

CONCEPTUALIZING TERRORISM: PROBLEMS OF DEFINING AND BUILDING CONSENSUS

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Abstract

This article examines various problems in defining and building consensus on the most controversial term—terrorism—in contemporary politics. The objective is to clarify the relativist enmesh to be able to distinguish between what constitutes freedom fighting and what would fall under the category of terrorism. The article attempts to authenticate the legitimacy of freedom movements which the states against which these are launched dub as terrorism. It is, therefore, argued that liberation movements which are recognized by the UN should not be termed as terrorism. However, the use of violence against non-combatants puts the legitimacy of such movements in doubt. Moreover, in order to come out of the relativist confusion regarding the popular saying—“one man’s terrorist, another man’s freedom fighter”—it is necessary to evolve a clear definition to separate the two activities.

Key words: Terrorism, Definition, Building Consensus.

Introduction

Terrorism has now become a global phenomenon affecting our daily lives. In the modern era, with the advancement in communication technology, the impact of terrorism does not remain confined to any region or locality, but its effects are felt globally. Although terrorism has become a major concern of states as well as academics it has not so far been comprehensively defined to arrive at a definition on which there is a general consensus if not total agreement. The different definitions that are there show a limited understanding of the phenomenon and reflect the particular angles from which terrorist acts are seen.

Viewed by some in most general terms “as the illegitimate and violent actions of specific groups that violate the authority of rightfully established

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political entities.”¹ It still remains controversial when confronted with the cliché that “one man’s terrorist is another man’s freedom fighter.” This subjectivity of the term expresses different meanings to different people. To Israel it is terrorism when a suicide bomber blows himself up in a market place to protest against the illegal occupation of his motherland. To the Palestinians it is Israel’s state terrorism when its troops bulldoze a house or shoot at stone-throwing kids. India calls militancy in Kashmir as terrorism. On the other hand, the overwhelming majority of the Kashmiris calls it freedom fighting and resort to brutal force by the Indian troops as state terrorism. Hence, it becomes very difficult to distinguish the terrorism perpetrated by the state from the terrorism in which non-state actors are involved. Both the state and non-state actors justify their acts and use violence as a means to achieve their goals: for the state it is necessary to use force for establishing its authority in the name of national interest, while on the other hand, the non-state actors claim the legitimacy of their cause to justify their violent acts against repressive or disputed governments.

Since there is no single definition that comprehensively explains the term “terrorism,” an attempt has been made in this article to look at the various problems that defining the term involves. It is also important for future research, particularly on counter-terrorism strategies employed by states, to explain the distinction between freedom fighting and terrorism. The article is divided into five sections. The first section deals with the terrorists’ categories, which include state, group and individual. The second section reviews the literature on the definition of the term “terrorism.” Following this, the third section highlights the intricacies in the subjectivity of the term while distinguishing it from “freedom fighting.” The fourth section then analyzes the changing nature of “terrorism” in the historical context. And the final section discusses the various ways to reach at least a partial consensus among states on the definition of terrorism.

Categories of Terrorists

Terrorism can be categorized in two broader terms: “terrorism from above” and ‘terrorism from below.’ The first category refers to state terrorism, the second to the terrorism perpetrated by non-state actors, including groups and individuals. These two categories are discussed in the following paragraphs:

Terrorism from Above — State Terrorism

State terrorism refers to violence committed by governments and quasi-governmental agencies and personnel against perceived enemies that the state

¹ Robert W. Taylor *et al.*, “Defining Terrorism in El Salvador: La Matanza,” *Annals of the American Academy of Political and Social Science* 463, no. 1 (Sep., 1982): 107.

has determined threaten its interests or security.² It is the most organized and institutionalized form of terrorism. More often state terrorism is not termed as such but described as enforcement of its writ by suppressing any challenge to its legitimate authority. States seldom acknowledge this as terrorism and it is generally cast in terms of human rights violations.

For many observers, state terrorism is generally associated with revolutionary, fascist, or military dictatorial regimes. But this is not always true. Stable democracies with strong constitutional traditions also unleash terrorist violence, but with “measured restraint.”³

Another form of state terrorism is the “state-sponsored” terrorism. It is a secret, covert and more or less an indirect policy with an element of “deniability.” It is used by states as a form of proxy war against the perceived “enemy” states.⁴ It is very easy for a state to support terrorists and carry out low-level surrogate warfare against a powerful enemy state, as the former cannot afford an open and direct confrontation with the latter. In this situation, it also becomes easy for the weaker state to deny its involvement in any conflict with the superior state.

Terrorism from Below

“Terrorism from below” is mainly referred to the terrorism committed by non-state actors against the “established authority.” The non-state actors could be a group or an individual, who resorts to violence to protest extreme grievances against an external enemy, be it a state or another group.

Group Level Terrorism

In terrorism studies, the role of a group or organization is considered of prime importance. When an individual joins a group, he/she commits himself/herself to the “cause” and the “leader” of that group. Both become an inspirational force behind his/her acts of violence and give her/him a sense of belonging to the group. According to Bion, groups operate under three “basic assumptions.” They are:

1. The *fight-flight* group defines itself in relation to the outside world, which both threatens and justifies its existence. It acts as if the only way it can preserve itself is by fighting against or fleeing from the perceived enemy.

² Gus Martin, *Understanding Terrorism: Challenges, Perspectives and Issues* (California: Sage Publications, 2003), 81.

³ Ibid., 96.

⁴ Juliet Lodge, “Terrorism and Europe: Some General Considerations” in *The Threat of Terrorism*, ed. Juliet Lodge (London: Wheat Sheaf Books Ltd., 1988), 16.

2. The *dependency* group turns to an omnipotent leader for direction. Members who fall into this state subordinate their own independent judgment to that of the leader and act as if they do not have minds of their own.
3. The *pairing* group acts as if the group will bring forth a messiah who will rescue them and create a better world.⁵

Jerrold Post analyzes the formation of collective analysis groups by establishing the link between the leader and the followers. According to him, the proclivity of the followers to act violently is mainly because of the leadership's espousing of a paranoid ideology of hate.⁶ Jessica Stern in her studies on alienated individuals who join a group underlines the leader's role. According to her, the "leaders develop a story about imminent danger to an 'in group,' foster group identity, dehumanize the group's purported enemies, and encourage the creation of a 'killer self' capable of murdering large number of innocent people."⁷ For the group, "ends" are more important than "means."

Individual Level Terrorism

This refers to acts of terrorism in which a person is involved. Experts on terrorism studies argue that an individual's involvement in terrorist activities is an outcome of significant events in his/her life that give rise to anti-social feelings.⁸ According to Post, "people with particular personality traits and tendencies are drawn disproportionately to terrorist careers."⁹ The psychological motivations for terrorism stem from an individual's childhood experience which produces narcissistic and borderline personality disturbances. These disturbances result in a personality, which Kohut terms as "the injured self."¹⁰

On the contrary, some studies on terrorism reject the psychological dimension of an individual's resorting to terrorism. They emphasize that terrorists are normal beings and very consciously join the group and commit

⁵ Jerrold M. Post, "Terrorist Psycho-logic: Terrorist behavior as a Product of Psychological Forces" in *Origins of Terrorism: Psychologies, Ideologies Theologies, States of Mind*, ed. Walter Reich (Washington, D.C.: Woodrow Wilson Center Press, 1998), 32.

⁶ Quoted in Dipank K. Gupta, *Understanding Terrorism and Political Violence: The Life cycle of birth, growth, transformation, and demise* (London: Routledge, 2008), 20.

⁷ Jessica Stern, *Terror in the Name of God: Why Religious Militants Kill* (New York: HarperCollins, 2003), 9.

⁸ Martin, *Understanding Terrorism: Challenges, Perspectives and Issues*, 70.

⁹ Post, "Terrorist Psycho-logic: Terrorist Behavior," 27.

¹⁰ Ibid.

themselves to its cause. Marthaw Crenshaw in her research on National Liberation Front (FLN) in Algeria, and K. Heskin's study on Irish Republican Army (IRA), refuted the abnormality of the individual terrorists by saying that "the outstanding common characteristic of terrorists is their normality" and asserted that the terrorists are not "emotionally disturbed."¹¹

A Definitional Problem: Various Perspectives on Terrorism

Although the literature on terrorism offers plenty of definitions, most of them give a very narrow vision of the concept of terrorism. However, there are some important elements on which states and scholars seem to agree. Terrorism is regarded as a deliberate act of political violence against unarmed civilians with an immediate motive to create fear. According to Ishtiaq Hussain, a Pakistani expert on terrorism studies, "The definitional dispute is over the identity of the perpetrator."¹² Since states have the legitimate authority over the use of violence, many of the definitions "identify only non-state actors as perpetrators,"¹³ and exclude state terrorism.

Scholars and states are divided even on the very nature and ingredients of the term as they see terrorism from political, legal and moral points of view. Experts on terrorism, such as, E.V. Walter,¹⁴ Grant Wardlaw,¹⁵ Leonard Weinberg,¹⁶ Steven Spiegel,¹⁷ Thomas Mathieseu¹⁸ and Richard Overy¹⁹ have all defined terrorism in the political context (See the box below). For them, terrorism is mainly a sophisticated form of violence, politically exploited by a group or organization with a religious, ideological or ethnic appeal. The problem with these definitions is that they do not clearly explain "non-combatants," and the perpetrator and identify only non-state actors (sub-national groups and clandestine agents), overlooking the state or state-

¹¹ Ibid., 26.

¹² Ishtiaq Ahmad, "Terrorism in South Asia: Retrospect and Prospect," http://www.ishtiaqahmad.com/item_dispaly.aspx_id+808&listing_type=4 (accessed November 25, 2011).

¹³ Ibid.

¹⁴ E.V. Walter, *Terror and Resistance: A Study of Political Violence with Case Studies of some Primitive African Communities* (New York: Oxford University Press, 1969), 5.

¹⁵ Grant Wardlaw, *Political Terrorism: Theory, Tactics and Counter-Measures* (Cambridge: Cambridge University Press, 1982), 13.

¹⁶ Leonard Weinberg and Paul Davis, *Introduction to Political Terrorism* (New York: McGRAW-Hill, 1989), 6.

¹⁷ James Lee and Juliet Kaarbo, *Global Politics* (Boston: Houghton Mifflin Company, USA, 2002), 466.

¹⁸ Thomas Mathieseu, "Expanding the Concept of Terrorism," in *Beyond September 11: An Anthology of Dissent*, ed. Phil Scraton (London: Pluto Press, 2002), 85.

¹⁹ Richard Overy, "West's Display of Power Exacerbates Terror Threat," *Dawn*, March 21, 2004.

terrorism. Moreover, the interpretation of “political motivations” in these definitions is very broad.

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)

Some intellectuals define terrorism in legal terms and call it a criminal act. J. Dugard thinks 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.²⁰ But the problem with legal definitions is that they completely ignore the political aspects of violence. Treating a terrorist as a criminal actually undermines the legitimacy of political violence. In other words, the political notion in any terrorist activity cannot be discarded. This is another major source of disagreement in reaching international consensus on the definition of the term “terrorism.”

The moral connotations of terrorism have further divided the experts on the question of “right” and “wrong.” Do all the nations agree on moral values uniformly or are there differences on concepts 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 convergence 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 as required by their national interests.

Similarly, different states interpret terrorism according to their own experiences, obligations and requirements. 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.”²¹ The British Act of Terrorism 2000 defines terrorism as: “terrorism means (a) the use or threat of action; (b) the use or threat is designed to influence the government or to intimidate the public or a section of the public; and (c) the use or threat is made for the purpose of advancing a political, religious or ideological cause.”²² Under the Prevention of Terrorism Act (POTA) 2002, the Indian government defines terrorism as:

With intent to threaten the unity, integrity, security or sovereignty of India or to strike terror in the people or any section of the people does any act or thing by using bombs, dynamite or other explosive substances or inflammable substances or firearms or other lethal weapons or poisons or noxious gases or other chemicals or by any other substances (whether biological or otherwise) of a hazardous nature or by any other means whatsoever, in such a manner as to cause, or likely to cause, death of, or injuries to any person or persons or loss of, or damage to, or destruction of, property or disruption

²⁰ J. Dugard, “Towards the Definition of International Terrorism,” *Proceedings of the American Society for International Law* LXVII, no. 5 (November 1973): 98.

²¹ Quoted in Charles Tilly, “Terror, Terrorism, Terrorists,” *Sociological Theory* XXII, no. 1 (March 2004): 7.

²² See, “Terrorism Act 2000,” <http://www.legislation.gov.uk/ukpga/2000/11/part/I> (accessed November 10, 2011).

of any supplies or services essential to the life of the community.²³

Pakistan's definition of terrorism reflects its domestic problems of dealing with sectarian and ethnic terrorism. Pakistan's Anti-Terrorism (Amendment) Ordinance, 2001, defines terrorism as:

An act that involves the doing of anything that causes death; or injury to a person or property; or it involves in kidnapping for ransom, hostage taking or hijacking; or it incites hatred and contempt on religious, sectarian or ethnic basis to stir up violence or cause internal disturbance; or it involves firing on religious congregations, mosques, imambargahs, churches, temples and all other places of worship; or it involves serious violence against a member of the police force, and armed forces.²⁴

Similarly, there are many other states which have their own selective approaches in this respect. However, one common element is that all the states, which are directly or indirectly affected by the menace of terrorism, define terrorism in the context of their own domestic political scenario, and of course, according to their own national interests.

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 confusion on the concept. For one it is freedom fighting, while for the other it is terrorism. This aspect in defining the term has made the task more difficult.

The second problem is related to the contents of the definition. If it is described as violence against innocent people or non-combatants for achieving various goals, the application of the term, then, becomes too broad. It is very difficult to define "non-combatants." What if a soldier not on the battlefield or while performing peacekeeping duties under the aegis of the UN, is attacked by a suicide bomber of a warring faction? Or would the terrorist attack on the US Pentagon Building on September 11, 2001, not qualify as a 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 masses, one cannot distinguish between terrorism carried out by any individual, group or

²³ See, "Prevention of Terrorism Act (POTA) 2001,"

<http://www.satp.org/satporgtp/countries/india/document/actandordinances/PO TA.htm#1> (accessed November 10, 2011).

²⁴ See, Anti-Terrorism (Amendment) Ordinance 2001. Quoted in Charles H. Kennedy, "The Creation and Development of Pakistan's Anti-Terrorism Regime, 1997-2002," in *Religious Radicalism and Security in South Asia*, eds. Satu Limaye *et al* (Honolulu: Asia-Pacific Center for Security Studies, 2004), 403.

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 ignoring terrorism perpetrated by the state. Instead, it is called as gross violation of human rights. It is also a fact that 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.²⁵ The history is full of tragic incidents, where the state, instead of protecting its citizens, has unleashed a reign of terror and has become responsible for their massacre. The fact is that state terrorism has killed more people as compared to terrorism perpetrated by non-state actors.

The fourth problem in defining the term is whether the act of terrorism is to be seen in terms of historical continuity or is it to be considered as unique and dealt with separately. Those who believe in historical continuity, analyze this phenomenon since the French Revolution. They insist on the unity of terrorism throughout ages.²⁶ Others view each act as unique and absolutely different from the previous one.²⁷ So the rivalry is between the two extremes.

The fifth problem in defining terrorism is: whether any act of violence should be analyzed by considering it as a means towards an end or as an end in itself. All ideologies sanctify ends for which every means is justified. The ideological indoctrination compels the terrorists to the rightness of their cause and to justify any violent means to accomplish it. On the other hand, many researchers believe that the unethical means employed also tarnish the legitimacy of the cause.

The September 11, 2001, incident has further complicated the definition problem. The UN Security Council Resolutions 1368 and 1373 on the attacks also do not define the term. Without defining the term, both the resolutions called on states to take measures by working together “to combat terrorism by all means” in order to ensure international peace and security.²⁸ The resolutions, in a way, left the states with an option to define the term on their own relinquishing the UN of its responsibilities.²⁹ Taking advantage of this

²⁵ Weinberg and Davis, *Introduction to Political Terrorism*, 14-15.

²⁶ Michel Wieviorka, “Terrorism in the Context of Academic Research,” in *Terrorism in Context*, ed. Martha Crenshaw (Pennsylvania: Pennsylvania State University Press, 1995), 605.

²⁷ Ibid.

²⁸ The UN adopted the resolutions on September 12, 2001 and September 28, 2001 respectively. See the details on www.un.org (accessed April 5, 2011).

²⁹ The UN seriously looked into the matter after the 1972 Munich Olympic carnage, in which a Palestinian group targeted and killed eleven Israeli athletes. The UN Secretary General proposed some practical steps to prevent further bloodshed. Although many of the member states supported the Secretary General’s proposals, some states, including Arab, African and Asian states, opposed him and argued that “people who struggle to liberate themselves from foreign oppression and exploitation have the right to use all methods at their disposal, including force.”

ambiguity, US President George W. Bush on September 20, 2001, stated: “Either you are with us, or you are with the terrorists. From this day forward, any nation that continues to harbour or support terrorism will be regarded by the United States as a hostile regime.”³⁰ This assertion of the US not only denoted “terrorism” as a global phenomenon, but also put pressure on other states to accelerate their efforts to counter terrorism and become part of the US-led global war on terror.

It is because of the above-mentioned problems in defining and building consensus on 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.”

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 that arises concerns the forms of violence—those that could be regarded as legitimate and those that could not be. Martha Crenshaw opines that revolutionary violence and terrorism are two different phenomena and should not be confused with each other. The activities of freedom fighters, according to her, cannot always be termed as “terrorism,” because their target is the repressive government.³¹

John Gearson raises some pertinent questions: What, if anything, is legitimate dissent using violent means? When is being a freedom fighter acceptable?³² 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.³³

It is true that during the course of a liberation movement, a freedom fighter uses some tactics of terrorism. Leonard Weinberg argues:

³⁰ Quoted in Joseph H. Campos, *The State and Terrorism: National Security and the Mobilization of Power* (Hampshire: Ashgate Publishing Ltd., 2007), 2.

³¹ Martha Crenshaw, ed., *Terrorism, Legitimacy and Power* (Middletown CT: Wesleyan University Press, 1983).

³² John Gearson, “The Nature of Modern Terrorism” in *Super Terrorism: Policy Responses*, ed. Lawrence Freedman (Oxford: Blackwell Publishing, 2002), 10.

³³ Afzal Mahmood, “Many Faces of Terrorism,” *Dawn*, July 26, 2003.

...by saying “one man’s terrorist is another man’s freedom fighter” the observer is simply confusing the goal with the activity. Almost everyone concedes that terrorism is a tactic, one involving the threat or use of violence. If this is true, there is in principle no reason why this tactic cannot be used by groups seeking to achieve any number of goals and objectives, including a fight for freedom or national liberation.³⁴

However, there are critics who strongly reject this argument about the legitimacy of liberation movements. Thomas R. Mockaitis argues:

Certain heinous acts can be condemned no matter what causes they serve. International conventions against the use of torture make no exceptions based on the intentions of the perpetrators. Suicide bombing deserves the same condemnations.³⁵

It is argued that the distinction between “freedom fighting” and “terrorism” may 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 upon the “respect for the principle of equal rights and self-determination of the peoples...”³⁶

Similarly, 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...³⁷

³⁴ Leonard Weinberg, *Global Terrorism: A Beginner’s Guide* (Oxford: Oneworld Publications, 2006), 2.

³⁵ Thomas R. Mockaitis, *The New Terrorism: Myth and Reality* (Westport Conn.: Pentagon Press, 2007), 16.

³⁶ See the Charter of the United Nations, <http://www.un.org/en/documents/charter/index.shtml> (accessed June 15, 2008).

³⁷ Quoted in Shireen M. Mazari, “Freedom Struggle and Violent Repression in Indian-Occupied Kashmir: A Perspective from Pakistan,” in *Political Violence and Terrorism in South Asia*, eds. Pervaiz Iqbal Cheema *et al* (Islamabad: Islamabad Policy Research Institute: 2006), 45.

Moreover, 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.³⁸

According to General Assembly’s Declaration on the Granting of Independence to the Colonial Countries and Peoples (1960):

All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.³⁹

According to Mark Muller QC, the right of self-determination is accepted in three situations: “where they are under colonial domination; where they are subject to alien military occupation; and where they are a distinct racial group denied equal access to government (so-called ‘racist regimes’).”⁴⁰

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 the whole movement as terrorist may undermine and question the legitimacy of the UN itself. However, killing of innocents people may defame the whole movement, and thus, it may not qualify to be recognized as a legitimate one, particularly in the changing international political scenario after the 9/11 incident.

In case of Kashmir and Palestine, the role of the state is very repressive and brutal. Both India and Israel, since the inception of these disputes, have

³⁸ See, “The International Convention against the Taking of Hostages (1979)” http://www.ciaonet.org/cbr/cbr00/video/cbr_ctd/cbr_ctd_38.html (accessed June 15, 2008).

³⁹ Quoted in John Dugard, *International Law: A South African Perspective* (Cape Town: Juta & Co., Ltd., 2008), 104.

⁴⁰ Quoted in Mark Muller QC, “Terrorism, Proscription and the Right to Resist in the Age of Conflict,” *Denning Law Journal* XX (2008): 116.

been continuously denying the right of self-determination to these people. For this, they have also completely ignored the UN resolutions. On the other hand, the perpetration of violence against the non-combatants in these movements has raised the question of their legitimacy. In this context, if, on the one hand, terming the struggle in Kashmir and Palestine as terrorist refutes the UN resolutions which give the right of self-determinations to the oppressed nations, on the other hand, it also legitimizes the use of violence against the innocents. However, 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.”⁴¹

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.

The Changing Nature of Terrorism in Historical Context

Terrorism is not a new phenomenon. The lack of consensus among nations on the definition of terrorism has caused a continuous change in its nature and meaning. Its origin can be traced to the religiously-motivated political struggles of Zealots Sicarii in the first century A.D.⁴², the Assassins in the 11th century A.D.⁴³ and the Thugs in the 13th century.⁴⁴ Moreover, during the Middle Ages a belief developed among Christians in Europe regarding the Second Coming

⁴¹ Quoted in Bruce Hoffman, *Inside Terrorism* (New York: Columbia University Press, 1998), 32.

⁴² Zealots Sicarii was a Jewish group, which revolted against the Romans. Its objective was to provoke a Jewish uprising in Judea, a Roman province. It also killed moderate Jews who preached compromise with the Romans. The motivating force behind the Zealot terrorism was a belief of the arrival of a Messiah, defeat of Rome and the establishment of the Kingdom of God.

⁴³ The Assassins (known also as Ismailis-Nizari) generated a mass insurrection in the name of religion. They were Islamic extremists and wanted to purify the religion according to their own interpretation. They also believed in the arrival of an “Imam” or Mehdi. It was a new cult in Islam. Their targets were political and religious leaders of Islam. They were very hard-liner and dedicated terrorists, always ready to self-sacrifice for the cause, for which they were promised an admission to the paradise. This terrorist movement had shaken foundations of various Islamic governments, particularly that of Turkish Seljuk Empire in Persia and Syria.

⁴⁴ The “Thugs” were very active in perpetrating terrorism for 600 years (From 13th Century AD to 19th Century AD). Their purpose was to looting travelers and then killing them in the name of their goddess “Kali,” the Hindu goddess of terror and destruction. It is estimated that they killed more than half a million people. Although there are no authentic figures of deaths the Thugs caused, one may not be surprised because they lasted so much longer. For details see, David C. Rapoport, “Fear and Trembling: Terrorism in Three Religious Traditions,” *The American Political Science Review* LXXVIII, no. 3 (September 1984): 660-664.

of Christ before the advent of the millennium. To be prepared for this, the Christian world should be purified and all the sinners must be punished. So, various Christian gangs appeared during this period, which took the responsibility of preparing the ground for the second coming of the Christ. The main target of them was the Jews, whose elimination was considered as the precondition for the coming of Christ and establishment of his rule.

Furthermore, during the Reformation period (16th century), some Protestant sects in England, Germany and the Netherlands resorted to terrorist violence against the Catholics and Lutherans, who were considered as the embodiments of the anti-Christ. Later in the 17th century the religious terrorism spread to France against the Catholic monarch, Louis XIV. Besides Catholics, the moderate Protestants were also the target of that religious terrorism. But the movement was put to an end by the French military.

The philosophical change in the West in the 17th and 18th centuries, known as Enlightenment, emphasized democracy for peoples' freedom and rights, which should be guaranteed by the constitution. By the last quarter of the 18th century, such debates moved to the British colonies in North America, which revolted against their masters and demanded democratic rights. The revolt took a massive violent turn, and resulted in the establishment of an independent United States of America.

The popular use of the term "terrorism" occurred during the French Revolution.⁴⁵ Contrary to today's usage, terrorism at that time was seen in a positive context. The Jacobin's "reign of terror" was purely 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 enemies of the Revolution were beheaded by the guillotine. However, with the execution of the revolutionary leader Maximilien Robespierre, who faced the same fate, i.e., execution by guillotine, the state terror came to an end. Since then, the term "terrorism" has been "associated with the abuse of office and power—with overt criminal implications."⁴⁶ The terrorism during the French Revolution also provided a model to the other revolutionary groups in Europe to use it as a strategy to transform their societies as they wished.

The 19th century witnessed the rise of nationalist movements, which struggled against the colonial powers for self-government. Although the nationalists adopted violent means to achieve their objectives, unlike the anarchists, they considered themselves freedom fighters.⁴⁷ The divine right of

⁴⁵ The term "terrorism" was coined by a British Philosopher Edmund Burke for describing the *regime de la terreur* (Reign of Terror).

⁴⁶ Quoted in Bruce Hoffman, *Inside Terrorism*, 17.

⁴⁷ Naeem Ahmed, "Concept of Terrorism: Some Definitional Crises," *Pakistan Perspectives* XIV, no. 1 (January-June 2009): 83.

the ruler to rule the subjects was challenged by the rise of nationalism and resulted in the emergence of the modern nation-state system, which provided a common identity to the people who struggled for their independence not only from the monarchs, but also from the colonial powers. This anti-monarchical popular sentiment also gave a boost to political ideologies, such as, Marxism, which was the direct result of the socio-economic changes that occurred because of the industrial revolution in Europe, and the exploitative nature of capitalism. From there onwards a new meaning of the term “terrorism” emerged. The Italian revolutionary Carlo Pisacane’s theory of “propaganda by deed” recognized the validity of violence for achieving the goal.⁴⁸ The organization which had first adopted Pisacane’s theory was a small group of Russian constitutionalists, the Narodnaya Volya (People’s Will), which was formed in 1878 in opposition to the Tsarist rule. It is said that the Narodnaya Volya was involved in the assassination of the Tsar Alexander II in 1881.⁴⁹

The 20th century saw various aspects of terrorism, ranging from right-wing to left-wing to religious terrorism. In all the cases, nationalism played a significant role. For instance, during the inter-war period, a new form of political terrorism, known as “Right-wing terrorism,” emerged in Europe with the objective to preserve the status-quo. The Right-wing ultra-nationalist fascist governments in Italy and Germany justified violence to consolidate their power and crushed the opposition by using violent tactics.

The dominant form of violence in the post-War period, aimed at either de-colonization or social revolution, was rural-based guerrilla warfare.⁵⁰ It had left-wing orientation. This type of terrorism confused the experts, who saw that unprecedented phenomenon as a response to injustice, committed by either colonial powers or the repressive governments. 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 by the successful and unsuccessful, terrorism was used pursuing national liberation (Vietnam) or social revolution (Greece).⁵¹

The end of Cold War was followed by an eruption of religious terrorism in various parts of the world, particularly in the Middle East, South and Central Asia. The Soviet disintegration provided an inspiration to the Islamic movements to launch an organized offensive 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

⁴⁸ Ibid.

⁴⁹ Bruce Hoffman, *Inside Terrorism*, 18.

⁵⁰ Weinberg and Davis, *Introduction to political Terrorism*, 33.

⁵¹ Ibid.

created because of the Soviet disappearance, also provided a great amount of solidarity among the Muslims all over the world as it gave them confidence that they were the main force behind the disintegration of the Soviet Union. Moreover, the American neglect in Afghanistan after the withdrawal of the Soviet troops and the Gulf war also provided justifications to the Islamists to launch violent operations not only against the US and the Western interests, but also against those Muslim regimes which were supportive of the US. The Saudi-born millionaire and Afghan war veteran, Osama Bin Laden and his organization, al Qaeda, had resentment against the Saudi Royal family for permitting the Americans to stay on the holy soil after the Gulf War in 1991. In 1998, he issued a *fatwa* (Islamic ruling), 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."⁵² Since then, a series of terrorist attacks can be observed on the US civil and military installations. The September 11 catastrophe could be seen in this connection, though al Qaeda did not directly take the responsibility for it.

The September 11, 2001 terrorist attacks on the US have further changed the nature of terrorism. The terrorist attacks also characterized terrorism as a transnational phenomenon with religious orientation. In the aftermath of these attacks, it was also argued that the terrorists were now capable enough of using weapons of mass destruction to inflict an unimaginable destruction upon the targeted enemy. These attacks ensured the use of "asymmetrical" methods to terrorize the states and nations. 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, on the definition of terrorism.

Consensus Building: Some Practical Approaches

The world has now entered a "New Age of Terrorism."⁵³ 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

⁵² Bernard Lewis, "License to Kill," *Foreign Affairs* 77, no. 6 (November-December 1998): 15.

⁵³ Gearson, *Super Terrorism: Policy Responses*, 7.

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 workable definition with little disagreement. Although it is extremely difficult for 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 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 up arms against the stronger. In doing so, we consciously or unconsciously put all the freedom fighters into the terrorist category, 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 may 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. Although the UN General Assembly, despite several efforts, has failed to define the term, still it is the only international forum which represents the whole international community.

Third, 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:

1. 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.
2. If the struggle is transnational in character, meaning affecting the political, social and economic life of the other country.
3. If the struggle is not recognized by the UN.
4. If the violence is not aimed at against the repressive government.
5. 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, it should be considered as terrorism.

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 and another man’s freedom fighting” is still there. A collective effort on the part of the international community is needed to overcome this relativist confusion. 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.■