2026)

administrative fine ranging from €300 to €3,000[550].

According to this article, including the *burqa* and *niqab* are forbidden in public places, schools, universities, offices, and commercial establishments, with the consideration that having an uncovered face constitutes an essential element for mutual recognition among citizens and for collective security—both of which represent fundamental values of Italian democratic society[551]. The legislative proposal also aims to strengthen the tools for preventing and combating Islamic fundamentalism, while simultaneously safeguarding the freedom, security, and national identity of the Italian Republic[552]. In addition, the proposal highlights the tension inherent in legislating against practices that are simultaneously religious, cultural, and socially contested, reflecting the broader challenges of preventing radicalization while respecting pluralistic values in a liberal democracy.

Overall, the legislative draft holds positive implications for enhancing public

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[550] BALDI C., *«Vietato il velo integrale nelle scuole, università, uffici e luoghi pubblici»: la proposta di legge di Fratelli d'Italia contro il «separatismo islamico»*, 8 October 2025, <https://www.corriere.it/politica/25_ottobre_08/vietato-il-velo-islamico-nelle-scuole-universita-uffici-e-luoghi-pubblici-la-proposta-di-legge-di-fratelli-d-italia-5b412800-9072-4a4f-a5b9-a37bc773dxlk.shtml> (lastaccessed: 10.10.2025). This proposal also introduces several new criminal provisions, including penalties for virginity testing, while strengthening punishment for forced marriages by adding religious coercion as grounds for prosecution. In addition, it also imposes new financial transparency requirements on religious organizations that lack formal agreements with the Italian state. Coincidentally, on 17 October 2025, the Portuguese Parliament approved the **Bill n. 47/XVI/1**—Prohibiting the Concealment of the Face in Public Spaces Except in Certain Circumstances (*Projeto de Lei nº 47/XVI/1.ª—Proíbe a Ocultação do Rosto em Espaços Públicos Salvo Determinadas Excepções)* proposed by the far-right Chega party to prohibit the wearing of face-covering garments such as *burqas* and *niqabs* in most public spaces. Under the proposed legislation, art. 5 stipulates that individuals who fail to comply may face fines ranging from €200 to €2,000 for negligence, and from €400 to €4,000 for wilful misconduct. The bill also criminalizes coercion: anyone who, through threat, violence, or abuse of authority, compels another person to cover their face on the basis of sex could be subject to up to three years' imprisonment or a fine, in the absence of aggravating circumstances. PIRES E. G., *Portuguese parliament approves ban on wearing face veils in public spaces*, 18 October 2025, <https://www.euronews.com/2025/10/18/portuguese-parliament-approves-ban-on-wearing-face-veils-in-public-spaces> (last accessed: 15.01.2026)

[551] Rai News, *Fdl presenta proposta di legge per vietare il velo integrale, contro il "separatismo islamico"*, 8 October 2025, <https://www.rainews.it/articoli/2025/10/sicurezza-fdi-presenta-proposta-per-vietare-il-velo-integrale-contro-il-separatismo-islamico-d63b2686-4ed8-4a0c-8cdb-713803e904b5.html> (last accessed: 12.10.2025)

[552] Fratelli d'Italia, *Conferenza stampa: stop al fondamentalismo islamico: una legge contro il separatismo* (Press conference: stop Islamic fundamentalism through a legislative frame-work aimed at countering separatism), 8 October 2025, <https://www.radioradicale.it/scheda/770845/stop-al-fondamentalismo-islamico-una-legge-contro-il-separatismo?qt-blocco_interventi=1> (last accessed: 12.10.2025)

safety, promoting social cohesion by providing concrete instrument to address phenomenon of separatism and fundamentalism. its effectiveness will depend on how legal measures are implemented alongside non-coercive integration and countering religious radicalization strategies. However, the proposal may also raise a range of concerns regarding religious freedom, social discrimination, and the fairness of its implementation. In light of these potential drawbacks, broader public dialogue and policy adjustments are needed. The next section examine China's approaches on prevention and disengagement Islamic religious extremism—policies, institutional arrangements, and the lessons the experience may offer for balancing security, rights, and social cohesion.

2.3 The Chinese Model

2.3.1 Introduction

Table 2: The Major Terrorism-related Incidents in China[553]				
Date	**Location**	**Casualties**	**Incidents Description**	**Notes**
25-Feb-1997	Urumqi, Xinjiang	9 killed, 68 injured	Bombing on bus	Civilian-targeted
07-Mar-2008	Flight CZ6901 from Urumqi to Beijing		Plot for causing catastrophic damage by carrying disguised explosive device	The Beijing Olympics were held in August 2008
05-Jul-2009	Urumqi, Xinjiang	197 killed, over 1700 injured, a total of 331 shops and 1325 vehicles were damaged or destroyed	Riots/ethnic violence	Known as "7·5 Incidents," Largest post-1949 civilian death toll in Xinjiang
30-Jul-2011	Yarkant County, Xinjiang	8 killed, 27 injured	Vehicle and knife attack	
01-Aug-2011	Yarkant County, Xinjiang	6 killed, 15 injured	Knife attack to pedestrians	
28-Feb-2012	Yarkant County, Xinjiang	15 killed, 20 injured	Knife attack to pedestrians	
23-Apr-2013	Seriqbuya Town, Xinjiang	15 security personnel killed	Armed clash	

[553] According to incomplete statistics, from 1990 to the end of 2016, thousand violent terrorist incidents happened in Xinjiang and other regions. Relevant information is compiled from *White Paper: the fight against terrorism and extremism and human rights protection in Xinjiang* (《新疆的反恐、去极端化斗争与人权保障》白皮书), in The State Council Information Office of the People's Republic of China (国务院新闻办公室), March 2019.

28-Oct-2013	Beijing	2 killed, over 40 injured	Vehicle-ramming rushed into Tian'Anmen Square	First major attack outside Xinjiang; in possession of 31 containers of gasoline, 20 lighters, 5 knives of varying lengths, and several iron rods
01-Mar-2014	Kunming, Yunnan Province	31 killed, 141 injured	Mass stabbing in the train station	8 perpetrators identified as Xinjiang separatists
30-Apr-2014	Urumqi, Xinjiang	3 killed, 79 injured	Train station attack with knife and explosive device	
22-May-2014	Urumqi, Xinjiang	39 killed, 94 injured	Car bombing in market	
21-Jun-2014	Yecheng County, Xinjiang	13 killed, 3 injured	Armed attack	Targeted civilians
28-Jun-2014	Yarkant County, Xinjiang	37 killed, 13 injured	Riot	Most attackers were under-educated or unemployed
11-Dec-2014	Xinjiang	—	Foiled the Terror Plot	Preemptive counter-terrorism success
28-Dec-2016	Moyu County, Xinjiang	2 killed, 3 injured	Vehicle attack to with knives and detonated an explosive device	Neutralized

Empirical realities and the Table 2 have shown that, compared with other Muslims-concentrated regions in China, Xinjiang has experienced the most severe terrorist attacks and social trauma associated with Islamic religious extremism[554], To eliminate the conditions that facilitate terrorism and religious extremism, Xinjiang has implemented a "de-extremification" (去极端化) policy, positioning the region as

[554] Between 1990 and the end of 2016, separatists, religious extremists and terrorists plotted and carried out several thousand acts of terrorism such as bombings, assassinations, poisoning, arson, assaults, and riots in Xinjiang, especially Kashgar Prefecture, Hotan Prefecture, Aksu Prefecture and Kizilsu Kirgiz Autonomous Prefecture in the south, where Islamic religious extremism has had a long and widespread presence, suffered badly from frequent acts of terrorism. Many innocent people were killed and several hundred police officers died in the line of duty, the property losses incurred were enormous as well.

a primary focus of counter-extremism and counter-terrorism efforts. While, much of the scholarly research on Islamic religious extremism in Chinese frames the Islamic religious extremism management as minority[555] oppression[556], the elimination of ethnic identity[557], Han Chinese Islamophobia originated from tensions with the Uyghurs[558], or assertions regarding economic or political incentives offered to other states to induce them to remain silent on Xinjiang[559]. While, within these narratives, the discourse is often characterized by strong elements of deconstruction and reconstruction, making it difficult to provide practical and reliable references for evidence-based policy-making.

In this context, it is necessary to provide a brief overview of Xinjiang situation to better understand the empirical foundations of religious extremism in this region. Xinjiang is located in the northwest of China, covering an area of over 1.66 million square kilometers. It shares borders with eight countries, several of which—particularly the Central Asian republics of Kazakhstan, Kyrgyzstan, and Tajikistan, as well as Afghanistan and Pakistan—are Muslim-majority nations, explaining the complex religious environment. Because of the living further away from the Chinese heartland, they are considered "culturally more alien and prone to religious extremism[560]." Historically, Islam began to spread on a large scale in the ancient Xinjiang by the tenth century. By the early sixteenth century, the region had become a multi-religious, multi-ethnic area, with Islam emerging as the predominant

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[555] In China, there have fifty-six nations in total, like Han nationality, Uyghur nationality, Hui nationality, Man nationality, Zang nationality, etc. Because of the minority status, they enjoy a number of preferential policies, for example, the bonus point policy for the college entrance examination, which means comparing to Han students, when they graduate from the senior high school and participate in the most important University entrance examination in China, minorities can get extra points from five to twenty.

[556] LEIBOLD J., *Surveillance in China's Xinjiang region: ethnic sorting, coercion, and inducement*, in *Journal of Contemporary China*, Vol. 29 No. 121, 2020, pp. 46-60.

[557] ROBERTS S. R., *The war on the Uyghurs: China's internal campaign against a Muslim minority*, Princeton University Press, Princeton, 2020, p. IX.

[558] HALPERN I., *Comparing the cultural roots of Islamphobic policy in China and France: the cultural similarities and differences behind state rhetoric, homogenisation and repressive policy*, in *Journal of Muslim Minority Affairs*, Vol. 1 No. 42, 2022, p. 86.

[559] KELEMEN B., TURCSÁNYI R. Q., *It's the politics, stupid: China's relations with Muslim countries on the background of Xinjiang crackdown*, in *Asian Ethnicity*, Vol. 21 No. 2, 2020, pp. 223-243.

[560] FRIEDRICHS J., *Sino-Muslim relations: the Han, the Hui, and the Uyghurs*, in *Journal of Muslim Minority Affairs*, Vol. 37 No. 1, 2017, p. 2.

faith. By the late nineteenth century, thirteen major ethic groups had established residence in Xinjiang forming a demographic pattern characterized by a Uyghur (Uighur, Uygur or Uigur)[561] majority alongside diverse ethnic communities coexisting in the region[562].

In the Chinese context, issues on terrorism and Islamic religious extremism have a long history in Xinjiang Specifically, *Islamic religious extremism* is regarded as closely interlinked with *violent terrorism* and *ethnic separatism*—collectively referred to as the "Three Evil Forces" (三股势力)[563]—which are identified as interdependent threats to national unity and social stability. Within this framework, the relationship among the "Three Evil Forces" is further described as: *ethnic separatism* constitutes the root of *violent extremism*, and the *religious extremism* supplies the ideological groundwork.

Thus, to provide a more comprehensive account of China's context and circumstances in addressing Islamic religious extremism, the analysis proceeds in three steps. Given the basic background of Xinjiang situation, The first step it to summarize the main manifestations and formative causes of Islamic religious extremism. Second, it examines relevant legal and policy measures designed to

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[561] In 1934, the government of Xinjiang issued an administrative decree mandating the unified use of "维吾尔" (wéiwú'ěr) as the standardized Chinese designation for the ethnic group. The term"维吾尔, " with the meaning "to uphold the unity between you and us," was adopted to precisely convey the original sense of the name "Uyghur" for the first time in its Chinese form. See *White Paper: the fight against terrorism and extremism and human rights protection in Xinjiang* (《新疆的反恐、去极端化斗争与人权保障》白皮书), in The State Council Information Office of the People's Republic of China (国务院新闻办公室), March 2019.

[562] In China, there are five "Autonomous Regions for Ethnic Minorities" (少数民族自治区), function as provincial-level administrative units within the national framework. Each of these region operates under "the System of Regional Ethnic Autonomy" (民族区域自治制度), which entails the establishment of self-governing organs and the exercise of autonomy within areas predominantly inhabited by ethnic minorities, all under the unified authority of the central state. Xinjiang Uyghur Autonomous Region is one such region.

[563] Specifically, the presence of the "Three Evil Forces" in Xinjiang does not constitute a parallel or homogeneous configuration, but rather a complex system characterized by distinct logical hierarchies, internal structures, and focal dynamics. Within this system, *ethnic separatism* represents the fundamental and root cause; *religious extremism* serves as the ideological driving force that propels separatist actors toward radicalization; and *violent terrorist* acts constitute their behavioral manifestation, driven by extremist religious ideology in pursuit of separatist objectives. See ZHAO JUN (赵军), *The formation of violent terrorist crimes and domestic governance: a quantitative path analysis based on the theoretical framework of the "Three Forces"* (暴力恐怖主义犯罪的生成与本土治理定量研究——基于 "三股势力" 理论框架的通径分析), in *Peking University Law Journal* (中外法学), Vol. 31 No. 5, 2019, p. 1185.

prevent and disengagement religious extremism, while assessing their potential limitations. Third, it evaluates principal countermeasures in practice, specially the controversial Vocational Education and Training Centers, alongside other supplementary initiatives that remain unfamiliar in Western discourse.

2.3.2 Main Manifestations of Religious Extremism Infiltration

Since the founding of the People's Republic of China, illegal religious activities have existed in Xinjiang to varying degrees. However, it was from the late 1980s and the late 1990s have been characterized as a period of religious fanaticism and a high incidence of illegal religious activities. Exploiting people's religious beliefs, religious extremists spread religious extremist ideology through Xinjiang's large religious population, among individuals who have limited means of communication outside their own communities, limited employment opportunities in farming and animal husbandry, limited sources of information, and limited knowledge of modern science.

The impact of Islamic religious extremism has progressively intensified the role of religion in the everyday lives of believers, resulting in increased interference in both social and personal spheres. They deny the concepts and achievements of modern secular civilization, use various of strategies like preaching "martyring oneself to enter paradise"; deluded believers by preaching Jihad under the guise of Islam doctrines, distorting religious doctrines and tenets, and as elaborated the underlying logic of religious extremism in Chapter I, they also preached "those who do not believe in Islamic are heresies," which led many innocent Uyghurs were killed. Those kind of nihilistic narrative were still attractive to people even methods were

taken to reduce their effectiveness. Here are specific manifestations[564] of the Islamic Religious Extremism Infiltration summarized below.

2.3.2.1 A dense Pan-Halal Phenomenon

The term *halal* originally denotes lawful[565], in contrast to *ḥarām*, which denotes illegal. In the Chinese context, *halal* (清真, *qing'zhen*) is most commonly associated with food[566]. More precisely, it refers to whether a food product is permissible for consumption under Islamic law. As is well known, Islam prescribes specific dietary requirements: the diet must exclude pork and its derivatives, and ideally, all meat consumed should be slaughtered in accordance with *halal* procedures.

While, a particular striking example lies in the rigid distinction between halal and *ḥarām*, and the deliberate expansion of this dichotomy to encompass a wide rage of domains. Beyond the food, the labels of halal and *ḥarām* are applied to clothing, daily necessities, and even social behaviors. Those propaganda campaigns may claim that foods provided by other provinces are non-halal, that vegetables cultivated by

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[564] Notable, in 2013, the authority in Xinjiang issued Document No. 11, entitled Several Guiding Opinions (Trial) on Further Governing Illegal Religious Activities in Accordance with Law and Curbing the Infiltration of Religious Extremist Thought (《关于进一步依法治理非法宗教活动、遏制宗教极端思想渗透工作的若干指导意见（试行)》). This document is also commonly referred to as Basic Knowledge for Identifying Religious Extremist Activities (Seventy-Five Specific Manifestations) (《识别宗教极端活动(75 种具体表现)基础知识》). Specifically, the text enumerates 75 manifestations of religious extremist activities across three sections: " the principal ideological propositions of religious extremism" (宗教极端主义的主要思想主张), "abnormal activities and early signs of religious extremism" (宗教极端的异常活动和苗头), and "religious extremist activities suspected of constituting ordinary legal violations" (涉嫌一般违法的宗教极端活动). This document was organized for study and dissemination throughout the Xinjiang. However, as some of the listed manifestations are, from a contemporary perspective, difficult to assess in terms of their normative justification, this present study introduces the document solely for descriptive purpose. For the concrete content, see from Phoenix New Media (凤凰网), *Study session on the identification of the 75 manifestations of religious extremist activities in certain regions of Xinjiang* (新疆部分地区学习识别 75 种宗教极端活动), 24 December 2014, <https://news.ifeng.com/a/20141224/42785382_0.shtml> (last accessed: 11.02.2026)

[565] KAMALI M. H., *Law and society: the interplay of revelation and reason in the Sharian*, in ESPOSITO J. L. (ed.), in *The Oxford History of Islam*, Oxford University Press, Oxford, 2000, p. 109.

[566] Meanwhile, specific regulation was also established regarding "halal food" (清真食品) and its production and sale. According to Article 2 of Xinjiang Halal Food Management Ordinance (《新疆维吾尔自治区食品管理条例》), which was issued in 2004, the "halal food" refers to the food, non-staple items and condiments that are produced, processed, stored, transported and sold in accordance with the dietary habits of consumers observing halal rules. Article 8 of this Ordinance further stipulates that integrated shopping malls, supermarkets, bazaars, hotels and other venues producing and selling halal food display appropriate halal signage.

Han Chinese are non-halal, and even that secular state institutions are non-halal. Conversely, resistance to government authority is portrayed as halal, while government-issued marriage certificates, televisions distributed to impoverished households, and housing provided by the state are framed as non-halal[567]. In more extreme case, the blood used for medical purpose was also classified by *halal* (blood) or not.

Through this binary of halal and non-halal, social groups are categorized as "Muslims" versus "infidel," implying that "those who align with the government are infidel." Thus, for instance, some believers refuse to work in factories owned by members of the Han ethnic group, invoking *halal-related* justifications. The goals are less integration into Chinese society, and more demarcate Muslim society from non-Muslim by spreading halal symbols[568]. They deliberately conflate such practices with religion, religious believers, and society as a whole, thereby instrumentalizing believers to incite opposition against secular governments and to promote the establishment of theocratic states. Furthermore, facing with this situation, the ordinary Muslim community is also aware that the expansion of *halal* could posse risks to food safety and undermine the accuracy of product labeling.

Moreover, another incentive can be explained this situation is the term called "religion-ethnic binding" (教族捆绑), it is understood as a scheme being used by Islamic religious extremists, which refers to the intricate conflation of religious faith and ethnic identity, wherein the two become so deeply intertwined that they are perceived as inseparable within social and political life. In such a configuration, religion ceases to merely a matter of personal belief and instead becomes a marker of ethnic belonging, cultural distinction, and even political affiliation. In the Chinese context, a country composed of 56 officially recognized ethnic groups, by deliberately exploiting this way is easy to create divisions among different ethnic communities,

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[567] LI XIAOXIA (李晓霞), *Analysis of policies to curb unauthorized religious activities in Xinjiang* (新疆遏制非法宗教活动政策分析), in *Sociology of Ethnicity* (民族社会学研究通讯), No. 140, 2013, pp. 29-30.

[568] ERIE M. S., *Shari'a as taboo of modern law: halal food, Islamophobia, and China*, in *Journal of Law and Religion*, Vol. 33 No. 3, 2018, p. 407.

and fabricate social barriers for ethnic minorities in their everyday lives.

2.3.2.2 Large-Scale Preaching that "Education Is Useless"

The hating to secular education can be seen as a typical characteristic to Boko Haram, one of the Salafi jihadi extremist groups belonging to Islamic fundamentalist[569]. To strengthen their psychological control over religious believers, Islamic religious extremists have incited individuals to boycott the standard spoken and written Chinese language and reject modern science. Specifically, they have incited individuals to reject the acquisition of knowledge in the standard spoken and written Chinese language, as well as to dismiss modern scientific education. Such tactics serve multiple purposes: they reinforce psychological dependence on extremist leaders, foster social and cognitive isolation, and impede the integration of believers into mainstream social and economic life.

2.3.2.3 Normal Social Behaviour was Prohibited

Under the influenced of extremist religious ideologies, several unconventional and restrictive practices have emerged and affected certain individuals. These manifestations often reflect a deliberate departure from legal and social norms established by the state. Specific behaviors include the prohibition on dancing, bans on crying during funerals, refusal to reside in government-provided housing, and the rejection of national identification documents and currency.

Moreover, marriage practices are conducted strictly in accordance with religious rules fabricated by religious extremists, rather than in compliance with national civil law. Such individuals justify their actions by invoking so-called "religious law" and "domestic discipline," which lack any basis in legitimate religious or legal frameworks. For instance, in some cases, individuals influenced by extremist ideologies may conduct marriages based on religious edicts, disregarding the legal process of registration, which could result in legal consequences. This unilateral approach, justified by invoking "religious law" or "domestic discipline," lacks any

[569] DAVID C., *Understanding Jihad* (2nd ed.), University of California Press, Oakland, 2015, p. 173.

legitimacy within China's legal system, which requires compliance with civil laws to ensure the rights of both parties are safeguarded. Such religiously motivated marriages can also lead to complications in matters of inheritance, property rights, and the legal recognition of the union, all of which are protected under national civil law.

2.3.2.4 The Trend of Wearing Burqas was Prevalent in A Short Time

As explained in Chapter I, *burqa* is one of the most conservative and sealed coverings. Since the 1980s, the practice of women covering their faces has reemerged and increasingly proliferated, with the style shifting from the traditional long while or straw-colored veils to black veils introduced from Middle Eastern Muslim countries (sometimes accompanied by sunglasses, black masks, and black gloves) and long black robes[570], even some individuals walked on the streets with burqa to harass others, exerting accusations, even to abuse, insult and ostracize on fellow secularized Uyghurs, claiming that "if you do not behave according to my demands and requests, you are not a real Muslim, neither you are a real Uyghur[571]." In addition, some people also started to wear burqas when they returned from abroad for performing Hajj. In the eyes of the ordinary believers in Xinjiang, those people were proficient in religious knowledge and had the religious precedence. It can tell that, although this trend did not merge overnight, it signaled a shift in atmosphere and introduced a subtle, yet pervasive pressure on society, and individuals more specifically.

In addition, comparing with the academic and judicial debates on religious

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[570] LI XIAOXIA (李晓霞), *Analysis of policies to curb unauthorized religious activities in Xinjiang* (新疆遏制非法宗教活动政策分析), in *Sociology of Ethnicity* (民族社会学研究通讯), No. 140, 2013, p. 28.

[571] CHEN FANG (陈芳), *Cadres in two townships in southern Xinjiang: two or three generations to fundamentally solve religious extremism issue in Xinjiang* (南疆两乡镇干部谈去极端化：两三代才能根本解决), 2015, <http://news.ifeng.com/mainland/special/xjqjdh/xzgb.shtml> (last accessed: 26.01.2026)

symbol *Kirpan* in Italy, there are also relevant legal instruments[572] for the management of minority knives, such as the Tibetan dagger (藏刀), the Dai waist knife (傣族腰刀), the Yi short knife (彝族短刀), while this topic "has not caused debate" or has not been noticed.

2.3.2.5 The Activities about Illicit Scripture Teaching Occurred Frequently

Islamic law with its doctrines were initially transmitted through religious instruction conducted within mosques. Over time, this educational function gradually became institutionalized, a new structured forms of religious education, known as *madrasa*, or theological college, developed. Importantly, the madrasa did not emerge as a uniform or fully formalized institution from the outset, but rather developed progressively in different history and national contexts. In a number of states, the establishment and operation of madrasas are subject to domestic legal and administrative frameworks and require authorization or recognition by public authorities in order to be regarded as lawful religious education institutions.

By contrast, from the early 1980s, unauthorized venues for scriptural instruction—commonly referred to as "private scripture classes (points)" or "underground scripture schools"—became increasingly widespread in southern Xinjiang, particularly among members of the Islamic faith, which exhibited a pattern characterized by cyclical, suppression and adaptive resurgence. After 1997, Xinjiang authorities implemented consecutive years of concentrated rectification campaigns

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[572] In brief, art. 38 of the ***2005 Public Security Administration Punishments Law*** (《中华人民共和国治安管理处罚法》) provides that "whoever illegally carries firearms, ammunition, crossbows, daggers, or other controlled implements as prescribed by the State shall be subject to detention for not more than five days, and may concurrently be fined up to 1,000 RMB; where the circumstances are relatively minor, a warning or a fine of not more than 500 RMB may be imposed. whoever illegally carries firearms, ammunition, crossbows, daggers, or other controlled implements into public places or onto public transportation vehicles shall be subject to detention for not less than five days but not more than ten days, and may concurrently be fined up to 1,000 RMB." In addition, art. 12 of the ***1983 Interim Provisions of the Ministry of Public Security on the Control of Certain Knives*** (《公安部对部分刀具实行管制的暂行规定》) stipulates that "Knives that ethnic minorities need to carry due to traditional living habits shall be regulated according to measures formulated by the respective ethnic autonomous regions. Knives used by ethnic minorities—such as the Tibetan dagger (藏刀), the Dai waist knife (傣族腰刀), the Yi short knife (彝族短刀)—are permitted for sale only within the territories of ethnic autonomous areas (autonomous regions, autonomous prefectures, or autonomous counties). " That is, the national legislation provides the legal foundation, while autonomous regions adopt localized rules for differentiated governance.

targeting key areas. Despite these regulatory efforts, those privately organized scripture classes persisted and proved resistant to eradication. Beginning in 1999, a renewed intensification of religious fervor was observed in some localities. The number of those unauthorized underground scripture schools increased, accompanied by notable demographic shifts among participants, including a trend toward younger students and a growing proportion of female attendees. In certain instances, some of these classes reportedly evolved beyond informal religious instruction and became associated with violent extremist activities. And by around 2000, although enforcement measures had achieved partial containment, those classes continued to exist. Moreover, their organizational patterns demonstrated adaptive transformation: activities became more concealed and decentralized, and in some ares began to incorporate electronic or technologically mediated modes of instruction. This evolution reflects a dynamic interaction between regulatory intervention and the strategic adjustment of unauthorized religious networks[573].

Notably, those private scripture classes (points) are totally distinct from the Jing Tang Education (经堂教育, or Scripture Hall Education)—an important and typical form of Islamic education in China, which is characterized by a long process of historical development and institutional accumulation. Specifically, through sustained practice over time, this system has gradually formed a relatively mature and internally coherent educational structure and mechanism of doctrinal transmission. Its curriculum design, modes of instruction, and the formation of religious authority are governed by relatively stable traditional norms. This historical sedimentation and

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[573] According to the scholar specializing in religious ethics and religious policy, "[...] based on the relevant statistical data, between June 1996 and June 2000, the number of individuals engaged in such in such private scripture classes (points) in the Kashgar region in Xinjiang increased by a factor of 8.84, corresponding to an average annual growth rate of approximately 2.5. A substantial proportion of these participants were pre-school-aged children, while approximately 80% were enrolled students. In 1998, among those registered learner apprehended in three southern prefectures in Xinjiang, a total of 1,320 individuals were investigated, of whom 892 were found to have engaged to varying degree in activities related to ethnic separatism. Furthermore, in a county of Xinjiang, between January and July 2001, 28.9% of individuals apprehended for involvement in unauthorized religious activities were under the age of 20, while 59.5% were between 21 and 25 years old. These figures indicate a pronounced trend toward younger participants, with some children being as young as a few years old." See LI JIANSHENG (李建生), *Current illegal religious activities and their containment and prevention in Xinjiang* (目前新疆地区的非法宗教活动及其遏制和预防), in *Journal of Xinjiang Normal University (Social Science)* (《新疆师范大学学报》(哲学社会科学版)), Vol. 25 No. 2, 2004, pp. 23-24.

gradual institutionalization have endowed Jing Tang Education with a certain degree of normativity, predictability, and social adaptability, which, in practice, facilitates its coordination with the existing social order and legal framework[574]. By contrast, those "underground" madrasas are marked precisely by their detachment from established religious educational traditions and institutional arrangements, as well as by the absence of formal authorization, regulatory oversight, and corresponding mechanisms of legal accountability.

It is this structural lack of supervision that renders such clandestine institutions particularly vulnerable to the dissemination of extremist interpretations of religion. In practice, religious instruction in these settings is frequently conducted by unlicensed and unauthorized individuals whose teachings not only diverge from moderate Islamic doctrines, but may also directly conflict with state law and constitutional principles. Empirical reports and investigative findings have further documented deeply concerning conditions within these underground schools, revealing frequent occurrences of corporal punishment and other forms of abuse, especially against

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[574] The origin of Islamic Jing Tang Education in China can be traced back to the Ming dynasty (1368-1644), established by Islamic scholar in Shaanxi province as a principal means of moral and religious instruction among Hui Muslims. Over time, through continuous refinement by religious authorities and scholars, Jing Tang Education gradually developed into its modern form, becoming the most significant form of informal education with Hui communities. Within this system, it integrates Islam faith, Arabic language instruction, Islamic scholarly thought, and traditional Chinese culture values, aiming both to transmit core Islamic values and to enhance the Hui community' stability to adapt to broader society and innovate independently. For example, in the Hui community of Shadian, Yunnan Province, Jing Tang Education is generally categorized into three types: (1) basic education for children and adolescents, conducted on weekends and during school holidays, with voluntary enrollment and high student mobility; (2) continuing education for adults and the elderly, typically held after prayers to enhance religious knowledge; and (3) formal academic classes, offering full-time instruction in Arabic language and Islamic studies to develop professional religious skills. By contrast, since the introduction of Islam to Xinjiang, these kind of Jing Tang schools rapidly developed as institutions for training religious personnel and gradually came to dominate the cultural and educational of Muslim population. Since the early twentieth century, the emergence of various modern schools challenged the Jing Tang schools. And starting form 1949, the founding of the People's Republic of China, educational institutions in Xinjiang were generally divided into state education and Jing Tang Education. See LIN YI, MA QI (林艺，马祺), *A study of social development in rural communities of the Hui nationality in Shadian, Yunnan Province* (云南沙甸：一个回族农村社区的社会发展研究), in *Journal of Hui Muslim Minority Studies* (回族研究), Vol. 2, 2016, p. 28. GUI RONG (桂榕), *Local knowledge interpretations of Islam's role in constructing a harmonious Hui society: the case of Shadian, Yunnan* (伊斯兰教建构回族和谐社会的地方性知识解读——以云南沙甸为例), in *Si Xiang Zhan Xian* (思想战线), Vol. 34 No. 6, 2008, p. 124. LIN ZENGQI (林增琪), *A brief introduction to Islam in Shadian* (简述沙甸伊斯兰教), in *China Muslim* (中国穆斯林), 1988, p. 19. LI XIAOXIA(李晓霞), *Analysis of religious affairs management policies in Xinjiang: the case of banning unauthorized scripture classes* (新疆宗教事务管理政策分析——以禁止私办经文班（点）为例), in *Sociology of Ethnicity* (民族社会学研究通讯), No. 140, 2013, p. 33.

minors. More importantly, these environments functions as potential high-risk spaces, in which minors' exposure to unregulated religious authority, coercive disciplinary practices, and exclusionary belief systems significantly increases their vulnerability to extremist indoctrination, thereby generating long-term risks to public security and social stability.

2.3.2.6 The Religious Extremism Infiltrated into State Agencies

The infiltration of Islamic religious extremism is also manifested in its capacity to penetrate state institutions, particularly the education system, where it can influence curriculum content, administrative practices, and the socialization of students. Such infiltration underscores the potential for extremist ideologies to exploit institutional structures, subtly shaping beliefs and attitudes within officially sanctioned frameworks. There had a particularly alarming case was publicly exposed in Xinjiang, where a former Director of the Xinjiang Department of Education, led and organized a criminal network that masterminded the compilation of Uyghur-language primary and secondary school textbooks containing profoundly problematic content. These materials systematically incorporated elements of bloodshed, violence, terrorism, and separatist ideology, with the explicit aim of using the educations system as a vehicle to instill notions of ethnic separatism and opposition to the state among students.

This scheme involved the participation of the then Deputy Director of the Department of Education, two successive presidents of the Xinjiang Education Press, as well as several editors who harbored pronounced separatist convictions. Through deliberate falsification and distortion of history, they infused the textbooks with narratives exaggerating so-called "national oppression"—particularly by amplifying "tragic stories" designed to reinforce a victim mentality—and by glorifying "Turkic heroes," especially those associated with resisting state authority and pursuing independence. In addition, they systematically altered the structure and proportion of textbook content, fabricating historical accounts and embedding separatist narratives on a large scale into Uyghur-language curricula.

Even more troubling was the fact that beginning in 2004, these textbooks were

widely disseminated across primary and secondary schools in the region and remained in use for 13 years[575]. Throughout, they conveyed ideological currents of Pan-Islamism and Pan-Turkism, seeking to redirect students' cultural origins and identity affiliations toward external sources, thereby subtly eroding national identity and weakening social cohesion. It was not until 2016, following reports from the public, that the issue was ultimately exposed.

2.3.3 Reasons behind the Formation of Islamic Religious Extremism

The previous section has discussed the concrete manifestations of Islamic religious extremism. Building upon that foundation, this section turns to explore the underlying causes behind its formative situation and process, which is essential for interpreting why religious extremism emerged and evolved within certain social and political context in special period.

As an issue resulted of multiple interwoven dynamics, there are mainly five dimensions that have jointly contributed to its development: the influence of the "Double-Pan" thought, economic disparities, limitations of knowledge, the emergence of local religious evil forces, and the outdated legal system. Together, these factors constitute a complex network of ideological, socio-economic, and institutional conditions that provide the soil for persistence and reproduction of religious extremis.

2.3.3.1 The Influence of "Double-Pan" Thought

From the early twentieth century until the late 1940s, East Turkestan separatist

[575] It constitutes a real case presented in a documentary that examines the infiltration of Xinjiang by Islamic extremist ideologies and separatist forces originating both domestically and abroad. See CGTN, *The war in the shadows: challenges of fighting terrorism in Xinjiang*, 2 April 2021, <https://news.cgtn.com/news/2021-04-02/The-War-in-the-Shadows-Challenges-of-Fighting-Terrorism-in-Xinjiang-Z7pLLRzm1i/index.html> (last accessed: 13.02.2026)

forces actively promoted the ideologies of Pan-Turkism and Pan-Islamism[576] to further their objectives of dividing and controlling Xinjiang and establishing the so-called "East Turkestan" state. They propagated violent and terrorist tactics and organized a series of separatist activities.

In the early 1950, separatist actors instigated multiple uprising in Xinjiang, rallying under slogans such as "Uyghurs should unite under the star and crescent" and calling for the establishment of an Islamic republic.

By late 1970s and 1980s, Islamic religious extremism further penetrated the region, intensifying its influence on local social and political dynamics.

At the turn of the nineteenth to the twentieth century, both domestic and foreign separatist zealot, in conjunction with Islamic religious extremists, appropriated and propagated the pseudo-theoretical constructs of Pan-Turkism and Pan-Islamism fabricated by former colonial powers. Within this discursive framework, they advanced spurious claims that the Uyghur constituted the sole "legitimate masters" of Xinjiang, that the cultural traditions of Xinjiang's diverse ethnic groups could not be situated within the broader matrix of Chinese civilization, and that Islam represented the exclusive religious faith of all communities residing in the region. On this basis, they agitated for the political unification of all Turkic-speaking and Muslim-identifying peoples into a theocratic polity under the banner of an imagined "East Turkestan." And this project was further accompanied by strident calls to oppose and expel all non-Turkic populations and to annihilate so-called "infidels."

2.3.3.2 The Socio-Economic Development

When this factor is examined in isolation, its influence may appear less pronounced. This element can be explained by the theory of social comparison

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[576] Pan-Islamism in Xinjiang promotes the supremacy of Islam, advocates "jihad" and the establishment of reactionary "jihadist" armed groups. While, the "Pan-Turkist ideology" in Xinjiang is a system of ethnic separatist thought, centred on the theory of the independence of East Turkestan, which was invented by ethnic separatists. See CHEN FANG (陈芳), *Government officer from Yutian county of Xinjiang: we cannot judge those individuals who do not believe in religion as heretics* (于田县委书记：不能认为不信教就是异教徒), 2015, <https://news.ifeng.com/mainland/special/xjqjdh/wxsj.shtml> (last accessed: 10.02.2026)

processes, that is, when individuals perceive a significant gap between their own living conditions and those of other social groups—especially when the comparison group enjoys higher economic status or social mobility—they may develop feelings of relative deprivation and injustice. Or the theory of relative deprivation emphasize that people feel unjustly treated or inadequately compensated when they compare themselves to some standard of reference[577]. Also, there is a famous proverb saying from Confucius' Analects that one does not worry about scarcity, but about inequality, people can tolerate poverty or hardship if it is shared fairly, but will be dissatisfied and even rebellious if resources, benefits, or opportunities are distributed unjustly. This can better explain the situation in Xinjiang at that time, was uneven economic development, coupled with limited access to employment, education, and business opportunities for certain ethnic groups, to some extent led certain individuals to feel alienated and resentful toward the real word. Such socio-economic grievances opened a window of opportunity for religious extremism to infiltrate and expand its influence.

2.3.3.3 Deep-Rooted Religious Traditions with Social Foundations

In the Chinese context—particularly in the Xinjiang region—another significant structural factor contributing to the formation and diffusion of Islamic religious extremism lies in the deep historical traditions of religious belief and practice and their extensive embeddedness within local society. As a religion in which Islam has been transmitted and developed over a long historical period, Xinjiang has witnessed the interweaving of religious practice with local cultural structures, modes of family education, and patterns of community life, thereby forming a relatively stable normative social foundation.

Against this background, although the overwhelming majority of believers do not actively participated in illegal religious activities, the piety of religious coviction and the emotional bonds grounded in shared religious and ethnic identity may lead certain individuals to acquiesce in, approve of, or even shelter activities conducted in

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[577] CROSBY F., *A model of egoistical relative deprivation*, in *Psychological Review*, Vol. 83 No. 2, 1976, p. 85.

the name of of religion that are subjectively perceived as posing no tangible harm. For instance, the private teaching or study of scriptures is often regarded as a continuation of religious tradition and the fulfillment of familial responsibilities in religious upbringing, rather than as a challenge to the state legal order.

In some parts of Xinjiang, many believers, motivated by religious commitment, adherence to customary practices, expectations concerning their children's future employment, or aspirations for moral cultivation, have voluntarily sent their children to unauthorized scripture classes. Within their cognitive framework, such activities are readily understood as internal religious affairs or traditional forms of education, rather than as conduct bearing clear legal illegality. Consequently, at the grassroots level. the normative boundary between lawful religious expression and prohibited religious activity has not always been clearly delineated.

This situation has been further shaped by relatively limited educational attainment and insufficient understanding of the legal regulations governing religious affairs. In certain cases, some grassroots religious figures have also lacked systematic theological training, making it difficult for them to distinguished accurately between orthodox religious doctrine and extremist distortions thereof. The combination of limited legal awareness and inadequate doctrinal discernment has rendered parts of the local religious environment structurally vulnerable.

Within such a socio-religious framework, extremist actors may operate under the external guise of legitimate religion, presenting themselves as authoritative interpreters of orthodox faith. For ordinary believers who lack systematic engagement with religious texts and formal theological education, it becomes particularly difficult to differentiate doctrinal distortion from orthodox interpretation. As a result, certain interpretations bearing extremist tendencies may be mistakenly perceived as consistent with religious tradition, subsequently accepted and internalized, and, to some extent, socially tolerated.

2.3.3.4 The Emerging of Local Religious Forces with Outdated Legal System

As the scholar Ma Pinyan notes that "religious forces" refers to social groups that

adhere to and operate under the ideological of religious extremist. Religious extremism serves as the purported ideological and theoretical foundation for these forces, while these forces, guided by such doctrines, seek to realize the schemes and objectives propagated by religious extremist thought[578]. For the local religious forces, in a more detailed perspective, because of their size and the vengeful concerns from them, residents were reluctant to report those deviant religious practices propagated by these groups, and grassroots administrative organizations were also hesitant to intervene or exert control over this kind of activities, which leading to the religious extremism infiltrated and spread in grassroots villages for a period[579].

In addition, the lag in religious legislation and the limited operability of the regulatory framework. At the regional level, Xinjiang promulgated its first local administrative regulation on religious affairs in 1988, namely, the Interim Provisions on the Administration of Religious Activity Venues in the Xinjiang Uyghur Autonomous Region (《新疆维吾尔自治区宗教活动场所管理暂行规定》). During the 1990s, this regulatory framework was gradually expanded through the adoption of several additional instruments, including the Interim Provisions on the Administration of Religious Activities (《新疆维吾尔自治区宗教活动管理暂行规定》), the Interim Provisions on the Administration of Religious Personnel (《新疆维吾尔自治区宗教职业人员管理暂行规定》), and the Regulations on the Administration of Religious Affairs of the Xinjiang Uyghur Autonomous Region (《新疆维吾尔自治区宗教事务管理条例》). Despite this gradual normative development, these regulations exhibited both temporal and substantive deficiencies. Their adoption occurred relatively late in relation to the rapid expansion and diversification of religious activities, on the other hand, the regulatory texts themselves suffered from limited practical operability, for example, they relied extensively on prohibitive and declaratory language—such as "prohibited" or "shall not"—without systematically specifying corresponding enforcement mechanisms or concrete sanctions for violations. This gap between

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578 MA PINYAN (马品彦), *Nature of religious extremism and its hazard* (宗教极端主义的本质与危害), in *Social Sciences in Xinjiang* (新疆社会科学), No. 6, 2008, p. 64.

579 WANG MEI, GU LIYAN (王梅，古丽艳), *A study on female terrorism crime* (女性恐怖犯罪研究), in *Journal of Shandong Police College* (山东警察学院学报), Vol. 3 No. 159, 2018, p. 88.

normative prohibition and effective enforcement weakened regulatory authority in practice and created institutional ambiguity, which, in turn, provided fertile ground for the diffusion of unregulated religious practices and the emergence of extremist interpretations[580].

A noted in the preceding discussion, during the 1980s and throughout the 1990s, certain regions of Xinjiang witnessed the rapid proliferation of underground religious teaching sites influenced by so-called "religious reformist" currents, commonly associated with Wahhabi thought. These informal preaching sites emerged outside the formal regulatory framework governing religious activities. At the normative level, existing legislation failed to respond in a timely manner to the evolving forms of religious organization and dissemination. In the absence of clear and operational legal standards, relevant governmental authorities adopted a cautious approach in determining the legal characterization of these activities and in selecting appropriate regulatory measures. This state of regulatory indeterminacy objectively generated a supervisory vacuum, within which unregistered and unsupervised religious instructional activities were able not only to persist, but also to expand. Concurrently, deficiencies in administrative capacity further complicated situation. Certain officials responsible for religious affairs lacked adequate understanding of emerging religious ideological trends, while others demonstrated reluctance to exercise proactive oversight. In some instances, such regulatory passivity created conditions conducive to the extremist ideology of participants in unauthorized religious activities, thereby facilitating their gradual transformation toward Islamic religious extremism.

Although the ongoing judicial reforms and successive legislative amendments have led to incremental improvements in the legal framework governing Islamic religious extremism, it would be premature to regard the system as structurally complete or fully coherent when assessed from the perspectives of normative consistency and institutional performance. Existing regulatory arrangements have, to a certain extent, enhanced doctrinal clarity, strengthened procedural mechanisms, and

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[580] MA PINYAN (马品彦), *Study on combating illegal religious activities in Xinjiang* (新疆反对非法宗教活动研究), in *Social Sciences in Xinjiang* (新疆社会科学), Vol. 4, 2003, pp. 76-77.

established a more systematic linkage between criminal sanctions and preventive administrative measures. Collectively, these developments reflect the State's continuing effort to balance the imperatives of public security with adherence to constitutional principles and the rule-of-law framework.

Nevertheless, structural tensions remain embedded within the current legal architecture. In particular, challenges persist in the allocation of powers, the effectiveness of procedural constraints, and the concrete realization of rights protection. Accordingly, while acknowledging the progress achieved through institutional reform, it remains necessary to undertake a more systematic and critical examination of the limitations and operational dilemmas that arise in the implementation of constitutional norms and sectoral legislation. The following section therefore focuses on issues of normative precision, procedural safeguards, and the proportional balance between state authority and individual fundamental rights, with a view to identifying potential structural deficiencies in legal practice.

2.3.4 The Current Legal Framework and the Possible Limitations

Combining the reality of specific manifestations, the Secretary of the Xinjiang Political and Legal Committee summarized three distinctive features about the Islamic religious extremism: the first one is the *Intensely Political Feature*, which means that they usually advocate "obedience to no government and nobody, but God," they are also eager to overthrow secular regimes to establish a Caliphate ruled by the Islamic Shariah, moreover, distorting religious beliefs is one of their political programs; the second one is the *Intensely Exclusivity Feature*, which means that they maliciously draws up and expands the exclusive contents of religious doctrines, incites religious fanaticism, intensifies ethnic conflicts, treats all those who believe in something other than Allah as "infidels," and then teases, mocks, isolates, intimidates and even mutilates those so called "infidels"; the third is *Intensely Violent Feature*, which means that in its belief so-called "jihad and martyrdom in paradise."

2.3.4.1 Constitutional Law: the Affirmation to the Right of Freedom of Religion

Due to a combination of historical and cultural factors, the constitutional framework in China neither enshrines a strict principle of *laïcité* as seen in the French model, nor does it elevate the concept of *laicità* to a supreme constitutional principle, as is the case in Italy. However, as discussed in Chapter I, the processes and consequences of secularization have extended beyond Europe and now exert a global influence. In this broader context, references to secularization also appear in Chinese discourse. Nonetheless, the meaning of secularization in the Chinese context tends to reflect a more general expression of modern lifestyles, rather than a clear separation between religious institutions and the state. This is not an incomprehensible phenomenon either.

Like the Constitutional law in countries mentioned above which declare the basic rights of citizens, the protection of the right of freedom of religion is also a basic principle, enshrined in the Constitution in China, to respect and protect human rights.

Article 36 of the Constitution stipulates the principle of *freedom of religious belief*, which refers to citizens' right to choose whether or not to adhere to a religion, encompassing both the freedom to believe and the freedom not to believe. It also implicitly establishes the principle of neutrality between religion and the state. This principle is manifested in the prohibition on state interference with citizens' freedom of belief, as well as in the institutional separation of religion from state governance and the educational system.

While, another question is about, Islamic religious extremism constitutes a form of "pseudo-religious" expression, whether such "pseudo-religious" expression falls within the scope of the constitutional principle of freedom of religious belief raises the issue of how the term "religious" is to be interpreted within that principle. According to the concrete description from Article 36, the term "religion" is understood as a narrowly defined legal concept. It refers exclusively to the various established religions, the different denominations within a given religion, and the conduct of legitimate religious activities and rituals. It does not encompass "pseudo-religious" expressions merely imbued with religious overtones. Moreover,

the Constitution adopts a stance against unlawful or abnormal religious activities, thereby establishing an inherent limitation on citizens' exercise of general freedom of expression. At the same time, once constitutional provisions are concertized through legislation, they further give rise to external limitations on the scope of such freedom.

As mentioned in the Xinjiang case, one of whose manifestation of the spread of "extremism" is the use of religion as a pretext to interfere with or coerce others into adopting religious beliefs, growing beards, wearing religious symbols, donning religious attire, or participating in unlawful religious activities. Such practices even extend to the exclusion and discrimination of non-believers in daily life, thereby subjecting their psychological and behavioral freedom to external threats and interference. These forms of "interference" and "coercion" equally contravene the constitutional principle of equal protection of negative religious freedom. And the constitutional basis for delineating the legitimate boundaries of freedom if expression lies in Article 51, which stipulates that the exercise of this freedom must not infringe upon national interests, social interest, or the lawful rights of others.

2.3.4.2 The Criminal Law

China's approach to countering terrorism[581] and Islamic religious extremism has evolved significantly through successive amendments to its Criminal Law, reflecting the state's attempt to balance punitive measures with broader preventive strategies.

Terrorist offenses were formally criminalized for first time in 1997, making the beginning of a distinct legislative framework targeting terrorism. The initial provision introduced the offenses of organizing, leading or participating in a terrorist organization. In 2001, legislative revisions intensified the criminal response by

[581] In the Chinese context, some scholars have noted that the term "terrorism" did not exist in classical Chinese description. Rather, it is a compound of the Chinese word *恐怖* (kǒng bù, which means terror) and the loanword *主义* (*-ism*, which has mentioned in Chapter I in this research), which carries strong political and ideological connotations. In modern Chinese, the term *恐怖* refers to psychological panic induced by threats, whereas, the term *主义* (*-ism*) denotes a systematized doctrine or ideology. See JIA YU, LI HENG (贾宇，李恒), *Research on the criterion of organization and personnel identification of terrorism from the definition of terrorism* (恐怖活动组织与人员认定标准研究——从恐怖主义再界定谈起), in *Journal of Northwest University (Philosophy and Social Science Edition)* (西北大学学报（哲学社会科学版)), Vol. 47 No. 3, 2017, p. 47.

increasing statutory penalties for the offenses—particularly strengthening sanctions against organizers and leaders—and by adding the offence of financing terrorist activities. In 2011, the penalties for terrorist offenses were appropriately increased, mainly in the following ways: the conditions for the application of suspended sentences were tightened so that terrorist offenders might not be subject to suspended sentences, meanwhile, the relevant provisions on the suspension of the execution of the death penalty and parole were amended to severely strength the penalties for terrorist offenses.

The Criminal Law provides specific provisions concerning terrorism-related offenses primarily under Chapter III—Crimes Endangering Public Security, and Chapter X—Other Crimes Endangering Public Security. These provisions cover a broad range of conduct, including organizing, leading, or participating in a terrorist organization; financing terrorist activities; and advocating terrorism or extremism, or inciting others to commit terrorist acts. Collectively, they form the criminal law foundation for combating terrorism and religious extremism in China. As mentioned above, the 2015 Amendment IX to the Criminal Law introduced new offenses related to terrorism and extremism and adjusted sentencing guidelines, however, their contents are not specified and can only be explained by means of other laws and documents. This legislative action has been instrumental in legally punishing and sanctioning extremist offenders, thereby significantly reducing extremist and terrorist activities in China. Nevertheless, due to the inherently covert and complex nature of extremist ideologies, there is a pressing need for the development of specialized and systematic institutional norms that support counter-extremism efforts through preventive interventions. Establishing such norms is crucial for effectively tackling the ideological underpinnings of extremism, which are often not fully addressed by conventional criminal justice approaches.

In 2014, the Supreme People's Court, the Supreme People's Procuratorate, and the Ministry of Public Security jointly issued the Opinions on Several Issues Concerning the Application of Law in Handling Criminal Cases of Violent Terrorism and

Religious Extremism (最高人民法院、最高人民检察院、公安部联合下发《关于办理暴力恐怖和宗教极端刑事案件适用法律若干问题的意见》). This document further specified the concrete behavior manifestations constituting such offenses.

While, the Criminal Law, with crime and punishment as its main contents, is unable to solve the various deep-rooted conflicts and contradictions in the society, and it can hardly be said to be a law that "cures the root causes." Taking the *Vocational Education and Training Centers* (VETCs) as an example, which will be introduced specifically bellow, one of categories of participants in the Training Center comprises individuals who, while still deemed socially dangerous, but no longer meet the threshold for criminal liability. Therefore, applying criminal legal procedures and norms directly to such individuals would be an oversimplification behaviour for the complex issue, as it fails to account for the nuanced differences between criminal offenders and those posing non-criminal social risks.

2.3.4.3 The Counter-Terrorism Law: An Attempt to Definite "Extremism"

It was in 2013, the National Counter-terrorism Leading Group (国家反恐怖工作领导小组)[582] made the increasing visibility of counter-terrorism practice in China, by holding its first conference. The Counter-Terrorism Law (《反恐怖主义法》) came into effect in 2016, and the most recent revision was in 2018. Centering on the argument of this research, there are three aspects worth to be noticed: (1) it establishes the legal definition of *terrorism*; (2) it has an attempt to articulate a legal definition of *extremism* within its legal proposal; (3) it introduces the specific regulation about *resettlement education* (安置教育) measure applied to individuals who were involved in terrorist activities.

The Article 3 gives the definition about *terrorism*, it refers to "propositions and acts that, through means such as violence, sabotage, and intimidation, create social

[582] This Group later renamed the National Counter-Terrorism Leading Organ (国家反恐工作领导机构), which is the institution that bears the responsibility of identifying terrorist organizations and individuals and managing inter-agency counter-terrorism coordination across the country. See CHI ZHANG, *The double-track system of terrorism proscription in China*, in *Terrorism and Political Violence*, Vol. 33 No. 3, 2021, p. 505.

panic, endanger public safety, infringe upon personal or property rights, or coerce state organs or international organizations, with the intent of achieving political, ideological, or other related objectives." In addition, it lists four specific descriptions about *terrorist activities* with a catch-all clause. And making a brief clarification among *terrorist organization*, *terrorist personnel* and *terrorism incident*[583].

The Counter-Terrorism Law for the first time established a system of *resettlement education* (安置教育) based on the "social danger/risk" of offenders convicted of terrorism and extremism. As a form of post-sentence preventive detention, this constitutes a novel initiative in the punishment of terrorism-related crimes and signifies the preliminary establishment of a system of "measures of rehabilitation and security" (保安处分)[584] within the Chinese context, while, the *resettlement education* is inherently of indeterminate duration, a point not explicitly addressed in Counter-Terrorism Law itself[585]. And this "social danger/risk" is integral to the entire process of the resettlement education system. Although this system does not possess the punitive characteristics of criminal penalties it nonetheless carries a coercive nature, as it forcibly restrict the personal liberty of those subjected to *resettlement*

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[583] Terms stipulated in the art. 3 indicate that ***terrorist organization*** refers to a criminal organization composed of three or more individuals formed for the purpose of engaging in terrorist activities. ***Terrorist activities*** refers to the acts of a terrorist nature: (1) the organization, planning, preparation, or execution of acts that cause, or are intended to cause, loss of life, serious injury, major property damage, destruction of public facilities, or severe disruption of social order,thereby constituting significant social harm; (2) the advocacy of terrorism, the incitement of terrorist acts, the unlawful possession of materials promoting terrorism, or the coercion of others to wear clothing or symbols propagating terrorism in public spaces; (3) the organization, leadership or participation in terrorist organizations; (4) the provision of information, funds, materials, labor, technical assistance, or individuals engaged in terrorist activities; (5) other conducts falling within the scope of terrorist activity as prescribed by law. ***Terrorist personnel*** refers to individuals who engage in terrorist activities and members of terrorist organizations. ***Terrorist incident*** refers to acts of terrorism that are occurring or have occurred, and that have caused or may cause significant harm to society. See China Law Translate, *Counter-Terrorism Law of the People's Republic of China*, <https://www.chinalawtranslate.com/en/counter-terrorism-law-2015/> (last accessed: 11.02.2026)

[584] It is a borrowing from the Measures of Rehabilitation and Security (*Maßregeln der Besserung und Sicherung*) stipulated in German Criminal Law as a comparative-law reference to conduct theoretical and institutional refinement. And the application of this remains controversial discussion.

[585] XU CHI (徐持), *Nature and establishment of resettlement education in Counterterrorism Law of the People's Republic of China* (《反恐怖主义法》中安置教育的性质辨析与制度构建), in *Law Science Magazine* (法学杂志), Vol. 38 No. 2, 2017, pp. 20, 28.

education[586]. Nevertheless, the Counter-Terrorism Law provides only general principles for the resettlement education system, and its institutional design remains at the blueprint stage. In addition, the practice of imposing resettlement education after the completion of a prison sentence in effect extends the period during which offenders convicted of terrorism or extremism are deprived of their personal liberty. Certain perspectives even raise doubts as to whether such a practice may constitute an infringe of human rights. Consequently, further development is required with regard to the assessment of social danger and the construction of a judicial system for the resettlement education of terrorism-related offenders, characterized by clearly defined actors, strict procedures, and scientifically grounded implementation.

In addition, according to the Article 30, this *resettlement education* system applies to "offenders convicted of terrorism or extremism and sentenced to imprisonment or above," and is accompanied by corresponding judicial supervision procedures. However, for those who are the particular focus of this study—individuals with religiously extreme tendencies who have not yet committed a criminal offence—such a system neither exists nor should have any applicability.

As mentioned before, Italy tried to provide a legal definition about *radicalization rooted in jihadist ideology* from the legal proposal. It also had an attempt to give a legal definition about *extremism* in the Article 104 of the *Draft Counter-Terrorism Law* published in 2014. In this draft, it stipulated that "extremism refers to an extremist ideas, statements and behaviors, which distort religious teachings, promote religious extremism and other manifestations, such as those that advocate violent, hatred of society, and opposition to human rights[587]." It can be recognized that this definition clearly explained extremism can be an idea, a statement and a behaviour,

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[586] HUANG BIN (黄彬), *The social risk assessment of terrorist offenders ans extremist criminals from the perspective of recidivist prevention* (恐怖活动罪犯与极端主义罪犯的社会危险性评估——基于再犯预防的视野), in *Journal of Huaqiao University (Philosophy & Social Sciences)* (华侨大学学报(哲学社会科学版)), No. 2, 2018, p. 113.

[587] "本法所称极端主义，是指歪曲宗教教义和宣扬宗教极端，以及其他崇尚暴力、仇视社会、反对人类等极端的思想、言论和行为。" See The National People's Congress of China, *The draft counter-terrorism law* (《反恐怖主义法（草案）全文》), 3 November 2014, <http://www.npc.gov.cn/zgrdw/npc/////xinwen/lfgz/flca/2014-11/03/content_1885027.htm> (last accessed: 09.02.2026)

but this description is trapped in a circular trap of constant self-justification. And without any doubt, this definition has not been accepted as a legal term[588].

2.3.4.4 Local Regulations and Implementation Measures in Xinjiang

In addressing Islamic religious extremism, two local regulations in Xinjiang cannot be overlooked. *Xinjiang Uyghur Autonomous Region De-Extremification*[589] *Regulations* (《新疆维吾尔自治区去极端化条例》) and the Measures of the XUAR on Implementing the Counter-terrorism Law (新疆维吾尔自治区实施《中华人民共和国反恐怖主义法》办法, *Measures* in short), they serve as the primary legal instruments that establish a guideline for ideological intervention, education transformation, and administrative measures targeting individuals influenced or might influenced by Islamic religious extremism.

Firstly, this concerns the Xinjiang Uyghur Autonomous Region De-Extremification Regulations, which was initially enacted on 29 March 2017, and subsequently revised on 9 October 2018. It was formulated on the basis of the Constitution, the Counter-Terrorism Law, the Regulations on Religious Affairs (《宗教事务条例》) —originally promulgated in 2004 and subsequently revised on 14 June 2017—and other relevant laws and regulations, while taking into account the specific circumstances of Xinjiang. Because of the revision, several notable aspects are merit careful attention and scholarly discussion.

When the definition of the term *extremism* was failed to be accepted as a

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[588] The has scholar explains that the motivations underlying extremism are distinctive, and its behavioral manifestations are far less externalized and explicit than those of terrorism. Furthermore, its political and ideological objectives are not as overt as those of terrorism. At the same time, divergences in the international community's understanding of extremism are far greater than those concerning terrorism. These factors largely explain why China's Criminal Law and Counter-Terrorism Law—the two principle national legal instruments in this field—have not provided a clear definition of what constitutes extremism. XIAO JIANFEI, SUN ZHIMIN (肖建飞, 孙志敏), *Analysis of the meaning of "extremism" and "extremification": basing on the textual investigation of the Counter-Terrorism Law and the Xinjiang Regulations on De-Extremification* ("极端主义" 与 "极端化" 含义分析基于《反恐怖主义法》与新疆《去极端化条例》的文本考察), in *Shi Shi Qiu Shi* (实事求是), No. 4, 2018, p. 33.

[589] According to the author Zhao Xuhong, the term "de-extremization" was first introduced during a related seminar held in Hotan County in Xinjiang in January 2012. ZHAO XUHONG (赵旭红), *A comparative study of domestic and international extremism prevention and control models from the perspective of national security* (国家安全视域下中外极端主义防控模式的比对研究), in *Journal of the Party School of XPCC of CPC* (兵团党校学报), No. 3, 2019, p. 60.

provision in Counter-Terrorism Law, this Regulation provides the definition and interpretation of "extremification" (极端化) and "extremism" (极端主义), identifying prevalent discourses and behaviors linked to extremism within specific social contexts. Precisely, Article 3 emphasizes that the so-called "extremalization" refers to those speeches and behaviors which are exaggerating extreme or radical religious ideas in order to exclude and interfere with normal production and life ways under the influence of extremism. The "extremism," however, means those claims and behaviors that are inciting hatred, inciting discrimination or advocating violence, and the like, by ways of distorting religious doctrines or other methods. In Chinese context, these two conceptions usually appear together.

To provide some clarity to the definition, fourteen claims or behaviors are considered as "extremalization" and forbidden according to Article 9[590] with an open-ended list, as a comprehensive system. Scholar points out that this kind of "extremification" and "extremism" are not purely matters of spiritual liberty; rather, they constitute hybrid forms of expression, encompassing religious expression with worldview significance, politically oriented expression that threatens state interests, and non-political expression that undermines societal, collective, or individual

[590] According to this article, the specific claims and behaviors which are considered as "extremalization" (极端化) are:
1) Preaching and spreading extremist ideas;
2) Interfering with others' freedom of religious belief, forcing others to participate in religious activities, or forcing others to provide property or labor to religious activity sites or religious professionals;
3) Interfering with other people' weddings, funerals, inheritances, and other activities;
4) Interfering with others' interactions, exchanges, blending, or living together with other nationalities or people of other beliefs, or driving people of other nationalities or beliefs away from their place of residence;
5) Interfering with normal cultural and recreational activities, excluding or refusing radio, television, and other public goods and services;
6) Generalizing the concept of halal, expanding the concept of halal to other fields other than the field of halal food, excluding and interfering in the secular life of others in the name of halal;
7) Those who themselves or force others to wear *burqas* and extreme symbols;
8) Exaggerating religious fanaticism with abnormal beards or names;
9) Marrying or divorcing only in the religious manner without performing legal formalities;
10) Refusing their children to receive national education and obstructing the implementation of the national education system;
11) Intimidating or conducing others to resist enjoying national policies, or destroying national legal documents intentionally, such as resident identity cards and household registration documents, or defacing the national currency;
12) Destroying or damaging public or private property on purpose;
13) Publishing, printing, distributing, selling, producing, downloading, storing, reproducing, reviewing, excerpting, or possessing articles, publications, audio, or video with extreme content;
14) Deliberately interfering with or undermining the implementation of the family planning policy.

interests[591]. Furthermore, compared with the 2017 version, the 2018 revised regulation introduced its provisions the institution of *Vocational Education and Training Centers*, the entity that has become the subject of considerable international controversy, and it will be examined in detail below.

Nevertheless, the regulation remains unclear on several key external concerns. It does not delineate the procedures for managing various categories of trainees exhibiting extremist tendencies, nor does it specify whether trainees have the right to raise objections before or during their training program or how their rights are protected in such circumstances. Additionally, the regulation provides insufficient detail regarding the duration of the training and the criteria for its completion, leaving these issues inadequately addressed.

The regulation adopts a legislative framework that explicitly enumerates the categories of responsible actors, thereby institutionalizing a multilayered governance model. By mandating the involvement of governmental bodies at various administrative levels, together with enterprises, public institutions, social organizations, and individual citizens, the Regulation seeks to transform the prevention of extremism into a collective social responsibility. Its core objective is the establishment of an anticipatory governance mechanism—one in which the resistance to and prevention of extremism is embedded within a comprehensive system of societal participation, thereby operationalizing the principle of "whole-of-society engagement" in counter-extremism.

Secondly, the Measures of the XUAR on Implementing the Counter-terrorism Law, which was last updated on 9 October 2018, is formulated on the basis of the Counter-Terrorism Law and other relevant laws and regulations, also with the consideration of the specific circumstances in Xinjiang. Compared with the initial version issued on 1 August 2016, the 2018 revision introduced amendments to the provisions concerning de-extremificaiton. In particular, in its "Chapter VII: Education

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[591] SHEN ZIHUA (沈子华), *Legal limits of "extremism" expression—based on the Regulations of Xinjiang Uygur Autonomous Region on De-Extremization* ("极端主义" 表达的法律界线——以《新疆维吾尔自治区去极端化条例》为依据), in *Journal of Kashi University* (喀什大学学报), Vol. 41 No. 2, 2020, p. 33.

and Management (教育管理)," it incorporated specific description of Vocational Education and Training Centers (VETCs).

Building on the preceding discussion of China's legal and regulatory framework for addressing Islamic religious extremism and the shortcomings identified therein, and given that the authorities incorporated explicit references to Vocational Education and Training Centers (VETCs) into local legislation during periods of heightened controversy, it becomes evident that these Centers play a significant role in the management of Islamic religious extremism. Simultaneously, the implementation of such Centers has also generated considerable debate, both in terms of legal interpretation and practical operation. Accordingly, it is necessary to systematically examine the functions, institutional mechanisms, and contested aspects of VETCs. The following subsection will therefore provide a detailed analysis of their operational framework.

2.3.5 Vocational Education and Training Centers

The establishment of the VETCs is mainly based on three parts: the Counter-terrorism Law, the XUR Regulations on De-extremification, and the Measures of the XUAR on Implementing the Counter-terrorism Law, combining with school regulations or institutional rules. And the VETCs were established in some prefectures and counties across Xinjiang. On 9 December 2019, the Chairman of Xinjiang announced that "[...] all trainees have graduated from the VETCs. The next step will involve providing daily, regular, normalized, and open education and training to those in need, based on principles such as respect for individual will, independent choice, categorized training, and freedom of movement[592]." This statement suggests that the VETCs in Xinjiang were officially closed, aligning with the objectives communicated by the authorities. However, some media outlets have

[592] China News, *Xinjiang official: participants in the "three studies and one go" training program have all completed the program* (新疆官方：参加 "三去一学" 教培学员已全部结业), 9 December 2019, <https://www.chinanews.com/gn/2019/12-09/9028781.shtml> (last accessed: 09.02.2026).

raised doubts, speculating that these VETCs might still be operating covertly[593]. When attempting to ascertain specific details about the VETCs, for example, their exact date of establishment, it remains inconclusive due to the lack of official documentation. Nevertheless, the existence and function of these Centers are not entirely unsubstantiated.

There is an official document that provides further insights into the context of the VETCs, named the *White Paper on Vocational Education and Training in Xinjiang* (*White Paper* for short)[594], which was issued on 16 August 2019. According to its description, this White Paper offers a comprehensive analysis of the underlying factors that prompted the establishment of these Centers. In this section, five aspects are discussed below to elucidate the strategy for governing Islamic religious extremism.

2.3.5.1 The Nature of the VETCs: Completely Voluntary?

As discussed earlier, the infiltration and impact of religious extremism have emerged as significant concerns, necessitating urgent interventions through education and training programs. These measures aim not only to rehabilitate individuals influenced by extremist ideologies but also to promote social harmony and stability.

There are two main natures of the VETC facilities, which are controversial and should be specially pointed out and interpreted, that is, its "school or institution" nature and its voluntary nature of training. The training programs offered by the VETCs comprise a comprehensive curriculum integrating instruction in standard

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[593] Eight months after the Chinese authorities officially announced the complete closure of Vocational Education and Training Centers (VETCs), the website *BuzzFeed News* reported that it had identified the locations of what it described as " concentration camps" through satellite imagery, alleging that facilities used to detain ethnic minorities continued to exist in China. See BuzzFeed News, *Ex-prisoners detailed the horrors of China's detention camps*, 27 August 2020, <https://www.buzzfeednews.com/article/alison_killing/china-ex-prisoners-horrors-xinjiang-camps-uighurs> (last accessed: 13.02.2026)

[594] *White Paper on Vocational Education and Training in Xinjiang* (《新疆的职业技能教育培训工作》白皮书), in The State Council Information Office of the People's Republic of China (国务院新闻办公室), 2019.

Chinese language[595], legal education, vocational skills, and religious literacy, with practical training in fields such as tailoring, computer operation, electrical work, performing arts, and cosmetology[596].

According to the descriptions provided in the *White Paper* and by related government spokespersons, the VETCs are centralized and close-model[597] institutions of education and training, in a nature with a voluntary entry, employing a residential education model, to be more specific, it provides trainees with residential training free of charge, and issue certificates of completion after they reach the expected criteria. The *White Paper* also indicates that trainees are allowed to go back home on a regular basis and ask for leave to attend personal affairs. It also states that trainees also enjoy the freedom of correspondence. This program is designed to offer systematic education and training in response to a set of needs, for example, to curb frequent terrorist incidents, to eradicate the breeding ground for religious extremism, to help trainees to require a better education and vocational skills which can increase their incomes as well as improve, more importantly, to safeguard the social stability and long-term peace.

While, are VETCs in practice truly of a completely voluntary nature? This question warrants closer scrutiny. In fact, there is a contradictory indirectly showing from the description of the *Measures of the XUAR on Implementing the*

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[595] In Xinjiang, "bilingual education" refers to the instructional approach where minority students are taught in both their minority language and Mandarin Chinese. The Xinjiang Department of Education has established two primary models of bilingual education. **Model 1:** Maintenance Bilingual Education. In this model, certain subjects, primarily science courses and foreign languages, are taught in Chinese, while the remaining subjects are delivered in the students' minority language. This approach is the most prevalent form of bilingual education currently practiced in Xinjiang; **Model 2:** Immersion Bilingual Education. Under this model, the entire curriculum is taught in Chinese, supplemented by classes in the minority language. The choice of which minority language to teach depends on the specific local conditions of each region. This model places a stronger emphasis on fostering proficiency in the national language, script, and traditional Chinese culture. See FANG XIAOHUA, CHEN DEJUN (方晓华, 陈得军), *Bilingual education (2004-2016) in Xinjiang: a summary and commentary* (2004-2016年新疆双语教育研究统计分析), in *Bilingual Education Studies* (双语教育研究), 2017, Vol. 2, p. 5.

[596] ZULFIANI L., *A series of facts about Uyghur Muslim "Vocational Schools" in Xinjiang* (关于新疆教培中心的系列事实), 14 March 2019, <http://www.chinaxinjiang.cn/zhuanti/2019/002/27/2701/201903/t20190314_574942.htm> (last accessed: 13.02.2026)

[597] YU CANG (雨蒼), *Questioning and response strategies regarding the children of trainees in the Turpan city central Vocational Education and Training Centers* (吐鲁番市集中教育培训学校学员子女问答策略), 9 December 2021, <https://hackmd.io/@billy3321/xinjiang-backup/%2F%40billy3321%2Frk6De113S> (last accessed: 04.02.2026)

Counter-terrorism Law, in which the regulatory framework concerning the three categories of individuals identified in the *White Paper* conveys a distinctly coercive dimension. Specifically, for the first categories of individuals, county-level public security organs *shall* collaborate with vocational skills education and training center or other legally designated entities to provide assistance, re-education, and legal instruction. For the second category, procuratorial organs and other relevant authorities are *mandated* to conduct educational and corrective interventions within county-level VETCs or other designated transformation institutions. For the third category, following evaluation by prisons or detention facilities, the court determine whether such individuals are to be subjected to *resettlement education*, which is stipulated in the Counter-Terrorism Law, with the regulation explicitly requiring that "resettlement education shall e carried out in designated facilities." In retrospect, the VECTs have consistently been positioned as voluntary, school-like institutions, however, in describing the handling of the three categories of individuals, the discourse employs terms such as "shall," "decide, " "designate," all of which carry connotations of coercion. Notably, in an interview invited by Chinese government about describing the internal situation in the VETCs reported by an Indonesian journalist. After visiting several VETCs, he describes the internal situation that "once the doors of the dormitories here (in the VETC) are closed, they (the trainees) cannot be opened from inside the room [...]. All participants are expected to return to their dormitories at eleven o'clock at night. In Kotan prefecture in Xinjiang, we noted that the dormitory doors did not have inside handles, meaning that once you enter the dormitory and close the door, the dormitory door can only be opened from the outside[598]." On the whole, the actual operation situation contradicts the nature depicted in the *White Paper* and the related propaganda. The internal situation of those VETCs has been the subject of significant controversy. A major contributing factor is the institution's lack of transparency, as it remains closed to public scrutiny.

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[598] ZULFIANI L., *A series of facts about Uyghur Muslim "Vocational Schools" in Xinjiang* (关于新疆教培中心的系列事实), 14 March 2019, <http://www.chinaxinjiang.cn/zhuanti/2019/002/27/2701/201903/t20190314_574942.htm> (last accessed: 02.09.2025)

This lack of transparency and accountability may explain why the institution is often referred to as "camps" or "re-education camps" in subsequent debates. In addition, scholars also collected information to prove that the VETCs are actually heavily guarded, prison-like facilities[599].

On 16 November 2019, *The New York Times* was the first to publish an article claiming to have "obtained more than 400 pages of internal Chinese-language documents from Chinese officials that reflect a crackdown by the Xinjiang authorities on ethnic minorities[600]." The release of these documents, commonly referred to as the "Xinjiang Papers," further intensified international scrutiny and criticism of China's policies in Xinjiang. It also prompted renewed debate among scholars, policymakers, and human rights organizations regarding the nature and legality of the VETCs.

2.3.5.2 The Running Entities of VETCs

According to information released during an official press conference, the VETCs are operated under the authority of local governments[601].

The *XUAR Regulations on De-extremization* gives a more specific instruction. The first aspect focuses on the overall framework and organization of de-extremification initiatives. That is, except to establish a system of leadership responsibility and annual target accountability for the de-extremization work, which is stipulated in Article 5. In Article 6, it sets forth that "autonomous regions, prefectures (cities, areas), and counties (cities, districts) shall establish de-extremization leading groups responsible for the de-extremization work within their administrative regions.

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[599] ZENE A., *Brainwashing, police guards and coercive internment: evidence from Chinese government documents about the nature and extent of Xinjiang's "vocational training internment camps*," in *Journal of Political Risk* (Online), Vol. 7 No. 7, 2019, <https://www.jpolrisk.com/brainwashing-police-guards-and-coercive-internment-evidence-from-chinese-government-documents-about-the-nature-and-extent-of-xinjiangs-vocational-training-internment-camps/> (last accessed: 13.02.2026)

[600] AUSTIN R., CHRIS B., *Absolutely no mercy: leaked files expose how China organized mass detentions of Muslim*, 16 November 2019, <https://www.nytimes.com/interactive/2019/11/16/world/asia/china-xinjiang-documents.html> (last accessed: 09.02.2026)

[601] Tianshan Net, *Record of the fourth press conference on Xinjiang Uygur Autonomous Region in Beijing on Xinjiang issues* (新疆维吾尔自治区在京第四场涉疆问题新闻发布会实录), 11 February 2021, <http://news.ts.cn/system/2021/02/11/036577392.shtml> (last accessed: 13.02.2026)

The offices under these leading groups shall perform functions such as research and investigation, guidance coordination, and supervision and inspection."

Furthermore, with regard to the authority responsible for establishment of VETCs, Article 17 and 21 of the Regulations provide that "governments which are above the county-level may establish the VETCs and other educational transformation institutions, as well as corresponding administrative bodies, for educational transformation, in order to carry out the educational transformation of individuals influenced by (Islamic religious) extremism and to advanced de-extremification efforts." Furthermore, the Regulations specify that the educational transformation management departments "shall organize and coordinate relevant departments and the educational transformation institutions, such as VETCs, to carry out work related to security management, education, employment assistance, reintegration into society and family, as well as guidance and supervision."

2.3.5.3 Three Categories of Trainees in the VETCs

The guideline of counter-terrorism and de-radicalization strategy is to adopt a dual approach: on the one hand, to strike hard against serious terrorist crimes, which are relatively limited in number; and on the other hand, to provide education and rehabilitation to individuals influenced by religious extremism or involved in minor unlawful activities. Within this framework, the key issue lies in identifying who is eligible—or should be considered appropriate—for admission into the Vocational Education and Training Centers (VETCs). Understanding these nuances is essential for clarifying the scope and purpose of the VETCs and differentiating them from the criminal justice system.

According to the *White Paper*, trainees in the VETCs are generally classified into three categories:

The first category are individuals who were incited, coerced, or induced into ***participating*** in terrorist or extremist activities, or who ***engaged in*** such activities directly. With the condition that those actions were not sufficient severity to meet the legal threshold for criminal prosecution.

The second category are individuals who were incited, coerced, or induced into ***participating*** in terrorist or extremist activities, or those who ***actively engaged in*** such activities. For those people, they must also satisfy three specific conditions simultaneously: 1) their actions posed a real threat but did not result in actual harm; 2) their subjective culpability was minimal, they acknowledged their offenses, expressed genuine remorse for their actions, and thus, according to the law, may not require sentencing or could be exempt from punishment; 3) they have demonstrated a willingness to participate in a training program at the VETCs;

The third category are individuals ***convicted and sentenced to imprisonment for terrorist or extremist offenses***, who, upon completing their sentences, have been deemed to still pose a potential threat to society, may be legally mandated by the People's Courts to participate in the training program at the VETCs[602].

For the punishment to these types of individuals, the *White Paper* continues, "in accordance with Articles 29 and 30 of the Counter-Terrorism Law, individuals in **the first** and **the third categories** will be given assistance and education or *resettlement education* in the centers. For **the second category** individuals, namely those who plead guilty, demonstrate genuine remorse, and voluntarily undertake the educational and training programs, "aiding and education" (帮教)[603] will be provided following the l awful decision of non-prosecution." Furthermore, "**the first category** should first be handled by public security organs, and then given assistance and education by VETCs; **the second category** should first be investigated by public security organs, and if the proprietorial organs, after reviewing the cases, have made the decision not to institute legal proceedings, they should then be given assistance and education by education and training centers; **the third category**, after being assessed before their release from prison and found to pose an ongoing risk to society, shall be placed at such centers to receive education to help them reintegrate into society in accordance with the decision of People's Courts." To be more intuitively reflect the processing

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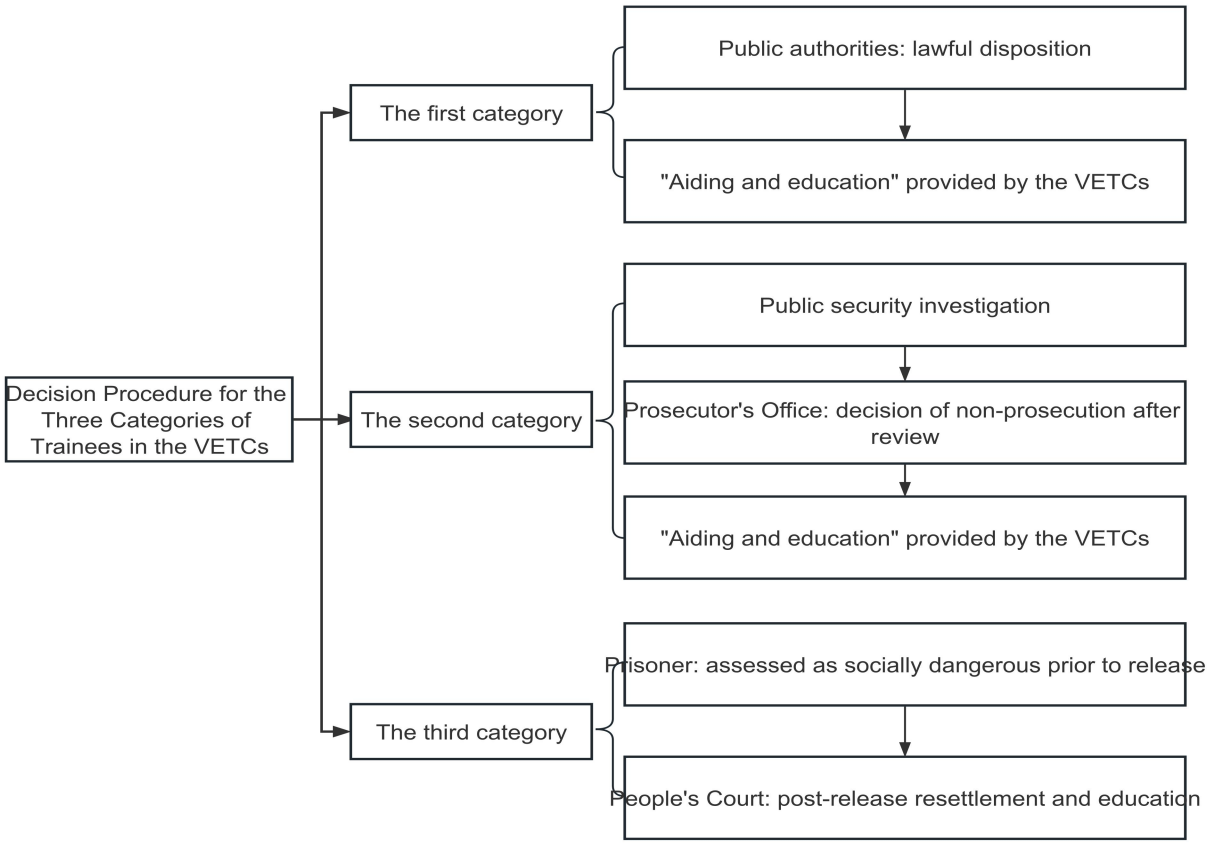
602 See *White Paper on Vocational Education and Training in Xinjiang* (《新疆的职业技能教育培训工作》白皮书), in The State Council Information Office of the People's Republic of China (国务院新闻办公室), 2019.

603 Actually, "aiding and education" is a non-legal term enshrined in statutory provisions, which has also sparked extensive discussion among Chinese legal scholars. If one must find a legal interpretation, the art. 37 of the *Prison Law of the People's Republic of China* (《中华人名共和国监狱法》) may provide a limited interpretation, that is "resettlement" (安置), it means the local people's government shall provide assistance to the released individual in securing resettlement and livelihood. While, it is a non-compulsory system of guidance, assistance, education, and supervision for individuals released upon completion of their sentences.

procedures of the three different types of trainees in the VETCs, it refers to Graph 2.

Graph 2: Decision Procedure of Three Categories of Trainees in the VETCs



2.3.5.4 The Specific Operation

2.3.5.4.1 The admission criteria

At an official press conference in 2018, the Chairman of Xinjiang replied to the reporter about the specific process attending to the Training Course, that is, on the premise of clearly agreeing on the cultivation objectives, cultivation methods, completion standards and assessment methods, the VETCs and the trainees sign a *Training Agreement* (《培养协议》)[604], and then the former will carry out free vocational skills education and training in a variety of forms, such as "centralized

[604] It is similar with the Center for Prevention, Integration and Citizenship (CPIC) in France, where the participants were required to sign a contract before entering.

training, residential learning and practical cultivation[605]." Even the way signing *Training Agreement* as a precondition for entering in the Training Center is more than once emphasized in official conventions[606], the answer about what are the specific provisions in this *Training Agreement* is unclear and even cannot find any official materials[607].

In this research, an attempt was made to conduct a cases analysis of terrorism and extremism-related offenses committed in Xinjiang, using the national judicial case database—China Judgments Online[608]. The objective was to identify judicial records that could shed light on the second and third category of individuals described in the *White Paper*. However, this effort encountered significant limitations. A large number of judicial documents concerning such cases have been handled in camera for variety of reasons, making access to specific details impossible. This raises a number of critical questions: How were individuals found to have committed minor offenses, but exempted from criminal penalties, formally recommended or directed to participate in the educational programs of the VETCs? How did those assessed as posing potential social risks after serving their sentences receive official "invitations" or notifications to enter such programs?

Questions of this nature remain unanswered—not only due to the lack of transparency in judicial and administrative procedures, but also because the existing laws and regulations provide insufficient clarity to draw definitive conclusions. Since

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[605] XUEKELAITI ZHAKEER (雪克莱提·扎克尔), *Q&A with the chairman of Xinjiang Uygur Autonomous Region on counter-terrorism and stability maintenance and the development of Vocational Education and Training Center* (新疆维吾尔自治区主席就新疆反恐维稳情况及开展职业技能教育培训工作问答), 16 October 2018, <https://www.xinhuanet.com/politics/2018-10/16/c_1123564725.htm> (last accessed: 10.02.2026)

[606] LE YUCHENG (乐玉成), *The continuous pursuit of enhancing the quality of life for its citizens represents is the core objective of China's human rights efforts* (人民对美好生活的向往是中国人权事业的不懈追求), 15 March 2019, <https://www.mfa.gov.cn/web/ziliao_674904/zyjh_674906/201903/t20190315_9870385.shtml> (last accessed: 09.02.2026)

[607] The scholar Zene claims that " the author did not come across a single government document that outline how establish voluntary agreements with the 'students.'" See ZENE A., *Brainwashing, police guards and coercive internment: evidence from Chinese government documents about the nature and extent of Xinjiang's "vocational training internment camps*," in *Journal of Political Risk* (Online), Vol. 7 No. 7, 2019, <https://www.jpolrisk.com/brainwashing-police-guards-and-coercive-internment-evidence-from-chinese-government-documents-about-the-nature-and-extent-of-xinjiangs-vocational-training-internment-camps/> (last accessed: 13.02.2026)

[608] *China Judgements Online* (中国裁判文书网), <https://wenshu.court.gov.cn/>

these programs may involve a prolonged yet indeterminate restriction of personal liberty, their legal basis should be explicitly regulated by law rather than by *ad hoc* administrative agreements. This underscores the necessity of focusing on the specific legal provisions governing the establishment, implementation, and oversight of such measures.

2.3.5.4.2 Permissible duration of the training and completion standards

It is obvious to note that, despite years of intense debate surrounding the establishment of the Centers and the various official responses issued to address related concerns, there remains no clear or definitive statement regarding the duration of training in the VETCs or the specific criteria for completing such programs.

For example, in 2019, the United State passed the *Uighur Intervention and Global Humanitarian Unified Response Act of 2019* (or the *UIGHUR Act of 2019*), and pointed that the duration of those training centers is indeterminate. As a response to this accusation, in the same year, the Deputy Secretary and Chairman in Xinjiang stated at a conference that "the training time in the VETCs can be as long or as short as needed, depending on the concrete content of the education programme."

When addressing this issue seriously, it is regrettably noted that some useful information only can be obtained intermittently through relative authoritative channels. For example, in an effort to response the controversy that had nearly reached its peak, the Chinese national newspaper such as *Xinjiang Daily* (《新疆日报》)[609] published over 20 reports in December 2019 base on interviews with the "graduated" trainees from the VETCs. From their narrations, it can be suggested that the duration of training at the VETCs is generally between approximately nine months

[609] Xinjiang Daily (《新疆日报》), <https://xjrb.ts.cn/xjrb/20260213/1.html;jsessionid=F44CF49A934F4E65CA38C8BC02EAF3DD> (last accessed: 13.02.2026)

and two years[610].

Although Article 46 of the Measures of the XUAR on Implementing the Counter-terrorism Law provides provision regarding the reporting and review procedure following the completion of educational and training programs, namely, it lays down that "For individuals who have completed the educational and training programs, the Vocational Education Training Centers and other institutions for educational transformation, together with the corresponding administrative bodies at the county-level, shall submit their recommendations, which are then reviewed and confirmed successively by the appropriate departments of Xinjiang." However, based on its provision, it is more like a general guideline, the specific evaluation criteria for determining the successful completion of the training program remain unclear.

While, according to the description from an internal confidential document *Opinions on Further Strengthening and Regulating the Work of Vocational Education and Training Centers* formed in 2017, five criteria are pointed out to signify meet the requirements that:

(1) The one whose situation was less severe when they entered in the VETC; (2) The one who has accepted the education programme in the VETC at least more than one year; (3) The one who is the trainee belonging to the ordinary manage level in the VETC; (4) The one whose total points acquiring from the education programme, as

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[610] "[...] In June 2018, I enrolled in the training center. After ten months of study, i graduated from the center in April 2019." See MULATI AIMAIDI (木拉提·艾麦迪), *We know best whether the Vocational Education and Training Center is good or not* (教培中心好不好，我们最清楚), in Xinhua News, 8 December 2019, <https://chinajob.mohrss.gov.cn/h5/c/2019-12-09/142361.shtml> (last accessed: 10.02.2026). "[...] My daughter (the trainee) performed exceptionally well, excelling in all aspects at the training center, and successfully completed all assessments to graduate within one year." See WURENISHA ABUDUREXITI (吾热尼沙·阿布都热西提), *The training center helped my daughter find her way back from a misguided path*（教培中心让我的女儿迷途知返), in Tianshan News, 14 December 2019, <https://www.ts.cn/xwzx/szxw/201912/t20191214_6077835.shtml> (last accessed: 13.02.2026). "[...] In November 2017, I voluntarily enrolled in the Vocational Education and Training Center, and completed the program in August 2019." See DILIXIATI NUERMAIMAITI (迪力夏提·努尔买买提), *A doctor committed to serving the public* (做为群众服务的好医生), 21 December 2019, <https://www.kelamayi.com.cn/xw/jn/2019-12/21/content_1354203.htm> (last accessed: 10.02.2026). "[..] consequently, the government placed her in a vocational education and training center. This as regarded as a form of 'compulsory education' involving residential study from Monday to Friday with weekends spent at home, for a duration of one to two days ." See HAN PENG (韩鹏), *To put it bluntly: what is being done in Xinjiang does not conform to Western values; however, it is presented as consistent with universal human morality* (挑明说吧：新疆做的事，就是不符合西方价值观! 但符合人类的道德), 25 March 2021, <https://lahoo.ca/2021/03/25/115505> (last accessed: 13.02.2026)

well as the special points such as ideological transformation, academic records, and the compliance with rules and disciplines in the VETCs, have reached the prescribed standards; (5) There has no other factors that might influence the recognition of the completion.[611]

More specifically, there a a combined system of written and oral examinations is implemented including weekly quizzes, monthly midterms, and quarterly finals, to monitor the learning progress. Results, particularly language test scores, are recorded in student files and aggregated into learning points, which serve as the primary basis for evaluating training effectiveness and determining graduation eligibility.

However, it does not mean that the trainees who have met all the five standards required above can enter the society directly, instead, all of them are asked to move on to the next stage-the improvement class-where the targeted skills training are carried out and the session usually takes from three to six months long. The aim of this stage is at helping them hunt the job as soon as finishing the education programme in the VETC with their mastering specific improved skills. When those trainees officially leave from the VETC, there has a one-year observation phase will be conducted, which means that those trainees will accept the "aiding and education" (帮教) managed by the local organizations.

2.3.5.5 A Comprehensive Evaluation of VETCs

The presentation of a comprehensive evaluation of the VETCs is the least to be avoided, especially since 2018, its existence has become a global hot topic. And in this section, it discusses in two main lines: positive and negative, based on the summary of the international discourse game on this debate, and a summary will be made on this basis. There are mainly three aspects that were accused:

The first and most important point is about the operation of the Center is in the

[611] This document is exposed in an incomplete version, also because it is written as a confidential document, it means that it is not officially announced by Chinese government, therefore less Chinese scholars quoted this document as an argumentation basis for various reasons. YU CANG (雨蒼), *Opinions on further strengthening and regulating the work of Vocational Education and Training Centers* (关于进一步加强和规范职业技能教育培训中心工作的意见), 9 December 2021, <https://hackmd.io/@billy3321/xinjiang-backup/%2F%40billy3321%2FrJabsYFnr> (last accessed: 10.02.2026)

absence of legal process. The process foe entering in to the Training Center "appears to be operating outside the scope of the Chinese criminal justice system or other domestic law.[612]" An important reason the VETCs were regarded as extra-judicial institutions[613] is because its violation of the provision of Constitution, in particular with denying basic human rights such as the right to liberty and security, thus violating international law[614]. Pursuant to paragraph 2 of Article 37, no citizen shall be subjected to arrest except pursuant to the authorization or decision of the the People's Procuratorate, or pursuant to a decision of the People's Court, and executed by the public security authorities. To say the least, also individuals with religious extremist tendency moving closer to an administrative track, for example, the Articles 80 and 81 of the Counter-Terrorism Law stipulate that the public security authorities are empowered to impose administrative detention on individuals who participate in activities or engage in acts associated with religious extremism, provided that the circumstances are minor and do not yet constitute a crime. Such deprivation of liberty, however, is legally confined to a duration of not less than ten days and not more than fifteen days. As previously noted—whether through official clarifications, interviews conducted by foreign journalists, or statements made by former trainees—the duration of the VETCs frequently extends far beyond the statutory limits prescribed for administrative detention. The excess period, moreover, lacks an adequate legal justification.

This situation point to the second concern, the definition are broadly worded which open gate to recruit more potential training individuals. According to the description from these three categories from the *White Paper*, the minimum threshold for entering the VETCs is the ***participation*** in terrorist activities or extremist activities. Needless to point that the Counter-Terrorism Law has given the definition about

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[612] Amnesty International, *Like we were enemies in a war: China's mass internment, torture and persecution of Muslims in Xinjiang*, 2021, <https://xinjiang.amnesty.org/> (last accessed: 13.02.2026)
[613] LEIBOLD J., *Surveillance in China's Xinjiang region: ethnic sorting, coercion, and inducement*, in *Journal of Contemporary China*, Vol. 29 No. 121, 2020, p. 12. The am accusation comes from ADRIAN Z., *Thoroughly reforming them towards a healthy heart attitude: China's political re-education campaign in Xinjiang*, in *Central Asian Survey*, Vol. 38 No. 1, 2019, p. 123.
[614] SOLIEV N., *Uyghur violence and jihadism in China and beyond*, in *Counter Terrorist Trends and Analyses*, Vol. 11 No. 1, 2019, p. 72.

"terrorist activities" with a catch-all clause, there has no laws or regulations to give a clear definition about what are "extremist activities." To say the least, the legislative term "extremism" stipulating in *Xinjiang Uyghur Autonomous Region De-Extremification Regulations* is only summarized into a simple sentence. Meanwhile, it is also not a appropriate way to equal the fourteen manifestations from "extremalization" to "extremist activities," because there has a deliberate distinction between these two terms in the Regulations. Accordingly, these broadly worded requirement may create significant scope of inconsistent and subjective application of the law, and further lead the same act could readily lead to quite different and unpredictable legal consequences.

The third one is about the absence of an external remedial procedure. If following the logic described in the *White Paper*, that VETCs are school-like institutions with freely entry, it naturally does not involve the issue about the remedial procedure and lawyer's intervention. However, the absence of an external remedial procedure mentioned here is, as previously described, that the operation of the VETCs are not that kind of voluntary with a limit on personal liberty. In this vein, even there is a seemingly reasonable legal remedy process which can find from relative provisions, but they are not that consistent, and cannot withstand scrutiny. For example, from an administrative perspective, the administrative counterpart (here is the trainee) have the rights to propose administrative reconsideration or administrative lawsuit, however, information on the degree to which these remedies are implemented, either in absolute terms or as a proportion of relevant case, or, their effectiveness in ending a breach of rights and providing effective remedy are unclear. By the same token, the *resettlement education* system applied for the third category of trainees is actually a compulsory measure with an inherent indeterminate duration.

When gazing on the implications for families of individuals who studies in those centers, the issue was espoused, which is called "inter-generational separation," which means that these children are kept in orphanages, others, including some of the affected parents, were told that they are being sheltered in regular public schools with

boarding facilities[615]. In an interview, when the senior official in Xinjiang was asked about what is happening to those children whose extended families are being taken into the Vocational Education and Training Center system, because of their religious extremist tendencies. The reply was "there should not be such a case. If all family members have been sent to education training centers, that family must have a severe problem. I have never seen such a case[616]."

Individual case responses can indeed serve to counter and dispel specific smear campaigns. However, as fabricating falsehoods is far easier than refuting them, a more effective and sustainable approach may lie in promoting legislative reform to enhance transparency, strengthen procedural safeguards, and institutionalize accountability mechanisms that prevent misinformation and ensure the credibility of governance practices.

It also should note that shortcomings exposing from the discourse game. These initiatives are often poorly understood by the public, and their negative perception is partly attributable to the opacity and contested legality that frequently surround their implementation. The achievement counting religious extreme should certainly not be overlooked, however, whether the relevant legal basis is followed or not is another matter, these are actually two parallel questions. In practical, this "answer the wrong question" approach may be a good response technique, but it lacks substantive persuasiveness and cannot substitute for a principled, transparent approach to policy-making.

There is no doubt that at present, Xinjiang is enjoying social stability, economic development, cultural prosperity and religious harmony. However, achieving significant results and addressing the legitimacy issues that arise during implementation are two parallel concerns, resolving one does not automatically provide to the other. Although China has not faced significant riotous activities for

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[615] ADRIAN Z., *Break their roots: evidence for China's parent-child separation campaign in Xinjiang*, in *Journal of Political Risk* (Online), Vol. 7 No. 7, 2019, <https://www.jpolrisk.com/break-their-roots-evidence-for-chinas-parent-child-separation-campaign-in-xinjiang/> (last accessed: 09.02.2026).

[616] SUDWORTH J., *China Muslims: Xinjiang schools used to separate children from families*, 4 July 2019, <https://www.bbc.com/news/world-asia-china-48825090> (last accessed: 09.02.2026)

over eight years, the persistence of religious extremism as a global issue necessitates ongoing preventive measures through appropriate laws and regulations targeting individuals at risk. With the closure of the VETCs, the debate also seems gradually faded away, however, the more practical problem is still there, the question about how to deal with the lack of formal mechanisms to intervene early when signs of extremism emerge among individuals is still unanswered.

2.3.6 Supplementary and Extended Strategies

Beyond measures previously discussed, additional guidelines and strategies also have been implemented, with the aim of guiding religious practice and curbing the spread and dissemination of Islamic religious extremism:

(1) "Five Keys to Open Five Locks" (五把钥匙开五把锁). As a guideline which was formally proposed in 2014, it constitutes a structured framework for addressing complex social and religious issues in a context-sensitive manner. Within this guideline, it articulates that "problems of thought are solved by means of thought; problems of culture by means of culture; problems of custom by means of respect; problems of religion by means of the laws of religion; and problems of riot by means of the rule of law and rigorous measurements[617]." In essence, it provides a differentiated set of strategies, each tailored to the nature of the specific challenge, thereby emphasizing the principle of situational application. By linking solutions to the character of the problem—intellectual, cultural, customary, religious, or social—the guideline underscores a systematic and multidimensional approach, aiming not only to regulate religious practices, but also to prevent social unrest and individuals' beliefs and behaviors in accordance with legal and normative frameworks. This framework thus exemplifies a methodical and contextually adaptable model of preventive intervention.

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[617] CHEN FANG (陈芳), *Yecheng county official in Xinjiang: no religion can be above the law* (新疆叶城县委书记：任何宗教不能凌驾于法律之上), 2015, <https://news.ifeng.com/mainland/special/xjqjdh/ycxw.shtml> (last accessed: 09.02.2026)

(2) Hierarchical regulation of religious figures. If Islamic scripture constitutes the most significant influence shaping religious consciousness, then ensuring an accurate, contextually grounded, and socially relevant interpretation of its teaching is of paramount importance. In this regard, the concept of *Zhèng Xìn Jǐ Yā* (正信挤压), literally translated as "competing false narratives by using the credible narratives," represents a strategic approach aimed at clarifying public misconceptions concerning Islam beliefs and doctrine through the systematic promotion of correct and orthodox religious teachings. This method is designed to constrain, displace, and ultimately reduce the influence of extremist ideologies and discourses by promoting the establishment a clear, authoritative, and contextually sensitive interpretation of the Qur'anic doctrine, that matches with the broader social, cultural, and legal realities of the country.

The implementation of this approach relies on the hierarchical regulation of religious figures and institutions recognized by the state, enabling them to act as credible conduits for the dissemination of counter-narratives. By proactively promoting such authoritative interpretations through organized preaching, educational programs, and community engagement, this strategy seeks to mitigate the appeal of extremist ideologies, foster religious literacy among the population, and guide potentially vulnerable individuals towards mainstream, legally compliant, and socially constructive religious understanding. In doing so, *Zhèng Xìn Jǐ Yā* functions as both a preventive and corrective mechanism within the broader framework of religious governance and Islamic religious extremism prevention.

(3) Fostering deliberate exposure to "optimal contact" and regulating veiling practices. As discussed previously, plenty of researches have shown the crucial rule of the women—particularly mothers—in preventing the spread of extremism ideologies within families. The fact that female family members themselves remain uninfluenced by extremist ideology plays a crucial role in the prevention of Islamic religious extremism. Thus, in 2011, the Xinjiang Women's Federation launched the

"Beautiful Project" (靓丽工程), a fashion design competition aimed at promoting traditional ethnic costumes and encouraging women across Xinjiang to express themselves through culturally rooted forms of beauty, while simultaneously discouraging the adoption of attire associated with extremist ideologies. This is basing on the consideration that in the past, there existed the situation, in which the Chinese Muslim women often remained confined to domestic spaces, resulting in limited opportunities for social interaction and engagement with the broader community. Initiatives such as Beautiful Project thus provide structured and socially constructive opportunities for women to expand their social networks, participate in public life, and reinforced cultural identity, which can, to some extent, reduce susceptibility to the influence of Islamic religious extremism. Alongside this, it indirectly illustrates a particular regulatory strategy adopted in the management of the headscarf.

As mentioned above, since the 1980s, the practice of women wearing the burqa has reemerged and had gradually increased in prevalence. Regarding to this situation, since 1990s, local authorities in various regions in Xinjiang have implemented a range of measure to regulate the practice. However, with the recurrent phenomenon of "rebound after enforcement," these interventions have increasingly taken on a stricter character. For example, street patrols have adopted a zero-tolerance approach toward individuals wearing face veils or the traditional *Jilbāb*, immediately instructing them to unveil; commercial operators have been required to sign declarations prohibiting entry of veiled individuals into their premises; service counters have refused to serve veiled customers; and in the catering sector, establishments repeatedly violating ethnic dress regulations have faced sanctions ranging from temporary closure to revocation of business licenses[618]. More recently, on 1st February 2015, the local regulation titled Prohibition of Wearing of the Burqa in Public Places in Urumqi City

[618] However, the comprehensive governance measures involving the removal of headscarves inevitably intersect with the daily lives of the individuals concerned and their families, and may also affect personnel working in the public service factor. At the level of implementation, such measures may have implications for individual rights and may give rise to reactions among the persons concerned and related social groups. See LI XIAOXIA (李晓霞), *Analysis of policies to curb unauthorized religious activities in Xinjiang* (新疆遏制非法宗教活动政策分析), in *Sociology of Ethnicity* (民族社会学研究通讯), No. 140, 2013, p. 29.

(《乌鲁木齐市公共场所禁止穿戴蒙面罩袍的规定》) has banned the wearing of *burqas* in the capital of Xinjiang came into effect, which stipulates in Article 2 that "wearing garment to cover the face in public places in the city is prohibited. This provision applies to the wearing of other clothing, insignia, art-crafts, souvenirs, signs and symbols that promote extremist religious ideas in public places[619]."

In parallel, broader community-oriented measures complement such initiatives. These include the development and enhancement of public cultural infrastructure, such as cultural activity centers, sports[620] facilities, and other venues that facilitate community engagement and interaction. By improving access to such resources, authorities seek to provide safe and meaningful spaces for socialization, skill-building, and cultural participation, thereby contributing to the long-term resilience of communities against extremist influences.

(4) "Drip-feeding" education program ("滴灌式"教育). The so-called "drip-feeding" education program was developed as a preventive initiative targeting individuals assessed as being at high risk of exposure to religious extremism ideology. In 2014, during the initial efforts to counter religious extremism in Xinjiang, Yi Ning County implemented a "drip-feed" (as mentioned above) and collectivized training model for risky personnel and specialized groups. Under this framework, the collective training was structured into four categories—A, B, C, and D—based on the extent of extremist ideological influence. The categorization was as follows: Class A comprised individuals in custody; Class B included those with a resistant attitude for disengaging; Class C consisted of individuals with an unstable stance toward religious extremism; and Class D encompassed special groups heavily influenced by the

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[619] *Urumqi city will ban the wearing of burqas in public places* (《乌鲁木齐市公共场所将禁止穿戴蒙面罩袍》), in People Online, 17 January 2015, <http://politics.people.com.cn/n/2015/0117/c1001-26403482.html> (last accessed: 10.02.2026)

[620] Scholars have also noticed that sports interventions have been gradually identified as crucial in the rehabilitation of radicalized individuals, particularly those influenced by extremist Islamic rhetoric. More recently, in 2023, the crucial role and values of sports in preventing and countering violent extremism, which is considered to have the power to against the drivers of radicalization, was emphasized again in a round-table discussion in the UN. See RICHARDSON C., CAMERON P. A. *et al.*, *The role of sport in deradicalisation and crime diversion*, in *Journal for Deradicalization*, No. 13, 2017, pp. 29, 31. See United Nations, *Power of sport to counter violent extremism amplified at UN*, 13 February 2023, <https://news.un.org/en/story/2023/02/1133447> (last accessed: 21.01.2026)

extremist religious ideology, along with more risky personnel susceptible to conversion and those less influenced by religious extremism.

In terms of implementation, Classes A and B were placed under the centralized training and supervision of the county-level political and legal committees, whereas Classes C and D received localized training and education organized at the township and village levels, respectively. This classification and differentiated training approach reflected an attempt to tailor educational intervention to the varying degrees of ideological influence and individual risk.

(5) The Governance of underground scripture teaching venues (points). As a key approach to countering Islamic religious extremism in Xinjiang, the regulation and guidance of underground scripture teaching venues (points) have become central to institutional development and policy adjustment. As noted above, during the 1980s and 1990s, a significant number of these "points" emerged in certain areas of Xinjiang. The purposes of these privately organized scripture classes were diverse: to train successor for existing religious personnel; to provide ordinary believers and their children with instruction in religious rituals and scripture knowledge; in certain cases, to serve as venues for extremists to cultivate followers and disseminate extremist ideologies. To address the potential risks posed by those underground scripture teaching venues (points) and effectively prevent the spread of Islamic religious extremism, authorities in Xinjiang have implemented multi-faceted approach to mitigate and manage these activities.

In an effort to facilitate the systematic training of religious personnel, the "Xinjiang Islamic Institute" (新疆伊斯兰教经学院) was established in 1987 as a higher education institution dedicated to cultivating senior Islamic clerics. Nonetheless, this initiative proved insufficient to address the prevailing shortage of qualified Islamic clergy during that period. Consequently, beginning in 1990, the local small-scale Islamic scripture teaching classes were gradually introduced across various regions, prefectures, and cities. These classes primarily aimed to train young, patriotic religious leaders for service in local mosques. Additionally, with official

sanction, several prominent patriotic religious figures commenced accepting students and conducting Islamic scripture instruction[621], thereby providing a state-approved alternative to the unauthorized classes.

As mentioned previously, within this context, the People's Government of the Xinjiang Autonomous Region enacted regulations in 1988 to rigorously prohibit these unauthorized religious scripture schools and classes, including clandestine teaching sites. These regulations also forbade the private distribution of religious texts and initiated a series of enforcement actions designed to dismantle and eradicate unapproved religious educational activities[622]. Further reinforcing the legal framework, Article 11 of the Regulations on Religious Affairs—as mentioned before—explicitly stipulates that "Religious educational institutions may only be established by national religious organizations or by religious organizations at the level of provinces, autonomous regions, or municipalities directly under the central government. No other organizations or individual shall establish such institutions." This provision provides the legal basis for the regulation of religious practice and clarifies that private religious teaching or unapproved scripture classes are unlawful under Chinese law.

Taken together, the governance to underground teaching venues not only reflect the progressive institutionalization of the management of religious education, but also, in an objective sense, have reshaped the structural conditions under which religious knowledge is transmitted, thereby providing an institutional framework for the guidance and regulation of religious education activities.

2.4 Summary

This has undertaken a structured comparative examination of the French, Italian, and Chinese models in addressing Islamic religious extremism, with particular attention to the relationship between constitutional principles, ordinary legislation,

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[621] MA PINYAN (马品彦), *Religion in Xinjiang* (新疆宗教), China Intercontinental Press, Beijing, 2001, p. 32.

[622] MA PINYAN (马品彦), *Study on combating illegal religious activities in Xinjiang* (新疆反对非法宗教活动研究), in *Social Sciences in Xinjiang* (新疆社会科学), Vol. 4, 2003, p. 74.

and preventive or disengagement-oriented mechanisms. Through a multi-layered analysis of legal texts, institutional arrangements, and practical implementation, the chapter reveals not only the diversity of regulatory approaches but also their underlying normative tensions.

First, the French model is characterized by a relatively coherent constitutional and legislative architecture centered upon the principle of laïcité. From the constitutional affirmation of secularism to the penal reforms, the prohibition of face concealment, and the enactment of the Law n. 2021-1109 reinforcing respect for the principles of the Republic, France has progressively consolidated a legal framework aimed at safeguarding republican values within both public institutions and civil society. Preventive initiatives such as the *Stage de citoyenneté* and the Center for Prevention, Integration and Citizenship (CPIC) reflect an attempt to combine normative firmness with pedagogical and rehabilitative strategies. Nevertheless, the French experience also demonstrates the difficulty of reconciling security-oriented preventive measures with the preservation of individual liberties, particularly where administrative discretion and symbolic legislation intersect.

Second, the Italian model presents a markedly different configuration. In contrast to France's explicit legislative activism, Italy operates within what may be described as a "constitutional silence" regarding preventive measures against radicalization. The constitutional principle of *laicità*, sometimes interpreted as a methodological and dialogical approach, together with the *intesa* system governing relations with religious denominations, shapes a pluralistic yet structurally incomplete framework—especially in light of the absence of an *intesa* with Muslim communities. Preventive practices therefore emerge indirectly through penal provisions, penitentiary regulations, administrative expulsion, and experimental judicial pathways such as the Bari de-radicalization case. This fragmented structure reveals both flexibility and vulnerability: flexibility in adapting existing legal tools, but vulnerability due to the absence of a systematic and explicit normative basis for preventive intervention.

Third, the Chinese model exhibits a more centralized and policy-driven approach. The constitutional affirmation of freedom of religious belief coexists with an

extensive statutory and regulatory apparatus addressing extremism and terrorism. The Counter-Terrorism Law and local regulations, particularly in Xinjiang, provide formal definitions and implementation mechanisms. Institutions such as Vocational Education and Training Centers (VETCs) illustrate a preventive logic that emphasizes transformation, education, and socio-economic reintegration. However, the analysis also identifies structural challenges, including ambiguities regarding voluntariness, proportionality, and procedural guarantees, as well as the tension between administrative governance and judicial oversight.

Against this backdrop, effective responses to Islamic religious extremism require not only the continuous refinement of institutional and legal frameworks, but also sustained and careful consideration of proportionality, legal certainty, the broader social as well as structural conditions within which such measures operate. Building on those observations, the following chapter adopts a reflective and comparative perspective to reassess existing governance practices and to advance a set of normatively grounded recommendations.

Chapter III Discussion and Strategic Recommendations

Introduction

Based on the discussions of key concepts in the preceding chapters, as well as an analysis of governance approaches for the prevention of and disengagement from Islamic religious extremism in specific countries, this section presents This section aims to provide concrete responses and recommendations based on the critical reflections on the governance of Islamic religious extremism presented earlier. The discussion is organized at both macro and micro levels: the macro level encompasses the completion of legislative frameworks, the establishment of specialized institutions, and the strengthening of cooperation with religious and higher education institutions; the micro level underscores the importance of implementing preventive and disengagement measures that are tailored to the specific national context. The overall objective is to offer feasible and actionable strategic guidance.

3.1 Responses to Measures Addressing Religious Extremism Issues

It has become an uncontested position among both domestic and international scholars that the terrorism is the outgrowth of religious extremism, particularly that is under the disguise of Islam. Addressing this form of religious extremism has become an increasingly complex, multifaceted, and urgent task, according to it has demonstrated a remarkable and alarming capacity to adapt effectively to the evolving social and technological dynamics of contemporary society. Inevitably, this requires the effective prevention strategies capable of integrating both macro-level and micro level mechanism, which achieve the goal of countering religious extremism.

Despite this adaptability, it seems that there has been little tangible improvement or development to match this situation. The absence of a systematic framework for de-radicalization or for countering Islamic religious extremism has been a common

shortcoming exposing across various states in their responses to this issue. Thus the establishment or perfection of a coherent and comprehensive framework is therefor essential.

Such a systematic framework would enable a more nuanced engagement with the broader and more intricate questions that inevitably arise within a nation and its society—for instance, the reconciliation between state secularism and religious pluralism, the boundaries of religious freedom, and the conditions under which religion becomes instrumentalized for extremist purposes. These are persistent, contentious, and inescapable questions—ones that become particularly acute in the context of Islamic religious extremism and remain at the center of ongoing scholarly and policy debates.

According to the elaboration about the secularization and Islam which have been discussed in Chapter I, it is worth reminding that the potential resolution to adjusting this relationship with the context of countering religious extremism may lie in constructing deliberative mechanisms that recognize differences, transforming religion from an antagonist of secularization into a reflective resource for critiquing modernity itself. Within this logical framework, several concrete crucial suggestions summarizing form practical experiences form various countries in countering religious extremism, addressing the conditions conducive to the spread of religious extremism.

3.1.1 Suggestions from Macro Perspective

The terrorist threat constitutes a concrete and enduring reality with which we must now learn to coexist, one that demands a genuine and comprehensive counter-strategy. It is evident that certain structural conditions—such as the broader international environment—are not easily changed.

In this context, it is feasible to shift the gaze to the concrete factors that can be intervened. Through previous discussion, it reflects that the cross-referencing of laws, departmental regulations, and various regulatory documents does not necessarily

enhance the effectiveness of the response mechanism in countering Islamic religious extremism, rather, it risks generating normative conflicts and institutional incoherence. An appropriate suggestion might be construct a specific legal system aiming at dealing with Islamic religious extremism. Against this backdrop, this section would like to concludes with a set of targeted recommendations from a macro-level perspective, drawing on the existing scholarly literature, discussion responding to the hypothesis, and incorporating a comprehensive evaluation of strategies implemented by typical countries to counter religious extremism.

3.1.1.1 Completing Specific Legislation Framework

"To prevent crime is to ensure that laws are clear and simple, and that the entire force of the nation is concentrated on upholding them, with no part of it employed to undermine them[623]." This classical insight retains contemporary relevance in the field of preventive measures.

Preventive measures, concretely, must not be misconstrued as an anomalous form of punishment intended to penalize conduct disapproved by society. Instead, they must operate within a rigorously defined legal framework in which the principle of legality is upheld at every stage of their adoption and implementation. The legality principle serves not only as a formal constraint on state power, but also as a substantive guarantee safeguarding individual rights within the sphere of preventive intervention.

Accordingly, the legitimacy and effectiveness of preventive measures rest upon the clarity, consistency, and coherence of the legal framework in which they are embedded. While, the experiences of various countries in dealing with Islamic religious extremism issues above have exposed a common problem: the absence of a sufficiently consolidated and empirically validated legal foundation to this issue. Such deficiencies undermine transparency, weaken procedural safeguards, and generate inconsistency in implementation, thereby compromising both the credibility and

[623] "Volete prevenire i delitti? Fate che le leggi sian chiare, semplice, e che tutta la forza dellal nazione sia condensata a difenderle, e nessuna parte di essa sia impiegata a distruggerle." See BECCARIA C., *Dei delitti e delle pene*, in VENTURI F. (ed.), Einaudi, Torino, 2018, p. 97.

sustainability of preventive strategies.

An essential objective in addressing religious extremism issue therefore be to ensure that legal institutions function with fairness, effectiveness, inclusivity, transparency, and accountability. Because under such condition can the law mediate the tension between safeguarding national security and restricting individual rights by providing legal guarantee for security governance. Equally critical is the promotion of respect for the rule of law, which not only legitimize preventive and disengagement measures, but also establish a durable foundation for their effectiveness.

At the same time, it is also understandable that the state may seek to identify and neutralize potentially dangerous individuals before they commit crimes by imposing various restrictions on their liberty[624]. Yet, such restrictions should be contingent upon clear legal standards, judicial oversight, and proportionality, to avoid the risk of arbitrariness and the erosion of fundamental rights.

Due to the deficiencies that have been exposed in the present legal system in diverse countries in countering Islamic religious extremism, which raising concerns of legal overreach and potential infringements on individual freedoms during the implementation of those measures, calls both from academics and practitioners for the enactment of specific anti-extremism or de-radicalization laws have become increasingly common. Making a balance requires careful and deliberate legal design, if mismanaged, it might aggravate social tension rather than mitigate them.

Doctrinal legal analysis, reflection and legislative construction are essential because prevention and disengagement of Islamic religious extremism cannot be separated from constitutional guarantees, the principles of the rule of law, and binding human rights obligations. Without delineating these legal boundaries, even benevolent measures risk sliding into arbitrary or discriminatory practices.

From the above, it follows that the first step toward an effective counter Islamic religious extremism framework is the establishment of a clear, principled, and rights-based legislative foundation, even this process will be complicated, one that

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[624] STEIKER C. S., *The limits of the preventive state*, in *Journal of Criminal Law and Criminology*, Vol. 88 No. 3, 1998, p. 774.

harmonizes national security objectives with the protection of fundamental freedoms. In such way can preventive and disengagement strategies achieve both legal legitimacy and long-term social effectiveness.

3.1.1.2 Establishing Specialized Institutions: Towards an Exploratory Approach

It is neither logical nor effective to demand an individual who has undergone indoctrination through religious extremism to ask for help and abruptly renounce this doctrines and norms to which they have become deeply committed, because they consider the precepts of the ideology to be religious obligations. A more pragmatic and structured approach involves the implementation of institutional mechanisms that facilitate prevention and disengagement over time. While the specific proposals proposals and implementation contexts may differ across countries, the idea about establishing a special institution for prevention and disengagement individuals with Islamic religious extremism appears to be a recurring concept in the states analyzed above.

Briefly review, France's Institute Montaigne proposed in its 2016 report Rebuilding France's National Security about the creation of new detention and de-radicalization centers[625] an idea that materialized in 2017 with the official establishment of the Center for Prevention, Integration and Citizenship (CPIC). Since May 2018, the penitentiary system has progressively established a series of specialized unites to prevent and manage radicalization among detainees. For example, Radicalization Evaluation Units (QER, *Quartiers d'Évaluation de la Radicalisation*) were set up, where detainees undergo a comprehensive evaluation over a four-month period to access their level of radicalization. The Radicalization Management Units (QPR, *Quartiers de Prise en Charge de la Radicalisation*), and dedicated Isolated Units (QI, *Quartiers d'Isolement Réservés*) established one after another in the penitentiary. In Italy, the legislative proposal advocated the creation of a National Radicalization Center on Radicalization (CRAD) and Regional Coordination Centers

[625] NICOLAS B., *Rebuilding France's national security*, September 2016, <https://www.institutmontaigne.org/en/publications/rebuilding-frances-national-security> (last accessed: 21.01.2026)

on Radicalization (CCR) to prevent subversive phenomena of violent radicalization and promoting de-radicalization, as well as the social, cultural, and occupational reintegration of involved individuals[626]. Let alone the Chinese Vocational Education and Training Centers (VETCs) which was in intense debate, with the aim of countering religious extremism. Those practice—even they are regarded as failed or not—reflect the possibility and shed light on establishing specialized institutions on the Islamic religious extremism management.

However, a comprehensive understanding of the practical functioning—within its concrete praxeological dimension—of both personal preventive and disengagement measures is an essential preliminary step for contemplating reforms or the development of a new framework for prevention and disengagement. Such a reconstructed approach need to ensure that those interventive measures are in line with the modern principles of the liberal legal system, while simultaneously guaranteeing their effectiveness within a dynamic and constantly evolving social context. Although it may appear relatively straightforward to propose reforms or to establish specialized institutions at a formal level, the core challenge lies in ensuring their lawful, systematic, and effective governance once they become operational. In light of this concern, seven key aspects will be examined below.

3.1.1.2.1 Setting up the concrete entrance criterion with risk classification

Establishing clear entrance criteria and a risk-classification system may constitute a crucial step in addressing Islamic religious extremism. First, the judicial definition of radicalization or extremism is closely relevant, yet it often remains ambiguous and context-dependent. The lack of clear legal criteria can lead to inconsistent judicial interpretations and uneven application of measures. For example, behaviors such as wearing a beard or specific clothing styles may be treated differently depending on the social, cultural, or political context, even though they do not inherently indicate extremist tendencies. For example, a 2014 quantitative study conducted by Chinese

[626] Camera dei Deputati, *Proposta di legge n. 243-3357-A*, 2018, <https://documenti.camera.it/_dati/leg18/lavori/schedela/apriTelecomando_wai.asp?codice=leg.18.pdl.camera.243_A.18PDL0165810#PD> (last accessed: 26.01.2026)

legal scholars on the governance of extremist crimes in Xinjiang indicated that respondents' attitudes toward specific clothing or beard styles were not necessarily linked to tendencies toward Islamic religious extremism[627]. Further, behavioral prognosis, in fact, pertains to an individual's personality and decision-making processes, that is, non-legal variables that are inevitably characterized by a certain degree of uncertainty, unpredictability, and modifiability. This is because human beings fundamentally choose how to behave in a free manner, although they can be conditioned, to varying degree, by factors of different types (biological, psychological, social)[628]. In this context, if regulatory measure are implemented solely under the pretext of "de-extremization" or the protection of ethnic cultural traditions, an improper balance in their application may provoke resentment and opposition among a considerable portion of the ethnic population, ultimately reinforcing separatist and violent extremist tendencies with this group.

A standardized and institutionalized framework has not yet been developed for the implementation of measures for the graded and classified management of individuals with religious extremist tendencies. It is a effective way to make boundaries among individuals who are affected by religious extremism.

3.1.1.2.2 Features of institutions: mandatory or welfare-oriented?

Experience demonstrates that purely voluntary participation is often insufficient, particularly for individuals deeply influenced by extremist ideologies. The failure of the *Center for Prevention, Integration, and Citizenship* (CPIC) in France illustrates a crucial lesson: preventive interventions against religious extremism cannot rely solely on voluntary participation (at least that is what the authority claimed). Individuals prone to religious extremism are often deeply influenced by distorted ideologies, they don't have any attempt at dialogue and reconciliation with those different from

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[627] ZHAO JUN (赵军), *Quantitative analysis of extremist crime governance under the rule of law* (法治语境下极端主义犯罪治理定量研究), in *China Legal Science* (中国法学), No. 6, 2016, p. 289.
[628] MARIANI E., *Prevenire è meglio che punire: le misure di prevenzione personali tra accertamento della pericolosità e bilanciamenti di interessi*, Giuffrè Francis Lefebvre, Milano, 2021, p. 11.

themselves[629], making it unrealistic to expect those who have been indoctrinated to willingly engage in preventive measures or challenge the doctrines that shape their beliefs.

In Chinese case, more coercive measures are implemented to counter religious extremism, yielding significant success in combating the issue. However, there are concerns regarding the ambiguity of legislation on extremism prevention; the stringent application of these measures has, at times, led to the infringement of individual rights, a matter that requires careful consideration by Chinese lawmakers to balance effective intervention with respect for human rights. Promoting the learning of national language. However, the reality is that the totally voluntary mode is also not suitable in this context, for example, in the China's case, the three categories of subjects identified in the *White Paper*, granting them right to voluntarily choose participation in de-radicalization training, or allowing for mid-program withdrawal, would not only undermine the quality and effectiveness of training itself, but also run counter to the prevailing objectives and guiding principles of de-radicalization.

Previous cases have further shown that domestic citizens influenced by extremist ideologies, and subsequently converting to Islam in a radicalized context, have engaged in or planned terrorist activities. On this basis, one might consider establishing a nationwide welfare-oriented institution in advance. Such an institution would remain open to individuals voluntarily seeking to acquire religious knowledge, while simultaneously offering vocational training, social support services, and other resources. By combining welfare and educational functions within a structured institutional framework, it is possible to meet legitimate religious and developmental needs, promote social integration, reduce marginalization, and prevent the emergence or recurrence of radicalization. Nevertheless, these experiences indicate that maintaining a purely voluntary model for specialized institutions is not a feasible or effective approach. Risk-based, partially mandatory participation may be necessary to ensure both preventive efficacy and social stability.

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[629] ALESSANDRO N., *Radicalizzazione religiosa e de-radicalizzazione laica: sfide giuridiche per l'ordinamento democratico*, Carocci, Roma, 2022, p. 112.

3.1.1.2.3 Optimizing the teaching system

"Education is not the sterile accumulation of countless subjects, but rather their careful selection and precision; replacing copies with originals in both moral and physical phenomenon that chance or human endeavor may present to youthful minds; leading individuals toward virtue through the gentle path of sentiment, and diverting them form vice through the infallible reasons of necessity and inconvenience, rather than through the uncertain authority of command, which achieves nothing more than a feigned and momentary obedience[630]." Eradicating the pernicious influence of religious extremism ideas requires the foundational work of civic education, which is aiming at help to distinguish right from wrong and resist the religious extremism ideology. There are mainly four dimensions are identified: enhancing legal common sense, improving proficiency in the official language, deepening religious knowledge, and strengthening professional skill competencies.

The first is about the studying of legal common sense. The freedoms guaranteed by the legal system inherently imply an assumption of responsibility, that is participation in the social sphere is certainly based on rights, but simultaneously also on duties. From the perspective of EU, a two-way process to the migrants' integration is emphasized, that is, except migrants are provided with adequate support by EU nations, more importantly, the behaviour about recognizing and respecting the common and values of the EU—within the framework of applicable law—is considered the foundation for a successful integration[631].

Second, promote the acquisition of the host country's official language while preserving cultural and religious identities. Language represents a key site of tension in multicultural societies, and for linguistically and culturally, it is far from neutral. This complexity becomes particularly salient when considering its dual function: facilitating social integration on one hand, and influencing the interpretation of sacred

[630] BECCARIA C., *Dei delitti e delle pene*, in VENTURI F. (ed.), Einaudi, Torino, 2018, p. 102.
[631] Council of the EU, *Joint statement by the EU home affairs ministers on the recent terrorist attacks in Europe*, 13 November 2020, <https://www.consilium.europa.eu/en/press/press-releases/2020/11/13/joint-statement-by-the-eu-home-affairs-ministers-on-the-recent-terrorist-attacks-in-europe/> (last accessed: 21.01.2026)

texts on the other.

On the integration side, promoting official language learning should not be mis-constructed as a project of suppressing or diminish the cultural identities of minority communities. Rather, it is more like a process embedded in broader identity negotiations, and it serves as a facilitator of social inclusion, enabling individuals to more fully participate in education, employment, civic life and public services. This, in turn, will foster a stronger sense of belonging and resilience against narratives of alienation and marginalization that are often exploited by religious extremist ideology.

At the same time, the implication of language choice extend into the realm of religious interpretation. For Muslims, Arabic is not only a ritual language, but also the language of divine revelation. Thus, shifting to a non-Arabic linguistic framework for reading and interpreting sacred texts—especially among second and third-generation Muslims in non-Arab immigrant-receiving countries—constitutes more than a linguistic shift; it signifies a rupture with established exegetical traditions. The language used to approach religious texts does not merely influence comprehension;,it shapes the theological frameworks and identities of the new generation of believers. And this situation places more demanding on the transmitter of religious knowledge when facing with new trends[632].

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[632] For example, the contemporary situation of the appearance of multi-language versions of the Qur'an, while satisfying Muslims around the world to learn its knowledge, the translation process of multiple languages actually has also given rise to a series of theological and interpretative challenges, as translation inevitably involves the risk of semantic distortion and contextual misinterpretation. Until relatively recently, translating the Qur'anic text was considered taboo in many parts of the Islamic world, and numerous official pronouncements by Islamic authorities explicitly prohibited such translation. There are roughly three reasons: (1) God spoke in Arabic; (2) the Qur'an contains the word of God as revealed to the Prophet Muhammad; (3) therefore, any translation constitutes an unacceptable distortion of God's word. And this theological conception is so deeply embedded in the Islamic mindset that, to this say, in many non-Arabic-speaking Muslim countries, those Qur'anic school still operate through rote memorization of the Qur'an in Arabic—a language whose meaning the students do not understand only after the entire text has been committed to memory is there an initial effort to translate its meaning. Later, there is a trend that the increasing numbers of Muslims are taking the initiative to produce translations of the Qur'an in their native language. The most immediate justification for this practice roughly lies in two reasons: (1) the necessity of *da'wa* since translation is indispensable for presenting God's revealed word to non-Muslims; (2) the growing recognition that an increasing number of Muslims worldwide, including many converts, not only do not speak Arabic, but—while fully identifying as Muslims—do not believe that acquiring the language is a religious obligation. ALLIEVI S., *Islam Italiano: viaggio nella seconda religione del paese*, Einaudi, Torino, 2003, pp. 229-231.

Third, it is the promote the acquisition of the fundamental religious knowledge while concurrency upholding fundamental rights. The purpose behind this measure is to protect individuals from the instrumentalization or reinterpretation of religious traditions for extremist purpose, as well as from violent expressions of radical belief. And it is a common action has taken by many states that promoting inter-religious dialogues and the scientific contribution of "religious experts," and the involvement of faith communities. As previously noted, language used in the Qur'an is often versatile, and also because of this characteristic, every scholar who has resorted to the Qur'an in search of a solution to a problem has found in the Qur'an a principle that has provided guidance on the issues[633]. In this vein, one practical approach to countering religious extremism is to encourage interpretive plurality within Islamic scholarship to challenge the interpretive authority of those Islamic religious extremists. By promoting diverse, context-sensitive interpretations that emphasize ethics, coexistence, and the overarching moral objectives of the Qur'an, communities can provide alternative narratives to extremist readings. Such an approach not only reinforces the legitimacy of moderate religious authority but also equips individuals with the tools to critically engage with religious texts, thereby reducing the appeal of rigid, extremist interpretations.

It is well-known that a critical response in countering the ideology appeal of religious extremism involves critically exposing the internal contradictions and false readings that those religious extremists use to justify their acts. In this context, the mediating role of recognized Islamic authorities is of paramount importance, and these discussions are more likely to be effective if they respect their interlocutor's authority. Even it may be difficult to alter the worldview of those individuals abruptly, there is an opportunity that these actors possess the theological expertise and institutional commitment necessary to challenge and de-legitimize distorted readings of Islamic doctrine. By this way it also can help those individuals who often have shallow and truncated understanding of Islam, can gain a deeper and more nuanced

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633 KAMALI M. H., *Law and society: the interplay of revelation and reason in the Sharian*, in ESPOSITO J. L. (ed.), in *The Oxford History of Islam*, Oxford University Press, Oxford, 2000, p. 137.

understanding of the religion.

Crucially, the interpretation and dissemination of religious teachings should be entrusted to state-certificated figures, thereby ensuring that religious authority is exercised within a regulated and coherent institutional framework. The strategic integration of religious dimensions has long been recognized as an indispensable pillar of religious extremism prevention policies. Given that sentiments of exclusion and marginalization frequently characterize as a decisive factor in the predispositions from which the religious extremism may emerge[634], providing access to designated worship spaces, consistent and holistic spiritual guidance, and opportunities for religious education aligned with their faith constitute essential countermeasures. These interventions aim to mitigate such destabilizing emotional states, thereby addressing systemic vulnerabilities that may otherwise foster extremist ideologies.

Furthermore, as explained in Chapter I, the transmission of Islamic doctrines through diverse oral and written traditions, and even many traditional interpretations have persisted without undergoing rigorous critical scrutiny, this situation necessitates rigorous authentication by believers before accepting such teachings as normative. While this perspective may appear pragmatic, it underscores the imperative for Islamic doctrines to remain contextually adaptive, responsive to the evolving realities of contemporary Muslim societies and the specific sociological frameworks of nation-states. It is possible for contemporary Muslims free themselves from the would-be authority of any number of bygone conventions, vogues, preferences, insights, biases, assumptions after they realize this situation. Islamic authorities, in this context, hold a dual important responsibility: to ensure doctrinal authenticity and to harness the stabilizing functions of religious morality in improving societal cohesion. By bridging theological rigor with modern exigencies, these authorities can counteract misinterpretations of doctrine while reinforcing counter-narratives that align with constitutional principles and human rights frameworks." That is, organizations such as Al-Qaeda, the Islamic State, and the so-called "three evil

634 DANIELA M., NEGRI A., *Tra libertà di religione e istanze di sicurezza: la prevenzione della radicalizzazione jihadista in fase di esecuzione della pena*, in *Stato, Chiese e Pluralismo Confessionale*, No. 23, 2018, p. 21.

forces" have been able to construct an extremist ideological framework that, by distorting Islamic texts, attracts a minority of believers to engage in violent terrorism. Meanwhile, moderate and mainstream Muslims, who possess access to more social resources and enjoy the support of secular state institutions, can similarly engage in counter-constructive efforts to challenge these extremist narratives.

Also in some cases, former Islamic religious extremists who played a significant role in their previous organizations, or those who once served as ideological leaders may possess greater credibility among current extremists. In this way, they can play a constructive role in influencing and guiding individuals from this extremist beliefs.

Regarding to the statement about "re-education is a violation of the right to freedom of religion[635]," it need to be re-examined. It refers to the distinction between genuine religious belief and Islamic religious extremism, as the latter does not constitute a constitutionally or internationally protected right. While freedom of religion safeguards the right to hold and manifest faith, this protection does not extend to practices or ideologies that incite violence, hatred, or the subversion of democratic order. From this perspective, religious extremism, which seeks to justify violence or reject the foundational principles of coexistence and legality, falls outside the legitimate scope of religious freedom. Consequently, state-led re-education programs aimed at countering extremist ideologies cannot be regarded as violations of freedom of religion. Instead, they represent lawful and proportionate measures designed to safeguard public security and to protect the integrity of religion from ideological distortion.

Fourth is about providing more opportunities for professional skills' learning. Stable employment helps boost the self-esteem of those individuals. If they cannot locate a supportive social network, find a job, or is ostracized by the community, the probability of re-engagement in religious extremism will correspondingly increase. In this case, it is reasonable to have the content about assisting them in obtaining a job,

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635 ALESSANDRO N., *Radicalizzazione religiosa e de-radicalizzazione laica: sfide giuridiche per l'ordinamento democratico*, Carocci, Roma, 2022, p. 11.

which may including supplying additional training or education[636]. Even it is also an effective way to provide material supports to targeted individuals and their families under special circumstances can serve as an effective short-term measures to facilitate the disengagement from religious extremism, it is evident that such assistance cannot constitute a sustainable solution. An the old Chinese proverb goes that "teaching one to fish is better than giving him fish." In other words, while offering material aid to individuals who have recently disengaged from Islamic religious extremism but lack legitimate means of livelihood may temporarily alleviate their difficulties, over-reliance on such assistance can unintentionally foster a sense of dependency and inertia. Once this external support ceases, these individuals may struggle to reintegrate into society and could even face renewed vulnerability to extremist influences. Therefore, the focus of disengagement programs should shift from mere material assistance to the self-reliance by employable skills, vocational training, which together provide a more stable foundation for long-term social reintegration and preventing relapse into radicalization.

3.1.1.2.4 Optimizing staff capacity

Improving the capacity of staff within specialized institutions is essential for effectively identifying and managing Islamic religious extremism. The improvement of the staff's capabilities mentioned here is analyzed from two aspects: professionalism in knowledge training and professionalism in self-protection. The monitoring and countering of religious extremism are closely linked to specialized training for all professionals working in the sector. Effective counter-extremism efforts demand a dual focus on both operational proficiency and personnel security. This holistic approach is critical, as staff working in rehabilitation programs, who face multifaceted threats that require both discernment and tactical preparedness.

From one hand, it is difficult for people without specific training to identify an ongoing religious extremism, because the challenge about distinguishing whether a

[636] RABASA A., PETTYJOHN S. L. *et al.*, *Deradicalizing Islamist Extremists*, in RAND, 2010.

given behavior is simply an expression of religious affiliation or a sign of progressing religious extremism requiring targeted intervention as early as possible to halt its progression. In practical training and education programs, front-line staff maintain the most sustained contact with trainees and carry out complex tasks of observation and classification, making the instructor-participant relationship particularly close. Consequently, the identity of the staff, the pedagogical methods they employ, and the specialized analytical tools at their disposal—including culturally and linguistically tailored instruments—significantly influence the overall effectiveness of the program and the promotion of recognition and acceptance across diverse groups. To address this, front-line staff participate in professional training modules designed to ensure a comprehensive understanding of the continuously evolving dynamics of this kind of radicalization and extremism.

Taking Italy as an example, on 25 November 2024, the inaugural session of a three-part training program for analysts and investigators from the *Nucleo Invertigativo Centrale* (NIC, Central Investigative Unit) and *Nuclei Investigativi Regionali* (NIR, Regional Investigative Units) was launched. This initiative aims to enhance the operational capacity of the Penitentiary Police in investigating and analyzing terrorism and subversive activities within correctional facilities. Additionally, through specialized personnel training, it seeks to mitigate the risks of violent radicalization stemming from political, ideological, religious, or jihadist influences, with all activities conducted within the framework of penal enforcement[637].

In addition, interventions also rely on the capacity with other departments to insure the information consistency, accuracy and timing, and timeliness of information once instructions are issued. Evidence from the French Center for Prevention, Integration and Citizenship (CPIC) demonstrates that, in practice, sectors and disciplinary units often work independently from each other, undermining the effectiveness of coordinated action. When intervening with individuals affected by Islamic religious extremism, even professional organizations frequently encounter

[637] Ministero della Giustizia, *Relazione sull'amministrazione della giustizia nell'anno 2024*, p. 599, <https://www.giustizia.it/cmsresources/cms/documents/anno_giudiziario2025_relazione_amministrazione2024.pdf#page=593> (last accessed: 26.01.2026)

significant challenges. These include limited expertise, difficulties in sustaining interventions over time, and gaps in information symmetry caused by identity constraints or other structural factors, which in turn impede the depth and reliability of observation, assessment, and classification of target individuals. Such limitations can substantially reduce the overall effectiveness of intervention measures, underscoring the critical importance of integrated coordination, specialized professional training, and robust institutional support to enhance both operational efficacy and legitimacy.

From the other hand, staff professionalism must also include self-protection skills. Appropriate training allows personnel to detect warning signs of potential violence and to differentiate among profiles of radicalized or extremist individuals, the depth of ideological immersion, and relevant geopolitical knowledge. A critical feature of individuals with extremist tendencies is their systematic disregard for the intrinsic dignity of others, a trait not always visible in superficial behaviors such as changes in appearance, intensified devotional practices, or non-coercive religious outreach[638]. Relying solely on superficial indicators risks undermining both the rehabilitative function of religious freedom and the legal principles underpinning correctional treatment frameworks, potentially contravening normative democratic legal standards.

In sum, optimizing staff capacity requires comprehensive training in both professional knowledge and operational safety, combined with interdepartmental coordination, to ensure that interventions are effective, rights-respecting, and tailored to the complex realities of Islamic religious extremism.

3.1.1.2.5 Clarifying the training and intervention duration

Building upon the comparative analysis presented in Chapter II of the institutionalized practices in managing Islamic religious extremism in France, Italy, and China, it becomes apparent that the determination of program duration within such centers constitutes a critical component of their overall effectiveness.

Against this backdrop, the question of training duration, program design, and

[638] AIESSANDRO N., *Radicalizzazione religiosa e de-radicalizzazione laica: sfide giuridiche per l'ordinamento democratico*, Carocci, Roma, 2022, p. 80.

post-intervention monitoring emerges as a critical consideration. According to the design of training periods and intervention duration, it can be reaffirmed that the extension of a restrictive or supervised regime should be considered when evidence indicates that an individual's propensity to maintain ties with extremist ideologies has not sufficiently diminished. Nonetheless, such an extension must be grounded in the most comprehensive assessment possible, with results carefully documented according to objective criteria, including the continued presence of extremist beliefs, the severity of prior involvement, and the ongoing significance of the individual's role within extremist networks. This approach not only ensures targeted and justified interventions but also mitigates the risk of indefinite or arbitrary retention.

In addition, as analyzed in Chapter I that various explanations exit for helping to understand the term of disengagement. While, combing with the cases in French, Italy and China, as well as the underlying logic in countering the Islamic religious extreme issue, disengagement in practice should be understood not merely as just a behavioral change, but with an ongoing, proactive, holistic, and harmonious awareness to re-engage with broader society. Meaningful reintegration thus entails equipping individuals with social, vocational, and psychological skills that allow them to re-enter educational, professional, and civic spheres without recourse to extremist ideologies. It is also important to recognize that the optimal length and intensity of training may vary depending on the individual's background, level of prior radicalization, and psychological resilience. The training and intervention duration building under this understanding propose more strict requests on the protection of rights.

To facilitate meaningful reintegration into mainstream social structures, it is essential to implement extended periods of post-program monitoring and support for individuals who have completed those disengagement interventions. As suggests, it is possible to conduct transitional assessments of individuals under intervention before their formal release back into society, using simulations of community life to further

verify the stability of the outcomes of those intervention[639].

According to the training and intervention periods, it is possible to reaffirm that the extension of the restrictive regime is granted when evidence indicates that the individual's capacity to remain ties with religious extremism has not diminished. And it can be understandable that there is inevitably some room for interpretative flexibility to accommodate individual differences in background, prior level of the religious extremism, and psychological resilience, establishing clear legal and procedural guidelines for training periods is essential. Such guidelines not only enhance the transparency and predictability of interventions but also provide a framework within which participants' rights, including avenues for appeal and review, can be safeguarded. Comparative evidence suggests that centers with well-defined but adaptable timelines are better positioned to balance operational objectives with principles of fairness, accountability, and human rights protection.

3.1.1.2.6 Improving clear remedial channels or procedures in the institution

The guarantee to democratic and free rights is not only directly proportional to the ability of the legal system to grant maximum individual or group freedom of expression, but also to that of not allowing certain conduct to infringe the rights of others[640]. For instance, the VETCs from Chinese case, accusations have been raised that detainees were deprived of fundamental legal protections, such as access to legal counsel[641].

To address the concerns, it is essential to improve the institutional framework by establishing independent oversight mechanisms to ensure procedural transparency and the protection of detainees' legitimate rights. Such mechanisms could take the form of

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639 NI CHUNLE (倪春乐), *De-extremification rehabilitation based on the effectiveness of counter-terrorism governance and its implications for China* (基于恐怖主义治理效果的去极端化矫治及对我国的启示), in *Journal of Criminal Investigation Police University of China* (中国刑警学院学报), No. 3, 2019, p. 13.

640 ANDREA G., *La democrazia che si difende: studio comparato su una pratica constituzionale*, Wolters Kluwer Italia S.r.l., Milano, 2023, p. 4.

641 CBS News, *China says Muslim Internment Camps meant to bring minorities into "modern, civilized world"*, 17 October 2018, <https://www.cbsnews.com/news/china-muslim-internment-camps-bring-them-into-modern-civilized-world/> (last accessed: 26.01.2026)

independent supervisory committees or ombudsman offices with a clear mandate to review complaints, investigate allegations of abuse, and monitor compliance with relevant laws and regulations. Furthermore, introducing clear remedial channels—including the right to petition, the right to appeal administrative decisions, and the right to request judicial review—would enhance accountability and reinforce the legitimacy of counter-extremism measures under the rule of law.

3.1.1.2.7 Concerning about the potential stigmatization consequences

The fight against Islamic religious extremism is not a battle against the Islam religion itself, and it should not lead to the exclusion or stigmatization of Muslim communities. The situation is that it appears that the administration's choice has seemingly turned toward a full "Islamization" of this action, not even thinly veiled. Thus, Except for the reason that religious beliefs are, to some extent, fluid and difficult to define, another important reason is that people are often reluctant to disclose their religious identity in order to avoid discrimination.

The latter reason has a further mutual corroboration with Muslim women's declaration[642], whose obvious outward religious features with their veils, tend to attract more attention from security department, a situation comparable to that faced by Uyghur Muslims in China. Consequently, many individuals prefer not to publicly manifest their faith in any way, precisely to avoid being placed under a shadow of suspicion.

An additional point concerns Islamophobia—the multiple forms of discrimination that Muslim women may encounter in social life, as well as the stigmatization faced by individuals returning from specialized programs or institutions. These dynamics subtly heighten tensions between state security measures and the protection of individual rights. The securitization of specific identities affects both those responsible for implementing security measures and those who are

[642] "[...] Molte donne hanno dichiarato infatti di sentirsi osservate e sospettate a causa del loro abbigliamento legato alla religione (*l'uso del velo o del burqu*) e di avere maggiori possibilità di essere prese di mira dagli apparati di sicurezza statale." See VALERIA R., *Prospettive di genere nel contrasto e prevenzione della radicalizzazione e dell'estremisto violento in Europa*, in *Rivista di Sociologia del Territorio, Turismo, Tecnologia*, Vol. 11 No. 1, 2022, p. 81.

subjected to them[643]. The demonization of Muslims remains one of the central mechanism driving Islamophobia. Demonizing Muslims continues to serve as a primary mechanism sustaining Islamophobia, and equating Islam with particular ideologies or extremist narratives not only misrepresents the religion but has also become one of the most recent means of demonizing the Muslim minority[644].

And the existing and increasing prevalence of Islamophobia[645] might be explained by the religious *othering*[646], whereby Muslim individuals or communities are socially constructed as fundamentally different or potentially threatening. This process transforms individual prejudice into systemic bias and amplifies collective fear. In this vein, religious *othering* functions as a mechanism underpinning Islamophobia, directly constraining the public participation and social reintegration of those targeted. Consequently, policies aimed at preventing religious extremism must simultaneously address the reduction of *othering* and stigmatization to facilitate the reintegration of affected individuals while avoiding unjust exclusion of the broader Muslim population.

It has to note here that perceptions of Islam may lead to two distinct trajectories among Muslim and non-Muslim groups. The first path which is also the main content discussed in this research, that is, for certain Muslim adherents, because of lacking adequate religious literacy and doctrinal discernment, become susceptible to distorted or erroneous interpretations of Islamic teachings. Under the influence of various social, political, or psychological factors, such misinterpretations may promote

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643 CROFT S., *Securitizing Islam. Identity and the search for security*, Cambridge University Press, Cambridge, 2012, p. 2.

644 BOCCA-ALDAQRE F., *Manifesto dell'Islam Italiano*, Udine: Mimesis, Milano, 2024, p. 56.

645 The news reported in January 2023 that a Muslim woman, travelling on a bus from the Kennington area in south London with their young child, was threatened with being shot and called a "terrorist" by men after they targeted another Muslim woman who also wears the hijab. The women both wore hijabs and faced the indignity of being called terrorists and told to "go back home." See TELLMAMA, *Man threatened to shoot Muslim woman and their child during bus tirade*, 27 January 2023, <https://tellmamauk.org/man-threatened-to-shoot-muslim-woman-and-their-child-during-bus-tirade/> (last accessed: 05.02.2026)

646 Othering can be understood as the simultaneous construction of the self (or in-group) and the other (or out-group) in mutual and unequal opposition through identification of some desirable characteristic that the self (or in-group) has and the other (or out-group) lacks and/or some undesirable characteristic that the other (or out-group) has and the self (or in-group) lacks. Othering thus sets up a superior self (or in-group) in contrast to an inferior other (or out-group), but this superiority/inferiority is nearly always left implicit. BRONS L. L., *Othering, and analysis*, in *Transcience, a Journal of Global Studies*, Vol. 6 No. 1, 2015, p. 70.

believers evolve into religious extremism, thereby increasing the risk of engaging in violent terrorist acts. Equally significant, though often overlooked, is the second scenario involving non-Muslims. Due to a lack of fundamental knowledge or common sense about Islam, non-Muslims may misidentify certain marginal or deviant behaviors as authentic expression of the Islam. Such mis-perceptions can foster prejudice, discrimination, and even hostility toward Muslim communities, exacerbating social divisions and inter-religious tensions.

Notably, bewaring of the "stigmatization issue" during this process is the "double discrimination" might make the situation more worse if the compounded stigma faced by them can not be settled. Religion is a particularly "sensitive" variable, Islam touches us—and unsettle us—even when we are not, subjectively speaking, religious believers. Except the situation that Islam itself is constructed as "othering," it becomes more cruel when this comes to further to Muslim women with their headscarves. Generally speaking, veils (including Muslim headscarves) is suggestive precisely because it intimates rather than reveals, it does not display things plainly or declare them explicitly, but conceals them, revealing them only partially, indirectly, and in a manner that is, indeed, veiled[647]. In the public sphere, the headscarf is an obvious difference which is marked on body, it is an embodied difference, one that is visible to others. This kind of Islamic visibility creates such a malaise because it has a corporeal, ocular, and spatial dimension[648]. Further, regardless of whether Muslim women choose to adhere to behavioral and dress norms commonly perceived as "Islamic," they also have to remain subject to external scrutiny shaped by sociocultural expectations. What is particularly noteworthy is that when Muslim women choose not to wear the headscarf, it is often the majority society that problematizes this choice, treating the headscarf as a symbolic marker of Muslim female identity and thereby implicitly demanding its presence. In other words, there exists a socially constructed "demand structure" that conflates Muslim womanhood

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[647] RIGOTTI F., *Velo: silenzio e decoro, in Intersezioni*, in *Rivista di Storia delle Idee*, No. 2, 2000, p. 186.
[648] NILÜFER G., *Islam in public: new visibilities and new imaginaries*, in *Public Culture*, Vol. 14 No. 1, 2002, pp. 181-182.

with the headscarf and accordingly projects normative expectations onto Muslim women through that association[649].

It is necessary to transform the inherent cognitive frameworks through which Islam and Muslim identities are perceived, both within and outside Muslim communities. In contemporary contexts marked by increasing difficulty in forming and maintaining social bonds, as well as by a pervasive sense of uncertainty, individuals may become more prone to social withdrawal and solipsistic retreat. These tendencies, when compounded by experiences of discrimination and stigmatization—particularly among Muslim communities—can foster a sense of marginalization and existential dislocation. And feelings of marginalization and exclusion may now be experienced even more acutely than in the past. Such conditions would further create fertile ground for forms of religiosity that are particularly vulnerable to the radicalization and extremist narratives, and fueling the flames stoked by their propaganda. Although ideology is recognized as a cause of violent extremism, in the case of women it is not presented as a motivation in itself, but rather as a triggering factor rooted in prior experiences of exclusion[650].

But when the conversation changed, it has to emphasize here that not not all second-generation Muslim female wear the headscarf, and the absence of the headscarf does not diminish their sense of Islamic identity[651]. This conclusion aligns with my findings from non-participant observation of Muslim communities in Italian parks during the summer. Specifically, this kind of situation was observed that among underage Muslim girls, some continued to wear traditional Muslim headscarves, while others did not; instead, they wore ordinary short-sleeved tops and shorts. A relatively common phenomenon was that some young adult Muslim women wore traditional dress without accompanying headscarves. One particularly striking scene involved a Muslim family—identified through the presence of headscarves on the adult

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649 ALLIEVI S., *Islam Italiano: viaggio nella seconda religione del paese*, Einaudi, Torino, 2003, p. 253.

650 VALERIA R., *Prospettive di genere nel contrasto e prevenzione della radicalizzazione e dell'estremisto violento in Europa*, in *Rivista di Sociologia del Territorio, Turismo, Tecnologia*, Vol. 11 No. 1, 2022, p. 80.

651 BOCCA-ALDAQRE F., *Manifesto dell'Islam Italiano*, Udine: Mimesis, Milano, 2024, p. 62.

women—in which a girl of about seven years old was not dressed in traditional Muslim clothing. Instead, she wore a fashionable dress with a hemline above the knee. These differences in clothing did not appear to create any noticeable social barriers, they continued to chat and play with one another as usual. Moreover, in the relatively open public space of the park, it was not uncommon to see younger adult Muslim women casually remove their headscarves within their group, fix their hair, and then put the headscarf back on without any apparent discomfort or social tension.

3.1.1.3 Emphasizing the Cooperation with Religious Institution

Acts of faith always involve a dialogue-dialogues not only between the worshiper and the object of her devotion, or between individuals within a religious community[652], but also those extending from the internal to the external realm. Consequently, faith that is not expressed within the framework of structured social relationships cannot be considered genuine faith.

Showing from the preceding analysis, it is not a rare method in various countries to attach importance to the positive role of religious institutions in countering Islamic religious extremism. Religious institutions, such as mosques, religious schools, and councils of clerics, are often uniquely positioned to influence community members, particularly in contexts where state institutions may lack cultural legitimacy or direct access. By engaging with these institutions, governments can leverage religious authority to delegitimize extremist narratives and promote interpretations of Islam that emphasize peace, tolerance, and civic responsibility. This is mainly considered from two aspects:

First, the establishment of trust-building mechanisms constitutes a crucial link for effective implementation of preventive and disengagement programs. This consideration is particularly relevant in contexts where governmental authorities may not present the most credible or relatable voice for individuals influenced by religious extremism. In such case, relying solely on state actors may hinder both participation

[652] VINCENT J. C., *Fruit of the tree of knowledge: the relationship between faith and practice in Islam*, in ESPOSITO J. L. (ed.), in *The Oxford history of Islam*, Oxford University Press, Oxford, 2000, p. 104.

and meaningful engagement, as those individuals may perceive official interventions as coercive, illegitimate, or disconnected from their social and cultural realities.

Second, in the other situation where ethnic minority populations are relatively concentrated, the government is closely intertwined with local social structures. Many government officials reside within Muslim communities themselves, maintaining personal and professional ties with local social networks. This interdependence creates a nuanced and complex relationship between the state authorities and religious groups, effectively producing a social management system that integrates institutional norms, religious regulations, and mechanisms of public supervision.

By adopting such as approach, it becomes possible to establish a comprehensive framework for countering Islamic religious extremism, in which religious institutions are not sidelined but recognized as essential partners in building social resilience, facilitating credible community engagement and enhancing the legitimacy as well as effectiveness of national security initiatives.

3.1.1.4 Emphasizing the Cooperation with Higher Education Institutions

This suggestion draws inspiration both from the French CPIC (*Centre de Prévention, d'Insertion et de Citoyenneté*) and the Bari case in Italy. As discussed in Chapter II, those universities have the potential to play a pivotal role in countering religious radicalization by contributing to close psychological monitoring, developing context-sensitive educational modules, and providing theoretical and methodological guidance for those intervention strategies.

Nevertheless, in practice, the involvement of universities in national de-radicalization or countering religious extremism projects remains limited or marginal and this is particularly given the politically and socially sensitive nature of religious extremism. Consequently, a significant gap persists between the growing academic discourse on religious extremism issues and the practical implementation of strategies or policies employed in the field.

To address this disjuncture, greater institutional collaboration between universities and state actors should be encouraged. In particular, the active

engagement of university faculties-especially faculties of law-may offer substantial added value. Legal Scholars, by virtue of their sustained and systematic research, typically possess a nuanced and professionally informed understanding of the complex legal and ethical dimensions involved, and are well equipped to address critical issues such as the balance between security and civil liberties, ensuring due process, the protection of fundamental rights during the process of countering religious extremism. More importantly, it is also helpful to develop and refine a coherent and comprehensive legal framework for countering religious extremism, as outlined earlier in this section.

3.1.2 Suggestions from Micro Perspective

Definitions cannot, by their very nature, be either "true" or "false," only more useful or less so[653]. In fact, this reflects the challenge of providing a clear description of complex issues. It is understandable that no universally accepted definition of Islamic religious extremism—or related terms—exists globally. It is even more unrealistic to expect a global consensus on a single legal definition. However, definitions can be made more precise when applied within the context of a specific national territory. That is, it is more meaningful to discuss the concrete challenges posed by religious extremism in the forms that manifest within particular countries. In addition, if seeking an essential definition of "what radicalization/extremism is" proves too challenging, it may be useful instead to reflect on "what the Islamic religious extremism is not." That is, if Islamic religious extremism resists stable categorization, understanding the thresholds beyond which ideas or behaviors cease to qualify as extremist becomes equally crucial for both theory and policy.

It is said that because Islam has not experienced the process of secularization, while it is this secularization that brings out a kind of religiosity which is regarded as more important than any laws, that is a balance between Church and State. But the

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[653] PETER L. B., *The sacred canopy: elements of a sociological theory of religion*, Open Road Integrated Media, New York, 2011, p. 199.

viewpoint about whether a revolution of secularization is necessary or really compatible to Islam itself is disputable. Those in favor are basing on some Islamic experiences of secularization which make them cannot neglect the significant changes which might happen in the whole Islamic world; on the contrary, those skeptics argue that according to the typical revelation of the Qur'an, it exists a amalgamation between divine law and human law, and this situation almost becomes an insurmountable obstacles to any secularization reform efforts in Islam setting[654].

By combing approaches taken by various countries, it shows that different countries do have taken measures basing on their own domestic situations. A secular State, inevitably a bearer of values, yet at the same time unable to impose them corrosively within the most intimate sphere of its citizens[655]. While, the purpose is not by a profound commitment to the values underpinning social coexistence and the legal order that governs it, but respect it after knowing it.

In France, *laïcité* refers to an institutional system informed by a secular world view that determines a civic and moral ideal, unifies the community, and legitimates sovereignty. Hence it shapes a social frame in which the boundary between religion and non-religion is much clear. It is both an organizational frame establishing the neutrality of the state in religious matters, and an attitude about the proper relationship between the political and religious spheres and, more broadly, religion and society.

For example, in France, the Institution Montaigne gives suggestion to appeal to "build a French Islam," which means putting an end to the authoritative influence of foreign States, and supporting new leaders who are born in France and who are eager to shape a budding community and meet the many challenges faced by French Muslims[656]. And in 2021, France emphasized the importance on respecting of the Republican values by the way of legislation.

Since 2005, Italian authorities have explicitly conditioned official engagement

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654 CARLO C., *Principi di diritto ecclesiastico: tradizione europea legislazione italiana*, G. Giappichelli, Torino, 2019, p. 112.
655 ALESSANDRO N., *Radicalizzazione religiosa e de-radicalizzazione laica: sfide giuridiche per l'ordinamento democratico*, Carocci, Roma, 2022, p. 106.
656 KAROUI H E., *A French Islam is possible*, September 2016, <https://www.institutmontaigne.org/en/publications/french-islam-possible> (last accessed: 05.02.2026)

and recognition of religious communities on a demonstrable commitment to the values and principles of the republican legal order. In particular, the Article 2, paragraph 1 of the administrative decree of 10 September 2005 imposed such a precautionary requirement on the Italian Islamic community, signaling that the State's primary concerns in establishing formal relations with religious groups in their willingness to respect and integrate into the fundamental legal framework of the nation[657]. And the final stage of the long process aimed at recognizing Islam as a stable cultural component of the national community begins with the signing of the National Pact for an Italian Islam (*Patto Nazionale per un Islam Italiano*)[658] on 1 February 2017. Endorsed by the Minister of the Interior and nine representatives of Italian Islamic associations and communities, with the intention to minimize the possibility (or danger) that forms of religious privatism extremism may merge and extend from the personal to the communal level[659], the Pact was presented as a means of fostering an open and integrated community that adherents to the foundational values and principles of the Italian constitutional order, aiming to establish a balanced relationship between rights and obligation, and has been identified as the latest political document issued by the central authorities on the matter. Central to the Pact is the reaffirmation of the supreme constitutional principle of *laicità*, understood as the guarantor of religious freedom within the context of denominational and cultural pluralism. On the occasion of this signing, the Minister emphasized that individuals who live in Italy are expected to respect the Constitution and legal system of the state. Simultaneously, leaders of those Islam communities claimed that when signed the national pact, signify they show that the one who want to live in Italy must accept

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657 "[...] persone di cultura e religione islamica che, per la loro esperienza, possano offrire qualificati apporti alla trattazione dei temi di interesse del collegio, nella convinta adesione ai valori e principi dell'ordinamento repubblicano; [...]". Gazzetta Ufficiale, *Decreto 10 settembre 2005*, <https://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2005-10-26&atto.codiceRedazionale=05A10146&elenco30giorni=false> (last accessed: 05.02.2026)

658 Ministero dell'Interno, *Patto nazionale per un Islam Italiano, espressione di una comunità aperta, integrata e aderente ai valori e principi dell'ordinamento statale*, 2017, <https://www.interno.gov.it/sites/default/files/patto_nazionale_per_un_islam_italiano_1.2.2017.pdf> (last accessed: 05.02.2026)

659 MACRÌ G., *La questione islamica in Italia. Il percorso (incerto e ancora complesso) verso la costruzione di un Islam Italiano*, in *Quaderni di Diritto e Politica Ecclesiastica, Rivista Trimestrale*, No. 1, 2025, p. 369.

explicitly the national values and principles of Italy[660]. Furthermore, the Pact underscores the role of denominational schools in promoting the values enshrined in the Italian Constitution. Chief among these is the *laicità*, which is regarded as serving the fundamental interest of the child, precisely because the child is expected to be part of a society inspired by these values[661]. Behind this, is the purpose aiming at establishing a "process of legal organization of Islamic associations in harmony with current legislation on religious freedom and the principles of the State's legal order" with a confirmation of "common values" that define the Italian identity.

The Lazio Regional Administrative Court held that:

> Although integration into the economic and social fabric of the country for which citizenship is requested does not in any way imply abandoning one's culture of origin, the respect for human rights and the legal civilization of the host society still requires the prospective citizen to align to preliminarily verify the compatibility of their own conduct with the principles that govern the country and with the legal system that regulates it[662].

More recently, in the conference about legislative proposal in October 2025 further emphasized the awareness campaigns aimed at promoting social integration, gender equality, and respect for constitutional values, particularly within schools and multicultural settings[663].

For the European perspective as a whole, the European Unites in 2020 remain together to release the joint statement for jointly fighting against all forms of terrorism

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660 Ministero dell'Interno, *Lo stato italiano non può tollerare alcuna imposizione per motivi reli giosi*, 2 April 2017, <https://www.interno.gov.it/it/stampa-e-comunicazione/interventi-e-interviste/interventi-e-interviste-raccolta-anni-precedenti/stato-italiano-non-puo-tollerare-alcuna-imposizione-motivi-religiosi> (last accessed: 12.02.2026)

661 AUGUSTO B., *Laicità: alle radici dell'occidente*, il Mulino, Bologna, 2023, p. 132.

662 "[...] seppur l'integrazione nel tessuto economico e sociale del paese per il quale si chiede la cittadinanza non comporta in alcun modo l'abbandonon della cultura di origine, il rispetto dei diritti umani e della civiltà giuridica della società ospitante impone in cui ha liberamente scelto di inserirsi, e di verificare preventivamente la compatibilità dei propri comportamenti con i principi che la regolano ed in relazione all'ordinamento giuridico che la disciplina, [...]". See T.A.R. Lazio Roma, Sez. V bis, Sent., 22 April 2023, No. 6967.

663 Fratelli d'Italia, *Press conference: stop Islamic fundamentalism through a legislative framework aimed at countering separatism* (Conferenza stampa: stop al fondamentalismo islamico: una legge contro il separatismo), 8 October 2025, <https://www.radioradicale.it/scheda/770845/stop-al-fondamentalismo-islamico-una-legge-contro-il-separatismo?qt-blocco_interventi=1> (last accessed: 12.02.2026)

in Europe, the president of the European Council emphasize the importance of promoting to the religious education and training—preferably within the EU—is in line with European fundamental rights and values[664].

Furthermore, when discussing the issue of Islamic religious extremism within the Chinese context, there has another distinctive element frequently appears in the discourse—the reference to "Chinese characteristics" (中国特色), a scholarly and policy-oriented concept that generally referring to an approach, system, policy, theory, or practice shaped by China's unique historical, cultural, social, economic, and political conditions. For example, the State Council of China issued the Opinions on Strengthening and Improving the Work of Islam in the New Situation[665] in 2008, which emphasized the need to continue guiding Islam in a direction that aligns with Chinese characteristics. It specifically underscored the importance of constructing an Islamic Scriptural Thought System that integrates Chinese cultural and ideological values, thereby promoting a version of Islam that supports national unity and social harmony within the context of Chinese society.

At the micro level, considering each country's specific social, cultural, and political context, it is essential to understand Islamic religious extremism within the concrete national setting and to provide tailored governance approaches. This involves promoting the integration of national republican values within local religious communities, fostering a form of civic-minded religiosity that respects the legal framework, supports social cohesion, and encourages community leaders and practitioners to interpret their faith in ways compatible with the principles of the republic, while addressing the concrete challenges posed by radicalization and extremism.

Certainly, vigilance is warranted against approaches that, in certain localities,

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664 Council of the EU, *Joint statement by the EU home affairs ministers on the recent terrorist attacks in Europe*, 13 November 2020, <https://www.consilium.europa.eu/en/press/press-releases/2020/11/13/joint-statement-by-the-eu-home-affairs-ministers-on-the-recent-terrorist-attacks-in-europe/> (last accessed: 12.02.2026)

665 YU CANG (雨蒼), *Circular on the opinions on strengthening and improving the work of Islam in the new situation (1 April 2018)* (中共中央办公厅国务院办公厅印发《关于加强和改进新形势下伊斯兰教工作的意见》的通知 2018 年 4 月 1 日), <https://hackmd.io/@billy3321/H15Jx9C-i> (last accessed: 31.08.2025).

appear overly eager to assert the dominance of national mainstream culture within religious venues. While the promotion of constitutional values and national identity constitutes a legitimate objective of the state, particularly within the broader framework of preventing religious extremism, such efforts must be carefully calibrated. From a micro-level governance perspective, the internalization of state values cannot be achieved solely through visible symbolic occupation of religious spaces or through administratively imposed cultural practices. Rather, the effectiveness of state-led counter-extremism strategies depends to a considerable extent on whether constitutional principles—such as social cohesion, equality before the law, and the secular character of the state—are perceived as compatible with, rather than antagonistic to, the everyday religious experiences of believers.

In this sense, the prevention and disengagement of Islamic religious extremism requires not only regulatory vigilance, but also normative persuasion. State values function most effectively as a preventive force when they are embedded in daily interactions, educational initiatives, and community-level engagement, thereby fostering gradual identification, rather than defensive resistance. Overly rigid or unilateral interventions risk transforming cultural affirmation into perceived encroachment, which may inadvertently weaken the legitimacy of governance efforts. Consequently, a balanced approach—combining legal regulation with dialogical and participatory mechanisms—appears more conducive to ensuring that national value systems operate as a stabilizing rather than polarizing force in the long-term prevention of religious extremism.

3.2 Summary

There is no doubt that countering Islamic religious extremism requires a joint effort from national, regional, and local levels, and public awareness of early warning signs. It is important to emphasize that preventive and disengagement measures should strictly adhere to the principles of reasonableness and proportionality, while taking into account individual circumstances and the nature of their involvement in

extremist activities to assess theotential effectiveness of such measure.

Furthermore, this chapter proposes the establishment of specialized institutions with both preventive and disengagement functions. As discussed previously, such institutions must operate on clearly defined entrance criteria and implement structured risk classification systems to distinguish between levels of involvement in extremist behavior. At the same time, it is also essential to embed these efforts within the broader context of national values and constitutional identity to ensure that legal responses are culturally sensitive and socially inclusive.

Moreover, preventive and disengagement efforts should be visible and recognizable in order to actively counter extremist propaganda, and more importantly, it should remain open to external scrutiny and supervision. This requires not only legal clarity but also public engagement through community outreach, transparency in state actions. By integrating macro-level legal construction with micro-level demands of domestic situation within various countries, to promote the governance of Islamic religious extremism become more feasible and normatively justifiable.

Chapter IV Conclusion

4.1 A Brief Review of the Research

This study, focusing on non-criminal individuals, systematically analyzed the prevention and disengagement of Islamic religious extremism.

In Chapter I, the theoretical foundation was established through a discussion of secularization, Islam and related concepts, the phenomenon of religious extremism, and underlying logic behind preventive and disengagement measures. It also highlighted the limitations of traditional approaches in addressing non-criminal individuals, thereby defining the research scope and analytical framework for subsequent chapters.

Chapter II examined the concrete legal and policy responses in France, Italy, and China. By analyzing legislative frameworks, administrative measures, institutional arrangements, and socio-cultural contexts, the study revealed both convergences and divergences in strategies for preventing and disengaging Islamic religious extremism among non-criminal individuals. Particular emphasis was placed on balancing security imperatives with individual rights, as well as integrating national social and political realities into policy design.

Chapter III offered policy recommendations with critical reflections. At the macro level, it advocated for the construction of a comprehensive and coordinated legal framework, supported by specialized institutions dedicated to preventing and disengaging individuals from Islamic religious extremism. At the micro level, the study emphasized tailored programs aligned with each country's specific circumstances, promoting religious practices that harmonize with constitutional principles, national values, and human rights norms.

In summary, religion continually evolves through its interaction with social norms and local contexts, demonstrating the potential for self-construction within secularized environments. Against this backdrop, the study focuses on secularization

and religion, highlighting that effective prevention and disengagement strategies must be context-sensitive and evidence-based, integrating legal, social, and educational dimensions, and grounded in comparative legal analysis, procedural legitimacy, and respect for human rights to ensure interventions that are lawful, effective, and sustainable.

4.2 Limitations and Innovation

Although every effort was made to provide a comprehensive analysis, the study inevitably encountered certain limitations that merit consideration.

First, the limitations of this study is primarily stem from the the inherent empirical and institutional constraints that characterize research on Islamic religious extremism. Unlike the research team led by Alex Alber in France, which conducted extensive fieldwork within the Center for Prevention, Integration and Citizenship (CPIC), this study could not undertake investigations of comparable scale. Linguistic barriers, institutional closures, and the highly sensitive nature of the topic made large-scale surveys or in-depth interviews practically unfeasible.

The empirical challenges present in Italy also indicate that these difficulties are not unique to a single country but represent a structural and widespread academic dilemma. For instance, in France, researchers had to engage in prolonged negotiations with public authorities to gain access to the Center for Prevention, Integration and Citizenship (CPIC)[666]. In Italy, the Ministry of Justice prohibited research involving

[666] It is necessary to note that in 2019, the Scientific Committee for the Prevention of Radicalization (**COSPRAD**, *Comité Scientifique de Prévention de la Radicalisation*) was established, with aims to facilitate interactions between public administrations and researchers in the humanities and social sciences, propose priority research areas on issues related radicalization, disseminate best practices, encourage reflection on access to sensitive data related to radicalization, and contribute to the valorization of research results in the humanities and social sciences, as well as their reuse for the benefit of public policies. Meanwhile, the French Secretary of State for the Ministry of the Interior announced that France would open the **FSPRT** (the Database for the Processing of Reports for the Prevention of Terrorist Radicalization) to scientific research, and through this mechanism, over 11,000 records will be made accessible to accredited research teams, providing high-quality, useful data to enhance the understanding of radicalization phenomenoa. See Inistére de l'Intérieur, *Frédérique VIDAL et Laurent NUNEZ installation du comité scientifique de prévention de la radicalisation (COSPRAD)*, 2 April 2019, <https://mobile.interieur.gouv.fr/Archives/Archives-ministres-de-l-Interieur/Archives-Laurent-Nunez/Actualites/Installation-du-Comite-Scientifique-de-Prevention-de-la-Radicalisation-COSPRAD> (last accessed: 05.02.2026)

the prison system due to security and logistical concerns, and requests to access certain mosques or Islamic centers were frequently denied, reflecting a broader societal reluctance toward external academic scrutiny. Similarly, the author also encountered limitations during the empirical phase, including the inability to engage with the Italian prison system or specific religious institutions, as well as linguistic, cultural, and logistical constraints, which prevented obtaining the comprehensive perspective initially intended[667].

Also in the Chinese context, access to official data related to terrorism and Islamic religious extremism is highly restricted, partly due to confidentiality and national security considerations, which significantly limits the availability of reliable empirical material. The sensitive nature of the topic further impedes qualitative fieldwork, while quantitative research suffers from the scarcity of representative samples.

To mitigate these empirical limitations, this study adopted a comparative-analytical approach, drawing upon findings from native scholars in related fields who have conducted first-hand field investigations. These insights were then integrated into a broader legal and theoretical analysis, thereby enabling a multidimensional understanding of prevention and disengagement strategies in countering Islamic religious extremism despite empirical constraints.

Second, it is about the influence on values. Researchers are inevitably influenced by their cultural contexts, which may subtly affect their interpretation of data and selection of analytical perspectives. It is therefore challenging to fully transcend the cognitive frameworks and value judgments embedded in one's native environment. Despite sustained efforts to maintain neutrality and analytical distance, certain implicit biases may remain unrecognized or unintentionally reflected in the interpretation of findings. Nevertheless, this study has made a conscious and

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[667] In the research, the author mentioned difficulties encountered during the empirical phase, including "the inability to conduct investigations with the Italian prison system or specific mosques, along with linguistic and cultural barriers, logistical restraints, and risky situations," all of which prevented the author from obtaining the broader perspective initially intended. GROPPI M., *Islamist radicalisation in Italy: myth or nightmare? An empirical analysis of the Italian case study* (PhD Thesis), King's College London, p. 128.

continuous effort to sustain an objective and balanced perspective throughout its analysis, minimizing the impact of subjective predispositions as far as possible.

Despite these limitations, this research also makes several innovative contributions:

First, Cross-linguistic and intercultural dialogue. This research demonstrates that although human languages are diverse, they remain fundamentally translatable, and all forms of discourse are ultimately intelligible. While intercultural communication inevitably increases the likelihood of misunderstanding, such misunderstandings are not, at least in principle, qualitatively different from those that occur in everyday communication[668]. By opening up a relatively under-explored field—countering Islamic religious extremism from a legal perspective across East-West contexts—this research enriches scholarly discourse and foster cross-cultural understanding.

China, often perceived as an "Asian country full of mystery" by many European scholars, remains underrepresented in international discussions on Islamic religious extremism. Many non-Chinese studies address this issue from a political standpoint, frequently arriving at conclusions that lack neutrality. Meanwhile, Chinese-language research, although valuable—particularly those employing sociological approaches—remains largely inaccessible to international audiences due to language barriers. Moreover, legal analyses written by prominent Chinese scholars on Islamic religious extremism are seldom available in English or other major academic languages, which further limits the development of a meaningful transnational legal dialogue on the subject. By integrating the insights of Chinese scholars into a comparative legal framework, this research seeks to contribute to a more nuanced and reciprocal academic understanding between nations on issues related to religious extremism, thereby fostering a shared foundation for future transnational dialogue.

Second, expansion of comparative perspectives. This research provides a valuable opportunity to explore the Italian context, which has received limited attention in the Chinese academic literature on Islamic religious extremism. Due to

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[668] CASANOVA J., *Oltre la secolarizzazione. Le religioni alla riconquista della sfera pubblica*, il Mulino, Bologna, 2000, p. 18.

linguistic and methodological barriers, Chinese legal scholars have faced significant difficulties in gaining a deeper understanding of Italy's legal responses to religious extremism. This study therefore serves as a preliminary platform for cross-national academic communication, introducing Italian legal approaches to a Chinese-speaking scholarly audience while also situating them within a comparative analytical framework. By doing so, it not only enhances mutual understanding between the two legal traditions but also contributes to the development of a more interconnected global dialogue on countering religious extremism within the rule-of-law framework.

Third, building upon the comparative analysis of the governance measures implemented in three countries to address Islamic religious extremism, this research makes a further innovative contribution by proposing, in a preliminary and exploratory manner, the establishment of a specialized institution dedicated to the prevention of and disengagement from Islamic religious extremism among non-offending individuals.

It is acknowledged that the creation of such a specialized institution for the prevention of Islamic religious extremism remains a matter of debate within the academic community. Recognizing this ongoing controversy, the present study provides a set of theoretical and practical justifications supporting the necessity of establishing such an institution. These justifications are based on the need to develop proactive, rights-based, and multidisciplinary mechanisms that can intervene before religious extremist ideology results in violent or unlawful behavior.

Within this framework, the study offers a systematic and comprehensive assessment of the key considerations related to the establishment of such an institution, including its administrative nature, coordination between national and local authorities, the safeguarding of fundamental rights, the integration of multidisciplinary expertise (legal, psychological, social, and religious), and the implementation of independent oversight mechanisms to ensure transparency and accountability.

By evaluating these dimensions in an integrated manner, the research provides a structured reflection on how preventive and disengagement-oriented institutions could

be effectively embedded within a rule-of-law system. Although the proposal remains exploratory, it opens new directions for policy-oriented legal scholarship, demonstrating that countering religious extremism requires not only coercive responses but also institutionalized forms of prevention and reintegration, thereby enriching the academic discourse on non-punitive approaches to violent extremism.

4.3 A Further Research Directions

Building upon the main findings of this study, several avenues for further scholarly inquiry can be identified. Although this research has certain limitations, it simultaneously offers distinctive insights that contribute to ongoing academic discussions on religious extremism. Importantly, this study should not be regarded as a definitive conclusion but rather as a point of departure for further exploration of the multifaceted and evolving phenomena of Islamic religious extremism.

Throughout the research process, a number of unresolved questions have emerged that warrant deeper examination in future studies. These questions are particularly salient given the persistent relevance and sensitivity of religious extremism, which continues to shape global security, sociopolitical dynamics, and inter-communal relations.

First, future research should pay closer attention to online radicalization and digital extremism. Although this study touches upon this issue, it does not fully address the rapidly evolving digital landscape, where extremist actors increasingly exploit social media, online gaming environments, and AI-driven technologies for recruitment, propaganda, and communication. Future studies should investigate the mechanisms of online radicalization, including echo chambers, encrypted messaging applications, and AI-generated content, as well as strategies for effectively countering these phenomena.

Second, cross-border governance and international cooperation constitute a critical area for future research, particularly given the transnational mobility of individuals influenced by Islamic religious extremism. The fluid movement of those actors across borders challenges the effectiveness of national legal frameworks and

exposes the limits of unilateral counter-extremism policies. Future studies should investigate how legal frameworks, administrative measures, and operational protocols can be harmonized across states to enable timely information exchange, joint investigations, and coordinated preventive actions.

In addition, research could explore mechanisms for reconciling differences in national legal systems, procedural safeguards, and human rights protections, ensuring that cross-border cooperation respects the rule of law while remaining operationally effective. Comparative analyses of existing bilateral and multilateral agreements, as well as case studies of successful transnational interventions, could provide critical insights for designing more coherent and resilient governance strategies. By addressing these challenges, future research can contribute to a deeper understanding of the structural and operational requirements for managing the cross-border dimension of Islamic religious extremism.

Promoting harmony between religious belief systems and secular frameworks will be essential in developing long-term strategies for countering extremism. Future research might examine the role of interfaith dialogue, community-led initiatives, and educational reform in fostering mutual understanding and civic integration, especially in multicultural settings where religious "*othering*" remains a persistent challenge.

In essence, the prevention and disengagement of Islamic religious extremism remains a shared global challenge—one that calls for continuous legal innovation, institutional adaptability, and intercultural understanding. This study has examined this issue through a comparative analysis, highlighting how different states attempt to balance national security with fundamental rights, and revealing both shared challenges and contextual differences. By integrating insights from multiple countries and perspectives, the study provides a foundation for more effective, rights-compliant, and socially informed strategies for preventing and disengaging non-offending individuals from Islamic religious extremist influence. While limitations exist, the research opens avenues for further comparative and interdisciplinary inquiry. In this spirit of openness and dialogue, the study offers a basis for continued research and policy development in this complex and evolving field. By integrating these insights,

the study aims to enrich ongoing academic discussions on Islamic religious extremism—particularly regarding prevention and disengagement of non-criminals—and to offer perspectives that may prompt further reflection and inquiry.

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