THE TERRORIST WITHIN: FROM A RESTORATIVE LENS

BY THEO GAVRIELIDES

Founder and Director of The IARS International Institute, UK,
Co-Director of Restorative Justice for All, UK,
Visiting Professor at Buckinghamshire New University, UK,
Adjunct Professor at the School of Criminology, Simon Fraser University, Canada

T.Gavrielides@iars.org.uk | www.theogavrielides.com

- SUMMARY -

IN THIS PASSIONATE AND INTROSPECTIVE RENDERING, GAVRIELIDES ADVANCES THE ABJECT COMPLICITY BETWEEN THE WORLD WE HAVE CREATED AND CERTAIN TERRORIST ACTIVITY. IN THIS LIGHT, HE HOLDS UP RESTORATIVE JUSTICE (RJ) AS AN ETHOS THAT IS PARTICULARLY WELL-SUITED FOR UNRAVELLING THE MOTIVATIONS FOR SUCH TERRORIST ACTIVITY BECAUSE THIS FORMER IS FOUNDED IN THE BELIEF THAT THERE IS GOOD IN EVERYONE AND THAT OUR COMMUNITIES WILL APPLY RJ WHETHER OR NOT OUR GOVERNMENTS CHOOSE TO ENDORSE OR FUND IT. HOLDING UP THE *JE SUIS CHARLIE* SLOGAN AS AN EXPRESSION OF A REFLECTIVE SOLIDARITY AND SHARED FEELING OF COMMUNITY AND OWNERSHIP IN WHAT HAPPENED IN FRANCE, GAVRIELIDES POINTS OUT THAT THIS DEMONSTRATION DID NOT INVOLVE ANY ENCOUNTER BETWEEN VICTIMS AND OFFENDERS AND THAT FOLLOW-UP INTERVIEWS WITH THE KILLERS' RELATIVES (AND OTHER MEMBERS OF THE MUSLIM COMMUNITY) SHOWED IT TO BE AN INCLUSIVE AND CONSTRUCTIVE ACT IN MAKING THEM FEEL PART OF THE SOLUTION AND NO LONGER THE ENEMY. QUOTING WALGRAVE, GAVRIELIDES THUS LAYS BARE A "RESTORATIVE SOCIAL ETHICS THAT COULD CONTRIBUTE TO A DECREASE IN TERRORISM".

A number of experts in terrorist studies have claimed that post-September 11, 2001 (i.e., 9/11) we have witnessed a new era of security policy, legislation and practice internationally (e.g., Haymann 2003). At least three new facts drive these policies. Terrorists are no longer seen to be acting alone. The attribution of the New York attacks to a single organization (Al Qaeda) told us that powerful terrorist networks do exist. These are not mere cells in random places, but well-funded, highly organized entities that can stand up against some of the world's most powerful nations (including the US). In fact, most of the time, these well-organized entities appear to be one step ahead of national and international intelligence. Secondly, the use of weapons of mass destruction is possible including nuclear and biological weapons (Haymann 2003). If they can be obtained, then there is no guarantee that they will not be used. Thirdly, terrorism as an act cannot be confined by time, place or nation. For example, what motivated Al Qaeda to carry out the attacks in 2001 is the same as the reasons quoted for attacks in Europe years later. Their 'war' continues without being limited by geography or time, while their own identity is more diverse than the United Nations. The same applies to ISIS (Islamic State of Iraq and the Levant) which has recruits from all over the world including young British males and females.

Before I advance this short article, I must make two disclaimers. First, I have been a long standing student of restorative justice, an ethos founded in the belief that there is good in everyone and that, in the pursuit of justice, all parties in conflict can play a role in restoration for the harm that was done (Gavrielides 2015). Prompted by 'International Restorative Justice Week', in November 2015, I wrote a blog[1] asking: "If restorative justice (as an ethos, a value and yes... as an international ideology) has the potential to bring out the best of us, help us reconcile and empower the weak, then how can people like me regain their belief in it, following events such as those in Paris two days ago?" A number of fellow researchers tried to restore my lost faith only to have it questioned again on March 22, 2016 as I watched the multiple bombings in Brussels.

SPECIAL INTERNATIONAL ISSUE ON TERRORISM

NUMÉRO SPÉCIAL INTERNATIONAL SUR LE TERRORISME

GUEST EDITOR
// SOUS LA DIRECTION DU RÉDACTEUR INVITÉ
JOHN WINTERDYK

CONT'D FROM 31.4 // SUITE DU 31.4

The second disclaimer relates to two personal experiences that some might call 'odd coincidences'. The first happened in 2005 when I was fortunate to have taken the train that was followed by the one bombed at King's Cross in London. The trains were within minutes of each other, and I arrived at work completely oblivious of what had happened to the one before mine. The second coincidence took place just a few months ago when I was due to travel to Brussels and stay at the hotel above the train station that was bombed. The travel (which in the end was cancelled the day before my departure) related to a meeting that was organized by the European Commission with the aim of informing their restorative justice policies on terrorism.

CONTEXTUALIZING THE ISSUE - CLOSE TO 'HOME'

So, I do not write without passion. However, I do want to believe that I write with truthfulness and evidence. As I questioned the limits of restorative justice, I asked myself, *who is the real terrorist in the attacks that I so fortunately escaped?* I also asked, *can a restorative justice encounter ever be possible for abstention terrorist acts?* In Paris's case, the 'offenders' chose death and thus their non participation made restorative justice impossible. But how about their families? And what is restorative justice if not just an encounter and a diversionary method for the criminal justice system? In fact, Bueno (2013) quotes a good number of examples in Colombia, where terrorists have been able (and willing) to meet the children or family members of their victims. Furthermore, follow up research informs us that the healing effect of these meetings was significant and that the affected communities were able to ask questions, understand and restore what they could.

I cannot imagine a world where our sense of justice is measured by how many offenders we incarcerate or, indeed, how many terrorists we punish and kill. Thinking of my own fear and two coincidences, I understand that priority for public security can overrule a restorative justice response. But the many examples whereby communities came together to heal through a restorative ethos reassured me that we are not an international society of punishment and control. In fact, it reminded me of Belgium criminologist and longtime proponent of restorative justice Lode Walgrave's maximalist vision of restorative justice. He said that "the pursuit of restorative justice is grounded in a social-ethical vision that focuses on the quality of social life. Furthering the quality of social life is possible through three ethical guidelines (or virtues) for members of the community: respect, solidarity and active responsibility" (Walgrave 2008: 79– 99).

The truth is that our communities will apply restorative justice whether or not our governments choose to endorse or fund it. For example, in the case of Paris, the French government was swift in declaring a "war on terror" and putting a ban on public gatherings. And yet what followed was unprecedented. On January 11, 2016, thousands of people from France, Europe and internationally gathered to march against what they saw as a "war on liberties". Their slogan "Je suis Charlie" showed that there is solidarity and indeed a shared feeling of community and ownership in what happened. It is true that this demonstration did not involve any encounter between victims and offenders and yet its impetus also enlivens the principles of restorative justice. It focused on the positive values of the affected communities and on what binds these communities together irrespective of faith, nationality and economic interests. One could even call this attempt 'a ritual'. Follow-up interviews with the killers' relatives (and other members of the Muslim community) showed that they found this ritual an inclusive and constructive act that made them feel part of the solution and no longer the enemy. "The accent was on what unites and not on what divides. We now go a step further and wonder whether a policy inspired by restorative social ethics could contribute to a decrease in terrorism" (Walgrave 2015).

The Paris demonstration reminded me that the forgotten victim in all terrorist attacks is the community and with it our humanity. But there is no effort to heal the victim who in fact gets re-victimized by the follow-up "get tough" policies. Everytime there is a new terrorist attack, the immediate reaction of politicians, criminal justice agents and the media is to declare war against the terrorists and call for special meetings to toughen up immigration rules, security policies and protocols. They forget that 'was' by definition should have a time and geographical limit.

Over the past few years, new anti-terrorism legislation and executive measures have been introduced in almost all Western states in the hope of meeting enhanced security obligations. Special powers have been handed over to the executive and *ad hoc* procedures introduced in the belief that these will increase effectiveness and reduce the risk of terror. While doing so, however, a number of human rights and civil liberties were put at risk or on hold until the 'crisis is resolved'. This crisis has been ongoing since the events of 9/11 and following the recent terrorist attacks in Europe.

LOST LIBERTY AT WHAT COST?

Former American President James Madison (from 1809-1817) once said, "Perhaps it is a universal truth that the loss of liberty at home is to be charged to provisions against danger, real or pretended from abroad" (Letter of James Madison to Thomas Jefferson, May 13 1798). How true these words sound when considering, for example, the anti-terrorism legislation in the UK. The Terrorism Act 2000 and the Anti-terrorism, Crime and Security Act 2001 have exposed the British government to a number of criticisms mainly coming from international NGOs such as Amnesty International, Human Rights Watch and other national human rights groups such as Justice and Liberty (Justice 2003; Liberty 2001; Watch 2001).

The road the international community has taken is leading us to becoming more polarized than ever, while the "them" (criminals - terrorists) and "us" (victims) rhetoric dominates political speeches and media presentations (Gavrielides 2015b). And I have to ask, what will it take for society to finally raise the mirror of responsibility and look deeply into its reflection? But I had to start by first raising my own mirror of responsibility.

THE PATH FORWARD: LOOKING INSIDE

Every time I looked into this mirror, I saw nothing but myself and a thousand other fellow citizens. We are the true architects of the social fabric that generates the extremist ideologies, which then gradually corrupt universal values such as tolerance and the respect of life, dignity and brotherhood. The extremist ideology that leads those young men and women to act inhumane is not an alien virus of unknown origin. It is a product of our way of living.

Sharing responsibility and the ability to look inside also made me ask whether a public debate and a restorative dialogue for responsibility-taking and reconciliation might indeed be more fruitful than yet another 'war on terror' that could take more freedoms away from everyday people including the most vulnerable, such as those in hospitals, care homes, foster care and yes... in prisons. As I try to visualize a terrorist, I see no face. If I try harder, I see the terrorist within. Restorative justice is about taking responsibility. Not about blaming. Not about punishing. Not about hurting further and further.

Restorative justice is also all about nurturing the social bond that binds us all – yes even 'us' (the victims, the community) and 'them' (the killers, the terrorists, the offenders). I am not naïve in saying that communities will try to heal irrespective of how many labels we place on those who hurt them. The justice system must accept the pre-existence of a much older values framework that is inherent in all cultures. This system measures restoration not in the form of retribution but in equity and fairness. These values are reflected in an individual sense of wrongdoing and responsibility.••

1. http://www.theogavrielides.com/#!BlackInternationalRestorative-Justice-Week-2015c1ywn/564897180cf2708e001b9ad0 (accessed April 2016))

REFERENCES

BUENO, I. (2013). "Mass victimization and restorative justice in Colombia: pathways towards peace and reconciliation?" PhD dissertation, KU Leuven, Belgium.

GAVRIELIDES, T. (ed.) (2015). *The Psychology of Restorative Justice: Managing the Power Within*. Ash gate Publishing: Furnham, UK.

GAVRIELIDES, T. (ed.) (2015b). *Offenders No More: An Interdisciplinary Restorative Justice Dialogue*, New York: Nova Science Publishers.

JUSTICE (2003), 'Speech by Lord Carlile: Independent reviewer of the Terrorism Act 2000', in Justice (ed.) *Sweet and Maxwell Human Rights conference.*

LIBERTY 2001. *Anti-terrorism, crime and security Bill 2001: Briefing for the 2nd reading in the House of Commons.* London: Liberty.

WALGRAVE, L. (2008). *Restorative justice, self-interest and responsible citizenship.* Cullompton, UK: Willan Publishing.

WALGRAVE, L. (2015). "Domestic Terrorism: A challenge for restorative justice". *International Journal of Restorative Justice* 3 (2): 282-290.

WATCH, H.R. (2001). 'Commentary on the Anti-Terrorism, Crime and Security Bill 2001'. November 16, 2001 [online], http://www.hrw.org/ (retrieved April 22, 2016).

RÉSUMÉ : THE TERRORIST WITHIN: FROM A RESTORATIVE LENS

PAR THEO GAVRIELIDES
Fondateur et directeur de l'IARS International Institute, RU; co-directeur de Restorative Justice for All, RU; professeur invité à la Buckinghamshire New University, RU; professeur adjoint à la School of Criminology, Simon Fraser University, Canada.
T.Gavrielides@iars.org.uk | www.theogavrielides.com

Dans ce texte empreint de passion et d'introspection, Gavrielides traite de la complexité abjecte qui sépare le monde que nous avons créé d'une activité terroriste certaine. Dans ce contexte, il présente la justice réparatrice (JR) comme une philosophie particulièrement convenable pour débrouiller les motivations qui sous-tendent cette activité terroriste, car la JR s'appuie sur la croyance qu'il y a du bon en chacun et que nos collectivités l'appliqueront, que les instances gouvernementales choisissent ou non de l'endosser ou de la financer. Faisant miroiter la slogan *Je suis Charlie* comme l'expression d'une solidarité réfléchie et d'un sentiment collectif de prise de responsabilité pour les événements qui se sont produits en France, il souligne que cette manifestation n'a donné lieu à aucun affrontement entre les victimes et les délinquants et que des entrevues de suivi auprès de membres de la famille des tueurs (et d'autres membres et la communauté musulmane) a fait ressortir qu'il s'agissait d'un geste d'inclusion constructif, qui les faisait participer à la solution, sans qu'ils soient plus longtemps considérés comme l'ennemi. Citant Walgrave, l'auteur expose ainsi une notion de réparation et de déontologie sociale pouvant contribuer à une baisse du terrorisme.

Ce texte est tiré en grande partie de livres du Professeur Wayne McCormark, rédigés en collaboration avec les présents auteurs.