

1-10-1997

Terrorism and Legal Competence: A Reader's Opinion

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Recommended Citation

Anonymous - Police Officer, Pacific Basin Country and Editor (1997) "Terrorism and Legal Competence: A Reader's Opinion," *International Bulletin of Political Psychology*: Vol. 1 : Iss. 7 , Article 3.
Available at: <https://commons.erau.edu/ibpp/vol1/iss7/3>

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International Bulletin of Political Psychology

Title: Terrorism and Legal Competence: A Reader's Opinion

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Volume: 1

Issue: 7

Date: 1997-01-10

Keywords: Terrorism, competency, justice

(IBPP Comment: The following has been submitted by an officer from a police force in a Pacific Basin country. It is a reaction to the IBPP article "Terrorism and Legal Competence" (V.1, No. 1, November 8, 1996.) That article elucidated four legal competency criteria for alleged terrorists and associated difficulties for legal adjudication. The officer has requested anonymity and IBPP has minimally edited the submission.)

I don't know whether my law enforcement prejudices are showing, but understanding a terrorist's mind in order to determine motives and predict behavior patterns is one thing. Using some of these behavior profiles as a possible defense for criminal activities is another. I think the true determination should be whether the concept of right or wrong is recognized. Differences in Islamic law and Western law have always brought the two into conflict, because the Islamic faith pervades the enforcement system in Islamic countries, whereas it does not in Western cultures.

This was particularly brought out in a case handled by a colleague in which a Turkish male beat his wife to within an inch of her life and then pleaded not guilty in a Western court because--he said--the Islamic faith in his country allowed him to do this with immunity. "As 'infidels' how can you be expected to understand?" was a retort used when questioned.

A lot of violent crime in my country can be attributed to cultural problems from Islamic and some Asian countries, particularly in relation to the treatment of women. I once looked at the figures for such conflict around the globe and was astounded by how many of them seemed to involve Islam as a factor. Interpretation of the Koran seems to be very subjective and at least some people apply it as they want--justifying their actions with their interpretations.

I think there is the possibility that your article on problems in evaluating an alleged terrorist's competence might be wrongly exploited by the defense seeking to show that the court has no right to judge. This argument has been used quite readily by religious zealots who say, once they have to face Western justice, "(Insert name of deity) will judge."

I have many foreign friends, and I have a huge amount of respect for them. The people whom I don't respect are those who say that their religion or aim or whatever is the ONLY way. Tolerance and respect are things that really matter, and these days it seems these values are being eroded.

In my country, the racial debate is very inflammatory at the moment as a result of an outspoken independent legislator who actually has incited riots. Anyway, having worked in the counterterrorist area, I appreciate your article and would encourage anything else you can provide to assist in profiling and prosecuting persons for politically motivated violence.

(IBPP Comment: IBPP appreciates the opinion of someone who confronts some very complex and explosive issues not only through research and analysis, but through face-to-face operational concerns. Some important issues of political psychology raised by this opinion are the (1) conflict between the free

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and open pursuit of research and the need to protect research from harmful exploitation; (2) potentially violent conflict between and among people who have arrived at different ultimate Rights and Wrongs; (3) relative merits of cultural relativism, cultural tolerance, cultural absolutism; (4) racism, sexism, and stereotyping--(a) conscious, preconscious, and unconscious variants; (b) contributions from basic conditioning paradigms, viz., positive reinforcement, negative reinforcement, omission training, and punishment; (c) alleged innate contributions related to cognitive, emotional, and motivational development; and (d) the interaction of (c) and (d) through time; (5) reliability and validity problems in differentiating combinations of sincere, insincere, and manipulative religious and other ideological advocacy; (6) psychopolitical dynamics of legitimate versus illegitimate commitment; (7) perceived fairness of distributive, procedural, and substantive justice; and (8) many problems of psychological assessment in a politically charged context. (See Aldeeb Abu-Sahlieh, S. A. (1994.) to mutilate in the name of Jehovah or Allah: Legitimization of male and female circumcision. *Medicine & Law*, 13, 575-622; Flowers, B. J., & Richardson, F. C. (1996.) Why is multiculturalism good? *American Psychologist*, 51, 609-621; Marmor, J. (1992.) Cultural factors in the darker passions. *Journal of the American Academy of Psychoanalysis*, 20, 325-334; Sears, D. O. (1996.) Reflections on the politics of multiculturalism in American society. *Political Psychology*, 17, 409-420; Wyatt, T. C., & Gal, R. (Ed.) (1990.) *Legitimacy and commitment in the military*. NY: Greenwood Press.) (Keywords: Terrorism, competency, justice.)