# Why is a unified definition of terrorism tarried yet?

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## Abstract

*Defining terrorism is not a simple undertaking. All experts on the subject agree with the fact that a unified definition is needed. For decades, they have been trying to bring different positions and points of reference closer together. The questions why it is important and how creating a unified concept could help the interpretation of law related to terrorism, counter-terrorism activities, and law enforcement, have already been successfully answered. Its justification is also supported by the nature of acts related to terrorism - multi-country, global presence - and the fact that effective action against it requires wide-ranging cooperation from all the nations and competent organizations involved. In the present study, several notions created so far, their comparison and the problem of forming a unified definition are presented.*

**Keywords:** *terrorism, unified concept, legal interpretation*

## Introduction

Many attempts have been made to define terrorism in a unified way, but based on our existing knowledge, it has not yet been created for several reasons. *"Defining the concept is not an easy thing, since to some it is a terrorist to others it is a national hero"*. [1] With this statement, experts dealing with the contemporary topic have come a long way from creating a unified definition. While the above statement is undoubtedly correct, even though terrorism can be objectively assessed. However, we must not forget that it is difficult to analyse a studied phenomenon in isolation from the given historical period and its peculiarities. This should always be kept in mind when comparing different concepts of terrorism. Several other renowned experts have brought the topic to the fore, including Professor József Boda, who said: *"If we accept the fact that terrorism is no more and no less than a violent, ruthless technique of intimidation, we do not run into moral considerations, nor into socio-political ideologies."* [2] This phrasing is already much more suitable to bring opposing views closer together and (to promote a unified conceptualization. If we look at the time of the above definition, we can see that it was created thirty years later than Connor's. Terrorism is defined by

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Boda as a violent and ruthless technique of intimidation. Frightening is a component of the phenomenon that appears in all cases without exception. Unconsidered the number of perpetrators, the specific act of terrorism, the victims of the act of violence. We cannot ignore the fact that, over time, the fundamental purpose of the terrorist acts committed has undoubtedly changed. While in the 1970s and before, the primary goal of terrorist attacks was to raise awareness, not to maximize casualties, from the 2000s onwards, the goal of all unsigned terrorist attacks was certainly the opposite of the latter. [3] In the study of László Korinek published in 2015 [4], he firstly compared the phenomenon of terrorism created by George P. Fletcher and Ben Saul. According to the former, a legally manageable definition of terrorism and even of a terrorist act is almost impossible. However, he lists the criteria for the concept of terrorism, including violence, individual intent, targeted selection of victims and opposition to public authorities in relation to perpetrators. He notes that perpetrators always find some kind of moral justification relevant to the acts they commit, that they do it in a well-organized way and always very spectacularly. Ben Saul tried to define the concept of international terrorism, according to which: „*1. It is considered to be any serious, violent, criminally prohibited act, which intends to extinguish lives, cause severe bodily harms, or endanger lives, even if it is committed directly against property. 2. The precondition for determination as a terrorist offense is that it is not taking place within an armed conflict. 3. The action is conducted for political, ideological or ethnic purposes. 4. The purpose of the action is to instil particularly great fear in certain persons, groups or societies, and further to intimidate society or any parts of it, or unlawfully compel a government or an international organization to do or not to do something.*" An indispensable part of each of the concepts mentioned so far is intimidation to create fear, from which it also follows that it is also an essential element of a future unified concept of terrorism. Although it is evident that the concepts of terrorism and terrorist act are closely intertwined, there are overlaps in defining the meaning of the terms, yet it is not impossible to define them separately from each other. According to Zoltán Bács [5], as reported by the majority of researchers, practitioners and theorists dealing with terrorism, it is an unavoidable question under which conditions certain acts of violence can be qualified as terrorist acts. The definition of the act is absolutely necessary in order to state that we are facing terrorism by examining specific cases. According to Bács, the act of terrorism is a representation of terrorism that can be assessed by criminal substantive law. Róbert Bartkó simply means that it is inevitable to distinguish between terrorism and terrorist acts as a category of criminal law. In his view, the act of terrorism is merely an element of terrorism. Terrorism is a much broader, abstract concept. Many people follow the approach of trying to describe the concept of terrorism to the methods of terrorists, to all the acts of violence they commit, to their motives, therefore to all segments, although it is not inconceivable that there could be a general approach towards a single

definition. The conceptual elements that are essential elements of the basic definition of terrorism must be collected and defined. Richard Pék's train of thought [6] also supports this, according to which it is more expedient to narrow the scope of the content elements of the notion. *"When defining a single concept, excessive, overly detailed and all-encompassing regulation should be avoided because it makes it difficult to put it into practice. It should be possible for the rules to be extended in the application of the law, either through interpretation or through legal cases. "* The cited author also proposes to involve the group of law appliers in filling the general legal concept with content through the analysis of later interpretations and specific legal cases. This proposal is reminiscent of case law in the Anglo-Saxon legal system, where a narrowly defined precedent is in fact intended to replace legislation. As the phenomenon of terrorism, the terrorist acts committed, has risen to a global level, effective cooperation between the countries involved in the fight against them would be facilitated more by the itemized legal conception characteristic of the continental legal system. Nevertheless, it is appropriate to state that only the existence of a very clear definition containing essential elements can provide the necessary consensus.

### The "diverse face" of terrorism

Examining another aspect, a different feature of terrorism emerges as an expression. The literature traces the lack of agreement on the definition to several reasons. These include the nature of terrorism, the superficial, inconsistent use of the term, and the pejorative and subjective nature of the term. *"The changing nature of terrorism concerns not only the past but also the future of terrorism, as it is impossible to create a definition that covers everything that future terrorists can commit."* [7] In my opinion, the content of the concept of terrorism is not fundamentally affected by the changes in the repertoire of acts of violence committed by terrorists, the increase in the level of fear. When examining the acts committed by terrorists, we associate them more with a terrorist act that can also be defined by criminal law, whose range of offending behaviours is, of course, expanding over time. The fact that the term terrorism carries a pejorative content and is subject to subjective judgment cannot be decisive from a dogmatic point of view. From Perry's pen [8] comes the idea that there is no consensus on a unified definition because the term terrorism already carries a negative connotation with negative meanings, not only to describe an unwanted event, but it also includes a pre-coded moral judgment. Based on science, as a credible definition can be only obtained in this way, you have to abstract from these. Of course, unified conceptualization is not that simple. According to Tibor Márton Serbakov, terrorism is actually a set of concepts in which we find several statements containing partial truth, no exact definition can be found. Bartkó takes a similar approach [9] regarding the question what terrorism is. In his opinion, a multi-

faceted answer can be given, namely a political-scientific, a (criminal / international) legal, and a criminological one. They are to be examined in their interaction, because they presuppose each other in their existence. Their knowledge is essential in developing a coherent, effective criminal policy, whether international or national, as well as in criminal policy strategy for the fight against terrorism. Therefore, we can say that there is no accepted definition for everyone, and it is certain that many have already tried to come up with it from several different approaches, but based on the above statement of facts, there is already room for a common definition.

### Front lines in the fight against terrorism

The Latin word terror means fright, shock. Starting from this original statement, several attempts made to define terrorism are appropriate, one of which is most often cited as: "*Terrorism is a deliberate, systematic act of violence against citizens that seeks to achieve political goals through the fears it evokes.*" [10] Professionals have been concerned for decades how and on which basis to define the term to be acceptable to all. If we look around and consider the people who have tried to define terrorism so far, it can be stated that there are not only theorists, jurists, criminologists, criminal lawyers, but also politicians and practitioners among them. Why does it have importance? György Vass [11] depicts essential of the problem: "*In fact, terrorism is waging a multi-front war against democratic societies. Four major practical fronts have emerged in the fight against terrorism: political, military, judicial and financial. In addition to these, there is a fifth - theoretical front line - which includes scientific and research activities. The basic task of this area is to support the building and deepening of the relationship between the other four, and to coordinate the complex activity by defining the appropriate directions.*" The author went further and also pointed out that based on his experience, at the time in 2009, theory and practice did not find each other. Instead of supporting each other in the two areas practitioners had no access to results of scientific researches and theorist did not/could not get known the experiences in practical life. To what extent has the situation changed in recent years? The activities of counter-terrorism professionals have not become more public, they do not really inform the general public about their practical results and experiences, which is understandable. However, there is no obstacle for professionals and politicians researching the topic to offer and pass on their latest research results and studies comparing the available international scientific developments to the other side. In addition, it is a further difficulty that, along the four dimensions of the fight against terrorism - political, military, judicial and financial – not surprisingly, different definitions have been made of the term.

In the field of politics, the Resolution 51/210 of the United Nations General Assembly (Measures to Eliminate International Terrorism) [12], sets out a two-

step definition of terrorism. This states that *"The United Nations strongly condemns all forms of terrorism which constitute… unjustified crimes…. An offense which purpose or effect is unjustified, is directed against society, a group thereof, or specific persons, for reasons of a political, philosophical, ideological, racial, ethnic, religious or of other nature, capable of identifying the group."*

Under the European Union law, acts are considered as acts of terrorism which, among other things, seriously intimidate the population, illegally compel a government or an international organization to take or refrain from taking action, or a fundamental political policy of a country or an international organization, seriously destabilizing or destroying its political, constitutional, economic or social structures [13].

### Definition trials

In their book Political Terrorism [14], Alex Schmid and Albert Youngman compared more than a hundred definitions and then selected the most relevant elements by using a simple statistical calculation. Accordingly, violence, political intent, incitement to chaos and fear, threat, psychological factors, intentionality and planning, symbolic and random target selection, and social influence were the most prominent ones. The list is not exhaustive without religious motivation as a motivating factor, as well as media publicity as a goal with which can enhance the broader sense of threat, the fear. The perception of terrorism is highly dependent on the individual benchmark considerations. A series of acts of violence for the national independence of a people tend to provoke support in the given ethnic group, sympathizers, while those on the opposite side fully condemn it. However, if we ask either the sympathetic side or the camp of dismissive people for an objective response, there can be no question that the extinction of innocent human lives, the intimidation of vulnerable ones, is subject to negative judgment or absolute rejection, especially if we ask them to imagine themselves or their beloved ones in the place of the victims. The Law Enforcement Dictionary, published in 2019 [15], which praises the work of nearly a hundred law enforcement professionals, defines terrorism as follows*: "terrorist violence is a strategy of intimidation, the deliberate use of violence or a threat of violence to achieve specific objectives. Many variants of the definition of terrorism revolve around the professional and scientific public consciousness. What they have in common is that terrorism aims to have a dramatic effect on society as a whole by using extremely cruel violence, intimidation and deterrence against a random group of individuals present at random place, and to obey the principles and demands of terrorists. "*

It is important to note that, as a result of the events of 11 September 2001, the concept of terrorism has undergone a significant change in interpretation and, consequently, in its content. It affected a wider audience more closely, its extent and negative impact increased compared to the past, and the perpetrators of

terrorist acts have also undergone a significant change. The goal of terrorism is always some kind of socially-improving idea, at least from the perspective of the perpetrators. In terms of perpetrators, there are the "lone wolves" who - in most of the cases - suffer from some form of mental disorder, smaller terrorist groups and large organizations, too.

### Conclusion

It is definitely useful for future attempts to define the concept, if we ask regarding the content practitioners involved in counter-terrorism, theorists of terrorism and legal regulation of the fight against terrorism, and university students as widely as possible. Of course, keeping in mind the extreme positions which are as opposed to each other, that they may not even be possible to be brought closer together. However, from the point of view of the delimited area examined - the Hungarian and the European Union's regulations - it is not impossible to have approximately the same conceptual definition considering the similar or common cultural, sociological and social roots and legal traditions. It is an exciting task to compile a targeted questionnaire to help to create a unified concept of terrorism, to gain useful experiences and to gather opinions from different fields.

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