TERRORISM: THE CONCEPTUAL DIMENSIONS

Much time and effort have been used to define terrorism. We have till now been unable to reach a consensus on the definition of terrorism. There are several international conventions that define war crimes, but there is no internationally accepted definition of terrorism. There is not one international convention that actually condemns terrorism. There have been genuine difficulties on an agreement as to what constitutes terrorism. It is an important and an unresolved issue that requires immediate attention. After all what do we mean when we speak of terror? An absence of a definition could lead to confusion and ambiguity. This chapter addresses the question: what is terrorism and how can it be defined?

Terrorism: The Concept

Terrorism like many other words has become a part of our everyday vocabulary. Do we actually understand the meaning of terrorism? We have a vague impression of people being killed, heart-wrenching images of bloody and torn limbs strewn around, destroyed buildings and their debris and most of all the fear of the unknown enemy. How do we think of all this? Have we experienced it ourselves? Probably not. All this is the result of the portrayal by the media. "This impression has been abetted partly by the modern media, whose efforts to communicate an often complex and convoluted message in the briefest amount of airtime or print space possible have led to the promiscuous labelling of a range of violent acts as 'terrorism'".¹ Therefore any act which is violent whether by the government or the mad mob or militants or criminals, is viewed as a terrorist act. Does that mean that people using violent means to protect us are also terrorists? This is where the difficulty arises because 'one man's terrorist is another man's freedom fighter'. The meaning of terrorism is how an individual views it.

Speaking about the potential danger of using this word, Whitbeck says, "It is no accident that there is no agreed definition of "terrorism", since the

word is so subjective as to be devoid of any inherent meaning. At the same
time, the word is extremely dangerous, because people tend to believe that it
does have meaning and to use and abuse the word by applying it to whatever
they hate as a way of avoiding rational thought and discussion, and,
frequently, excusing their own illegal and immoral behaviour.”

Also the meaning of the term has changed so frequently over the past
two hundred years. Earlier it consisted of freedom fighters fighting for the
freedom of their countries under the colonial rule. It had a certain positive
aspect to it. Then it came to be viewed as a revolutionary concept. People in
minority felt threatened by the majority and chose to demonstrate their
strength through violent means. Many people often confused or equated
terrorism with guerrilla warfare. Then we saw the growth of state-sponsored
terrorism. A terrorist group was backed by a State, which financed and trained
it. It was easy to identify the area of operations of that group. Lately it has
become difficult to identify the people responsible for such acts. Terrorism in
today’s era is society sponsored where the terrorists draw support not from
states but from private individuals. The word terrorism has adopted within its
ambit serious offensive connotations. The terrorists of today after committing
a crime just fade away. One just cannot track down an enemy which has no
abode. In every age terror gets a new face and a new meaning. However the
aim of terrorists has always been to induce fear in the minds of the people to
make them act in a certain pre-planned manner. This lack of consensus on a
universally applicable definition of terrorism is a major lacuna in the struggle
against international terrorism.

The difficulty in defining this word has been expressed by Judge Baxter
of the International Court of Justice, “We have cause to regret that a legal
concept of ‘terrorism’ was ever inflicted upon us. The term is imprecise: it is
ambiguous; and, above all, it serves no operative legal purpose.”

Further from what angle should terrorism be defined? Because
terrorism is a political as well as a legal and a military issue, its definition in
modern terms has been slow to evolve. Not that there are not numerous

2 What is the definition of terrorism. On the internet: http://www.thewahhabimyth.com/terrorism.htm
definitions available—there are hundreds. But few of them are of sufficient legal scholarship to be useful in international law, and most of those, which are legally useful, lack the necessary ambiguity for political acceptance. Therefore the search for an appropriate definition of terrorism as an international crime continues. However this does not mean that the word terrorism cannot be defined, but it must be dealt with caution. The clearer the definition of terrorism, the easier it is to legislate against it.

Let us now therefore attempt a definition of the term. Various definitions by different authors will be analysed to reach a successful conclusion.

The word ‘terrorism’ was coined during France’s Reign of Terror in 1793-94. Originally, the leaders of this systematised attempt to weed out “traitors” among the revolutionary ranks praised terror as the best way to defend liberty, but as the French Revolution soured, the word soon took on grim echoes of state violence and guillotines. The Jacobins, who led the government at the time, were also revolutionaries and gradually “terrorism” came to be applied to violent revolutionary activity in general. But the use of “terrorist” in an anti-government sense is not recorded until 1866 (referring to Ireland) and 1883 (referring to Russia). Today, most terrorists dislike the label, according to Bruce Hoffman of the RAND think tank. Edmund Burke declaimed, ‘Thousands of hellhounds called terrorists are let loose on the people.’ The term terrorist came into general use to denote those revolutionaries who sought to use terror systematically either to further their views or to govern whether in France or elsewhere.

The word terror is of Latin origin (from terrere and deterre which means to tremble). When combined with the French suffix isme, referencing “to practice,” it becomes more like “to practice trembling”, or “to cause or create the trembling.” Trembling here obviously is another word for fear, panic and anxiety – what we today call terror. The English version of this word as terrorism owes to an Englishman’s characterisation of the bloodshed he had

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observed from afar in France, where the same revolution was underway. It entered modern Western vocabulary only in the fourteenth century through the French language. The first English usage was recorded in 1528. The basic mechanism of terror was captured in an ancient Chinese proverb: "Kill one, frighten ten thousand." This means that for a terrorist, an act of violence is aimed not just at the destruction caused, but in the message of terror being driven home. As Brian Jenkins puts it, "the terrorist wants a lot of people watching than a lot of people dead."

In order to make laws on terrorism one needs a legal definition. There are various authors who have defined terrorism in their own words. The definition given by people is a reflection of their perception of the problem. A few of the definitions are dealt with here.

Oxford Dictionary: use of terror especially for political purposes. This meaning from the dictionary is hardly explanatory. From this we understand that terror has something to do with power. That, that power is used to instil fear in the minds of people. All this is ultimately used for a political end.

A terrorist is a terrorist, just as a criminal is a criminal. A terrorist is simply 'a person who uses violence and intimidation in the pursuit of political aims'; and terrorism is 'the use of violence and threats to intimidate or coerce especially for political purposes'.

Walter Lacquer has pointed out that there are 109 definitions of terrorism provided between 1936 and 1981. He views it as the use of threat of violence, a method of combat or a strategy not an ideology to achieve certain goals, that its aim is to induce a state of fear in the victim, that it is ruthless and does not conform to humanitarian norms and that publicity is an essential factor in terrorist strategy.

The author says that the ultimate aim of terrorism is to induce fear whether through plain threat or through actual violence. Causing fear makes people act in a certain manner. This helps the terrorists in attaining their goals. Take the recent example of Spain. The bombings in Madrid are making

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11 Walter Lacquer, "Reflections on Terrorism" Foreign Affairs, Fall, 1986, p. 96
the government think about withdrawing their troops from Iraq. What kind of an impression is this creating? That the scared government is playing right into the hands of the terrorists by doing exactly what they want. The second part of this definition stresses on the necessity of making the terrorist act public. Publicity becomes important because only when fear is instilled in the entire community can they really be controlled. Terrorists often use threats to create fear among the public, to try to convince citizens that their government is powerless to prevent terrorism, and to get immediate publicity for their causes.

Terrorism is usually aimed at an audience. Terrorist acts are often deliberately spectacular, designed to rattle and influence a wide audience, beyond the victims of the violence itself. The point is to use the psychological impact of violence or of the threat of violence to effect political change. As the terrorism expert Brian Jenkins bluntly put it in 1974, "Terrorism is theatre."

The US State Department’s definition of terrorism was adopted in the wake if the 1972 tragedy at the Munich Olympics where Palestinian terrorists from the Black September Organisation brutally murdered nine Israeli athletes. As per the United States State Department, terrorism means premeditated, politically motivated violence perpetrated against non-combatant targets by subnational groups or clandestine agents usually intended to influence an audience.

This definition reflects the view of the US State Department. Their emphasis is on premeditated, planned and a calculated act of terror instead of a spontaneous act. It also lays stress on the political aspect of terrorism. It further says that the character of the terrorists is subnational or just clandestine.

Prevention of Terrorism Act, 1976 of the United Kingdom defines terrorism as: “the use of violence for political ends and includes any use of violence for the purpose of putting the public or any section of the community in fear.”

International Convention for the Suppression of the Financing of Terrorism says that criminal acts intended or calculated to provoke a state of
terror in the general public, a group of persons or particular persons for political purposes are in any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature, that may be invoked to justify them.

This Convention condemns the act of violence on any group of people, the purpose of which is to provoke a state of terror.

One thing is certain that terrorism is definitely political in nature and that it uses violence or the threat of violence to target a certain specified people. Although the word terrorism does not lend itself to definition, there are certain characteristics, which differentiate it from other methods of violence.

The RAND Corporation has kept an inventory of terrorist incidents for a number of years. The reason for that is to arrive at the 'identifying characteristics' of a terrorist act. RAND's indices for a terrorist act are:

- The violence is directed mainly at civilian targets
- The perpetrators are usually members of an organised group
- The perpetrators of the violence often claim credit for their act

Although insightful, this may not always be true and it certainly cannot be generalised. In India, the militant groups in Kashmir are known to target army and para-military bases. So the first point is not true. Secondly it is not easy to establish that the perpetrators are usually members of an organised group. As for the third point, the logic is that a terrorist act is aimed at producing effects far beyond the physical damage, to which they cannot claim credit.

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Table 2.1
Frequencies of Definitional Elements in 109 Definitions of 'Terrorism'\textsuperscript{14}

<table>
<thead>
<tr>
<th>Element</th>
<th>Frequency (%)</th>
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<tbody>
<tr>
<td>1 Violence, force</td>
<td>83.5</td>
</tr>
<tr>
<td>2 Political</td>
<td>65</td>
</tr>
<tr>
<td>3 Fear, terror emphasised</td>
<td>51</td>
</tr>
<tr>
<td>4 Threat</td>
<td>47</td>
</tr>
<tr>
<td>5 (Psychological) effects and (anticipated) reactions</td>
<td>41.5</td>
</tr>
<tr>
<td>6 Victim-target differentiation</td>
<td>37.5</td>
</tr>
<tr>
<td>7 Purposive, planned, systematic, organised action</td>
<td>32</td>
</tr>
<tr>
<td>8 Method of combat, strategy, tactic</td>
<td>30.5</td>
</tr>
<tr>
<td>9 Extraneormality, in breach of accepted rules, without humanitarian constraints</td>
<td>30</td>
</tr>
<tr>
<td>10 Coercion, extortion, induction of compliance</td>
<td>28</td>
</tr>
<tr>
<td>11 Publicity aspect</td>
<td>21.5</td>
</tr>
<tr>
<td>12 Arbitrariness; impersonal, random character; indiscrimination</td>
<td>21</td>
</tr>
<tr>
<td>13 Civilians, non-combatants, neutrals, outsiders as victims</td>
<td>17.5</td>
</tr>
<tr>
<td>14 Intimidation</td>
<td>17</td>
</tr>
<tr>
<td>15 Innocence if victims emphasised</td>
<td>15.5</td>
</tr>
<tr>
<td>16 Group, movement, organisation as perpetrator</td>
<td>14</td>
</tr>
<tr>
<td>17 Symbolic aspect, demonstration to others</td>
<td>13.5</td>
</tr>
<tr>
<td>18 Incalculability, unpredictability, unexpectedness of occurrence of violence</td>
<td>9</td>
</tr>
<tr>
<td>19 Clandestine, covert nature</td>
<td>9</td>
</tr>
<tr>
<td>20 Repetitiveness; serial or campaign character of violence</td>
<td>7</td>
</tr>
<tr>
<td>21 Criminal</td>
<td>6</td>
</tr>
<tr>
<td>22 Demands made on third parties</td>
<td>4</td>
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</tbody>
</table>

Another element, which we come across in the definition of terrorism, is that the targets are non-combatants. This means that terrorists attack people who are unable to defend themselves. They are unarmed and possess

no military capabilities. Besides innocent people non-combatants also includes those military personnel who at that moment are caught off guard. In that way terrorism is different from war where attack is expected and the defenders are ready for it.

Further terrorism is not only something that has already occurred. It is also what might occur in the future. The threat of a terrorist attack is terrorism itself. It is very difficult to include this aspect of terrorism in terrorism. How does one record or quantify the threat of future attacks? This problem becomes more pronounced when counter measures to check terrorism have to be laid down in print.

Another question, which arises, is that whether states indulging in violent activities themselves should be given the status of terrorist? Denying that states can commit terrorism is generally useful, because it gets the government off the hook in a variety of situations. The disadvantage is that it might also get hostile states off the hook - which is why there has to be a list of states that are said to "sponsor" terrorism while not actually committing it themselves.

Interestingly, the American definition of terrorism is a reversal of the word's original meaning, given in the Oxford English Dictionary as "government by intimidation". Today it usually refers to intimidation of governments.15

The principle difficulty in arriving at an agreed definition of 'terrorism' in recent times is the ongoing political debate as to who is a terrorist and who is a freedom fighter. In the view of those states, particularly the non-aligned "Third World" states, which support national liberation movements such as the Palestine Liberation Organisation (PLO) and the South West African People's Organisation (SWAPO), acts committed in furtherance of a political cause, in the course of a national liberation struggle, particularly against colonialism, racism and apartheid, fall outside the definition of the term 'terrorism'. According to their perception, such acts constitute legitimate acts of self-defence, and only acts committed for personal gain could constitute acts of terrorism. On the other hand, in the view of the West European states and the
United States, all violent acts, irrespective of cause, which endanger the non-combatant innocent civilian, constitute acts of terrorism. Thus, according to this view, politically motivated violence, if it constitutes a danger to the innocent civilian, constitutes an act of terrorism.\(^\text{16}\)

Jordan J. Paust explains that terrorism is viewed as a form of violent strategy, a form of coercion utilised to alter the freedom of choice of others. Terrorism, thus defined, involves the intentional use of violence or the threat of violence by the precipitator(s) against an instrumental target in order to communicate to a primary target a threat of future violence. The object is to use intense fear or anxiety to coerce the primary target into behaviour or to mould its attitudes in connection with a demanded power (political) outcome.\(^\text{17}\)

Distinctions are easier to make than definitions. Jonathan White's\(^\text{18}\) approach in placing terrorism on a continuum of conflict is very illustrative. It sees terrorism as between rioting and guerrilla warfare, and his model is adapted/modified below:

<table>
<thead>
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<th>Table 2.2</th>
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<tr>
<td>Jonathan White's Continuum of Conflict</td>
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<tr>
<td>Folkway Violation</td>
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<tr>
<td>Law</td>
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Gus Martin\(^\text{19}\) also approaches the definition of terrorism by making distinctions. He accepts the inevitability of political motivation as a common element of most definitions, and then distinguishes between the elements of method (force) and target, as follows:

\(^{15}\) Brian Whitaker, “The definition of terrorism”. On the internet at: http://www.guardian.co.uk/Archive/Article/0,4273,4182105,00.html


\(^{18}\) Jonathan White, *Terrorism: An Introduction (3e)*, (Stamford: Thomson Learning, 2002).

Another approach might be to distinguish terrorists from others of their kind or how they perceive themselves. No group has openly admitted they were terrorists since the 1940s, and the most commonly preferred self-terminology includes guerrilla, fighter, or warrior. What follows is an alphabetical listing of the many terms terrorists use to call themselves:

- Avengers -- those who evoke the image of righteous vengeance (on behalf of others)
- Crusaders -- those who engage in extremes to set the pace for others
- Defenders -- those who think of themselves as vigilantes (defenders of self and others)
- Dissidents -- those who want to defeat or overthrow an existing government
- Extremists -- those with strongly held political beliefs out of the ordinary
- Fanatics -- those with strongly held religious beliefs out of the ordinary
- Fighters -- those who usually claim the other side are terrorists
- Guerrillas -- those who fight a stronger opponent with hit-and-run tactics
- Insurgents -- those who use propaganda, guerrilla tactics, and irregular fighting forces
- Insurrectionists -- those who are in armed opposition to the laws of a government
- Liberators -- those who consider themselves on the vanguard of freedom fighting
- Lunatics -- those on the extreme fringes of left or right ideologies

<table>
<thead>
<tr>
<th>Gus Martin’s Typology of Conflict</th>
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<tbody>
<tr>
<td>Indiscriminate force, combatant target (Total War)</td>
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<tr>
<td>Indiscriminate force, non-combatant target (Unrestricted Terrorism)</td>
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</tbody>
</table>
• Nationalists -- those fighting for the whole of their homeland
• Radicals -- those with left-wing opinions (right-wingers are called reactionaries)
• Rebels -- those who champion a cause not always their own, but the people's cause
• Revolutionaries -- those who are committed to a certain ideology to bring about change
• Separatists -- those fighting for a separate division of their homeland
• Soldiers -- those who say they belong to an army or other military organisation

There are, of course, many other terms that one would encounter in studying terrorism but these are the more relevant ones.

The lack of consensus on the subject of the definition of terrorism was illustrated at the meeting of the Organisation of Islamic Conference (OIC), held in Kuala Lumpur in April 2002. The Malaysian Prime Minister Mahathir Muhammad, a key US ally in cracking the Al Qaeda, inaugurated the conference with the proposal that all attacks targeting civilians be considered terrorism. If accepted, this definition would not only have included almost all known and unknown terrorist organisations but also several armed forces, maybe our own also for its role in Kashmir. Even Yasser Arafat's al Fatah would not have been spared. In any case Israel brands Arafat as the most dangerous terrorist. As could be expected there was no consensus on the matter of terrorism at the OIC. They were reluctant to label the Palestinian suicide bombers as terrorists arguing that their action was only part of a legitimate struggle against foreign occupation.

Taking into consideration the different aspects provided by different authors it seems that Bruce Hoffman has provided a satisfactory definition. He defines terrorism as the deliberate creation and exploitation of fear through violence or the threat of violence in the pursuit of political change.

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21 Asian Age, New Delhi, 4 April 2002.
Hoffman’s interpretation of terrorism is inherently political. For him terrorism is a planned process of inflicting or threatening to inflict violence. Whatever it maybe, one thing is certain that it is a word suggesting serious negative connotations and one which is applied to an enemy.

Terrorists and Criminals

It is important to distinguish terrorist from common criminals. Both use violence to attain a specific goal. Both maybe involved in killing innocents. However, while the act may be similar but the purpose or motive is not. The aim of the criminal maybe to get money or some kind of material benefit. He wants immediate personal gain. The ultimate aim of a terrorist however is to ultimately change the system\textsuperscript{23}. David J. Whittaker says that the terrorist is fundamentally a violent intellectual, prepared to use and committed to using force in the attainment of his goals. The objective behind the commission of a terrorist act is to generate fear. There is no immediate gain to a terrorist from that act. The effect of terror is also terrorism.

A rapist or a robber may terrorise, as the victim is intimidated. All of the fear and terror of dying, being raped, or being injured is going to be present in the assault. But that is the end of it. The terrorist, however, wants the enigma; he wants to create publicity. Terrorists create a world-wide, centre-stage media event. The choreography of the event is controlled by the terrorists, but the audience quite often governs whether there will be an encore.\textsuperscript{24}

A terrorist hits at society with intense violence and utter ruthlessness, which he believes is the only way to achieve his political objectives. In pursuit of his belief he commits dangerous and heinous crimes. However a terrorist stands apart from an ordinary criminal for the reason that it differs from other crimes in their motive. A criminal commits murder etc. for a benefit which accrues directly from the commission of the crime. In case of a terrorist the gains of his violent acts are not directly linked with the resultant destruction. It is the terror effect that it creates which is the objective of every strike. Although terrorisation is not the final gain that a terrorist seeks from his acts.

\textsuperscript{23} See Whittaker, supra 1 p. 9.

\textsuperscript{24}
Legally, a terrorist is a criminal, but so is an insurgent and anyone who resorts to unlawfulness. The terrorist though commits violence for a cause and not for personal gain. Terrorism, unlike criminal violence, is ruthlessly brutal and sedition of the highest order, a terrorist is not a criminal in the general sense but a dangerous menace to lawful government, community and the existing social order.

In spite of this difference, terrorists and criminals trespass into each other’s area of activities. A terrorist organisation frequently takes recourse to committing ordinary crimes like looting banks etc, stealing vehicles and kidnapping for money to support its activities. They also indulge in smuggling and drug dealing. 25

Robert A. Friedlander argues that an exact legal definition of the term ‘terrorism’ is unnecessary and advocates an approach, which would deal with terrorism as a common crime. “It is not necessary to have an exact legal definition, if terrorism is dealt with as a common crime. Concentration on the elements of the actus reus maybe all that is needed by way of definition, for murder, arson, kidnapping, serious bodily harm and the infliction of severe mental distress are criminal acts in themselves and need only be proved as such. Thus a precise legal formulation need not be required in order to confront the terrorist menace, for the preservation of societal and world order.” 26

Terrorists and Freedom Fighters

Another important issue which arises in today’s world is the difference between a terrorist and a freedom fighter. Terrorist is a person who indulges in criminal acts with a political motive. He does not utilise the legal remedies at his disposal, which the legal system of a country provides. His grievances are his own, which can only be redressed by strong violent manifestations of power. A ‘freedom fighter’ on the other hand is a victim of a foreign, illegal or a repressive regime. He has no access to the justice system and there are no legal remedies for his suffering. The former does not want recourse to legal

redressal while the later is deliberately not provided one. The acts of a freedom fighter have the support of the common population, while the acts of the terrorist breeds hatred for them. Although both commit crimes but the freedom fighter has the sympathy of the people for whom he is fighting. The acts of a freedom fighter claiming the right to self-determination must be compatible with the UN Charter, the Declaration on Friendly Relations, and International Humanitarian Law. The right to self-determination does not give freedom “to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedom...” of others. For that matter even during wartime, killing of innocents and using inhuman methods are considered war crimes or crimes against humanity.

A freedom fighters’ motive is to get freedom for his land while the purpose behind terrorists activities is to bring about a political change suited to their own ideology. Freedom and terrorism are two entirely different words. The maxim that ‘one man’s terrorist is another man’s freedom fighter’, holds no value. Although the distinction between terrorism and freedom fighting may be blurred in the eyes of the people directly involved. For example the Muslims fighting against India for the control of Kashmir is viewed differently by the two sides. “We are a legitimate freedom movement,” said a leader of one of these groups, “and we do not want to be stigmatised with the terrorist label.” However these attacks on the civilians are unjustified from the Indian point of view.

A powerful rebuttal to the phrase has been given by the American Senator Henry Jackson: “The idea that one person's 'terrorist' is another's ‘freedom fighter’ cannot be sanctioned. Freedom fighters or revolutionaries don't blow up buses containing non-combatants; terrorist murderers do. Freedom fighters don't set out to capture and slaughter school children; terrorist murderers do. Freedom fighters don't assassinate innocent businessmen, or hijack and hold hostage innocent men, women and children;

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terrorist murderers do. It is a disgrace that democracies would allow the treasured word ‘freedom’ to be associated with acts of terrorists.  

“There is always a moral justification provided for terrorism regardless of moral authority”. Countries like Israel, Kenya, Cyprus and Algeria owe their independence in part to nationalist movements that employed terrorism. Many newly independent Third World countries argued that anyone who fought against ‘colonial’ oppression and/or Western domination should not be described as terrorists but as ‘freedom fighters’. Yasser Arafat has aptly put across this position: “The difference between the revolutionary and the terrorist lies in the reason for which each fights. For whoever stands by a just cause and fights for the freedom and liberation of his land from the invaders, the settlers and the colonialists cannot possibly be called terrorists.”

The problem is who is to designate what a just cause is? It totally depends on our outlook of the situation. There is no clear-cut answer as to who is in the right and who is in the wrong. It our personal perception.

Terror is terror and if someone is blowing up buildings and people then no amount of reasons is going to make that right. Responding to the phrase: “One person’s terrorist is another person’s freedom fighter”. If you spent years in poverty and repression, how long would it take you to change the system or to become violent? Even if you did kill somebody in the process, you would surely expect the label of “freedom fighter” rather than terrorist. George Kennan, in writing about the rise in terrorist violence in Russia in the late 19th century sums things up: ‘Wrong a man, deny him all redress, exile him if he complains, gag him if he cries out, strike him in the face if he struggles, and at the last he will stab and throw bombs.’ Further what would happen if the Al-Qaeda won the war on terrorism? Would we still view them as terrorists? Would the 9/11 attacks be still called a terrorist act? Truth and justice is always there for us to see if we want to. Change in the winner does not change the reality. A terrorist is a person who indulges in terrorist activity.

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32 See Combs, supra 5, p. 29.
As an aside, it's often argued that parts of the American Revolution, like the Boston Tea Party, involved terrorist acts, and that this illustrates "one person's terrorist is another person's freedom fighter." However, this argument misses the fact that the groundwork for the American Revolution was already underway in a variety of directions, and "legitimate" freedom fighting always contains advance warning, follows a warrior code, obeys the rules of war, prohibits certain kinds of weapons, does not use outlaw tactics, and takes steps to select targets that harm the least number of innocents.

Arnold Sherman says that since whether a group is labelled ‘freedom fighters’ or ‘terrorists’ is a matter of political perspective, no uncontested objective definition—one which pushes past our political presuppositions—may ever be achieved.33

People speak in the name of freedom though they violate the freedoms of others. The battle for freedom is the battle against terrorism. Any one can claim to be a freedom fighter. But freedom itself has to be protected from some of these freedom fighters.

**Terrorists and Insurgents**

The use of force to overthrow an existing government or regime can take three forms - coup, insurgency and terrorism.

In a coup a change of government is engineered by an element in the government or the armed forces, which takes advantage of the unpopularity or temporary absence of head of government from the seat of power and takes over the reigns of the government.

Guerilla warfare or armed insurgency, the second method of overthrowing the government, engages the government and its armed forces in protracted warfare. The struggle generally starts in the form of hit and run raids from secure remote bases and outposts and ambushes of troops on the move. As the insurgents grow stronger, they form regular armies and finally defeat the armed forces of the government in conventional battle. Insurgency

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can be illustrated by Mao Zedong’s struggle for power in China from 1925 to 1949 and the Americans in Vietnam.

Terrorism, the third method of overthrowing an existing government is different from insurgency. Terrorists attempt to paralyse both the administrative arm of the government and its will to govern by attacking the civil administration, economy, judiciary, other government institutions and innocent civilians.

The Jews took recourse to terrorism against the British in Palestine from 145 to 1948 to hasten the formation of Israel. Today Palestinians are using terror tactics to force Israel to concede a Palestine homeland. Terrorism is often used to complement insurgency. This is true of Algeria, Northern Ireland, Kashmir and Sri Lanka.34

An insurgency occurs when an opposition movement combines violence with a political strategy to defeat and replace a government. Terrorism is however inextricably linked with insurgencies. There are at least six different goals of insurgent movements: reform, secession, revolution, restoration, reaction, or maintenance of status quo.35

Terrorists have no intention of either forming regular armies or taking on regular armies in conventional battle. Instead, as in the case of insurgency, terrorists engage a government in a long drawn struggle and hope to demoralise and economically cripple it into submission. The terrorists depend on tacit or passive support from the population for their survival. Such support is usually obtained by terrorising people.

Like the insurgent, the terrorist seeks to change the existing government by undemocratic methods, namely the use of force. But due to certain constraints the terrorists are not in a position to, or do not want to, adopt the long and tortuous path of insurgency. The constraint could be the small size of a country as in the case of Palestine or Northern Ireland; absence of conditions which suit insurgency as in Israel or Lebanon; a lack of popular support as in Punjab; lack of adequate strength to wage a

conventional insurgency or the desire to obtain quick results as perhaps in the case of ULFA in Assam and most of the militant groups in Kashmir.

The word guerrilla is interchangeable with insurgency, a form of warfare that military men recognise while domestic police and security forces do not. While terrorism is the outgrowth of conventional political protest, guerrilla activity is the preamble to civil war. Guerrilla groups usually operate in semi-developed states or in the less urban areas of the state, while terrorism almost always has an urban setting.

Fidel Castro, who led a remarkably successful and popular peasant revolution to overthrow the Cuban ruler Battista, argued that the place of the guerrilla is the countryside and that the city “is the graveyard of the revolutionary freedom fighter”.36

Bizarrely, Riehl World View claims that “a true insurgency, such as the one in the Ukraine, or the emerging one in Lebanon, can be carried out through non-violent means. It can bring forth positive change.” Was Gandhi an insurgent? Or Martin Luther King for that matter?

Novelist Roger L. Simon claims that “‘insurgents,’ in most historical uses, has referred to groups trying to upset an illegitimate or semi-legitimate regime.” A simple search for the first six months of 1990 in the NY Times found hundreds of examples of the term “insurgency” being used to describe everything from the right-wing Contras in Nicaragua to a communist insurgency in the Philippines to a guerrilla war in Guatemala to fighting in Liberia to leftist drug-dealing guerrillas in Peru.37

**Examples of Terrorism:**

Al Qaeda’s attack of the World Trade Centre.
The suicide bombings in the Netanya Park Hotel during a Passover dinner in 2002.
The November 2003 synagogue bombings in Istanbul.
The July 2002 shooting of a Palestinian girl during a rampage by Israeli settlers.
The Sabra and Shatila camp massacres of Palestinians in 1982.

36 See Pachnanda *supra* 27, pp. 6-7.
Hiroshima, Nagasaki, and the carpet bombing of German cities during World War II.

Examples that are not Terrorism:
Al Qaeda’s attack against the Pentagon.
Attacks against U.S. soldiers in Iraq.
ETA’s and the IRA’s bombings of military installations.
The assassination of the Israeli minister, Ze’Evi.
Accidental civilian casualties in a war operation.
Collateral civilian deaths in war, if not the primary reason and if all reasonable efforts have been made to avoid them.
Suicide bombings against Israeli troops in the West Bank.

Typologies of Terrorism

Just as there is no one good definition of terrorism, typologies do not account for all forms of terrorism. Typologies of terrorism are often not motive-based or behaviour-based, like they are in other areas of criminological study. This is evident from the following examples commonly found in textbooks. Notice how the types are classified in different ways.

Terrorism Classified by Place
1. Domestic -- by residents of a country within that country
2. International -- by representatives of a country against another country
3. Non-state -- extremism and revolution for its own sake
4. State-sponsored -- by a government against its own people or in support of international terrorism against another government
5. Internecine -- conflict that spills over into another country or fought on foreign soil

Terrorism Classified by Purpose
1. Political -- for ideological and political purposes
2. Non-political -- for private purposes or gain

3. Quasi-terrorism -- skyjacking and hostage taking
4. Limited political -- ideological but not revolutionary
5. Official or state -- used by nation against nation or people

**Terrorism Classified by Issue**

1. Revolutionary -- aims to replace the existing government by drawing out repressive responses which can be exposed as inhumane (Red Army Faction, PLO, Hizballah)
2. Political -- heavily armed groups tending to be focused around supremacy, government intrusion, or religious revisionism (Aryan Nation, Posse Comitatus, Freemen)
3. Nationalist -- promotes the interests of a minority or religious group that has been persecuted under majority rule (Sikh radicals, Muslim fundamentalism)
4. Cause-Based -- groups devoted to a social or religious cause using violence to address their grievances (Islamic Holy War, Abortion clinic bombings)
5. Environmental -- groups dedicated to slowing down development they believe is harming animals (Animal Liberation Front, Earth 1st)
6. State-sponsored -- when a repressive regime forces its citizens into total obedience (Brazil, Colombia, Guatemala, Honduras, Peru, Iraq, Sudan, Haiti)
7. Nuclear -- outlaw states possessing nuclear threats (Libya, North Korea)
8. Genocide -- when a government seeks to wipe out a minority group in its territory (Cambodia, Rwanda, Bosnia, Iraq, Turkey)

The broad classification of terrorism takes four forms. It is generally very difficult to categorise terrorism into clear and distinct terms. Nevertheless, an attempt has been made.

(i) **Individual Terrorism**

These are acts of violence carried out by an individual for purely personal gains. These include rape, robbery, murder, kidnapping etc. their

38 Supra 20
main aim is to use violence to generate intense fear for personal gain. It targets the most vulnerable victim i.e. an individual person.

(ii) Revolutionary Terrorism

This form of terrorism is used for carrying out political and social change. This is directed not only against defeating the enemy by military means but has the mass support of people. The revolutionaries fight for the freedom of their land and for their principles. It is directed against the regime in power.

(iii) State Terrorism

It is used by a dominant power to gain and maintain political control. It is also known as ‘governmental terrorism’. The political authorities are the greatest perpetrators of terrorism. It is carried out by the state organs against its targets. It also includes support by the government to terrorist groups, which further the government’s policy.

(iv) International Terrorism

These are terrorists acts committed across several boundaries of different countries. It has clear international consequences. The terrorists are not confined to the boundaries of their own country but have an agenda for terrorising another nation for their cause. Therefore the perpetrator maybe from one state and the victim from another.

Besides the broad classification of the forms of terrorism, there are various other forms present in the society. Of particular concern is religious terrorism. A religious bigot has a particular religious sentiment, which he wants to impose on the entire community. And when terrorism gets compounded with religious or ethnic fanaticism it is at its worst. Suicide terrorism is another phenomenon, which is growing in the world today. It is difficult to deal with it because it is impossible to fight against an enemy who is ready to kill himself. The concern regarding terrorism is increasing day by day with the terrorists using biological, chemical and nuclear weapons. It is
quite possible that the terrorists to display their strength blow up a nuclear reactor, which could cause a nuclear explosion.

That is not all. With the developments in technology, the problems have increased as well. Our growing dependence on computers makes us very vulnerable to a cyber attack. Since most of the major economic activities are dependent on the efficiency of computers, it is fairly simple to cause chaos and confusion through sabotage. Cyber terrorism is not fictional anymore.

Terrorism in all its forms is basically political in nature. It is terror, which is waged consciously and deliberately and is implicitly prepared to sacrifice all moral and humanitarian considerations for the sake of some political end.

Causes of Terrorism

Again it is very difficult to ascertain all the causes of terrorism since the emotions, the psychology; the behaviour patterns vary from person to person and community to community. Nobody is a born terrorist. In fact most people hate anything to do with violence. Dr. Richard Clutterbuck of Cambridge University has stated, 'In practice, there is invariably a mixture and a large proportion of the people, usually a majority, have no wish to get involved and will conform to the dictates of either side if expressed by a man with a gun. Probably a fair average is that only one percent of people feel strongly enough to wish to risk their own lives in support of either the guerrillas or the government. Another ten percent may have sufficient preference to follow the lead of the activists on either side, while as many as eighty percent will do their utmost to keep themselves and their families out of the battle.'39 Let us then examine what could the different causes of terrorism be.

Brian M. Jenkins says that there are various factors that contribute to an environment propitious for terrorism: the mobility provided by modern jet travel; access to a global audience through the news media; the vulnerabilities of modern society; the availability of weapons and explosives; perceived injustice; deep-rooted ethnic, ideological, and religious divisions; the failure of other modes of dissent or influence; historical traditions of political violence;

ideologies that condone violence; unresponsive or insensitive governments; sharply circumscribed or ineffective security forces; the high value that most societies place on human life, which constrains governments from totally ignoring the fate of hostages held by terrorists; the historically unprecedented respect shown in the world today for the concept of national sovereignty, even for the sovereignty of those nations that provide sanctuary and aid to terrorists; the growing number of nations that no longer abide by the rules of international conduct and that support terrorists or dispatch assassination squads; the "legitimisation" of terrorism itself as a mode of conduct. 

- Several possible root causes of terrorism have been identified, including, among others, poverty, lack of education, abrogation of human rights, the perception that the enemy is weak-willed. Humiliation is one of the most important causes of terrorism. A person who has been humiliated in some manner wants his pound of flesh to get back at society. In some ways, selfish, uncaring behaviour on the part of groups of people mirror the adolescent stage of individuals, where personal concerns or grievances become out of proportion.

- The act of terrorism is quite often linked to politics. The politicians fan the fire amongst different adversaries to achieve their political ends. The vote bank is exploited to get them into power even if it means resorting to tactics which breed violence. What ballots cannot achieve is achieved by bullets. The best example of this situation is when on the 6th of December, 1992, the politicians incited one community to use violence against the other community on the issue of Ram-Janam-Bhoomi and Babri Masjid with the result of massive killings, looting and arson.

- Mr. Ranjit Pachnanda has identified certain factors responsible for terrorism. He says it may be committed for publicity, to undermine authority, result of a need to express frustration, need for financial

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resources to fund future terrorist operations. It may be therapeutic for the terrorist or may be motivated by a desire to provoke repression, to create disorder in society. Other reasons are punishment of enemies, financial gain, to compel a third party to do or to abstain from doing something or to recruit new members for a group.\textsuperscript{42}

- Another factor that has contributed to terrorism is the ethnicity explosion. Rapid socio-economic change endangers personal security, which leads to search for an identity that cannot be changed by economic conditions. For decades China has been using terror to subdue Tibetans, Uighars and Mongolians while the world looks the other way. In the last 30 years Buddhists, Christians, Muslims, Falun Gong devotees and ordinary Chinese people who wish for democracy have been murdered by the Chinese authorities. The world must not allow the Chinese to intensify their continuing war on those resisting totalitarian communist rule and fighting, like the Tibetans and Uighars, to retain their land, language, way of life and deeply-held religious views.

In the 1960’s violence among ethnic, racial and religious groups became really prominent. A number of terrorist and guerrilla movements of the past grew out of clashes across the demographic faults of human civilisation. The Palestine Fedayeen grew out of the clash between Jews and Arabs over Palestine. The terrorism in India, in Punjab grew out of a separatist movement of Sikhs, which led to the killing of leaders, and innocent people who were mostly non-Sikhs.

Where an ethnic group believes it may be in danger of being suppressed or driven out of its base area, a revolt is the likely outcome. In the late 19th and early 20th centuries ethnic conflicts in the Balkans generated a considerable amount of terrorism. Sikh, Tamil and Kashmiri extremists have also developed a substantial overseas infrastructure for terrorism and its logistic support.

\textsuperscript{42} See Pachnanda, \textit{supra} 27, pp.9-10.
Advancements in technology have made terrorism easier and more effective. With the world now a global village there is easy communication. Also with the development of new techniques and methods of warfare, the target is easily achieved. The means of violence are improving with higher quality, better availability and at a low price. Their job is made easier by instantaneous financial transactions and economical telecommunication systems.

The complexity of the industrial state and the comparative ease with which explosives and arms may be acquired together provide the opportunity for a small group of terrorists to achieve an economic and psychological effect vastly disproportionate to its numbers or support among the population.

The use of the internet to recruit potential terrorists is widely practised throughout the world. The cyber world engulfs every one within its reach and cyber terrorism is the new form of terrorism that one has to deal with nowadays. Recently in the Egypt attacks in Cairo in April 2005, the terrorists learnt how to make the bomb over the internet.

Terrorist groups have skilfully exploited technological advances in the areas of transportation and communication. The airways have provided terrorists with a lot of opportunities. Even a single individual can seize an airliner and hold a large number of people as hostages.

Globalisation is another important cause of the rise in terrorism. Globalisation causes economic dislocations leading to the creation of pockets of unemployment, particularly in the informal, small and medium scale industrial sectors. It is said that the ensuing frustration, particularly when it is concentrated in particular ethnic, religious or linguistic groups, often fuels the fire of terrorism. In Sri Lanka, privatisation and liberalisation of imports particularly affected the emerging entrepreneurs among the Sinhalese. This proved to
be a major factor in contributing to the JVP’s descent to the path of terrorism.43

• A lot of terrorist incidents embody a similar core philosophy. These conflicts are each characterised by having one group, which sees itself as being tragically oppressed, and seeks freedom or prosperity through the annihilation of an ‘evil’ group of oppressors. In the September 11th attacks America is the perceived oppressor at which Bin Laden directs all of his rage. Other examples include: Genocides that occurred in Kosovo and Bosnia; attempted extermination of the Kulak peasant class in Russia; actions of the Khmer Rouge in Cambodia; attempted extermination of the Intelligentsia in Communist China; Hutus vs. Tutsies in the Congo; Turk’s genocidal massacre of the Armenians; Holocaust of the European Jews at the hands of the Nazi’s.

• Another element noticed in case terrorism is the terrorism employed by States themselves. States have resorted to the use of violence, repression and terrorism against their own and other’s populations and to detect the conditions that resulted in these behaviours and explore different forms of state terrorist behaviour in both domestic and international affairs. The argument is that a regime is more likely to employ terrorism as a means of governance when it believes that terrorism is more effective relative to other means of governance and costs associated with the behaviours are relatively low. This approach locates terrorism as a strategy of action in a conflict situation. State terrorism within the domestic context presupposes a regime in conflict with at least some of its citizenry which estimates that terrorism will perform better than alternative means in eliminating or quieting some actual or perceived potential

challenge or threat. This in turn contributes further to the growing menace as violence breeds violence.

The Punjab imbroglio was a manifestation of the manoeuvres for power by various competing interests, to which politicians at the helm of affairs, both at the Centre and in the State, have contributed, by their selfish political chicanery. The government of India under the leadership of Indira Gandhi after promoting the Bhidranwale group found itself perched on top of a volcano. The very same people who helped Bhindranwale rise, to meet their own ends, soon found that he was out of their control and that the cult of force had achieved alarming dimensions. Ultimately the Indian army had to be called out to help the situation in Punjab and to stop the individual whose single command was capable of sending shock waves rippling across the State of Punjab.

State terrorism is the weapon of the strong state against the weak. There are three major causes for the rise in state terrorism or how the strong state has become even more repressive.

(a) There is an increase in structural violence

There are again two types here: depriving people of land, and depriving people of soil. The former is what happened to Palestinians in West Asia and to Africans driven out by the whites in the southern part of Africa. In both cases the victims became non-citizens or second class citizens in their own lands. The latter is what happens when rich landowners, transnational corporations and others buy up soil and deprive people of the basic production factor for subsistence. This is what happened in Central/South America and South/East Asia. This is terrorism as a means to regain land (to Plant a flag) and soil (to plant food).

(b) There is an increase in Direct Violence

Abstracts of Presentations from the International Expert Meeting on Root Causes of Terrorism, Oslo 9-11 June 2003 organized by the Norwegian Institute of International Affairs. On the internet: OkJ:www.nupi.no/IPS/IPS%3Fmodule%3DFfiles%3Baction

Torture is reported to be more widespread today than ever before. It always was one of the classical instruments of repression, and is on the continuum between repression and state terrorism. Related to torturism comes the changing character of the state in the twentieth century along Orwellian dimensions, with the state trying to imitate God by being omniscient, omnipotent and omnipresent, catching all dissidents through the surveillance techniques of the secret agencies, and imposing their power on them by various means.

(c) There is an increase in the threat of Direct Violence

The ultimate direct violence at the disposal of the state are the weapons of mass destruction, atomic, biological chemical, ecological and radiological and, now laser and particle beams. With a capability of destroying everything within large areas, those who want to fight the strong state evidently have to disperse their forces. Guerrilla is one such example of dispersion down to small groups. Terrorism takes this dispersion one step further, down to the unit of one person, the individual terrorist equipped with his or her means of destruction.46

Terror can be used as an explicit tactic of the state, as for instance in Stalin’s Soviet Union, Pinochet’s Chile and in both Turkey and Iraq against the Kurdish people. The state is clever, and is unlikely to admit its actions to be terroristic, but that does not change the reality. It is the using of violence as a political tactic, which ultimately means the death of innocent civilians.

The best example of state terrorism is probably that of Hitler’s Nazi Germany. Hitler unleashed a state of terror, which was unprecedented in history. The sheer horror and the ruthlessness gave a different dimension to barbarity. Even to speak out was to associate yourselves with Jews or Communists and of course to invite your own execution. Millions of Jews were exterminated in the concentration camps.
States such as Pakistan have adopted terrorism as an instrument of State policy. Musharraf has said in so many words that Jehad is an instrument of state policy.

- If the minority feels that its rights are being ignored it could again lead to acts of terrorism. A majority by the sheer advantage of its number can think that it can browbeat a minority to submission but does not realise that in the process it is sowing the seeds of terrorism amongst the threatened minority. The Sri Lankan provides the best example in our neighbourhood. Political psychologist Ashis Nandy might one be proved prophetic for his statement that ‘majority actions are bound to provoke reaction. For instance, Christians were attacked in the Dangs and other places in Gujarat. A few years down the line, you may see them regroup and organise themselves as Christian terrorists.’

What happened to the Muslims in Gujarat is another example of the minority being mistreated at the hands of the majority. Muslims were burnt, looted, raped and killed in these riots. The people who were happy at their success don’t know the danger to which they are exposing the other members of the society.

- The religious imperative for terrorism is the most important defining characteristic of terrorist activity today. Religion is frequently used by the terrorist as an excuse for his actions, despite the fact that every religion forbids murder, and demands that individuals love others. The golden rule, found in each religion, is that we should treat others as we wish to be treated. The moral codes of true religion have lost their impact. According to the Bahá’í Writings, when the light of religion is dimmed, the “perversion of human nature, the degradation of human conduct,.... reveal themselves, under such circumstances, in their worst and most revolting aspects. Human character is debased,.... the voice of human

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47 *Outlook*, New Delhi, 1 April, 2002, p. 22.
conscience is stilled, the sense of decency and shame is obscured...."

The connection between religion and terrorism is not new. More than two thousand years ago the acts committed by the 'zealots', the sicaris and 'thuggees' were acts of terrorism perpetrated by religious fanatics. Today religion is a far more popular motivation for terrorism than any other thing.

The salience of religion as the major driving force behind international terrorism in the 1990s is further evidenced by the fact that the most serious terrorist acts of the decade – whether reckoned in terms of political implications and consequences or in the number of fatalities caused – have all had a significant religious dimension and/or motivation. They include:

- the March 1995 sarin nerve gas attack on the Tokyo subway system, perpetrated by an apocalyptic Japanese religious cult, which killed a dozen persons and wounded 3,796 others;
- the bombing in April 1995 of an Oklahoma City federal office building, where 168 persons perished, by Christian Patriots seeking to foment a nation-wide revolution;
- the 1993 bombing of New York City's World Trade Centre by Islamic radicals who deliberately attempted to topple one of the twin towers on to the other, reportedly while also simultaneously releasing a deadly cloud of poisonous gas;
- the assassination in November 1995, of the Israeli premier Yitzhak Rabin by a Jewish religious extremist, intended as only the first step in a campaign of mass murder designed to disrupt the peace process;
- the June 1996 truck bombing of a US air force barracks in Dhahran, Saudi Arabia, where nineteen persons perished, by religious militants opposed to the reigning al-Saud regime;
- the string of bloody attacks by Hamas suicide bombers that turned the tide of Israel's national elections, killing sixty people, between February and March 1996;
- the brutal machine-gun and hand-grenade attack carried out by Egyptian Islamic militants on a group of Western tourists, killing eighteen, outside their Cairo hotel in April 1996;
- the massacre in November 1997 of fifty-eight foreign tourists and four Egyptians by terrorists belonging to the Gamat al-Islamiya (Islamic Group) at the temple of Queen Hatshepsut in Luxor, Egypt;
- the series of thirteen near-simultaneous car and truck bombings that shook Bombay, India, in February 1993, killing 400 persons and injuring more than 1000 others, in reprisal for the destruction of an Islamic shrine in that country;
- the December 1994 hijacking of an Air France passenger jet by Islamic terrorists belonging to the Algerian Armed Islamic Group (GIA), who plotted – unsuccessfully – to blow up themselves, the aircraft and the 283 passengers on board precisely when the plane was over Paris, causing the flaming wreckage to plunge into the city below;
- the wave of bombings unleashed by the GIA between the following July and October, in metro trains, outdoor markets, cafes, schools and popular tourist spots, during which eight persons were killed and more than 180 others wounded;
- the unrelenting bloodletting by Islamic extremists in Algeria itself, that has claimed the lives of an estimated 75,000 persons there since 1992.48

Another act of terror, which epitomises religious terrorism, was the Godhara riots in Gujarat in India. The Hindu mob unleashed a frenzy of terror against the Muslims when the Muslims ignited a train full of Hindu karsevaks.

The ideologies of a particular sect or class of people motivates religious terrorism. In the name of religion people can go to any extent. For a religious terrorist, violence is like a sacramental or divine duty, which needs to be performed to appease his God. For

48 See Hoffman, supra 22, pp. 92-93.
such a goal the terrorist is willing to lay down his life which is not so important in the larger scheme of things.

- "Poverty," "injustice," "exploitation," and "frustration" are held to be the usual root causes of terrorism. But it is like the man in the parable who looks for his lost keys under the streetlight instead of where he lost them because "the light's better," it's easier to look in these familiar areas than to face and address the real problems.

Those who hold to "poverty as the root cause" do so even though the data does not fit their model. Even leaving aside multimillionaire Osama bin Laden, the backgrounds of the September 11 killers indicates that they were without exception scions of privilege: all were either affluent Saudis and Egyptians, citizens of the wealthy Gulf statelets, or rich sons of Lebanon, trained in and familiar with the ways of the West—not exactly the victims of poverty in Muslim dictatorships. Many poor Egyptians, Moroccans, and Palestinians may support terrorists, but they do not—and cannot—provide them with recruits. In fact, Al Qaeda has no use for illiterate peasants. They cannot participate in World Trade Centre-like attacks, unable as they are to make themselves inconspicuous in the West and lacking the education and training terrorist operatives need.

Indeed, ever since the Russian intellectuals "invented" modern terrorism in the 19th century, revolutionary violence—terrorism is just one form of it—has been a virtual monopoly of the relatively privileged. Terrorists have been middle class, often upper class, and always educated, but never poor. The South American Tupamaros and Montoneros of the 1970s were all middle class, starting as cafe Jacobins and graduating into urban terrorism, as were their followers among the German Baader-Meinhof Gang, the Italian Red Brigades, France's Action Directe, the Sandinista leadership in Nicaragua and, before it, Fidel Castro's Cuban revolutionaries.49

• From this discussion we gather that it is not simply poverty or economic inequities that produce terrorism. Dennis Florig states that effective terrorist action requires funding and technical support beyond the means of the totally impoverished. He says that there are four basic causes of terrorism. 1) real political grievances unmet by the current international system, 2) the inability of nation states and conventional international institutions to address the real political grievances by historically legitimate means, 3) the intensification of globalisation which not only undermines traditional cultures but also gives terrorists greater ability to organise globally and greater access to targets around the world, and 4) the use of terror by the great powers and superpowers throughout the 20th century, which has blurred any distinction between war between national militaries and war on civilian populations.50

• The Non-Aligned Group working under the establishment of the Ad Hoc Committee on International Terrorism, 1973 submitted a working paper setting out their position on the underlying causes of international terrorism.51 It drew an interesting distinction between two categories of underlying causes, viz., (a) the causes of a political character; and (b) the causes of an economic and social character.

"Causes of a political character" included
(i) Colonialism and maintenance of colonial domination;
(ii) Racism, racial discrimination, policy of apartheid and genocide;
(iii) Aggression, use of force contrary to the Charter of the United Nations, and violation of the political independence, national sovereignty and territorial integrity of states; and

(iv) Occupation of foreign territories and foreign domination of the territories and their people.

“Causes of an economic and social character” included
(i) persistence of an unjust and inequitable international economic order;
(ii) Foreign exploitation of the natural resources of a country;
(iii) Existing political, social and economic injustices and exploitation; and
(iv) Poverty, hunger, misery, frustration, etc.

The causes of political character state the acts of terrorism used by the revolutionaries for the freedom from domination. People pushed beyond their limits of endurance will revolt. The Blacks resorted to acts of violence against the racial discrimination policies in America. During the period of domination by the European countries the colonies held by them revolted for the cause of freedom for their land. The question of Apartheid in South Africa and recovery of the Palestinian land from foreign occupation are some of the examples illustrating the political causes.

K. P. S. Gill states that the ‘root causes’ theory suggests that terrorism is directly caused by certain social and economic conditions of deprivation, poverty, unemployment, illiteracy, legitimate political grievances, historical wrongs, etc., and that no counter-terrorism initiative has any possibility of success unless these ‘root’ grievances are redressed. There is no empirical basis to this theory, and it is largely supported on the ‘authority’ of various streams of Marxist and revolutionary literature, of anecdotage, and on the personal and intuitive interpretations and observations of its proponents.52

The only historically proven solution to terrorism is to understand why terrorist resort to their action terminus. The society needs to educate and cultivate an environment of equal representation of rights, feeling of belonging and above all fairness in government. Considering this, it should not surprise anyone to understand why we are facing continual terrorism in this part of the world. And why it would go on.
There are various reasons catalogued by different authors. Keeping these in mind, the task of laying down a rule of law, which can increase the quantity of non-violence, lies before us. In a world where religious fundamentalism is on the rise and thousand of people are being made the victims of hatred, there is an urgent need to find an answer to this in law.

**Concluding Remarks**

The obstacles to defining terrorism are compounded by different perceptions, ideologies, values, different factors involved and the difference in the targets. I have tried to discuss certain relevant issues involved in the definition of the term terrorism. Reaching a consensus on some kind of a definition is very important to further explore the problem on the kind of law needed to contain terrorism. This is necessary as any terrorist activity over a period of time creates a sense of insecurity in the general public. This growing perception that the government is incapable of protecting the citizens contributes further to the disruption in the law and order in the society.

The Supreme Court of India while rejecting the appeal of 18 extremists against their convictions under TADA, the Indian Penal Code and the Arms Act held that terrorism is peacetime war crime. The court said since the UN member states had failed to evolve a consensus on the definition of terrorism, as it was seen in some part as a fight for freedom, the court said lack of clear definition was the major obstacle in taking counter measures against the menace. It tried for the first time to evolve a definition. The apex court said “terrorism is one of the manifestations of increased lawlessness and cult of violence, which constitute a threat to an established order and a revolt against civilised and orderly society.” It further said “If the core of war crimes – deliberate attacks on civilians, taking people hostage and killing prisoners – is extended to peacetime, we can simply define acts of terrorism veritably as peacetime equivalents of war crimes.”53

If we view terrorism as war we are less concerned with individual culpability. All that we need to do in such a case is identify a terrorist group

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instead of a particular individual. The focus is not on the accused individual but on the correct identification of the enemy.

I would like to conclude the analysis with what L.M. Singhvi has said: “For years the International Law Commission struggled with the semantics of the definition of terrorism. Strange as it may seem, they spent many hours, not very fruitfully, on something that is not all that complex and difficult.” He further says that “Lawyers and academics have one thing in common – we are experts at making simple things far more complex than they are. We refuse the realities of the ground situation, and as long as we persist in these attitudes, and deny the operative realities of terrorism, we will never arrive at a reasonable solution.”

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54 See Gill and Sahni, supra 52 p. 32.