

Terrorism as Controversy: The Shifting Definition of Terrorism in State Politics

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<https://www.e-ir.info/2019/09/24/terrorism-as-controversy-the-shifting-definition-of-terrorism-in-state-politics/>

ZIYANDA STUURMAN, SEP 24 2019

The definition of terrorism is a difficult concept to map and has been the source of contention in academia and policy for a several years now. Where some scholars and experts have chosen to work with open-ended definitions, others have delineated several different types of definitions, all exploring and attempting to encompass the many elements that typify what terrorism is. In this paper, I will unpack why it is important to understand how these definitions are politically crafted and codified into law and policy by various dominant states in the West. I will also illustrate why it is important that anyone undertaking a critical analysis of terrorist studies must not only examine why the definition of terrorism is important, but also who is defined as a terrorist as opposed to a freedom fighter, and by whom all of this definitional work is done. In doing so, I hope to raise critical questions about why the terms terrorism and terrorist are controversial, what the politics behind those decisions are and what the mechanisms are for the resolution of this controversy over time and in different contexts. Lastly, I will draw on the contemporary debates about terrorist violence and who perpetrates it in the United States of America to shed light on the fact that controversy around these issues cannot be resolved where there is no will to reach resolution.

Why terrorism is so difficult to define comprehensively

Scholars have long written about the complex issues involved in attempting to find a universal definition of terrorism. Some of those scholars have asserted that it is simply impossible to define the term and that rather, an observer would 'know it when they saw it' (Weinberg *et al*, 2004: 777-778), pointing to the many, varied means and methods that could be described as terrorist acts. Furthermore, Witbeck (2004, cited in Shanahan, 2016: 103) expands this definition – or indeed non-definition of terrorism – by stating that there is an element of intent to keeping the term broad and devoid of meaning because “perhaps the only honest and globally workable definition of terrorism is an explicitly subjective one – ‘violence I don’t support’”. Giving in to the temptation to leave the definition of the concept this open-ended and broad is not a viable option or solution to the complexity of the problem. There are multiple definitions that have been established over the years which are useful in both answering the over-arching question of this essay and establishing a workable definition for the purposes of this essay.

To this end, a good point of departure may be the origins of the word itself. The word 'terror' emerged in the English language as a descriptor for the actions of French revolutionaries against their domestic enemies in 1793 and 1794, most notably referring to repression in the form of executions. Beginning with citations from the 1790s, terrorism was quite literally defined as (1) government by intimidation as directed and carried out by the party in power in France during the Revolution of 1793-94 and (2) policy intended to strike terror in those against whom it is adopted (Tilly, 2004: 8). The latter half of this early definition of terror has persisted through global history and politics, with many scholars agreeing that the point of terrorism is to terrorise, with the act of doing so historically assumed by an organised force (Chailand & Blin, 2007: 2).

Along with terror and intimidation, there are other factors often considered crucial to delineating when actions taken by a group or an individual constitute terrorism or not. These factors include but are not limited to violence, harm, and threats; randomness or indiscriminate violence; political motivation; the targeting of civilians, non-combatants and so-called innocents; and deliberate attempts to publicise the acts of terror. There is a myriad of different definitions that

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include some of these factors, that exclude some and that incorporate a number of factors into one but in this essay, it will not be possible to cover all of these possible definitions or to discuss the merits and shortcomings of each. Taking into account the aforementioned definitions, and for the purposes of this paper, I think it is necessary to assert that the foundation of any definition of terrorism is that it is an act or set of actions involving the threat of or the use of force and violence with the aim of achieving pre-determined outcomes.

When nation states define and codify terrorism into law

In the same that way that a singular definition of the concept of terrorism is very difficult to articulate, it is clear that any definition is also problematised when considering *who* decides what it is or is not. Previously, Western governments were reluctant to weigh in on the difficult debates around attempts to define terrorism. Instead, many states deferred to the United Nations conventions that list terrorist threats and prohibit activities associated with terrorism, which include but are not limited to hijacking, hostage-taking and assassination (Carver, 2016: 124-125). However, all of this changed after the events of September 11th, 2001 (shortened to 9/11). In the years following that attack, many countries have sought to modernise or create anti-terrorism legislation, with specific legal definitions of terrorism being drafted.

An example of this is Canada's Anti-Terrorism Act of 2001 which for the first time in that country's history legally defined terrorism as action separate from regular criminal offences. The definition states that terrorism is defined as "that which is committed in whole or in part for a political, religious or ideological purpose, objective or cause; and in whole or in part with the intention of intimidating the public or a segment of the public, with regards to its security... or compelling a person, a government or a domestic or international organisation to do or refrain from doing any act, whether the public or the person, government or organisation is inside or outside Canada" (Carver, 2016: 130). The definition goes on to include causing intentional death, bodily harm, damage to public and private property, and causing interference with or serious disruption to essential services, amongst others, as incidents defined as terrorism. Further to this legal definition, the government of Canada, through the Department of Public Safety and Emergency Preparedness defines terrorism as "terrorist acts committed in whole or in part for political, religious or ideological reasons with the intention of intimidating the public, or a subset of the public" (Public Safety Canada, 2017). This represents a slight difference in the legal and political definitions of terror in Canada but points to an intentional effort to maintain the utility of a structured legal definition and a broader, more loosely defined political one.

In the United Kingdom, the present legal definition of terrorism is outlined in section 1 of the country's Terrorism Act of 2000. It interprets terrorism as "the use of threat or action... designed to influence the government or an international governmental organisation or to intimidate the public or a section of the public, and the use or threat is made for the purpose of advancing a political, religious or ideological cause" (Government of the United Kingdom Home Office, 2007). The definition goes on to list against whom or what actions may cause harm and thus be defined as terrorism; it specifically includes the use of firearms or explosives as falling within the ambit of terrorism; and it includes actions occurring outside of the United Kingdom as ones that could fall within the definition. Further to the British legal definition, the State Security Service, MI5, defines terrorism as "terrorist groups use of violence and threats of violence to publicise their causes and as means to achieve their goals. [T]hey often aim to influence or exert pressure on governments and government policies but reject democratic processes, or even democracy itself" (Security Service, 2018). Both the British and Canadian legal and political definitions of terrorism provide some insight into the ways that these definitions are crafted for the use of legislation and policies protecting the countries' status as nation states against violence perpetrated by non-state groups.

The definition of terrorism in American law and politics

It is clear that while the definition of terrorism is broad and the debates around it are contentious and will remain that way for some time to come, it is also clear that any attempt at definition is even more complicated when states and governments endeavour to do so. Chailand and Blin (2007: 2) argue that the phenomenon of terrorism is even more complex than a singular conceptualisation because the concept tends to be confused by ideological interpretations and the desire to frame the concept in a specific, subjective light. Arguably the state most invested in crafting a definition of terrorism in contemporary world history is the United States of America, given its place in global politics,

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especially since it initiated the 'War on Terror' campaign in the weeks following the attacks on 9/11. However, America's role as a global leader in defining terrorism and how to act against it started decades earlier. This sense of 'American exceptionalism' is not a new phenomenon. Scholars argue that in America inserting itself into this global leadership position, it sees itself as both being destined and entitled to play a distinct and positive role on the world stage (Walt, 2011). To this effect, the definition of terrorism as put forward by the United States' Department of State in 1983 is one of the most widely used around the world today. It reads: "terrorism is premeditated, politically motivated violence perpetrated against noncombatant targets by sub-national groups or clandestine agents, usually intended to influence an audience" (Sinai, 2008: 9). Similarly, the United States' Federal Bureau of Investigation (FBI) defines terrorism as "the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population or any segment thereof, in furtherance of political or social objectives" (Shanahan, 2016: 108).

These two very particular definitions are informed by the Department and the FBI's shared positionality as government entities at the forefront of anti- and counter-terrorism efforts for the United States and its allies. Their similarity to those adopted and codified by the governments of Canada and the United Kingdom are also noticeable and whilst not possible to do given the parameters of this assignment, a comparison of legal and political definitions of terrorism by other Western liberal democratic governments would likely reveal even more similarities. Scholars like Noam Chomsky (2007) and Timothy Shanahan (2016) rightfully point out that governmental agencies often characterise the concept of terrorism as unlawful activity committed by non-state actors, thus precluding the possibility of a concept such as state or state-sponsored terrorism and that this is intentionally meant to legitimate the prevailing power relationships and institutions of various governments (Shanahan, 2016: 108-109). Chomsky (2007: 44-45) is even more pointed in his views on how and why the American government purposefully defines and constructs the definition of terrorism the way that it does. He states that

"It's hard to craft a definition of terror that applies solely to the terror that they carry out against us [the United States] and our clients but excludes the terror (often far worse) that we and our clients carry out against them... Underlying conventional discussion of terrorism and aggression is the consistent rejection of the most elementary of moral principles: that we apply to ourselves the same standards we do to others, if not more stringent ones".

All of this is evidence underlines just how important it is for scholars and the public to be circumspect of what the definitions of terror and terrorism are, as much as who is doing the defining and for what purpose. Furthermore, all of these considerations compound the controversy surrounding any attempts to define terrorism as they prove that there are ideological, political and ultimately ulterior motives behind the way different parties conceptualise terrorism and which actions they include and exclude. This logic is the basis for theories surrounding state terrorism and its purposeful exclusion from the public discourse around terrorism, however, for the purposes of this assignment, those theories are acknowledged but cannot be explored further.

Terrorist/Freedom Fighter

Another important aspect to consider in the definition of terrorism is how those labelled as terrorists define their actions. The distinction between terrorist, freedom fighter, liberation movement activist and other terms has been as controversial to debate and define as the definition of terrorism itself. The same scholars whose arguments define these terms as subjectivist in nature and almost impossible to define, concede that the same could be said of the definition of terrorism. Baoz Ganor (2010) asserts that the old adage 'one man's terrorist is another man's freedom fighter' places emphasis on the fact that the definitions of either term depend on the perspective and worldview of the one doing the defining. Ganor goes on to state there is no validity to the claim that a freedom fighter cannot be involved in terrorism, murder and indiscriminate killing, and further, that a terrorist organisation cannot also be a movement of national liberation.

In this way, the concepts of 'terrorist' and 'freedom fighter' are not mutually contradictory and their meaning and who these labels are put upon depends on who is doing the labelling. It stands to reason that those who define groups as terrorists or not, as freedom fighters or not, as liberation movements or not, have the power to resolve the controversy around these terms and in so doing, reveal that political will is the key to that resolution. Later in this paper, I will

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explore how political will to find resolution and solutions, or the lack thereof, determines whether these terms and their meanings stay controversial or whether consensus can ever be reached.

Those designated as terrorists by others typically do not identify that way and instead describe themselves as national liberation movements or fighters against social, economic and religious, or imperialistic oppression, or any combination of the above. Politicians however have always been quick to counter these assertions by declaring the differences between terrorists and freedom fighters as stark, fundamental and irreconcilable. Somewhere in the middle of these viewpoints is the closest, most nuanced answer we have to the truth. I think it is important to state that attempts to present the terms terrorist and freedom fighter as being mutually exclusive are unhelpful; instead I would say that the two terms describe different aspects of human and political behaviour. This is because one could describe terrorism as the means and method of fighting, whilst describing freedom fighters as those fighting for a cause. In this way, groups implementing terrorism as a method of fighting should rightfully be viewed as having a wide array of interests, aspirations and causes they are fighting for. Chailand and Blin (2007: 27) articulate the issues surrounding this constructed dichotomy between the two terms by asserting that

“Some terrorist groups undoubtedly fight for self-determination or national liberation. On the other hand, not all national liberation movements resort to terrorism to advance their cause. In other words, some insurgent groups are both terrorists and freedom fighters, some are either one or the other, and some are neither”.

The debate around who is a terrorist and who is a freedom fighter and from whose perspective is important as it again emphasises the controversial nature of any definitions of terrorism. It is also important as it highlights the shifting nature of those definitions in the hands of those making them.

The temporality/temporariness of terrorism

Having established that the definition of terrorism is controversial and the subject of divergent views, in the next part of this paper, I will argue that the controversy can be resolved but only through political will. Taking into consideration the foundational definition of terrorism as articulated in the early part of this paper, a link is observed between the threat of or the use of force and violence with the aim of achieving pre-determined outcomes, and another similar phenomenon: political violence. Patrick O' Neil (2010) defines the concept of political violence as violence outside of state control that is politically motivated. Various authors see political violence as a form of mass, collectivist political struggle which manifests in many forms, such as revolutions, civil war, riots and strikes but can also manifest in more peaceful protest movements.

The key factor distinguishing terrorism and political violence is that it is agreed that there is typically a political solution in the case of the latter (Canetti *et al*, 2015). This means that states – as the institutions against which the violence is meted – have the means, legitimacy and authority to end the violence at hand through a host of different mechanisms like negotiation, peace talks or power-sharing agreements, amongst others whilst those using violence to achieve pre-determined outcomes may employ terrorism, guerrilla warfare, civil war, insurgency or other similar methods. The definitions of terrorism as articulated by the US State Department and the governments of Canada and the UK, listed earlier in this paper, all make mention of political motivations for terrorist acts and/or actors, which illustrates how closely the two concepts are related to each other, particularly to those defining them. Some political scientists argue that even political parties have more in common with terrorism than one might expect.

Weinberg and Pedahzur, in their 2003 book *Political Parties and Terrorist Groups*, challenge the widely held belief that parties signify peaceful forms of democratic political activity while terrorist groups signify illegal and extranormal forms of violence. Furthermore, they argue that both political parties and terrorist groups use the power of persuasion to modify the behaviour of one audience or various audiences. While it is not possible and ultimately not relevant to explore the full argument presented by Weinberg and Pedahzur in this paper, it is important to note that they tackle the question as to why the same socio-political (protest) movements that gives rise to a terrorist organisation can also, often almost simultaneously, produce a peaceful and independent political party; in doing so, they ask important questions about the definitions of terrorism, terrorists, political parties and political violence.

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Political history over many decades has shown that those defined as terrorist groups can, over time, become legitimate political actors recognised by the states they have fought against. International politics has many examples of this occurring, including but not limited to the African National Congress in South Africa, Hezbollah in Lebanon, the Kosovo Liberation Army, the Palestinian Liberation Organisation and the Irish Republican Army (Moran, 2006). Each of these examples is that of an organisation once designated as terrorists by the international community, and the West in particular, but ones that have transformed into political parties that respect the rule of law and contest in elections – the hallmarks of participatory democracy and a philosophy championed by the West. Many anti-colonial liberation movements in Africa, Asia and Latin America used violence and force to obtain their political goal of decolonisation but ironically, in present-day political discourse, many would have been denounced as terrorists by their own states and others the international community.

In each instance, these groups waged violence against the states they operated in – racist, illegitimate settler colonial administrations – however, in each instance, the solution was inevitably a political one such as the departure of the settler colonial administrators, power-sharing agreements, negotiated peace settlements etc. (Moran, 2006). In this manner, groups such as the Mozambican Liberation Front (FRELIMO), ZANU-PF in Zimbabwe and Hamas in Palestine are all examples of those once labelled and condemned as terrorists who all eventually partook in transitions to democratic governance and have participated in multi-party elections in their countries, facilitated by political resolution. More recently, the Basque separatist group ETA in Spain dissolved as an organisation following a peace deal signed in 2011 (Masters and Rebaza, 2018) and the former rebel group, FARC in Colombia agreed to disarm and disband following a 2016 peace deal, with some former leaders even contesting in Senate elections in that country earlier this year (Taylor, 2018).

Arguably the most poignant example in modern history of a group moving from terrorists to liberators to political leaders in the eyes of the West is South Africa, with the late Nelson Mandela personally embodying the paradigm shift that occurs when terrorists are considered rational, political actors with whom political solutions can be negotiated and achieved. The examples listed in this section illustrate the truly complex and controversial nature of the definition of terrorism over time and in many contexts, and who is labelled as a terrorist by whom. They also demonstrate Ganor's (2010) assertions that terrorists and freedom fighters are not mutually exclusive and can in fact be both things at once. To this end, in the next section, I will argue that the definition of terrorism and the designation of who perpetrates it is not only controversial, dynamic and ever-changing, but also heavily influenced by the prevailing political landscape.

A case study in the controversial, changing definitions of terrorism: The United States

The United States of America provides an interesting and layered case study into the complexity of defining terrorism; leaving definitions open to interpretation by those implementing anti- and counter-terrorism strategies; and the inherent vulnerability of those definitions to partisan politics.

The problem of defining terrorism in America

The United States as a government and society is not immune to the issues faced in academia and the world at large when it comes to attempts to define terrorism. On a practical, pragmatic level, analysing terrorism in America is difficult to do because there is both widespread ambiguity as to what should be considered terrorism, and reliable official statistics on terrorist incidents are difficult to track across 50 states and numerous federal agencies. As one scholar articulates it “the lack of social or legal definition creates problems... American police and security agencies literally do not know what terrorism is... [and] agencies charged with countering domestic terrorism often have no idea what they are looking for” (White, 1991: 163 cited in Hewitt, 2003: 13). Christopher Hewitt in the 2003 book, *Understanding Terrorism in America*, underscores the enormous difficulty faced by law enforcement in attempts to identify, thwart and prevent terrorism, stemming from the lack of a consensus on a definition. Hewitt (2003: 14) asserts that the FBI's definition, listed earlier in this paper, is incongruent with the agencies' own database and statistics:

“The FBI fails to include many incidents of politically motivated violence such as abortion clinic bombings [into its

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statistics]. The FBI relies on reports from local law enforcement to gather information for their data but without a way to apply the definition across the board, the agency has to rely on the discretion of those offices. Furthermore, the FBI itself is reluctant to apply its own definition to an incident unless some group claims responsibility for it”.

The true purpose of defining terrorism for law enforcement and those implementing anti- and counter-terrorism policies is to create frameworks within which violent attacks are understood, plans to execute them are thwarted and those planning them are caught and prosecuted. As evidenced in Hewitt’s (2003) research, this is difficult to do when there is no consensus on or consistent application of a definition. I would argue that this stalemate is not something that has occurred by accident, rather that it is the result of policies influenced by politics which dictate the definition.

The distinction between domestic and international terror is blurred in America because of a host of factors. The country has a long history of domestic terror ranging from those in the South who sought to prevent the racial desegregation of the region in the 1950s and 60s, to protest action related to the Vietnam War in the 1970s, to the debate around abortion in the 1980s and 90s, and many other issues (Hewitt, 2003: 23). Since 9/11, the country has also been the target of multiple attacks from international extremist groups and its own citizens aligned to those groups. While it is not possible in this paper to explore all of the different variations of terrorist attacks that have occurred in America in recent decades, nor to examine the groups that have perpetrated them, it is important to note that America has faced many threats from many groups before and faces a multitude of threats now. The question that is relevant to this assignment is why the American government chooses to narrow its focus on identifying terrorists and consequent counter-terrorist policies to mainly those acts and attacks by people who identify with the Muslim faith and/or people who have aligned themselves with so-called Islamist extremist groups.

Are some attacks more terrorist than others?

Numerous studies in recent years have brought to light the fact that white supremacist and white nationalist violence is currently more of a threat to American citizens than terrorist violence carried out by immigrants and/or people aligned to so-called Islamist extremists. Research conducted by the security think tank New America concluded that between 2001 and 2015, more Americans were killed by homegrown right-wing extremists than by so-called Islamist terrorists; the organisation found that post-9/11, nearly twice as many people – 48 in total – have been killed by extremists who are not Muslim than those killed by self-proclaimed jihadists – 26 in total (Shane, 2015). These conclusions were echoed in a June 2017 research study that found that between 2008 and 2016, more than 70 attacks by right-wing, anti-government groups were recorded and 50 attempts were foiled by law enforcement, as opposed to 18 attacks by so-called Islamist extremists were recorded and 45 attacks foiled (Neiwert, 2017). It should be noted that this research does not suggest nor claim that violence perpetrated by people aligned to so-called Islamist extremist groups is not a threat or that the threat has been eliminated, but rather that the threat from right-wing extremists is just as deadly and urgent, if not more.

Even though there has been a clear increase in the number of terrorist attacks carried out against Americans in America by right-wing, white supremacist and white nationalist individuals and groups in recent years, there is a slow reaction at best and wholesale reluctance at worst on the part of government and law enforcement to define the issue as terrorism. There are many examples of this in contemporary American history. A 2010 report by the National Bureau of Economic research showed that between 1973 and 2003, abortion providers have been the targets of more than 300 acts of violence, defined as arson, bombings, murders and acid attacks on personnel. Hewitt describes anti-abortion terrorism as violence executed by people who hold strongly anti-abortion views, with fundamentalist Protestants and devout Catholics being the most opposed to abortion (2003: 38). These groups and individuals fit virtually every definition of terrorism, including those of the FBI and US State Department; however, no perpetrator charged with a violent act attacking an abortion provider has ever simultaneously or independently been charged with terrorism (CBS News, 2018). This is not the only variant of right-wing extremism largely left out of the definition of terrorism.

Debates around violence perpetrated by male white supremacists almost all invariably centre around gun control or the need for gun reform or connections between mental illness and a propensity for violence, but rarely do they ever involve discussion over whether the perpetrators had terrorist intent and political motivation. This has changed in

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recent years following several prominent attacks. The murder of nine black churchgoers in June 2015 in Charleston, North Carolina by self-proclaimed white supremacist Dylann Roof had all the hallmarks of a terrorist attack based on the FBI and State Department's definition of terrorism – there was premeditation, the attack was politically motivated and was intended to intimidate a segment of the civilian population. Roof had stated that he wanted retribution for “black people killing white people” and wrote a sprawling manifesto declaring his anti-immigrant, anti-Semitic, white supremacist views (Sanchez and O’Shea, 2016). However, prosecutors in that state and in that case, did not charge the assailant with terrorism. Conversely, James Harris Jackson, a white man, who fatally stabbed a black man in March 2017 in New York City was charged with terrorism for an attack motivated by similar intention. Jackson stated that he wanted to eventually kill more black people “in the media capital of the world... to make a statement” (Peled, 2017). While it is not possible to detail each of them in this paper, there have been dozens of other attacks perpetrated by white men, under the age of 30, who have affiliations with white nationalist and white supremacist groups that have not been treated as cases of (domestic) terrorism.

A February 2018 report by the hate crime watch-group, the Southern Poverty Law Centre, estimates that 100 people have been killed or injured by members of the alt-right – “the subculture and political movement consisting of vicious trolls, racist activists and bitter misogynists” – since 2014, with very little media attention paid to the groups’ recruitment, mobilisation and incitement to violence of disaffected youth, primarily white men, via the internet (Hankes and Amend, 2018). On an institutional level, in the 2018 fiscal budget, the Trump administration reversed or reviewed over \$10 million in Obama-era grants given to groups and research institutes that focused on deradicalising Neo-Nazis and combating Muslim extremist and white supremacist recruiting; at the same time, funding flowed to government agencies and groups working almost exclusively on programs that deal with terrorist threats from so-called Islamist extremists (Zanona, 2017 and Nixon & Sullivan, 2017). This purposeful pivot away from the evidence that suggests a growing problem of violence spreading in one particular community represents a political decision not to act with the same vigour against that group as other groups, such as Muslim men.

The contemporary political landscape in America suggests that the definition of terrorism will continue to be controversial and that in fact, the controversy will not be resolved without the political will that would stop the urge to bend the definition of terrorism to suit a narrow partisan agenda or to ignore evidence of a growing terrorist threat. In the broader context of American society and politics, there is now an urgent need to question the previously-held definitions of terrorism and to question if these definitions are truly helpful in tackling terrorism. Where they are not – either because they are unfairly applied to different groups seen as threats or not applied at all – it must be asked if the US government and law enforcement sectors are standing by while domestic terrorism is perpetrated on their watch and why.

Conclusion

The concept of terrorism is difficult to define because the politics involved in doing so are difficult to manage. In this paper, I have attempted to traverse the difficult terrain that is the concept of a definition of terrorism. In doing so, I have explored some of the apparent political motives of key stakeholders invested in the so-called ‘War on Terror’ in defining what the parameters of terrorism are and consequently *who* the perpetrators of terrorism are and are not. A section of this paper illustrated how a change in perspective has brought resolutions to various countries over modern political history, with the key determinant for the success of that process being political will. In attempting to understand if those kinds of resolutions are at all possible in present-day global politics, the case study of the United States of America was examined. The conclusion in this paper is that where political influence trumps facts-based evidence, the definition of terrorism and who constitutes a terrorist threat becomes even more complex and controversial with little possibility of that controversy being resolved because of a disagreement on the basic facts. Ultimately this irregular application of definitions harms work that can and should be done in terms of anti- and counter-terrorism initiatives and only leaves governments and populations more exposed than protected from harm in the long-run.

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Date written: May 2018