

# Gerard Batten Suggests Muslim-Only Prisons (Part Two)

by Hugh Fitzgerald



To understand the scope of the prison conversion problem, consider that in the US, while Muslims make up 1% of the total population, they now make up 12-15% of the prison population, and an even higher percentage of the population in the most violent, maximum-security prisons. Between 2001 and 2014, a quarter-million prisoners converted, and the number keeps rising, ever more steeply, until it now stands at 40,000 per year.

In Australia, almost all of the inmates in the Supermax (High Risk Management Correctional Centre) are Muslim, with only a handful of non-Muslims. Of the Muslim inmates in Supermax, those serving sentences for non-terrorism-related violent criminal offences (including murder, etc.) are inmates “who converted to Islam behind bars.” The Australian reported that “Islam has become an obsession for the violent inmates [...] inside Supermax.”

In France, of the total French prisoner population, “a significant proportion of them are converts” to Islam who converted in jail. In 2015, of the 67,500 prisoners behind bars, an estimated 70% were Muslim, despite Muslims comprising only 8% of the general French population. In some of the toughest urban prisons, like those near Paris and Marseille, the percentage of Muslim inmates is even higher.

In the UK, according to the “Muslim Prisoners’ Experiences” report by Chief Inspector of Prisons, Dame Anne Owens,

conversion to Islam in prisons is attributed to converts seeking "support and protection in a group with a powerful identity" and "perceptions of material advantages of identifying as Muslim" in prison, including perks or "material benefits" available only to Muslims "such as more time out of their cell and better food during Ramadan if they become Muslim."

Gerard Batten does not believe the Western world can afford to ignore this steady source of converts, some of whom – like Jose Padilla in the U.S. and several of the French terrorists – upon being freed engaged in acts of terror. That is why he has made the commonsensical suggestion that there be Muslim-only prisons. Only thus could non-Muslim prisoners be protected from Muslims who both threaten them – leading to many conversions for safety's sake – and who attempt to persuade them to convert, to obtain all the benefits, psychic (a sense of belonging, a sense of discipline) and practical (better food, more time outside cells for communal daily prayers) that converting to Islam seems to offer.

But could it ever be possible? In the United States, given the Equal Protection of the Laws clause of the Fourteenth Amendment, which applies to the states, and is also held to apply to the Federal government through the Due Process clause of the Fifth Amendment, it would be impossible to establish Muslim-only prisons. Such prisons would almost certainly be held to violate the Equal Protection clause. And if it were suggested that such a prison be built, and the issue were litigated, it is hard to imagine that the government could offer an interest strong enough to withstand the highest level of review, that of strict scrutiny. No Supreme Court is going to conclude that the government has an interest so great in separating Muslim and non-Muslim prisoners that it trumps the Constitutional principle. What government would dare to state that it had "an overriding interest in minimizing the number of conversions to Islam"? It

couldn't be done, even if we can see the baleful effects of those prison conversions, which might be prevented by completely separating Muslim from non-Muslim prisoners.

The United Kingdom does not have either a written constitution, or anything in its "unwritten" constitution that prevents such segregation by religion, if the justification for it were to be national security. But in the U.K. as well it would be difficult, in the current climate, to publicly recognize why the number of Muslims in the West is indeed a security matter. The converts tend to be among the most fanatical in their faith, and they do not leave the faith if and when they are finally freed.

But by raising the issue of prison conversions, Gerard Batten has performed a great service. It's something that to be forced, in this attention-getting way, into the consciousness of the British people, so that the problem can be properly discussed. For example, if in a particular prison there is a very high percentage of Muslims – say, 70%, which is what is standard in French prisons – could it not be argued that this creates conditions in which the non-Muslim prisoners are terrified, and could testify as much? Is it impermissible to take their minimum needs for security into account, merely to satisfy an abstract principle that nothing need be done to increase, or decrease, any particular group's percentage in the population of this or that prison? What if a prison were 90% Muslim? Would there then not be a justified concern about the safety of the non-Muslims who are, according to the Qur'an, "the most vile of creatures"? Would they not be under intolerable pressure to convert to Islam simply in order to stay safe? Are prison authorities really supposed to not notice such things? Don't they have some duty of care to the non-Muslim prisoners that requires their not feeling afraid of Muslim fellow prisoners? Exactly how many more guards must they provide, to prevent Muslim prisoners threatening non-Muslims? Wouldn't it be much cheaper simply to follow Batten's

suggestion?

First published in