

Defining the concept of terrorism



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The phenomenon of terrorism has become a major concern of the international community. It is elevated to the foremost foreign policy problem of the states. The terrorists' power is growing day by day. The new and faster modes of transportation and communication technologies have made it easier for the terrorists to reach their targets and strike them without any difficulty. This has magnified the threat of terrorism and made it more sinister than it has been in the past.

Although the menace is very dangerous and terribly affecting our daily lives, the states and even the academics have so far failed to comprehensively define and build a consensus on the term 'terrorism'. The analysts face difficulty when it is considered that some forms and classes of terrorism are justifiable whereas others are not.[1]

This article is an effort to highlight the complexities in defining terrorism, and to find out some ways to reach at least a partial consensus among states. The article is divided into four parts. The first part focuses on the definitional problems as far as the term 'terrorism' is concerned. In the second part an attempt has been made to distinguish between 'terrorism' and 'freedom fighting'. The third part deals with the changing meaning and nature of terrorism over a period of time. And the last part discusses some practical approaches to reach a partial consensus over the definition of 'terrorism'.

II. PROBLEMS IN DEFINING TERRORISM

Who will define terrorism? A victim state or a society, a stronger state, any international or regional organization, or the Super Power? Terrorism is a relative term and expresses different meanings to different people. To Israel

terrorism means when a suicide bomber blows himself up in a market place. To Palestinians, it means when Israeli troops bulldoze a house or shoot stone-throwing kids. India views Pakistan sponsored militancy in Kashmir as terrorism. On the other hand, overwhelming majority of the Kashmiris calls it freedom fighting and resorts to the use of brutal force by the Indian troops as state terrorism.

Terrorism is sometimes properly or sometimes improperly used as a synonym of rebellion, insurrection, guerrilla warfare, coup d'état, civil strife, or any of many other related terms that produces fear or terror. Most of the times, such lackadaisical and random use of the term may make the understanding of the specific meaning and nature of terrorism more murky and intricate.

Although the literature on terrorism offers plenty of definitions, most of them give a very narrow vision of the concept of terrorism. While some view terrorism in political terms, others insist that it should be defined in legal terms. Still some believe that it is related with morality. Undoubtedly, academics' works on terrorism have helped understand the problem, but their contributions have not even materialized to create a consensus among the political circles. The academics themselves are divided on the very particulars of the concept.

Experts on terrorism, such as, E. V. Walter[2], Grant Wardlaw[3], Leonard Weinberg[4], Steven Spiegel[5], Thomas Mathiese[6] and Richard Over[7] have all defined terrorism in the political context. (See Box 1). For

them, terrorism is mainly a sophisticated violence, politically exploited by a group or organization with a religious, ideological or ethnic appeal.

Box 1: Definitions on terrorism

Terrorism is a ' process of terror' having three elements: the act or threat of violence, the emotional reaction to extreme fear on the part of the victims or potential victims, and the social effects that follow the violence (or its threat) and the consequent fear. (E. V. Walter: 1969)

' Political terrorism' is a sustained policy involving the waging of organized terror either on the part of the state, a movement or faction, or by a small group of individuals. (Grant Wardlaw: 1982)

Terrorism is a politically motivated crime intended to modify the behavior of a target audience. (Leonard Weinberg: 1989)

Terrorism is the use of violence by an individual or group, designed to create extreme anxiety in a target group larger than the immediate victims, with the purpose of coercing that group into meeting certain political demands. (Steven Spiegel: 1995)

Terrorism is violent and arbitrary action consciously directed towards civilians, with a political or ideological goal more or less clearly in mind. (Thomas Mathiese: 2002)

Terror is not an organization or a single force. It is related to a variety of political confrontations, each of which has to be understood in its own terms. (Richard Overy: 2004)

However, political biases increase difficulties in defining the term because of its subjective nature. The subjectivism is captured in a popular saying that ‘one man’s terrorist is another man’s freedom fighter’, for whom terrorism is a calculated tactic of the weak against the strong and established authority. The problem is how can one get out of this relativist enmesh?

Similarly, the US State Department in its annual document, called, ‘Patterns of Global terrorism’, defines terrorism as “politically motivated violence perpetrated against noncombatant targets by sub-national groups or clandestine agents, usually intended to influence an audience.”[8]The problem with this definition is that it does not clearly explain ‘non-combatants’, and the perpetrators, according to the definition, are non-state actors (sub-national groups and clandestine agents), while exclude the ‘state terrorism’. Moreover, the interpretation of ‘political motivations’ is very broad.

Some intellectuals have tried to define terrorism in legal terms and consider it a criminal act. J. Dugard notes that when a person commits an act which threatens the stability of other states or undermines the international order, he ceases to be a political offender and becomes a criminal under international law, like the pirate or hijacker.[9]

But the problem with legal definitions is that they completely ignore the political aspects of violence. Treating a terrorist as a criminal undermines the legitimacy of political violence. In other words, the political notion in any terrorist activity cannot be discarded, which, again, becomes the major

source of confrontation to reach an international consensus on the definition of the term 'terrorism'.

The moral connotations of terrorism have further divided the experts between 'right' and 'wrong'. Do all the nations take moral values uniformly or there are different patterns and orders of priority? Moreover, in this world of power politics, where states give priority to their national interests, what will be the extent of relationship between moral values and power? The common observation is that states are unwilling to give equal status to non-state actors which challenge their authority, and try to deal with them sternly by using brutal force.

There are five major problems in defining the term 'terrorism' and building a consensus. The first major problem faced by the academics and even the nations in defining terrorism is the relativist enmesh of the concept. For one it is a freedom fighting, while for the other it is terrorism. This aspect in defining the term has made the task more difficult.

Second problem is related to the contents of the definition. If it is described as violence against the innocent people or non-combatants for achieving various goals, the application of the term, then, becomes too broad. It is very difficult even to define 'non-combatants'. What if a soldier is not on the battlefield or he is performing peacekeeping duties under the aegis of the UN, attacked by a suicide bomber of a warring faction? Or would the terrorist attack on the U. S. Pentagon Building on September 11, 2001, not qualify as terrorist act? Moreover, the indiscriminate use of violence does not include

those who employ terrorism against specific targets, such as, political assassinations.

Third, when it is referred to spreading fear among the audience, one cannot distinguish between terrorism carried out by any individual, group or organization, and the state itself. This is also a major problem in defining terrorism that all the definitions portray non-state actors as terrorists, while completely ignore terrorism perpetrated by the state. Instead, it is called as the gross violation of human rights. It is also a fact that the incumbent political regimes have used terrorism as a means of repressing elements in their populations they view as a threat, real or imagined, to the continuation of their rule.[10]

Amalendu Guha emphasizes that the recent use of power hegemonism by certain global nations, can be regarded as 'state terrorism', in the sense that its symptoms, behavior and actions as well as effects are, either the same, or, similar to the terrorism launched by fundamentalist beliefs or ideologies. Both are anti-human, anti-social and frightful.[11]The history is full of the tragic incidents, where state, instead of protecting its citizens, has unleashed reign of terror and has become responsible for their annihilation. The fact is that the state terrorism has killed more people as compared to terrorism by non-state actors.

Fourth problem in defining the term is whether the act of terrorism is seen in terms of historical continuity or every incidence is considered as a unique in history and dealt with separately. Those who believe in the historical continuity, analyze this phenomenon since the French Revolution. They insist

on the unity of terrorism throughout ages.[12]Others view each act a unique and absolutely different from the previous one.[13]So the rivalry is between the two extremes.

Fifth problem in defining terrorism is: whether any act of violence should be analyzed by considering means or ends. As all ideologies sanctify the ends for which every mean is justified. The ideological indoctrination compels the terrorists to the righteousness of their cause and to justify any violent means to accomplish it. On the other hand, many researchers believe that the unethical means may also question the legitimacy of the cause.

It is because of the above-mentioned problems in defining the term ‘terrorism’, that making distinction between ‘terrorism’ and ‘freedom fighting’ has become very difficult. However, there are some aspects which help differentiate between a ‘terrorist’ and a ‘freedom fighter’.

III. DIFFERENCE BETWEEN TERRORISM AND FREEDOM FIGHTING

It is a well-known fact that the subjectivity of the term ‘terrorism’ has made it very difficult to distinguish it from ‘freedom fighting’. In this process, another difficulty is which forms of violence should be recognized as legitimate and which should not.

Martha Crenshaw[14]opines that revolutionary violence and terrorism are two different phenomena and should not be confused with each other. The activities of freedom fighters cannot always be termed as ‘terrorism’, because their target is the repressive government.

John Gearson raises some pertinent questions: What, if anything, is legitimate dissent using violent means? When is being a freedom fighter acceptable?[15] Labeling any group terrorist is very difficult particularly when the same group becomes the part of the negotiation process, and the governments have to sign peace deals with them. Nelson Mandela himself has provided perhaps the most satisfying answer to this perennial question. Pointing out that many people once described as terrorists are leading governments today, Mandela says: When you succeed – people are prepared to accept you and have dealings with you as head of state. You become a terrorist if your aims and objectives fail.[16]

In my opinion, the distinction between ‘ freedom fighting’ and ‘ terrorism’ must be made on the grounds of the legitimacy of the movement for independence, recognized by the UN. Article 1(2) of the UN Charter recognizes the right of self-determination of the peoples. It emphasizes the respect for the principle of equal rights and self-determination of the peoples...[17]

Article 7 of the “ Definition of Aggression” adopted by the General Assembly in 1974 authenticates the right of self-determination. It states:

Nothing in this definition, and in particular Article 3 (which gives an inventory of the acts that are regarded as aggression) could in any way prejudice the right of self-determination, freedom, and independence, as derived from the Charter, of peoples forcibly deprived of that right and referred to in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United

Nations, particularly peoples under colonial and racist regimes or other forms of alien domination; or the right of these peoples to struggle to that end and seek and receive support....[18]

Similarly, Article 12 of the “ International Convention Against the Taking of Hostages” (1979), which came into force on June 3, 1983, clearly recognizes the means used by the people for their right of self-determination. It states:

[The] Convention shall not apply to an act of hostage-taking committed in the course of armed conflicts as defined in the Geneva Conventions of 1949 and the Protocols thereto, including armed conflicts mentioned in article 1, paragraph 4, of Additional Protocol of 1977, in which peoples are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination, as enshrined in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.[19]

The liberation movements are deprecated as terrorists by the governments against which the struggles for independence are conducted. While analyzing the independent movements in Kashmir and Palestine, one may disagree over the means; it is beyond any doubt that both the movements are recognized by the UN. Terming these movements terrorist may also undermine and question the legitimacy of the UN itself. So, one can say, here, that the movements for ‘ freedom fighting’ are those movements whose legitimacy is recognized by the UN.

Besides this, in both the cases, the role of state is very repressive and brutal. Both India and Israel have illegitimately occupied the land of the Kashmiris and the Palestinians respectively. Moreover, both states, since the inception of disputes, have been continuously denying the right of self-determination to these people. For this, they have also completely ignored the UN resolutions.

So, if anyone calls struggle movements in Kashmir and Palestine as terrorists, it not only refutes the UN resolutions, which give right of self-determinations to the oppressed nations, but also legitimizes the power of the strong over the weak. According to Moulaye el-Hassen, the former Mauritanian Ambassador, “ The term terrorist could hardly be held to apply to persons who were denied the most elementary human rights, dignity, freedom and independence, and whose countries objected to foreign occupation.”[20]

Now the question arises why is there no consensus on the definition of terrorism? The most convincing reason is that the meaning and nature of terrorism have frequently been changed over a period of time.

IV. CHANGING NATURE / MEANING OF TERRORISM

The lack of consensus among the nations on the definition of terrorism has caused a continuous change in its nature and meaning. According to Jonathan White, the rise of modern terrorism in the West is linked to the struggle for freedom in the Western World in the 1700s and early 1800s when most Europeans did not enjoy freedom, and America was still only an experiment. A change in social perceptions and actions, however,

revolutionized the system and structure of Western governments. Many forms of violence accompanied the struggle for democracy; terrorism was one of them.[21]

The popular use of the term ‘terrorism’ occurred during the French Revolution. Contrary to today’s usage, terrorism at that time was seen in a positive context. The Jacobin’s ‘reign of terror’ was purely a political in nature, which was a deviation from the old sacred terrorism. Also, that terrorism was unleashed by the State to protect the Revolution on the basis of ‘Liberty, Equality and Fraternity’.

The terrorism during French revolution provided a model to the other revolutionary groups in Europe to use it as a strategy to transform their societies as they wished. But the failure of the 1830 and 1848 revolutions compelled the revolutionaries to change their strategy. However, the use of force to bring any revolution remained the main weapon at the hands of revolutionaries.

The 19th century witnessed the rise of nationalist movements, which struggled against the colonial powers for the self-government. Although the nationalists adopted violent means to achieve their objectives, unlike anarchists, they considered themselves freedom fighters. Anarchists were socially isolated, but the nationalists could hope for the possibility of greater support. Governments labeled them terrorists, but nationalists saw themselves rather as unconventional soldiers fighting in a patriotic war. They opted only the tactics of anarchists.[22]

During the inter-war period, a new form of terrorism emerged in Europe, known as 'Right-wing terrorism'. The purpose of this terrorism was to preserve the status quo. There were two important factors, which contributed to the surfacing of Right-wing terrorism in Europe. First, the Bolshevik Revolution in Russia, which gave confidence to the socialist movements in other European countries to bring a possible change in their societies as well. So, such movements were considered a great threat by the respective governments and the elements which wanted to maintain status-quo. A second factor was the establishment of fascist governments in Italy and Germany during the same period. They justified violence by uprooting the communists and anti-nationalist elements in their societies.

The dominant form of violence in the post-War period, aimed at either decolonization or social revolution, was rural-based guerrilla warfare.[23]The major success stories were those of Mao-Tse-tung in China, Ho Chi Minh in Vietnam, and Fidel Castro in Cuba. But there were also less publicized failures. Guerrilla insurgencies were defeated in Greece, Malaya, and the Philippines. In some of these instances, both the successful and unsuccessful, terrorism was used by those groups pursuing national liberation (Vietnam) or social revolution (Greece).[24]

During 1960s and 1970s, the world witnessed this sudden upsurge in the form of Left-wing terrorism. This confused the experts on political terrorism, who saw terrorism as a new and unprecedented phenomenon, something that was essentially a response to injustice.[25]This meant that the focus was on to address the root causes of terrorism, which could be political, economic, social or religious grievances.

The end of Cold War was followed by an eruption of religious terrorism in a large number of countries, particularly in the Middle East, South and Central Asia. The Soviet disintegration provided an inspiration to the Islamic movements particularly in South and Central Asian regions to launch an organized offense against their respective states to: 1) seek freedom; 2) capture the state apparatus; and 3) replace the old communist system with the new Islamic order. The vacuum, which was created because of the Soviet disappearance, also provided a great amount of solidarity among the Muslims all over the world as it gave them a confidence that they were the main force behind the disintegration of the Soviet Union.

Furthermore, the American neglect to Afghanistan after the Soviet withdrawal in 1989, added to the already existing political chaos. Out of this situation, the Taliban emerged as an organized political force with the support of Pakistan and to some extent Saudi Arabia. Afghanistan under the Taliban proved to be a place for socializing Islamic radicals from all over the world.

The Saudi-born millionaire and Afghan war veteran, Osama Bin Laden, was one of them who took refuge in Afghanistan under the Taliban government. He had resentments against the Saudi Royal family for permitting the Americans to stay on the holy soil after the Gulf War in 1991. As his criticism against the Royal family got severe, he was compelled to flee Saudi Arabia. His nationality was cancelled. The stateless Osama then entered Sudan. But under the U. S.' pressure, Sudan expelled him in 1996. Then he moved to Afghanistan, where the Taliban government was recently established.

To run the state machinery, the new government badly needed financial assistance, which was provided by Osama and his organization, Al-Qaeda. Consequently, Osama's influence on the Taliban leadership increased. In a unique sense, Afghanistan became a terrorist-sponsored state. Taking advantage of his influence, Osama not only established links with other militant groups in Pakistan, Egypt and other Muslim countries, but also posed himself as a highly religious figure, who could issue a fatwa (Islamic ruling). In 1998, he issued a fatwa, stating, " To kill Americans and their allies, both civil and military, is an individual duty of every Muslim...until their armies, shattered and broken-winged, depart from all the lands of Islam, incapable of threatening any Muslim." [26] Since then, a series of terrorist attacks can be observed on the U. S. civil and military installations. The September 11 catastrophe could be seen in this connection, though Al-Qaeda did not take the responsibility of it.

The September 11 incident has further changed the meaning and nature of terrorism. The incident has characterized terrorism as transnational with religious orientation. The purpose of these groups is not only to overthrow their respective governments, but also to establish a worldwide authority on the basis of their own religious interpretation.

Today, terrorism has become very lethal and destructive. Technological changes in the fields of transport, military and communication have added to the strength of terrorists. In such a scenario, it is indispensable to evolve a consensus, at least partial one, over the definition of terrorism.

V. HOW TO REACH A CONSENSUS: SOME PRACTICAL APPROACHES

The world has now entered a ' New Age of Terrorism.' [27] Three important factors confirm this hypothesis. First, the terrorists are equipped with deadly weapons and sophisticated technology at their disposal. Second, the religious orientation has compelled them to believe the rightness of their cause. In other words, the ideology and cause of the terrorist group or organization attracts the potential terrorists to join it. Third, the transcendence of national boundaries has further complicated the issue.

In the presence of such emerging threats, it is necessary to evolve a working definition with little disagreement. Although it is extremely difficult for the nation states to compromise over their national interests, still there must be some starting point because there is almost a consensus among the states that the modern transnational religious terrorism is the major threat to the world peace and stability.

To begin with, it is the responsibility of the academics to provide some basic roadmap which can help the states reach a consensus on the definition of the term ' terrorism'. First, the academics' task is not to label any individual or a group as terrorist but to objectively analyze circumstances which compel the weaker to take arms against the stronger. In doing so, we consciously or unconsciously put all the freedom fighters into the category of terrorist, as well as we also question their legitimacy. This must be kept in mind that a freedom fighter can be distinguished from a terrorist on the basis of the legitimacy and mass support to the organization and the cause. If these factors are absent, then a person or a group can be termed as a terrorist.

Second, states must stop defining the term on their own, because the problem starts when two rival states or parties define terrorism by themselves and believe in the authenticity of that definition. In contrast, they should discuss and debate this issue in the UN, particularly in the General Assembly, to reach a consensus.

It must be noted that there is no universal definition of terrorism that can be applied to every act of political violence. Besides, every act of violence should be analyzed separately, while keeping in view the motivations of the perpetrator. It means that there must not be any generalization. While analyzing any violent act to be qualified as terrorism, following aspects need to be kept in mind:

If the motives are abstract, meaning if any individual or a group aims to commit violence with the purpose of achieving goals on the basis of religious interpretation of its own.

If the struggle is transnational in character, meaning affecting the political, social and economic life of the other country.

If the struggle is not recognized by the UN.

If the violence is not aimed at against the repressive government.

If the target is innocent people who have nothing to do with the government policies.

So, if any violent activity fulfills any one or all the five aspects, should be considered as terrorism.

VI. CONCLUSION

As discussed above, today's terrorism is distinct from the past terrorist activities and tactics. The emergence of transnational religious terrorism, coupled with the advancement in military, communication and transportation technologies, has enhanced the power of the terrorists and intensified their brutalities.

Despite all such known threats and hazards, the world community is still far from reaching a consensus on the definition of terrorism. The disagreement between 'one man's terrorism, another man's freedom fighting' is still there. A collective and mechanized effort on the part of the international community is needed to overcome this relativist entangle. A genuine understanding of the phenomenon can only be achieved if it is considered beyond the propaganda purposes, and concerted efforts are made to discuss and analyze this menace at international forums, with the consideration that terrorism is equally threatening the peace and stability of the whole world.