

THE PROBLEM OF DEFINING TERRORISM: A GLOBAL ISSUE

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Abstract

The word “terrorism” derives from the era of French Revolution and Jacobins dictatorship which used terror as an instrument of political repression and social control. The word terrorism in its usual usage has a connotation of evil, indiscriminate violence or brutality and the illegitimate use of force to achieve political objectives.

Terrorism is a complex and global phenomenon and no country can underestimate the threat it poses. All countries are victims of the menace of “terrorism”. Yet, there is no universally accepted definition of terrorism. It remains the subject of continuing debate and controversies. This paper examines the multiple difficulties arising from the exercise of defining terrorism. One more question is addressed here, that is: Why it is difficult to have a widely accepted definition of terrorism?

Terrorism is a pejorative term and this subjectivity however, ensures that this is by no means an easy undertaking. Even though the concept is obviously of fundamental importance, there is no consensus on what the term actually means.

Lawyers, academics, national legislatures, regional organizations, and international bodies such as United Nations, have produced a bewildering array of definitions but still the word “terrorism” has no precise or widely accepted definition

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Introduction

Though terrorism has been a problem of humanity since the dawn of recorded history, it is regrettable that until now, there has been no clear-cut definition of the concept. It is said that the word terrorism originated after the French revolution of 1789. It was first used during the "Reign of Terror" between 1793 and 1794. Yet there has been no clarity on the meaning of terrorism. Modern terrorism has become an increasingly visible and disturbing feature of the contemporary international scene. On every single day, acts of terrorism take place around the world for variety of motives, whether the terrorists style themselves as separatists, anarchists, dissidents, nationalists, Marxist revolutionaries or religious true believers; what marks them as terrorists is that they direct violence against persons and property with the goal of terrorizing the wider audience than the immediate victims, thereby attempting to gain political influence over the larger audience. There are multiple ways of defining terrorism, and all are subjective, therefore the grave problems with the use of the term persist.

The term is ideologically and politically loaded; pejorative; implies moral, social, and value judgment; and is "slippery and much-abused." In spite of numerous attempts of study, the word terrorism has neither precise definition nor one which is widely acceptable to all. Due to this reason it has become complex phenomenon. It is a value laden term, therefore the person defining it inadvertently inject his

value judgment into the definition. The pejorative nature of the subject is one of the major contributing factors to the complexity of the concept of terrorism.¹

This paper is divided into four segments. The first segment states different definitions of terrorism as given by international organizations, states and individuals; the second segment analyses the different features common to the various definitions of terrorism; the third segment highlights the obstacles to having a globally agreed upon definition of terrorism; and the final segment states the benefits of having such an agreed upon definition of terrorism.

Definitions of Terrorism

There have been a multitude of definitions on terrorism as there are scholars, but some of the definitions are more complicated which include too many elements, while some others neglect the exact problem of definition and they only focus on what is legitimate and illegitimate uses of force. As at present, there is yet to be either an academic or an international legal consensus regarding the proper definition of the term “terrorism”. The international community has been slow to formulate a universally agreed upon, legally binding definition of this crime against humanity.

The definitional problem of terrorism is not new scholars around the world are entangled in the labyrinth of terminology and have expressed different views. Amongst them all, the most widely accepted definition is the one given by Yonah

Alexander, he defines terrorism as, “The use or threat of violence against random or civilian targets in order to intimidate or to create generalized pervasive fear for the purpose of achieving political goals”. Walter Laqueur, an expert in terrorism succeeded in counting up to a hundred definitions of terrorism and thus concluded that the only characteristic generally agreed upon is that terrorism involves violence.²

Very many definitions of terrorism include only those acts which are intended to create fear or terror; which are perpetrated for an ideological goal, and deliberately target non-combatants. For avoidance of doubt about the above position, it is pertinent at this very point to cite some definitions of terrorism.

Though, the United Nations is yet to agree on a definition of terrorism but a new United Nations panel in March 2005 described terrorism as “any act intended to cause death or serious bodily harm to civilians or non-combatants with the purpose of intimidating a population or compelling a government or an international organization to do or abstain from doing any act”.

There are other definitions of terrorism by countries and individuals. The government of U.S has certainly not give out any formal definition of terrorism, but its government agencies have put forward unofficial definitions. In 1984, The US Department of State defines terrorism “as premeditated, politically motivated

violence perpetrated against non combatant's targets by sub national groups or clandestine agents, usually intended to influence an audience".³ Definitions of terrorism are almost endless and it is difficult to cite them all in this single paper.

The Commonalities of the Definitions of Terrorism

Common to the definitions of terrorism are violence; psychological impact and fear; political goal characteristic; deliberate target of non-combatants; and unlawfulness or illegitimacy.

As regards violence, Laqueur argues that 'the only general characteristic of terrorism generally agreed upon is that terrorism involves violence and the threat of violence'. However, the criterion of violence alone does not produce a useful definition, as it includes many acts not usually considered terrorism such as war, riot, organized crime or even a simple assault. For violence to qualify as terrorism, it must affect a target audience beyond the immediate audiences as part of the attempt to gain political objectives of the organization involved.⁴

As per psychological impact and fear, definitions of terrorism points to a fact that a terrorist attack is carried out in such a way as to maximize the severity and length of the psychological impact. Each act of terrorism is a "performance", a product of internal logic, devised to have an impact on many large audiences and that terrorists attack national symbols to show their power and to shake the foundation

of the country or society they are opposed to. This may negatively affect a government's legitimacy, while increasing the legitimacy of the given terrorist organization and/or ideology behind a terrorist act.

One more feature that is common to all terrorist attacks is their perpetration for a political purpose. Terrorism is a political tactic, not unlike letter writing or protesting, that is used by activists when they believe no other means will affect the kind of change they desire. The change is desired so badly that failure is seen as a worse outcome than the deaths of civilians. This is often where the interrelationship between terrorism and religion occurs.

Also common to the definitions of terrorism is the deliberate targeting of non-combatants. This is commonly held as the distinctive nature of terrorism as it lies in its intentional and specific selection of civilians as direct targets. Much of the time, the victims of terrorism are targeted not because they are threats, but because they are specific "symbols, tools and corrupt beings" that tie into a specific view of the world that the terrorist possess. Their suffering accomplishes the terrorists' goals of instilling fear, getting a message out to an audience, or otherwise accomplishing their political end.

As per unlawfulness or illegitimacy, a number of the definitions of terrorism, particular official ones by governments is characterized by a criterion of

unlawfulness or illegitimacy. This is to distinguish between actions authorized by a "legitimate" government (and thus "lawful") and those of other actors, including individuals and small groups. Using this criterion, actions that would otherwise qualify as terrorism would not be considered terrorism if they were government sanctioned. For example, firebombing a city, which is designed to affect civilian support for a cause, would not be considered terrorism if it were authorized by a "legitimate" government.

Some of the definitions which are provided by the government serve their self interest to some extent. Governments often called their opponents as terrorist excluding their allies. Many years ago United States has had presented a list of seven countries that sponsored state terrorism. Although Cuba had stopped using terror tactics in Latin America quite earlier but despite that it remains on the list of United States. Some of the other countries supporting terrorist groups in Angola and Mozambique, who engaged in terror activities, were never incorporated in the list of U.S, either because of their alliance with U.S or their action does not have much effect on it.⁵ One of the critic argue that in the case of U.S anti terrorist policy “the condemnatory label is being deployed to the enemies of U.S interest while being withheld from U.S friends or clients no matter how opprobrious their conduct otherwise be.”⁶

Obstacles to a Globally Agreed Upon Definition of Terrorism

There is no doubt that there is yet to be an agreed upon definition of terrorism because defining terrorism can be controversial and elusive. As the famous saying goes "One man's terrorist is another man's freedom fighter." This is reflected when a group that uses irregular military methods is an ally of a state against a mutual enemy, but later falls out with the state and starts to use the same methods against its former ally. For example Ronald Reagon who was the former U.S President in 1985 supported the Afghan mujahidin because they were fighting against the Soviet Union and the spread of communism in Afghanistan. Saudi born Osama Bin Laden (recently killed by the US Navy Seals in Pakistan) was one of their leading supporters. But the scenario was changed in 1998 when then President William Clinton launched a futile missile attack in order to kill Bin Laden in Afghanistan. Therefore the alteration in the political and ideological atmosphere at varied times have an effect on the definition of terrorism.⁷

Another argument in support of the above aphorism is that, when some groups are involved in a "liberation" struggle, they are labeled terrorist by the Western governments or media. Later, these same persons, as leaders of the liberated nations, are called statesmen by the same Western governments or media organizations. Quick examples that come to mind are Nobel Peace Prize Laureates Menachem Begin and Nelson Mandela. Currently, the Palestinians are viewed as

freedom fighters by the United Nations, struggling against the unlawful occupation of their land by Israel, and engaged in a long-established legitimate resistance, but Israel sees them as terrorists. The above highlighted points are some of the main obstacles to a globally agreed upon definition of terrorism.

Advantages of Having a Globally Agreed Definition of Terrorism

- There would be a need to formulate a comprehensive definition of terrorism. On the one hand that provides the strongest moral condemnation to terrorist activities while, on the other hand, has enough precision to permit the prosecution of criminal activities without condemning acts that should be deemed to be legitimate.
- A globally agreed upon definition of terrorism would protect the state and deliberative politics; differentiate public and private violence; and ensure international peace and security
- Also, a globally agreed upon definition of terrorism would officially criminalize the act globally; this would declare that the conduct is forbidden, must be prevented, and would express society's condemnation for the wrongful acts. This would undoubtedly provide an inter-subjective basis for the homogeneous application of the treaty's obligations on judicial and police cooperation and would be of particular importance in extradition

treaties because, to grant an extradition, most legal systems require that the crime be punishable both in the requesting state and the requested state.

Conclusion

In view of the preceding arguments, it can be simply concluded that seeking an agreed definition of terrorism is necessary at this point in time when different actors see it from different perspectives and when their minds are not likely to meet on what terrorism really is. It would not be adequate to leave definition of terrorism to the unilateral interpretations of states. The states are trying to define the phenomenon in their laws and reports in such a way that would allow them to include certain types of attacks and to exclude others, according to their needs. The neutrality of such definitions is rather dubious. There is no doubt a globally agreed upon definition of terrorism can plausibly retrieve terrorism from the ideological quagmire.

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