

## DEFINING MODERN TERRORISM

### I. Introduction

- A. *"One man's terrorist is another man's freedom fighter." - cliché*
1. This statement illustrates the dilemma faced by the world today: What is terrorism? Who is a terrorist? Despite many efforts, there has never been an internationally accepted definition of terrorism.
  2. A range of possible legal definitions of terrorism exists. Although no perfect or universally acceptable definition has been found, a number of common elements can be identified in existing and proposed definitions that are helpful in studying the topic of the legal response to terrorism.

### II. Defining Terrorism

- A. Why is terrorism so hard to define?
1. Meaning and usage of the term has changed over time.
  2. Unlike early terrorists, no one embraces the term now. Modern terrorist groups cloak themselves in the language and imagery of liberation, military structure, self-defense, or righteous vengeance, or simply use neutral names. They often perceive themselves as reluctant warriors driven to violence by desperation.
  3. Definitional paralysis arose from the political arguments over liberation movements, which resulted in a series of agreements about only very specific acts of terrorism, such as attacks on diplomatic agents and threats to civil aviation.
  4. Disputes over labeling destruction by sub-state actors as terrorism, but not the destruction caused by state actors (such as the dropping of bombs from 20,000 feet or the cold war policy of targeting missiles on civilian population centers).
  5. Different agencies within governments and in the international community use different definitions, which reflect the different priorities, missions, and interests of the agencies.
  6. States guard their sovereignty and prefer to retain for themselves the determination of what constitutes terrorism in their country.

7. Some States may be concerned that counter-terrorism efforts could become repressive actions directed at all opposition groups.
- B. Why does defining terrorism matter?
1. Nations seek to define terrorism for a number of purposes, such as:
    - a. criminalization;
    - b. identification of available investigative tools;
    - c. permission for intelligence gathering;
    - d. identification and targeting of those who commit or support it;
    - e. authorization of a military response (in certain circumstances);
    - f. allocation of resources;
    - g. determination of jurisdiction;
    - h. international and interagency cooperation.
  2. To accomplish these tasks, we must define and limit the scope of their coverage. Where nations and the international community set those limits and definitional boundaries will (in part) determine the effectiveness of action.
  3. If the concept and characteristics of terrorism are evolving, then perhaps so too must its definition and the strategies employed to counter it. It may not be enough to rely on the assumptions and tactics that accompany traditional definitions without adjusting them to fit recent developments and current challenges.

### **III. Characteristics and Elements of Modern Terrorism**

- A. Characteristics of Terrorism
1. Modern terrorism typically displays certain fundamental aspects:
    - a. has some ideological or religious nature reflecting a person's or a group's conception of justice (earthly or divine), although increasingly not instrumentally tied to an identifiable, concrete political end;
    - b. has a predominantly non-state character (even if support is received directly or indirectly from states), although groups and activities are increasingly of a transnational or international nature;
    - c. deliberately targets innocents and civilians;