

Definition of terrorism act and the Israeli social structure:

Obscurity over the relevancy of Typology

By: Hillel Avihai (PhD)

The academic typology between a terrorist and a 'guerrilla fighter', does not seem to be a *fait accompli*, and new definitions, some of them resulting from the necessity of modifying past definitions into new reality, continue to occupy terrorism researchers.

The aim of this article is to try and modify some accepted definitions and characteristics of terrorist attacks or a terrorist, with emphasis on the Israeli social structure, which perhaps was best defined by Israeli second chief of staff, Yigael Yadin, who stated that "A civilian [Israeli] is a soldier in an annual vacation of eleven months"¹.

Yadin's point of view emphasizes the structure of the Israeli society with regard to the reserve army, which represents the main source of the Israeli army strength.

This structure sets a challenge regarding a well-accepted definition of terrorism or a terrorist, especially in regard to the distinction between a civilian and a soldier, a distinction which makes, *inter alia* the difference between a terrorist and guerrilla fighter.

Before discussing some issues, here are some definitions of terrorism, from various sources: academic and politically-orientated.



1. According to the British Prevention of Terrorism Act (1976), terrorism is: *'The use of violence for political ends... including ...use of violence for the purpose of putting the public or any section of the public in fear'* (Rosie, 1986:17)².

2. The United States' (US) State Department uses the term 'terrorism' following Title 22 of the United States Code, Section 2656f(d):

'Premeditated, politically motivated violence perpetrated against noncombatant targets by sub-national groups or clandestine agents, usually intended to influence an audience' (US Department of State, Patterns of Global Terrorism', 2004:XII)³.

3. The Federal Bureau of Investigation (FBI, 1996) suggests that terrorism is: *'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'* (Terrorism in the United States, 1996:3)⁴.

4. The US Department of Defense defines terrorism as *'The unlawful use or threatened use of force or violence by a revolutionary organization against individuals or property with the intention of coercing or intimidating governments or societies, often for political or ideological purposes'* (Cline and Alexander, 1986:VI)⁵. Note the lack of distinction between civilians and non-combatants, an issue which is discussed in this article.

5. Boaz Ganor, from the Institute of Counter-Terrorism (ICT) has offered his perspective towards the definition of terrorism, by declaring that: *"...Terrorism is the intentional use of, or threat to use violence against civilians or against civilian targets, in order to attain political aims"* (Ganor, ICT)⁶.



Finally, Alex Schmid, offered a list of 109 definitions in the period between 1936 to 1981, and tried to make a typology by focusing on the frequencies of definitional elements:

Element	Frequency (%)
Violence, Force	83.5
Political affiliation	65
Fear	51
Threat	47
Psychological effects and anticipated reactions	41.5
Victim-target differentiation	37.5
Purposive, planned, systematic, organized action	32
Method of combat, strategy, tactic	30.5
Extranormality, in breach of accepted rules, without humanitarian constraints	30
Coercion, extortion, induction of compliance	28
Publicity aspect	21.5
Arbitrariness; impersonal, random character; indiscrimination	21
Civilians, noncombatants, neutrals, outsiders as victims	17.5
Intimidation	17
Innocence of victims emphasized	15.5
Group, movement, organization as perpetrator	14
Symbolic aspect, demonstration to others	13.5
Incalculability, unpredictability, unexpectedness of occurrence of violence	9
Clandestine, covert nature	9
Repetitiveness; serial of campaign character of violence	7
Criminal	6
Demands made on third parties	4



As shown, the highest frequency was related to 'violence and force'(83.5%);victim-target differentiation was graded with 37.5% ⁷.

The efficiency of Schmid's typology was tested by Schmid himself, asking whether the above list contains all the elements necessary for a good definition, and his honest answer was:" probably no"⁸.

In some additional definitions, the characteristic "*...At the time of event*" was added, and this additional characteristic will be discussed in order to find out whether this distinction helps to make a clear separation between a terrorist or a guerilla attack, or whether it is no more than an academic orientation with no relevancy to daily reality, especially in Israel.

Following the wide spectrum definitions of terrorism, and despite the obscurity which seems to appear, some critical elements should be indicated:

Terrorism is aimed *deliberately* against civilians and non-combatants.

A violent attack that is aimed against military infrastructure is considered as guerrilla warfare, which is perhaps the major and critical difference between a 'freedom fighter' and a 'terrorist'. Terrorists deliberately aim at civilians. They target non-combatant objects, therefore they cannot be considered to be freedom fighters.

The 'non-combatant' element is critical in order to distinguish terrorism from other forms of political violence, such as guerilla or freedom fighter attacks. This element is reinforced when focusing on the Palestinian-Israeli conflict alongside the Israeli social structure.



Since most Israeli citizens have to serve as soldiers in the army reserves for years after they were released from duty army, the element of 'non-combatants' and/or 'at the time of event' should be tested.

During their Israeli army reserve assignment, they wear uniforms and most of them are equipped with rifles, so they are considered as 'combatants'. What happens if they go on vacation during the army service, take off the uniform and deposit the rifle? In general, they are considered as 'non combatants'. If their cars are attacked on their way home from the base where they serve, will it be considered as 'terrorism' rather than a 'guerilla attack'?

The distinction between 'uniformed' and 'un-uniformed' personnel, which may determine whether the target is considered as a 'legitimate target' or not, should be tested here, alongside with the element of '*...At the time of event*': The only case, where this may be adopted, is in a case when intelligence personnel, usually escorted by army personnel, are in a middle of an arrest event, and if they are targeted, the attackers cannot be categorized as 'terrorist'. This scenario, is a well-known practice within Israeli security operations, when 'Shabak' (General Security Agency)agents, usually in plainclothes, are on an arrest mission of Palestinians suspected of politically-oriented violence.

Reinforcement to the minor relevancy of uniform, as one of the characteristics of a 'legitimate target', is related to the killing of an Israeli Shabak officer (Haim Nahmani) in January 1993 in Jerusalem, by his Palestinian informer.

This violent act is more likely to be considered as a guerilla attack rather than a terrorist act, since at the time of event, Nahmani was on duty. The absence of uniform does not turn him to a regular citizen, and the same refers to other security agents who act in plainclothes, such as 'Mosad' agents or others.



Another criticism, regarding the element of '*at the time of event*', is expressed by the following example:

What will be the situation if an Israeli aircraft is hijacked with 250 passengers, 220 of them civilians and thirty army officers on duty on their way to another country for a military course? If the hijackers decide to kill an army officer on board, and later on another civilian passenger, would the violent act against the military officer not be considered as a 'terrorist action' while a violent act against the other hostage is a 'pure' terrorist action, only because at the time of event, one was an army person on duty?

This selective differentiation seems more likely to be an academic debate, but when trying to justify or condemn politically motivated violent act, this distinction seems to be less relevant.

Speaking of aviation terrorism, the term 'non-combatants' which appears in some of the definitions of terrorism, refers to any person on board a civilian aircraft who is not participating in a military infrastructure at the time of event. This position was highlighted following the TWA hijacking to Beirut (June 1985), when a naval US soldier, Robert Stethem who was on board the aircraft, was beaten and later shot, and his body was dumped onto the tarmac.

Stethem's identity as well as his occupation was found following an inspection of documents and passports, a fact that may give us a clue whether Stethem was dressed with his uniform. If the answer is yes, than the hijackers did not need to discover his position and occupation by documentation and a passport search.

Should the fact that Stethem was military personnel and therefore targeting him was a 'guerilla attack'? On the other hand, at the time of event he was not participating in an active military action, and therefore targeting him may be considered as a 'terrorist act'; this only adds to the obscurity in clear distinction between a terrorist and a freedom fighter.



It is accepted that unless the passengers are taking part in military activity at the time of attack, attacking military personnel or a military veteran on board a civilian aircraft is considered as terrorism, since it is more likely that passengers on board a civilian aircraft, flying on a scheduled flight, do not take part in a military activity during the flight, unless watching a film or purchasing from the duty-free trolley is considered as a military action...

This point stands clearly against Habash philosophy (founder of the Palestinian Front for the Liberation of Palestine- PFLP) as well as to the Black September organization, justifying their attacks against Israeli aircraft by declaring that in Israel, every male is a soldier (there was no reference to a female).

So how may the elements discussed above ('at the time of event' & non-combatants) be settled? The author suggests that military personnel on board a civilian aircraft are considered to be hosted within a civilian infrastructure and their presence on board is not within the framework of military activity, and therefore any attack against the civilian aircraft inspired by political motivation will be considered as terrorism.

Similarly, launching an anti aircraft missile (MANPADS –*Man Portable Air Defense System*) at an aircraft by terrorists is considered as terrorism since it is unlikely that the terrorists knew exactly who was on board.

On the other hand, targeting a military aircraft when civilians are on board may be labeled as guerilla warfare, since terrorists can claim that they targeted a military infrastructure.



Concluding the issue of what is considered as a terrorist attack and what is a guerilla or freedom fighters' attack, it is suggested that any deliberated attack against a *civilian* infrastructure is considered as terrorism, unless it was proven that the civilian infrastructure was used for military purposes, so the attack was deliberately and exclusively directed at the uniformed personnel.

The same may be applied to embassies: targeting the embassy with no idea who is inside, is considered as pure terrorism, with no 'if' or 'perhaps'. But targeting a uniformed policeman, soldier or a body-guard outside the embassy, with deliberate intention of targeting these aforementioned personnel, may be related to guerrilla warfare.

This fact should be taken into deep consideration by decision makers, by declaring that clear separation should be imposed between civilians and military infrastructure. The question is: is such a separation relevant to the social structure in Israel? The next example emphasize this issue:

A well known habit (or necessity) refers to pistol-carrying by many Israeli civilians. A pistol, which, according to the ministry of interior, a license for is subject to various criteria, and the main reason is the 'self defense' element.

This issue refers mainly (but not exclusively) to settlers, living in the West Bank, and therefore they are permitted to carry weapon (subject to other elements, such as army service, minimum age and no mental disorder background).

This daily reality in Israel, where civilians carry a pistol, was not probably taken into consideration by researchers when offering their definition of terrorism, since, with some amount of honesty, this issue caused serious obstacles in the way for defining if the attacker is a terrorist or guerrilla fighter.



The author's perspective is that the deliberate targeting of a civilian and or a settler, even when equipped with a pistol, can not offer the justification for claiming that the target is a 'combatant', unless it will be proven that the civilian used his pistol as an *attack* action, but certainly the presence of a pistol by a civilian is not enough to label the target as a 'combatant', especially if the pistol is in its holster.

This understanding may minimize the obscurity of the terminology of definitions of terrorism. However, some advocates would claim, that the presence of a pistol is like a person wearing uniform: both elements are related to military activity and therefore, like an intelligence agent that does not wear uniform but may carry a pistol, any person who carries a pistol is a potential 'combatant' and therefore is a legitimate target. The answer to this issue relates to the element of '*at the time of event*': in order to make a clear separation between security personnel, who, at the time of event participate in a military action and therefore are considered as a legitimate target, and a civilian, who, despite carrying a pistol, is not taking part in military action *at the time of event*, and therefore attacking him is considered as terrorism.

Back to the uniform element which may be the one that differentiates between a civilian and army personnel, it is important to bear in mind that a uniform (army, police or other military oriented uniform) 'labels' the personnel as a 'legitimate' target. The same refers to an Israeli reserve soldier: at the moment he wears the army uniform, he becomes a legitimate target, whether one likes it or not. Otherwise, he is a civilian, pure and simple.



From this point of view, Yadin's declaration certainly cannot be understood by those who adopt violence as a strategy driven by political ideology, as 'license to murder' an Israeli civilian, who, at that time of attack (eleven months of vacation), was not wearing uniform. As to the additional element "...*At the time of event*", it may certainly be helpful in order to try and test the terrorism definition in regards with the Israeli social structure. Yet, focusing on the Israeli characteristics, Yadin's statement seems to do less than justice to the Israeli citizen, not only due to the problematic mix of a military and civilian daily life in Israel, but also since the attackers may adopt Yadin's statement and justify violent attacks against Israelis, claiming that every Israeli (male as well as female) are actually soldiers for 12 months a year, and that the element of '*at the time of event*' nor the absence of uniform is not relevant.

In this case, academic definition will remain a theoretically-orientated debate rather than a practical contribution to a better understanding who is a terrorist and who is a guerrilla fighter, which leads us to the conclusion that obscurity still overcomes constant efforts to set a well established understanding as to this phenomena, and that a clear separation between a terrorist and a freedom fighter is still, in the eyes of the beholder.

*. Dr. Hillel Avihai holds a Ph.D. degree in aviation terrorism, and specializes in the phenomenon of global aviation terrorism.



¹ Man, R."Its Inconceivable"[Hebrew] (Jerusalem: Hed-Arzi, 1988) p.8.

².This definition was adopted by the British Prevention of Terrorism Act (1976) in: George Rosie: "The directory of International Terrorism" (New-York: Paragon House, 1986), p.17

³ . U.S Department of state, "Patterns of Global Terrorism"(2004) p.XII.

⁴ . "Terrorism in the United States" 1996,

⁵ .Ray S. Cline and Yonah Alexander,"Terrorism as state-sponsored covert warfare"(Virginia:Hero books, 1986), chapter VI.

⁶ . Ganor, B. "Defining Terrorism: Is One Man's Terrorist Another Man's Freedom Fighter?" (<http://www.ict.org.il/index.php?sid=119&lang=en&act=page&id=5547&str=ganor%20terrorism%20definition>).

⁷ . Alex P. Schmid, Albert J. Jongman et al., "Political Terrorism: A New Guide to Actors, Authors, Concepts, Data Bases, Theories and Literature"(New Brunswick, Transaction Books, pp. 5-6.

⁸ Bruce Hoffman, 'Inside Terrorism' (New York: Columbia University Press, 1998, p.39.

