

Terrorism as a manifestation of the ideological crime: culturological aspects of counteraction

Oleg N. Bibik

Dostoevsky Omsk State University, Omsk, Russia

The subject. The issues of combating terrorism through the prism of culture are examined in the article.

The purpose of the article is to show the anti-terroristic measures through the scope of culture.

The description of methodology. The author uses methods of complex analysis, synthesis, as well as formal-legal, comparative-legal methods in cultural aspect.

The main results and scope of their application. Acts of terrorism are frequent and occur almost worldwide.

Counter-terrorism through criminal penalties is ineffective, because: 1) there are a lot of people among the terrorists who are law-abiding, criminal behavior is not typical for them; 2) in case of terrorist acts by suicide bombers they could not be objectively deter by the threat of punishment; 3) criminal punishment, including capital punishment, can give him the halo of a martyr.

Acts of terrorism cause a serious public outcry. Attempts to strengthen the criminal repression are being made often as a consequence of the impact of terrorist attacks. However, such a reaction to the terrorist attacks appears due to a desire to symbolically restore the social justice. The application of criminal repression is deeply symbolic, because it is always culturally determined. The execution of a terrorist should also be considered as an element of symbolic exchange (punishment instead of a crime).

Terrorism is motivated ideologically, that's why it may be regarded as a kind of ideological crime. Its foundation is a system of views, concepts that allow the offender consider crime as right, morally justified, committing for a higher purpose.

Conclusions. It is proposed to consider the fight against terrorism as primarily a struggle with the idea that caused it to life, through the anti-terrorist propaganda, the formation of a negative image of the terrorist in popular culture, minimization of highlighting terrorist attacks and those, who committed them, in the press. The basis of counter-terrorism due to the conflict of cultures is the idea of a dialogue between them. Developing a strategy to counter terrorism we should take into account the risks that inevitably arise in connection with the limitation of rights and freedoms of people. Counter-terrorism is not a convenient reason for explaining the growing influence of law enforcement on social processes, especially for undermining the democratic foundations of the state.

Keywords: *terrorism; ideological crime; the effectiveness of criminal punishment; a resonant crime; restriction of citizens ' rights; dialogue of cultures, criminology.*

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1. Relevance of countermeasures terrorism

The beginning of the XXI century was marked not only by the decoding of the human genome, the invention of the method of obtaining stem cells, the proof of Poincare's theorem, but also by a new surge of crimes caused by cultural (civilizational) conflicts. In this regard, one of the most pressing problems of criminology at the moment is to develop counter-terrorism strategy, the manifestations of which the Supervisory th tons camping almost every day throughout the world.

Among the recent events, in particular, the following can be noted : On November 13, 2015, in Paris, as a result of the terrorist attack, more than 130 people were killed, including the shooting of hostages in the concert hall of Bataclan; on July 14, 2016 in Nice, the trucker crashed into a crowd of people, killing 86 people; December 19, 2016 in Berlin, as a result of the impact on people killed 11 people; On April 3, 2017, as a result of a suicide bomber attack, 16 people died in the St. Petersburg metro; June 3, 2017 in London as a result of a series of attacks armed with knives criminals killed 8 people. This list can be easily continued.

The reason for the overwhelming majority of the above crimes is the revenge of terrorists for the participation of European countries in armed conflicts in the Middle East and Central Asia, and wider - the conflict between the West and the East. It should not be considered that terrorist acts are destiny of radical Islamists only. For example, in an attack by "the Norwegian arrow" Anders Breivik's July 22, 2011 killed 77 people, including migrants. The terrorist attack itself was caused by Breivik's disagreement with the immigration policy of Norway, the desire to resist the manifestations of multiculturalism.

In Russia, according to the information of the GIAC of the Ministry of the Interior of the Russian Federation in 2016. 2227 crimes of a terrorist nature were registered. The bulk of them (75-80%) are crimes whose signs of composition are fixed in Art. 208 of the Criminal Code (organization of an illegal armed formation or participation in it) [1]. According to court statistics (Form 10-a "Report on the number of convicts in all elements of crimes of the Criminal Code of the Russian Federation and other persons in respect of whom the court decisions in criminal matters"), in 2016 for committing crimes of a terrorist nature in the narrow sense of the word, the signs of their compositions are fixed in art. 205-205.5, 361 of the Criminal Code of the Russian Federation (terrorist act, assistance to terrorist activities, public calls for terrorist activity or public justification of terrorism, training for the purpose of carrying out terrorist activities, organizing and participating in a terrorist community, organizing the activities of a terrorist organization and participating in activities of such an organization, an act of international terrorism), only 167 people were convicted. Against the backdrop of the number of convicts for self-serving crimes against property there seems to be little. But given the nature and degree of public danger of the corresponding acts, the situation in this area is not encouraging.

In the 21st century, the fight against terrorism is complicated by the increase in the vulnerability of society and the state in view of the general informatization that terrorists can use [2-5]. Computer terrorism is becoming one of the global threats. The most relevant at the moment is not so much the threat of weapons of mass destruction falling into the hands of terrorists, but rather the use of information technologies for harming public relations, since such a method of committing a crime presupposes minimal costs and maximum effect. Instead of armed attacks, explosions, modern terrorists have much more opportunities to intimidate the population. In addition to breaking government information resources, kidnapping information, money, cybercriminals are able to disrupt transport services, energy supply, water supply, including vital facilities, including medical and social facilities.

2. The reasons for the ineffectiveness of criminal punishment in the process of countering terrorism

Criminal law offers a universal recipe for solving the problem - the application of punishment to those who commit crimes of a terrorist nature. The effectiveness of such an approach raises doubts for a number of reasons.

First, there are often people among the terrorists who lead a generally law-abiding lifestyle , for which criminal behavior is not typical. For example, "St. Petersburg bomber" Akbarzhon Jalilov, who committed the terrorist act in the metro St. Petersburg April 3, 2017, according to media reports, has a perfect biography, including at home had no drive to the police. British terrorist Mohammed Emwazi, known as Jihadi John, was characterized by surrounding people as a polite and intelligent person. Similarly is described Anders Breivik. It should also be taken into account that many participants in terrorist activities are subjected to a very powerful psychological

treatment, including with the help of narcotic, psychotropic substances, literally zombies. The general preventive effect of punishment on such people is substantially limited.

Secondly, terrorists cannot be frightened with the threat of punishment. The said subjects are inspired by the notion that after a heroic death they will necessarily fall into paradise, in connection with which any sanctions during their life lose all meaning to them. The very idea for the sake of which a terrorist act is committed, suicide bombers appreciate more than their own lives. One of them said: "I do not regret about anything and will not regret it. I am a mujahid and I want one thing: to sacrifice myself ...".

Third, the punishment of a criminal, including the use of the death penalty, does not solve the problem that caused the attack. On the contrary, the execution of terrorist can give him an aura of a martyr and make memory of him a symbol, a driving force for other terrorist attacks [6, p. 536-537]. Not by accident according to Art. 14.1 of the Federal Law of 12.01.1996 No. 8-FZ "On Burial and Funeral Affairs", bodies of terrorists are not given for burial, and the place of their burial is not reported. Similar conclusions can be drawn with regard to the destruction of terrorists. For example, Osama bin Laden was killed by special forces on May 2, 2011. At the same time, it had no significant influence on the activities of the al-Qaida terrorist organization that he created.

3. The punishment of terrorists as a symbolic restoration of social justice

Developing a strategy for countering terrorism, one should also take into account that the relevant crimes always cause a serious public outcry. As a result, on the background of the resonance of the terrorist attacks are often attempts to strengthen the criminal repression. In particular, an act of terrorism, as a result of which more than 140 people were killed, took place in Pakistan on 16 December 2014, the majority of whom were students. As a result, the country's leadership decided to abolish the moratorium on the death penalty. A similar question about lifting the moratorium on the use of the death penalty was raised in the UK after the May 22, 2017 terrorist attack in Manchester. Such proposals were repeatedly voiced in Russia. In the public opinion of our fellow citizens, the prevailing position is the need to impose the death penalty for terrorists.

At the same time, such a reaction to terrorist attacks is only due to the desire to symbolically restore social justice, and not at all by the desire to effectively counteract criminality. The use of criminal repression is deeply symbolic, as it is always culturally determined.

Crime as such cannot be eliminated or extinguished, so a certain substitute is needed. Crime can and must be replaced or destroyed, thus, it needs a substitute. Ultimately, punishment embodies the symbolic destruction of a crime. The object of punishment becomes a symbolic substitution of collective feelings caused by the commission of a crime, which are transferred from an irreparable harm produced by a crime to an imputation object (stones, children, insane persons) [9, p. 132, 133, 136].

At the same time, the efficiency of criminal repression in this case, in addition to meeting the need for retaliation, will be low. Accordingly, changes in the criminal legislation caused by the next resonant crime, including the terrorist act, should be avoided. E. Durkheim on this occasion rightly remarked: "First of all, punishment consists in reaction, inspired by passion. This feature is all the more obvious the less cultural the society is" [8, p. 86].

4. The ideological conditionality of terrorism

According to cultural scientists, translation and transformation of terrorist messages coming from the socio-political customer terror and intended subject of a terrorist action. The act of terrorism is presented as a cultural text, a set of signs in which social information about the meanings and values of a terrorist message is encrypted and is seen as a symbol of [10, p. 9; 12,15]. Terrorists plan their actions in such a way as to make them as "spectacular" as possible and to attract as these events more attention to the media, to society as a whole [11].

Modern terrorism is, in fact, an attempt to change the world outlook of people by force. At the same time terrorism is always ideologically motivated, in connection with which it can be considered as a kind of ideological crime. Its foundation is a system of views, concepts, through which the conviction of the subject of a crime is achieved in its rightness, in the moral justification of the commission of a criminally punishable act for the sake of a higher goal (people's happiness,

the salvation of mankind, restoration of social justice, elimination of inequality, etc.). So, ideological criminals are revolutionaries, encroaching on the state system for the sake of changing the political regime, the form of government. Another example is a person committing an act of high treason in connection with disagreement over actions and decisions of government bodies. For example, Edward Snowden, a former employee of the US intelligence services (CIA and NSA), uncovered secret information about the secret total surveillance carried out by special services for ordinary people under the pretext of combating terrorism. Ideological criminals perceive criminal punishment for their actions as an inevitable evil, as a result of which the preventive effect of repression on this category of people is mostly leveled.

Since the basis of terrorist activities is a specific ideology, in so far as the fight against terrorism, as a rule, it is a struggle with the very idea that brought it to life, and not a confrontation with a particular terrorist group or criminal. As the world experience shows, the refutation of the ideological basis of terrorist attacks is a powerful incentive to stop the criminal activity. For example, the radical left-wing terrorist group "Red Brigades", known in Italy, virtually ceased to exist in the late 1980s. XX century. after the fall of communist regimes in Eastern Europe. The creation of the European Union and the entry into it of the UK along with Ireland in many respects caused the termination of the armed struggle by the terrorist organization "Irish Republican Army" in 2005. The very idea of a united Europe eliminated the need to seek independence for Northern Ireland [6]. In connection with the expected withdrawal of the UK from the EU, this problem may again worsen.

5. Counter-terrorism measures

In view of the foregoing from a culturological point of view, counteraction to terrorism should assume:

1. Antiterrorist propaganda, which includes mainly the refutation of those ideas supported by terrorists, the very meaning of the terrorist attack as a kind of message. The terrorist act is dangerous not so much in connection with the death of people, causing harm to their health, property damage, but taking into account its impact on public opinion, state, national ideology. In this regard, the Concept of Counteracting Terrorism in the Russian Federation, approved by the President of the Russian Federation on October 5, 2009, states that one of the main areas of prevention (prevention) of terrorism is the creation of a system to counter the ideology of terrorism.

It is objectively impossible to fight the idea through punishment. The introduction of a criminal ban on certain information in itself can cause interest in a person, which can lead to the opposite result (the Streisand effect). If a terrorist act is seen as a kind of pre-directed message, then the task of the state and society is that this message should not be delivered to the addressee or, at least, was convincingly refuted.

2. Formation of a negative image of a terrorist in mass culture, including in fiction, cinema. Modern mass culture is literally peppered with ideas provoking terrorism. An example would be fiction, whereby "Informational codes of ultraright political terrorism penetrate the mass audience" [10, p. 40].

It is necessary to influence the editorial policy, preventing the use of culture in order to propagate terrorism. With the advent of the Internet, the problem of dissemination of relevant materials is acute.

3. Minimize media coverage of the terrorist acts themselves and the perpetrators. In the Concept of Counteracting Terrorism in the Russian Federation, it is argued that the subjects of terrorist activity are interested in its wide coverage in the media in order to obtain the greatest public resonance.

D.B. Dondurey reasonably remarked: "You cannot give a microphone to a terrorist ... Explosions in the minds of viewers are the main object of terror". The only thing which can stop terrorists is the absence of a public tribune. It is necessary to prove "that the sacrifices have been in vain, that this symbolic gesture will not reach millions of people through the media, that this limitless violence does not make sense in the future" [7].

At the same time, the media play an important role in the process of the impact of the terrorist attack on society [12, p. 17]. Both domestic and foreign media give the terrorist attacks increased attention, with which no other socially significant event, including the Olympic Games and the world championships in football, can be compared. Live shows demonstrate both the consequences of terrorist attacks, and the actions of law enforcement agencies, the terrorists themselves. In fact, the terrorist act turns into a reality show, which repeatedly aggravates the severity of its consequences.

The media should cover the terrorist attacks in a very limited amount in order to avoid possible negative consequences, which the terrorists counted on. In addition to a brief mention of the place, time, method of the terrorist act, the number of its victims, the rest of the information should not be promptly publicized, including the names of terrorists.

4. Minimizing the reasons for committing terrorist acts. The main reason for modern terrorism is competition, the confrontation of cultures at the international level (clash of civilizations in the terminology of S. Huntington), caused by globalization. There are numerous examples of Islamophobia, including the formation of the media stereotyping of wearing Muslims and Islam, incitement to murder Muslims, including by computer game "Kill the Muslims!", in which Muslims are associated exclusively with violence and terrorism, and so on [9]. On the other hand, there are numerous examples of Islamic extremism.

The cultural dominant of modern European culture is a person, his rights and freedoms, his individuality. Western society is increasingly secularized. Traditional societies based on customs and religion are objectively not ready to accept these values, which creates the ground for conflicts. The situation is aggravated by the fact that attempts are frequently made to belittle non-European cultural values as obsolete, archaic.

6. The dialogue of cultures as a basis for counter-terrorism

The way out of the peak is a dialogue of cultures, the concept of which was proposed by M.M. Bakhtin and V.S. Bibler. Culture in itself is "a form of simultaneous being and communication of people of different - past, present and future - cultures, a form of dialogue and mutual generation of these cultures ..." [14, p. 289]. And the idea of a dialogue of culture is "not a dialogue of different opinions or ideas, it is - always - the dialogue of different cultures ..." [14, p. 299]. No matter how different cultures are, their development is impossible without dialogue, non-violent perception of someone else's cultural experience, exchange of accumulated knowledge. Experts are justifiably indicates that addressing the root causes of intolerance requires a set of measures in the areas of intercultural dialogue, education in the spirit of tolerance [10].

Any dialogue is possible if there is a basis for it. There should be a general idea that could unite the different cultures, removing their opposition. At the international level, such dialogue is possible, first of all, on the basis of universal human values, which are an integral part of any culture.

Shanghai Convention on Combating Terrorism, Separatism and Extremism notes that terrorism is a threat to international peace and security. Therefore it is quite possible and even necessary to consolidate international representatives of different cultures to counteract terrorism with governmental acts. In this regard, the attribution of terrorism to the number of international crimes in the Russian legislation (Article 361 of the Criminal Code of the Russian Federation) is justified.

7. Risks in the process of countering terrorism

The development of a strategy for countering terrorism must take into account the risks that inevitably arise in connection with the state's restriction of the rights and freedoms of man and citizen. Scientists note that there are two social trends - cultural relativism and culture of control. Cultural relativism manifests itself in the thesis of the need to plural cultures, tolerance for others. "Control culture" is due to various inhabitants, including in connection with global terrorism. Both of these trends are used by the authorities to control social processes [15, p. 310-317].

On the example of the USA, one can observe quite vivid manifestations of the "culture of control". In particular, after the attacks of September 11, 2001 an ode to a host of new prohibitions

and restrictions of civil rights and freedoms, and law enforcement is, the body 's been given additional legitimization I mi . Ubiquitous listening of private phones, monitoring of activity on the Internet, including correspondence by e-mail (for example, the project PRISM , implemented by the US National Security Agency, which provides surveillance not only for Americans, but also for residents of many other countries) is not an exhaustive list of the opportunities that the authorities have been using.

In our country, the federal law of 06.03.2006 No. 35-FZ "On Countering Terrorism" also provides for significant restrictions on the rights of citizens. Thus, the decision to conduct a counter-terrorist operation takes solely the leadership of the federal executive body in the field of security (Part 2, Article 12). On the territory within which the legal regime of the counter-terrorist operation has been introduced, it is allowed, among other things, to remove individuals from certain sections of the terrain and objects, to monitor telephone conversations and other information transmitted through the channels of telecommunication systems, to search for information on the telecommunication channels and in postal items, unimpeded penetration of persons conducting counterterrorist operations into residential and other premises, inspection of individuals and objects in their possession, inspection of vehicles (Part 3 of Article 11).

Counteraction to terrorism should not be seen as an excuse for strengthening the influence of law enforcement agencies on social processes, especially to undermine the democratic foundations of the state. Otherwise, the appearance of the Orwellian "Big Brother" promises much greater trouble. The fight against terrorism is a serious test for the maturity of civil society, its willingness not only to accept new restrictions, but also to defend its interests. It is necessary to balance, on the one hand, in ensuring public and state security, on the other hand, in preserving civil rights and freedoms. It is worth recalling that not once imaginary and real threats were used not only to manipulate public opinion, but also to establish authoritarian, totalitarian regimes. For example, the burning of the Reichstag in Germany, February 28, 1933 became a pretext for the establishment of Hitler's dictatorship. It is noteworthy that the relevant law was adopted in order to eliminate the calamities of the people and the state. Terrorists are also a convenient image of the enemy, which is easy to use for political purposes.

With regard to the forecast for the further development of the situation in the field of countering terrorism in the short and medium term, it should be noted that it has no tendency to improve. The number of terrorist attacks in the foreseeable future will not be reduced, it does not change, and a kind of theater of war, which in addition to the developing countries, especially the Middle East, Central Asia, are drawn into an endless series of civil wars and internal strife, will enter and industrialized states before all, North America and Europe. The socio-economic situation in the world is unstable, which will also determine involvement in the terrorist activities of socially unprotected or frankly disadvantaged people. But the most important negative factor, which does not give grounds for optimism, is the lack of the desire of the conflicting parties to conduct a dialogue.

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<p><i>Информация об авторе</i> Библик Олег Николаевич - доктор юридических наук, профессор кафедры уголовного права и криминологии юридического факультета, Омский государственный университет им. Ф.М. Достоевского, 644077, Россия, г. Омск, пр. Мира, 55а E-mail: olegbibik@mail.ru SPIN-код: 2670-9299, AuthorID: 495309</p>	<p><i>Information about the author</i> Oleg N. Bibik – Doctor of Law, Professor of the Department of Criminal law and Criminology, Faculty of Law Dostoevsky Omsk State University, 55a, Mira pr., Omsk, 644077, Russia E-mail: olegbibik@mail.ru SPIN-code: 2670-9299, AuthorID: 495309</p>
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