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## Preface

Dear readers,

We would like to present to you the sixth newsletter of the FP6 research project *Transnational Terrorism, Security, and the Rule of Law* (TTSRL). This newsletter will introduce our Deliverable 4, which deals with the current academic and legal discourse on the definition of terrorism.

The delimitation of terms and conceptualization of key notions is the prerequisite of every reasonable research. Students of terrorism have never avoided making clear what they understand under the term. Unfortunately, there are almost as many understandings as there are students. Thus, the picture of terrorism is somewhat blurred and lacks sharp borders. Moreover, the media and legislators re-discovered terrorism after 9/11 and have complicated the agreement on a single conceptualization even further. In order to provide a comprehensive guide through the concept of terrorism for everyone who wants to get deeper into terrorism research, TTSRL has prepared Deliverable 4, which can be found in the [publication section](#) of our website.

In the paper, we map the academic discourse on terrorism, confront it with concepts that emerge from legal instruments and discuss the feasibility of a universal definition of terrorism. We also look closer at the typologies of terrorism that allow for generalized hypotheses but crucially depend on the conceptualization. Moreover, the study attempts to find a clear border between terrorism and two related concepts – organized crime and political violence.

In the next section of this newsletter, a concise overview of the main conclusions will be presented. Policy implications that, in our opinion, result from the analysis will be published soon in a separate policy brief. The background for all our conclusions can be found in the full deliverable, [here](#). As usual, the “upcoming events” and “reading corner” sections on pages 5 and 6 draw your attention to new publications and conferences relevant to terrorism research.

We hope that you will find the conclusions presented in this newsletter stimulating and the analysis available in the full text of the deliverable relevant and useful. Any feedback or comments are welcome. To contact us, click [here](#) or visit our website, <http://www.transnationalterrorism.eu>.

Kind regards on behalf of the entire consortium,

**Veronika Bílková**

IIR Project Leader and Senior Research Fellow

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## Defining Terrorism

Terrorism is a word that has been a steady part of the political vocabulary for at least thirty years. And it is no surprise that there have also been many efforts from scholars to conceptualize terrorism in order to define the use and implications of the term. However, despite or maybe because of the number of academics who have invested their time and wit into clarifying the notion, there is still no universally accepted definition of terrorism.

Nevertheless, there are convincing reasons for striving for a common definition – both theoretical and practical. Although terrorism may seem recognizable at first sight, in order to establish an efficient international cooperation, one needs to draw up a clear definition of what the actual issue contains, not only because the states and organizations need to talk about the same phenomena, but also because the identification of key elements predetermines the most suitable counter-measures. In a very down-to-earth way, the lack of a common definition also prevents any efficient extradition of terrorist-suspects due to the “*nullum crimen sine lege*” principle. Moreover, the lack of a clear-cut understanding of the phenomenon allows for political abuse through securitization, and it can be regarded as normatively undesirable.

In the Deliverable 4, we have investigated the manner in which terrorism has been conceptualized and classified in academic literature. In addition, we have also analysed how terrorism is defined in European law as well as in the codes of law of selected Member States. Although motivated differently (academics aim at understanding the phenomenon in its extensity, whereas the law tries to react to particular events in the society), the two discourses are inevitably interlinked. The legal discourse and reaction serve as important study material for the academia. At the same time, the scholarly discourse contributes to shaping the environment in which the laws are drafted.

On the basis of an extensive analysis, which is accessible in the text of the Deliverable on the web page of the TTSRL project, we have come to the following conclusions:

- 1.** There are many theoretical approaches to terrorism, and the more scholars deal with the subject, the clearer it is that an agreement on a universal definition of terrorism is unlikely. Scholars use their own definitions, the ones they feel will best suit their respective researches. And since terrorism is a multifaceted phenomenon, interesting not only for political scientists, but also for psychologists, criminologists, sociologists, media analysts and many other specialists that bring along their own methods and practices, there are many approaches and, subsequently, many definitions.
- 2.** The same scepticism, based on slightly different reasons, is inevitable in respect to a universal legal definition. The inability of the international community to draft a single legal definition of terrorism is partly caused by the theoretical ambiguity of the term that is reflected in the academic debate. In addition, the legal discourse has been influenced by the heavy political baggage that the parties bring to the negotiating table. The failure to distinguish who is a





terrorist and who is a freedom fighter is a notorious effect/manifestation of the impact of politics (and ideology) on the legal debate.

**3.** Scientists like to organize their objects of interest into categories. Also, terrorism has been broken down into basic elements which were afterwards categorized in order to find similarities and differences and create various typologies. Perhaps unsurprisingly, the failure to find a single approach to the definition of terrorism prohibits a universal classification of the phenomenon as well. The Deliverable introduces several widely used typologies of terrorism but concludes that with the disagreement on relevant definitional elements, no typology will remain uncontested and universally accepted. Moreover, even though some typologies look the same at first sight (such as the distinction between old and new terrorism), they are different in reality. A deeper analysis reveals that the scholars disagree on what creates the basis for the respective distinctions.

**4.** Notwithstanding our conviction that a universal theoretical and legal definition is unattainable, we argue that there are several more positive conclusions that can be drawn from the analysis of the definitional discourses.

- a.** We conclude that terrorism can be separated from the related phenomena of organized crime and political violence, which have been present in the terrorism related debate and further blurred the picture. We argue that although terrorism and organized crime have been interrelated and reinforced each other, even using each other's methods, the question of motivation clearly cuts the two apart. Whereas organized crime is motivated by profit, terrorism is driven by political objectives. As a result, we can argue that the border between the two groups is clearly set but not impassable.

Terrorism is a specific form of political violence. However, not every manifestation of political violence can be considered terrorism. In the Deliverable, we conclude that it is the "double victimization" effect or "psychological effect" that allows us to tell apart "common" political violence and terrorism. This characteristic, which some idiomatically call "terrorism as a spectacle", constitutes at the same time the basis for any future conceptualization of terrorism. It is the only definitional element that features in essentially all scholarly definitions and captures the indirect effect of terrorism as a method of operation.

- b.** The political and ideological considerations make an agreement on a legal definition impossible at the global level. As a consequence, we have seen successful attempts to reach a consensus at lower levels of governance. The Deliverable pays special attention to definitions adopted in Europe and offers an intelligent tool for analysing legal definitions in general. One of its conclusions is that the European definitions do not differ greatly from the definitions used in other parts of the world. This finding suggests that it is mainly the different ideological interpretations between blocks and regions that do not allow for a common definition to be reached globally.





**5.** Due to the aim of the TTSRL project, the Deliverable has paid special attention to the ways terrorism is defined in Europe – both at the European level and at the level of EU Member States. Several conclusions can be drawn in this respect.

- a.** Firstly, the European Union has been dealing with terrorism extensively and succeeded in drafting a common definition, which is the condition sine qua non for successful counter-terrorism measures in the EU common space without internal border checks. However, the common definition elaborates greatly on purpose, perpetrators, and the exact description of the terrorist act, but it has left the motivational element unresolved. The question of motivation carries the biggest political load. Therefore, the EU decided to deal with it in a compromising, non-binding way. Yet, as we argue elsewhere, motivation is one of the key definitional elements, and the lack of clarity opens up possibilities of future disputes. It is also very discouraging in relation to a possible future agreement at the global level: If the EU, which is very close to a homogenous community in terms of values and principles, is not able to resolve the motivational factor unambiguously, what can we expect from the heterogeneous membership of the United Nations?
- b.** Secondly, as our research has revealed, the common understanding at the European level is just a first step to take. Terrorists are prosecuted by the Member States and not by the EU. Therefore, a necessary precondition of effective counter-terrorist measures is the harmonization of national penal codes and their definitions of terrorism. The Deliverable has shown that although a lot has been achieved in this respect in EU Member States and some of them have even defined terrorism as a distinctive crime for the first time, there are many deficiencies remaining. Especially worrying is the fact that some of these imperfections are not caused by an insufficient or late implementation of European law, but by the conscious decision of some Member States not to implement it fully. The problems experienced in the European efforts to draft and implement a common definition of terrorism further diminish any expectations of any global initiative.

To sum up, within the very broad field of defining terrorism, the full version of [TTSRL Deliverable 4](#) offers an extensive overview and analysis of the current academic and legal discourse. Although not resolving the puzzle entirely, and even questioning the very feasibility of doing so, it presents partial conclusions that may inspire future research and policy work in the European Union and beyond.





## Upcoming Events

Several events are foreseen in the near future:

- Challenge International Conference on Data Exchange and Retention, 10-11 October 2008. Location: Sciences Po Paris University, France  
<http://www.libertysecurity.org/article2224.html>
- How Terrorism Ends Conference, 5 – 6 December 2008, Location: Aberystwyth University, United Kingdom  
<http://users.aber.ac.uk/mys/csrw/news.htm>
- Chemical & Biological Terrorism Defense, 18 – 23 January 2009, Location: Galveston, TX, United States  
<http://www.grc.org/programs.aspx?year=2009&program=defense>





## Reading Corner

### **Terrorism in Asymmetrical Conflict: Ideological and Structural Aspects**

By Ekaterina Stepanova

(SIPRI Research Report no. 23)

This thought-provoking book challenges the conventional discourse on – and responses to – contemporary terrorism. It examines the synergy between the extremist ideologies and the organizational models of non-state actors that use terrorist means in asymmetrical conflict. This synergy is what makes these terrorist groups so resilient in the face of the counterterrorist efforts of their main opponents – the state and the international system – who are conventionally far more powerful.

The book argues that the high mobilization potential of the supra-national extremist ideology inspired by al-Qaeda cannot be effectively counterbalanced at the global level by either mainstream secular global ideologies or moderate Islam. Instead, it is more likely to be affected and transformed by radical nationalism. Unless the political transformation of violent Islamist movements in specific national contexts is encouraged and the transnational ideology of violent Islamism is 'nationalized', it is unlikely to be amenable to external influence or to be destroyed by repression.<sup>1</sup>

*If there are any new publications or events on terrorism to which you would like to point our attention, do not hesitate to [contact us](#).*

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<sup>1</sup> Abstract by SIPRI.

