The terrorist within & restorative justice

Conflict in Europe: Meeting the challenge
IIRP Conference, Dublin, Ireland, 9-10 May 2017

Dr Theo Gavrielides
Founder & Director
The IARS International Institute

The IARS International Institute
Community-led Solutions for a fairer society

YEIP Youth Empowerment and Innovation Project

What is this session about?

- ✓ **Today's Europe, perceptions and realities of security**
- ✓ **Terrorism, radicalisation and extremism**
- ✓ **The role of restorative justice**
- ✓ **Self-reflections and internal RJ criticism**
- ✓ **Your role and mine**

What are my goals?

- ✓ **Inform – the educative part**
- ✓ **Challenge – the dodgy part**
- ✓ **Learn – the debating part**

My claim

The road that we have taken for security policy and practice internationally is leading to further division and the erosion of our European societal values.

This is by no coincidence

My argument

Europe is in a *democratic deficit* perpetuated by a number of challenges such as the **economic downturn**, **fears of security**, **nationalism** and the continuous **marginalisation of the disempowered**.

To maintain this deficit, control is exercised through fear:

- ✓ Security terror (terrorism & radicalisation)
- ✓ Financial terror (financial crisis)
- ✓ Identity terror (nationalism)

My assumption

There is an alternative vision for social cohesion

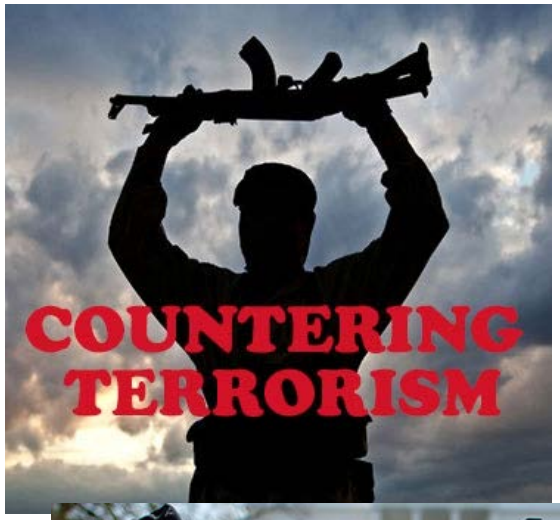
As we explore new avenues, I ask:

- ✓ What is the role of restorative justice?
- ✓ What are the limitation of restorative justice?
- ✓ What is the role of society?
- ✓ What is my role?
- ✓ What is yours?

KEEP
CALM
AND
BE
PREPARED

How secure is our world today?

The new reality



PAGES 22-23

NEW SERIES

In a triumphant week for British values, Tories unveil plans to give Parliament and judges power to ignore the European Court and its crazy decision making

END OF HUMAN RIGHTS FARCE

BRITAIN will force a showdown with Europe to seize back sovereignty over human rights if the Tories win the election.

It will ignore verdicts by Euro judges it does not agree with under

By James Slack
Home Affairs Editor

an explosive Tory plan to reinstate the primacy of the UK courts and Parliament.

If Strasbourg objects, the UK will resign from the European Court of Human Rights and 'walk away'. The

promise to reinstate Parliamentary sovereignty and reduce the court to a mere 'advisory' role is made by Justice Secretary Chris Grayling.

In an article for today's Mail, he unveils a manifesto commitment to scrap Labour's Human Rights Act and replace it with a British Bill of Rights.

The legislation – certain to provoke a blazing row with civil liberties groups

and even some Tory MPs – would for the first time acknowledge that rights must be accompanied by responsibilities.

The result would be a dramatic curtailing of the ability of foreign criminals to claim they have a 'human right' to avoid deportation. In the case of a foreign national who takes a life – such as in a death by dangerous driving case – they will n

Turn to Page 4

The IARS International Institute
Community-led Solutions for a fairer society

YEIP Youth Empowerment and Innovation Project

Lets take a step back – how did we get here in the first place?

The ideologies that provide inspiration for extremist groups:

- religious inspired extremism
- left wing
- anarchist
- right wing
- nationalist and separatist ideologies

The new face of terror since September 11

1. Terrorists are no longer seen to be acting alone. Terrorist powerful networks do exist.
2. The use of weapons of mass destruction is possible including nuclear and biological weapons
3. Terrorism as an act cannot be confined by time, place or nation.

A role for restorative justice? Really?

Sometimes, one must accept that priority for public security can overrule the pursuit of a restorative response.

Is this where even Nils Christie (1981) accepted ‘absolute punishment’ to express the massive grief and mourning after terrible crimes?

The actual reality - kindness

The IARS International Institute
Community-led Solutions for a fairer society

YEIP Youth Empowerment and Innovation Project

The actual reality - kindness

Over 1,000 phone calls were made within ten minutes of the first plane hitting Twin Towers. Some of the people who lost their lives that day were able to send one last message to the outside world. From flight attendants to World Trade Centre employees, firemen to the terrorists themselves:

"You gotta think positive, because you gotta help each other get off the floor"

"Hi baby. You have to listen to me carefully. I'm on a plane that's been hijacked … I want to tell you that I love you. Please tell my children that I love them very much"

"There's three guys, they've hijacked the plane… we're turned around and I heard that there's planes that have been flown into the World Trade Centre. I hope to see your face again, baby. I love you. *Bye.*"

The IARS International Institute
Community-led Solutions for a fairer society

YEIP Youth Empowerment and Innovation Project

Yes, really!

… but before we make such a claim, I must ask:

- ✓ Who is the “victim”?
- ✓ Who is the “offender”?
- ✓ What are we restoring?

The five victims of terror

- **Primary victims:** those who have been victimised physically
- **Collateral victims**: those who have witnessed the attack and are not physically wounded, but still might suffer from traumatic consequences
- **Secondary victims:** family members (relatives) and those who are very close (intimate friends, close colleagues, etc.) to the primary victims
- **Tertiary/ vicarious victims:** those who feel affected and concerned by what happened (the 'public')
- **The forgotten victims**: the relatives of the offenders and their community. They are terrified by what their son/brother/ neighbour has done and they fear undergoing 'collateral' stigmatisation.

The target

- The essential victim (target) is the vicarious victim i.e. the public
- Attack = terrifying message -> to the public -> to disturb social life
- Making physical/ primary victims is just the tool/ message generators
- Achieving such high impact on the whole community is possible only through the help of the media, the message transmitters
- Without modern media, terrorism in its modern form would probably not exist.

The why

- ✓ The micro-level (the 'vulnerability' of the individual)
- ✓ The meso-level (the supportive or even complicit social surround)
- ✓ The macro-level (the radicalisation of a part of the relevant public opinion).

To answer this combination of factors and dynamics, restorative justice in the strict sense <u>is not sufficient.</u>

The vulnerability of the individual

- Vulnerability is defined as the quality or state of being exposed to the possibility of being attacked or harmed, either physically or emotionally

- The conditions that have the greatest influence on vulnerability have a relational basis

- How we deal with vulnerability determines the nature of our relationships. Research suggests that those who experience vulnerability but feel they are worthy of loving and belonging have strong relationships.

The vulnerability of the individual

“Where individual wrong doers are confronted within a continuum of respect and support, then a process of reintegration can begin’.
John Braithwaite

"If the hijackers had been able to imagine themselves into the thoughts and feeling of the passengers, they would have been unable to proceed. It is hard to be cruel once you permit yourself to enter the mind of your victim. Imagining what it is like to be someone other than yourself, is at the core of our humanity. It is the essence of compassion, and it is the beginning of morality”.
Ian McEwan

Empathy & the possibilities

“Where individual wrong doers are confronted within a continuum of respect and support, then a process of reintegration can begin’.
John Braithwaite

"If the hijackers had been able to imagine themselves into the thoughts and feeling of the passengers, they would have been unable to proceed. It is hard to be cruel once you permit yourself to enter the mind of your victim. Imagining what it is like to be someone other than yourself, is at the core of our humanity. It is the essence of compassion, and it is the beginning of morality”.
Ian McEwan

Empathy & the possibilities

- ✓ Em (in) – pathy (πάθος) = πόνος = pain (sharing the pain)

- ✓ Sym (with) – pathy (πάθος) = συμπωνώ (observing/ acknowleding the pain)

Empathy & the possibilities

Terrorists meeting the children or family members of their victims many years later:

- ✓ Colombia (Bueno, 2013)
- ✓ Spanish-Basque conflict (Rodriguez, 2013).
- ✓ The Israel-Palestinian conflict and in other examples described in Staiger [2010]

The “assumptions”

- ✓ The pre-existence of a “social liaison” (Gavrielides, 2005; 2016)
- ✓ We derive our identity from being with others
- ✓ Dialogue that focuses on ‘harm’ rather than ‘blame’ is likely to strengthen relationships and reduce vulnerability
- ✓ Stronger relationships are likely to deter violent extremism.

The reality

- ✓ The institutional context/ the criminal justice system
- ✓ The political context – the rhetoric of safety
- ✓ The societal context – an eye for an eye
- ✓ The financial context – value for money

The role and the limitation of restorative justice

- The educative role of restorative justice
- Its contribution to strengthening the fabric of our societies
- Reforming the real terrorist within

It is already happening!

The IARS International Institute
Community-led Solutions for a fairer society

YEIP Youth Empowerment and Innovation Project

Where do we go from here?

- ✓ The law alone cannot bring social justice!
- ✓ It is through the result of millions of small actions that we change *status quo*.
- ✓ The role of civil society has long been underestimated and it is now becoming clearer that without the NGOs, movements and campaigns that comprise it, governments and other vessels of power would not be held to account.

Disadvantage thinking vs positive thinking

The foundations of positive thinking

- ✓ People are not “risks” to manage
- ✓ People “at risk” have talents and it is those that we need to target for nurturing – not the “offender”!
- ✓ Europe needs the hopes and ideals of young people more than ever. This cannot be a mere statement of intent and theory, but one of genuine and proactive action.

.. But first, we need to put the restorative justice house in order

- ✓ Global hysteria
- ✓ Value for money
- ✓ Policy without evidence
- ✓ Institutionalisation and legalisation
- ✓ Top down structures and control
- ✓ Professionalisation, registration and accreditation
- ✓ Moral justification?
- ✓ The battles within….
- ✓ Inclusion without inclusion

Lets talk about being inclusive when we talk about being inclusive

Restorative Justice and Islam:

"if two faction among the believers should fight, then make settlement [suluh] between the two"

Qur'an at 49:9 reads:

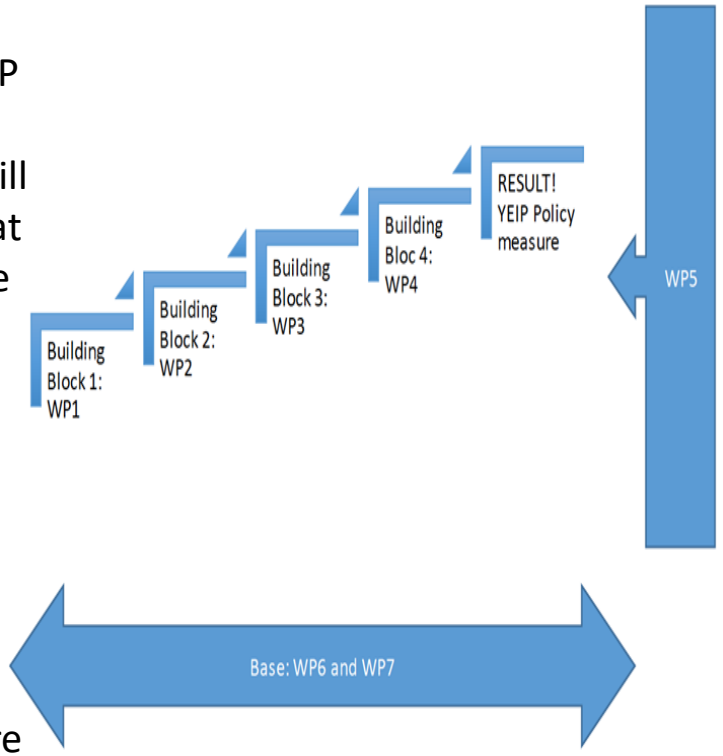
Restorative justice and Islam

- ✓ The law of qisas
- ✓ the practices of conciliation (suluh) by service for the benefit of the victim
- ✓ compensation (diyya)
- ✓ isolation (hajr)
- ✓ pardon (afou)
- ✓ community service (akila and diwan)
- ✓ warning (hisba)
- ✓ expiation (kafara)
- ✓ surety (kafala)
- ✓ Intercession (shafaa)
- ✓ repentance (tawba)
- ✓ preserving privacy (satr)

A case study: The Youth Empowerment & Innovation Project (Erasmus KA3)

YEIP's aim is to construct a policy measure that will help enhance social cohesion and prevent violent radicalisation of young people in Europe. To this end, it will construct evidenced-based tools (YEIP PREVENT model, toolkit, training programme) that will allow the delivery of direct interventions in 4 different environments that will be evaluated prior to rolling out the policy measure. To ensure that our results are translated into policy making at a national level, we put together a partnership of 8 EU member states consisting of:

- **1 Public Authority per country** that would be able to take strategic leadership in the Call's area of PT7
- **1 Researcher per country** that would carry out in an independent and robust manner the action research/ field trials, while acting as the main point of contact between the Coordinator and the given Public Authority
- **2 examples of Target Groups** with practical expertise to ensure user engagement.



YEIP Youth Empowerment and Innovation Project

Thank You!

Erasmus+

The IARS International Institute

14 Dock Offices

Surrey Quays Road

London SE16 2XU

United Kingdom

www.iars.org.uk

contact@iars.org.uk

Tel. (0044) 207 064 4380