

## **The Predicaments in Defining Terrorism and Its Social Contexts**

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**Introduction:**

The purpose of this paper is to focus on the convoluted definitions of terrorism, and to touch on various areas of concern in sociological context, which have direct effect on terrorism. The mechanical suctioning of human rights in counter-terrorism actions by states and state actors in the present counter terrorism mechanism is a natural reaction in confronting yet undefined and therefore parametrically unspecified acts which are termed contextually terrorism.

To have reservations on the State's rightful and vital cause to put in place measures to eliminate terrorism, is unacceptable. Terrorism, in any form does not only destroy human life as a physical fact, but equally grave are the inroads it makes in the civil societies casting dangerous shadows on the democratic institutions. The main victims remain human rights, the human rights laws and democracy, eventually, the rule of law dissipates. Indisputably terrorism in its dichotomous manifestations destabilises legitimate governments and undermines civil societies. Governments therefore have not only the right, but also the responsibility, to protect their citizens and other 'persons' against terrorist attacks, and to employ sequentially the justice system for this protection, against the perpetrators of terrorism. It is the approach and the method in which counter-terrorism efforts are conducted, which bring into question the latter's sweeping effect on the respect for human rights.

Law as established does provide frameworks in international and domestic jurisdictions through which terrorism can be effectively countered; problems arise when human rights become embroiled in deployment of law for securing those very institutions and rights which themselves begin to destabilize, through the processes adopted by different legal systems.

**Understanding terrorism in different arrays:**

Concern about human rights in the context of terrorism did not receive much attention in the United Nations until the 1993 Vienna World Conference on Human Rights. That same year the General Assembly began to adopt resolutions on "human rights and terrorism" while continuing its annual resolutions on "measures to eliminate

international terrorism”. Beginning in 1994, the Commission on Human Rights also began to adopt resolutions on “human rights and terrorism”, and requested the Sub-Commission on the Promotion and Protection of Human Rights to undertake a study on the issue of terrorism and human rights in the context of its procedures. That year, following suit to the urging of the Commission, the Sub-Commission, in its resolution 1994/18, requested one of its members to prepare a working paper on this topic. In 1996 a paper had still not been submitted, the Sub-Commission, in its resolution 1996/20. In 1997, following submission of her working paper (E/CN.4/Sub.2/1997/28), the Sub-Commission appointed Kalliopi K. Koufa as Special Rapporteur to conduct a comprehensive study on terrorism and human rights. In the course of this mandate, the Special Rapporteur submitted a preliminary report (E/CN.4/Sub.2/1999/27), a progress report (E/CN.4/Sub.2/2001/31), a second progress report (E/CN.4/Sub.2/2002/35), an additional progress report with two addenda (E/CN.4/Sub.2/2003/WP. 1 and Add. 1 and 2), a final report by Kalliopi K. Koufa was presented<sup>i</sup>.

Nirupam Sen, in his paper “*Nonstate threats and the principled reform of the UN.*” has taken up an important question relating to counter terrorism action which distinguish as *legal* and *legitimate*. According to his view, there is a distinction between actions that are *legal* (as Security Council actions are) and those that are *legitimate* (which require wider political acceptance). Similarly, there is an important distinction between legitimacy and moral authority (an elected government may be legitimate but may lose its moral authority over time as a result of many misguided policies). It is natural that an organization decays and some within it end up defending their privileges rather than the ideas that the organization was created to serve. The United Nations has done much (often little noticed and praised even less) in conflict prevention, restoration of peace, human rights, development, disarmament, and counterterrorism. It can do even more in the future because it is in the process of reforming and renewing itself...<sup>ii</sup>.

It was 9/11 which became the turning point in the war against terrorism, and with the tragic fallout, priorities also underwent a change. Given the backdrop, the grim reality, and the disastrous economic, social, and political implications, which brought terrorism to the forefront, and re-prioritization of international and domestic policies

began to take place. It's quite surprising to note that (terrorism, the word on everyone's lips, is easier to talk about than to define. As one commentator, Nissan Horowitz, put it in the mainstream Israeli newspaper Ha'aretz<sup>iii</sup>, "Terrorism -- it's all in the eyes of the beholder. Why is the attack on the Twin Towers called terrorism, while the bombing of a hospital in Kabul is not?" Indeed, international lawyers have struggled to define terrorism for nearly a century, largely without success.

The terrorist acts out of a professed sense of injustice perceived by the group to which he belongs, hence he is a hero to the entire group, which may be as small as an anarchist cell or as large as an entire tribe, nation, religion, class or other societal grouping. In the period following the end of World War II, the anti-colonial struggle in Africa and Asia and later the anti-oligarchic struggle in Latin America often relied on tactics condemned as terrorist by those unsympathetic to the aims of the struggle and applauded by those in solidarity with the struggle, whether directly engaged in it or cheering it on from the sidelines. The controversy raging around the film *The Battle of Algiers*, with its scenes of bombs exploding in crowded cafes, is emblematic of that era.

With the end of colonialism -- albeit not neo-colonialism -- and of "wars of liberation" -- albeit without bringing a full measure of freedom to those who waged them --terrorism has lost much of its luster and now elicits virtually universal condemnation, at least in legal terms. Yet, a comprehensive definition still eludes the world community.

In his post-September 11 speech to the General Assembly, Sir Jeremy Greenstock, the British Ambassador to the United Nations, said "What looks, smells and kills like terrorism is terrorism." As this is not exactly a legally serviceable definition, diplomats and international lawyers have until recently solved the definitional problem by writing conventions outlawing terrorist acts without ever mentioning the word "terrorism". The official website entitled "UN Conventions on Terrorism"<sup>iv</sup> lists eight United Nations conventions and two protocols enacted between 1963 and 1991, (and increasing), dealing with such diverse offences as hijacking, attacks on diplomatic agents and other internationally protected persons, hostage taking, theft of nuclear material and unlawful acts against maritime navigation and fixed platforms

located on the continental shelf. It requires no complex process of reasoning to realize that any of these prohibited acts can occur within or without the context of terrorism. The taking of a hostage for the purpose of obtaining the liberation of a political prisoner fits the definition of a terrorist act. The same crime committed solely for the payment of ransom does not. The hijacking of the four planes on September 11 was a mega-terrorist act.

In his book *"Inside Terrorism"* Bruce Hoffman wrote in *Chapter One: Defining Terrorism* that

On one point, at least, everyone agrees: terrorism is a pejorative term. It is a word with intrinsically negative connotations that is generally applied to one's enemies and opponents, or to those with whom one disagrees and would otherwise prefer to ignore. 'What is called terrorism,' Brian Jenkins has written, 'thus seems to depend on one's point of view. Use of the term implies a moral judgment; and if one party can successfully attach the label terrorist to its opponent, then it has indirectly persuaded others to adopt its moral viewpoint.' Hence the decision to call someone or label some organization 'terrorist' becomes almost unavoidably subjective, depending largely on whether one sympathizes with or opposes the person/group/cause concerned. If one identifies with the victim of the violence, for example, then the act is terrorism. If, however, one identifies with the perpetrator, the violent act is regarded in a more sympathetic, if not positive (or, at the worst, an ambivalent) light; and it is not terrorism.<sup>v</sup>

There are continuing institutional attempts at arriving through consensus at an internationally agreeable definition of terrorism. Incontrovertibly, terrorism has two principal characteristics: 1) It is intended to inflict death or seriously bodily harm upon civilians or other persons (presumably military personnel) not taking part in hostilities and (2) its purpose is to intimidate a population or persuade a government or international organization to adopt a certain policy. The second of these

two conditions is well stated, but the first is clearly inadequate. A plane can be hijacked or a hostage taken without necessarily intending to kill or seriously injure anyone, as can blacking out an electricity grid or a cyber network, yet such acts can be the work of terrorists<sup>vi</sup>.

Official definitions determine counter-terrorism policy and are often developed to serve it. Most government definitions outline the following key criteria: target, objective, motive, perpetrator, and legitimacy or legality of the act. Terrorism is also often recognizable by a *following statement from the perpetrators*.

**Violence** – According to Walter Laqueur of the Center for Strategic and International Studies, "the only general characteristic [of terrorism] generally agreed upon is that terrorism involves violence and the threat of violence". However, the criterion of violence alone does not produce a useful definition, as it includes many acts not usually considered terrorism: war, riot, organized crime, or even a simple assault. Property destruction that does not endanger life is not usually considered a violent crime.

**Psychological impact and fear** – The attack was carried out in such a way as to maximize the severity and length of the psychological impact. Each act of terrorism is a "performance," a product of internal logic, devised to have an impact on many large audiences. Terrorists also attack national symbols to show their power and to shake the foundation of the country or society they are opposed to. This may negatively affect a government's legitimacy, while increasing the legitimacy of the given terrorist organization and/or ideology behind a terrorist act<sup>vii</sup>.

**Perpetrated for a Political Goal** – Something all terrorist attacks have in common is their perpetration for a political purpose. Terrorism is a political tactic, not unlike letter writing or protesting, that is used by activists when they believe no other means will effect the kind of change

they desire. The change is desired so badly that failure is seen as a worse outcome than the deaths of civilians. This is often where the interrelationship between terrorism and religion occurs. When a political struggle is integrated into the framework of a religious or "cosmic"<sup>viii</sup> struggle, such as over the control of an ancestral homeland or holy site such as Israel and Jerusalem, failing in the political goal (nationalism) becomes equated with spiritual failure, which, for the highly committed, is worse than their own death or the deaths of innocent civilians.

**Deliberate targeting of non-combatants** – It is commonly held that the distinctive nature of terrorism lies in its intentional and specific selection of civilians as direct targets. Much of the time, the victims of terrorism are targeted not because they are threats, but because they are specific "symbols, tools, animals or corrupt beings" that tie into a specific view of the world that the terrorist possess. Their suffering accomplishes the terrorists' goals of instilling fear, getting a message out to an audience, or otherwise accomplishing their political end<sup>ix</sup>.

**Unlawfulness or illegitimacy** – Some official (notably government) definitions of terrorism add a criterion of illegitimacy or unlawfulness<sup>x</sup> to distinguish between actions authorized by a "legitimate" government (and thus "lawful") and those of other actors, including individuals and small groups. Using this criterion, actions that would otherwise qualify as terrorism would not be considered terrorism if they were government sanctioned. For example, firebombing a city, which is designed to affect civilian support for a cause, would not be considered terrorism if it were authorized by a "legitimate" government. This criterion is inherently problematic and is not universally accepted, because: it denies the existence of state terrorism; the same act may or may not be classed as terrorism depending on whether its sponsorship is traced to a "legitimate" government; "legitimacy" and "lawfulness" are subjective, depending on

the perspective of one government or another; and it diverges from the historically accepted meaning and origin of the term. For these reasons this criterion is not universally accepted. Most dictionary definitions of the term do not include this criterion.

Charles Tilly, In his paper titled "Terror as strategy and relational process." And published in the *International Journal of Comparative Sociology* points out a very interesting difficulty facing any working definition of terror, to him "any working definition excludes some candidate actions and events. Politically speaking, it usually helps your cause to use the term 'terror' for actions of which you disapprove, and to exempt actions of which you approve. Definitions begin to matter, however, when you shift from description or evaluation to explanation. At exactly that point two implicit claims come into play First, in explanations a concept such as terror lays a claim to identify a causally coherent phenomenon rather than a convenient miscellany Second, the same concept points to similarities and differences: instance X resembles instance Y, but differs in kind from instance Z"<sup>xi</sup>.

The place holders of counter terrorism are often found intruding the area of human rights by putting unpredictable and inconsistent anchors in the latter's orb, the focus of United Nations in the strengthening and reforms in the mechanism within, notwithstanding, since the crucial link for determination and employment of law, through legislation, adjudication, or counter terrorism action remains flawed, in that the definitional anomalies do not allow for a proper divider to be placed between counter terrorism mechanism and that fluid base of human rights which may play the centre point role in regulating counter terrorism actions from incursions in the sphere of human rights and human rights law.

It seems to be clear that the overall political motive or purpose is viewed as one of the main characteristics of terrorism in these definitions, and those complement the political motive. Wilkinson<sup>xii</sup>, for instance, refers to



the more specific motives such as religion, would then 'religio-political' terrorists, apparently to distinguish this from a 'purely' religious phenomenon, and states that what at first sight seems to be such a phenomenon, is in fact largely about political control and socio-economic demands. The above view is reinforced by Duyvesteyn who states that while religion has played a role in terrorist targeting, these represent clear political positions and political targets. The so-called 'new terrorism' is therefore both political and religious, and aims and motivations overlap.

This overlap is identifiable in sociological co-ordinates encompassing social processes. Charles Tilly in his reply to Harvard social science lecturer Jessica Stern, expositions in her book *Terror in the Name of God*, has vividly brought out the stated indicators on which terrorism resides.

Crudely speaking, general descriptions and explanations of social processes divide into three categories: systemic, relational, and dispositional. Systemic accounts posit a coherent, self-sustaining entity such as a society, a world economy, a community, an organization, a household, or, at the limit, a person, explaining events inside that entity by their location within the entity as a whole. Some systemic accounts of terror, for example, treat it as a worldwide effect of globalization and rapid social change that disrupt previously existing constraints on extremism. Systemic descriptions and explanations have the advantage of taking seriously a knotty problem for social scientists: how to connect small-scale and large-scale social processes. They have two vexing disadvantages: the enormous difficulty of identifying and bounding relevant systems, and persistent confusion about cause and effect within such systems.

Relational accounts take interactions among social sites as their starting points, treating both events at those sites and durable characteristics of those sites as outcomes of interactions. Relational accounts of terrorism stress changes in connections among persons and groups, for example

altered ties among exiles, international criminal networks, and domestic power-seekers. Relational descriptions and explanations have the advantage of placing communication, including the use of language, at the heart of social life. They have the disadvantage of contradicting common sense accounts of social behaviour, and thus of articulating poorly with conventional moral reasoning in which entities take responsibility for dispositions and their consequences.

Like systemic descriptions and explanations, dispositional accounts posit coherent entities--in this case more often individuals than any others--but explain the actions of those entities by means of their orientations just before the point of action. Across the social sciences, dispositional accounts come in several competing varieties.

Terror as a strategy asymmetrical deployment of threats and violence against enemies does have a crude logic of its own. It differs from such competing strategies as accommodation, negotiation, subversion, infiltration, propaganda, and open warfare. In addition to whatever harm it inflicts directly, it sends signals--signals that the target is vulnerable, that the perpetrators exist, that the perpetrators have the capacity to strike again. The signals typically reach three different audiences: the targets themselves, potential allies of the perpetrators, and third parties that might cooperate with one or the other. Although some users of terror (for example, a minority of 19th-century anarchists) operate on the theory that destruction of evil objects is a good in itself, most terror supports demands for recognition, redress, autonomy, or transfers of power. Considered as a strategy, terror works best when it alters or inhibits the target's disapproved behavior, fortifies the perpetrators' standing with potential allies, and moves third parties toward greater cooperation with the perpetrators' organization and announced program.

Multiple uses of terror from 'mafiosi' to ruthless governments, people who operate protection rackets intermittently deploy terror against

enemies and uncertain clients (Gambetta, 1993; Stanley, 1996; Varese, 2001; Volkov, 2000, 2002). Whether or not they operate large-scale protection rackets, repressive governments frequently apply terror to threatening minorities. Weak, beleaguered governments commonly adopt the strategy of exemplary punishment: inflicting terrible public retaliation on those few enemies they manage to seize, with the announced threat of visiting similar punishments on others who dare to challenge them. But dissidents seeking autonomy, striking at their rivals, or trying to bring down governments likewise sometimes engage in asymmetrical deployment of threats and violence against enemies by means that fall outside the forms of political struggle routinely operating within the current regime.

During the past few decades, religious and ethnic activists have been by far the most frequent nongovernmental strategists of terror (see e.g. Beissinger, 2001; Derluguian, 1999; Gurr, 2000; Horowitz, 2001; Kakar, 1996). Sometimes they have demanded autonomy, sometimes they have sought control of existing governments, but often enough they have struck directly at their religious and ethnic rivals. The terrible Rwandan genocide of 1994 pivoted ultimately on ethnic control of the Rwandan state, and, despite the slaughter of Tutsis by the hundreds of thousands, ended with the seizure of state power by Tutsi-dominated military forces. The genocide itself activated all these different uses of terror (Des Forges et al., 1999; Mamdani, 2001; Pillay, 2001; Prunier, 1995, 2001; Taylor, 1999; Uvin, 2001).

As these varied examples suggest, the strategy of terror appears across a wide variety of political circumstances, in the company of very different sorts of political struggle. Attacks of Irish Protestant and Catholic activists on each other and on governmental targets, for instance, frequently follow the strategy of terror, but they generally intersect with other forms of negotiation at international, national, and local levels (Farrell, 2000; Hart, 1998; Jarman, 1997; Keogh, 2001). In many parts of the world, specialized

military forces--governmental, nongovernmental, and anti governmental--frequently engage in kidnapping, murder, and mutilation in addition to their occasional pitched battles with other armed forces.

Because armed forces depend on arms, equipment, food, and pay even when they are living off the land, such terror-wielding armies thrive especially where they can seize control of income-generating resources such as drugs, timber, diamonds, and other minerals. Often they then adopt terror to maintain control of the crucial resources rather than concentrating on the seizure of state power. Extensive connections with emigrant diasporas magnify those effects, most likely because the exiles both provide external support for rebels and offer conduits for contraband into and out of rebel territory (Collier and Hoeffler 2004).

The prominence of organized armed forces in certain types of terror lends itself to analytic confusion. It is all too easy to conflate terror-deploying governments, armies, militias, paramilitaries, and rebels with conspiratorial zealots. We actually need a twofold distinction: first between violent specialists and others, then between actors who deploy terror within their own operating territories and those who direct it elsewhere.

Autonomists stand for all those politically active groups whose members sometimes launch terror attacks on authorities, symbolic objects, rivals, or stigmatized populations on their own territories without becoming durably organized specialists in coercion. Zealots maintain similar connections with each other, but commit their violent acts outside of their own base territories; they include long-term exiles who return home to attack their enemies. Governmental, nongovernmental, and anti governmental militias maintain enduring organizations of coercive specialists and exercise terror within their base territories. Conspirators organize specialized striking forces for operations away from base.

(Terror-inflicting armies that operate abroad also fit into this corner of the diagram, but they strike even more rarely than do mobile organizations of conspirators.) Finally, ordinary militants often spend time organizing and demonstrating, but now and then engage in armed attacks either near home or against the enemy far away.

As compared with the full range of collective violence, the use of terror ranks relatively high in the coordination among violent actors and the salience of short-run damage; in that regard it resembles what I call violent rituals and coordinated destruction while differing from broken negotiations, scattered attacks, opportunism, brawls, and individual aggression (Tilly, 2003: 15). But the kinds of individuals and organizations that employ terror vary dramatically from one setting to another. The same individuals and organizations, furthermore, commonly alternate between terror and other forms of politics. The diagram as a whole states a major element of my argument: a remarkable array of actors sometimes adopt terror as a strategy, and therefore no single set of cause-effect propositions can explain terrorism as a whole.

The processes that move people into one location or another within the locus-specialization space are fundamentally relational; they become militias, autonomists, zealots, conspirators, or ordinary militants --and sometimes switch among those forms of interaction--through shifting social relations. Second, despite their essentialist labels, the five types consist not of deeply different dispositions but of varying relations both a) among activists and b) between activists and targets of their terror.

International flows of weapons likewise facilitate terrorism. Bad neighborhoods, failed states, refugee camps, criminal enterprises, and expatriates who contribute income, information, weapons, or connections to the cause all favor recruitment and support of terrorists. The failure of governments to provide basic services, protect human rights, or maintain monopolies of violence increases the prevalence of terror. High

proportions of young, single males in a population make more potential terrorists available. Poverty may also promote terror, especially when educated young men remain unemployed.

Religiously based educational and welfare institutions, Stern continues, often serve as terrorist recruiting grounds. And humiliation itself--whether individual or categorical--results from well-defined social processes. The Muslim world currently produces more than its share of terrorists not because Islam condones terror, but because almost all of these favorable processes currently occur more widely in Muslim countries (Stern, 2003: 283-8).

The Muslim world is today fraught with dissensions within. At one end are those sections of Muslims who subscribe to the re-interpreted normative statements, and by misinterpretations converted statements of facts; on the other are those who prefer to understand Islam in its normativity as a religion of peace to which Stern also refers to.

### **Conclusion:**

Until such time an effective mechanism does not find place in the war against terror, replacing conventions which broadly and generally address terrorism, and on such basis, design counter terrorism mechanism, the problem inherent in the threat to human rights will continue unabated. The underpinning of an undefined enemy will continue to haunt the global community. However, the impediments in the exercise can also never be understated. In these circumstances, attempt to draw a broad based but within specified parameters may be an alternative arrangement, in that the designed law must take into consideration social, economic, and educational institutes as key factors. Given the immediate threat and the on going counter terrorism RAND publication provides vital information in "Generating alternatives to radical Islam: moderate Islam is key to thwarting terror threats.(Government)"<sup>xiii</sup> Angela Rabasa, RAND senior policy analyst has analyzed and proposed the following

recommendations which if taken up by the stake holders, in encouraging and convincing the Muslim societies to dispassionately take up these recommendations. This then does not only form the crux of modern day problem faced by Muslim States, but provides good moorings for an effective counter terrorism setting.

- \* Promote international networks for liberal and moderate Muslims. Radical Muslims have successfully created extensive networks spanning the Muslim world. A network for moderates would provide a platform to amplify their message and provide some protection from radicals.

- \* Disrupt the networks of radicals. Breaking radical Muslim networks will empower Muslim moderates to take over the transmission belts that sustain the network.

- \* Foster reforms in schools and mosques. Concerned countries and international institutions should support the reform of Islamic boarding schools (madrassas), one of the main sources of personnel for radical movements and terrorist groups. The report suggests encouraging madrassas to stress broad, modern education and marketable skills. Governments and moderate Muslim organizations should also ensure that mosques and the social services affiliated with them serve their communities rather than provide platforms for radical ideologies.

- \* Expand economic opportunities for young people. Population growth in many Muslim countries will create educational, economic, and social needs that are not being met by radical Islamic groups. Funding for programs run by secular or moderate organizations should be a priority. Creating jobs and social services would also give young people an alternative to radical Islamic organizations.

Democratic change may be destabilizing in the short term, but it is necessary to produce a more-stable political environment in the long term, the study argues. Coordination among governments and nongovernmental organizations, foreign-aid groups, secular organizations, and moderate Muslim groups can create a legitimate base for civil society.

Researchers identified three main causes for the spread of Islamic radicalism over the past several decades.

1. The widespread failure of political and economic models has caused instability and disenfranchisement of segments of the

Muslim population, fueling anger toward the West.

2. The resurgence of fundamentalism in Islam in the Middle East, along with the spread of Middle Eastern funding and ideology throughout the world, has fueled support for fundamentalism and radicalism.

3. Major events (the Iranian revolution, the Soviet Union's invasion of Afghanistan, the 1991 Gulf War, the Iraqi war, and the attacks of September 11, 2001) have polarized and radicalized the Muslim world.

4. Healing the cleavage between the Arab and the non-Arab worlds and improving Western understanding of tribal politics will also be essential to reducing radical Islam threats...

The recommendations made are not only vital for bring the contemporary Muslim societies, in the mainstream global world, which if taken up and seriously pursued will provide a sustainable ground for improving the criteria in counter terrorism, and provide immediate relief to human rights at least in the religio-political stream.

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**SPECIFIC HUMAN RIGHTS ISSUES: NEW PRIORITIES, IN PARTICULAR TERRORISM AND COUNTER-TERRORISM**

Terrorism and human rights

Final report of the Special Rapporteur, Kalliopi K. Koufa\* presented to the COMMISSION ON HUMAN RIGHTS, Sub Commission on the promotion and protection of Human Rights, 56<sup>th</sup> Session; Item 6 (c) of the Provisional Agenda; United Nations, Economic and Social Council.

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iii Ha'aretz, November 18, 2001

iv <http://untreaty.un.org/English/Terrorism.asp>. The site contains the text, the status and a summary of each document

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