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,
Adjoint 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 ethics 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 government choose to endorse or fund it. Holding up the Je Suis Charlie slogan as an expression of a reflexive 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."
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 unfortunately 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 override 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 Loele Walgrave’s maximalist vision of restorative justice. He said that “the pursuit of restorative justice is grounded on a socially 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. 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. Every time 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 (Gavrilescu 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 these 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 naive 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. **REFERENCES**


RÉSUMÉ : THE TERRORIST WITHIN: FROM A RESTORATIVE LENS

PAR THEO GAVRIELIDES

Fondateur et directeur de l'INR International Institute, RU; co-directeur de Restorative Justice for RI, RU; professeur invité à la University of New Hampshire; RU; professeur adjoint à la School of Criminology, Simon Fraser University, Canada.

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. Puisant d'une manière la phrase de Charles: 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 connu lieu à aucun endroit entre les victimes et les délinquants et que des entrevues de suivi auprès des lieux de la famille des victimes et que de nombreux entretiens de suivi auprès de membres de la famille de leur médecin et de la communauté musulmane (et d'autres membres et de la communauté musulmane) a fait ressortir qu'il s'agissait d'un geste d'inclusion constructif, qui les faisait participer à la solution, sans que l'on soit plus longtemps considérés comme l'ennemi. Citant Walgrave, l'auteur expose ainsi une notion de réparation et de discrimination sociale pouvant contribuer à une baisse du terrorisme.

Ce texte est tiré de deux parties de l'ouvrage de Professeur Wayne McCormick, rédigé en collaboration avec les principaux auteurs.

Justice Report // Actualités-Justice 32.1 22