Expanding the Concept of Terrorism
Possible Interpretations after the Orlando Shooting
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E-2016/23.
In the middle of June 2016, Omar Mateen committed the most severe mass shooting in the history of the United States at the Pulse night club in Orlando. The first interpretations focused on terrorism and the spread of radical Islamism, nonetheless the information that surfaced afterwards pointed to different motivations. The main question is where we can draw the line between hate crimes, political murders on the one hand and terrorist acts on the other. The present analysis aims at presenting the different frameworks of interpretations regarding the Orlando shooting and to highlight the importance of the differentiation between terrorism and “traditional” crimes. The case sheds light on the tendency of the “inflation” of terrorism, namely the process in which the content of the term is getting wider and wider in the Western public discourse as being used in a growing number of cases, which, ultimately, can negatively affect the efficiency of counter-terrorism efforts.

The Orlando shooting put several crucial issues on the American and international political agenda in June 2016, e.g. the legal framework of the possession of firearms and the regulation of migration. On the other hand, a fierce debate rose regarding how to call the shooting: can we consider it as an act of terrorism? What is the essential difference between hate crimes and terrorism? Is it worth drawing a sharp line between these broad concepts, and if so, where?

Conceptual debates regarding terrorism do not represent a novelty in the academic and public discourse. The question has been placed at the top of the agenda practically since 11 September 2001 with constantly changing intensity, but gained momentum especially since the rise and activities of the Islamic State. Besides academic debates, the issue of defining terrorism has appeared in national legislation as well, in Israel or Poland for example, where new terrorism laws were created during the first half of 2016.

The aim of the analysis is to shed light on the conceptual debates regarding terrorism and on the process in the framework of which the notion has been getting wider and wider during the last years in Western public discourses. After covering the main questions of definitions, the context of the Orlando shooting will be analysed as a case study, lastly the consequences of the process of expanding the definition of terrorism will be highlighted.

THE CONCEPT AND POLITICAL SIGNIFICANCE OF TERRORISM

Terrorism is a hardly definable concept, which can be interpreted from both a political and legal perspective. Since the international community has not been able to reach a common definition accepted by the different states, international organisations and the academic sphere at the same time, the notion has a wide range of possible meanings and is used by political actors on the basis
of their own values, identity and interests. That is why it is rather difficult to demark what can be seen as an act of terrorism in an unequivocal way. In order to use it in a proper manner, one can clarify the definition from different aspects. In the following pages, we will use two different concepts: the analysis of possible definitions on the one hand and that of political science on the other.

Although national and international legal documents, alongside with the academic literature, have produced a couple of hundreds of possible definitions, generally we can say that the most common element of these conceptualisations is related to the aim of the perpetrator. The first tangible and widely accepted legal definition on supranational level was introduced by the so-called International Convention for the Suppression of the Financing of Terrorism signed in 1999, New York (the “New York Convention”), which defined terrorism as acts

intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.

As Christian Walter, professor at the Ludwig-Maximilians University in Munich, highlighted, most regulations on the national level also connect the term to either the intent to intimidate the population or other political, religious etc. motivations. In the European Union for example, the framework decision no. 2002/475/JHA defines terrorism as those acts which are “defined as offences under national law” (objective element) and, “given their nature or context, may seriously damage a country or an international organisation where committed with” a specific aim (subjective element):

• seriously intimidating a population, or
• unduly compelling a government or an international organisation to perform or abstain from performing any act, or
• seriously destabilising or destroying the fundamental political, constitutional, economic, or social structures of a country or an international organisation.

Legislation in the United States also lies on similar grounds, although they separate international and domestic terrorism. Both conceptual category refers to activities which “involve violent acts or acts dangerous to human life that violate federal or state law” with the aim to

• intimidate or coerce a civilian population;
• to influence the policy of a government by intimidation or coercion; or
• to affect the conduct of a government by mass destruction, assassination, or kidnapping.
Nonetheless, one can question how we can identify the real motivations of a perpetrator. In order to avoid the complex nature of a psychological inquiry, our best clue would be the analysis of the formal statements of the persons who committed the crime or the organisation which claimed responsibility for it. However, this method can be misleading as well – in many cases, typically when it comes to hate crimes against the LGBT (lesbian, gay, bisexual, transgender) community, criminals tend to invoke alleged Christian, Jewish, or Muslim principles in order to legitimise their actions, thus depicting their crimes to be religiously motivated. In these cases, it is cumbersome to distinguish between “traditional” violence and terrorist crimes. This is why Péter Tálas made the following suggestion in 2008:

We have to see ... that criminal law sets up the framework of interpretation for terrorism in a broad manner, on the basis of which the school shootings of deranged people can be considered terrorism as easily as the attacks on the twin towers .... Arguably the best procedure for us is to keep terrorism inside the framework of political violence, separating it from ordinary offenses, and to try to define it accordingly.

In such loose conceptual frameworks, the term of terrorism has become highly politicised as the different states and governments evaluate it according to their own ideology. In the 21st century, the concept practically refers to the qualified type cases of violent crimes which do not solely harm its victims but simultaneously poses a threat to the whole political community, the nation. Investigating the Kurdish organisations of Turkey, Asa Lundgren described terrorism as a concept that states reserve for what they consider to be the most vicious of all dangers facing the nation. Acts of violence that are interpreted as acts of terrorism are considered dangerous, not only because of the violence per se, but because they are regarded as threats to a way of life or to some fundamental national values. When something is defined as terrorism by a state, it is presented as a threat not only to the potential individual victims but to the nation as a whole. That is why discourse on terrorism can unveil the ideology and the fundamental values underpinning a certain state project.

Based on this description, terrorism is a distinct category of crimes; the term is used by the political community to refer to acts which it considers to be dangerous for the whole of the community and its principles. Consequently, the exact substance of the term “terrorism" changes from society to society, due to the fact that each political community is based on different principles and ideas. The Palestinian organisations which question the existence or the Jewish nature of Israel are terrorists for Tel-Aviv but not in the eyes of Tehran or Riyadh, since their ideology does not question the national fundamentals of either Saudi Arabia or Iran. Basque and Irish separatists question Spanish and British territorial integrity but
also the principle of the prohibition of violent change of European borders, which is fundamental for the whole continent. As a consequence, all political communities reserve the right to define terrorism individually on one hand and to create their own list of acknowledged terrorist organisations on the other.

This political-normative approach to terrorism appears in the national legislation as well, even if not necessarily in the definition. In the first two sections of the above-cited framework resolution the principles of the European Union (human dignity, freedom, equality, solidarity, respect for human rights and basic freedoms, democracy, and rule of law) are enlisted, after which the signatories declare that they consider terrorism as “constitute one of the most serious violations of those principles”.

On the other hand, the rhetoric of the political actors regarding terrorism is not solely shaped by their identity and values but their interests as well. Actors can consciously or unconsciously capitalise on the feelings and fears evoked or fortified by the usage of the term so that they gain popularity or legitimisation to implement extraordinary measures by convincing the public that they are the ones who can protect the nation from the threat of terrorism. This process – labelled as securitisation in the literature – became an everyday phenomenon in connection with terrorism, especially since 9/11, when, on the basis of the threat posed by radical Jihadism and the al-Qaeda, the government of the United States implemented several measures ranging from domestic security legislations to initiating wars.

In these conceptual frameworks of terrorism, one can hardly decide at first sight whether the Orlando shooting should be categorised as a terrorist act. Firstly, the perpetrator did not express his motivations and aims clearly prior to the attack. Although Omar Mateen did call 911 during the attack to pledge allegiance to the leader of the Islamic State, nonetheless, according to the available information, he did not specify his goals. Secondly, despite the fact that the IS-linked Amaq News Agency called Mateen a fighter of the organisation, the “claim for responsibility” was unusually short, straightforward, and did not specify the aim of the attack (see Figure 1). Moreover, the “news agency” – contrary to its previous proceedings – did not specifically state anything regarding the attack, only claiming the allegiance of the attacker in reference to an anonymous “source”. A long proclamation filled with religious and political references – used for example after the Brussels attack – was also missing, alongside with any meaningful information which could have not been obtained through the public reports of the regular media outlets.
Consequently, based on the claim published by Amaq, the real connection between the perpetrator and the Islamic State network is questionable at best. Even if the case can be qualified as terrorism, it was not an organised attack planned and implemented by the network, but rather a phenomenon called by Europol as “individual Jihad” (or lone wolf). The term, which appeared in the propaganda of al-Qaeda after 2011 and also in that of the Islamic State, refers to attacks only inspired by the transnational terrorist networks but perpetrated by independent individuals or small groups using solely their own resources, following their personal aims.

In this context, the reference or pledge of allegiance to the Islamic State does not necessarily suggest the existence of a terrorist motive. In the framework of “individual Jihad”, the expression of such an affiliation can only serve as a tool to justify or enlarge the impact of the attack, practically “offering” it to the organisation to capitalise on it and to urge others to commit similar acts. This aspect also means that in order to decide whether the word terrorism can be used in a specific case – and what it means if the different actors are using it – one needs to dig deeper in the analysis.

THE (RE-)EVALUATION OF THE ORLANDO SHOOTING

On 12 June 2016, Omar Mir Seddique Mateen opened fire in the Pulse nightclub located in Orlando, Florida. The shooting had 49 victims and left more than 50 injured. The police killed Mateen after three hours of unsuccessful negotiations when he took hostages.

In the next couple of days, three different narratives surfaced regarding the shooting. According to the first reports from the American authorities and the press, an act of terrorism occurred as the perpetrator acted in the name of the Islamic
State. Apart from many media outlets, American politicians also used this rhetorical framework to interpret the shooting – both President Barack Obama and the most likely candidates for presidential nominees, Hillary Clinton and Donald Trump, called the events an act of terrorism. This narrative was also supported by the first pieces of information coming to light: Mateen pledged allegiance to Abu Bakr al-Baghdadi in the last moments, and he had been in sight of the FBI for potential terrorist connections and violent proclamations, etc. Since the location was a frequented nightclub of the local LGBT community, the possibility of a hate crime also appeared, which later on was connected to the Jihadi narrative. Linking the two explanations seemed self-explanatory given the fact that the homophobic nature of such acts can be used as a tool of terrorism. The Islamic State – which executed altogether 27 gay men since its creation – uses anti-LGBT propaganda mostly within the framework of its anti-Western and anti-“infidel” rhetoric. As a Salafi organisation, the interpretation of Islam of the Islamic State is based on the most original sources of the religion, namely the Qur’an and the so-called hadiths which – similarly to most of the ancient religious documents – contain several condemnatory references to LGBT people, specifically to gay men. The leaders of the Islamic State use these references to depict the recent improvement of the political and legal status of LGBT communities as decadence, and, according to some reports, they also spy on lower-ranking Jihadists about their sexual orientation. In this way, anti-gay propaganda appears practically as a mean of the fight against the West.

In this narrative about the Orlando shooting, many interpreted the homophobic nature of the act as an integral part of the Islamic culture, which is a huge oversimplification. In the history of cultures of Islam, we can see several poets and politicians who were attracted to their own gender. Moreover, in 1858, as the first modern empire, the Ottoman state was the first to decriminalise homosexuality. In the present-day Islamic world, we can see a quite heterogeneous approach to the LGBT community – in several states (e.g. Turkey, Indonesia, Iraq) same-sex intercourse is not prohibited by law, where in other cases (Qatar, Pakistan, Uzbekistan) it is. Moreover, there are some examples – Saudi Arabia or Afghanistan – where gay men can be sentenced even to death. The most peculiar case is probably that of Iran, where although homosexuality is considered to be a crime, sex-change operations are legal as the leadership considers it as a “cure” for homosexuality.

After the first two-three days following the shooting and the discovery of new information, a new aspect was set up besides the one based on Jihadi/homophobic motivations. The statements of the first wife of Mateen revealed that he had a violent, unstable personality. Some of the survivors of the attack claimed that they personally had known the perpetrator who was a regular visitor at the nightclub. According to an eyewitness, Mateen kept in touch with him using a dating application designed for gay men.

Accordingly, more and more pieces of information were revealed which questioned the alleged radicalisation of Mateen and his IS-affiliation. It turned out
that previously he claimed to be a member of Hezbollah, the strongest Lebanese Shia political and terrorist organisation which plays an active role in the Syrian civil war as well, fighting the Islamic State. This connection was also called into question by the fact that Mateen was a member of an Afghan Pashto family, which makes it almost impossible for him to belong to a Lebanese political fraction.

The perpetrator, who had worked as a security guard, was probably fighting with inferiority complex, because of which he used these statements to look more important. One time in 2013, he claimed to personally know the Carnajev brothers, who committed the Boston bombing, while at another time he said that his relatives were in contact with al-Qaeda. The FBI was unable to verify his claims in either cases.

Practically, the only thing which connects Mateen to the possibility of a Jihadi terrorist act was his 911 call during the attack, while almost all information suggests that he, in fact, was also gay, or had fought with his sexual orientation. This narrative was also supported by the fact that later on the American authorities themselves acknowledged that the Islamic State had little or no role in the massacre. Contrarily, the information regarding Mateen's life, personal problems and lifestyle suggests to draw a profile of a mass shooter.

There are only indirect pieces of evidence suggesting that the essential motive of the mentally unstable man fighting with self-esteem issues to commit his crime was the suppression of his sexual orientation. Many factors in his life – his deep religiosity acknowledged by his first wife, the ideology of his father or the Afghan-American community – prohibited him to come out and to be accepted. Suppressed sexuality is an already known and analysed factor in forensic science, especially in the case of serial killers, and also in the literature focusing on radicalisation. The so-called “radical loser”, who considers him/herself a victim of social developments and stereotypes – in this case, the homophobic personal environment –, can be psychologically more exposed to radical ideas. If this behaviour is attached to suicidal tendencies, then the “radical loser” can be inclined to commit mass homicide legitimised by radical ideas to enlarge his own significance.

Naturally, deciding between the second and third narrative – namely those based on hate crime and the sexual and mental frustrations – is ultimately impossible to do even with direct and final pieces of evidence, nonetheless based on the available set of information, they can be regarded as much more plausible than the discourse based on political terrorism.
CONCLUSION

THE EFFECTS AND CONSEQUENCES OF THE EXPANDING TERM OF “TERRORISM”

As we could see in the case of the Orlando shooting, the media and the general public tend to use the term “terrorism”, even if there are other, rival frameworks to interpret a tragic event, especially if the perpetrator is Muslim. The debate about the expanding content of the term was sparked recently by the comments of Tarik Kafala, the chief editor of BBC Arabic, who refused to call the attackers of Charlie Hebdo in January 2015 terrorists. Citing the editorial principles of BBC, he claimed that the term is too broad, too normative and too hard to define to use in a consistent manner.

Undoubtedly, the excessive usage of “terrorism” to describe traditional crimes poses several risks which, ultimately, can negatively affect the security of Western societies. First of all, due to the process of securitisation – described in the first part – it can easily raise the level of threat perception in the society and the feeling that the fundamental interests and values of the community are seriously endangered, which can invoke radical answers (e.g. in refugee policy or a more extensive involvement in the Syrian crisis). Such steps can either be ineffective to the level of threat posed by terrorism or, actually, increase it. Moreover, since the term refers to a grandiose danger which affects not solely the victims but the political community as a whole, references to terrorism can help actors to neglect other, less tangible factors which can also play a key role in the attack.

Secondly, if the public discourse tends to interpret terrorism in a wider manner, the intent can reappear on the level of state legislation, as in the case of Turkey or Israel. The legal extension of the term can create possibilities for abuses of the authorities and makes it harder to have effective counter-terrorism strategies in practise.

Thirdly, calling mass shootings of traditional crimes acts of terrorism and the automatic acceptance of the claims of responsibility of the Islamic State or al-Qaeda can help them directly. Due to the nature of terrorism, the implementation of a single attack, in itself, does not necessarily mean a victory for the perpetrating group – it is necessary for the media to cover the incident (in a framework which suits the interests of the terrorists) in order to achieve the political aim or the intimidation of the population. That is why in the age of mass communication, the responsibility of actors participating in the mass distribution of information – especially that of journalists, politicians, and opinion-makers – is outstanding in the fight against terrorism and its efficiency – if we attribute an attack to the Islamic State without any tangible evidence, we only support their activities.
Different case studies show that the public discourse and the media tend to use the term of terrorism for violent crimes conducted by Muslims. Since 2001, white supremacists and right-wing radicals had twice as many victims as Islamist extremists in the United States; the term nonetheless is more frequently used in the latter cases. This phenomenon, accompanied by the Islamophobia in the West detected by different researchers, hinders the integration of Muslim communities, while it can easily cause a crisis of identity in those who identify themselves as both Muslim and American/European, which can be used by the Islamic State and al-Qaeda to gather support and to recruit.

The official and public discourse of Western states is often accused of the extensive usage of political correctness. Without neglecting the existence and importance of this problem, it is equally paramount to stick to the main boundaries of the notion of terrorism – which should exist despite an accurate conceptualisation – and to differentiate between politically motivated and other "traditional" forms of violence.