Pre-empting Terrorism – A Comment

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Recent knowledge about terrorism post 9/11 offers a salutary reminder to all of us that for many younger people around the world, spatially defined communities are no longer primary in terms of serving as sites of social influence and control. Transnational networks play an increasingly significant role in promoting violence as well as ideological dissent. Reliance upon pro-social notions of 'community' or even 'society' have become more problematic in this environment, questioning the ability of the nation-states and even traditional cultures and religions to function as sites or sources of social control. While many would debate the characterisation of the 'war on terror' in terms of Huntington's 'clash of civilizations' thesis (Huntington 1997), how competently criminology is able to tackle such an issue riddled with transnational and cross-cultural dimensions still remains an open question (Deflem 2004). John Braithwaite has provided us here with his opening contribution to this question, a wide-ranging essay that responds to one of the defining issues of our age.

A bold interdisciplinary approach ...

In what is increasingly characteristic of Braithwaite's scholarship, his argument moves nimbly between levels of social analysis and across disciplinary divides, drawing on the individualistic as well as small-group focus of much of criminology but also venturing into the realms of international relations and geopolitical strategy. It would be hard to imagine another contemporary criminologist in the world today who would find reason in the one article-length essay to refer to Stalin, Churchill, Harry Truman, Clinton, Bush Senior, Bush Junior, Osama bin Laden, George Marshall, Benjamin Netanyahu, Colonel Ghadaffi, Manuel Noriega, Nelson Mandela and Richard Nixon (I could list many others!) as well as the more 'usual suspects' for criminologists, such as Lawrence Sherman and Tom Tyler. Such a list of figures in the hands of a criminologist such as Braithwaite, needless to say, presents us with a provocative, rich, even breath-taking, though at times reassuringly familiar, thesis on what is to be done about contemporary terrorism.

Braithwaite's foray here into the realm of international relations serves partly as a reminder of the interdisciplinary potential of criminology to explore and exploit other disciplines for the purposes of theory-generation about problems which continue to challenge us as citizens as well as criminologists. Criminology's paltry offerings to date in response to the post 9/11 environment are as much a measure of the failure of criminology to have looked at terrorism as a research topic in the decades preceding 2001 as it is a reflection of the limited time since then for the criminology research cycle to respond to the issue. Criminology's abandonment of the religious conceptions of good and evil more than a century ago in the pursuit of a scientific understanding of crime no doubt makes it difficult for some criminologists to return to a topic such as terrorism where the unity of religion and violence makes its reappearance. It is a reminder also of the ongoing difficulties criminology faces in theorising the transnational and global dimensions of illegal activity, be it forms of organised crime or networked terrorism. For a number of reasons, many of

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them linked to the difficult nature of the research terrain, we have struggled to identify and describe these activities in any detail, let alone to have been in a position to theorise about their nature on the basis of such descriptions. It has been easier, by and large, to stick to the familiar topics in our own backyards. By drawing on some of the work done by scholars in more globally-oriented disciplines, Braithwaite has sought to escape criminology's history of myopia with respect to the topic of terrorism.

One of the interesting questions that work of this kind poses is how well does anyone in Braithwaite's position engage with the concepts and theories of other disciplines. In particular, how, and by whom, is such work judged? Many of those who read his piece in this issue, like me, will struggle to remember even basic details about many of the personae listed above or the others he refers to, let alone reach a view about their contributions in recent world history. As criminologists, we may well struggle also with much of the theoretical material from these disciplines. While such obstacles are a familiar enough problem to those thinking about, or working within, interdisciplinary traditions, the mix of disciplines that Braithwaite takes us to is less familiar to most criminologists, I would suggest, than say psychology, politics, or even history. Obviously this approach offers us novelty and a new challenge that we should, and must, embrace in the face of the shortcomings of criminology I have referred to earlier. However, as a non-expert in international relations and strategic studies, I cannot but wonder at how such work would be received by scholars in those other disciplines. It is therefore to Braithwaite's credit that providing internet access to an earlier draft of the paper has enabled him to receive some critical input from non-criminologists, including practitioners in foreign affairs. I suspect that we should all be doing more of this kind of thing, including seeking to publish ideas and arguments of the kind offered by Braithwaite in journals and other outlets catering to these other disciplines.

...With Some Familiar Elements

The familiar elements in what Braithwaite puts forward from his previous work makes his position attractive and often compelling, at least on first glance. His express invocation of the accumulated lessons from his earlier work in restorative justice and regulatory theory and the sources that have become recognisable to many of us as pillars for his theoretical positions, lend a ready intelligibility to some elements of his multifaceted position on pre-empting terrorism. We are therefore not surprised to encounter the work of Tyler (1990) on the importance of procedural fairness, nor the apparently modest but compelling body of work on defiance theory. The proposal that dialogue and problem-solving should be tried before engaging in deterrent or incapacitation strategies arises from earlier work in restorative justice as well as on regulation in other settings — there is something apparently unarguable for me about Braithwaite's regulatory pyramid as a general starting point in any regulatory context, terrorism included. It surely is arrogant, as he suggests, assuming unquestioningly that dialogue is pointless and thus refusing to listen to others with very different perspectives. However, as I shall discuss below, there remains the question of how generalisable such ideas remain when one moves from one cultural setting to another that is arguably very different indeed. There is also the issue of whether these ideas necessarily transplant very well from small to much larger settings.

The limits of deterrence as a crime control strategy have rarely been admitted to by policy-makers on 'normal crime' issues, before terrorism presented itself as a domestic issue. Terrorism seems to have made political leaders no less short-sighted about its potential, a point that Braithwaite takes up. The notion of 'reactance' taken from social psychology seems a fruitful one in the present context, as it suggests that defiance rather than deterrence is likely to be the effect of cracking down hard (read, violently) *or of*

appearing to do so, on issues of enormous importance to those being targeted. Braithwaite's instancing of freedom of religion as such a value of importance as to induce defiance seems apt in the context of emerging understandings of the ideologies promoted by groups such as Al Qaeda, that Islam is under attack from the West (Stern 2003; Taseer 2005).

Braithwaite's discussion of doctrines of containment and enlargement in response to terrorism provides much sensible food for thought. Why we continue to spend more on defence than on economic development for failed and failing states reflects poorly on our priorities. It also reminds us that the objective conditions in which many of those supportive of or vulnerable to participation in terrorist activities live are very different from our own, so that promotion of development opportunities and expanding democracy is the right thing to do as well as doing something concrete to ameliorate the sense of injustice and/or abandonment felt in these places that the actions of many Western nations have contributed to. The predicament of many Muslims in places such as Palestine and Pakistan should certainly concern us in light of patterns of suicide bombings in recent years as should the emerging links between some of the London bombers and extremist elements in Pakistan.

Another familiar ingredient in this essay for Braithwaite-watchers is his reference to the 'islands of civility' concept, suggested first by Mary Kaldor (1999). The notion implies a range of possible strategies arising under both the enlargement and containment umbrellas. However, Braithwaite does not develop the idea here, other than to express the hope that it occurs in Afghanistan and mentioning the positive potential in Palestine of peace movements getting together. One of the troubling aspects of this attractive notion is how it might be operationalised. It begs so many tricky questions, especially in terms of its implication that the inter-nation jealousies and competitions for resources that have long undermined the capacity of the international community (or even regional communities) to sustain collaborations and common interests can somehow be put aside in the interests of countering terrorism. The enormous definitional difficulties surrounding the concept of terrorism should remind us after all of the difficulties of settling upon what it is exactly that we are all supposed to be opposed to.

A less fundamental, but nevertheless important, question worth posing of the 'islands' idea is: where are the models and empirical referents for getting this idea started? It is difficult to contemplate with any sense of realism how these ideas might work merely from a bottom-up perspective. Peace communities in Colombia have suffered mightily from outside attacks by paramilitary and guerrilla groups in the past decade or so, despite at times the presence of well-meaning foreign observers. So how the intactness of any such 'islands' might be preserved in the face of various challenges in the immediate and broader environment in which such initiatives exist is a matter of enormous practical as well as theoretical importance that needs to be looked at much more than it has been to date. The paradox here is likely to be that those best able to support these initiatives (such as the US, the UN, and the World Bank) also count among the enemy for some of the more extreme terrorist groups (Taseer 2005). Many of the difficulties hinted at here though are not ones that criminologists alone are likely to be able to deal with, given the apparent need for international as well as domestic responses in many of these situations.

Mapping Subjectivities Cross-culturally

I want to return to the question of the cross-cultural traction of Braithwaite's position on dealing with terrorism. The obvious first comment to make is that the regulatory pyramid and the rest of Braithwaite's own work in areas such as restorative justice have their provenance in Western environments. How transferable some of this thinking is should be a matter for scholarly reflection and appropriate modesty by anyone seeking to extrapolate

familiar material to new settings. One of the questions that Braithwaite's position assumes, as I have noted, is the pertinence of dialogue to addressing problems of this kind. He also counsels the virtues of a patient approach. Both ideas are attractive and difficult to refute easily. Yet, some recent research evidence suggests that there is a need to be much more attentive to the *subjectivity of positions* in the Muslim world than seems to have occurred to many criminologists or indeed to others to date (Taseer 2005; Stern 2003). Braithwaite makes two passing references to the notion of humiliation and to its role in the politics linking Muslim communities with Western nations and cultures. This concept demands our urgent attention as criminologists. Until we have a better understanding of what it is that underpins the sense of shame and humiliation that appears prevalent among many Muslims, especially younger males, in places as far removed from each other as Leeds, Lahore, and Lakemba, pre-empting terrorism risks being wrong-footed. The explanatory relevance of *humiliation* is one that seems to be emerging strongly from recent scholarship on religious terrorism (Stern 2003) as well as violence prevention (Gilligan 2000, 2003). Until this subjectivity is further explored and better understood, we will be hard-pressed to know how to respond. It seems as least likely, based on the work of persons such as Stern, that such subjectivities are not simply the reaction of ordinary people to objectively demeaning circumstances, but that they are in part the result of political manoeuvres and deliberate cultivation by extremist Islamist groups intent on challenging Western political and cultural hegemony. The fact that such feelings can be found in British Muslim communities as well as in the *madrassas* (religious schools) of Pakistan or Indonesia points to the complex nature of the subjectivities we are faced with. While not a sufficient response by any means, Braithwaite's position of being open to listening to these people is certainly a necessary starting point for overcoming this problem. Also the cross-cultural relevance of the reactance theory that he refers to bears further examination, especially given the limits of deterrence theory acknowledged within criminology. How quickly dialogue can arise from what would seem to be often a situation of profound distrust and alienation is difficult to predict.

We also should not overlook Braithwaite's own work on shaming (1989). It bears a close relationship to the notion of humiliation, and how we might make sense of it. The degradation of status associated with many criminal justice procedures constituted a case for Braithwaite of *dis-integrative shaming*, or what might be said to be a form of humiliation. We need to look however at this issue on multiple levels: individual, group, and national. The universality of shame itself as a manipulable variable in social control cannot be taken for granted in view of emerging data on the profound personal and social alienation felt by many younger Muslims in Western as well as more traditional Muslim countries (Taseer 2005; Stern 2003). How daily experiences of humiliation of young Muslims wherever they reside relate to broader ideological and cultural contests taking place as much through the Internet and other media as through face-to-face contacts in mosques and schools and other meeting places is a major question for our political leaders as well as for criminologists. The social construction of Islam as a 'victim' of the West is a matter demanding investigation because of the growing evidence that this is how many Muslims feel. Obviously, to advocate for a study of how these perceptions are constructed socially is not to deny their significance to those who hold them. While future work on this theme by criminologists cannot ignore Braithwaite's work in this area, mapping Muslim subjectivities that are ill-disposed towards Western values, institutions, and practices will require far greater openness to the existence of differences as well as similarities on these matters than criminological shaming accounts have indicated to date.

Humiliation as a theme for investigation provides some grounds for familiarity among criminologists emerging as it does from the fields of psychology and psychiatry. What, for instance, Gilligan (2003) does (as a psychiatrist interested in the causes of violence) is

distinguish between *shame* and *guilt* ethics. Each refers to a very different motivation from the other, to a value system with distinct implications in terms of responses to demeaning treatment. In shame ethics, 'the worst evil is shame and humiliation' while the 'highest good is pride and egoism' (Gilligan 2003:1175). By contrast, under guilt ethics, 'the worst evil... is pride, and the highest good is humility'. One consequence of shame ethics is the positive value it places on 'hating and inflicting pain on others, since one diminishes one's own shame by shaming others'. Guilt ethics, on the other hand, is more likely to direct punishment at the self, thus sparing others. *Containing* this kind of shame, while *enlarging* the possibilities for guilt in this sense, is surely a goal that many of us should be exploring at this moment.

It is worth noting that Gilligan's work is in no way directed at the explanation of Islamist violence, being based rather on his experience over thirty years working with young American violent offenders. However, what his work does is begin to tease out dimensions of a concept that also emerges from some of the more insightful, well-informed work on modern-day terrorism (eg Stern 2003). More work of this kind is vital. We should be prepared in any event for the long haul. Quick easy solutions are not obvious. From a policy as well as from a scholarly point of view, the fact that many young Muslims seem to share an experience of humiliation no matter where they live (eg Taseer 2005) must orient our responses, whether they are of the containment or enlargement variety. While we cannot ignore the potential of dialogue, nor fail to attribute dignity to even those who attack us violently, our duties as scholars demand as a priority that we better understand the still largely unknown terrain upon which modern terrorism operates. Once we have this knowledge we will be better served in knowing how best to move from this position to the implementation of ideas such as non-domination that Braithwaite, among others, has championed previously and does now. The feasibility of such an objective within today's transnational networks of young ideologically inspired militants is a question that will engage many criminologists in the future, not just John Braithwaite.

References

Braithwaite, J (1989) *Crime, Shame and Re-integration*, Cambridge UP, Cambridge.

Deflem, M (2004) (ed) *Terrorism and Counter-Terrorism. Criminological Perspectives*, Elsevier, Amsterdam.

Gilligan, J (2000) 'Punishment, and Violence: Is the Criminal Law Based on One Huge Mistake?', *Social Research*, vol 67, pp 745–772.

Gilligan, J (2003) 'Shame, Guilt, and Violence', *Social Research*, vol 70, pp 1149–1180.

Huntington, S (1997) *The Clash of Civilizations: Remaking of World Order*, Touchstone Books, 1997.

Kaldor, M (1999) *New and Old Wars: Organized Violence in a Global Era*, Polity Press, Cambridge.

Stern, J (2003) *Terror in the Name of God*, HarperCollins, New York.

Taseer, A (2005) 'Dying to Kill — Interviewing A British Jihadist', *Prospect*, August, issue 113, pp 18–24.

Tyler, T (1990) *Why People Obey the Law*, Yale University Press, New Haven.