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Why an Agreed Definition of Terrorism Matters

NICOLÒ SCREMIN

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CONTENTS

Introduction	4
Definitional Dilemma	5
Academic Sphere	6
Political Sphere	7
Operational Sphere	9
Conclusion	11

This brief investigation assesses that a universally accepted definition of terrorism would be beneficial on multiple levels. The first section provides a concise overview of the definitional debate. The second section delves into the academic and political advantages of having a shared definition of terrorism. The third part discusses the concrete operational benefits. In sum, this essay explores and supports the statement that a shared definition of terrorism is a wishful objective, for it would herald virtuous academic, political, and operational implications.

INTRODUCTION

The issue concerning a universally accepted definition of terrorism entered the academic and political discourse during the early 1970s and the 1980s.¹ Since then, scholars, policymakers and even governments have made multiple attempts to reach an international agreement about what constitutes terrorism, but without any success.² As a result, there is a wide-ranging consensus that a universal legal definition approved by the General Assembly of the United Nations is not only technically impossible due to the subjective and politicized nature of the term “terrorism”, a definition might also prove unnecessary since all terrorist actions are already covered by existing international law.³ Nevertheless, analysts reiterate the need for a definition, for this might “help in the struggle against terrorism at many and varied operative levels.”⁴ That said the main purpose of the essay is not to examine whether the formulation of an agreed definition of terrorism is feasible. Nor does this paper attempt to identify which entity should be responsible for drafting it. Rather, this brief investigation assesses that a shared definition would be beneficial on multiple levels. The first section provides a concise

¹ Alex Schmid, Terrorism – The Definitional Problem?, *Perspectives On Terrorism* 6, no.2 (2012): 158-159 <http://www.terrorismanalysts.com/pt/index.php/pot/article/view/schmid-terrorism-definition>

² *Id.*

³ See Lord Carlile of Berriew Q.C., The Definition of Terrorism, (2007): 19. <https://www.gov.uk/government/publications/the-definition-of-terrorism-a-report-by-lord-carlile-of-berriew>

⁴ Boaz Ganor, Defining Terrorism: Is One Man's Terrorist another Man's Freedom Fighter?, *Police Practice and Research* pp. 303-3, no.4 (2002). <http://dx.doi.org/10.1080/1561426022000032060>; see Roberta Senechal de la Roche, Toward a Scientific Theory of Terrorism, *Sociological Theory* 22, no.1 (2004). <http://dx.doi.org/10.1111/j.1467-9558.2004.00199.x>; Sami Zeidan, Agreeing to Disagree: Cultural Relativism and the Difficulty of Defining Terrorism in a Post-9/11 World, *Hastings International & Comparative Law Review* 29 no.2 (2005); Ben Saul, *Defining Terrorism in International Law*, Oxford University Press, Oxford (2006); and Anthony Richards, *Conceptualizing Terrorism*, Oxford University Press (2015).

overview of the definitional debate. The second section delves into the academic and political advantages of having a shared definition of terrorism. The third part discusses the concrete operational benefits. In sum, this essay explores and supports the statement that a shared definition of terrorism is a wishful objective, for it would herald virtuous academic, political, and operational implications.

DEFINITIONAL DILEMMA

Initially, it is important to shed light upon the definitional dilemma linked to the study of terrorism. Convolved in nature, etymological debates remain vital for a better understanding of terrorism as a complex phenomenon. This is mainly due to the fact that “the way that we define terrorism fundamentally shapes the way that we confront it.”⁵ In other words, how one defines terrorism determines, *inter alia*, whether or not a group may be designated as “terrorist.” Likewise, a particular definition also shapes law enforcement response, extradition of terrorists, and the conceptualization and categorization of data.

Although there are numerous reasons why defining terrorism is an arduous task, experts tend to accentuate four main challenges. First, “terrorism” is a subjective term that is used promiscuously and tends to reflect the interest of those who are defining it.⁶ Second, “terrorism” is a word with intrinsically negative connotations that implies a moral judgment.⁷ Third, the semantic meaning of terrorism has repeatedly changed over time.⁸ Finally, “terrorism” is a multifaceted phenomenon manifesting itself in multiple ways, some of which are not entirely dissimilar from other forms of political violence.⁹ Not only does the confusion arising from the mentioned definitional dilemmas obstruct progress towards a shared definition; perhaps most importantly, the lack of an agreed definition leaves policymakers without the proper operational tools to counter terrorism.

⁵ Alex Schmid, Defining Terrorism. In: Wither, J.K. and Mullins, S. eds. *Combating Transnational Terrorism*. Sofia: Procon, (2016): 14.

⁶ Bruce Hoffman, *Inside Terrorism*, Columbia University Press, New York (2006):23

⁷ Brian Michael Jenkins, The Study of Terrorism: Definitional Problems, *Rand Corporation*, St. Monica, CA (1980):1

⁸ Alex Schmid, Terrorism – The Definitional Problem?, *Case Western Reserve Journal of International Law* 36, no.2 (2004):399

⁹ Boaz Ganor, Defining Terrorism: Is One Man's Terrorist another Man's Freedom Fighter?, *Police Practice and Research* 3, no.4 (2002). 287-304.

ACADEMIC SPHERE

This section explains how the formulation of a shared definition of terrorism would have beneficial effects in the academic sphere. To begin with, a universal definition of terrorism would positively affect the quality of research. In the absence of agreed terminology, the majority of researchers have adopted two main strategies to address the definitional controversies. On one hand, some have decided to completely ignore the issue and refrain from defining “terrorism.” For example, works by Ole Forsberg on more than one hundred volumes on terrorism show that 75% of the examined books do not even feature a definition of terrorism.¹⁰ On the other hand, other researchers opt for already widely acknowledged definitions of “terrorism” or create their own definitions, which are often based on other authors’ works.¹¹

Regrettably, each of these strategies reduces the quality of research. The first approach fails to grasp the fundamental aspect that “defining concepts is a crucial state of research.”¹² Theoretical conceptualization is in fact a key trait of academic research, for this clearly specifies what notions and ideas mean and how these are addressed in the context of a given study.¹³ One cannot assume that a reader will understand exactly the meaning of “terrorism.” Likewise, the second strategy falls short when it comes to the idea of commensurability. In science, two theories are commensurable if they use the same theoretical language, allowing researchers to scrutinize and compare ideas with the intent to determine their validity. Ergo, two studies on terrorism can be deemed commensurable if they both define “terrorism” homogeneously or if they both use a broad definition that includes the same theoretical frameworks. If this is not the case, the two studies might end up examining two slightly different phenomena.

Applied to the field of terrorism, the problem of incommensurability is particularly evident when it comes to quantitative studies that are mainly based on second-party datasets. As Ole Forsberg points out, when a researcher performs a quantitative study built on secondary data, it is essential that his/her definition matches that of the dataset creator.¹⁴ If not,

¹⁰ Ole Forsberg, *Does It Really Matter? Does the definition of terrorism really matter in the case of The Troubles in Northern Ireland (1969–2002)?*, (2008):4.

¹¹ *Id.*

¹² David De Vans, *Research Design in Social Research*; Sage, London (2001): 25.

¹³ See Earl Babbie, *The practice of social research*. Thomson Wadsworth, Belmont, CA (2007).

¹⁴ Ole Forsberg, *supra* note 10 at 2008: 6-7.

the risk is to bring about logical fallacies, as “different definitions produce different findings.”¹⁵ For instance, a scholar who decides to use the Global Terrorism Database to test his/her hypothesis must conform his/her definition to the one START provides. Otherwise, if the scholar’s definition differs substantially from START’s, there is a significant chance that he/she will examine a slightly different phenomenon from what START had originally analyzed. Hence, an international agreement or even a sort of academic consensus on the definition of terrorism would be vital for academic inquiry, for it would allow researchers to collect data more uniformly.¹⁶ And the use of the same conceptual framework would also enable researchers to compare different studies and solve the incommensurability problem.¹⁷

POLITICAL SPHERE

The lack of a shared definition of terrorism also affects the political domain. Terrorism is indeed a man-made, highly politicized construct used in official and public discourse by different actors in order to stigmatize the actions of an adversary while at the same time gaining legitimacy for their own actions.¹⁸ Furthermore, there are two additional issues that have hampered definitional debates over the years: the “state actors versus non-state actors” dilemma and the “freedom fighters versus terrorists” controversy.¹⁹ The first dilemma is often responsible for establishing double standards between states and non-state actors that employ terrorist tactics. The “definitional vacuum” has indeed facilitated unilateral definitions that explicitly restricted the notion of terrorism to non-state actors, thereby enabling states to designate a group as a terrorist organization on a case-by-case basis and in accordance with their political and strategic interests.²⁰ Boaz Ganor provides some important considerations on this point, arguing that including the notion of “state actors” in the definition is superfluous “not because states are on a higher moral level, but because [...] any deliberate attack upon civilians committed by

¹⁵ de Vans, *supra* note 12 at 2001: 25.

¹⁶ Alex Schmid and Albert Jongman, *Political Terrorism: A New Guide to Actors, Authors, Concepts, Data Bases, Theories, and Literature*. Transaction Publishers, London (1988).

¹⁷ Cf. Roberta Senechal de la Roche, *Toward a Scientific Theory of Terrorism*, *Sociological Theory* 22, no.1 (2004). <http://dx.doi.org/10.1111/j.1467-9558.2004.00199.x>

¹⁸ Alex Schmid, *Terrorism – The Definitional Problem?*, *Case Western Reserve Journal of International Law* 375 (2004):384 <http://scholarlycommons.law.case.edu/jil/vol36/iss2/8/>;

¹⁹ *Ibid.* 413- 417.

²⁰ Romyana Grozdanova, ‘Terrorism’ - Too Elusive a Term for an International Legal Definition?. *Netherlands International Law Review* 61, no.3 (2013) <https://doi.org/10.1017/S0165070X14001351> pp. 305, 332.

regular military forces” is already covered by international conventions that clearly define such an attack as a “war crime” or “crime against humanity.”²¹ However, as noted by Alex Schmid, considering the use of terrorism as being a monopoly of non-state actors can lead to paradoxical outcomes since it creates a double standard.²² If a state can support, operate and perpetrate terrorism there is no reason therefore to label the same action as “terrorism” or “something else” exclusively on the basis of the nature of perpetrators.²³ For these reasons, it is clear that an agreed-upon definition of terrorism, far from being a purely academic issue, would serve as a legal restraint on “states’ inclinations to determine unilaterally who can commit terrorism.”²⁴

Likewise, the second dilemma creates uncertainty over the legitimacy of the actions of those employing terrorism, who might be ambiguously labelled “freedom fighters” or “terrorists”. This uncertainty stems from the fact that most of those involved in terrorist activities tend to voluntarily engage in terrorism to achieve national liberation.²⁵ On account of the putative nobility of their cause and their inalienable right to self-determination and self-defense, these combatants are able to legitimize terrorist tactics. During his speech at the United Nations in 1974, Yasser Arafat explained that the difference between a terrorist and a freedom fighter depends entirely on the cause for which each fights.²⁶ Similarly, the fifth Islamic summit meeting stressed that every action aimed at liberation and self-determination is legitimated by international conventions and, thus, cannot be deemed terrorism.²⁷

Such perspectives, however, have led to the debatable assumption that “national liberation” and “terrorism” are positioned on the opposite sides of

²¹ Boaz Ganor, *Defining Terrorism: Is One Man's Terrorist another Man's Freedom Fighter?*, *Police Practice and Research* 3, no.4 (2002). <http://dx.doi.org/10.1080/1561426022000032060> 287, 289

²² Alex Schmid, *The Routledge Handbook of Terrorism Research*, Taylor and Francis, London (2011).

²³ *Ibid.* 68-69.

²⁴ Grozdanova, *supra* note 20 at 2013: 315.

²⁵ Boaz Ganor, *Defining Terrorism: Is One Man's Terrorist another Man's Freedom Fighter?*, *Police Practice and Research* 3, no.4 (2002). 292-294.

²⁶ Alex Schmid, *Defining Terrorism*. In: Wither, J.K. and Mullins, S. eds. *Combating Transnational Terrorism*. Sofia: Procon, (2016): 9.

²⁷ See Ganor, *supra* note 25 at 2002: 292 (citing Al-Anba'a, Kuwait, January 30, 1987).

the spectrum of the legitimate use of violence.²⁸ In this regard, violence is justified on the grounds of “national liberation”, but is not justified on the grounds of “terrorism,” and, as such, freedom fighters are rarely labelled terrorists and *vice versa*.²⁹ But if terrorism is about tactics while freedom is about long-term goals, then “terrorist” and “freedom fighter” are not two mutually exclusive concepts. Thus, movements employing terrorism should still be considered terrorist groups even if they fight for national liberation or other worthy causes.³⁰ With this in mind, it is clear that an agreed definition will be vital since it would serve as a practical tool to distinguish objectively between terrorism and national liberation, thereby putting an end to one of the most contentious issues that has dominated political debates over the years.

OPERATIONAL SPHERE

Finally, a shared definition of terrorism could also strengthen the way that governments cooperate and counter terrorism at the operational level. During the Taormina G7 Summit, international cooperation and information sharing were identified as key priorities for tackling international terrorism. However, as Sami Zeidan notes, effective cooperation among states is not feasible as long as they fundamentally disagree on what terrorism is.³¹ That is, if one country adopts a narrow definition of terrorism while another relies on a broader one, the same organization or movement might be addressed in contradictory ways, hindering or jeopardizing chances for effective counter-terrorism strategies. Hamas is perhaps one of the best examples of this problem. Despite that most governments designated the Palestinian group as a terrorist organisation, several other nations disagree and have not designated Hamas as such.³² Recep Tayyip Erdoğan, prime minister of Turkey, described Hamas as a “resistance movement trying to protect its country

²⁸ See Boaz Ganor, *Global Alert: The Rationality of Modern Islamist Terrorism and the Challenge to the Liberal Democratic World*. Columbia University Press (2015). pp. 7

²⁹ *Id.*

³⁰ Alex Schmid, *Defining Terrorism*. In: Wither, J.K. and Mullins, S. eds. *Combating Transnational Terrorism*. Sofia: Procon, (2016).

³¹ Sami Zeidan, *Agreeing to Disagree: Cultural Relativism and the Difficulty of Defining Terrorism in a Post-9/11 World*, *Hastings International & Comparative Law Review* 29 no.pp 215, 217 (2005).

³² See Hamas, *Counter Extremism Project*: 28-29. https://www.counterextremism.com/sites/default/files/threat_pdf/Hamas-02122018.pdf.

under occupation.”³³ China too has acknowledged Hamas as a legitimate representative of the Palestinians.³⁴ And even Russia has held official direct talks with Hamas since the group’s victory in the 2006 Palestinian elections.³⁵ As the aforementioned examples demonstrates, joint international cooperation against Hamas – ranging from the implementation of consensual policies to intelligence sharing and the adoption of common regulations designed to counter Hamas’ financing—appears problematic. It will mostly continue to be until countries like Turkey, China, and Russia conform to Israel, Egypt, and the U.S. and label Hamas a terrorist group, or *vice versa*.

Moreover, the lack of a common definition of terrorism also hinders international cooperation with regard to criminal matters. Although all terrorist actions are already covered by nineteen international conventions and numerous regional protocols, the failure to define “terrorism” has resulted in legal controversies, especially in terms of extradition of detained terrorists. As one of the basic foundations of judicial cooperation, the principle of “dual criminality” requires that an act must be classified as a criminal offense in both the requesting state and the requested state.³⁶ Applied to the field of terrorism, if the requested country does not classify an alleged crime as a terrorist act, the latter can legally refrain from extraditing terrorists or share information.

A hypothetical scenario exemplifies such legal quandaries. State A legally defines “terrorism” as any deliberate attack against non-combatants, while state B restricts it to civilians only. After detonating a device and killing numerous soldiers who were not on duty at the time of the attack, the perpetrator escapes from State A to State B. Given the two countries’ definitions of “terrorism,” State B can legally reject State A’s extradition request, for, in compliance with its penal code, the act in question does not constitute terrorism. In this situation, therefore, the “dual criminality” requirement would not be fulfilled, demonstrating that a common definition

³³ Tovah Lazaroff, “Erdogan: ‘Hamas is not a terrorist organization,’” *The Jerusalem Post*, (May 13, 2011) <http://www.jpost.com/Middle-East/Erdogan-Hamas-is-not-a-terrorist-organization>

³⁴ Chris Zambelis, China’s Palestine Policy, *China Brief* 9, no.5 (2009) <https://jamestown.org/program/chinas-palestine-policy/>

³⁵ Steven Eke, “Moscow risks anger over Hamas visit,” *BBC* (March 03, 2006). http://news.bbc.co.uk/1/hi/world/middle_east/4769204.stm

³⁶ See International cooperation in criminal matters: counter-terrorism, *United Nations Office on Drugs and Crime (UNODC 2012)*. http://www.unodc.org/documents/terrorism/Publications/Training_Curriculum_Module3/Module3_EN.pdf pp11

of terrorism would facilitate legal cooperation while respecting international conventions and treaties.

CONCLUSION

This essay has attempted to shed light upon the functional role that a common definition of “terrorism” might serve in addressing and solving some of the main challenges posed by international terrorism. It has argued that a shared definition would be beneficial on multiple levels. First, it would improve the quality of academic research by enabling scholars to collect data uniformly and solve incommensurability issues. Second, it would limit states’ own designation of terrorist groups solely based on their political and strategic benefit, and it would provide objective distinctions between terrorism and the struggle for national liberation. Finally, it would allow more effective international cooperation among states by facilitating, among other things, information and intelligence sharing and extradition of terrorists. With this in mind, while recognizing that a shared definition of terrorism will not solve the underlying issue, it should also be acknowledged that a universal definition would bring concrete benefits in the struggle against terrorism.

THE AUTHOR

Nicolò Scremin is founding Executive Director of NextGen 5.0 and a Non-Resident Fellow at the Program on Extremism at The George Washington University. His research primarily focuses on the role of family in Islamist radicalization, and the intersection between extremism, terrorism and sport. Nicolò has published his work in *Small Wars Journal* and *Mondadori University*. He is the co-editor of *Jihadist Terror: New Threats, New Responses* published with I.B. Tauris in August 2019. Prior to joining PoE, Nicolò was a Research Analyst at Combating Jihadist Terrorism in the UK (CoJiT-UK), and a Researcher at the International Institute for Counter-Terrorism (ICT). He holds an MA with distinction in Terrorism, Security & Society from the War Studies Department at King's College London and a BA with honours in Investigation and Security Sciences from the University of Perugia.



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