

Counterproductive Counterterrorism? A Preliminary Examination of the Terrorist Identity as a Social Construct of Conditions of Confinement.

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ABSTRACT

Prisoner classification is an essential component of effective offender management and rehabilitation. However, the detrimental side-effects, such as that of labelling are often neglected. While prisoner classifications are generally assigned based on the level of risk that the offender presents, in certain circumstances, classifications such as that of the former Special Category Status in Northern Ireland and Category AA or Category 5 in New South Wales are reserved for terrorist offenders and are assigned based on the nature of the offence. Coupled with the practice of segregating this offender group from the mainstream prisoner population, and the requirement that they dress differently to their criminal peers, this paper argues that these conditions of confinement act as identity symbols that afford external validation to the terrorist offender's desired and dominant identity. Such practices in Northern Ireland were met with criticism and failure however despite this; New South Wales have implemented practices that arguably mimic many of those from Northern Ireland. As such, there is legitimate concern for the likelihood and consequences of history repeating itself.

Key Words: Symbolic Interactionism, Identity Development, Labelling Theory, Prisoner Classification, Terrorist Offenders.

INTRODUCTION

Prisoner classification is an essential component of effective offender management and rehabilitation. However, the detrimental side-effects, such as that of labelling are often neglected. The influence that social labelling exerts on the development of a corresponding identity is supported by a plethora of research and aligns with the symbolic interactionist approach when investigating identity development. While conventional application of labelling theory asserts that the assignment of

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a deviant label will increase the likelihood of that actor engaging in corresponding deviant behaviour, in the terrorist context, such a label is arguably more likely to act as a reinforcer that externally validates the identity sought by that actor. From a symbolic interactionist perspective, this credibility can enhance the status of the actor during the social interactions that are critical to the development and maintenance of their desired identity.

Although a detailed analysis of identity development is beyond the scope of this paper, the principles of labels, appraisals and narratives are applied to the terrorist prisoner context. The objective being to ascertain the role that conditions of confinement play in the development or maintenance of the terrorist identity within that offender group. By reviewing the historical practices and outcomes of the British experience with Special Category Status in Northern Ireland, along with the current practices in New South Wales, correlations are developed between experiences of the past and those that can be expected in the present. From this, predictive outcomes are presented that may act to guide correctional administrators in addressing the underlying precursors to the terrorist identity, and potentially prevent history from repeating itself.

SOCIAL LABELLING

Despite periods of criticism, Labelling Theory continues to receive increasing acceptance in the explanation of criminal and deviant behaviour (Bernberg, 2009; Bernberg, Krohn & Rivera, 2006; Kroisca, Lee & Carr, 2017; Restivo & Lanier, 2015; Wellford, 1974). Conventional application of Labelling Theory asserts that the assignment of a negative, deviant or criminal stereotype (label) to an individual would result in an increased likelihood of that actor engaging in negative, deviant or criminal behaviour (Bernberg, 2009; Bernberg, Krohn & Rivera, 2006; Kroisca, Lee & Carr, 2017), or put simply “[the] person becomes the thing that he is described as being” (Tannenbaum, 1938 as cited in Restivo & Lanier, 2015:117).

Kroisca, Lee and Carr, (2017:85) proposed that “...delinquency labels increase the likelihood of teen recidivism by changing teens’ opportunity structure and their self-meanings”. Similarly, Bernburg, Krohn and Rivera (2006) asserted that the resulting stigma may promote

greater involvement in criminal groups, while Kronick and Thomas (2008:114) proposed that “[l]abeling theory explains behaviors by the reactions received from audiences” and further, that “[a]udience reactions to behaviors are more important than the behaviors themselves”.

Bernburg (2009) argued that the effectiveness of an assigned label is dependent on stigma, the associated negative or immoral stereotypes that are associated with that stigma and the social reaction to those stereotypes. Furthermore, Kronick & Thomas (2008: 115), proposed that the social reaction to stereotypes occurred at multiple levels including “society at large, agents of social control, and significant others”. Bernburg, Krohn and Rivera (2006) concurred, adding that this negative social reaction had the effect of discouraging interaction with conventional peers and promoted associations with deviant peers, thus reinforcing the label through the development of a deviant self-concept and by normalising the deviant behaviour (Bernburg, 2009, Restivo & Lanier, 2015, Kronick & Thomas, 2008).

Self-Concept

The interaction between labelling and self-concept is a foundation principle of symbolic interactionism, which is fundamentally explained through the process of reflected appraisals (Gecas, 1982; Kronick & Thomas, 2008; Redmond, 2015). Bernburg (2009:193) defined this process as “...the individual’s image of self is formed in the process of *reflected appraisals*, that is, individuals form their self-concept on the basis of their experience of interacting with other people”. Gecas (1982:3) concurred stating that “self-concept can best be viewed as a theory that a person holds about himself as an experiencing, functioning being in interaction with the world” and further that “self-concepts reflect the responses and appraisals of others” (p 5).

In the context of identity development, self-concept should be considered to be a key influence (Asencio & Burke, 2011) and fundamental in explaining self-ideology, whereby the individual comes to view themselves as a deviant and assumes a corresponding role (Bernburg, 2009; Gecas, 1982). Asencio & Burke (2011), echoed this finding, proposing that actors with a criminal self-view are more likely to act

according to that view in order to maintain and validate their identity, Consistent with this approach, Gecas (1982:17) argued that “the self-concept is, to a large extent, an agent of its own creation”, a position supported by Asencio and Burke (2011), who equally reported that the self-view favours appraisal that are consistent with the actor’s desired identity while also rejecting those appraisals that are in conflict with it.

IDENTITY DEVELOPMENT

Defined by Gecas (1982:4), as focusing “on the meanings comprising the self as an object, gives structure and content to self-concept, and anchors the self to social systems”, identity was primarily considered to be an internalised social construct. Hancock (2014) concurred, positing that social interaction was a fundamental element of identity development whereby the self-view was compared with that of others, while Asencio and Burke (2011:166) contended that “an identity is understood as the set of meanings applied to the self in a particular position in society” and further that Identity Theory is instrumental in understanding the relationship between the assignment of a label and the subsequent development of an identity. Two key elements can be drawn from this body of research. The first being, that identity is socially constructed to suit the context of the interaction and secondly, that it provides meaning to the self in that context.

When applying this concept to the terrorist context, Arena and Arrigo (2004) asserted that the interplay between identity and terrorist activity was not a new development and further, that identity had a direct and profound influence on the conduct of the terrorist actor. Consistent with the assertion that the terrorist identity is a social construct, Rotherberger, Muller and Elmezeny (2018:433) argued that “...people do not become part of terrorist groups because they are searching for an identity, but because they are looking for a channel to express their identity instead”. Consistent with this finding, the significance of the role played by identity was further defined by the assertion that “terrorists whose only sense of significance comes from being terrorists cannot be forced to give up terrorism, for to do so would be to lose their very reason for being” (Post, 1998 as cited in Arena and Arrigo, 2004:126) and thus, the terrorist identity became the primary defining identity for those actors.

It was further argued that key elements in the development and maintenance of the terrorist identity encompassed perception manipulation and impression management. This was primarily achieved through the behaviour and activities of that actor in order to present him or herself in the desired context (Asencio and Burke, 2011; Gecas, 1982). Rotherberger, Muller and Elmezeny (2018) contended that maintaining the terrorist identity extended beyond that of behaviour or actions and that it sought self-validation through the reliance on narratives which acted to provide credibility both to the terrorist self-view and also to their perception by others (Hammack, 2008). Consistent with this posture, Ibarra and Barbulescu (2010) asserted that authenticity and self-validation, through the use of self-narratives, were essential preconditions in maintaining the desired identity and consistent with symbolic interactionism, the assignment of social labels constituted an external identity symbol which was a likely contributor to that sense of self-validation (Asencio & Burke, 2011; Gecas, 1982).

Narrative Identity

According to Ibarra and Barbulescu (2010), the significance of narratives in identity development has been largely neglected. Copeland (2018:1) concurred reporting that, “[n]arrative has recently garnered in much attention in the study of terrorism but remains poorly understood”. Notwithstanding these limitations, self-narratives provide an important insight into the manner in which an actor gains meaning in their own existence, represents the identity that the actor wishes to exhibit socially (Copeland, 2018) and is a source of authentication and self-validation for that actor (Ibarra & Barbulescu, 2010). Consistent with this proposition and specific to the terrorism context, Hancock (2014) asserted that narratives were an essential element in the formation of identity, within both Republican and Loyalist communities, during the conflict in Northern Ireland. A finding that was echoed by Hammack (2008) during his investigation of narrative identity in the conflict between Israel and the Palestinians.

Narrative Identity was defined as “...a person’s internalized and evolving life story, integrating the reconstructed past and imagined future to provide life with some degree of unity and purpose” (McAdams &

McLean, 2013:233). Ibarra and Barbulescu (2010:135) defined self-narratives as “stories that make a point about the narrator- [and] help people revise and reconstruct identities”. Consistent with symbolic interactionism, narratives also rely on symbols of identity, such as language and cultural practices (Hammack, 2008; Hancock, 2014), that were intended to validate or authenticate the actor’s position at both a personal and at a collective level (Copeland, 2018; Hancock, 2014). Consistent with this finding, Hammack (2008:234) posited that “the significant symbolic gestures necessary for successful participation in a community are internalized” when investigating the relationship between individual identity and groups identity in the context of the conflict between Israel and the Palestinians.

When applying this framework of identity development to the prisoner context, arguably the two most significant areas of labelling occur when the actor is charged with or convicted of a terrorism related offence, and during the assignment of a security classification by the correctional system. The first falls outside the scope of this paper as it does not constitute a practice that is initiated by the correctional system, but rather, it represents the grounds for the actor coming into contact with the correctional system. However, this paper argues that the security classification assigned to the prisoner offers significant potential to act as a symbol of identity and provide validation to the offender’s terrorist self-concept.

PRISONER CLASSIFICATION SYSTEM

The security classification system is considered to be a critical element of effective prisoner management and applies to all offender groups; including those charged with or convicted of terrorism related offences (Thompson, 2018), however the predictive value of prisoner classification remains a source of conjecture (Bench & Allen, 2003; Tahamont, 2019). In general principle, the classification system is comprised of a tiered structure that extends from highest to lowest, or maximum to minimum security (Clements, 1981; Corrective Services NSW, 2015; Tahamont, 2019) with the overarching principle being that a prisoner should be held at the lowest security rating that is appropriate for their identified level of risk (NSW Inspector of Custodial Services, 2018).

While the primary objective of the prisoner classification system is to differentiate between prisoner groups with dissimilar characteristics and treatment needs (Bench & Allen, 2003; Brennan, 1987; Clements, 1981; Tahamont, 2019), Clements (1981) cautioned that the fundamental principle of classification constituted systemic labelling whereby every offender was required to conform to their assigned label, which fell within the scope of limited number of classification tiers. This sentiment was echoed by Bachman and Schutt (2008:121) who further asserted that "...once these labels are assigned, they have the effect that all labels have: they attach various expectations to prisoners". Consistent with this posture, Bench and Allen (2003:372) also contended that the label assigned to an offender as part of the classification process projected a stereotypical expectation of behaviour from that offender and further that "the classification label becomes a proactive force in determining behavior rather than serving simply as a reflection of behavioral attributes".

Of particular significance to this paper are the British Special Category Status that was formerly assigned to prisoners in Northern Ireland who were convicted of offences in relation to paramilitary activities (Gardiner, 1975; McEvoy, 2001; O'Donnell, 2012) and the New South Wales category AA (for males) and Category 5 (for females) classifications, which is also reserved solely for inmates charged with or convicted of terrorism related offences (Corrective Services NSW, 2015; NSW Inspector of Custodial Services, 2018). These classifications are unique inasmuch that they are arguably assigned based on the nature of the offence rather than the identified level of risk (Thompson, 2018). In essence, these classifications label a terrorist as being a terrorist and potentially afford those individuals the status and self-validation that they seek (Rubinsztein-Dunlop & Dredge, 2016; Thompson, 2018; Toohey, 2014; United Kingdom House of Commons. Record of Proceedings, December 8, 1977). Arena and Arrigo (2004:126) argued that such conditions were an essential precursor for the existence of the terrorist identity which "can serve to both inform and influence terrorist conduct through individuals' perceptions of themselves and their environment". Furthermore, such conditions may lend support to arguments that the practice of assigning terrorism-specific classifications likely encouraged and facilitated the specific outcomes that they were intended to prevent.

United Kingdom Special Category Status

On 19 June 1972, The Secretary of State for Northern Ireland introduced Special Category Status (United Kingdom House of Commons. Record of Proceedings, February 16, 1981) which was broadly detailed as applying to "...prisoners guilty of offences in connection with the [Northern Ireland] civil disturbances whom it is desirable in the public interest to segregate" (United Kingdom House of Commons. Record of Proceedings, March 8, 1973). Gardiner (1975:34) more specifically reported that Special Category Status applied to "...any convicted criminal sentenced to more than nine months' imprisonment who claims political motivation and who is acceptable to a compound leader at the Maze or Magilligan Prisons" and this classification was evidently reserved for Irish prisoners (McEvoy, 2001; O'Donnell, 2012).

Although the British Government consistently denied that the assignment of Special Category Status conveyed or implied political prisoner status (Spillane, 1986; United Kingdom House of Commons. Record of Proceedings, 22 January, 1981), the officially accepted definition offered by Gardiner (1975) directly contradicted this position whereby he specifically cited 'political motivation' as being one of the criterion for eligibility. Spillane (1986) further counter-argued that a special class of prisoner existed as a result of Britain's erosion of fundamental human rights during its treatment of prisoners who were incarcerated in relation to the Northern Ireland conflict. Such argument was reinforced by the unique conditions that were afforded to Special Category Status prisoners, which were specified as being:

...allowed to wear their own clothes and are not required to work. They receive more frequent visits than other prisoners and are allowed food parcels, and can spend their own money at the prison canteen. They are segregated in compounds according to the para-military organisation to which they claim allegiance Gardiner (1975:34).

According to Moen (1999), the magnitude of incarceration as a result of the conflict in Northern Ireland caused a widespread shift in the prison dynamic. This assertion was supported by Gardiner (1975:34) who reported that "...[there were] 1,119 prisoners in this special category out of a total of 1,771 convicted prisoners". By March 1976, this number had increased to in excess of 1,500 (United Kingdom House of Commons. Record of Proceedings. 26 March 1980). In response, Gardiner (1975:34) reported that "[a]lthough recognising the pressures on those responsible at the time, we have come to the conclusion that the introduction of special category status was a serious mistake" and further "...that the earliest practicable opportunity should be taken to end the special category" (Gardiner, 1975:35).

In response, Special Category status was no longer afforded to any prisoner who was convicted of an offence committed on or after 1 March 1976 and no person charged on or after 1 April 1980 was to be afforded Special Category Status irrespective of the date of the offence (United Kingdom House of Commons. Record of Proceedings. 26 March 1980). The retraction of Special Category Status represented the beginning of a campaign by British authorities to shift the focus of terrorism offences away from that of a political context and into a criminal context (Caesar, 2017; Moen, 1999; Spillane, 1986). This shift in policy was met with resistance from the Irish prisoner population and culminated in the 1981 hunger-strike, resulting in the death of ten Irish Republican prisoners (O'Donnell, 2015; United Kingdom House of Commons. Record of Proceedings, 9 February, 1984).

Terrorist Identity Development

From a symbolic interactionist perspective, valid argument exists that resistance to the criminalisation policy by Irish Republican prisoners was the result of a shift in the reflected appraisals being afforded to that prisoner group. Irish Republican prisoners viewed themselves as political prisoners (Caesar, 2017; Moen, 1999; O'Donnell, 2012, 2015; Spillane, 1986). This self-view, which favoured political justification in denial of criminality (McEvoy, 2001; O'Donnell, 2012) was arguably validated to varying degrees, by the assignment of Special Category Status, whereby this prisoner group was managed under a different regime to that of the

mainstream criminal prisoner population. Consistent with Asencio and Burke (2011), this element lends support to their assertion that the self-view favours appraisals that are consistent with the desired identity while also rejecting those appraisals that are in conflict with it.

More specifically, the individual conditions of the management regime equally represented key identity symbols that favoured the political self-view over that of the ordinary criminal (O'Donnell, 2012). Prison issued clothing was strongly associated with the criminal identity. Moen (1999:5) concurred, proposing that “refusing to wear the prison uniform symbolised the total rejection of the criminalisation [label]”. Furthermore, the magnitude of rejection was demonstrated in September 1976 when:

Kieran Nugent became the first IRA member to be convicted of terrorism and not granted Special Category status. In protest, Nugent refused to wear a prison uniform and instead wrapped himself in a blanket, so as to differentiate himself from ordinary criminals in the prison (Caesar, 2017:336).

This rejection of the criminal identity was practiced by numerous other Irish prisoners that followed (Caesar, 2017). Referred to as the Blanket Protest, it was one of a number of rejections of the criminal identity (United Kingdom House of Commons. Record of Proceedings, 9 February, 1984), and represented an example of the symbolic activities that Gecas (1982) argued were critical to the maintenance of a self-concept with reference to the actor's environment. Arena and Arrigo (2004:126) lend further support to this argument with their assertion that “[i]dentity can serve to both inform and influence terrorist conduct through individuals' perceptions of themselves and their environment”.

The physical segregation of Special Category prisoners from the criminal prisoner population arguably represented an additional external identity symbol whereby they were segregated based on the nature of their offences rather than the level of risk that they presented (Gardiner, 1975; Thompson, 2018). Such practices arguably afforded the prisoners the identity that they desired and provided legitimacy to their self-view

through the application of an official label (Moen, 1999; O'Donnell, 2012; Spillane, 1986; Thompson, 2018). Giving consideration to identity as a social construct (Arena & Arrigo, 2004; Hancock, 2014), concentration with like-minded peers arguably offered the social conditions necessary for self-validation and strengthening of the terrorist narrative (Gardiner, 1975). Consistent with this proposal, Gardiner (1975:34) cautioned that “they are more likely to emerge with an increased commitment to terrorism than as reformed citizens” and represented “a means by which one can strengthen one’s sense of identity” (Arena & Arrigo, 2004:133).

Spillane (1986: 489) reported that Special Category Status was primarily criticised for the “lending of legitimacy to terrorist activities”. This position was consistent with Gardiner’s findings (1975: 34) who recommended that:

We can see no justification for granting privileges to a large number of criminals convicted of very serious crimes, in many cases murder, merely because they claim political motivation. It supports their own view, which society must reject, that their political motivation in some way justifies their crimes.

The primary objective of the criminalisation policy following the withdrawal of Special Category Status was to realign the collective prisoner identity to that of a criminal and diminish the political identity that had been allowed to develop (Caesar, 2017; Moen, 1999). Ostensibly, the legitimacy and self-validation that was afforded to Irish Republican prisoners through systemic labelling had undermined the deterrent effect of incarceration, insomuch that incarceration was viewed as “an honour to be worn with dignity” (Yan, 2009:13) and with “an absence of shame or stigma” (Moen, 1999:10). Arguably, such conditions represented a significant failure of the correctional system in its role to effectively manage and rehabilitate offenders (Gardiner, 1975), which was ostensibly self-defeating and likely resulted in a collective strengthening of the terrorist identity (Spillane, 1986).

New South Wales Category AA and Category 5

In 2004, the New South Wales Government amended the prisoner classification system to allow for the introduction of Category AA, for male inmates¹, and Category 5, for female inmates (NSW Parliament General Purpose Standing Committee No.3, 2006). These classifications were offence specific and were exclusive to:

...inmates who, in the opinion of CSNSW represent a special risk to national security (for example, because of a perceived risk that they may engage in, or incite other persons to engage in, terrorist activities) and should at all times be confined in special facilities within a secure physical barrier that includes towers or electronic surveillance equipment (Corrective Services NSW [CSNSW], 2015, para 12.3.2)

Operating concurrently but independently to the prisoner classification system, select offenders may have an additional security designation assigned. The purpose of the additional security designations was detailed as providing "...additional security measures to be applied to inmates who pose a particular threat that is unable to be managed through usual prison regimes and monitoring" (NSW Parliament General Purpose Standing Committee No. 3, 2006:45). In the case of those who are detained for terrorism-related offences, the *Extreme High Risk Restricted* and *National Security Interest* inmate designations apply. The Extreme High Risk Restricted designation is assigned to inmates who present:

...an extreme danger to other people; or an extreme threat to good order and security; and there is a risk that the inmate may engage in, or incite other persons to engage in, activities that constitute a serious threat to the peace, order or good government of the State or any other place.

The National Security Interest inmate designation is assigned to inmates who present:

...a risk that they may engage in, or incite other persons to engage in, activities that constitute a serious threat to the peace, order or good government of the State or any other place (NSW Inspector of Custodial Services, 2018:45).

In addition to the prisoner classification system and security designations, CSNSW also operate the *Extreme Threat Inmate* framework which is assigned to inmates who are viewed to present “an extreme threat to other people and/or an extreme threat to the good order and security of correctional centres” (NSW Inspector of Custodial Services, 2018:56).

Although a degree of discretion is afforded in the assignment of these designations (CSNSW, 2015), in practice all National Security Interest inmates were co-assigned the Extreme High Risk Restricted designation along with the Extreme Threat Inmate designation and housed in the *High Risk Management Correctional Centre* at Goulburn Correctional Centre (NSW Inspector of Custodial Services, 2019). As such, Category AA and Category 5 have attracted criticism for being a blanket label that is applied to all terrorist offenders irrespective of their individual circumstances (NSW Parliament General Purpose Standing Committee No. 3, 2006; Thompson, 2018) and further, that the Extreme Threat Inmate designation was merely a duplication of the existing security designations (NSW Inspector of Custodial Services, 2018).

Terrorist Identity Development

The New South Wales prisoner classification system, and specifically, Category AA and Category 5, along with the associated security designations represent a multi-tiered labelling system. Consistent with assertions by Asencio and Burke (2011), the assignment of the terrorism-specific Category AA or Category 5 classification act as a primary identity symbol, which is undoubtedly further reinforced and validated by the additional assignment of terrorism related security designations and Extreme Threat Inmate status. According to Appleby (2010), the assignment of such labels, particularly by the Government may form the dominant identity for that individual and further that, “the deviant will not only surrender to the label that society gives them, but that they

will also see the benefits and rewards that the label can give” adding that “[t]he ‘terrorist’ embraces the label given within the Government’s discourse as a status symbol to be exploited” (Appleby, 2010:427).

The requirement to place Category AA and Category 5 inmates in ‘special facilities’ (CSNSW, 2015) and the default practice of housing these offenders in the High Risk Management Correctional Centre (NSW Inspector of Custodial Services, 2018) further acts as a potential source of status among this offender group. This practice has attracted criticism inasmuch that “[w]e’re playing to their status...[w]e’re labelling them. They want to be treated specially. If we threw them in with everyone else, they would not have that status” (Toohey, 2014, para 6). Equally, former inmate, Junaid Thorne stated “when I came out, people know that you have been in Supermax [the High Risk Management Correctional Centre] and you have been through such an experience and that you were targeted for who you are, [and] that causes you to have even greater influence” (Rubensztein-Dunlop & Dredge, 2016, para 4). Consistent with this position, the NSW Inspector of Custodial Services (2018:63) reported that “both staff and inmates expressed the view that placement at the HRMCC [High Risk Management Correctional Centre] could lead to and has led to a feeling of enhanced status for some young inmates and identity seekers” and further that the conditions at the High Risk Management Correctional Centre may validate one’s self-view of “exclusivity and ‘martyrdom’ among terrorist offenders” (p 63).

In addition to specialised placement, inmates at the High Risk Management Correctional Centre are required to wear orange jumpsuits, particularly during visits as an additional security measure (NSW Inspector of Custodial Services, 2018). This requirement is specific to High Risk Management Correctional Centre inmates. Consistent with the British experience in Northern Ireland, this acts to distinguish terrorist offenders from the rest of the prisoner population which in turn, potentially affords an additional external identity symbol. Findings by the NSW Inspector of Custodial Services (2018) lend support to this assertion inasmuch that both staff and inmates reported that “the use of orange jumpsuits contributed to notoriety and status around HRMCC inmates, to the point where some younger offenders aspired to be placed at HRMCC” (p 49).

From the symbolic interactionist perspective, the assigned labels as a result of a complex and multi-tiered classification system, coupled with segregated placement and the requirement to wear prison uniform which distinguishes this offender group from the mainstream prisoner population are key elements in the development or maintenance of a self-concept in which the terrorist identity is the dominant identity. Equally, as was the experience with Special Category Status prisoners, the clustering of like-minded peers has consistently demonstrated a potential for ideological intensification. Consistent with Gecas (1982) and Asencio and Burke (2011), the use of narratives and reflected appraisals among like-minded peers has arguably enabled the actor to continually modify their self-concept and the projection of their desired identity, based on these social interactions.

DISCUSSION

Comparisons between Special Category Status in Northern Ireland and current practices in New South Wales reveal a number of key areas of significance. Special Category Status was introduced as a compromise to end a hunger strike at Belfast prison and further represented a means for authorities to manage a prisoner population that was experiencing exponential growth, as a direct result of the Northern Ireland conflict (HM Chief Inspector of Prisons, 1984). Conversely, Category AA and Category 5 were introduced in New South Wales based on the argument that “[p]ersons charged with terrorist offences are regarded as representing a new and special risk to the security of the state, justifying a special security rating within the correctional system” (NSW Parliament General Purpose Standing Committee No. 3, 2006:50). Most significantly, both cases assigned a prisoner classification which was specific to the nature of the offence rather than the level of identified risk. For this reason, these classifications represent labels that, as with all labels, place a predetermined behavioural expectation on the recipient of that label. Special Category Status and Category AA and/or Category 5 ostensibly label an incarcerated terrorist as being a terrorist and in doing so, provide the external validation of their dominant identity that they seek.

Secondly, the segregation of terrorist prisoners, both in Northern Ireland and in New South Wales creates a perception of dissimilarity for

both incarcerated terrorists and also for the mainstream criminal prisoner population. This differentiation was a key source in the denial of the criminal identity by Special Category Status prisoners (Caesar, 2017; Moen, 1999) and equally, accounts albeit limited, from the High Risk Management Correctional Centre in New South Wales support a similar assertion of perceived exclusivity (NSW Inspector of Custodial Services, 2018). While the overarching objective of segregating terrorist offenders is to prevent the proliferation of their radical ideologies throughout the prisoner population, and this strategy has proven to be reasonably effective at achieving that objective (Thompson, 2018), an unintended side effect is the assignment of a sense of exclusivity to the segregated group which may be exploited to support and validate their desired identity (Appleby, 2010).

Furthermore, prison issue clothing has been closely linked to the criminal identity (Moen, 1999). The assignment of clothing other than the normal prison issue to both Special Category Status prisoners and Category AA inmates at the High Risk Management Correctional Centre also acted to visually differentiate this offender group (Moen, 1999; NSW Inspector of Custodial Services, 2018). In the case of Special Category Status prisoners, this was a key element in their rejection of the criminal identity and retention of that of the political prisoner. In the case of New South Wales, this differentiation was viewed as a source of status that some sympathisers and identity seekers aspired to (NSW Inspector of Custodial Services, 2018) and consistent with the Northern Ireland experience, provided the terrorist offenders with the perception of exclusivity and further, that they were being managed based on “who they are rather than what they have done” (Thompson, 2018:44).

CONCLUSION

Prisoner classification performs a critical role in identifying security considerations and rehabilitation needs for offenders. Generally, prisoner classifications are assigned based on the risk that the offender presents. However, in the case of Special Category Status in Northern Ireland and Category AA/Category 5 in New South Wales, the classification was assigned based on the nature of the offence and arguably, irrespective of the level of risk that the offender presented. As such, these classifications

represent labels that act to reinforce and validate the offender's desired identity by essentially labelling a terrorist as being a terrorist.

Coupled with the practice in Northern Ireland and in New South Wales, of segregating these offender groups from the mainstream criminal prisoner population, and the practice of further distinguishing these offenders through the requirement to wear clothing that differs from the mainstream prisoner population, the conditions of confinement for these two groups arguably act to validate the perception that these prisoners differ from their criminal counterparts. Arguably, this condition could be negated to a certain extent in New South Wales by rescinding the requirement to dress in orange and utilising the prison issue clothing as an equaliser between terrorist offenders and their criminal peers.

These practices were widely criticised in Northern Ireland, particularly within Lord Gardiner's report, for affording terrorist offenders an unwarranted level of status and identity validation. Attempts to shift the context of these offenders away from the political and into the criminal context were met with extreme opposition from Special Category Status prisoners, including multiple fatal hunger strikes. Equally, the practice of segregating Irish paramilitary prisoners was found to be flawed inasmuch that command structures and ideological commitment was able to be maintained while incarcerated. As such, the introduction of Special Category Status in Northern Ireland, along with its associated conditions of confinement has been widely viewed as a failure and acted only to exacerbate the problem that it sought to resolve.

Significant demographic and ideological differences exist between Special Category Status prisoners and Category AA/Category 5 prisoners, and caution should be exercised in attempting to align the management practices for these two groups. Concerningly, undeniable parallels exist between the past practices in Northern Ireland and the current in New South Wales. The assignment of multiple terrorist-specific classifications and designations, coupled with segregation from their criminal peers and the requirement to wear orange jumpsuits that resemble a 'terrorist uniform' act to validate the offender's dominant identity, being that of a terrorist. While it is too early to determine the outcomes of the practices in New South Wales, the potential for catastrophic failure along with its

consequences, as was the experience in Northern Ireland, cannot be ignored.

NOTES

1. The Northern Ireland Prison Service referred to incarcerated offenders as prisoners. New South Wales refers to incarcerated offenders as inmates. As such, the terms 'prisoner' and 'inmate' are used interchangeably within this paper.

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