

Definitional Issues of Terrorism – Rise of Islamophobia

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“The object of terrorism is terrorism. The object of oppression is oppression. The object of torture is torture. The object of murder is murder. The object of power is power.” – George Orwell¹

Terrorism as a standard definition does not exist in the International Criminal Court². This is because of the fact that the countries are unable to come to a consensus with respect to what terrorism precisely entails³. Due to the indecisiveness of the 160 countries, the International Criminal Court fails to have jurisdiction over any “terrorist” acts⁴. This issue was not International Criminal Court specific. Even the UN general assembly before 1999 failed at coming up with a definition regarding terrorism. Their solution was to “avoid definitional issue by focusing on various acts of terrorism such as hijacking, bombing, and hostage taking”⁵. Thus the UN labels the beforementioned acts as terrorist acts thus failing in providing a basic foundation for terrorism. UN in this case has attempted to escape from the important definitional questions by disassociating itself from the responsibility of creating a definition. In 1999 when UN formed a definition for terrorism, this definition was monopolized and manipulated with by America to suit their needs. Therefore, having a definition for terrorism is same as not having a definition. This paper will argue that owing to the lack in an objective and holistic meaning of the concept of terrorism, the government would fail to effectively justify their actions against certain individuals or groups.

¹ George Orwell, *1984*

² Helen Duffy, *The 'War on Terror' and the Framework of International Law*, (Cambridge, Cambridge University Press, 2005) at 39

³ Helen Duffy, *The 'War on Terror' and the Framework of International Law*, (Cambridge, Cambridge University Press, 2005) at 39

⁴ Resolution E adopted by the Rome Conference on the International Criminal Court as part of its final act (UN Doc. A/CONF.183/10)

⁵ Roach, *The 9/11 Effect*, (Cambridge University Press) at 25

Ambiguity in the role of combating terrorism would result in the marginalization of persons and leading to their isolation from the society. This will be explained with the help of an example. This paper will describe the anti-terrorist policies primarily; “war on terror” that America used against the 9/11 bombing that resulted in the exclusion of the Muslim society through Islamophobia which is “unfounded hostility towards Muslims, and therefore fear or dislike of all or most Muslims⁶”. Even though the War on terror is contentious on many grounds specifically America’s intent to expand war on terror in order to legitimize action against their enemy such as Iraq, Iran or Afghanistan⁷, this paper will not be analyzing the underlining issues or intention of “war on terror” but only how the policy changes intensified Islamophobia in the society.

September 11, 2001 was an unfortunate event that no country would wish to face. It highlighted various security defects in the United States. On this day, an Islamic militant group known as the Al Qaeda had hijacked three planes⁸. These planes were then used to collide into the world trade center and the west wing of the pentagon⁹. In result of this event, America changed many policies pertaining to dealing with the criminals. The response of the Bush led administration was “war on terror¹⁰” which is to fight against terrorists and the countries harboring them¹¹.

DEFINITIONAL ISSUES

Definitional issues of terrorism occurring within America

⁶ Runnymede Trust Report, 1991

⁷ Milan Rai, “*War Plan Iraq: Ten Reasons Against War With Iraq*” (London: Verso, 2002) at 1

⁸ “Indepth: September 11 What happened?” CBC News, Online: CBC News Online <<http://www.cbc.ca>>

⁹ “Indepth: September 11 What happened?” CBC News, Online: CBC News Online <<http://www.cbc.ca>>

¹⁰ R. J. Burke and Cary L. Coope, *International Terrorism and Threats to Security: Managerial and Organizational Challenges*, (Massachusetts: Edward Elgar Publishing, 2008) at 39

¹¹ Jack Covarrubias, “*America’s War on Terror*” (Surrey :Ashgate Publishing, Ltd., 2013) at 49

The institutionalization of war on terror after the Al- Qaeda attack, raises questions of what are the different acts that create and foster a war- like situation against the terrorists. The important question at hand is what the American government terms as a terrorist act.

After the 9 11 attack, the government released an official statement stating what terrorism is and the counter measures it proposes in order to eradicate it¹². In this formal document, the government termed terrorism as “premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents¹³”.

The “terrorist acts” as per the government’s official statement definition one would include various other acts that occurred in the United States. The attack on the IRS building by anti- tax and anti- government persons was a dangerous activity, which would be considered as a “politically motivated violence that perpetrated against non combatants”. The Anti – abortion extremists who carried out violent attacks against abortion providers with numbers as high as 795 solely in the year of 2001 would easily fit into the definition of a terrorist group but unfortunately in that year, there were no arrests made with regard to this issue¹⁴. The anarchist, Joseph D. Konopa also known as Dr. Chaos, who had been accused for storing cyanide and “an indictment of targeting power installations, telecommunication equipment and air navigation systems in 13 Wisconsin counties¹⁵” was merely charged for vandalism charges even though what he had done caused a lot of chaos in the society and it was a very threatening situation. There was a separate set of about 5 terrorist cases that could not

¹² Central Intelligence Agency, “National Strategy For Combating Terrorism” (February 2013)

¹³ Central Intelligence Agency, “National Strategy For Combating Terrorism” (February 2013) at 1

¹⁴ National Abortion federation, NAF Violence and Disruption Statistics: Incidents of Violence and Disruption Against Abortion Providers in the US and Canada, National Abortion federation, Online: National Abortion federation <<http://www.prochoice.org>>

¹⁵ Times Wire Reports, “Dr. Chaos' Faces 53 Vandalism Charges”, Los Angeles Times, (8 May 2002), Online: Los Angeles Times <<http://www.latimes.com>>

be categorized¹⁶. Even though there were so many internal threats to a group of persons or to the government itself, there is no mention of such groups or individuals whom the American society needs to be wary of.

What the federal 2003 document tries to concern itself is to prevent terrorism reaching its borders and thus forgetting the issues home grown (discussed above). If the government is not concerning itself with the homegrown attacks then it should not define any attacks made against the government by any Muslim- Americans as terrorist attacks. Unfortunately, American- Muslims are indicted for “terrorist” plots in America¹⁷.

The next issue is the type of people who are described as terrorists in the document published by the CIA. It does mention the existence of Red Army Faction, Direct Action, and the Communist Combatant Cells in Europe, and the Japanese Red Army in Asia¹⁸ but only as past terrorist groups. The document when speaking about the terrorists of the present age states:

“Al-Qaida exemplifies how terrorist networks have twisted the benefits and conveniences of our increasingly open, integrated, and modernized world to serve their destructive agenda.”¹⁹”

The document does not elaborate in depth about the other terrorist activists juxtaposed to the Al Qaeda. Therefore it just begs to assert that the American government through their published documents greatly sees Al Qaeda as the lone threatening terrorist. By stating Al Qaeda as the example of terrorism in their document, the government unintentionally and implicitly stated that Al Qaeda is what terrorism is

¹⁶ Zaid Jilani, “As King Targets Muslims, There Have Been Almost Twice As Many Plots Since 9/11 From Non-Muslim Terrorists” (9 March 2011), Online: Think Progress <<http://thinkprogress.org/>>

¹⁷ Charles Kurzman, “Muslim-American Terrorism: Declining Further” (2013) Triangle Center on Terrorism and Homeland Security

¹⁸ Central Intelligence Agency, “National Strategy For Combating Terrorism” (February 2013) at 7

¹⁹ Central Intelligence Agency, “National Strategy For Combating Terrorism” (February 2013) at 7

thus not defining terrorism on a logical, legal or normative principle but on the actions of a extremist group. Hence any act carried out by the group would be considered as a terrorist activity and narrow it down to the extent that if another group or agent is not carrying out the acts mirroring to what Al Qaeda carries out, they would not be considered terrorists.

The next issue is with regard to the documents issued and the ideologies that the United States of America try to turn their definition of Al Qaeda as a world issue.

Definitional issues of International terrorism with respect to America

America defines international terrorism in their Criminal Code:

(1) The term “international terrorism” means activities that—

(A) Involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State;

(B) Appear to be intended—

(i) To intimidate or coerce a civilian population;

(ii) To influence the policy of a government by intimidation or coercion; or

(iii) To affect the conduct of a government by mass destruction, assassination, or kidnapping; and

(C) Occur primarily outside the territorial jurisdiction of the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum²⁰;

²⁰ Criminal Code, 18 USC § 2331 - Definitions

With respect to this definition, to be able to account as an international terrorist, it is not necessary for the organization/ agent or group to conduct their activities with respect to America only or it should nor should it function in many nation states.

In the official document, the government tried to maintain the fact that their strategies are to protect their interests as their goal through combatting terrorism is to “Defend US citizens and Interests at home and abroad”²¹. Through the document, they stated that the government is combating terrorism that is of an “international²²” concern. Even though their interests are with respect to the international concern, their concentration on only one group that is the Al – Qaeda produces their biases to a particular group. Therefore through their statements one could get a sense that the way to stop international terrorism is to stop terrorism that is related to America.

Al Qaeda after bombing the 9 11 displayed that their main terrorist is the United States of America. Osama Bin Laden while issues a fatwa²³ to the Muslims in the world stated that:

“We -- with Allah's help -- call on every Muslim who believes in Allah and wishes to be rewarded to comply with Allah's order to kill the Americans and plunder their money wherever and whenever they find it. We also call on Muslim ulema, leaders, youths, and soldiers to launch the raid on Satan's U.S. troops and the devil's supporters allying with them, and to displace those who are behind them so that they may learn a lesson.”²⁴

With such statements, it is easy to determine that the will of the Al Qaeda is to make all the Muslims to fight against the Muslim government. The reason why America

²¹ Central Intelligence Agency, “National Strategy For Combating Terrorism” (February 2013) at 24

²² Central Intelligence Agency, “National Strategy For Combating Terrorism” (February 2013) at 1

²³ Fatwa is a “legal opinion or decree handed down by an Islamic religious leader.” Source: Merriam-Webster <<http://www.merriam-webster.com/>>

²⁴ Osama Bin Laden issued an edict that was translated by the Federation of American Scientists. (FAS), “Jihad Against Jews and Crusaders”, (23 February 1998) FAS, Online: Federation of America Scientists <<http://www.fas.org>>

succeeded with their claims against Al Qaeda was because of the attacks that Al Qaeda made in different countries such as the Ghriba bombing in 2002 in Tunisia²⁵, the 2003 Riyadh bombing²⁶, the 2004 Madrid attacks which was the worst attack lead by any Islamic Extremist Organization in European history²⁷ and the 2005 London bombings²⁸. However, terming only Al Qaeda, as the important issue that needs to be tackled would on an international front would be enforcing American views in the world. There are many other organization which carry out attacks by the same definition of terrorists attributed by the United States of America. The LTTE were the main terrorist organization to carry out guerilla warfare due to which they successfully obtained control over the Jaffna town²⁹. They also killed Rajiv Gandhi who was the Indian Prime minister. This all goes to show that if America wanted show a picture of what “international terrorism” is, they should have included more than one example than what they had chosen.

Leading to Islamophobia

September 11, 2001 helped facilitate “ War on Terror”. This war on terror is not a fight against all the heinous crimes. It is a concept that helped illustrate that the reasons for which the refugees from Muslim countries try to seek refugee in United States of America is the same reason why United States of America was attacked which is, terrorism³⁰. This theory links terrorism to Muslim Countries and the

²⁵ “Al-Qaeda claims Tunisia attack”, BBC News, (23 June, 2002), Online: BBC News <<http://www.bbc.co.uk/news/>>

²⁶ Rula Amin et al., “Hunt for Riyadh bomb masterminds”, CNN (14 May 2003), Online: CNN <<http://www.cnn.com>>

²⁷ Agencias, “Al Qaeda claimed the attacks in Madrid”, 20 Minutos (8 June 2007), Online: 20 Minutos <<http://www.20minutos.es>>

²⁸ Nic Robertson *et al.*, “Documents give new details on al Qaeda's London bombings”, CNN (30 April 2012), Online: CNN <<http://www.cnn.com>>

²⁹ Richard Clutterbuck, “Terrorism and Guerrilla Warfare: Forecasts and Remedies” (London: Psychology Press, 2004)

³⁰ Theresa Sidebothom, “Immigration Policies and the War on Terrorism” (3002-2004) 32:3 Denv. J. Int'l L. & Pol'y

fundamental notion of Islam that causes concern to the Muslim refugees that live in America. This notion of fear that was inculcated into the minds of the society along with the notion that Islam, as a religion, is too fundamental for it to exist in western civilizations could cause the society to differentiate them and the Muslims.

The laws and the government regulations regarding the Muslim refugees lead to an influence on the minds of the American Society. The discrimination by the government and its officials against the Arab – Muslims or anyone from a Muslim country especially after the 9/11 terrorists attack is defended by taking into consideration the fact that most of the attacks carried out in the America are by the Arab – Muslims. This is made evident through the series of laws that are passed in the United States with respect to the Department of Justice and the INS³¹. Since this theory has not been contested by the American Majority, their justification for the discriminatory acts against the Muslims refugees or any person from an Arab country just started turning into something very logical and understandable. Peggy Noonan³² in “profiles Encouraged” spoke of how Americans can determine the terrorists.

“Hey are from the Arab Mideast. They are not Israeli.

They are men, and not women.

They are young men. That is, they are not old men, and they are not children.

So: We know the profile of the bad guys.³³”

Throughout her article she illustrates how any person who looks Arab should be discriminated against. He reasoning for such a statement is that if they are innocent

³¹ Louise Cainkar “No longer invisible after September 11” (Fall 2002) Middle East report

³² Peggy Noonan, “Profiles Encouraged”, (19 October 2001) The Wall Street Journal

³³ Peggy Noonan, “Profiles Encouraged”, (19 October 2001) The Wall Street Journal

you can apologize but if they are “bad guys”, it would help to stop them. This logic is shared by the thousands of people who call FBI with respect to their suspicion of young arable men taking pictures of buildings. If an Arab immigrant was indeed planning to attack, why would they it in plain sight? The American policies welcome such form of racial profiling as the FBI told Noonan in her conversation with them that any such information is welcome. In a study conducted by Lake Shell Perry Mermin/Decision Research³⁴, a person yelled out terrorist to an Arab who was just waiting on the crossing for the car to pass. The same study indicates how a student wearing a Hijab is taunted and repeatedly told by the fellow students to take it off. These cases of bullying have a cataclysmic effect of on the children as they drop out of school as soon as possible. By carrying out such social alienation measures, the society loses the sight of what threat would actually constitute. These cases highlight how the reasonable standard for a person to fear harm caused by an immigrant is very low. This future possibility of harm caused by a person should be on the basis of substantive actions such as owning illegal ammunition or past conduct. Mere existence with an inseparable identity should not be the basis of suspicion. This form of racial discrimination has found its way into the American society through the laws asserted by the United States government itself. For example, the Oklahoma State government in its attempt to combat terrorism after the 9/11 had included various suspicious reasons for which the public must contact the government. Among them was people wearing clothes that were not suited for the weather³⁵.

³⁴ Lake Snell Perry Mermin/Decision Research, *Living In America: Challenges Facing New Immigrants and Refugees*, (Robert Wood Johnson foundation: 2006)

³⁵ “Homeland Security Guidelines”, Oklahoma State University Police Department, Online: Oklahoma State University Police Department < <https://www.osupd.okstate.edu>>

One of the important reasons for Islamophobia and the resistance of the society against Muslim refugees are due to the portrayal of the religion and its followers by the terrorist organization. The terrorist organizations depict themselves to be the followers of the Quran thus gaining legitimacy for their actions³⁶. They also ask the rest of the Muslims to help these Islamic militants in this “holy war” so that they could get paradise. The rest of the people believing these statements to be true could think that Islam does propagate violence. This leads the citizens to believe that the Muslims theologically, even if they do not act upon it, agree with the principles of the terrorist groups. The other reason in addition to this above stated reason that acts against the refugees is the fact that they are not entering the United States through a legal channel. Since refugees are illegal immigrants the possibility of them coming to United States for an illegal motive can be strongly looked upon as a huge possibility. Right after 9/11, there was a there was a poll taken by Gallup to ascertain the number of people who were in favor of security measures with respect to the Arab Americans in which about 60% of the citizens agreed to such a move.³⁷ To add to that, three out of 10 Americans have heard negative comments about the “Arabs³⁸”. In 2002, the Gallup took another poll in which the majority of the Americans wanted to lower the number of immigrants from the Arab counties³⁹. There is confusion in America with respect to what it means to be a Muslim and what it seems to be a good citizen. This acts as a catalyst towards the alienation of the Muslims in America⁴⁰. Due to this alienation, the Muslim refugees would always feel uneasy and unprotected in

³⁶ Theresa Sidebothom, “Immigration Policies and the War on Terrorism” (3002-2004) 32:3 Denv. J. Int'l L. & Pol'y

³⁷ Jeffery M. Jones., “Americans Felt Uneasy Toward Arabs Even Before September 11” (28 September 2001) Online: Gallup <<http://gallup.com/>>

³⁸ Jeffery M. Jones., “Americans Felt Uneasy Toward Arabs Even Before September 11” (28 September 2001) Online: Gallup <<http://gallup.com/>>

³⁹ Louise Cainkaer “social construction of difference and Arab American Experience” in the book Immigration, Incorporation and Transnationalism edited by Elliott Robert Barkan (Transaction: 2005) .

⁴⁰ Gabriel Sheffer, “Risk of Radicalization and Terrorism in U.S. Muslim Communities” (2006-2007) 13:2 Brown J. World Aff.

America. The refugees are scared to report any anti- Muslim hate crimes⁴¹ that could be because of the treatment they faced by the immigration authorities.

The societal pressure of Islamophobia in the United States intensified to such an extent that the society provide as a catalyst for Muslims living peacefully in the United States to be forced into seeking for asylum outside the country. The example of Noora Kamel⁴² helps to depict such a scenario. She was a US citizen who was a victim of the sudden hate against the Muslims that the event of 9 11 brought upon the Muslims. Before 9/11, she was able to fit herself into the crowd along with the other nationalities. After the 9/11 she stood out as a suspect of terrorism just because of the Muslim identity. She had to seek refuge in a country like Egypt just to prevent further mental trauma that was caused onto her and her family. These social norms flow from the policies that the government adopted with regard to all Muslims. Thus, Muslims in the United States of America felt the need for asylums due to which, one can only fathom the result of punitive actions of the government on the refugees seeking refugee status in the United States.

The importance of this section was to highlight how the US laws and policies and the society's perception and stereotyping all Muslims negatively influence each other. In this paper through the example of Operation Liberty it could be observed that the United States did not feel it wrong to marginalize a particular community for national security. This form of discrimination could encourage those American citizens who were already in subtle fear of Muslims or even those who did not to come out and

⁴¹ Stephanie J. Nawyn, "Institutional Structures of Opportunity in Refugee Resettlement: Gender, Race/Ethnicity, and Refugee NGOs" (2010) 37 J. Soc. & Soc. Welfare

⁴² Noora kamel, "Growing up Muslim in Post 9/11 America: Running from Hate" (10 September 2011) Online: Al- Talib The Muslim Newsmagazine in UCLA <<http://al-talib.org/>>

voice their Anti- Islamic speech in public. After the government saw the influence of their policies on the society and did not face much resentment from the citizens, it was easy for them to keep up with their discriminatory policies. This circular influence did nothing to enforce the international and legal obligations by the United States.