UNCLASSIFIED
Security Classification This Page

#1 U.S. Category

REPORT DOCUMENTATION PAGE

1. Report Security Classification: Unclassified	
2. Security Classification Authority:	
3. Declassification/Downgrading Schedule:	
4. Distribution/Availability of Report: DISTRIBUTION STATEMENT A: APPROVED FOR PUBLIC RELEASE; DISTRIBUTION IS UNLIMITED.	
5. Name of Performing Organization: Dean of Academics Office	
6. Office Symbol: 1	**7. Address:** NAVAL WAR COLLEGE 686 CUSHING ROAD NEWPORT, RI 02841-1207
8. Title (Include Security Classification): (Unclassified) Defining Terrorism	
9. Personal Authors: LCDR Robert B. du Mont III, USN	
10.Type of Report: FINAL	**11. Date of Report:** 15 May, 2002
12.Page Count: 18	
13.Supplementary Notation: A paper submitted to the Dean of Academics, Naval War College, for the VADM James H. Doyle, Jr., Military Operations and International Law Prize essay competition. The contents of this paper reflect my own personal views and are not necessarily endorsed by the NWC or the Department of the Navy.	
14. Ten key words that relate to your paper: terrorism, international law, insurgency, Al Qaeda, Osama Bin Laden	

15.Abstract: In order to have long term success in fighting the War on Terrorism, there must be a clear, consistent, and consistent definition of what terrorism is and what it is not. This paper reviews many of the definitions of terrorism in current usage to determine if one can be developed that gives sufficient foundation for fighting this war in the long term.

20021016 177

16.Distribution / Availability of Abstract:	**Unclassified**	**Same As Rpt**	**DTIC Users**
17.Abstract Security Classification: Unclassified.			
18.Name of Responsible Individual: Dean of Academics, Naval War College			
19.Telephone: 841-2245		**20.Office Symbol:** 1	

Security Classification of This Page: UNCLASSIFIED

Encl (2)

Naval War College

Newport, RI

Defining Terrorism

By

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A paper submitted to the Faculty of the Naval War College. The contents of this paper reflect my own personal views and are not necessarily endorsed by the Naval War College or the Department of the Navy.

Signature: _____

30 January, 2002

The attacks on September 11, 2001 vividly made the point that terrorism is a problem that demands attention. Since the problem is global in nature, in order to have any hope of eliminating the terrorist threat in the long term, the United States must have the active support of other nations in the counterterrorism effort. However, the crux of the terrorism problem is in the widely divergent definitions and attitudes towards terrorism throughout the world. If nations cannot agree to a common definition of terrorism, they will not agree to a common strategy in combating it. In addition, the disagreement in definitions and attitudes is the point of vulnerability terrorist will exploit. As Mr. Phillips of the Council on Foreign Relations remarked, "With the world undoubtedly continuing to keep a close eye on America's war on terrorism, it will become more important for countries to take up the question of what terrorism is – and is not." [1]

Why is it hard to define terrorism?

The French Revolution and the ensuing Jacobin Reign of Terror gave birth to the term *terrorism*.[2] Terrorism described the killing of nearly 20,000 citizens by the French government in one year.[3] As with most language, the meaning of the word has evolved over time. In 1848, European governments began using terrorism to describe the violent acts of their internal enemies.[4] Indeed, although most people today think of terrorism as violent acts conducted by non-state actors, "[m]ost revolutionary groups assert that it is terrorism by the *state* that provokes, and by its presence justifies, acts of terror-violence by non-state groups

seeking to change the government or its policies." [5] Too often, terrorism is a label used to justify violence to achieve one's aims and becomes the source of the difficulty in obtaining consensus in its definition.

"A recent book on terrorism, for example, devotes an entire chapter to definitions; the chapter documents previous definitional attempts by earlier scholars, some of whom gave up the effort." [6] Many people would agree that like pornography, they know terrorism when they see it and that arguing over the details of the definition is a futile and irrelevant exercise. However, in addition to being a poor foundation for national or international law, defining terrorism as "I know it when I see it" is subject to the perceptions, culture, and background of the viewer. According to David Phillips, deputy director of the Center for Preventative Action of the Council on Foreign Relations in New York, "There's an open-ended element to the definition of terrorism, and that leaves it open to political manipulation. It gives license to any country to label its opponents and enemies as terrorists." [7] For example, "[t]he French Resistance, the Polish Underground, and the Greek Guerrillas were called terrorists by the Nazi Occupation; yet they...attacked primarily military personnel, government officials, and local collaborators." [8] Frank Gaffney, president of the Center for Security Policy in Washington notes, "The Chinese have made it very clear they intend to capitalize on our definition of terrorism to fortify their crackdowns on a variety of minorities including Falun Gong, Christians, and Muslims in their western provinces." [9] Clearly, in order to prevent future misuse of the terrorism label, the world must have a more objective, precise, and morally defensible definition.

Even in the unusual case when two people can agree on a definition of terrorism, they may not agree if terrorism is acceptable.[10] If terrorism is an acceptable form of warfare, then

using the word "terrorism" with its negative connotations is unfairly denigrating.[11] Instead, more euphemistic terms such as patriot, freedom fighter, or revolutionary are sometimes used to describe those who commit terrorist acts. "One man's terrorist is another man's freedom fighter" is often repeated by those who are arguing that the actions of the two are essentially the same - it is merely the point of view of audience that varies. The irony is that the use of euphemisms to defend terrorist acts simultaneously acknowledges their immorality. If terrorist acts are acceptable, then why isn't the label? It speaks to the power of the word *terrorist* that it is a greater indictment to be called a "terrorist" than it is to be called "someone who kills civilians randomly."

There are several common pitfalls in defining terrorism. One pitfall stems from differences in definitional scope. "...[C]onfusion arises when people intertwine the terms *terror* and *terrorism*....If we think anything that creates terror is terrorism, the scope of potential definitions becomes limitless." [12] Using the definition of anything that creates *terror* is a *terrorist*, you could argue that a playground bully who steals lunch money from his classmates is a terrorist. You do not need to insert Special Forces on the jungle gym to see that such a definition is too broad and has no practical value. An incentive for misuse of the terrorist label is that "...governments can increase their power when they label opponents as 'terrorists.' Citizens seem willing to accept more abuses of governmental power when a counterterrorist campaign is in progress....Illegal arrests and sometimes even torture and murder are acceptable methods for dealing with terrorists, in the public mind. Labeling is not an idle pastime. It can have deadly results." [13]

Another common error is to define terrorism as anything you dislike and wish to use violence to eliminate. As a result, terrorism "...has been a catch-all pejorative, applied

mainly to matters involving force or political authority in some way but sometimes applied even more broadly to just about any disliked action associated with someone else's policy agenda." [14] However, Cindy C. Combs suggests in Terrorism in the Twenty-First Century that in order to study terrorism, "... we must first establish a workable and useful definition – workable in that it has sufficient precision to allow us to identify the phenomenon when it occurs, and useful in that it is acceptable to a fairly broad range of political persuasions." [15] If we are to form a broad and lasting coalition in the War on Terrorism, we must develop a definition that is simultaneously narrow in scope and wide in acceptance.

What do the experts say?

There is no shortage of diverging opinions among experts on what the definition of terrorism is. Reviewing a few of these definitions will give us a feel for of the problem of defining terrorism. It will also identify what elements are common among most definitions. Of all the elements in differing definitions of terrorism, the most common two threads are the use of force (or the threat of use of force) and a political objective. For example, counterterrorism expert Brian Jenkins, calls terrorism "...the use or threatened use of force to bring about political change."[16] Others narrow their definition of terrorism by adding two more elements to the use of force and a political objective. Joint Chiefs of Staff Publication 3-07.2, Joint Tactics, Techniques, and Procedures for Antiterrorism, defines terrorism as "the calculated use of violence or threat of violence to inculcate fear; intended to coerce or to intimidate governments or societies in the pursuit of goals that are generally political, religious, or ideological." [17] Other U.S government definitions add the pejorative term

"unlawful" and an object of the use of force such as "innocent civilians." For example, the U.S. Omnibus Diplomatic Security and Antiterrorism Act of 1986 states that terrorism is "the unlawful use of force or violence designed to intimidate or coerce a government or a civilian population in the furtherance of political or social objectives." [18]

The definition the United States government uses for statistical purposes on international terrorism is the "premeditated, politically motivated violence perpetrated against non-combatant targets by subnational groups or clandestine agents, usually intended to influence an audience." [19] For this purpose, "...'noncombatant' means (and has been so interpreted for the government's statistical purposes) not just civilians but also military personnel who at the time of the incident are unarmed or off duty (as at Khobar Towers or at the U.S. Marines barracks in Beirut)." [20] Even with such a precise definition of terrorism, there is still much disagreement within the U.S. government over classification of individual acts. A U.S. interagency panel meets monthly to determine which incidents of violence around the world are acts of terrorism. "The panel debates such questions as whether a particular target or intended target should be considered a noncombatant. Split votes are not unusual." [21]

Outside the U.S. government, the definition of terrorism is subject to even wider disagreements among academic scholars and terrorism experts. Walter Laqueur, a leading authority on terrorism from Georgetown University, states "...terrorism constitutes the illegitimate use of force to achieve a political objective by targeting innocent people. He adds that attempts to move beyond a simple definition are fruitless because the term is so controversial." [22] Combs uses a similar definition: "Terrorism is an *act* comprised of at least four crucial elements: (1) It is an act of violence, (2) it has political motive or goal, (3) it

is perpetrated against innocent persons, and (4) it is staged to be played before an audience whose reaction of fear and terror is the desired result." [23]

In contrast, Michael Stohl implies a broader definition of terrorism to include governmental actors when he argues that "terrorism is most frequently used by governments to maintain power."[24] Combs concurs by stating "Certain acts can be described by definition as terrorist acts whether they are carried out by democratic governments in pursuit of reasonable policy goals or by armed revolutionaries fighting for freedom against tyranny." [25] The argument that states are guilty of terrorism against their own people falls into the trap of confusing something that produces *terror* with *terrorism*. It also falls into the pejorative trap of labeling any action you do not like as terrorism in order to elicit the desired negative response. Lastly, labeling terror-inducing violence by governments against its people as *terrorism* gives legitimacy to similar acts by subnational groups or individuals. If states can be terrorists, the implication is that no one can condemn citizens who commit terrorist acts against that state. However, terror-inducing violence by governments against its people may be wrong, immoral, and illegal, but it is not terrorism. Instead, there are a number of other equally pejorative terms that should be used such as murder, tyranny, despotism, and genocide that do not serve to justify equally immoral acts by subnational groups.

Another methodology used by experts to define terrorism uses the standard of the ends justifying criminal means.[26] Pakistani President Musharraf used this logic to defend Pakistani terrorist groups in Kashmir by stating "It is equally important that a distinction be maintained between acts of legitimate resistance and freedom struggles on the one hand and acts of terrorism on the other." [27] President Musharraf is implying that any act of violence with the objective of obtaining freedom for a group is acceptable. Martha Crenshaw, a

leading authority on terrorism says that "terrorism cannot be defined unless the act, the target, and the possibility of success are analyzed....Their actions are further legitimized when they have some possibility of winning conflict." [28] The underlying implication is that the ends justify criminal means and that there is a legal (and moral) statute of limitations on murder. Many point to former Israeli Prime Minister Begin as an example of someone whose crime of murder was forgiven because he was ultimately successful in his political objective. However, there is no moral or legal basis for this rationalization. The *realpolitik* of forgiving successful murderers only makes future acts of terrorism more likely and acceptable.

Lastly, some terrorism experts classify terrorism as merely one of many equally acceptable methods of fighting one's enemies. Paul R. Pillar states in Terrorism and U.S. Foreign Policy, "...the most important point to remember about definitions: terrorism is a *method* – a particularly heinous and damaging one – rather than a set of adversaries or the causes they pursue." [29] There are two weaknesses in this analysis. The first is that failing to draw a bright line between terrorism and other forms of violence serves to legitimize terrorism. It implies that blowing up children in a daycare center is no worse than bombing soldiers on a battlefield. The second flaw in this reasoning is that it implies that instead of capturing and punishing terrorists, an acceptable alternative method of combating terrorism would be to convince terrorists to use a different method of warfare. Not only does this logic serve to legitimize randomly killing civilians by implying it is only one of many equally legitimate choices, but it also implies that there is no statute of limitations on murder.

Why is terrorism different from other forms of violence?

As "U.S Secretary of State William Rogers stated at the 1972 opening of the UN General Assembly: [T]errorist acts are totally unacceptable attacks against the very fabric of international order. They must be universally condemned, whether we consider the cause a terrorist invoked noble or ignoble, legitimate or illegitimate." [30] If this statement were universally accepted, we would not have a terrorist problem. However, in our age of moral vacuum and moral relativism there are many who argue that terrorism is as legitimate as any other use of force. In addition to moral distinctions, there are also practical reasons to draw a bright line between terrorism and other forms of warfare.

Combs argues that small groups fighting for political causes against powerful and oppressive governments have no other option than terrorism. Military targets are too heavily defended to attack successfully and so the only accessible targets are undefended civilians. "It is increasingly difficult, however, for an untrained and sparsely equipped indigenous army to wage a successful guerrilla war against a national standing army. With mounting frustration in the face of apparently insurmountable odds, it is increasingly easy to resort to terror-violence to achieve by psychological force what is not possible to achieve by force of arms." [31]

There are several counter-arguments to this assertion. The first, as we have discussed before, is that the ends does not justify criminal means. Second, in the case of national insurgencies, the reason why insurgent groups are too small to attack military targets is that they do not have widespread popular support among their fellow citizens. Therefore, terrorist groups who are self-proclaimed freedom fighters for their fellow citizens are actually

fighting to replace the current dictatorship with a virtual or actual dictatorship of their own.[32] In addition, not only are attacks on their fellow citizens counterproductive to gaining further popular support, they also show a blatant disregard for the lives of those they claim to be liberating. All of these inconsistencies expose the lie that insurgent terrorist groups are freedom fighters with only the noblest of intentions.

In democracies, terrorist groups often do not have the objective of overthrowing the government but instead are advocating a single issue or a narrow range of issues. These groups use terrorism not as a poor man's substitute to guerrilla warfare like insurgent terrorists, but instead use violence in place of open debate in defiance of the principles of democracy their nation represents. For example, U.S. groups such as abortion clinic bombers or the Oklahoma City bombers have failed to persuade a majority of the population the merit of their cause, so they use violence to intimidate the nation to bend to their will. Of course, these groups never question why their arguments are not convincing on their own merit other than to assume that they are somehow smarter than everyone else. Such egotistical rationalizations by self-appointed defenders of freedom are counter to the basic foundations of democracy and are not a justification for violence.[33]

In the case of international terrorism or state-sponsored terrorism, the previous arguments do not apply. These acts of terrorism that cross international borders strike at the heart of the international law of armed conflict. At its most basic level, the law of armed conflict has developed to limit to the damage of war to combatants. "Most of the international rules of law governing the legitimate and legal use of violence restrict such violence in order to protect innocent persons." [34] There is a moral reason for this and a practical reason. The moral reason is that those who take up arms morally justify violence by

defending those who cannot defend themselves. Intentionally attacking the defenseless undermines this justification and erases the distinction between a soldier and a murderer.

Under international law, the defenseless cannot be distinguished by politics and killing defenseless people merely because they have different politics has no moral justification. In the most extreme example, international law stipulates that even killing someone who was just shooting at you but has since laid down his arms and surrendered is a war crime tantamount to murder and is morally and legally indefensible.[35] One practical reason for not targeting the defenseless is that it nullifies the value of human life and undermines the moral authority of those committing the act.[36] Another practical reason for not targeting the defenseless is that it undermines civilization itself.[37] If one carries the logic for targeting the defenseless to its conclusion, then the ends do justify the means in violent conflicts. If there are no moral limits on the use of force, in today's age of proliferating Weapons of Mass Destruction, human civilization itself becomes the potential casualty.

Identifying terrorist conduct as criminal has implications for the treatment of captured terrorists. The Geneva Conventions stipulate that soldiers captured in battle are entitled to certain rights as Prisoners of War (POW) by their captors. However, those who commit violence outside international law, according to the Geneva Convention forfeit the protections of combatant status and can be treated as criminals.[38] According to Joint Publication 3-07.2, "By definition, terrorists do not meet the four requirements necessary for combatant status (wear uniforms or other distinctive insignia, carry arms openly, be under command of a person responsible for group actions, and conduct their operations in accordance with the laws of war)...For this reason, captured terrorists are not afforded the protection from criminal prosecution attendant to prisoner of war status." [39]

At a recent European conference on terrorism, Marc Cogen, professor of International Law at Ghent University in Belgium argued "no 'terrorist organization' thus far has been deemed a combatant under the laws of armed conflict." [40] This distinction is a difficult but necessary hair to split in determining if captured Afghan fighters are criminal members of Al Qaeda or legal combatants of the Taliban army. [41] However, in the instance of a captured Taliban fighter who is also a member of Al Qaeda, the case should be clear. A soldier in any army who commits murder is still a murderer and a criminal – and should be classified and treated as such.

The distinction between legal and illegal violence is clear and widely accepted in the international law of armed conflict and therefore should be used as a basis for defining terrorism. The use of violence for political purposes in violation of the law of armed conflict is illegal. If someone violates international law while representing a national government, he is a war criminal. If he does so as a member of a sub-national group, then he is a terrorist. Either way, he has committed crimes against humanity and should be punished regardless of the cause he is fighting for.

The Spectrum of Violence

With all the moral, legal, and practical reasons for not committing acts of terrorism, why do so many acts of terrorism occur? In addition, why do some groups move from illegal forms of violence to legal ones and back again? As the strength of a terrorist group shrinks and grows, its actions may shift between guerrilla strikes to criminal terrorist acts and combinations of the two. "The Muslim fight against Indian control of Kashmir, for example,

has been a blend of terrorist attacks against civilians and guerrilla warfare against Indian military forces." [42] One reason for such transitions is that the goal of many terrorist acts is to increase their size and legitimacy. Initially, coercion of a government may only be a secondary and longer-term goal.

To illustrate the evolution of the terrorist group, I combined and modified the Army's Continuum of Conflict and the White's Tactical Typologies of Terrorism as shown in Jonathan R. White's Terrorism. [43] Moving to the right on the continuum represents greater levels of violence and legitimacy. Many terrorists rationalize that if they can strike a dramatic blow, they might gain popular support for their cause. In this way, terrorists use violence as a marketing and recruiting tool. World news organizations are more than willing to broadcast their bloody message. For this reason, "[t]errorists routinely use force multipliers because it adds to their aura." [44] The greater the violence, the greater the dissemination of their message. Frighteningly, Weapons of Mass Destruction provide the best force multipliers of all.

If terrorists succeed in gaining popular support, the organization can move to the right on the spectrum of violence towards greater power and legitimacy. As they gain supporters, their focus shifts from marketing through violence to coercing or destroying a government. Although many such terrorist strategies have backfired, terrorists look to the few that have succeeded for inspiration. World opinion has forgiven and awarded the Nobel Peace Prize to terrorists such as former Israeli Prime Minister Menachem Begin and PLO leader Yasser Arafat. Many of today's terrorists must dream of the day that the world hails them as international leaders and heroes as well. [45]

In addition to increasing levels of violence, there are other ways for a terrorist group to gain size and legitimacy. Newly formed terrorist organizations tend to resemble organized crime and often obtain financial support from criminal activities. [46] In order to move to the right towards legitimacy, a more legitimate source of funding must be found. One option is to obtain financial support from an existing government with similar aims. Another way to move to the right on White's model towards legitimacy is to change the targets from civilian to military. An example of this attempted transition to the right is the Al Qaeda network of Osama Bin Laden. When Al Qaeda changed its targets from the bombing of the World Trade Center in 1992 and the attack on American Embassies in Africa in 1998 to attacks on the American military forces in the Khobar Towers and the USS Cole, it was making a strategic shift from civilian targets to government targets and then to military targets. In obtaining support from the Taliban rulers of Afghanistan, Bin Laden also was attempting to shift from the left to the right towards greater legitimacy. This strategy by Bin Laden had the additional benefit of giving his organization the appearance (and increased legitimacy) of revolutionary or guerrilla warfare against a foreign invader. [47]

The difference between a successful terrorist organization and an unsuccessful one is often the ability to maintain a strategy of moving to the right on the spectrum of violence. Terrorist organizations often fail when they lose sight of this strategy and revert to the left by targeting defenseless civilians. Bin Laden's destruction of the World Trade Center was a colossal strategic error not only in awaking the sleeping giant of the American people, but also in undermining his claims of legitimacy. As the American coalition weakens Bin Laden's network, his desire to focus more on military targets may hit the reality that he will

only have the resources to attack weakly defended civilian targets, furthering his spiral away from legitimacy and towards criminality.

Conclusion

In order to lead a coordinated worldwide effort against terrorism, the United States must be able to define clearly what terrorism is. Such a definition must have its roots in the Law of Armed Conflict that outlaws the deliberate targeting of the defenseless – either military or civilian. In addition, we must argue that anyone who commits a single act of terrorism is a criminal. Lastly, it must be acknowledged that, as in the case of Nazi war criminals, there is no statute of limitations on murder. The *realpolitik* of welcoming former murderers into the international community implies a statute of limitations on murder, implies that the ends justify criminal means, and undermines the moral authority to prosecute murder anywhere. In the final analysis, the ultimate goal in the war against terrorism is a worldwide acknowledgement of the inherent value of every individual human life. Regardless of our other efforts, if the United States cannot convincingly make this case to the world community by word and deed, we will have no chance for long term success in the struggle against terrorism.

SPECTRUM OF VIOLENCE

← Less violence
Less organization
Less legitimacy
Illegal

Greater violence →
Greater organization
Greater legitimacy
Legal

	Individual Crime	**Organized Crime**	**Terrorism**	**Despotism/ Tyranny/ Genocide**		**Revolution/ guerilla warfare**	**Counter-insurgency**	**Limited War**	**Unlimited War**
WHO conducts?	Non–Gov Actor	Non-Gov Actor	Non-Gov Actor	Gov Actor		Non-Gov Actor	Gov Actor	Gov Actor	Gov Actor
PRIMARY Target of violence (Means)	Civilians	Civilians	Civilians	Civilians		Military/ Government/ Infrastructure	Military/ Government/ Infra-structure	Military/ Gov/ Infra-structure	Military/Gov / Infra-structure
WHY? (Aims)	Profit and/or Psycho Motive	Profit	Coercion of Govt.	Maintenance of Power		Overthrow of Government	Destruction of Guerrilla Movement	Limited Aims	Complete Surrender
EXAMPLE	Bank robbery/ murder	Narcotics trade	Al Qaeda. Hamas	Sadam Hussein, Hitler		American Revolution, Viet Cong	War against Viet Cong	Korean War, Gulf War	WW I, WW II
Inherently against Inter-national Law?	Yes	Yes	Yes	Yes		No	No	No	No

Table 1.[48] (Adapted from *Terrorism: An Introduction* by Jonathan R., White pages 15,16.)

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