

# Chapter 5

## Three Preliminary Assumptions When Approaching the Conceptualisation of Terrorism

### *The Social Construction of ‘Terrorism’*

In any discussion on the definition of terrorism perhaps the first step is to acknowledge that terrorism is first and foremost a social construct and not a ‘brute fact’.<sup>1</sup> Jackson argued that ‘terrorism is not a causally coherent, free-standing phenomenon which can be defined in terms of characteristics inherent to the violence itself. It lacks a clear ontological status—which actually makes an objective definition impossible’.<sup>2</sup> Schmid has also cautioned that ‘we have to realize that there is no intrinsic essence to the concept of terrorism - it is a man-made construct.’<sup>3</sup> This presents us with a problem – that, because it is ‘ontologically unstable and lacking any concrete essence’, it is therefore indeed inherently incapable of an objective definition.<sup>4</sup> Hence from this perspective one could argue that terrorism can be whatever one claims it to be, that nobody has the right to assert what terrorism is and what it is not, that in fact those that claim that its meaning has been abused are just as guilty as the ‘abusers’ for implicitly making some kind of knowledge claim as to what terrorism is.

As I have argued in chapter 1, however, this does not mean that we should refrain from attempting to define or conceptualise terrorism, for every social science concept is socially constructed – such as crime, legitimacy, politics, insurgency, war and so on – and, like terrorism, none of them are ‘brute facts’. We should not, therefore, be reticent about trying to conceptualise terrorism just as much as we shouldn’t refrain from defining social science concepts in general.

Indeed, the development of (socially constructed) norms and values are a vital part of human development, and, within their particular discourses, conceptual clarity (or lack of) can have significant real-life consequences. A good example is the phenomenon of ‘crime’. The

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<sup>1</sup> Jackson, R., Jarvis, L., Gunning, J., and Breen Smyth, M., *Terrorism, A Critical Introduction*, Palgrave Macmillan, 2011, p.119.

<sup>2</sup> Jackson, R., ‘An Argument for Terrorism’, *Perspectives on Terrorism*, Volume 2, Issue 2, January 2008, available at: <http://www.terrorismanalysts.com/pt/articles/issues/PTv2i2.pdf> (last accessed November 27th 2014).

<sup>3</sup> Schmid, A., ‘Terrorism – The Definitional Problem’, *Case Western Reserve Journal of International Law*, Volume 36, Nos. 2 and 3, 2004, p. 384.

<sup>4</sup> Jackson, R., Jarvis, L., Gunning, J., and Breen Smyth, M., *Terrorism, A Critical Introduction*, p. 120.

meaning of crime is socially constructed. It is what humans want it to mean and it is not a 'fact'. As we know, there are practices that may have been considered crimes centuries ago but are not now, and vice versa (such as slavery). There may be forms that are considered crimes in one state but not in another (such as attitudes to homosexuality). There are therefore human, cultural, temporal and geographical dimensions in the social construction of crime. It is also then inevitably the case that laws that are designed to combat crimes are also socially constructed, (as indeed is 'the state' that creates the laws). Yet, it is, in general, socially accepted that the commission of 'crime' is wrong and that societies need to develop systems of rules and laws to prohibit and punish 'criminal' behaviours. Endeavouring to define crime and its parameters are therefore imperative, notwithstanding its social construction.

Similarly, if we want to further develop international regimes, norms and protocols, such as those related to human rights, how can we do so without some notion of the conceptual parameters of our subject matter (for example, what constitutes 'human rights')? In other words many social science definitions, though inevitably 'constructed', are vital in underpinning the evolution of social norms that are part of human progress and development.<sup>5</sup>

Another important element of social construction concerns the etymology of the word 'terror' and how its derivatives have been 'constructed' to mean different things. Using other examples, to become a vigilante seems somewhat far removed from simply being 'vigilant'. In the last decade the concept of 'radicalisation' in the United Kingdom has been used to describe a serious threat to domestic security, a very different connotation to, for example, political parties that boast of having 'radical' manifestos. The point is that derivatives do not necessarily carry the same meanings as their etymons. Similarly, in my view, 'terror' and 'terrorism' should not be used interchangeably. While it is fair to say, once again, that these distinctions are socially constructed the following will argue that 'terror', 'political terror' and 'state terror' are distinct phenomena from terrorism (see chapter 8) while state terrorism, state-sponsored terrorism, and non-state terrorism are all sub-categories of terrorism – and the way that they are conceptualised (or the lack of any serious attempt to define them) can have significant real-life consequences.

Beyond these etymological issues and the 'ontological instability' of terrorism, is a further layer of social construction - that terrorism has been viewed as a perjorative label that has been subjectively applied to one's enemies. Because its meaning has been so difficult to capture in any analytical sense, the term has often been used as a 'useful insult'.<sup>6</sup> For example, some critical perspectives have argued that terrorism knowledge has been constructed to serve the interests of existing power structures - that terrorism has been understood, defined and studied in the interests of the status quo, that the 'problem' of terrorism has been conceptualised and framed in a way that delegitimises non-state actors

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<sup>5</sup> This is not to say, of course, that conceptual endeavours cannot also be exploited to sustain what might also be considered harmful discourses – for example, in this context, terrorism might simply be defined in a way that facilitates the discrediting of political opposition groups.

<sup>6</sup> Gearty, C., *Terror*, Faber and Faber, London, 199, p. 6.

who use violence, while at the same time as reinforcing and reifying the legitimacy of states and their own use of violence. In support of a critical studies agenda Jarvis wrote:

‘...the problem-solving approach to the study of terrorism is normatively problematic in reducing academic responsibility to a technical exercise of risk governance or management. At best, such a reduction militates against any notion of critical enquiry aimed at contesting or destabilizing the status quo: of ‘saying the unsayable’ in Booth’s (2008:68) terminology. At worst, it simply reifies a tired and unstable inside/outside dichotomy that legitimizes the state’s continued monopoly on violence. Either way, the continued structuring of the mainstream literature around the above debates fails to offer any meaningful participatory role for engaged, active scholarship.

In sum, although characterized by considerable diversity, the terrorism studies literature suffers from key analytical and normative limitations. Analytically, the preference for a narrow essentialist framework not only neglects the processes of terrorism’s construction, it also reduces the space available for discussing the (il)legitimacy of particular violences. Normatively, the preference for producing policy-relevant, problem-solving research works to detach academic responsibility from any notion of critical enquiry’.<sup>7</sup>

This is not altogether a uniquely CTS perspective. As the previous chapter noted, Schmid also ‘critically’ argued against a terrorism studies agenda that served the interests of the state, which perhaps suggests that the supposed gap between so called ‘orthodox’ and CTS approaches is not always so apparent.<sup>8</sup>

As noted in chapter 1, and given the socially constructed nature of terrorism, this work does not (and nor can any work) claim to be speaking ‘truth’ on the definitional issue. This does not mean to say that there cannot be a universally agreed definition of the concept, even if we acknowledge that such a definition would not be the ‘truth’ but the culmination of an agreed understanding at any given time. In this context, the challenge is to consider whether there really is something unique or different about terrorism compared with other forms of political violence and their (socially constructed) meanings. And if there is something particular about terrorism, what is it? And how can this particularity be captured in a general definition or conceptualisation that applies to all cases of terrorism? As noted in the previous chapter, Schmid and Jongman, notwithstanding their view of terrorism as a ‘man-made construct’, argued that ‘[t]here is, in our view, a solid conceptual core to terrorism, differentiating from

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<sup>7</sup> Jarvis, L., ‘The Spaces and Faces of Critical Terrorism Studies’, *Security Dialogue*, Volume 40, Issue 1, 2009, p. 15.

<sup>8</sup> Although Schmid argues elsewhere that ‘While some critical theorists blame Terrorism Studies for the ‘problem-solving approach’, mainstream researchers have no problem with that, arguing that this is entirely legitimate, just as the medical profession studies diseases in order to be able to cure them’ (Schmid, A., (ed.), *The Routledge Handbook of Terrorism Research*, Routledge, London and New York, 2011, p. 29). This statement appears to misunderstand the point of the ‘critical’ approach for while the existence of the human being is a *natural*, ineluctable, scientific and politically neutral fact, the state system is not! Hence the concern with medical treatment for human welfare certainly cannot be compared with solving the ills of the contemporary state system which, of course, is, not a given but a man-made social and political construct.

ordinary violence. It consists in the calculated production of a state of extreme fear of injury and death and, secondarily, the exploitation of this emotional reaction to manipulate behaviour.’<sup>9</sup>

The arguments proposed in this work resonate with this psychological dimension of terrorism and, secondly, with the attempted manipulation of it (chapter 4). This chapter now proposes three preliminary assumptions when approaching the definition of terrorism.<sup>10</sup>

***1) There is no such thing as an act of violence that is in and of itself inherently an act of terrorism.***

Terrorism’s physical manifestation can vary from the use of incendiary devices, to gun attacks, to machete attacks, to a variety of different types of bomb attacks (including suicide bomb attacks), to kidnappings and hostage-takings, to ‘mass casualty’ attacks on the scale of 9/11 and so on. Therefore the *physical* part of terrorism can be seen as consisting of a range of different methods. The World Incidents Tracking System, for example, codes ‘terrorist incidents’ as the following: ‘armed attack, arson/firebombing, assassination, assault, barricade/hostage, bombing, CBRN, crime, firebombing, hijacking, hoax, kidnapping, near miss/non-attack, other, theft, unknown, and vandalism.’<sup>11</sup>

None of these acts of violence, however, even those that might be commonly associated with terrorism (such as bombings and hijackings), are in and of themselves inherently terrorist acts. It is only when one adds layers of meaning to the physical act that one can then determine whether or not such an act can be called terrorism. For example, a shooting can be an act of crime, terrorism or warfare. But once layers of meaning have been endowed upon the act then we can broadly refer to *the method of terrorism* as distinct from the different methods or manifestations of the violence itself. These layers of meaning render terrorism as not just being about violence or the threat of violence and is why any definition that focuses on *the particular acts of violence themselves as integral to terrorism misses the point when it comes to establishing the meaning of the concept.*

The use of examples might help to illustrate the point. A suicide bomb self-detonated in a crowded market place might inescapably be labelled an act of terrorism without any further thought – that it ‘looks’ and ‘smells’ like terrorism.<sup>12</sup> In theory, however, such an act is still possible without a political motive, thus rendering the act as something other than terrorism.

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<sup>9</sup> Schmid, A., and Jongman, A., *Political Terrorism*, Transaction Books, Third Edition, 2008, pp. 20-1.

<sup>10</sup> Much of the following pages (pp. 4-13) have been reprinted with the permission of Taylor and Francis LLC from Richards, A., ‘Conceptualizing Terrorism’, *Studies in Conflict and Terrorism*, Volume 37, No. 3, March 2014, pp. 222-229.

<sup>11</sup> See ‘National Counterterrorism Center: Annex of Statistical Information’, US Department of State, available at: <http://www.state.gov/j/ct/rls/crt/2008/122452.htm> (last accessed November 27th 2014).

<sup>12</sup> Jeremy Greenstock, (former) British Ambassador to the United Nations, in op. cit. Schmid, A., ‘Terrorism – The Definitional Problem’, p. 375.

Hypothetically, a disgruntled individual may have carried out the act in revenge against their work place (or former work place) or even against a local community.

A car bomb might also be ineluctably associated with terrorism. One exploded in Kent in the United Kingdom in March 2010 and a pregnant woman was badly injured. The incident may have looked like an act of terrorism – a very similar act, for example, to the car bombs that the IRA commonly used to generate a psychological impact and to draw attention to its political cause. The difference is that the Kent car bomb was planted by the victim's husband who was said to be suffering from post-traumatic stress. In other words, even an act of violence that may be commonly seen as synonymous with terrorism (the car bomb) is not necessarily an act of terrorism unless it is imbued with meaning (ie. a political motive and designed to have a psychological impact beyond the immediate victim[s]).

Acts of terrorism may entail shooting attacks, perhaps best exemplified by the Al Shabaab attack in Nairobi in September 2013, or the November 2008 attack in Mumbai, or by Irish Republican sniper attacks. Again, not all cases of shootings in civilian environments are terrorist. Although Raoul Moat 'terrorised' his community in July 2010 in Northumberland in the UK after going on the run, his shootings were not acts of terrorism because they lacked a political goal. The same can be said of the actions of a sacked police officer, Rolando Mendoza, in Manila in the Philippines who seized control of a bus and demanded to be reinstated (with a subsequent death toll of eight after a shoot-out with the authorities). In other words it is wholly inadequate to describe terrorism as 'you know it when you see it' or '[w]hat looks, smells and kills like terrorism is terrorism'.<sup>13</sup>

What about the archetypal acts of terrorism of recent times – how, for example, can one not *immediately* recognise the attacks of 9/11 as acts of terrorism? Again, taken in isolation, each act of violence on 9/11 might not have been an act of terrorism. Any such act might have been carried out by a psychologically disturbed individual, or by those seeking a ransom where crew and passenger resistance may have led to an aircraft crashing, or, considered in isolation, the first crash could have been a tragic accident. Indeed, after this first incident it was by no means clear at that stage that we were witnessing an act of terrorism. In the case of the London bombings of 2007 there were some early indications that an electrical fault might have been the cause. The point is that even in cases of what might subsequently be called archetypal acts of terrorism conclusions as to whether they could be classified as acts of terrorism could not be made immediately. Of course, once layers of meaning were added then it could be confirmed that these were indeed acts of terrorism – that these were deliberate and simultaneous attacks, that they were politically motivated, and that they aimed to generate a massive psychological impact amongst a much broader group than the victims.

The implication of this first assumption is that any lists of 'terrorist acts' or of the physical manifestations of terrorism do not bring us any closer to capturing what terrorism is. Any conjecture, therefore, as to which of the wide range of types of violent acts should constitute terrorism is unnecessary. For example, Weinberg et al need not have concerned themselves

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<sup>13</sup> Ibid.

with this when they argued that ‘unless we are willing to label as terrorism a very wide range of violent activities, we may be better off finding another governing concept or looking elsewhere for a definition’<sup>14</sup> - for it is the purpose of, and intent behind, the act of violence (and not the type of act itself) that is integral to the phenomenon and determines whether or not it can be regarded as an act of terrorism.

One could also suggest, therefore, that the United Nations approach of countering certain *acts* as ‘terrorist acts’ does not assist us in conceptualising terrorism (though defining terrorism was not its primary intention when drafting its Conventions). Nor do such references as ‘Hijacking may be described as a special type of terrorism’<sup>15</sup> - this is because there can, as in the case of other forms of ‘terrorist’ violence, be non-terrorist hijackings.<sup>16</sup>

When focusing on a definition of terrorism, any list of types of violence that are labelled ‘terrorist acts’ are not then going to be particularly useful in helping us to conceptualise terrorism or in grasping what the essence of terrorism is. As such, the UN and the EU’s approach of identifying and addressing ‘a wide spectrum of terrorist acts’, or French law that specifically names and describes the acts that constitute terrorism<sup>17</sup>, or indeed any such lists<sup>18</sup>, while from a legal perspective may be useful, again serve only to deviate us from this, because terrorism is not inherent to any particular act or type of violence. This perhaps comes as something of a relief because it means that, in the course of our conceptual deliberations, we do not then have to address the emergence of new and different types of acts of violence that may develop along with advances in technology. As Tiefenbrun observes, ‘as new forms of technology are created, new forms of terrorist acts are likely to develop’ though her suggestion (from a legal perspective) that ‘this problem might be countered by enacting an extensive list of specific crimes of terrorism’ would again not bring us any closer to capturing what terrorism is.<sup>19 20</sup>

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<sup>14</sup> Leonard Weinberg, Ami Pedahzur, and Sivan Hirsch-Hoefler, ‘The Challenges of Conceptualising Terrorism’, *Terrorism and Political Violence*, Volume 16, Winter 2004, No. 4, p. 787.

<sup>15</sup> Dugard, J., ‘International Terrorism: Problems of Definition’, *International Affairs*, Volume 50, No. 1, January 1974, p. 71.

<sup>16</sup> For example, in theory, hijackings can be carried out for non-political reasons, such as for ransom demands.

<sup>17</sup> Article 421-1 of the French Criminal Code lists the following acts as terrorist acts: ‘Attempted murder, assault, kidnapping, hostage-taking on airplanes, ships, all means of transport, theft, extortion, destructions, and crimes committed during group combat, the production or ownership of weapons of destruction and explosives including the production, sale, import and export of explosives, the acquisition, ownership, transport of illegal explosive substances, the production, ownership, storage, or acquisition of biological or chemical weapons, and money laundering.’ (cited in Tiefenbrun, S., ‘A Semiotic Approach to a Legal Definition of Terrorism’, *ILSA Journal of International and Comparative Law*, Vol. 9 (2003), No. 2, p. 71).

<sup>18</sup> Bassiouni lists fourteen specific acts of terrorism which are: ‘aggression, war crimes, crimes against humanity, genocide, apartheid, unlawful human experimentation; torture, slavery and slave-related practices; piracy, and unlawful acts against the safety of maritime navigation; kidnapping of diplomats and other internationally protected persons; taking civilian hostages; serious environmental damage; or serious violation of fundamental human rights.’ (cited in Tiefenbrun, S., ‘A Semiotic Approach to a Legal Definition of Terrorism’, p. 393).

<sup>19</sup> Tiefenbrun, S., ‘A Semiotic Approach to a Legal Definition of Terrorism’, p. 69.

<sup>20</sup> While it is not the particular act of violence itself that determines whether or not that act is terrorism, but the intent and purpose behind it, the *seriousness* (however defined) of the act is, however, of relevance to the conceptual discussion. For example, an issue of contention is how serious an act of violence must be to be considered an act of terrorism (see chapter 9).

So, in summary, the first assumption that informs our discussion as to what terrorism is, is that there is no act of violence that can in and of itself inherently be described as an act of terrorism. *Whatever the type of violence chosen* ‘the primary intent [of terrorism] ... is to produce fear and alarm that may serve a variety of purposes’.<sup>21</sup> The essence of terrorism lies in the intent behind the act of violence, and the ‘primary intent’ of terrorism is to spread fear beyond the immediate victims. If it is not intended to have this wider psychological impact then it is not terrorism.

**2) *Terrorism is a particular method used by a wide variety of actors in pursuit of an equally broad range of ideologies and so perpetrator or cause based definitions (beyond political motive) are unhelpful***

The notion of terrorism as a method is certainly not new – in fact it was referred to as a ‘method of combat’ in the *Encyclopaedia of the Social Sciences* in 1936.<sup>22</sup> When I refer to the ‘method’ of terrorism I am not then alluding to the various types of violence used (ie. the physical manifestation of terrorism), but to the purpose or intent behind the act of violence, which is to generate a psychological impact beyond the immediate victims. Terrorism, with this indispensable psychological dimension, is a particular method of violence that has been used by a wide variety of actors and requires more than just an act of violence or the threat of violence. A definition does not need to refer to the perpetrator or the cause (other than being political) but it does need to establish the intent behind that act of violence, namely to ‘terrorise’ (and/or to motivate/mobilise) a wider population.

The utility of viewing terrorism as a method (or a tactic) is that it allows us to implicitly acknowledge that terrorism is not particular to any type of actor for it has been used by a wide variety of actors, not just terrorist organisations. An actor-free definition of terrorism means that no type of perpetrator of terrorism is excluded, be they states, social movements, guerrilla groups, terrorist groups and so on. In this context, a clearer distinction in terrorism studies ‘between ‘terrorist groups’ and groups that deploy terrorism as one of many insurgent and political strategies’ is a worthy one to make.<sup>23</sup> As Weinberg rightly observed the notion that ‘one man’s terrorist is another man’s freedom fighter’ is confusing the goal with the activity.<sup>24</sup> So too, therefore, does the view (apparently articulated by the UN Secretary-General in March 1987 in relation to the PLO and SWAPO) that ‘sometimes it is difficult to tell where terrorism ends and the struggle for self-determination begins.’<sup>25</sup>

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<sup>21</sup> Jenkins, B., ‘The Study of Terrorism: Definitional Problems’, the RAND Corporation, December 1980, p. 2, available at: <http://www.rand.org/pubs/papers/2006/P6563.pdf> (last accessed November 27th 2014).

<sup>22</sup> Schmid, A., and Jongman, A., *Political Terrorism*, p. 13.

<sup>23</sup> Schmid, A., (ed.), *The Routledge Handbook of Terrorism Research*, p. 28.

<sup>24</sup> Weinberg, Leonard, 2005. *Global Terrorism, A Beginner’s Guide*, Oneworld, p. 2.

<sup>25</sup> Romanov, V., ‘The United Nations and the Problem of Combatting International Terrorism’, *Terrorism and Political Violence*, Volume 2, Autumn 1990, No. 3, p. 295.

Schmid, in 1983, suggested that ‘terrorism is a method of combat in which random or symbolic victims become targets of violence ...’ and aptly makes no reference as to who carries out this ‘method of combat’<sup>26</sup>, and Cooper rightly argues that we ‘can no longer afford the fiction that one person’s terrorist is another’s freedom fighter. Fighting for freedom may well be his or her purpose, but if the mission is undertaken through the employment of terrorist means, a terrorist he or she must remain’<sup>27</sup>. Crenshaw also makes the point that ‘the identity of the actor [whether state or non-state] does not matter to the specification of the method’.<sup>28</sup>

Any attempt, therefore, in the course of conceptualising or defining terrorism, to either automatically deny the use of terrorism because of the ‘worthiness’ of the cause, or indeed, conversely, to conflate terrorism with certain causes one finds unpalatable, obfuscates endeavours to elevate terrorism as an *analytical* concept. Yet, such associations (or non-associations) have proved remarkably (and unhelpfully) resilient. Pillar has also rightly argued that terrorism is something that ‘people (or groups, or states) *do*, rather than who they are or what they are trying to achieve’ (original author’s italics)<sup>29</sup>. Terrorism, as a method, should be ‘defined by the nature of the act, not by the identity of the perpetrators or the nature of their cause.’<sup>30</sup>

There may have been ideologies that have been interpreted or adapted to explicitly justify the use of terrorism and where terrorism may then become ‘ideologically embedded’. It could be argued that this is the case with Al Qaeda and the notion of terrorism and political violence as a doctrinal and religious duty, or indeed with the tradition of ‘physical force’ Irish republicanism – for example Patrick Pearse’s proclamations of the notion of self-sacrificial acts as being a compelling symbol of republican ideology. But such ideologies cannot claim ownership of terrorism - for there are, of course, many nationalist, religious, left wing, right wing, and single issue (anti-abortion, animal rights, environmental) ideologies that are not inherently violent themselves though terrorism has often been employed in their name. It would be wrong, therefore, to confine our conceptualisation of terrorism to any particular ideology or ideologies. Rather, it is a method of violence that has at some time or other been perpetrated in the cause of doctrines within all of these categories.

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<sup>26</sup> Schmid, A. (1983). *Political Terrorism: A Research Guide to Concepts, Theories, Data Bases and Literature*. New Brunswick: Transaction, p. 111.

<sup>27</sup> Cooper (2001, p. 887), cited in Griset, P., and Mahan, S., *Terrorism in Perspective*, Sage, Thousand Oaks (California) and London, 2003, p. 59, available at: <http://books.google.co.uk/books?hl=en&lr=&id=YpmZ76zRW2oC&oi=fnd&pg=PR9&dq=defining+terrorism&ots=mN6SIK4htr&sig=YT9v2D6lMm8eKpHlcszBCfU9mUM#v=onepage&q=defining%20terrorism&f=false> (last accessed November 27<sup>th</sup> 2014).

<sup>28</sup> Crenshaw, M., *Explaining Terrorism, Causes, Processes and Consequences*, p. 207.

<sup>29</sup> Pillar, P., ‘The Dimensions of Terrorism and Counterterrorism’, in Howard, R. And Sawyer, R., (eds.), *Terrorism and Counterterrorism, Understanding the New Security Environment, Readings and Interpretations*, McGraw-Hill, 2002, p. 28.

<sup>30</sup> Jenkins, B., ‘The Study of Terrorism: Definitional Problems’, pp. 2-3.



What this way of viewing terrorism enables us to do is to more accurately describe the actors that have often been labelled ‘terrorist groups’. For example, the Revolutionary Armed Forces of Colombia (FARC) can more clearly be seen as a guerrilla group that has used terrorist tactics. Hamas can be seen as a social and political movement that has also used the *method* of terrorism. There have been those who claim to be acting on behalf of animal rights that have on occasion used terrorist tactics, although it has been argued that most of what animal rights ‘extremists’ do is not ‘terroristic’.<sup>31</sup>

In fact, what becomes apparent is that it is rarely the case that there are what one might call ‘pure’ ‘terrorist organisations’. Crenshaw concurs that it is very unusual for terrorism to be used exclusively as a form of struggle, citing the Abu Nidal group as one of the few possible examples.<sup>32</sup> The so-called Fighting Communist Organisations (FCOs)<sup>33</sup> of the 1970s and 80s (such as the Red Army Faction, Direct Action, The Red Brigades and November 17) could arguably be seen as other instances. But, in general, terrorism forms but one part of the political activity of those who carry it out, and in some cases this other activity includes other forms of political violence. Guerrilla movements, such as the Revolutionary Armed Forces of Colombia (FARC) or the defeated Liberation Tigers of Tamil Eelam (LTTE), as noted above, used traditional guerrilla tactics (such as attacking state forces in the open) as well as acts of terrorism. Crenshaw lists a number of what she calls ‘internal wars’ (post World War 2) that have been ‘accompanied by terrorism’ including the ‘Phillipines, Cyprus, Malaya, Palestine, Tunisia, Morocco, Algeria, Vietnam, [and] Latin America’.<sup>34</sup> From a policymaking perspective, an acknowledgement of such distinctions would facilitate a more differentiated and sophisticated response to those employing the method of terrorism, while it would also better inform the methodologies and choices of ‘terrorist’ case studies made by scholars studying the phenomenon.

### ***3) Acts of terrorism are not just carried out against civilians and non-combatants.***

A third assumption that informs my conceptualisation of terrorism is that, while acts of terrorism are very often carried out indiscriminately or against civilian or non-combatant targets, civilian or non-combatant targeting should not be *definitional* of terrorism. Indeed, Narodnaya Volya, often cited as one of the most well-known of terrorist antecedents, described its activity as ‘the destruction of the most harmful persons in the government’ (rather than civilians *per se*).<sup>35</sup> Feliks Gross, in his study of violence in politics, argued that what he called ‘individual terror’:

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<sup>31</sup> As argued by Schmid (personal communication).

<sup>32</sup> Crenshaw, M., *Explaining Terrorism, Causes, Processes and Consequences*, p. 4.

<sup>33</sup> See Alexander, Y., and Pluchinsky, D., *Europe’s Red Terrorists, The Fighting Communist Organizations*, Frank Cass, London, 1992.

<sup>34</sup> Crenshaw, M., ‘The concept of revolutionary terrorism’, *The Journal of Conflict Resolution* (pre 1986), Volume 16, No. 3, September 1972, p. 395.

<sup>35</sup> Narodnaya Volya, cited in Schmid, A., (ed.), *The Routledge Handbook of Terrorism Research*, p. 99. See chapter 9 for a discussion on the meaning of ‘civilian’ (ie. who might or might not be included in this category).

‘attacked directly, above all, key decision makers or administrators, or acted in lieu of punishment against persons responsible for cruelties and oppression. One of its functions was retribution and deterrence. The leaders of the organization expected that assassination of an oppressive administrator would deter his successors from inhuman, oppressive acts. ... Such was the goal of assassination of high German Gestapo officers in Poland during the Second World War. ... “Central Terror” which they [Russian Revolutionaries] practiced was directed solely against carefully selected major representatives of the Russian autocracy such as the Tsar himself, governors, high police officers. It did not hurt innocent people; it was discriminating.’<sup>36</sup>

There are clearly grey areas as to who or what constitutes a ‘civilian’ target and there are also degrees of ‘innocence’ (see chapter 9). I would argue, however, that such distinctions are not relevant to a definition, for terrorism can entail violence against ‘any person’, as stated in the United Nations’ draft comprehensive convention, despite the objections of those who argue for the centrality of civilian or non-combatant targets in the definition.<sup>37</sup> In 1978 Crenshaw also argued that although the victims of terrorism are usually civilian ‘they may include the military or the police’.<sup>38</sup>

As noted in chapter 1, a brief survey of Easson and Schmid’s 250 definitions of terrorism appears to endorse the view that terrorism is not just carried out against civilians or non-combatants. Most of the definitions in their compilation do not make explicit reference to civilians or non-combatants as being victims (approximately 70 of them make reference to ‘civilian’, ‘non-combatant’ or ‘innocent’ victims, with about half of these appearing in post 9/11 definitions).<sup>39</sup> In the academic sample of fifteen definitions in Schmid and Jongman’s study, *none of them* explicitly insist upon *only* civilian or non-combatant targets as being a necessary condition, although, of the fifteen, Townsend uses the word ‘unarmed’ (in defining terrorism as ‘the use of force by the armed ... against the unarmed’) and Netanyahu uses ‘the innocent’ (in his definition of ‘the deliberate and systematic murder, maiming, and menacing of the innocent to inspire fear for political ends’).<sup>40</sup> The objective of instilling fear into a ‘social group’ or ‘community’ or to ‘terrorise communities’ was noted in three of the definitions, though, of course, this is not the same as being *directly* targeted and the ‘social group’ or ‘communities’ being referred to need not be civilian.<sup>41</sup>

Schmid asserts that the ‘very core of terrorism’ is that ‘[t]he direct victim of violence (or threat thereof) is different from the ultimate target (audience)’, and that ‘[f]or this reason *anyone* can, in principle, become a victim of terrorism’ (italics added).<sup>42</sup> Yet, in the same piece he conversely argued that:

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<sup>36</sup> Gross, F., *Violence in Politics – Terror and Political Assassination in Eastern Europe and Russia*, Mouton and Co, The Hague, 1972, p. 10.

<sup>37</sup> See Schmid, A., (ed.), *The Routledge Handbook of Terrorism Research*, p. 55.

<sup>38</sup> Crenshaw, M., quoted in Schmid, A., (ed.), *The Routledge Handbook of Terrorism Research*, p. 118.

<sup>39</sup> Schmid, A., (ed.), *The Routledge Handbook of Terrorism Research*, pp. 99-157.

<sup>40</sup> Schmid, A., and Jongman, A., *Political Terrorism*, pp. 34-7.

<sup>41</sup> *Ibid.*

<sup>42</sup> Schmid, A., (ed.), *The Routledge Handbook of Terrorism Research*, p. 80.

‘If those opposing terrorism want to maintain the moral high ground, they will have to observe this distinction between the unarmed civilian population and regular or irregular armed forces. However, they should only label as ‘terrorism’ attacks that deliberately target civilians and non-combatants.’<sup>43</sup>

One can’t but help sense here some confusion between moral and scientific imperatives in how one conceives of terrorism. There appears to be something of a contradiction (exemplified in Schmid’s two differing perspectives above) between the perception of the core essence of terrorism as first and foremost being its intended psychological impact beyond the immediate victims to a wider group (thus providing this is achieved and that the victims serve as sufficient ‘message generators’, *anybody* can be a victim of terrorism - that terrorism ‘may fall upon anyone in a sizable class of persons’<sup>44</sup>), and then, on the contrary, the insistence that victims must be civilian or non-combatant for an act to be called terrorism. If the latter is intrinsic to a definition of terrorism then it is indeed easier to argue that terrorism should always be viewed as immoral, that there can never be ‘good’ terrorism (even if one agrees with the cause) because, defined in this way, terrorism can only be labelled as such if it is carried out against civilians and non-combatants (however one defines non-combatants - see chapter 9).

This narrower approach, as I have argued earlier, may, in keeping with international norms, be borne of a general desire to protect civilians and ‘protected persons’ from all forms of political conflict and that this should therefore form the basis of a definition. Contrary to the purpose-based approach this represents a *moral* victim-based approach. It is understandable, that there should be a particular concern with those acts of terrorism that are indiscriminate in public places or that deliberately target civilians and non-combatants, and that this concern should be reflected in a definition of the concept, but such moral impulses arguably compromise a more objective (and holistic) approach to the conceptual debate. If we agree that the essence of terrorism lies in its primary intent to generate a psychological impact beyond the immediate victims then, based on this, terrorism can be carried out against both non-combatant and combatant targets. It is then another question as to *which forms of terrorism* (based on target differentiation) should be of more concern to policymakers than others. Were not, for example, many of the ‘combatant’ targets of the IRA victims of terrorism, providing that the aim was to generate a psychological impact beyond the immediate casualties? Terrorism can be carried out against anyone, providing the victims or object of attack serve sufficiently as ‘message generators’ to a wider group or audience.

In arguing that acts of terrorism can take place against combatants in war, one might consider the example of the ‘rogue’ Afghan soldiers who turned on NATO troops. If this was a concerted strategy of intimidation against the wider NATO troop body then these can certainly be classified as acts of terrorism. Yet, civilians were not targeted, nor, arguably, did

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<sup>43</sup> Ibid. p. 81.

<sup>44</sup> Narveson, J., ‘Terrorism and Morality’, in Frey, R., and Morris, C., (eds.), *Violence, Terrorism and Justice*, Cambridge University Press, 1991, p. 119.

they take place in a peacetime environment. Thus, acts of terrorism are possible within war providing the psychological impact is the primary objective over the physical one.

The cases of the ‘rogue shootings’ or ‘green on blue’ attacks in Afghanistan merit closer scrutiny. While it has been argued that most of the attacks have ‘nothing to do with the Taliban’ and that they tend to be ‘rooted in a mixture of personal arguments and cultural misunderstandings’ at least some of the attacks have been linked to the Taliban.<sup>45</sup> Indeed, the Nato Secretary-General argued that the Taliban ‘had "played out a strategy" to undermine confidence in the Afghan security forces’.<sup>46</sup> It was widely reported that the green on blue attacks had a wider and negative impact on NATO troop morale – in other words the acts of violence generated a wider psychological impact beyond the immediate victims. Hypothetically, if this psychological impact was the primary and *intended* purpose of the attacks, then one could describe them as acts of terrorism.<sup>47</sup>

If the main purpose of the acts of violence carried out by the resistance movements of the Second World War (in opposition to nazi rule) was to generate a psychological impact beyond the immediate victims then such acts could also be classified as acts of terrorism against military targets in the context of war, though again what constitutes a ‘war environment’ is debateable. Terrorism, then, is about the use of violence or the credible threat of violence in order to generate a psychological impact beyond the immediate victims, whether they are civilian (or non-combatant) or not, or whether one sympathises with the cause or not. As Crenshaw aptly argues ‘we can develop a neutral definition’ but while also ‘retaining the ability to make moral judgments [whether positive or negative] about its use in different political circumstances’.<sup>48</sup>

From my purpose-based perspective there may therefore be some ‘terrorisms’ that one might sympathise with<sup>49</sup>, and any moral repugnance against some particularly brutal forms of the phenomenon should not deviate us from including the less contemptible (or even noble or laudable) forms from a general definition of the concept as a whole. Of course, what these more palatable forms are is entirely dependent on one’s perspective – nevertheless, the possibility needs to be incorporated into, or at least not explicitly excluded from, our conceptualisation of terrorism. For many, for example, some forms of terrorism may be justified if they are carried out in pursuit of democracy against oppressive regimes, and if they pass the *jus in bello* test within just war theory that is normally applied to states and their

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<sup>45</sup> The Economist, ‘Green on Blue blues’, September 1<sup>st</sup> 2012, available at: <http://www.economist.com/node/21561943> (last accessed November 27th 2014).

<sup>46</sup> BBC News online, ‘Afghan policeman kills three British soldiers’, July 2<sup>nd</sup> 2012, available at: <http://www.bbc.co.uk/news/uk-18670175> (last accessed November 27th 2014).

<sup>47</sup> Indeed, the outcome was to undermine attempts to train the Afghan forces with the US apparently suspending its training of new recruits to the Afghan police force (BBC News online, ‘Afghanistan ‘rogue’ attack: Four US soldiers killed’, September 16<sup>th</sup> 2012, available at: <http://www.bbc.co.uk/news/world-asia-19614911> (last accessed November 27th 2014).

<sup>48</sup> Crenshaw, M., ‘Introduction: Reflections on the Effects of Terrorism’, *Terrorism, Legitimacy and Power: The Consequences of Political Violence*, Wesleyan University Press, 1983, p. 5.

<sup>49</sup> The use of ‘terrorism’ by the resistance movements (against nazi rule) in World War Two are often cited as examples.

conduct within war (and that is embedded in the international humanitarian law emphasis on protecting civilians and non-combatants in such contexts).

Even if the French resistance did not target civilians when they carried out acts of violence against an oppressive and occupying (nazi) regime, they nevertheless, subject to the necessary criteria (in particular the intent to generate a psychological impact beyond the immediate victims), *still carried out acts of terrorism*. And once again, any attempt to refrain from using the word ‘terrorism’ (in favour of more ‘positive’ labels like ‘freedom fighting’) simply further reinforces terrorism as a derogatory label at the expense of any prospects it might have for analytical utility. David Anderson, the independent reviewer of UK terrorism legislation (at the time of writing), draws our attention to what would indeed be a fallacious attempt to draw any distinction between terrorism (an activity) and freedom fighting (which refers to a goal):

‘Whether directed at our Government or that of Syria, whether an evil attack on civilians or a reaction to extrajudicial murder by the state, terrorism is terrorism. We might wish it otherwise, particularly in relation to national separatist struggles where one would prefer not to take sides. But Parliament in the 2000 Act tried and failed to come up with a workable system for distinguishing freedom-fighters from terrorists, and the Court of Appeal has also, unsurprisingly, declined the invitation to do so.’<sup>50</sup>

It is entirely understandable, if regrettable, that in the ‘real world’ of domestic and international politics ‘terrorism’ is used selectively given its pejorative connotation in practice, and this is one of the fundamental challenges for more objective academic endeavours in conceptualising terrorism (and a formidable barrier to ‘being heard’). And when such negative connotations become embedded Crenshaw cautions that:

‘It is well to remember ... that the users of political language are not entirely free to shape it; once concepts are constructed and endowed with meaning, they take on a certain autonomy, especially when they are adopted by the news media, disseminated to the public, and integrated into a general context of norms and values.’<sup>51</sup>

The implications of arguing that terrorism can be carried out against non-civilians and combatants are discussed further in chapter 6 – not least that it undermines the extent that terrorism can be understood as the peacetime equivalent of a war crime<sup>52</sup>, and it also prompts us to question the extent that terrorism can be conceptualised as an ‘extranormal’ form of political violence.

Notwithstanding the argument that combatants can be victims of terrorism, one should, however, acknowledge that the intended psychological impact of terrorism is likely to be

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<sup>50</sup>Alexander, D., Independent Reviewer of Terrorism Legislation, *The Meaning of Terrorism*, Clifford Chance / University of Essex Lecture, February 13<sup>th</sup> 2013.

<sup>51</sup>Crenshaw, M., ‘Terrorism in Context’, Pennsylvania State University, cited in Whittaker, D., (ed.), *The Terrorism Reader*, Routledge, London and New York, 2001, p. 11.

<sup>52</sup>Such equivalence is in any case undermined by the fact that the intended wider psychological dimension that is indispensable to terrorism is not an essential element for something to be called a war crime.

enhanced by the targeting of civilians.<sup>53</sup> As Gearty remarks: ‘A pure terrorist act results in everyone recoiling in horror, with the words ‘it could have been me’ etched on their mind ... It is, therefore, the indiscriminate nature of its victims which gives the act of terror its powerful impact’<sup>54</sup>, and ‘[i]t is the wanton assault on civilians and non-combatants that provides much of the terror to terrorism.’<sup>55</sup> Terrorist attacks against civilians in peacetime environments, then, are indeed likely to generate greater shock value and psychological impact. Yet, as Shanahan has noted ‘although the perceived innocence of victims can enhance the *effectiveness* of some terrorist acts, it should not be part of the *definition* of ‘terrorism’ itself’<sup>56</sup> - for both combatants and non-combatants can be victims of terrorism and definitions of the phenomenon should reflect this. If one is understandably more concerned with acts of terrorism that target civilians and non-combatants than those that do not then one needs to acknowledge that this is but one form of terrorism, rather than determining that civilian and non-combatant targeting be definitional of terrorism as a whole .

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In summary, in order to inform the definitional debate I have proposed the following key assumptions – that there is no such thing as an act of violence that is in and of itself inherently terrorist; that terrorism is best conceptualised as a method rather than defined as inherent to any particular ideology or cause; and that terrorism can be carried out against non-civilians and combatants as well as civilians and non-combatants. As I have argued, these assumptions have significant implications for the definitional debate. This is particularly the case with the third assumption, the consequences of which will be further drawn out in chapter 6, with a particular focus and scrutiny of the following: i) on the notion of defining terrorism as the peacetime equivalent of a war crime; ii) on defining terrorism as the use of *extranormal* violence; and iii) on the possibility of ‘good’ terrorism. In the context of the arguments made in chapters 4, 5 and 6 as to what terrorism is, chapter 7 will then attempt to deduce *what is not* terrorism. Chapter 8 will attempt to draw a distinction between terrorism and state terror while further potential components of a definition will be considered in chapter 9.

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<sup>53</sup> Apart from civilian targeting the degree of wider psychological impact from a terrorist attack may be dependent on a number of factors, such as the lethality of the attack (in terms of numbers of casualties), the context of the attack (such as a public place in peacetime) but also, importantly, on the extent and reach of media coverage. In some contexts media accessibility may be restricted, such as in war or conflict zones (for example, the bitter conflicts in Grozny in Chechnya and Fallujah in Iraq) while editorial decisions to cover (or not) a terrorist event may enhance or curtail psychological impact.

<sup>54</sup> Gearty, C., *Terror*, p. 9.

<sup>55</sup> Schmid, A., (ed.), *The Routledge Handbook of Terrorism Research*, p. 68. It should be noted that, while acts of terrorism against civilians may be the preferred choice of target, it is also possible that such targets reflect the weakness of terrorist organisations who do not have the capabilities to target government forces or ‘well-guarded leaders’ (see Crenshaw, M., ‘Introduction: Reflections on the Effects of Terrorism’, p. 29).

<sup>56</sup> Shanahan, T., ‘Betraying a Certain Corruption of Mind: How (and how not) to Define “Terrorism”’, *Critical Studies on Terrorism*, Volume 3, No. 2, 2010 (version accessed through ‘Athens’ with no page numbers).

