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'We Don't Negotiate with Terrorists!': Legitimacy and Complexity in Terrorist Conflicts

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A key objection raised by terrorism scholars and policymakers against engaging in negotiations with terrorists is that it legitimizes terrorist groups, their goals and their means. Talking to them would serve only to incite more violence and weaken the fabric of democratic states, they argue. With the emergence of Al-Qaeda and its complex transnational structure, many have added another objection: Who does one talk to? Faced with such a multifaceted, horizontal organization, how does one engage? This article offers an alternative approach to the question of legitimacy and complexity in engaging with terrorism. Drawing from research in peace and conflict studies, it analyses how these two factors may in fact be conducive to a nonviolent resolution of conflicts involving terrorist violence. Using the conflicts in Northern Ireland and the southern Philippine region of Mindanao as illustrations, the article argues that the legitimization of 'terrorist' groups through talks can be a means to transform a conflict away from violence, while complexity may in fact open up new possibilities for engagement. The article concludes by examining how the naming of a group as 'terrorist' can and is often designed to forestall nonviolent responses to terrorism.

Keywords terrorism • conflict resolution • negotiation • legitimacy • complexity • Al-Qaeda

Introduction

GOVERNMENT AFTER GOVERNMENT has pledged *never* to talk to terrorists. In 2003, for example, US President George W. Bush (2003) declared: 'You've got to be strong, not weak. The only way to deal with these people is to bring them to justice. You can't talk to them. You can't negotiate with them.' At the height of IRA violence, UK Prime Minister Margaret Thatcher vowed never to negotiate with terrorists, a pledge also



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made by Colombian, Turkish and Spanish leaders, to list just a few. Backing the policy world are many of the most influential scholars of terrorism. Paul Wilkinson (2001: 80), a leading scholar in the field for decades, wrote that it would be 'totally unacceptable' for talks to be opened with the assailants who killed 58 tourists in Luxor, Egypt in 1997. Negotiations on the underlying political demands of terrorists are unlikely to resolve the conflict and may simply incite more terrorism, these scholars argue (Wilkinson, 2001; Wardlaw, 1989; Alexander, 2002; Narveson, 1991; Weinberg & Davis, 1989; Neumann, 2007). Thus, 'the standard doctrine holds that one should not negotiate with terrorists' (Zartman, 1990: 165), and the subject overall remains taboo.¹

But why the aversion? Traditionally, the main argument used to reject negotiations with terrorists is that such a course of action would legitimize the terrorists and terrorism more broadly. Legitimizing terrorist groups and their actions would weaken the democratic quality of states and likely only serve to incite more violence. With the advent of Al-Qaeda and its non-traditional structure seemingly based on a loose network of cells and like-minded groups, complexity has been added as another major hurdle to applying conflict resolution methods to terrorism. Thus, the new question has become: Who does one talk to? Who speaks for the 'terrorists'? The aim of this article is to examine and offer an alternative perspective to the question of legitimacy and complexity in engaging with terrorism. Drawing from research in peace and conflict studies, it will analyse how, contrary to what is generally argued, these two factors may also be conducive to a peaceful resolution of conflicts involving terrorist violence. Two cases will be used to illustrate the argument: The question of legitimacy will be examined through the talks with the republican movement (IRA/Sinn Fein) in Northern Ireland, while complexity's potential as a conflict-resolving factor will be illustrated through the relationship between Al-Qaeda and its locally linked groups, in particular the Moro Islamic Liberation Front (MILF) of the southern Philippines region of Mindanao.

The Study of Terrorism

Any article on terrorism must enter the labyrinthian debate on what 'terrorism' means and how it is to be defined. Indeed, the definitional quest has haunted the field of terrorism studies, some authors calling it the search for the 'Holy Grail' (Wardlaw, 1989), others a useless endeavour to be abandoned (Laqueur, 1999). Most of all, the political use of the term by states to

¹ A review of the indexes of dozens of academic books on terrorism confirms Zartman's point, with the vast majority of the research failing even to mention negotiations.

designate varied acts of opposition has further complicated the quest for a definition. Joanne Mariner (2003) notes that US designations of 'foreign terrorist organizations' (FTOs) or 'specially designated global terrorists' (SDGTs) appear to be driven at least in part by political considerations, at times traded as favours to foreign states in exchange for their support of the USA in the international arena. To authors drawing on post-structuralist theory – such as Edward Said (1988), Joseba Zulaika & William Douglass (1996), and Richard Jackson (2005) – terrorism and terrorists are made to represent a fusion of everything that is bad, while the opposing 'we' takes on the characteristics of everything that is good.

Despite these objections, terrorism scholars have engaged in a decades-long attempt to define terrorism, and more than 100 definitions have been catalogued (Schmid & Jongman, 2005). No single definition has gained unanimous support, but at least three key elements appear in most definitions. Indeed, this article argues that there exists a *broad understanding* within academia of what constitutes terrorism. This understanding conceives of terrorism as: (1) *a violent means* (2) *aimed at triggering political change* (3) *by affecting a larger audience than its immediate target*. The argument that such an understanding exists is supported by the much-cited research of Alex P. Schmid & Albert J. Jongman, who reviewed 109 definitions of terrorism. Violence emerged in 83% of cases, 'political' in 65%, while 'aimed at a larger audience than its immediate target' was specifically mentioned in 37.5% of cases but was also implied in 51% of all cases through the mention of fear/terror in the definition (Schmid & Jongman, 2005: 5). In fact, the definition proposed by Schmid & Jongman (2005: 28) themselves includes all three elements of violence, political reasons and the notion that 'the direct targets are not the main targets'. Thus, although disagreements persist on other characteristics of terrorism (primarily on whether terrorism can be carried out by state actors), making a universal definition hard to achieve, one can argue that there is a broad understanding of what constitutes terrorism in the academic field.

This understanding remains nonetheless problematic. Drawing on an argument by Michael Bhatia, this article is indeed sceptical of the ability of any particular

label or interpretive lens to adequately encompass the purpose, activities, local relevance or ideology of a given movement. Far too often complex local variations, motives, histories and inter-relationships are lost in the application of meta-narratives or dominant academic approaches to understanding and assessing conflict. (Bhatia, 2005: 8)

The act of naming, as Bhatia notes, may reflect some qualities of the phenomenon being named but exclude others. Furthermore, once one act carried out by a group is categorized as 'terrorist', the group's subsequent actions will often also be categorized as such even though they may be very different from the former and may not correspond to 'terrorist' actions.

Despite this scepticism, it can be argued that the term does not need to be discarded altogether and can be used critically by adopting a minimal foundationalist perspective drawn from critical theory, in particular from the work of the Frankfurt School and Robert Cox. Such an approach advocates that research: incorporate both problem-solving and critical theory; focus on the crucial role of social and historical context; be embedded in broader social and political theory; and acknowledge a normative role to theory (Cox, 1986; Hoffman, 1987; Wyn Jones, 1999; Linklater, 1996). Thus, terrorism can be understood as a violent means aimed at triggering political change by affecting a larger audience than its immediate target *that is to be examined using both problem-solving and critical theory and focusing on its socio-historical context in an analysis embedded in broader social and political theory that acknowledges a normative role to theory* (for a detailed discussion of a critical theory approach to terrorism, see Toros & Gunning, forthcoming). With the adoption of such an approach, terrorism becomes a term used to describe certain actions and means, but 'terrorist' is rejected as a label for a group or individual on the basis that it would reduce human beings to their action(s) and thus ignore other key elements constituting the individual or social group. This approach allows for the term to be kept, while at the same time critically engaging with how it is used. In fact, the present article intends to analyse not only the relationship between legitimacy and complexity and negotiations in conflicts including terrorist violence, but also the impact of naming a group as 'terrorist' on the question of legitimacy and complexity. The article will therefore not discuss whether or not the IRA or the MILF should be categorized as terrorist groups, but rather examine how their engagement in terrorist actions and their categorization (or not) as terrorist groups by states and international institutions may affect the possibility of nonviolent conflict resolution. Thus, by accepting that the term 'terrorism' is used to denote a broad and porous category of conflicts, while at the same time engaging with the term, the article attempts to embark on the ambitious project of examining terrorism in a manner that is critical of established categories while remaining policy-relevant.

Legitimacy

One of the main arguments put forward by scholars against engaging with terrorists is that such a course of action would legitimize the terrorists, their goals and, most of all, their means. In fact, Wilkinson rejects the possibility of talks with the Luxor assailants because it would mean accepting 'such criminals' as '*legitimate* interlocutors' (Wilkinson, 2001: 80; emphasis added). Walter Laqueur (1987: 308) says compromising with terrorists gives 'full recognition to terrorist groups', which in turn leads to increased attacks.

The argument against negotiating with terrorists is simple: Democracies must never give in to violence, and terrorists must never be rewarded for using it. Negotiations give legitimacy to terrorists and their methods and undermine actors who have pursued political change through peaceful means. Talks can destabilize the negotiating government's political systems, undercut international efforts to outlaw terrorism, and set a dangerous precedent. (Neumann, 2007: 128)

Several authors distinguish ad hoc negotiations – aimed at releasing hostages or ending a hijacking, for example – from political negotiations (often conflated with concessions). The former are seen as problematic but at times unavoidable, while the latter continue to be seen as counterproductive and dangerous (Wardlaw, 1989; Clutterbuck, 1993).²

How negotiations lead to legitimation is rarely elaborated on by terrorism scholars, let alone by policymakers. Nonetheless, some authors, mostly focusing on the moral and ethical issues surrounding terrorism, have examined the link more closely (Narveson, 1991; Gilbert, 1994; Crenshaw, 1983). According to Paul Gilbert (1994: 169), the dominant perspective argues that by engaging in violence against civilians, groups forfeit their legitimacy by breaching the 'conventions of debate required for negotiations'. Jan Narveson (1991: 161) argues that 'terrorists' put themselves in 'Hobbes' state of nature with respect to us'. Engaging with terrorists would translate their violence into a legitimate means to be heard and thus lead other groups to engage in similar activities. 'The choice for the terrorist must be the choice between getting out of here alive, though empty-handed, and getting out of here feet first – and empty-handed' (Narveson, 1991: 165).

In fact, Martha Crenshaw (1983: 25) argues that 'the power of terrorism is through political legitimacy, winning acceptance in the eyes of a significant population and discrediting the government's legitimacy'. To counter this, argues Gilbert (1994), the state criminalizes terrorism or in some cases turns terrorists into 'external adversaries' warranting a military as well as police response: 'A policy of criminalization makes it hard for the state to negotiate with its armed opponents. . . . Just as it is inappropriate to do deals with bandits, since the rule of law is thereby prejudiced, so, it is often supposed, it is inappropriate to negotiate with terrorists' (Gilbert, 1994: 167).

Indeed, the very act of naming a group or action as terrorist is partly aimed at delegitimizing the group. This is not a desirable side-effect that accompanies the legal and financial penalties of such a designation, but rather one of the stated goals of governments in naming terrorist groups. The US Department of State (2005), for example, says that its classification of a group as an FTO 'stigmatizes and isolates designated terrorist organizations internationally'. This is so frequent that the UN Working Group on Terrorism has expressed concern that 'labelling opponents and adversaries as terrorists offers a time-tested

² This article will concentrate on negotiations to address political demands or the underlying causes of violence rather than on ad hoc talks to resolve particular incidents.

technique to de-legitimize and demonize them' (United Nations, 2002: 6). However, crucially, by delegitimizing a group the terrorist label also curtails attempts to resolve the conflict nonviolently (Nadarajah & Sriskandarajah, 2005; Hicks, 1991; Russell, 2005). In Sri Lanka, 'the sustained rhetoric of terrorism has become a serious impediment to reaching a permanent solution', with Sinhalese parties fearing electoral defeat if they advocate anything but the toughest measures against the Liberation Tigers of Tamil Eelam (LTTE) (Nadarajah & Sriskandarajah, 2005: 87). Similarly, Kenneth Hicks (1991) argues that US designation of terrorist groups under the Reagan and first Bush administrations 'placed severe limitations on the range of U.S. response to such attacks, encouraging the use of military force while imposing strong disincentives on negotiation'. Finally, classifying a group or opposition movement as terrorist can also polarize such movements, forcing moderate voices to choose between accepting the 'terrorist' label and thus engage in illegal actions or abandon their activism altogether (Russell, 2005).

Legitimacy is thus seen as a key obstacle in engaging with terrorism through talks. Naming a group 'terrorist' aims to delegitimize it and allows for public statements such as the one by former New York mayor Rudolph Giuliani: 'Those who practice terrorism lose any right to have their cause understood' (quoted in Philipson, 2005). Engaging with a terrorist group nonviolently would, in fact, invalidate this process and leave states open to accusations of inconsistency. In this account, terrorism appears to leave states with the difficult choice of either engaging with terrorists, thus legitimizing them, or designating the groups as 'terrorists' and refusing to engage with them, with the risk of further radicalizing them and foreclosing future possibilities of resolution.

Normatively, there is only one reason why legitimation is problematic: because the insurgents are using violence.³ Indeed, by accepting them as legitimate interlocutors and their legitimacy claim as one that can be discussed, the state is also accepting the use of violent means to further a political agenda within its territory. Terrorism scholars state or imply that this would weaken the norm of nonviolence in politics. This indeed could be one repercussion, but arguably another outcome is possible. Since states usually demand that insurgents renounce violence temporarily (through a ceasefire) to engage in talks, and since they are required to abandon violence entirely for a permanent agreement to be reached or implemented, one may argue that the norm of nonviolence could be strengthened rather than weakened.

Furthermore, the argument that talks legitimize terrorists and therefore weaken the norm of nonviolence appears to be based on a two-dimensional

³ In terms of power politics, this legitimation is problematic for the state because it may increase the power (in the sense of authority) of the insurgent group (Hurd, 1999). However, terrorism scholars usually do not use the power-political objection to negotiating with groups engaged in terrorist violence but rather concentrate on the normative reasons why such negotiations should be shunned.

understanding of legitimacy, in which states *have* legitimacy and simply *grant* or *deny* it to insurgents.⁴ This understanding seems to further assume that terrorists, if sanctioned by the state, will become 'legitimate' not only for the state, but also for the wider community. It fails to take into account the crucial social and intersubjective nature of legitimacy (Suchman, 1995; Reus-Smit, 2007; Hurd, 1999). Indeed, Mark Suchman (1995: 574) defines legitimacy as 'a generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed systems of norms, values, beliefs and definitions'.⁵ He goes on to explain that legitimacy is '*socially constructed* in that it reflects a congruence between behaviors of the legitimated entity and the shared (or assumedly shared) beliefs of some social group' (Suchman, 1995: 574; emphasis in original).

Thus, if this understanding is taken on board, the state can only confer legitimacy upon an entity for itself (thus accept for itself the legitimacy claim being made); it cannot do this for society as a whole or any broader social grouping. There is no doubt that a state's agreeing to engage with an insurgent group would strengthen the latter's legitimacy claim vis-à-vis the broader national and international community, particularly in democratic states, where there is a greater sense of representation by ordinary citizens. However, the state's acceptance of a party as a legitimate interlocutor does not *automatically* confer upon the latter broader legitimacy. This requires that congruence highlighted by Suchman between the behaviour of an entity and the shared beliefs of the community in question. One of the shared beliefs of contemporary democracies is that of nonviolent political contestation. Thus, it can be argued that insurgent groups are eventually required to modify their behaviour – abandon violence – for it to be congruent with the shared beliefs of the broader community. In this case, the norm of nonviolence is not disempowered,⁶ as terrorism scholars argue, but may be reinforced.

How would the latter come about? How would the legitimation that accompanies negotiations bring an insurgent group to change its behaviour so as to be congruent with the norm barring political violence? Three processes can be identified. First, negotiations may eliminate one of the reasons why the insurgents may have engaged in violence in the first place (lack of a legal outlet to voice their grievances). Second, they may strengthen the faction in the insurgent group that is in favour of nonviolent engagement. Third, they may draw insurgent groups down a path of change or transformation towards nonviolence (Williams & Ricigliano, 2005; Zartman & Alfredson, 2006; Ricigliano, 2005; Ignatieff, 2004; Woodhouse, Ramsbotham & Cottey, 2003;

⁴ Most authors, with the notable exception of Crenshaw, fail to define or even discuss their understandings of legitimacy. As in much international relations scholarship, there is a tendency to 'make reference to legitimacy without spelling out what it is [and] how it works' (Hurd, 1999: 380). Thus, one can only draw from how the term is generally used by terrorism scholars.

⁵ Both Ian Hurd (1999) and Christian Reus-Smit (2007) use this definition.

⁶ See Reus-Smit (2007).

Weinberg & Pedahzur, 2003). Each of these processes will be examined more closely below.

First, as Tom Woodhouse, Oliver Ramsbotham & Andrew Cottey (2003: 44) argue,

there seems to be general agreement that a common factor in most cases of terrorism is a sense of injustice, frustration and humiliation, and the idea that there are no non-violent channels of redress. . . . A key aim, therefore, is to overcome this sense of exclusion, humiliation and impotence through democratic engagement.

This engagement, according to Michael Ignatieff (2004: 88), involves the state acknowledging 'that the terrorist group represents a valid claim even though its means are unacceptable'. The state's willingness to engage with insurgent goals – and therefore its recognition of these goals as legitimate – could thus contribute to the resolution of the conflict.

The second argument is that when the state accepts insurgent groups as legitimate interlocutors, it potentially strengthens the factions within the group that are pushing for a political solution. 'An offer to negotiate can contribute to strengthening the rebels' political faction and moderating the movement's position', argue Zartman & Alfredson (2006).⁷ As noted above, the opposite may also be true, where the refusal to accept a group as legitimate can lead to further radicalization (Ricigliano, 2005; see also Zartman & Alfredson, 2006; Russell, 2005).

Closely linked to this argument is the third reason why the state's legitimation of groups involved in terrorist violence can be seen as a factor that brings such violence to an end. As discussed above, legitimacy through engagement can lead not only to the strengthening of the accommodationist factions but also to the slow transformation of the entire group into one adhering to the norms of nonviolent political debate (Leary, 2004; Zartman & Alfredson, 2006; Ricigliano, 2005; Williams & Ricigliano, 2005).

The conditions of negotiation – compromise, persuasion, positive-sum outcomes – and of democracy – legitimacy of all parties, need to appeal widely, acceptance of popular judgment – themselves impose limitations on terrorists that can mark the beginning of the socialization process toward inclusion. The answer seems to be that moderation is a process, not a status. (Zartman & Alfredson, 2006)

Bringing this argument one step further, the state can – in a constitutive act – give the possibility to an armed group of becoming a legitimate group by offering it precisely what it lacks vis-à-vis the state: legitimacy. A state's recognition of a violent group's legitimacy claim would not weaken the democratic qualities of the said state, but rather strengthen them by drawing

⁷ Legitimation by the state in some cases may also discredit moderate voices within the organization, and it is important to acknowledge that legitimacy is only one of the multiple factors that can affect the balance of power between factions within an armed group.

groups away from violent opposition and toward compliance with the state's norms. In a mirror process to the naming–isolating–radicalizing process used by states against 'terrorists', one can envisage the possibility of a negotiating–including–legitimizing process.

Thus, an alternative understanding of the interaction between legitimacy, negotiation and terrorism emerges through an approach to terrorism that problematizes the understanding of legitimacy and draws on various arguments used in conflict resolution and peace research. This alternative perspective does not necessarily offer solutions to the many important problems surrounding the question of legitimacy and terrorism, however. Engaging with a group based on the legitimacy of its grievances and goals forces the state into making the difficult call of judging which goals and grievances are legitimate and which are not. Furthermore, what should be done when there is consensus that a group's goals are illegitimate? Finally, by accepting violent actors as legitimate interlocutors, one risks marginalizing the forces that have struggled for the same goals without engaging in violence. What are the consequences of such an action? Legitimacy thus remains a key problem surrounding engagement, to which this article is not offering a solution. The alternative approach to the question of legitimacy it sets out, however, does offer a new lens through which to view the issue.

One case where such an alternative approach appears particularly useful is that of Northern Ireland, a key case since it offers a rare example of an overall successful peace process involving a group using terrorist violence and where certain developments in the peace process in the late 1980s and early 1990s can be linked to the question of legitimacy. With regard to the first argument on the legitimation of grievances, Sinn Fein leader Gerry Adams (2001: 320) states in his autobiography that nationalists took part in armed struggle 'feeling that it was an option which arose from the closing off of alternative means of achieving progress'. Recognizing the grievances of the republicans – through the opening of a channel of nonviolent engagement, as was done in the late 1980s with direct and indirect contacts with mainstream parties as well as the British, Irish and US governments – was seen as a condition by the republican camp for the peace process to move forward (Adams, 2001). Of course, armed groups often argue that they engage in violence owing to a lack of choice. What is interesting here, though, is that the recognition or acceptance of its grievances as legitimate may have been one of the factors that brought the republican side to move toward contemplating a negotiated solution. The second argument that legitimacy can strengthen the 'accommodationists' in an armed group also seems present in the Northern Ireland context. In fact, the recognition by governments of Gerry Adams as the legitimate leader of the republican movement – for example, through the granting in 1994 of a visa to visit the USA – arguably strengthened the hand of the Sinn Fein leader vis-à-vis the hardliners (Coogan, 2000;

Mitchell, 1999). In the words of Dominic Adams, a brother of the Sinn Fein leader, who spent seven years in jail for IRA activity:

When you see Bill Clinton meeting Gerry Adams on the Falls Road, when you see Nelson Mandela taking Martin McGuinness and Gerry Adams around Pretoria, when you see Tony Blair and people like that greeting Gerry, Martin and the leadership, it legitimizes the struggle, propagandizes it too and it allowed Sinn Fein to take on that role of the spokespeople for the republican struggle.⁸

Most of all, legitimation can also be seen to have played a role in that leaders in Northern Ireland were repeatedly taking into account the 'the trade-off between militancy and respectability' (Weinberg & Pedahzur, 2003: 25). In fact, Leonard Weinberg & Ami Pedahzur (2003: 117) argue that the IRA/Sinn Fein underwent a 'strategic shift' also because the British government offered it 'legitimacy as an interlocutor and as a potentially influential political party operating in an open democratic context'. The British government understood the risks it incurred in so acting, but, as emerges from former prime minister John Major's autobiography, believed that it was worth a try: 'We were well aware of the unlikelihood of success, but we felt we had a responsibility . . . to see if the leadership of the Provisionals, if offered fair and equal treatment, had the will and ability to move away from terrorism' (Major, 1999: 433). The move that Major made was to believe in the possibility that granting the republicans 'fair and equal treatment' – that is, accepting them as a legitimate group – would give them the occasion to *become* a legitimate group and renounce violence.

Thus, although the peace process in Northern Ireland cannot be attributed solely to the start of talks with and the legitimation of Sinn Fein, few argue that these did not play a key role. Indeed, such steps may have contributed to the end of IRA terrorist violence in at least three ways: by opening an alternative way to change for the republicans; by strengthening the factions favouring talks; and by offering the republicans the possibility to transform themselves into a legitimate entity. By engaging with them, the UK, Irish and US governments, as well as mainstream parties, accepted the republicans as legitimate interlocutors and paved the way for them to be accepted as a legitimate political force by the broader national and international publics. This, however, was not in itself enough for republicans to be accepted as legitimate actors either by the majority Protestant and non-republican Catholic communities in Northern Ireland or abroad. Indeed, this process has been a much slower one, arguably linked to the republicans' behaviour, and in particular to their decommissioning – that is, conforming to the norm of nonviolence. Thus, one can argue that the norm of nonviolence was not disempowered by

⁸ Interview with author, Belfast, 26 March 2007. Of course, Sinn Fein and the IRA had long been legitimate entities within their own constituency. Thus, when discussing their legitimation, this article is specifically referring to such a process with reference to the states involved in the conflict and the wider national and international communities.

the republican inclusion in official talks, but rather strengthened by their progressive adherence to it. Consequently, all three arguments on legitimacy can be identified as having arguably played a role in the Northern Ireland peace process. The legitimization of insurgent groups using terrorist tactics through negotiations does not, therefore, appear to be an insurmountable obstacle. Terrorism scholars, however, would argue that the advent of Al-Qaeda has further hindered the possibility of negotiations, owing to the complex structure of that phenomenon. It is to this second hurdle that the present article now turns.

Al-Qaeda's Complexity

Complexity is largely viewed as a problem in the study of terrorism. In few places is this clearer than in the analysis of Al-Qaeda, and more specifically of its structure. There is a rare near-complete unanimity in the academic and policy world in describing Al-Qaeda as a 'terrorist' phenomenon. Debate, however, rages on Al-Qaeda's structure: vertical or horizontal; pyramidal or web-based; etc. It has been described as anything from a hydra (Williams, 2002), to an NGO (Naim, 2002), to an 'unidentified terrorist object' (Raufer, 2003). Al-Qaeda may indeed have several overlapping structures. Jason Burke (2004) argues that, at its height, it consisted of three elements: a hard core, a network of co-opted groups, and an ideology.⁹ Despite continuing debate on Al-Qaeda's structure, most terrorism experts agree that its complexity makes the task of the analyst trying to understand the phenomenon and that of the policymaker trying to counter it more difficult (see, among others, Cronin, 2006; Hoffman, 2003, 2004; Wilkinson, 2006; Neumann, 2007; Swanstrom & Bjornehed, 2004). Bruce Hoffman, widely seen as one of the key experts on Al-Qaeda, compares the group to the 'archetypal shark in the water', constantly regenerating, and warns that developments such as that of the emergence of Al-Qaeda make the 'traditional way of understanding terrorism and looking at terrorists based on organizational definitions and attributes . . . no longer relevant' (Hoffman, 2003: 435, 439). Thus, 'the threat that faces us is new and different, complex and diverse, dynamic and protean and profoundly difficult to characterize', writes Burke (2004: 1), backing a US State Department analysis that this makes the Al-Qaeda phenomenon more difficult to track and counter. Wilkinson (2006: 42) identifies Al-Qaeda's

⁹ Burke argues that, following the US-led war in Afghanistan, the only element that remains of Al-Qaeda is the 'ideology' element, with the hard core largely rendered ineffective and the network dismantled. There is, however, heated debate over this question. Bruce Hoffman (2004: 552), for example, argues that although Al-Qaeda may function more like an ideology today than as an organization, there is still a 'central ideological and motivational base', a 'robust' and 'centralized' entity with even a 'corporate succession plan of sorts'.

“horizontal” network structure’ as one of the main factors why ‘the Al-Qaeda network is far more dangerous than traditional groups’. Complexity is thus equated with something that prevents the scholar and policymaker from engaging effectively with Al-Qaeda.

Turning this logic on its head, this article follows the call of leading conflict transformation scholars John Paul Lederach and Johan Galtung to make complexity ‘a friend, not a foe’: ‘While complexity can create a sense that there is too much to consider, it also provides untold possibilities for building desired and constructive change,’ says Lederach (2003: 54). Galtung (1996: 77), meanwhile, states that ‘the more complex the conflict, the more openings for nonviolent, creative transformation of the conflict’. Drawing from this, one can thus examine whether and how the complexity of Al-Qaeda’s structure can be seen as an opening for the understanding of and an engagement with the network. The basic argument put forward here is that the complexity and multiplicity of Al-Qaeda’s structure arguably offers more points of entry and contact than a traditional pyramidal structure, such as that of the IRA, for example. To quote Lederach (2003: 54) again: ‘One of the great advantages of complexity is that change is not tied exclusively to one thing, one action, one option.’ Thus, unlike in the case of the IRA, where if the top (e.g. the Army Council) takes a position the rest of the organization must overall toe the line, the multiplicity of Al-Qaeda’s structure may allow for more options.

More specifically, if Al-Qaeda is (also) a loose coalition of like-minded groups – many of which have a local agenda that may be just as or even more important than the pan-Islamist one championed by Osama bin Laden – it is conceivable to engage with these groups even though the central command or hard core of Al-Qaeda rejects any form of dialogue. Publicly, in fact, Al-Qaeda’s hard core has rejected the possibility of any negotiations. ‘Take note of the ground rule regarding this fight. There can be no dialogue with occupiers except through arms,’ declared bin Laden (2004). This, however, does not necessarily exclude the possibility of engaging with local groups. Paul Rogers identifies southern Thailand as one of the cases in which talks with an armed Islamic group – allegedly linked to Al-Qaeda but with specific local grievances – could bear fruit.¹⁰ In her article ‘How Al-Qaida Ends: The Decline and Demise of Terrorist Groups’, Audrey Cronin (2006: 42) also argues that Al-Qaeda can be countered by engaging with local groups, even possibly through negotiations: ‘The key is to emphasize the differences with Al-Qaida’s agenda and to drive a wedge between the movement’ and the local organizations. The aim could be a complexification of the conflict, a ‘splitting up of actors and goals into sub-actors and sub-goals’ (Galtung, 1996: 78).¹¹

¹⁰ Interview with author, Bradford, 8 June 2004.

¹¹ Galtung (1996: 78) stresses that this complexification can only be taken so far before it becomes ‘too great for the human mind to handle’.

The work of Zartman on negotiating an end to civil wars and terrorist violence and Stedman's work on spoiler management are helpful in understanding how this can be achieved. Zartman argues that 'there is often temptation for one side to play politics within the other side on the negotiation issue', and this can include to

divide the other and make a separate peace with factions, winning away pieces; such tactics can be useful in isolating either the radicals of a movement who may have been preventing a solution, or a leader in chief whose personality would be indigestible in a new government-opposition coalition. (Zartman, 1995: 23)

Thus, the question faced by a government, for example, is 'not merely a decision whether or not to negotiate but also a decision with whom to negotiate' (Zartman & Alfredson, 2006).

In the case of an attempt to engage nonviolently with a locally based group linked to Al-Qaeda while its transnational leadership remains opposed to any such engagement, this would mean treating the latter as a spoiler (Stedman, 1997; Zahar, 2003). According to Stedman's framework, a spoiler is a group that seeks to undermine a peace process.¹² According to Stedman, spoilers can be divided in three types: total, limited or greedy. Total spoilers seek 'total power' and 'hold immutable preferences'; limited spoilers have 'limited goals', such as 'recognition and redress of a grievance'; while greedy spoilers hold 'goals that expand and contract based on calculations of cost and risk' (Stedman, 1997: 10-11).

Following this framework, Osama bin Laden and the hard core of Al-Qaeda may be seen as 'total spoilers'. Total spoilers 'are irreconcilably opposed to any compromise peace' (Stedman, 1997: 11). They can only be countered by force or by giving them a last chance to join the peace process (the 'departing train' strategy) and then isolating them.¹³ This is where Al-Qaeda's complex structure can be seen as a factor potentially facilitating this process of isolation of the total spoiler hard core, since its transnational non-vertical structure could make it easier to isolate the element that is based outside the country and that does not have strong hierarchical links with the subgroup in question. As noted earlier, Paul Rogers identifies southern Thailand as a possible place where a separate peace process could be undertaken with the

¹² This article is thus somewhat stretching Stedman's framework to address a situation in which a peace agreement has not yet been signed but a process aimed at an agreement has been engaged in with the local group. In his article, Stedman (1997: 7) states that spoilers exist only 'after at least two warring parties have committed themselves publicly to a pact or have signed a comprehensive peace agreement'.

¹³ Marie-Joelle Zahar offers an interesting critique of Stedman's framework primarily based on the argument that he does not take into account the opportunity structure in which spoilers may operate, how this affects who becomes a spoiler, or whether actors remain spoilers or accept the peace process if the opportunity structure changes. However, even if one takes into account Zahar's critique, which crucially restores to the analysis of spoiler management the possibility that interests and identities change over time, the hard core of Al-Qaeda would arguably still be characterized as a spoiler - an 'outside spoiler', for whom spoiling 'does not cost them much', while accommodation may cost them their political survival (Zahar, 2003: 121).

local Islamic insurgents. Meanwhile, an example where a peace process has already been engaged in and that appears to fit the above framework may be found in the talks between the Philippines government and the Moro Islamic Liberation Front (MILF).

The Muslim insurgency in the southern Philippines long predates the emergence of Al-Qaeda, with fighting marring the region ever since the Christian Spanish conquest in the 16th century. In the post-World War II era, clashes flared in the early 1970s in reaction to the central government-sponsored migration of Christians to Muslim regions (Rogers, 2004). The creation in the late 1970s of the MILF, itself a splinter group of a previous generation of Muslim insurgents, also predates Al-Qaeda. MILF founder and leader Salamat Hashim, however, had strong 'international Islamist ties', including with Osama bin Laden himself (ICG, 2004: 4; Abuza, 2003), and through training as well as financing the MILF is widely believed to have maintained links with Al-Qaeda and its close Southeast Asian-based ally Jemaah Islamiyah (ICG, 2004, 2005; Rogers, 2004; Abuza, 2006, 2003; Swanstrom & Bjornehed, 2004). After receiving training for its operatives in Pakistan and Afghanistan,¹⁴ the MILF reportedly returned the favour by allowing foreign militants to use its numerous camps for training purposes, and may still be doing so to this day (ICG, 2004, 2005; Abuza, 2006).

However, these links have not pushed the group to subjugate its local goals to the transnational jihadist agenda of Al-Qaeda. 'The conflict in the southern Philippines is not some nefarious external conspiracy or a clash of civilizations but [an] internal problem,' stresses Steven Rogers (2004). The fact that the MILF is engaged at all in on-and-off peace talks with the government over the creation of an autonomous region can be seen as a telling sign that its local agenda remains more important than any Al-Qaeda-imported transnational one. The talks remain stalled (in late 2007) over the size of the 'ancestral domain' and the amount of autonomy to be awarded to the country's Muslims. Again, this is a very local issue. Thus, despite the links between the MILF and Al-Qaeda's hard-core leadership, peace talks with the government remained possible precisely owing to the complex network-like ties that allowed local grievances to remain the prime focus of the group. Being linked to Al-Qaeda does not, therefore, turn the MILF into a group that is beyond the pale of negotiations.

Interestingly, despite accusing the MILF of using indiscriminate attacks against civilians and of having links with Al-Qaeda and Jemaah Islamiyah, the administration of President Gloria Macapagal-Arroyo has chosen not to classify it as a 'terrorist organization'. The designation of the MILF as a

¹⁴ This not only means the MILF operatives may likely feel a sense of common cause or brotherhood with Islamist fighters with whom they trained in Afghanistan and Pakistan, but also that they were exposed to the same pan-Islamist transnational ideology that many Al-Qaeda operatives espouse. 'They met revolutionaries from all over the world,' Hashim said of his fighters (Abuza, 2003: 91).

terrorist group has indeed been the locus of intense confrontation between the MILF and the government, with authorities threatening to label the group 'terrorist' following particularly deadly attacks targeting civilians (ICG, 2004). The MILF leadership has in turn warned of dire consequences if such a designation was announced: 'Eid Kabalu, a MILF spokesman, stated that the use of such a label would indicate that the "government is closing its door to the peace process and [intends to] pursue a military solution"' (Bhatia, 2005: 5). The designation or naming of the MILF as terrorist group is thus seen by both sides as an escalating step, potentially undermining the peace process, and the government has so far worked to 'insulate the MILF conflict from the war on terror' (ICG, 2004: 7). It has also successfully lobbied Washington to refrain from including the group in its list of FTOs (Abuza, 2003, 2006). This can be seen as another example of the twin processes of naming-isolating-radicalizing and negotiating-including-legitimizing. However, it can also be argued that it is again the complexity of Al-Qaeda's network ties that allows the government to refrain from designating the MILF as terrorist while accusing it of ties with the transnational network and its regional affiliates.

Of course, the peace talks are not devoid of pitfalls and dangers, and one of the main bones of contention between the government and the MILF has been the latter's ongoing ties and hosting of 'foreign terrorists' (ICG, 2004). There is also the danger that parts of the MILF, rather than cut ties with the transnational groups to continue the negotiations, choose to maintain those links and repudiate the peace process (Abuza, 2006; ICG, 2005). This article is not suggesting that embracing complexity turns negotiations into a panacea capable of solving all Al-Qaeda-linked conflicts or that complexity only facilitates talks – it no doubt also complicates the work of analysts and policy-makers – but merely that an approach that explores rather than rejects complexity can add another important dimension to research and policy-making on Al-Qaeda. Thus, to answer the question 'Who do we talk to?', one can envision the possibility of engaging with numerous actors, rather than being constrained to a group's top leadership. The complex non-vertical structure of Al-Qaeda and its transnational nature can be seen as an element also facilitating rather than only hindering a peace process, as can be noted in Mindanao. Its structure has arguably permitted the local agenda to remain the main goal of MILF, leaving the group with something to negotiate over with the government.

Concluding Remarks

If 'we can't talk to terrorists' because such talks legitimize terrorists and terrorism and because with Al-Qaeda 'we don't know who to talk to', then

maybe we can. Negotiating with 'terrorists' can indeed lead to their legitimization, but through this very legitimization it may offer 'terrorists' an alternative path and the chance to transform into nonviolent actors. The transformation of the republican movement in Northern Ireland can be seen as an example of such a process. In the case of Al-Qaeda, its complex structure can certainly be seen as a hurdle to understanding and engaging with the network. However, by seeing complexity as the expansion of opportunities, one can examine how Al-Qaeda's layered structure may offer multiple points of entry for negotiations. In the case of the MILF, the loose transnational links with Al-Qaeda's hard core can be seen as an advantage allowing for negotiations on a local level to continue despite bin Laden's opposition to talks. This may be true for other local groups with ties to Al-Qaeda, allowing for the possibility that separate peaces be made, reducing the network's global reach.

Thus, neither legitimacy nor complexity appears to rule out negotiations entirely. This of course does not mean that negotiations are always possible or will necessarily be fruitful. It simply implies that they should not be ruled out a priori in conflicts marked by terrorist violence. It offers the possibility of an alternative route to the policy of violent counter-terrorism currently advocated and enforced the world over and in which – since the attacks of 11 September 2001 alone – tens of thousands have been killed, and many more maimed, displaced, scarred.¹⁵

This article has also questioned the politics of naming groups as 'terrorist'. Indeed, the terrorist designation is often precisely an attempt to delegitimize a group, isolating it, potentially radicalizing it, and crucially closing off non-violent paths. Reducing a group or movement to its terrorist acts, which often do not even represent the main activity of the group, limits the group's possibilities of being anything but a 'terrorist group'. It also limits how the state can engage with such groups, putting decisionmakers in a 'policy straightjacket' (Hicks, 1991). Governments are not simply 'calling a spade a spade'. Indeed, it seems that more often than not all the cards in the deck are being called spades. There is no doubt there are spades there, but by recognizing only spades, participants are left with only spades to play with. Groups do carry out terrorist acts, but by defining such groups only by these actions of extreme violence, states are arguably limiting their responses to ones of extreme violence. This article has argued that engaging with such groups through negotiations can potentially reverse this naming-isolating-radicalizing process, creating in its place a negotiating-including-legitimizing one. Rather than disempowering the norm of nonviolence, the article has

¹⁵ This is according to conservative estimates, such as those of US President George W. Bush, who suggested in December 2005 that some 30,000 people may have died in Iraq; see CBS News (2005). An October 2006 article in *The Lancet*, dismissed by the US government, estimated that as of July 2006 the number of deaths in Iraq that could be directly attributed to the war stood at 654,965. This did not include deaths in Afghanistan and elsewhere; see Burnham et al. (2006).

argued that this can lead to its strengthening. Negotiations in terrorist conflicts are thus not only possible, they are potentially less destructive than most other responses to terrorism envisioned by academics and policy-makers today, and, finally, they may offer a path of empowerment for the norm of nonviolent political contestation.

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