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FUNDAMENTAL ELEMENTS OF THE DEFINITION OF TERRORISM

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Abstract: *The purpose of the study is to identify fundamental elements in the structure of the definition of terrorism based on the application of the endogenous-exogenous approach, as well as determine their necessity and sufficiency when defining an action as a manifestation of terrorism. The research methodology is a retrospective analysis of the essence and content of the structure of the definition of terrorism. A holistic system-integrated approach makes it possible to identify and substantiate the key elements that are leading and led in the process of defining an action as a manifestation of terrorism. The application of the method of mathematical modeling makes it possible to build a mathematical model that describes the structure of the definition of terrorism. As the main results of the study necessary and sufficient elements of the definition of terrorism, their classification, which contributes to the appropriate definition of certain actions as a manifestation of terrorism, and the construction of a mathematical model that describes the structure of the definition of terrorism are identified. The results will provide significant assistance in organizing antiterrorist activities in the modern world and help build a system for countering terrorist threats of the 21st century. The use of the results of the study is also possible in the process of expert assessment of projects and existing regulatory legal acts in the field of antiterrorist activities. The novelty of the study and its results are determined by an original approach to identifying and classifying elements in the structure of the definition of terrorism characteristic of terrorism of the 21st century, dividing them into two groups: endogenous and exogenous, as well as a developed mathematical model describing the structure of the definition of terrorism, which makes it possible to establish the interdependence between an action and the attribution of this action to a manifestation of terrorism.*

Keywords: *definition of terrorism, endogenous elements, exogenous elements, United Nations, Russian Federation, international interpretations of terrorism, Russian interpretations of terrorism.*

INTRODUCTION

Terror is a Latin word that, in a political sense, originally meant “fear spread by the state”. In France, the reign of the Jacobin regime was called La Grande Terreur – the Great Terror. In the 21st century, terrorism has become an international problem for all of humanity. If earlier it was mainly the object of criminal investigation and other law enforcement activities within the criminal procedure system, today, as a result of external interference in the affairs of the Middle East and North Africa by the United States and its allies, new religious terrorist organizations have appeared (ISIS, Boko Haram, Al-Shabaab, and others), which carry the main threat to the security of the terrestrial civilization. However, despite this, as well as the fact that terrorism has been fought for over a thousand years, national and international law has not yet developed a single definition of this concept. This situation has led to the despair of many researchers. In 1988, according to a sociological survey, 12% of the group surveyed said that efforts to define terrorism were “a waste of time”, and 56% believed that it was only “preliminary actions” (Schmid & Jongman, 1988).

The quest for an agreed definition usually runs into the significant problem that peoples under foreign occupation (for example, Palestine) have the right to resist; the definition of terrorism should not diminish this right. Thus, in November 2001, seven political and Islamic organizations in Bahrain called on the United States, the United Kingdom, and the entire world community to give a precise definition of terrorism and abandon national interpretations of this criminal phenomenon. In the joint memorandum, which was supported by 15 more national public associations, special attention was paid to the struggle of the Arab people of Palestine against Israeli violence for the proclamation of an independent Palestinian state. The authors of the memorandum stressed the need to draw a clear line “between terrorism and the struggle for liberation from the foreign occupation” (Sinitsyn, 2001). However, things are still there! J. Whitbeck said in this regard: “For many years people have become accustomed to learning that one man’s terrorist is the other man’s freedom fighter”, “Terrorism, like beauty, is in the eye of the beholder” (Joyner, 1988). At the same time, the right to resist is challenged by some politicians and experts. They substantiate their decision by the fact that it is not the central point and there is nothing in the fact of occupation that would justify striking and destroying civilians (UN General Assembly, 2004).

For the first time, the definition of terrorism was developed by the League of Nations back in 1937. However, the draft of the corresponding convention, according to which terrorism was defined as “All criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons or a group of persons or the general public” (Legal Aspects of Combating Terrorism, 2003), never entered into force (the Convention was signed by only 24 countries, and only India ratified it). In the scientific literature, one can find explanations for the impossibility of adopting a single definition of terrorism. Thus, according to A. Abramian (2004), there are four main reasons: existing interstate contradictions do not allow reaching an international agreement, because several states are interested in terrorist activities in countries with which they are in conflict and often covertly or openly support terrorists; many states are jealous of their sovereignty and prefer to reserve the right to determine what constitutes terrorism in their country; some countries do not want to be bound by any official definitions limiting their freedom of action in a particular situation; part of the world community is concerned that antiterrorist actions can be directed at all opposition groups

and opposes the adoption of relevant laws. Weinberg et al. (2004) argue approximately the same; they consider that the main obstacles to any attempt to formally define terrorism include the use of this term for political purposes, problems related to the scope of the term (i.e. determining where terrorism begins and ends), and issues related to the analytical characterization of terrorism.

To expand the base of methodological approaches, we will give other explanations. G. Fletcher (2006) argues that most of the difficulties associated with the definition of terrorism stem from the very need to develop a specific meaning of this term. B. Grob-Fitzgibbon (2005) believes the term remains ambiguous as a result of governments and academics trying to define it too broadly to qualify any form of nontraditional violence as terrorism. At the same time, even though the definition of terrorism has proved to be a controversial issue, scholars agree that this term is flexible and, therefore, open to many different definitions and interpretations (Staiger et al., 2008; Weinberg et al., 2004; Zelenkov, 2017). In the late 20th – early 21st centuries, the lack of a unified approach to the definition of terrorism increased academic interest in this problem. In 1988 A. Schmid and A. Jongman examined 109 definitions of terrorism, cataloged them, and found that violence and use of force appear in 83.5% of 109 definitions, being the most recurrent topic today. Violence is an essential element of many definitions of terrorism. Moreover, by revealing terrorism through violence, scientists and legislators of many states avoid the political aspect of terrorism. In their empirical study of the definitions of terrorism, Weinberg et al. (2004) found that “violence”, “threat(s)”, and “politically motivated tactics” were among the key descriptors used to define terrorism. A. Marsella and F. Moghaddam (2004) also note similar results, but include in the structure of the definition of “influence/coercion” and “fear” as critical characteristics of terrorism. Similar approaches can also be found in the works of A. Merari (1978), M. Crenshaw (1979), A. Schmid (1992, 2011), D. Rapoport (2004), C. Tilly (2004), B. Ganor (2008), S. Kaplan (2008), and others.

Describing terrorism, Iu. Avdeev notes that in world science, there are two main approaches to its essence: biological and social. The biological approach explains this phenomenon by a certain “violent” human essence, the “natural” tendency of people to threaten the interests of others and use any available means to achieve their goals. The social approach is based on the determining importance of social processes, although it is characterized by a wide variety of assessments of the role and mechanism of influence of certain social factors that determine terrorist activity. According to Avdeev, it is prevalent among various approaches to explaining the nature and formulating the concept of terrorism (Grachev, 2007, p. 7). This approach also coincides with the conclusion of N. Chomsky (2002), who believes that terrorism is the deliberate use or threat of violence to achieve goals that are political, religious, or ideological. The results obtained by G. Levitt (1986) identify two approaches to the definition of terrorism: “deductive” and “inductive” that correlate closely with the research topic. The deductive approach assumes that the definition is based on three elements: essential element (enumeration of acts considered terrorist acts); element of intent (direct mention that the act was intentional); jurisdictional element (object of a terrorist act). The inductive approach is based on a relatively accurate description of the essential element of behavior and omits the element of political intention that characterizes the deductive approach. As one can see, notes A. Duchemann (2013), the inductive approach is aimed at defining what a terrorist act is, while the deductive approach tries to answer the broader question of what terrorism is.

Thus, today, the structure of the definition of terrorism remains a controversial point, without a clear definition of the concept or broad agreement of academic experts on its content. At the same time, we believe that this definition has fundamental elements that allow at the international level to develop a definition of terrorism that satisfies the national interests of most states, United Nations members. In this regard, the hypothesis of the study is the following statement: despite the absence of a global approach to the definition of terrorism and the presence of separate scientific views on the impossibility of adopting a single definition of terrorism, this category has fundamental elements that make it possible to attribute certain actions to terrorism at the international level.

METHODS

The methodological basis of the study was a retrospective analysis of the scientific works of A. Merari (1978), M. Crenshaw (1979), A. Jongman (1988), A. Schmid (1992, 2011), A. Abramian (2004), L. Weinberg (2004), G. Fletcher (2006), B. Grob-Fitzgibbon (2005), A. Marsella and F. Moghaddam (2004), D. Rapoport (2004), C. Tilly (2004), I. Staiger (2008), B. Ganor (2008), S. Kaplan (2008), and other scientists who reveal the structure of the definition of terrorism and highlight its elements that allow defining an action as an antisocial phenomenon of terrorism. The basis for compiling the base of sources was the principle of synthesis, which allowed us to designate our approach to the problem, as well as the principle of identification, which reveals the relationship between the theory and practice of modern terrorism and its definitions. Particular attention was paid to the works of G. Levitt (1986), E. Chalecki (2001), and A. Duchemann (2013) since the results of their studies to a certain extent are most closely related to the hypothesis of the study. Formulating the purpose and objectives of the study, we took as a basis the postulate of E. Calleja (2016) regarding individual approaches to the analysis of certain phenomena in society and the vectors of the study. The synthesis of the results with a high degree of probability made it possible to identify and systematize elements of the definition of terrorism, depending on the methodological approaches used, and highlight its fundamental elements. To identify and generalize elements that make up the structure of the definition of terrorism, we also used the analysis and synthesis of regulatory legal documents adopted by the UN, the UN Security Council, regional international organizations, as well as national legislators.

We also chose a system-integrated approach as the main research method. This choice was justified by the fact that the systematic approach strives to synthesize scientific knowledge obtained as a result of research, remaining within the framework of one scientific discipline (we were primarily interested in the problems of political science), and the integrated approach implements installation on a synthetic display of reality based on the mobilization of cognitive means inherent in different disciplines (we turned to the means of such disciplines as international relations, world politics, jurisprudence, and political science). The integration of these approaches enabled us to form the structure of the fundamental elements of the definition of terrorism and describe it with a mathematical model. The installation of a systematic display of the object and subject of research in the situation of analyzing the objective reality of modern terrorism made it possible to reveal the relationship between endogenous and exogenous elements and highlight the basic and complementary elements of terrorism as an illegal act.

RESULTS

The study showed that today, among scientists, there are two most frequently used points of view on the essence of the definition of terrorism. First, it is proposed to consider terrorists ordinary criminals and their actions criminal offenses. Argumentation – terrorists commit murder, abduction, violence, hijacking of planes, i.e. acts that are considered crimes by national law and international law. Second, scientists consider terrorism military action and a kind of war. The truth, it seems, is somewhere in between, because it defies the objection that terrorism is a criminal offense and has a certain similarity to military operations, but has specific features inherent only to it. However, an analysis of scientific literature showed that the range of these features is wide, contains contradictory elements, and suffers from ambiguity, which for many years, as noted above, has not allowed developing a single nationally and internationally recognized definition of terrorism. In this regard, within the framework of the hypothesis, using the results obtained during the study, we synthesized the requirements for the definition of terrorism. The definition of terrorism should have: protection from its use for political, nationalistic, religious, and other purposes in the name of achieving solutions to problems that prevent damage to the state, society, and the individual; monotonous nature and the same interpretation in both scientific and normative literature; coherence for both national and international legislation.

Upon applying the endogenous-exogenous approach, we concluded that the definition of terrorism in its fundamental structure has certain endogenous (internal) and exogenous (external) elements. At the same time, it is the manifestation of endogenous elements that in practice makes it possible to qualify certain actions as terrorism. In turn, the manifestation of exogenous elements complements the process of classifying these actions as terrorism. The study showed that the compilation of a list of these elements in relation to specific actions when deciding whether to qualify them as a manifestation of terrorism can have the following goals: To serve as a guide for collecting the necessary data before a decision is made; To determine the complexity of the decision-making process and assist in defining the method or methods of action analysis; To prevent the possibility of misclassification of actions as terrorism; To serve as a guide for drafting alternatives; To include elements that will be useful in deciding whether to define an action as terrorism.

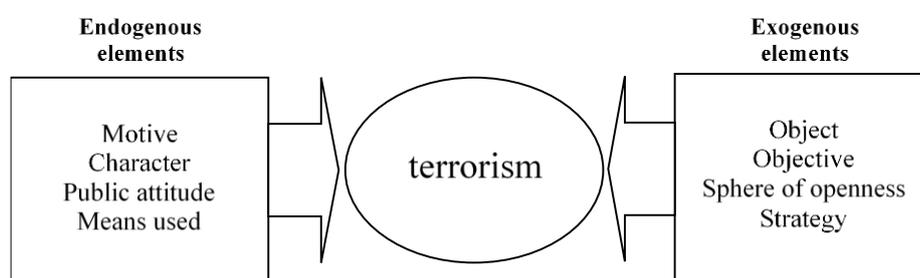


Figure 1. Endogenous-exogenous approach to the fundamental elements of the definition of terrorism

Let us characterize these elements (Figure 1).

Endogenous elements characterize the definition of terrorism based on the internal purpose of this phenomenon, i.e. reveal its causal basis.

Motive (M) – *political, religious, nationalistic, ideological, etc.* The motivation for modern terrorism is not as wide as the range of its definitions. In the 21st century, the origins of terrorist activities, as a rule, are a struggle for power – a political motive, the imposition of a particular religion on a certain territory or a global scale – a religious motive, as well as the use of extreme violence in the interests of genocide or humiliation of one nation by another.

Character (C) – *systemic, offensive, and massive.* The nature of terrorism is a certain style of behavior of a terrorist organization or a lone terrorist that has developed and strengthened under the influence of the surrounding reality.

Public attitude (PA) – *unlawful violence in its extreme forms or the threat of its use.* In its most general form, violence is the impact of one subject on another. Such influence in the process of manifestation of terrorism can deprive or limit the expression of the will of the victim, as well as influence the decision-making process by those for whom the victims are important.

Means used (MU) – *physical and psychological impact.* When terrorist acts are committed, socially dangerous violence, manifested in extreme forms, is used against certain persons or property (murders, attacks, hostage-taking, etc.), and psychological influence to induce certain behavior is exerted on other persons. Violence here affects the victim's decision-making indirectly – through the development (albeit forcedly) of a volitional decision by the victim himself (an individual, legal entity, or group of persons) as a result of the created atmosphere of fear and the aspirations of terrorists expressed against this background.

Exogenous elements characterize the definition of terrorism based on the external purpose of this phenomenon, i.e. reveal its purpose and direction.

Object (O) – *state, regional, or local authority, society or its specific social groups (religious, ethnic, etc.), individual.* Terrorism, being motivated by violence, has as its targets those who can subsequently influence the mood of society or the adoption of management decisions.

Objective (OB) – *creating an environment of fear and panic, causing damage to the life and health of people, destruction of people or infrastructure.* At the same time, this situation is created necessarily at the level of mass consciousness and is an objectively formed sociopsychological factor that affects the consciousness of other persons and forces them to take any action in the interests of terrorists or accept their conditions.

Sphere of openness (SO) – *publicity.* Other crimes are usually committed without a publicity claim, while terrorism does not exist without wide publicity in the media and other means of communication, without an open presentation of demands. As professor N. Baranov (2004) notes, terrorists quickly realized several features of our time: power is highly dependent on elections and, therefore, public opinion; there are powerful media outlets greedy for “terrorist sensations” and capable of instantly shaping mass public opinion; people in most countries are unaccustomed to political violence and are afraid of it.

Strategy (ST) – *propaganda of ideas and views.* Propaganda is the dissemination of views and ideas that terrorists adhere to to introduce them into public consciousness and activate mass practical activities in support and approval of them.

In a general sense, the definition of terrorism (DT) can be presented as a function of the above elements. Symbolically, this can be expressed as follows: $DT = f(M, C, PA, MU, O, OB, SO, ST)$ (1).

DISCUSSION

According to experts, there are 27 global and regional agreements on the fight against terrorism. However, as V. Zhadan (2016) notes, despite such an abundance of international legal acts, to date, a universal international legal act has not been developed that would unambiguously characterize this socially dangerous and complex sociopolitical phenomenon, define not only a concept that is legally significant signs, but also gave an accurate legal description, assessment and legal responsibility for this type of crime, and allowed for joint and effective actions to combat terrorism. This is the case in the scientific world as well, where the number of academic and official definitions of terrorism in 2011 exceeded 250 (Schmid, 2011). In this study, we will analyze those approaches to the structure of the definition of terrorism that correlate with our hypothesis.

International doctrinal and conceptual documents

The UN

UN General Assembly in different years has adopted about 10 resolutions on national, regional, and international terrorism, but has not been able to give a more or less acceptable definition of this phenomenon. For instance,

1. UN General Assembly Resolution 49/60 (1994), paragraph 3, which aims to criminalize several armed actions that are considered “terrorist” in nature, including actions designed or calculated to provoke a state of terror among the general public, groups of individuals, or individuals for political purposes. At the same time, it is especially noted that no motive (political, philosophical, ideological, racial, ethnic, religious, or any other) can be used to justify them.

2. UN Security Council Resolution 1566 (2004), paragraph 3 interprets terrorism as: ... criminal acts ... with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing any act.

At the 59th session of the UN General Assembly (2004-2005), it was noted that the search for an agreed definition usually encounters two objections. The first is related to the argument that any definition of terrorism must include the issue of the use of armed forces by states against civilians. However, some experts believe that the legal and regulatory framework against violations committed by states is much broader than in the case of non-state actors and do not consider this objection to be credible. The second concerns the fact that peoples under foreign occupation have the right to resist, and that the definition of terrorism should not diminish this right. The right to resist is contested by some experts because they believe it is not central, and there is nothing in the fact of occupation that would justify striking and killing civilians.

Regional documents

1. Council of Europe Convention on the Prevention of Terrorism (2005) notes that, by their nature or meaning, acts of terrorism are intended to intimidate the population or

unlawfully coerce a government or an international organization to take or not take any action or seriously destabilize or destruction of the fundamental political, constitutional, economic, or social structures of a country or international organization. Article 1 also states: “For the purposes of this Convention, ‘terrorist offence’ means any of the offences within the scope of and as defined in one of the treaties listed in the Appendix”.

The definition of terrorism in the Inter-American Convention on the Suppression of Terrorism (2002), Regional Convention of the Asian Association for Regional Cooperation on Suppression of Terrorism (1987), and Association of Southeast Asian Nations Convention on Counter Terrorism (2007) are interpreted using the same analogy.

2. Arab Convention on the Suppression of Terrorism (1998), article 1 contains the following interpretation: “Terrorism is any act or threat of violence, whatever its motives or purposes, that occurs in the advancement of an individual or collective criminal agenda and seeking to sow panic among people, causing fear by harming them, or placing their lives, liberty or security in danger, or seeking to cause damage to the environment or to public or private installations or property or to occupying or seizing them, or seeking to jeopardize national resources”.

The definition of terrorism is interpreted in approximately the same vein in the following conventions: Convention of the Organization of the Islamic Conference on Combating International Terrorism, Article 1 (2) and Organization of African Unity Convention on the Prevention and Combating of Terrorism, Article 1 (3).

The above conventions contain such elements of terrorism as: violence or threat of violence, fear, damage to the population or infrastructure, psychological impact on decision-makers, and publicity. However, we believe that this approach has a fairly wide range of applications. This is because violence is the only essential element of the definition, which is too vague to be the only element for qualifying the phenomenon. In addition, this approach has excluded from the structure of the definition such an important element as motive, which can lead to the fact that any crime might be considered terrorism.

Scientific interpretation

American researchers W.T. Mallison and S.V. Mallison propose to consider terrorism a systematic use of extreme violence and threats of violence to achieve public or political goals. Some researchers view terrorism as a continuation of war and not just politics. At the same time, noting that terrorism is a “war of the 21st century” (Egyptian political scientist M. Sid’Ahmed), the well-known head of the special services of the Federal Republic of Germany G. Nonlau understands terrorism as a type of fight that, for political purposes or reasons, tries to force state bodies or citizens by violence or threat to take certain actions” (Gavrilin & Smirnov, 2003). Another German researcher R. Ruprecht distinguishes a systemic character in the definition of terrorism. We also find coherent approaches in the works of B. Ganor (2002): “terrorism is the intentional use of, or threat to use violence against civilians or against civilian targets, in order to attain political aims”, S. Rosen and R. Frank (1975): “the threat of violence, individual acts of violence, or a campaign of violence aimed primarily at instilling fear – to terrorize”, L. Modzhorian: “terrorism is acts of violence ... aimed at eliminating unwanted statesmen and political figures and destabilizing the state law and order in order to achieve certain political results” (Stepanov, 2000), N. Krylov and Iu. Reshetov (1987): “acts of violence or threats of violence, the purpose of which is to instill fear and force to act or refrain from

acting in the direction necessary for terrorists”, B. Hoffman: “Violence – or, equally important, the threat of violence – used and directed in pursuit of, or in service of, a political aim”, L. Richardson: “terrorism is the deliberate targeting of noncombatants for a political purpose”. Keeping only elements that are most often associated with terrorism, L. Weinberg, A. Pedahzur, and S. Hirsch-Loeffler (2004) also defined terrorism as a tactic involving the threat or use of force or violence in which the pursuit of publicity plays a significant role.

This list can be supplemented. However, we do not fully consider these approaches to be true. This is due to the fact that according to most of these definitions, if there is no political goal, then terrorism is simply a crime, and if there is no violence, it is not terrorism. At the same time, as we noted above, the motive is not only political, but also nationalistic, and which is especially important for the 21st century, religious. RANS Europe analyst A. Ward (2018) agrees with this. At the same time, within the framework of our hypothesis, the most appropriate definition is the one by S. Kara-Murza (1999): “terrorism is a means of psychological influence. Its main object is not those who became victims, but those who survived. Its goal is not murder, but intimidation and demoralization of the living. Victim is a tool; murder is a method. In this, terrorism differs from sabotage actions, the purpose of which is to destroy an object (bridge, power plant) or eliminate the enemy. Sometimes the goals coincide (for example, in attempts on the life of politicians)”. This definition moves away from the political assessment of the definition of terrorism and emphasizes its psychological side. Within the framework of the hypothesis, E. Chalecki (2001) also argues, which defines four components of terrorism: motivation (ideologies and motives), means (technologies and methods used to implement political violence), target (targets of the attack), and enemy (alleged violence of the enemy directed against).

National legislative documents

G. Levitt (1986) noted back in 1986: “The search for a legal definition of terrorism in some ways resembles the quest for the Holy Grail: periodically, eager souls set out, full of purpose, energy and self-confidence, to succeed where so many others before have tried and failed”. If we turn to national official sources, then, for example, only in the USA do we find multiple interpretations of this definition. In particular, according to the US State Department, “Terrorism is a premeditated, politically motivated violence perpetrated against noncombatant targets by sub-national groups or clandestine agents” (The United States Code, n.d). Another US agency – the FBI – believes that terrorism should be defined as “the unlawful use of force and 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”. However, at the same time, the FBI, in its activities, relies on another definition of terrorism: “terrorist incident is a violent act or an act dangerous to human life, in violation of the criminal laws of the United States, or of any state, to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives”. Terrorism is defined by the US Department of Defense as “the calculated use of unlawful violence or threat of unlawful violence to inculcate fear; intended to coerce or to intimidate governments or societies in the pursuit of goals that are generally political, religious, or ideological”. The US Code defines “terrorism as a premeditated, politically motivated violence perpetrated against noncombatant targets by sub-national groups or clandestine agents” (Legal Aspects of

Combating Terrorism, 2003). Once again, we find only a political motive at the forefront, but life shows that today religiously motivated terrorism is in the first place.

As other options for the interpretation of the definition of terrorism, we will consider it in the national legislation of sovereigns. The C-36 Anti-Terrorism Act, passed by Canada in December 2001, defined terrorism as an activity that pursues political, religious, or ideological objectives that threaten public safety by causing death, injury, and dangerous conditions for human life (Nezavisimaia Gazeta, 2001). The 1991 Anti-Terrorism Law adopted in Turkey defines terrorism as “any kind of act done by one or more persons belonging to an organization with the aim of changing the characteristics of the Republic as specified in the Constitution, its political, legal, social, secular and economic system”.

In Peru, terrorism is defined as an act that “provokes, creates, or maintains a state of anxiety, alarm, or fear in the population or in a sector thereof; any other means capable of causing damage or grave disturbance of the public peace, or affect the international relations or the security of society and the State” (Decree-Law No. 25,475 “On the crime of terrorism”).

In Italy, Law No. 191 of May 18, 1978 defines terrorism as the systematic use of violence against individuals and property to create tension and uncontrollable fear in the whole society or part of it to achieve a certain political result (Gurov, 1999). Section 20 of the British Terrorism Prevention Act, adopted in 1989, states that terrorism is “the use of violence for political ends [including] any use of violence for the purpose of putting the public, or any section of the public in fear” (Vozzhennikov, 2007).

In France, Articles 421-1 and 421-2 of the Criminal Code define terrorism as a serious disorder of public order through the use of methods such as intimidation and terror. In other national definitions, on the contrary, terror is seen as an end rather than a means. In addition, there is no reference to the political nature of the crime in the Criminal Code, unlike other laws (The French Criminal Code, 1996).

Analysis of the above definitions shows that in general they are vague, contain certain inaccuracies that allow the authorities to interpret the action in their favor and for the most part consist of the following fundamental elements: the use of violent methods; pursuit of political goals (other motives are mentioned in some documents); providing psychological influence in the interests of creating a sense of fear and insecurity among the population. There is an interesting approach to the definition of terrorism in Switzerland, where today debates are underway on the proposed bill, which introduces a new definition of terrorism, significantly expanding the approaches adopted by the UN and many countries. Thus, experts say, according to the bill, the new definition of terrorism no longer requires the prospect of committing a crime. In contrast, a definition may even include legal acts aimed at influencing or changing government order, such as the legitimate activities of journalists, civil society, and political activists. This overly broad definition, experts write, creates a dangerous precedent and risks serving as a model for authoritarian governments seeking to suppress political dissent, including through torture and other cruel, inhuman, or degrading treatment or punishment (Nations Unis. Droits de l'homme, 2020).

In Russia, the legal definition of the concept of “terrorism” is given in the Federal Law of the Russian Federation No. 35-FZ (2006) “On Countering Terrorism”, where terrorism is interpreted as an ideology of violence and the practice of influencing decision-making by public authorities, local authorities, or international organizations related with intimidation of the population and (or) other forms of unlawful violent

actions. A specific criminal law definition of terrorism until 2007 could be found in Article 205 of the Criminal Code of the Russian Federation (1996): “Terrorism, that is, the commission of an explosion, arson or other actions that create the danger of death of people, causing significant property damage or the onset of other socially dangerous consequences, if these actions are committed in order to violate public safety, intimidate the population or influencing decision-making by the authorities, as well as the threat of committing these actions for the same purposes”.

However, in 2007, amendments were made to the Criminal Code of the Russian Federation, the definition of terrorism was excluded, and instead Article 205 began to be called a “terrorist act”: “Committing an explosion, arson, or other actions that intimidate the population and create the danger of human death, causing significant property damage or other grave consequences, in order to destabilize the activities of authorities or international organizations or influence their decision-making, as well as the threat of committing these actions for the same purposes” (Ugolovnyi kodeks Rossiiskoi Federatsii, 2016). In February 2012, the Plenum of the Supreme Court of the Russian Federation clarified what actions could be classified as terrorist. At the same time, it was noted that when considering criminal cases on terrorist crimes, courts should identify the circumstances that contributed to the commission of these crimes, violation of the rights and freedoms of citizens, as well as other violations of the law committed during the preliminary investigation or the consideration of a criminal case by a lower court (Postanovlenie Plenuma Verkhovnogo Suda RF, 2012).

The sad truth is that, despite such an abundance of interpretations in national legislation, its analysis shows that in essence, they do not contradict each other, but differ greatly in content and approaches. Elements of the definition of terrorism are considered by national legislators to be preplanned and prepared motivated violence (threat of violence), carried out to intimidate, first of all, state power and instill fear in society, due to which terrorists intend to achieve their goals. Moreover, the United States and the European Union are trying to criminalize the political aspects of terrorism. However, unlike the UN, they are not even looking for an exclusive definition, but simply name actions that can be considered terrorism. It is particularly worth noting that both the US Congress and EU justice ministers have made the terrorist’s political motives the starting point of their thinking.

CONCLUSION

The difficulties in developing an internationally agreed definition of terrorism are due to many reasons. There are many objective ones among them, conditioned by the different understanding of the states of the issues of ensuring their national security, the divergence of ideas about the goals and motives of terrorists. In addition, international experience in the fight against terrorism also shows that in addition to objective factors, the process of developing a unified definition of terrorism is hampered by subjective factors. One of them is the reluctance of some states to bind themselves with a firm formula that can create obstacles for their hidden from the world and their own people connection with terrorist activities. Due to cultural, civilizational, and religious differences, as well as related ethical norms, terrorist attacks can be perceived as heroic or criminal (Syria, Palestine, Pakistan, Ukraine, etc.). This fact, among other reasons, makes it possible to understand why the world community has not yet developed a generally acceptable definition of terrorism. However, despite this, during the study, it

was revealed that this definition still has fundamental elements that can be taken as its basis when developing a universal structure at the international level. Thus, it can be argued that the hypothesis of the study has been confirmed. At the same time, we understand that their arguments and references given in the work also tend to be debatable, but we believe that researchers of the definition of terrorism will help to develop a workable international definition.

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